

# Thanksgiving: Secular or Religious Holiday?

*Rabbi Michael J. Broyde*

## Introduction

Thanksgiving is a uniquely American holiday. It is no longer (and perhaps never was) a celebration affiliated with any particular religion or faith, although some in America celebrate with religious ceremonies. On a social level, it is celebrated by Americans of a broad variety of religious backgrounds. This article discusses the halachic issues related to the different forms of celebrating<sup>1</sup> Thanksgiving that are current in America.

## I. The History of American Thanksgiving

Before any halachic analysis can be done, it is necessary to place the observance of the holiday of Thanksgiving in American<sup>2</sup> in the proper historical context. The first

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1. Two types of "celebration" are discussed. The first, and most significant, is the eating of a festive holiday meal with turkey and other forms of activity directly celebrating the day (such as attending a parade). The second is a lesser form of celebration: the intentional scheduling of other types of celebratory events — such as weddings — on Thanksgiving to take advantage of the fact that many do not work. Similar to that is the practice of changing the time of daily prayer service to acknowledge this day as one in which people do not normally work.

2. The celebration of Canadian Thanksgiving is a different

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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 plenty that even the Indians with whom the colonists were at peace were invited. This celebration took place on July 30, 1623 (in the middle of the summer). Similar such celebrations occurred throughout the New England area throughout the 1600's.<sup>3</sup> However, they were only local (rather than national or even regional) celebrations of Thanksgiving — and only to mark the end of a particularly difficult winter — until 1789.<sup>4</sup>

In 1789, Congressman Elias Boudinot<sup>†</sup> of New Jersey proposed in Congress a resolution urging President Washington to:

recommend to the people of the United States a day of public Thanksgiving and prayer to be observed by acknowledging with grateful hearts the many and signal

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issue from that of its American cousin. Canada celebrated its first Thanksgiving in 1572, but the date of its modern Thanksgiving observance was not fixed until 1957, when the last Thursday in October was agreed on. There still is no common agreement on the appropriate food to eat, and large numbers of individuals simply do not celebrate the holiday, even in Canada. Indeed, there are some provinces that do not treat it as a holiday. For more on this, see Julianne Margvelashvili, "Thanksgiving, the Canadian Way," *Philadelphia Inquirer*, November 9, 1994, at section B1. The halachic issues involved are thus different.

3. Such as the Boston Thanksgiving celebration of February 22, 1630. As will be discussed in text accompanying note , the question of whether it would have been permissible for a Jew to join with the colonists in these spontaneous celebrations is an issue different from whether one may celebrate Thanksgiving now.

4. This history of Thanksgiving is taken from R. & A. Linton, *We Gather Together: The Story of Thanksgiving* at pages 72-85 (1949).

favors of the Almighty God, especially by affording them an opportunity to establish a Constitution of government for their safety and happiness.<sup>5</sup>

After quite a bit of debate, President Washington issued the first National Thanksgiving Proclamation, setting November 26, 1789, as Thanksgiving and a national holiday. President Washington stated in his proclamation:

Now, therefore, I do recommend and assign Thursday, the 26th day of November next, to be devoted by the people of these States to the service of that great and glorious Being who is the beneficent author of all the good that was, that is, or that will be; that we may then all unite in rendering unto Him our sincere and humble thanks for His kind care and protection of the people of this country previous to their becoming a nation; for the signal and manifold mercies and the favorable interpositions of His providence in the course and conclusion of the late war; for the great degree of tranquillity, union, and plenty which we have since enjoyed; for the peaceable and rational manner in which we have been enabled to establish constitutions of government for our safety and happiness, and particularly the national one now lately instituted; for the civil and religious liberty with which we are blessed, and the means we have of acquiring and diffusing useful knowledge; and, in general, for all the great and various favors which He has been pleased to confer upon us.<sup>6</sup>

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5. 1 Annals of Cong. 914 (1789).

6. See J. Richardson, *Messages and Papers of the Presidents*, 1:64. Washington continued, stating:

And also that we may then unite in most humbly offering our prayers and supplications to the great Lord and Ruler of Nations, and beseech Him to pardon our national and other transgressions; to enable us all, whether in public or private stations, to perform our several and relative duties properly and punctually; to render

Notwithstanding the eloquence of Washington's words (and even perhaps because of their overtly religious theme<sup>7</sup>) Thanksgiving did not become a national holiday. From 1790 to 1863 there were no national celebrations of Thanksgiving. Indeed, while proclamations of thanks were issued by some presidents, all of the presidents for more than the next seventy years chose to ignore the day as a national holiday of thanksgiving.<sup>8</sup>

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our National Government a blessing to all the people by constantly being a Government of wise, just, and constitutional laws, discreetly and faithfully executed and obeyed; to protect and guide all sovereigns and nations (especially such as have shown kindness to us), and to bless them with good governments, peace, and concord; to promote the knowledge and practice of true religion and virtue, and the increase of science among them and us; and, generally, to grant unto all mankind such a degree of temporal prosperity as He alone knows to be best.

