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PHOTOS: SHABI KEDEM

A SEASON OF

A NEW GENERATION OF PARENTS AND CHILDREN ARE EMERGING WHO EXPRESS THEIR COMMITMENT TO ISRAEL BY INCLUDING THE JEWISH STATE IN THEIR FAMILY MILESTONES.

THESE SIMCHAS HAVE TAKEN ON NEW SIGNIFICANCE FOR AMERICAN CHILDREN. CELEBRATING IN ISRAEL IS A GREAT MITZVAH. SHARING THEIR SIMCHA WITH EMUNAH'S LESS FORTUNATE CHILDREN IS AN EXTRA MITZVAH AND AN EXPERIENCE WHICH OPENS UP A NEW WORLD OF FRIENDSHIP FOR THESE YOUNGSTERS.

Jared Federbush

Son of Thalia and Daniel Federbush of Englewood, NJ



Zachary Lubat

Son of Ruth and Edward Lubat of Englewood, NJ



PHOTO: SHABI KEDEM

Dear Melanie, Adele, Ruth and the Rest of the EMUNAH Team,

One of the best decisions we have ever made was to have our son Zachary's Bar Mitzvah in Israel and to have the EMUNAH organization help us plan this special occasion. The Bar Mitzvah could not have been more meaningful for Zachary and the family. The trip is one the entire family will never forget. We would like to thank all of you for planning and arranging the event, and for being there in Israel to make sure all went as planned. Your attention to detail was incredible. We wish you continued success in your efforts to perform acts of Chesed in Israel and to strengthen the bond between the Jewish people and the State of Israel. It certainly worked for us.

Sincerely,
Ruth Lubat

SIMCHAS



Joshua Feld

Son of Rachel and Alan Feld of Teaneck, NJ



Dana Horowitz (top) and her Israeli Bat Mitzvah friend, Eti

Daughter of Debbie and Johnny Horowitz of Teaneck, NJ

Josh Rubin

Son of Adina and Jeffrey Rubin of Woodsburgh, NY



PHOTOS: SHABI KEDEM



Arielle Foni

Daughter of Adrianna and David Foni of Englewood, NJ who shared her Bat Mitzvah with Beit Elazraki girls



Halacha, Halloween and



Thanksgiving:

By Rabbi Michael J. Broyde

Celebrating secular holidays is always fraught with some controversy in the Jewish community, as we live in a society where the predominant culture is Christian, and many "secular" holidays have overt religious significance. For example, in *Cammack v. Waihee*, a federal court determined that the holiday called "Good Friday" was a "secular" holiday. So too, the Supreme Court has ruled that both Christmas and Chanukah are "secular" holidays and have "secular" displays that lack a religious theme. Certainly Jewish law views none of these holidays as "secular" and would not accept American law's definition of "secular" as binding on adherents of halacha.

How Jewish law views celebrating Thanksgiving and Halloween is worth examining, as they represent two cultural icons in the American calendar. In the view of this writer, Jewish law permits the celebration of Thanksgiving, and prohibits the celebration of Halloween. To explain why I feel this way, this article will start with a brief review of the halachic

issues associated with imitating Gentile customs, then will explore the origins of Halloween and Thanksgiving, and then will summarize the conclusions that flow logically from both of these sections.

PAGAN CUSTOMS AND PRACTICES IN HALACHA

In order to understand which secular holidays one may or may not celebrate, a certain background into the nature of the prohibition to imitate Gentile customs must be understood. Tosafot understands that two distinctly different types of customs are forbidden by the prohibition of imitating Gentile customs found in Leviticus 18:3. The first is idolatrous customs and the second is foolish customs found in the Gentile community, even if their origins are not idolatrous (Tosafot Avodah Zara 11a ve'ei). Rabbenu Nissim (Ran) and Maharik disagree and rule that only customs that have a basis in idolatrous practices are prohibited. Apparently foolish — but secular — customs are permissible so long as they

Jews in the Secular Society

have a reasonable explanation (and are not immodest) (Ran, commenting on Avodah Zara 11a yisrael and Chidushai HaRan on Sanhedren 52b; Maharik, Responsa 58). Normative halacha follows the ruling of the Ran and Maharik. As noted by Rama:

Those practices done as a [Gentile] custom or law with no reason one suspects that it is an idolatrous practice or that there is a taint of idolatrous origins; however, those customs which are practiced for a reason, such as the physician who wears a special garment to identify him as a doctor, can be done; the same is true for any custom done out of honor or any other reason is permissible (Rama YD 178:1).

