

☞ chapter thirty ☜

## Adapting the Customs of *Akum*

### The Guidelines

**T**he *Torah* writes ובחוקותיהם לא תלכו, forbidding one to follow the ways of the עכו"ם. As an introduction to the discussion of this topic, the *Rambam* writes the following: "The *Yid* should be distinguished from them (i.e. from the עכו"ם), and distinct in his dress and his actions just as he is different from them in his knowledge and in his understanding." There is a major dispute among the *Rishonim* and *Acharonim* regarding the parameters of this *issur*, which customs are included and which are not. Firstly, the basic *halacha* is that any of the practices that *akum* have for their *avodah zarah* are forbidden to be done by *Yiddin*, even if *Yiddin* had practiced this prior to the עכו"ם doing so. Furthermore, even if the *Torah* sanctions this as a Jewish practice, *Yiddin* may not continue doing so if this practice was subsequently adapted by the *akum* as a part of their idolatrous rituals. *Tosafos* discuss the usage of a *matzeivah*, a single stone upon which *korbonos* were brought. The use of a *matzeivah* in such a fashion is mentioned many times in *Sefer Bereishis*. Yet, the *Torah* in *Sefer Devorim* prohibits its use, since it was eventually adapted by the עכו"ם for *avodah zarah*.<sup>1</sup>

1. ע"י רמב"ם הל' ע"ז פ"א הל' א', וע"י תוס' מס' ע"ז דף יא.

### Playing Music in *Shul* During *Davening*

One of the first areas of opposition that the Orthodox Jews received from the reform movement was regarding the introduction of the organ into *shuls*. The reformists traced the use of the organ back to the times of the *Bais Hamikdash* when it was played by the *Leviim*. However, in attacking the practice, the orthodox proved that it was a form of worship used in the church, which thereby prohibits its use in a *shul*. With regard to music, most *poskim* say that if the *goyishe* songs are used as part of their idolatrous ritual it is forbidden to play or sing these songs, even if the *Yiddin* sang them before the עכו"ם started to do so. However, with regard to songs that were not used as part of their religious ceremonies, this *issur* may not apply.<sup>2</sup> (It is beyond the scope of this publication to discuss the issue of whether one may listen to *goyishe* songs in general).

### Placing Flowers in *Shul* for *Shevoux*

Many people may be surprised to read that the time-honored custom of adorning a *shul* with greenery for the *Yom Tov* of *Shevoux* was of much controversy. Some have the custom to place flowers inside their *shul* for

2. שו"ת מלמד להועיל א"ח סי' ט"ז, וע"י מעשה רוקח על הרמב"ם פ"ח ה"א, וע"י שו"ת אג"מ א"ח ח"ב סי' ל', וע"י חיד"א בברכי יוסף א"ח סי' תק"ס בענין ניוגונים של עכו"ם.

*Shevovs*, in commemoration of the flowers that were by *Har Sinai* at *Matan Torah*. Some people also place trees inside a *shul* for *Shevovs* to symbolize that on *Shevovs* one is judged for the fruits of a tree. Indeed, the Vilna Gaon ordered that this *minhag* be abandoned. He stated that this practice is done by עכו"ם who decorated their churches and homes with greenery during their holidays. Although this has been an ancient Jewish custom, nevertheless, the Vilna Gaon ruled that once it became an ideological practice of עכו"ם, it is forbidden for the *Yiddin* to continue doing so. Rav Moshe Feinstein, concurring with the Vilna Gaon, quotes the *Aruch Hashulchan* who notes that the previous generations had decided to abolish this practice.<sup>3</sup> It is questionable whether the Vilna Gaon only abolished the custom of placing trees, or if he was referring to all greenery.<sup>4</sup>

### The Proper Place and Position for Davening

Some *seforim* suggest that the reason why one is prohibited to *daven* in a field, is because the עכו"ם started worshipping their idols outdoors.<sup>5</sup> Additionally, although we often find in *Chazal* that people used to *daven* with their hands up in the air, nevertheless, it is prohibited nowadays to *daven* in such a manner since the עכו"ם started to worship their idols in that manner.<sup>6</sup> When the עכו"ם started to place their lecterns in the front part of their churches, many *poskim* prohibited *Yiddin* to place the *bimah* in the front of our *shuls* and ordered that it be placed in the center.<sup>7</sup> Some *poskim* say that there is no problem for *chazzanim* to wear their black robes while they are *davening*, provided that there is some distinction in their dress from those of the עכו"ם

3. עי' חכמת אדם כלל פט סק"א, ובחיי אדם כלל קל"א סי' י"ג שהביא הגר"א, ועי' ערוה"ש סי' תצ"ד, ועי' אג"מ י"ד ח"ד סי' יא:ה, אכן עי' בדעת תורה.