7. Indeed, Thomas Jefferson strongly objected to these pronouncements. He wrote:

Fasting and prayer are religious exercises; the enjoining them an act of discipline. Every religious society has a right to determine for itself the times for these exercises, and the objects proper for them, according to their own particular tenets; and this right can never be safer than in their own hands, where the Constitution has deposited it.

A. Lipscomb ed., *Writings of Thomas Jefferson* 11:429 (1904).

8. New York State attempted to revive the holiday of Thanksgiving in 1795. However, this attempt failed because of a basic disagreement between various commercial interests over when the holiday should be celebrated.

Southern states, for many years before 1846, issued Thanksgiving day proclamations, many of which were overtly Christian, and which raised considerable protests from the Jewish community. For example:

When James H. Hammond, governor of South Carolina, announced a day of "Thanksgiving, Humiliation, and Prayer" in 1844, he ... exhorted "our citizens of all denominations to assemble at their

It was not until 1846, when the unity of the country was again in controversy because of the Missouri Compromise and 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*<sup>9</sup> 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 — 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.<sup>10</sup>

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respective places of worship, to offer up their devotions to God their Creator, and his Son Jesus Christ, the Redeemer of the world." The Jews of Charleston protested, charging Hammond with "such obvious discrimination and preference in the tenor of your proclamation, as amounted to an utter exclusion of a portion of the people of South Carolina." Hammond responded that "I have always thought it a settled matter that I lived in a Christian land! And that I was the temporary chief magistrate of a Christian people. That in such a country and among such a people I should be, publicly, called to an account, reprimanded and required to make amends for acknowledging Jesus Christ as the Redeemer of the world, I would not have believed possible, if it had not come to pass".

M. Borden, *Jews, Turks, and Infidels* 142 n.2 (1984). Such overtly Christian proclamations have not been signed since 1860.

9. Roughly parallel to the modern *Ladies Home Journal*.

10. There was some controversy concerning the proper date for Thanksgiving, as in 1934 President Roosevelt switched the day of Thanksgiving from the last Thursday in November to the second-to-last Thursday in November. This was done to change the nation's shopping pattern and increase spending. While some objected to this mercantile approach to the holiday, Roosevelt —

One might ask whether Jewish law should simply defer to the American law determination here that Thanksgiving is a "secular" and not a religious holiday. Once this conclusion is reached, the claim is made, little controversy remains. The simple answer is that American law adopts a definition of "secular" that clearly is "religious" in the eyes of Jewish law. For example, in *Cammack v. Waihee*,<sup>11</sup> a 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.<sup>12</sup> Certainly Jewish law views neither of them as "secular" and would not accept American law's definition of "secular" as binding on halacha.<sup>13</sup>

## II. A Halachic Analysis of Thanksgiving

Having reviewed the history of Thanksgiving, it is now necessary to turn to the question of halachic issues involved in its "celebration". The first, and most significant, issue is whether it is permissible to eat a Thanksgiving meal, with the classical foods that American tradition indicates one should eat at this meal: turkey and cranberry sauce. Among the authorities of the previous generation, three different positions have been taken on this topic, and these three positions have each been accepted by various halachic

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and mercantilism — triumphed and Thanksgiving has been celebrated in the second to last week of November since that year.

11. 673 F.Supp. 1524 (D. Haw. 1987)

12. *Lynch v. Donnelly*, 465 U.S. 668 (1984); *Allegheny v. American Civil Liberties Union*, 492 U.S. 573 (1989).

13. This is noted quite clearly by Rabbi Menashe Klein, *Mishneh Halachot* 10:116, discussed *infra*.

authorities of the current generation.

However, before these three positions can be understood, a certain background of the nature of the prohibition to imitate Gentile customs is necessary.<sup>14</sup> Tosafot postulate 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.<sup>15</sup> Rabbenu Nissim 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 have a reasonable explanation (and are not immodest).<sup>16</sup> Normative halacha follows the ruling of the Ran and Maharik. As noted by Ramo:

Those practices done as a [Gentile] custom or law with no reason, one suspects that it 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.<sup>17</sup>

As will be seen later, there are authorities who favor being strict for the opinion of the Gra, who rules that the

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14. For elaboration on this issue, see Rabbi Tzvi Teichman, "The Jew in a Gentile Society: Chukat Ha'Akum" 3 *Journal of Halacha and Contemporary Society* 64–85 (1981).