Rabbi Isserless is thus clearly prohibiting observing customs that have pagan origins, or even which might have pagan origins. His opinion, the most lenient found in normative halacha, is the one Ashkenazic decisors generally follow. (Besides those authorities who favor the approach of Tosafot mentioned above, there are authorities who favor being strict for the opinion of the Gra, who rules that the only time "secular" customs are permissible is when they have a Jewish origin; see Gra YD 178:7. According to this approach, secular customs created by Gentiles are prohibited

Two cultural icons in the American calendar.

even when their origins are not religious. For a review of the authorities who disagree with the Gra, see Seride Esh 3:93.)

In Rama's view, history plays an important role in determining the halacha, and the next section explains the origins of Thanksgiving and Halloween.

THE HISTORICAL ORIGINS OF HALLOWEEN AND THANKSGIVING

American Thanksgiving has a secular origin. The first Thanksgiving day celebration was held in response to the survival by the pilgrims of the particularly harsh winter of 1622/3. Not only did the colonists themselves celebrate, but food was sufficiently plentiful that even the Indians with whom the colonists were at peace were invited. This cele-

Rabbi Michael Broyde is an Associate Professor of Law at Emory University, Rabbi of the Young Israel in Atlanta and a dayan in the Beth Din of America. For a longer discussion of the status of Thanksgiving, please see Rabbi Broyde's article "The Celebration of Thanksgiving at the End of November" in *The Journal of Halacha and Contemporary Society* 30:42-66 (1995)

Jewish law permits the celebration of Thanksgiving and prohibits the celebration of Halloween.

bration took place on July 30, 1623 (in the middle of the summer). Similar such local celebrations occurred throughout the New England area throughout the 1600's, and in 1789, President Washington issued the nation's first National Thanksgiving Proclamation, setting November 26, 1789 as Thanksgiving and a national holiday. From 1790 to 1863 there were no national celebrations of Thanksgiving.

It was not until 1846, when the unity of the country was again in controversy because of the problems of slavery, that the celebration of Thanksgiving as a national holiday returned to the national agenda. From 1846 to 1863, Ms. Sara Joseph Hale, the editor of Godey's Lady Book, embarked on a campaign to turn Thanksgiving into a national holiday during which workers would not be required to go to work. Her campaign culminated in President Lincoln's Thanksgiving proclamation of 1863 at the height of the Civil War — the first such proclamation of a national Thanksgiving holiday since 1789. Since 1863, Thanksgiving has been celebrated as a national holiday and a day of rest at the end of November, either the fourth or fifth Thursday of the month.

American Halloween has a pagan origin. Halloween or all Hallow's Eve was the holy (hallowed) evening observed on October 31, the eve of All Saints' Day. This holiday was imported into the Catholic tradition to combat the pagan holiday of Samhain, which was marked by huge bonfires being set on hilltops to frighten away evil spirits. Dead souls returned from the grave on that day in Celtic myth. Imported into America by Irish immigrants, the day kept its Celtic origins and focuses on the supernatural. As was noted by Professor John Hennig, in his classical article on this topic, there is a clear historical relationship between the Celtic concepts of resurrection, Roman Catholic responses to it, and the modern American holiday of Halloween. While it is true that to many Americans the origins of the holiday have been utterly lost, there is no alternative origin, and no rational reason for the celebration other than its historical one.

HALACHIC CONCLUSIONS

HALLOWEEN

In order to justify candy collection on Halloween, one would have to accept the truthfulness of any of the following assertions:

- Halloween celebrations have a secular origin.
- The conduct of the individuals "celebrating Halloween" can be rationally explained independent of Halloween.
- The pagan origins of Halloween or the Catholic response to it are so deeply hidden that they have disappeared, and the celebrations can be attributed to some secular source or reason.
- The activities memorialized by Halloween are actually consistent with the Jewish tradition.

