

**The Custom Is Always Right**  
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A number of years ago, I had the privilege of attending the wedding of a cousin of mine in Montreal. The wedding was lively and joyous, the food was quite good and the band was terrific. But what was so remarkable about this wedding was the couple themselves. My cousin, the Chosson, is the product of a purely Ashkenazic home. His mother is half Litvak and half German, and his father is at least half Yerushalmi. The Kallah was purely Sephardic, with her mother coming from an Egyptian family and her father from an Algerian family. Despite their Sephardic origin, however, her family goes to a shul in Montreal that is an amalgamation of three older shuls, started by Romanian, Russian and Ukrainian Jews respectively. Reflecting the diverse cultural and linguistic origins of the couple and their guests, the Chuppah was conducted in three languages- French, English and Hebrew. What is so remarkable about this wedding is that it really is not remarkable at all. Indeed, I have been to several weddings before and since that have similar background stories, and I'm sure many of you have as well. As Jews have migrated and have been uprooted from their original communities, a fascinating body of halachic literature has arisen to deal with these intercommunal interactions, and this morning, I would like to touch on some relevant discussions arising from this complex topic, as the source for all these discussions stems from this week's Parsha.

The Torah, in this week's Parsha, enjoins us from displaying destructive forms of grief:

**דברים פרק יד**  
**(א) בנים אתם ליקוק אלהיכם לא תתגדדו ולא תשימו קרחה בין עיניכם למת:**

You are children of the Lord, your God. You shall neither cut yourselves nor make any baldness between your eyes for the dead.

While that is the simple meaning of this verse, our sages in Tractate Yevamos tell us that this actually refers to another prohibition, unrelated to the simple meaning of the text:

תלמוד בבלי מסכת יבמות דף יד עמוד א  
קרינן כאן: +דברים" + לא תתגודדו, לא תעשו אגודות אגודות

There should be one united authority in any given community, and there should not different factions headed by multiple Rabbinical courts presiding in the same city, or people serving on the same court who have different opinions on the same halachic issue. Indeed, the Rambam codifies this interpretation in the Mishneh Torah, in Hilchos Avodas Kochavim, the Laws of Idol worship (12:14)

“And included in this prohibition (of "Lo Titgodedu") is the existence of two Jewish courts within the same city, each following a different custom. For such a state of affairs gives rise to great disputes, as it is said, "Lo Titgodedu"-do not create "Agudot, Agudot."

It seems that this passage calls for a uniformity in practice and custom, which is clearly not reflective of today's reality. In our own neighborhood, we have a multiplicity of halachic practices; there are people who carry in the Eruv and people who do not, there are those who end Shabbos on the earlier side, as we do, and those who wait until later, and on and on. And there are numerous groups with their own unique customs. We have the Spanish and Portuguese, the Shtiebelach, Chabad, the Moroccan minyan, and in the

greater New York area, there is the Syrian community and the Breuer's community and the Persian community, and so many Chassidic courts represented in Boro Park, Williamsburg and other locales. How are we to understand this? Isn't the existence of all these diverse practices in one location a violation of the prohibition of *לא תתגודדו* ?

Rav Moshe Feinstein, in one of his responsa (OC 1:159) explains that we live in a different world. In pre-war Europe and in the Sephardic countries, most communities had one Rav, one Rabbinical court and centralized halachic practice. Once Jews began immigrating to the United States and settling in large Jewish communities together with others from different backgrounds, there was no longer a unified communal minhag in any one city. Therefore, said Rav Moshe, nowadays people should follow the custom of their place of origin.

But if there is no such thing as communal customs, can one pick and choose the minhagim he or she wishes to observe? Can I be Sephardic on Pesach, Dutch after a meat meal and Ashkenazi during the month of Elul? To paraphrase Eliza Doolittle, "wouldn't it be lovely"? Every group has some minhagim that are enticing, and others less so. The same Sephardi Jew who eats *kitniyos* also arises early throughout the month of Elul, starting Tuesday, to say *selichot* The same Dutch Jew who waits an hour between meat and milk must sit through exceedingly long High Holiday services with many extra *piyyutim*, and the same Ashkenazi who says selichot for less time also refrains from kitniyos on Pesach. Rav Shmuel HaLevi Wosner, one of the foremost halachic authorities in Israel today, addressed this issue in a responsum and said that one cannot,

in fact, pick and choose customs, particularly not those that are foreign to what he calls one's "tribe." We cannot observe customs based solely on convenience; an Ashkenazi must observe Ashkenazic customs, and a Sephardi must observe Sephardic customs, regardless of whether they are convenient or not.

But what happens when these customs come into contact through familial ties? This is what happened to my cousin and his wife. Was he allowed to begin eating rice on Pesach? Did his wife have to stop? This was a question that really was not addressed for a long time in the halachic literature, as it simply was not relevant- people rarely married anyone outside their communities who observed different traditions. However, Rav Shimon ben Tzemach Duran, in 14<sup>th</sup> century Algiers, did address this issue in his response called the *Tashbetz*. In his responsum, he said that when a couple gets married, they should adopt the husband's customs. This is for administrative reasons; it can be very confusing and divisive for members of a couple to keep different customs from one another, particularly as applies to kashrus. But he also invoked the principle of *אשתו כגופו*, the halachic principle that a wife takes on her husband's status for most halachic concerns. This opinion was echoed by many later halachic authorities, through Rav Ovadia Yosef, who felt the same way, with one caveat: This only applies to customs observed over many generations, such as refraining from *kitniyos* or the amount of time one waits between meat and milk. However, the wife is not obligated to adopt personal stringencies that the husband accepted upon himself, such as ending Shabbat late or not carrying in the Eruv, assuming there is no precedence for it in the family tradition. In fact, Rav Ovadia asserts that if the husband cannot adhere to these leniencies as a result

of his wife's lack of cooperation, and if it represents undue strain on her, the husband is required to take *hataras nedarim*, annulment of vows, and stop observing that stringency.

This is a very complex topic and we have just given an overview of some of the halachic literature on this matter. But we are left with one basic question: The interpretation of the Gemara in Yevamos, about having multiple halachic bodies in one town, appears to have nothing at all to do with the simple meaning of the text, about scarfication over the death of a loved one! How could such a meaning be derived from something so seemingly different?

Perhaps we can suggest that there might actually be a very strong connection. **לא תתגודדו** speaks to the prohibition of destructive mourning over the loss of a loved one. In the process of mourning, it is easy to dig in our heels to say that we must do everything exactly the way our loved ones did it, and that any deviation is somehow an insult to their memory. The very customs that are such a powerful source of comfort and connection with those we loved can instead take on a life of their own, and prevent us from meaningful broader interaction. The Talmud's interpretation of **לא תתגודדו** acknowledges that the ideal is certainly to be unified under one communal custom, but at the very least, we can never let the observance of customs be an impediment to communal function. Traditions should not be forsaken, and minhagim should not be violated- they are not the stuff of **אגודות אגודות**. But they must be viewed as part of a greater whole, and not a wedge to drive us apart. We stand now on the precipice of the month of Elul, and in a few weeks, we will stand before Hashem and declare him our king with the prayer, **ויעשו כלם**

**אגודה** אחת לעשות רצונך בלבב שלם - Let everyone be bound together to do Your will with a whole heart. Let us learn this lesson- the lesson the Torah wanted us to understand and that Chazal knew so well, the lesson that adherence to customs should never turn us into **אגודות אדויות**, factionalized and fractious, but into an **אגודה אחת**, a whole made of many parts, all there to serve the Hashem wholeheartedly.