15. *Tosafot Avodah Zarah* 11a *ve'ei*. Tosafot, and all the other authorities discussed in this section, are resolving a tension between the Talmud here and in *Sanhedrin* 52b.

16. Ran, commenting on *Avodah Zarah* 11a *yisrael* and *Chidushei HaRan* on *Sanhedrin* 52b; Maharik, *Responsa* 58.

17. Ramo YD 178:1.

only time "secular" customs are permissible is when they have a Jewish origin.<sup>18</sup> According to this approach, secular customs created by Gentiles are prohibited even when their origins are not religious.

Additionally — and independent of the halachic obligation to avoid Gentile religious customs — Jewish law forbids a Jew from actually celebrating idolatrous religious events himself. Thus, a Jew may not attend an idolatrous "Indian"<sup>19</sup> office party or directly facilitate its observance.<sup>20</sup> So too, a Jew may not attend a birthday party for an idol worshipper if the birthday party includes worship of idols.<sup>21</sup>

#### *A. The Approach of Rabbi Feinstein*

Rabbi Moshe Feinstein published two responsa on the issues related to celebrating Thanksgiving, both of which conclude that Thanksgiving is not a religious holiday, but a secular one. The first responsum, written in 1953/5723,

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18. Gra YD 178:7. For a review of the authorities who disagree with the Gra, see *Seridei Esh* 3:93.

19. For a discussion of why halacha historically discusses the idolatrous practices of "Indian" faiths, see the star footnote in the *Mishnah Berurah* 330:8, the prefatory remarks of Rabbi Chaim Cohen in *Divrei Geonim* and the extremely illuminating remarks of Rabbi Bleich on "self-censorship" and avoidance of "imposed censorship" through the mechanism common in Eastern European works of discussing the practices of the "observant Jews" and "idolatrous Gentiles" of "India" found in his article, "Extraditing Jews," *Techumin* 8:297, 301-302 (5747).

20. *Shulchan Aruch, Yoreh Deah* 147:6-9. The issue of how much assistance is permissible in cases where the violation will occur whether or not the Jew assists is beyond the scope of this article. For more on that, see my "Assisting in a Violation of Noachide Law" forthcoming in the *Jewish Law Association Conference Volume: The Jerusalem Conference*.

21. *Yoreh Deah* 147:4-7.



discusses the deliberate scheduling of weddings and the like on religious holidays of other faiths. Rabbi Feinstein states:

On the question of celebrating any event on a holiday of Gentiles, if the holiday is based on religious beliefs [by the Gentiles], such celebrations are prohibited if deliberately scheduled on that day; even without intent, it is prohibited because of *marit ayin*<sup>22</sup> . . . The first day of the year for them [January 1]<sup>23</sup> and Thanksgiving are not prohibited according to law, but pious people [*ba'alei nefesh*] should be strict.<sup>24</sup>

Rabbi Feinstein reinforces his understanding that Thanksgiving is not a religious holiday in a responsum published in 1980/5741 in the Torah journal *Am Hatorah*. He states:

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

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22. "What others will think".

23. The status of New Year's Day has changed in the last three hundred years. In contemporary America there is little religious content or expression to New Year's Day, and while there might be many problems associated with the way some celebrate it, few would classify it as a religious holiday. However, *Terumat Hadeshen* 195, writing nearly five hundred years ago, classifies New Year as a religious holiday, and this is quoted by Ramo YD 148:12. *Terumat Hadeshen* discusses whether one may give a New Year's Day gift and refers to January First as "the eighth day of Christmas." He clearly understands the holiday as religious in nature and covered by the prohibition of assisting a Gentile in his worship. (The text of the common edition of the *Shulchan Aruch* here has undoubtedly been subject to considerable censorship; for an accurate rendition of the Ramo, see his *Darchei Moshe* in the new edition of the *Tur* published by *Machon Yerushalayim*.)

24. *Iggerot Moshe, Even Haezer* 2:13.

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. One sees similar to this in *Kiddushin* 66 that Yanai the king made a party after the conquest of Kochlet in the desert and they ate vegetables as a remembrance.