Since none of these statements appears true, and thus applying these halachic rules to Halloween leads to the conclusion that participation in Halloween celebrations — which is what collecting candy is when one is wearing a costume — is prohibited. Halloween, since it has its origins in a pagan practice, and lacks any overt rational reason for its celebration other than its pagan origins or the Catholic response to it, is governed by the statement of Rabbi Isserless that such conduct is prohibited, as its origins taint it. One should not send one's children out to trick or treat on Halloween, or otherwise celebrate the holiday.

The question of whether one can give out candy to people who come to the door is a different one, as there are significant reasons based on *darchai shalom* (the ways of peace), *eva* (the creation of unneeded hatred towards the Jewish people) and other secondary rationales that allow one to distribute candy to people who will be insulted or angry if no candy is given. This is even more true when the community — Jewish and Gentile — is unaware of the halachic problems associated with the conduct, and the common practice even within many Jewish communities is to "celebrate" the holiday. Thus, one may give candy to children who come to one's house to "trick or treat" if one feels that this is necessary.

THANKSGIVING

Since the origins of Thanksgiving are clearly secular, one readily understands the statement of Rabbi Moshe Feinstein that

On the issue of joining with those who think that Thanksgiving is like a holiday to eat a meal: since it is clear that according to their religious law books this day is not mentioned as a religious holiday and that one is not obligated in a meal [according to

Gentile religious law] and since this is a day of remembrance to citizens of this country, when they came to reside here either now or earlier, halacha sees no prohibition in celebrating with a meal or with the eating of turkey (Iggerot Moshe, Even Haezer 2:13).

While Rabbi Feinstein notes that Jewish law prohibits a person from treating this secular holiday like a [Jewish] religious one, full or replete rituals and the like, some form of observance would seem to be permitted.

Rabbi Joseph B. Soloveitchik also agreed that Thanksgiving was not a Gentile holiday, and ruled that it was permissible to eat turkey on Thanksgiving. Rabbi Hershel Schachter, in his intellectual biography of Rabbi Soloveitchik, Nefesh HaRav, writes:

It was the opinion of Rabbi Soloveitchik that it was permissible to eat turkey at the end of November, on the day of Thanksgiving. We understood that, in his opinion, there was no question that turkey did not lack a tradition of kashrut and that eating it on Thanksgiving was not a problem of imitating

Gentile customs. We also heard that this was the opinion of his father, Rabbi Moshe Soloveitchik.

Others have also recounted that Rabbi Soloveitchik ruled this way, and that he found it difficult to comprehend how one could consider Thanksgiving a Gentile holiday or that it was prohibited to celebrate it. Indeed, there were instances when Rabbi Soloveitchik implied to his students that he and his family celebrated Thanksgiving, although a shiur was always held on Thanksgiving at Yeshiva University.*

Living a Jewish life in a secular culture is complex, and not simple. American culture — familiar as we are with it — still has rituals that are essentially religious (but not Jewish) as part of the "secular" community of values that it spreads out before all of its citizens. Examining which parts of secular culture and community are genuinely permitted according to Jewish law remains the job of those of us who wish to live a modern and Orthodox life. ✪

* An exactly opposite approach to the rulings of Rabbis Feinstein and Soloveitchik appears to have been taken by Rabbi Yitzchak Hutner in Pachad Yitzchak: Iggerot uMeivrot shel Harav Hutner (5751), 109. Rabbi Hutner argues that it is obvious and apparent that — whatever the merit of celebrating Thanksgiving the first time in the 1600's — the establishment of an annual holiday that is based on the Christian calendar is, at the very least, closely associated with idol worship and thus prohibited. Rabbi Hutner argues that such a celebration becomes a "holiday" through the creation of an annual observance and celebrating Gentile holidays is obviously wrong. Rabbi Hutner concludes, "In truth, one must distance oneself from these types of customs and even from those events that are similar to these types of customs ... The truth is simple and obvious." To this writer, Rabbi Hutner's proof could be disputed, as it proves too much: it would also "prove" that Independence Day, Labor Day, V-E day, Washington's Birthday, and the many other clearly secular holidays observed by Americans throughout the year — based on the Christian/secular calendar — are really "Gentile" holidays. Such seems counter-intuitive. In addition, it would seem that Thanksgiving is an extremely poor example of the phenomena that Rabbi Hutner is criticizing, as Thanksgiving does not have a fixed date on the secular calendar — rather it is the fourth Thursday of the month of November, whatever date that happens to be. Indeed, Congress could move the date to July if it so voted.

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