WHAT IS HALACHA

INTRODUCTION TO WHAT IS HALACHA

Introduction to What Is Halacha

"Be holy because I, the Lord your God, am holy." Leviticus/Vayikra 19:2

Halacha ("The Way To Go" or "Way to Walk") guides proper Jewish behavior in all aspects of life, each day of our lives--not just in civil laws or court situations. *Halacha* teaches us how to behave with our families, relatives, and strangers as well as how to fulfill our religious requirements between ourselves and God.

To fulfill our role as a holy people, we imitate God's actions. Examples are visiting the sick, welcoming guests, giving charity, refraining from creative activity on *Shabbat*, and promoting peace between husband and wife (*shalom bayit*).

The true reason for following *halacha* is because God commanded us to do so. We observe *halacha* to please our Creator and to become spiritually close to Him by doing His will and imitating His actions.

Like the word for the whole body of Jewish "laws," each rule of how to act is called a *halacha* (plural, *halachot*).

Where Do *Halachot* Come From?

Although you will find *halachot* on this site that were born only a few days or a few decades ago, the body of *halacha* has been around since before creation. "God looked into the *Torah* and created the world," says the *Zohar*, and so we find the *Patriarchs* followed *halacha* even before that great law book, the *Torah*, was given on Mount Sinai four centuries later.

Many *halachot* are specified in the Written *Torah* (Jewish Bible). These *halachot* correspond to fuller and more detailed *halachot* given orally (*Oral Torah*) to Moses on Mount Sinai to explain the Written *Torah* that he received at the same time. Many *halachot* could not be understood from the Written *Torah* without the *Oral Law* (for example, what should be written on a *mezuza* scroll?) and many common practices such as making *kiddush* or what *tefilin* should look like are to be found nowhere in the Written *Torah*.

Since the *Torah* applies to all generations, the *Torah* specifies that there be wise and learned people to decide how to apply *halacha* to the situations of the day. *Halachot* can be found in sourcebooks such as the *Mishna* , *Gemara*, their commentaries, *Shulchan Aruch*, *Mishna Berura*, and *responsa* (questions and answers originally sent by letter and now, occasionally, by email or SMS!) of later *rabbis*.

Sometimes a custom becomes a *halacha*, sometimes not. For example, the original *halacha* for *tzitzit* was that a Jewish *man* who wears a four-cornered garment must have *tzitziyot* on each corner. The custom, which has become universally accepted and now has the force of *halacha*, is that Jewish men wear a four-cornered garment in order to be able to fulfill the commandment of wearing *tzitziyot*. An example of a custom that did not become a *halacha* is that some men and boys wear their *tzitziyot* outside of their shirts and pants.

Levels of *Halachot*

In *halacha*, there are three levels of what to follow or observe. They are differentiated on this website by the

following terms:

- "Must": *Halachot* that are generally non-negotiable except in extreme situations;
- "Should": Customs that have been accepted by the entire Jewish world (or major segments of it) and that may be overridden when necessary, sometimes even if not extreme circumstances; and
- "Non-Binding Custom": Customs that are not universally followed and that do not need to be followed except by people who have the tradition to do so.

THE FIRST HALACHOT

The First Halachot

The first commandment given to the Jewish people as a nation was about establishing the new moon. But, there were three commandments given before that (as written in *Bereishit*/Genesis):

- *P'ru u'rvu* (to have children);
- *Brit mila*;
- *Gid ha'nasheh* (not eating the sciatic nerve of animals).

CONCEPTS IN HALACHA

COMMANDMENTS (MITZVOT)

COMMANDMENTS (MITZVOT)

Precedence of Mitzvot

A frequently performed commandment generally takes precedence over a less frequently performed commandment, but ONLY:

- Regarding the order in which they are to be performed, and
- If there is no specific reason to do the less frequent one.

If you are only able to do one of several commandments, do the most important one.

EXAMPLE If you can only put on either *talit* or *tefilin*, you would put on the *tefilin* since that is the more important commandment, even though putting on a *talit* is the more frequently performed one.