Nonetheless it is prohibited to establish this as an obligation and religious commandment [mitzvah], and it remains a voluntary celebration now; in this manner — without the establishment of obligation or religious commandment — one can celebrate the next year too with a meal. But, I think, nonetheless it is prohibited to establish a fixed day in the year for the celebration and it is only in the first year of the event, like when Yanai conquered, and then they had a party, and not for permanence. There is also a problem of adding commandments . . .<sup>25</sup> Even though one can question the source, it is still a real prohibition.<sup>26</sup>

Thus, Rabbi Feinstein appears to rule that Thanksgiving is not a religious holiday, and there is no problem of "Gentile holidays" while observing it.<sup>27</sup> Nonetheless he prohibits its

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25. Rabbi Feinstein cites *Megilla* 7 and Nachmanides (Ramban), commenting on Deuteronomy 4:2.

26. Rabbi Moshe Feinstein, "Is there a Prohibition of *bechukotayhem* in going to a Stadium where Sports are Played, Sitting in an Office Bare-Headed or Eating a Thanksgiving Meal" *Am Hatorah* 13:1 (*mahadura* 2).

27. Thus, for example, this author suspects that Rabbi Feinstein would feel it not problematic to note Thanksgiving — like Labor Day, Independence Day, and Memorial Day are noted — on synagogue calendars as a secular "holiday." Indeed, Thanksgiving Day (along with Columbus Day, Veterans Day, Election Day,

ongoing celebration as an obligation on a particular day because he feels that it is a prohibited addition to the Jewish calendar or creates a problem of adding commandments. While Rabbi Feinstein's objections to adding observances will be discussed later on, it is clear that he sees no problem in Thanksgiving's celebration as a Gentile holiday, and he appears to see no problem with eating a turkey meal on that day as a matter of choice, and not obligation.

As proof to the fact that Rabbi Feinstein rules eating turkey permissible, one sees that elsewhere in the same responsum, Rabbi Feinstein states:

Thus, it is obvious in my opinion, that even in a case where something would be considered a prohibited Gentile custom, if many people do it for reasons unrelated to their religion or law, but rather because it is pleasurable to them, there is no prohibition of imitating Gentile custom. So, too, it is obvious that if Gentiles were to make a religious law to eat a particular item that is good to eat, halacha would not prohibit eating that item. So too, any item of pleasure in the world cannot be prohibited merely because Gentiles do so out of religious observance.<sup>28</sup>

Rabbi Feinstein then applies this principle to going bare-headed, and rules that even if some Gentiles do so out of religious fervor, since many people do so out of concerns for comfort, this is not considered a religious custom.

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Presidents Day, Memorial Day, Independence Day and Labor Day) are all noted in the *Ezras Torah* calendar published under Rabbi Feinstein's (and Henkin's) auspices. (New Year's Day and Christmas Day are not.) So too, this author suspects that Rabbi Feinstein would permit teaching about Thanksgiving to school children as part of their general studies curriculum, just as he would permit Columbus to be discussed.

28. Rabbi Feinstein, *supra* note .

Rabbi Ephraim Greenblatt also permits the celebration of Thanksgiving by the eating of turkey.<sup>29</sup> He states that he has a responsum set to be published<sup>30</sup> that rules that it is permissible to eat turkey on Thanksgiving, because Thanksgiving is "only a day of thanks and not, heaven forbid, for idol celebration." Rabbi Greenblatt adds that he posed this question more than thirty years ago to Rabbi Eliezer Silver and that Rabbi Silver also ruled that it was permissible to eat turkey on Thanksgiving.<sup>31</sup>

*B. The Approach of Rabbi Soloveitchik*

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

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29. In a letter to this author dated 5, *parshat devarim* 5754.

30. In *Revavot Ephraim* on *Yoreh Deah*.

31. Indeed, it is clear from Rabbi Greenblatt's letter that he feels that Rabbi Feinstein agrees with his ruling, in that he refers to the fact that he was the questioner to both Rabbi Feinstein and Rabbi Klein and that only one of them does not agree with him. As will be made clear from Rabbi Klein's responsa, he certainly does not agree that celebration is permitted.

one could consider Thanksgiving a Gentile holiday or that it was prohibited to celebrate it.<sup>32</sup> Indeed, there were instances when Rabbi Soloveitchik implied to his students that he and his family celebrated Thanksgiving, although *shiur* was always held on Thanksgiving.<sup>33</sup>

A similar view is taken by Rabbi Yehuda Herzl Henkin, who states that it is clear that halacha does not consider Thanksgiving to be a religious holiday, and that even if one lived in a society where there are some religious

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32. Rabbi Howard Jachter of Brooklyn notes that he explicitly spoke to Rabbi Soloveitchik about this in July 1985 and that Rabbi Soloveitchik affirmed this ruling and did not see any problem with celebrating Thanksgiving. Dr. Avi Feldblum of New Brunswick also confirmed to this author that he heard such a ruling from Rabbi Soloveitchik, as did Dr. Marc Shapiro of Boston.

