

## The Minhag of Kaparos

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- I. Introduction.** One of the more interesting minhagim of the yamim noraim is the minhag of kaparos. This minhag, which entails circling a live chicken or a sum of money over ones' head while reciting a tefila is often viewed as a family event where the children can enjoy the thrill of holding a live chicken. However, upon close examination it is revealed that this minhag has been the source of much controversy from the days of the Rishonim until modern times. The minhag seems to have developed in the times of the Geonim (between 500 – 1000 CE), as there is no mention of any such minhag in all of shas. We will attempt to outline the development of this minhag over time and the reservations that many great poskim had about kaparos.
- II. How did the minhag originate?** The earliest source for the minhag of kaparos indicates that at its origin, the minhag was vastly different than it is today. Rashi (Shabbos 81b s.v. Hai Parpisa) records from the Teshuvos HaGeonim that they would make small leaf baskets with dirt and fertilizer either fifteen or twenty-two days before Rosh Hashana for each boy and girl in the house and would plant some type of bean within the baskets. On Erev Rosh Hashana they would wave the plant around their heads while chanting, "This is instead of this, this is my replacement, this is my exchange", and they would then throw the plant in the river. The Rosh (Yoma 8:23) however, cites a more familiar method of performing kaparos. He cites the Geonim as requiring that one use a chicken that would be shechted on Erev Yom Kippur. The way that the Rosh records the minhag differs from the way Rashi records it in two important ways (though there are other subtle differences as well). First, Rashi had said to use a plant while the Rosh says to use a chicken. Second, Rashi had said to do it on Erev Rosh Hashana while the Rosh says to do it on Erev Yom Kippur.
- III. What is the idea behind the minhag?** The Rosh (ibid) explains that a chicken is used rather than any other animal for two reasons. First, chickens are simply more readily available than other animals. Second, there is particular

significance in using a chicken because a chicken is called a *gever*, and a man is also called a *gever*. Since the *kaparos* are meant to take our place, it is appropriate that an animal that has a common name to us be used. One may wonder how it is possible for us to suggest that all of our sins may be transferred to a chicken. However, the Mishna Berura (605:2) points out that the notion of using animals to transfer our sins and effect our own atonement has a strong precedent in Jewish literature. The Ramban (Vayikra 1:9) writes that this is the idea of the *korban chatas* as well. When bringing a *korban chatas* one should realize that it is he who deserves to be slaughtered and burned etc. and he is only being spared in favor of the animal as an act of Divine mercy. Interestingly, the Kaf HaChaim (605:10) points out that the *shochet* should internalize these thoughts some time before shechting the animal in order to ensure that at the time of the *shechita* his mind is perfectly clear and capable of focusing on the task at hand.

#### **IV. What problems did the *poskim* have with *kaparos*?**

Almost at its inception we find great *rabbanim* who were opposed to the *minhag* of *kaparos*. The Rashba in his *responsa* (395) explains that he tried to put an end to the *minhag* because he felt it is a violation *darchei emori*. The Rashba maintained this criticism even though he acknowledges that the practice was fairly widespread. Presumably, the notion of having our sins transferred to animals outside of the context of *karbonos* is unacceptable to the Rashba, as it seems like a magical cure for sins. Furthermore, the Aruch HaShulchan (605:4) writes that many Jews were careful to use only a white chicken, which is clearly a practice of the *goyim* (see *Avoda Zara* 14a). Later *poskim* develop an entirely different critique of this practice. The Aruch HaShulchan (605:5) and the Kaf HaChaim (605:11) point out that in the rush to fulfill this *minhag*, the *shochtim* would often have to stay up all night shechting chickens. Tired *shochtim* can often lead to improperly shechted animals. Eating such an animal is a violation of a stringent *issur d'oraisa*, and it is certainly worth forgoing the entire practice of *kaparos* to save us from this prohibition. Both of the above-mentioned *poskim* point out that it is virtually

impossible to convince people to cease this minhag because people view it as their main atonement for the yamim noraim. Much to their chagrin, this displaced enthusiasm leads to the violation of an issur d'oraisa.

- V. Are there any solutions to these problems?** In terms of the issue raised by the Rashba (i.e. darchei ha'emori), the Shulchan Aruch (605:1) concurs with the Rashba (especially because the Rambam omits any mention of this minhag in his Mishna Torah). Interestingly, even though the Shulchan Aruch is clearly opposed to the practice, most sefardim do have the minhag to say kaparos (see Responsa Yechave Da'as 2:71). The Rama (ibid), however, seems to lend support to the minhag. He is not concerned with the issue of darchei ha'emori because so many great rabbanim had approved of the minhag. In terms of the shechita issue, the later poskim have suggested a number of methods to avoid the problem entirely. The Kaf HaChaim (ibid) recommends that one should use money and not a chicken to fulfill the minhag. This is not considered to be too much of a variation from the original minhag because the minhag did not originate with an animal anyhow (see Rashi's explanation above that the minhag originated through the use of a plant). Furthermore, the value of this minhag lies in the fact that the animal is given to the poor, which may be done with money as well. The Mishna Berura suggests performing this minhag throughout the aseres yimei teshuva so as not to overburden the shoctim. Indeed, this suggestion is especially tenable in light of the fact that the Rosh and Rashi differ as to whether the minhag is to be performed on Erev Rosh Hashana or on Erev Yom Kippur. Perhaps, the shechita concern is what motivated the Rishonim to use a chicken as opposed to any other animal (see Rosh cited above). It is far more difficult and time consuming to shecht larger animals than it is to shecht chickens. Even on a normal day, an average shochet at the major chicken companies will shecht close to one thousand chickens an hour.

- VI. Conclusion.** We have explored the origins of the minhag of kaparos and have explained why it is manifested in different forms. In spite of severe opposition to this minhag

throughout the generations, most Jews remain strong in following this ancient minhag. All agree, however, that one should realize that this is merely a minhag and that mitzvos should never be sacrificed to ensure the proper fulfillment of a minhag, especially a minhag that is not mentioned in shas.