ANOTHER EXAMPLE Friday before sunset when *Chanuka* will be on *Shabbat*--lighting *Shabbat* candles is done more frequently, but we light the *Chanuka* candles first since if we lit the *Shabbat* candles first, it would already be *Shabbat* and we could not light the *Chanuka* candles at all.

How Much Money to Spend on a Mitzva

You are never required to spend more than 1/5 of your liquid assets on any positive *mitzva*.

How Far To Go To Do a Mitzva

There is no need to go to different town in order to fulfill a *mitzva* (a different town can be defined as out of your local business district).

Follow National Law as Enforced

Follow national law as enforced. *Halacha* requires that national and secular law be obeyed. However:

- If a law exists but is not enforced, it is not considered by *halacha* to be a valid law.
- If a law states one condition but is enforced only in a different condition, the actual enforced law is the valid one.

EXAMPLE If a posted speed limit is 60 mph, but drivers are actually allowed to drive up to 70 mph, then 70 mph is the valid speed limit.

Unintentional Violation; Receive No Benefit (Psik Reisha...)

Psik reisha d'la nicha lei (*halacha* whose violation you don't intend and from which you receive no benefit) is not permitted.

EXAMPLE

You open the refrigerator door on *Shabbat* and the light comes on. This is forbidden on *Shabbat* and *Jewish festivals*, even if you don't want or need the light.
However, you may ask a non-Jew to do an action for you that will be *psik reisha d'la nicha lei*.

EXAMPLE

You may ask a non-Jew to get your jacket from the car on *Shabbat* or a *Jewish festival,* even though a light will go on, but only during the daytime; if it is night and the light would be needed to find the jacket, you may not ask.

Fence (Syag) around the Torah

Making a "fence" ("*syag*") around the *Torah* means to avoid activities and situations that might lead to actions that are improper or not allowed by *Torah* law.

PREPARATION FOR DOING MITZVOT

Intention/Kavana

Mitzvot that are from the *Torah* (*tzitzit*, *tefilin*, *sukka*, etc.) require having the intention (*kavana*) to fulfill that commandment. But with many such *mitzvot*, it is inherent in doing the *mitzva* that you are doing it for the *mitzva* and therefore you do not need to have a special intention (for example, you would not put on *tefilin* to keep yourself warm).

VaYehi Noam, L'Shem Yichud, Yehi Ratzon

You do not need to say *Va'yehi noam*, *L'Shem yichud,* or *Yehi ratzon* before doing commandments.

What Is a Mitzva/What Is Halacha

A *mitzva* is a commandment. A *halacha* is how to do the *mitzva*.

Purposes of Commandments/Mitzvot

Commandments/*mitzvot* (plural of *mitzva*) have three main purposes:

- Most importantly, to do what we are commanded by God to do;
- To bring us close to God;
- To earn reward for us in the future world (*olam ha'ba*).

HALACHIC DECISIONS (PSAK)

HALACHIC DECISIONS (PSAK): CHOOSING A RABBI

Asking Multiple Rabbis for Psak

You may not normally ask multiple *rabbis* for *halachic* decisions about different questions, but if you do not have a primary *rabbi*, you may do so.

Shopping Around for Lenient Halachic Decision (Psak)

You may not generally ask different *rabbis* for their decisions of *halacha* in order to get the answer you want. You may also not ask a specific *rabbi* a question based on your expectation that he will give you the answer that you are seeking. But if someone asks you to recommend a *rabbi*, you may refer him or her to a *rabbi* who will give the answer that he or she would like to receive.

HALACHIC DECISIONS (PSAK): WHEN YOU MUST FOLLOW

Following a Halachic Decision (Psak) You Requested

You must follow the decision you are given if you asked for a *psak* if the *psak* is more stringent that what you want to do but if it is more lenient, you may still be more stringent than what you were told to do. If the decision affects anyone other than yourself, you may not be more lenient or more stringent but must follow what you were told.

Following a Halachic Decision (Psak) You Overheard

If you didn't ask for a *psak* but just heard someone talking about a *halachic* decision, you may ignore it.

HALACHIC DECISIONS (PSAK): DOUBT (SAFEK)

Defining Doubt (Safek) in Halachic Decision

Doubt in *halacha* (*safek*) refers to when it is impossible to know or determine the situation.