33. Dr. Avi Feldblum recounts:

While I do not know whether Rabbi Soloveitchik had turkey for dinner that night or whether he called it a Thanksgiving dinner, it was well known that on the day that is marked on the calendar as Thanksgiving, Rav Soloveitchik started *shiur* much earlier than usual, in order to end earlier than usual and catch the plane back to Boston, to have a festive meal, etc. However, it is of interest to note that while Thanksgiving appeared to be of sufficient importance to change the fixed time for *shiur*, it was not sufficient to end *shiur* if the Rav had not completed what he wanted to understand. On Thanksgiving 1976, there was the famous Thanksgiving *shiur* where the Rav spent about five hours (most of it in silent thought) working through one Tosafot. After the second or third time the *shamash* passed him a note about the flight [back to Boston], the Rav turned to him and said "no one can leave here until we have understood what it is that Tosafot is saying!"

Letter of Dr. Avi Feldblum, published electronically in mail.jewish, volume 5, issue 20 available in archives at mail-jewish@shamash.nysernet.org.

denominations that celebrate Thanksgiving "religiously" that would not be sufficient to make it a religious holiday, as it is clear that many secular people celebrate it.<sup>34</sup> Rabbi Henkin suggests that it would be a good thing occasionally to skip the Thanksgiving meal, as a way of indicating that this event is not a religious "obligation," but is merely permissive, and thus accommodate the stricture of Rabbi Feinstein. Rabbi Henkin concludes:

Where is there found any prohibition to rejoice on the king's birthday and similar occasions? Common practice proves the opposite. Rather there are two distinctly different rules. On a Gentile religious holiday, it is prohibited to do business [to assist the Gentiles] since they use that which we provide for worship. For this rule, it makes no difference what is the purpose of the holiday, even the coronation or birthday of the king is

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34. Part of the underlying dispute might concern whether Jewish law accepts the opinion of the Gra that customs that have secular origins are prohibited. As noted above, Gra YD 178:7 rules that such customs are prohibited. Rabbi Henkin, in his *teshuvot, Benei Banim* 2:30, demonstrates that this is not the normative halachic approach, which is to maintain that absent idolatrous origins, such customs are not suspect. The validity of many secular practices most likely hinges on the resolution of this dispute.

A secondary dispute is also present as to whether the act of commemoration for the survival of the nation is "nonsense" or not. Rabbi David Cohen writes that "...commemorating with turkey specifically is an aspect of nonsense, (חוק הכל ושטות)" and thus prohibited (letter of Rabbi David Cohen, dated 9 Nissan 5755 and elaborated on by letter dated 23 Nissan 5755). Rabbi Yehuda Henkin writes that "Thanks to God is an action written in the Torah, and the eating of turkey is a mere reminder of that gratitude, which is applicable to all residents of this land" and thus not nonsense (Letter of Rabbi Henkin, dated 23 Tevet 5755). Interestingly, Rabbi Klein (*Mishneh Halachot* 10:116) seems to agree with Rabbi Henkin on this point.

included. Such is not the case regarding rejoicing and celebrating alone; in this case one must examine the holiday to determine if its origins are primarily idolatrous or not. . . . However, if the reason for the celebration is primarily secular it is permissible to celebrate, such as the coronation of the king, the Fourth of July in America or Thanksgiving. For this it makes no difference that some Gentiles celebrate these holidays in churches.<sup>35</sup>

This, however, comes with one significant caveat, that Rabbi Henkin notes. As stated in *Shulchan Aruch*, it is clearly prohibited to celebrate even a completely secular holiday (such as the coronation of a king) with those Gentiles who are celebrating that "secular" day with religious observances.<sup>36</sup> However, one may join with a Gentile if one is certain that this particular Gentile does not worship in a manner or faith prohibited to Gentiles according to Jewish law.<sup>37</sup> Thus, even those authorities who would permit marking Thanksgiving with a meal would not permit doing so with Gentiles who are religiously celebrating the day. (The same is true for a birthday party, wedding or funeral.)

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35. Letter of Rabbi Henkin, dated 23 Tevet 5755. Rabbi Henkin notes that it is not prohibited to delay the time of morning services to reflect the fact that many are off from work on Thanksgiving. However, on a legal holiday that is also a Gentile religious holiday — such as December 25 — he advises that it is better to ignore the secular holiday for scheduling purposes. Rabbi David Cohen writes that it is best not to change the time of prayer, even on Sunday, and certainly to do so on a Gentile holiday is frowned upon; letter of Rabbi David Cohen, dated 9 Nissan 5755.

36. *Shulchan Aruch*, *Yoreh Deah* 148:6.

37. *Ibid*, 148:5. See also comments of *Beit Yosef* on *Tur*, *Yoreh Deah* 148 s.v. *ubegoy shemakirin be she'ano oved avodah zara, hacol mutar*.

C. *The Approach of Rabbi Hutner*

An exactly opposite approach to the rulings of Rabbis Feinstein and Soloveitchik appears to have been taken by Rabbi Yitzchak Hutner.<sup>38</sup> 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.<sup>39</sup>

An analogous approach, albeit less certain of a prohibition, is adopted by Rabbi Menashe Klein, who also rules that

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38. Rabbi Yitzchak Hutner, *Pachad Yitzchak: Iggerot umechtavim shel Harav Hutner* (5751), 109. The word "appears" is appropriate because it is from the title of the letter (which was not written by Rabbi Hutner, but by the editor) that it is clear that Rabbi Hutner is dealing with Thanksgiving. Since this volume of Rabbi Hutner's was published posthumously, it is possible that the letter was in fact in reference to some other event. Indeed, Rabbi David Cohen (of Gvul Yavetz) writes:

"Once I heard from my teacher Rabbi Yitzchak Hutner that he saw no prohibition in this [eating turkey on Thanksgiving]; to the contrary he saw something positive in it as the Gentile is acting out of a sense of thanks and a form of Jewishness (based on the Talmud *Menachot* 73b, *akum lebo leshamayim . . .*)"

Letter of Rabbi David Cohen, dated 9 Nissan 5755.

39. A similar type of argument can be found, relating to a different holiday, in Kovetz *Iggerot Me'et HeChazon Ish*, 97.



halacha prohibits the celebration of Thanksgiving.<sup>40</sup> Rabbi Klein notes that halacha divides Gentile rituals into two distinctly different categories. The first category is those things that Gentiles do out of silliness and irrationality. The second are those that are done for religious purposes or for purposes of immodesty. Rabbi Klein then cites the Gra, who rules that Gentile customs and law that have no Jewish basis should be avoided because they might have an origin in the idolatrous customs of the past.<sup>41</sup> Rabbi Klein then states:

Thus, those who eat fowl as a commemoration for the fact, as I heard it, that they did not have what to eat, and they found this bird, and they were very happy and rejoiced over having found this bird, this appears not to be a Gentile custom. Nonetheless, one must examine this to determine if it is, as it states in *Yoreh Deah* 147:6, a case of one who makes a private holiday, and worships many gods, on the day that he was born or was first shaved or any similar case. It is possible that Thanksgiving is such a case; even though they claim that they are worshipping God, and not idols, it is possible that there is a mixture here and thus it is possible that this is a Gentile ritual. Thus the spirit of the Sages does not approve of one who celebrates, and it is possible that there is a biblical violation.<sup>42</sup>

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40. *Mishneh Halachot* 10:116.

41. Gra YD 178:7.

42. *Mishneh Halachot* 10:116. There seem to be two completely different issues raised by Rabbi Klein. The first is the problem posed by the celebration by Jews of idolatrous holidays. The second is the problems of imitating Gentile customs. It is important to realize that these two issues are quite separate and distinct. The first is discussed in *Shulchan Aruch Yoreh Deah* 148 and the second in *Yoreh Deah* 178. Conceptually, the two issues are unrelated.

Rabbi Klein thus strongly discourages and perhaps forbids the celebration of Thanksgiving.<sup>43</sup>

A similar view is expressed by Rabbi David Cohen (of *Gvul Yavetz*), who writes:

The celebrating of Thanksgiving is something that has been disputed by many rabbis — some prohibited and maintain that it is a derivative prohibition of idol worship and there are others who completely permit [its celebration]. In my opinion, to eat turkey for the sake of a holiday is prohibited by the rule of *Tsafot*, *Avoda Zara* 11a, since this is an irrational rule of theirs and following it is improper. Nonetheless, there is no prohibition for a family to get together on a day when people do not go to work and to eat together; if it is their wish to eat turkey not for the sake of thanks but because they like turkey, that is not prohibited, but the spirit of the Sages does not approve of such conduct, as they are functioning as if they follow the practice of Gentiles.<sup>44</sup>

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43. Rabbi Klein, writing to Rabbi Ephraim Greenblatt who posed the question, states that he would withdraw his response if the approach of Rabbi Feinstein on this issue were known. It is unclear how the recent publication in *Am Hatorah* of the opinion of Rabbi Feinstein, discussed above, would affect the ruling of Rabbi Klein.