Halachic Stringencies in Doubt

We are stringent in applying laws if we are uncertain about *Torah* commandments.
We are lenient in applying laws if we are uncertain about *rabbinic* commandments.

HALACHIC DECISIONS (PSAK): MITIGATING CIRCUMSTANCES

Accidental or Intentional

The ideal and preferred means of observing or fulfilling a *halacha* is called *l'chatchila*. Sometimes the *halacha's* requirements may be fulfilled *b'di'avad* (after the fact) under less-than-ideal circumstances.
You may not intentionally do an action at the *b'diavad* level if you are able to do it at the *l'chatchila* level.

Shalom Bayit or Honoring One's Parents (Kibud Av Va'Eim)

The only type of laws that may sometimes be overridden to help with *shalom bayit* (promoting peaceful family relations) or *kibud av va'eim* (honoring parents) is *rabbinic* law, not *Torah* law. A *rabbi* should be consulted in these cases.

Saving a Life (Pikuach Nefesh)

Human life is valued in Judaism, unlike in some other religions. The *Talmud* says that if someone saves one human life (*pikuach nefesh*), it is as if he or she saved an entire universe. Almost all *halachot* may be overridden in order to save a life; the main exceptions are for Adultery, Murder, and Idol Worship—see Adultery, Murder, Idol Worship .

EXAMPLE You may drive a car on *Shabbat* or even *Yom Kippur* in order to take a seriously injured or ill person to the hospital. This includes pregnant women who are about to give birth.

Adultery, Murder, Idol Worship

The *Talmud* says that a person must allow himself to be killed rather than violate any of three commandments that may not be violated: adultery; murder; idol worship. Note that in Jewish law, not all types or conditions of killing a person are defined as murder.

Human Dignity (Kavod HaBriot)

Although human dignity (*kavod ha'briot*) cannot override *Torah* commandments, *kavod ha'briot* allows violating some *d'rabanan* laws in order to avoid embarrassment.

EXAMPLES

- Tearing Toilet Paper

  SITUATION You need to use toilet paper on *Shabbat* but none is torn.
  WHAT TO DO You may tear some toilet paper using any non-standard method or change from the normal way (*shinu'i*), such as not using your hand, or dropping something on the paper.

- Hearing Aid

  SITUATION You may speak to someone who uses a hearing aid on *Shabbat* to avoid embarrassing him or her.

HALACHIC DECISIONS (PSAK): NEW FACTS

Changes in a Halachic Decision Due to New Facts

A *halachic* determination may be voided or changed if factual information is found that contradicts the information on which the *halachic* determination was made (such as incorrect science or incorrect statement of a condition or situation). **However,** you must check with the originator of the *psak* or the original source of information on which the *halacha* was based.

HALACHIC PRACTICE

CUSTOMS (MINHAG)

CUSTOMS (MINHAG): HOW THEY BECOME HALACHA

Observance of Customs (Minhag)

Any custom that has been accepted by the entire Jewish world or an entire Jewish community becomes *halacha;* it is then required to be observed by members of that community.

CUSTOMS (MINHAG): ADOPTING

Changing Your Customs (Minhag) in New Community

When moving to a community with customs different from your own, adopt the customs of your new community but ONLY:

- If you intend to stay in that new community, and
- If the entire community follows the same customs.

NOTE An *Ashkenazi* who moves to a *Sefardi* community could eat *kitniyot* on *Passover* but would have to wake up extremely early for *selichot* and say them for the month of *Elul*, so think carefully about the trade-off!

Adopting Customs (Minhag) If You Are Newly Observant (Ba'al Teshuva)

A newly observant Jew (*ba'al teshuva*) may:

- Follow the customs of the person who teaches him to be religious, or
- Follow the dominant custom in the community, or
- Revert to the customs of his ancestors, if their customs are known.

WEAKENING HALACHIC OBSERVANCE OR RESPECT FOR TORAH

Lowering People's Respect for the Torah (Chilul Hashem)

You may not do any action that causes other people to lessen their observance of, or respect for, the *Torah*.

EXAMPLE When a person known to be otherwise observant of Jewish law seems to be dishonest in business.