44. Letter of Rabbi David Cohen, dated 9 Nissan 5755.

Rabbi Feivel Cohen also writes that halacha prohibits the celebration of Thanksgiving; undated letter to this writer received Nissan 5755. He indicates that, in his opinion, based on the language of Rambam, *Melachim* 10:9, there is a significant problem when a Gentile celebrates this holiday, as that Gentile has the status of one who observes a day of rest and it is as if he observed his own festival, both of which are prohibited according to Rambam for a Gentile. Such a holiday, Rabbi Cohen writes, is created by Thanksgiving, which is an attempt by a Gentile to create a special day of festivities, and thus prohibited. Indeed, in Rabbi Cohen's opinion, even if there is no difference between

*D. Summation of the Approaches*

In sum, three premier authorities of the previous generation have taken three conflicting views. Rabbi Hutner perceived Thanksgiving as a Gentile holiday, and thus prohibited any involvement in the holiday. Rabbi Soloveitchik permitted the celebration of Thanksgiving and permitted eating turkey on that day. He ruled that Thanksgiving was not a religious holiday, and saw no problem with its celebration. Rabbi Feinstein adopted a middle ground. He maintained that Thanksgiving was not a religious holiday; but nonetheless thought that there were problems associated with "celebrating" any secular holiday. Thus, while he appears to have permitted eating turkey on that day, he would discourage any annual "celebration"<sup>45</sup> that would be festival-like.

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Thanksgiving and Independence Day, both are prohibited festivals, as Gentiles may not add festive days to the calendar.

45. The question of observing or attending a Thanksgiving day parade can only be answered after one decides what is the status of the day itself. Applying the three positions developed above to parades, one observes that:

1) If one rules that Thanksgiving is a Gentile holiday, it would be prohibited to participate or benefit in any way from the parade honoring the day.

2) If one maintains that Thanksgiving is not a Gentile holiday, but prohibited because of the rule against Gentile customs, observing the parade would not be prohibited, as observing parades is not irrational; even then, however, care must be exercised, lest people be taught to observe such customs generally. (Letter of Rabbi Cohen, dated 9 Nissan 5755.)

3) If one concludes that Thanksgiving is a secular holiday, with a rational basis in national rescue, and thus may be celebrated, there would seem to be no problem in attending a parade, as a Thanksgiving day parade is no different from an Independence Day parade.

### III. Issues Related to Celebrating Thanksgiving

The issue of adding a day of celebration to the Jewish calendar is referred to by both Rabbis Feinstein and Hutner and deserves elaboration. Rabbi Hutner asserts that the dating of such a holiday through the Christian calendar is clear evidence that such a holiday is "Gentile" in nature and thus prohibited.<sup>46</sup> Rabbi Feinstein understands this problem differently. Rabbi Feinstein maintains that there are specific halachic problems associated with adding holidays to the Jewish calendar, independent of whether they are "secular", "Jewish," or "gentile." Indeed, these types of objections have been raised to the modern observances of *Yom Hasho'a*, *Yom Ha'atzmaut*, and *Yom Yerushalayim*, and have nothing necessarily to do with the presence of a Gentile origin. There is an extensive literature on this issue with many different opinions advanced.

Some authorities maintain, as Rabbi Feinstein appears to do, that it is absolutely prohibited to add holidays to the calendar as an annual observance.<sup>47</sup> These authorities rule that while individuals can annually celebrate such events on the day that they happen, these celebrations never get incorporated in the general Jewish calendar, and it is prohibited to do so. Others maintain that such events can only be incorporated in the calendar after they receive unanimous (perhaps multi-generational) rabbinic

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46. It would seem that Thanksgiving is poor example of the phenomenon 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.

47. This is clearly stated by Rabbi Hutner above and can also be found in Rabbi Moshe Shternbuch, *Teshuvot veHanhagot* 2:721.

sanction.<sup>48</sup> Yet others rule that every Jewish society can incorporate days of thanksgiving (or mourning) to reflect significant manifestations of God's will toward the community.<sup>49</sup> Yet others limit this to rituals that require no specialized blessings, and are technically permitted all year round.<sup>50</sup> No consensus has developed on this issue, and each community follows its own custom on this issue.<sup>51</sup>

However, in this author's opinion, a strong case can be made that this dispute is not really applicable to the way Thanksgiving is, in fact, celebrated in America, and that even those who flatly prohibit any additions to the Jewish calendar are not referring to the festivities of American Independence Day, Thanksgiving or Labor Day. Rather, these authorities are referring to the highly ritualized religious expressions of thanks to God that accompany days of religious observance, such as the services on *Yom Ha-atzma'ut* or the like. Thanksgiving, like Independence Day and Labor Day, lacks any ritualized prayer component, formal activities of any kind, obligatory liturgy or a festival (*mo'ed*) attitude.<sup>52</sup> Even

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48. See e.g. Kovetz *Iggerot Chazon Ish* 97.