Appearing To Not Uphold the Torah (Mar'it Ayin)

You may not do any action that may cause religious Jews to do something wrong or cause people to think that an observant Jew is doing something forbidden (*mar'it ayin*). *Mar'it ayin* is doing something that might lead people to:

- Violate a *Torah* law by thinking that an observed action that is permissible under special circumstances may be applied to other cases, or
- Think that the person doing the action is violating *Torah* law (since the observer might not know that the action is actually permissible).

EXAMPLE When a Jew wears a *yarmulke* and eats raw, *kosher* vegetables in a non-*kosher* restaurant, someone who did not know that only *kosher* food was being eaten might think that:

- All of the food in that restaurant is *kosher*, or
- The Jew was doing something forbidden (and think badly of the Jew).

If no one can see you, you may do activities that might look like violations of *rabbinic* laws. If the action is forbidden by the *Torah* (*d'oraita*), you may not even do it in private (but you may not actually violate either type of law!).

HIDUR MITZVA/MEHADRIN

Hidur Mitzva/Mehadrin

Almost all *mitzvot* may be enhanced by:

- Making them beautiful (*hidur mitzva*), or
- Observing non-required stringencies (*mehadrin*).

Hidur Mitzva

EXAMPLES

- Women baking *challa* for *Shabbat* and *Jewish festivals* (and separating *challa* as a remembrance of the *challa* that was given to the priests/*cohanim* in the *Temple*).
- Wearing especially nice clothes and eating special foods on *Shabbat* and *Jewish festivals*.
- Using beautiful fragrances, tastes, textures, colors, and artistry in serving God.

Beautiful

EXAMPLES

- *Shabbat*/*Jewish festival* table (set with beautiful *challa* cover, silver, *kiddush* cups).
- *Havdala* set and pleasant-smelling spices for *havdala*.
- *Sukka* and putting your finest things in it.
- *Etrog*/*etrog* case.
- *Shofar*.
- S*eder* plate, *matza* holder, and *matza* cover.
- Illuminated hagadas (*hagadot)* and megilas (*megilot)*.
- *Chanuka* candle-holder *(menora, chanukiya)*.
- *Torah* scroll written with a fine pen and beautiful script and wrapped in beautiful silks.
- *Mezuza* covers.
- *Ketuba*.
- Wimple (to wrap baby in prior to *brit mila;* then donated to hold the two parts of the *Torah* together).
- *Elijah*'s Chair/*Kisei Eliyahu*.
- *Synagogues*.

- *Chuppa*.

Mehadrin

EXAMPLES

- *Chalav Yisrael*--When consuming *milk* and *milk* products, eating or drinking only those items whose production was supervised by religious Jews;
- *Pat Yisrael*—When eating bread, only eating bread baked by Jews (not necessarily by religious Jews);
- *Glatt* meat—When eating meat, eating only meat that had no lesions on the animal's lungs;
- Lighting more than one *Chanuka* candle each night (beginning on the 2nd night) and having more than one person in each house light their own candles.

PRIORITY: CHAVIV AND CHASHUV

Priority: Chaviv and Chashuv

Opinions differ in whether you should give priority in eating to what you like the most (*chaviv*) or what is most important (*chashuv*).

Examples

SITUATION You like mangoes. Someone serves a platter with mangoes and dates.
QUESTION Should you first eat a mango (*chaviv*) or first eat a date (*chashuv*—due to its being one of the *Five Special Fruits)*?
WHAT TO DO *RMH* usually recommends that people begin eating whichever fruit they prefer; that is, *chaviv* first.

SITUATION You want to eat both fruit and cake.
WHAT TO DO You may eat the fruit first if you prefer to eat it first, even though the cake is more important.

DISTRACTION

Preparing for an Upcoming Commandment

You should refrain from any activity that will prevent or distract you from doing a commandment (or make you forget to do it), from 30 minutes before the time at which you will need to do that commandment.

Cessation of Intention (Hesech Da'at)

“Cessation of intention” (*hesech da'at*) can occur when you get involved in a different action or activity than what you were doing. It is not time dependent.

© Copyright 2026 Richard B. Aiken | www.practicalhalacha.com