49. Rabbi Herzog, *Pesakim Umechtavim shel harav Herzog* OC 99-100 and 104; Rabbi Unterman, *Shevet Meyehuda* 2:58.

50. For an example of this, see Rabbi Ovadia Yosef, *Yabia Omer* OC 6:41-42.

51. For a review essay on the various issues, see Rabbi Moshe Tzvi Nariah, "Adding Days of Joy to the Jewish Calendar" 3 *Hatorah VehlMedinah* 77-85 (2nd ed. Tzomet, 5752).

52. It is important to realize that such was not always the case in the United States. In the early 1950's, in response to the perceived threat of "godless communism", "prayer books" containing rituals and pseudo-religious "reflections" on the various American "holidays" were published in order to encourage the ritualization of the celebration. For an example of this, see Mordecai Kaplan, Paul Williams and Eugene Kohn, *The Faith of America: Prayers*

the holiday meal that many eat is not obligatory under American law.<sup>53</sup> Given the way that the completely secular<sup>54</sup> holidays are celebrated in this era in America, one would not think that any of them — including Thanksgiving — is an additional "festival" in the Jewish calendar.<sup>55</sup> Under this approach, Rabbi Feinstein's caveat would only limit the ritualized celebration of Thanksgiving.<sup>56</sup> Indeed, it is precisely this type of limitation of "celebration" that Rabbi Feinstein seems to be calling for, and which Rabbi Henkin

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*Reading, and Songs for the Celebration of American Holidays* (New York, 1951).

53. Nor for that matter is the Independence Day cookout or the Veteran's Day parade obligatory.

54. Besides Thanksgiving, they are: Martin Luther King Day (celebrating the birthday of the civil rights leader), President's Day (celebrating the birthdays of Lincoln and Washington), Memorial Day (celebrating the end of the two World Wars), Independence Day (celebrating the establishment of the Union), Labor Day (celebrating worker's rights), Columbus Day (marking the day Columbus discovered America), and Veterans Day (commemorating those who have died fighting for this country).

55. In this significant way, these American holidays are markedly different from their Israeli counterparts, which more clearly appear to be additions to the Jewish calendar. This article is not the place for a full and complete discussion of the significance of the establishment of the State of Israel and the proper halachic responses to it. Rather the purpose of this section is to note that this issue is **not** relevant when discussing halachic issues involved in celebrating modern American secular holidays.

56. Consistent with this is Rabbi Yehuda Herzl Henkin's proposal (found in the previous section) that one skip the Thanksgiving meal every couple of years to indicate that this is not a religious ritual. He, too, feels that these ritualization concerns are what Rabbi Feinstein is referring to.

endorses.<sup>57</sup>

One other issue is worth noting. All three of these authorities appear to agree that the celebration of a one-time day of thanksgiving to mark the first time an event worthy of thanks occurs, is not problematic.<sup>58</sup> Thus, for example, President Bush declared a day of thanksgiving in 1991 in response to the victory in the Persian Gulf war<sup>59</sup> and it would not be problematic according to any of these opinions to mark that one-time event with some form of a celebration. Indeed, as noted by Rabbi Feinstein, there is some talmudic precedent for that form of thanksgiving.<sup>60</sup>

### Conclusion

Three basic approaches are taken by contemporary decisors (*poskim*) on the question of celebrating Thanksgiving. Some rule that Thanksgiving is not a Gentile

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57. In this author's opinion, it is quite possible that the changes in American society and sociology since the 1950's account for the differences between Rabbi Feinstein's first responsum in 1953 and his second in 1980. When Rabbi Feinstein first addressed this topic in 1953, Thanksgiving was not a religious holiday, but there were those who wanted to make it one (see note for a discussion of this). Thus, Rabbi Feinstein thought pious people should be strict on this matter. By 1981 that movement had completely disappeared from the American scene, thus eliminating even the possibility that one might think this a religious holiday, and thus Rabbi Feinstein does not indicate in his later teshuva that pious people should be strict on this matter.

58. It is not clear that Rabbi Hutner would agree to that, although a close reading of the letter does imply that.

59. For a discussion of this, see *California School Employees Association v. Governing Board of the Marin Community College District*, 33 Cal.Rptr.2d 109 (1994).

60. See text accompanying note .