4. כך משמע ממ"ב שם, וכן משמע מח"א, אכן עי' ערוה"ש ואג"מ וצ"ע.

5. עי' תנא דבי אליהו פרק ח'.

6. עי' הגהות רעק"א סי' פ"ט.

7. עי' שו"ת מהר"ם שיק סי' קס"ה, ועי' שו"ת חת"ס או"ח סי' כ"ח, ועי' שו"ת משיב דבר סי' ט"ו.

(i.e. wearing a white hat as opposed to a black one).<sup>8</sup>

### Additional Guidelines

We have mentioned one category of *chukas akum* and that is a practice that the עכו"ם perform for their *avodah zarah*. This category is the most stringent of all. The *Maharik* writes that there are two additional categories. Firstly, there are *goyishe* practices whose origins and reasons cannot be found and are forbidden since we appear to be imitating the עכו"ם, for why else would we do such a thing (where there is no other apparent reason other than following the עכו"ם). (Additionally, we have to be concerned that although we can't find a reason, perhaps it once stemmed for some idolatrous ritual.)<sup>9</sup> The second category includes all those practices that עכו"ם associate themselves with, which lack in modesty and which are contradictory with the humble ways in which a *Yid* conducts himself with.<sup>10</sup> The ספרי writes that one should not say to himself that just as עכו"ם wear red garments (i.e. garments which are haughty and arrogant), so will I. The *Rema paskens* in accordance with the *Maharik's* additional two guidelines. He therefore writes that it is permitted for a doctor to wear his doctor's cape although its usage originated from the עכו"ם. There is no prohibition since there is an obvious reason why the doctor is wearing such attire; to serve as an identification of his profession.

The Vilna Gaon, however, disagrees with the *Maharik's* categorization and sets his own guidelines. He writes that only those customs that were possible to evolve in Jewish circles without being initiated by the עכו"ם are permitted. He therefore disagrees with the *Maharik* and the *Rema* and forbids a *Yid* to wear a doctor's cape since it originated from

8. עי' ישכיל עבדי ח"ה סי' קע"ח סק"ב, וכן שמעתי מהגר"י בעלסקי שליט"א.

9. עי' רמ"א בס"י קע"ח סע' א', ועי' אג"מ י"ד ח"א סי' פ"ט שהוא טעם אחר ממהר"ק.

10. שו"ת מהר"ק שורש פ"ח, וגם מובא בב"י סי' קע"ח.

the *עכו"ם*.<sup>11</sup> Some *poskim* say that the white doctor-coats that are used nowadays may be different from the capes that were used during the time of the Vilna Gaon and may be permitted according to all *poskim*.<sup>12</sup>

### **Wearing Modern Day Clothing**

The *Maharik* writes that as long as the clothing one is wearing does not lack in modesty, it is permitted to be worn. The *Maharik* clarifies that it is not a subjective classification, and it is only after the community as a whole decides not to wear a specific mode of dress that one who indeed dresses in that fashion transgresses the prohibition. Rav Moshe Feinstein writes that dressing in a secular fashion is permitted since the clothing are not designed any more for an *עכו"ם* than for a *Yid*. He writes that even according to the strict classification of the Vilna Gaon, it would be permitted since it could equally be regarded as a Jewish style rather than a *goyishe* one.<sup>13</sup> However, clothing which is worn to identify a person as belonging to a non-Jewish group is prohibited. Therefore, clothes that are categorized as being the “coolest”, “mod”, etc. are prohibited. Likewise, very tight fitting clothing are prohibited.<sup>14</sup>

### **Placing Flowers On a Gravestone**

There are those who place flowers on top of a gravestone to show respect for the deceased. The *Minchas Elazar* prohibits this on four accounts. His main reason is that this is a practice of the *עכו"ם* and one is thereby following the ways of the *עכו"ם*. One cannot claim that since there is a reason why he is placing the flowers on top of the gravestone it should be permitted (as stated by the *Maharik*), because since the deceased doesn't benefit from these flowers it is not sufficient

enough of a reason to permit placing them there.<sup>15</sup>

### **The Wedding Ring and the Proper Place for a *Chupah***

There are those who have the practice that after the *chassan* hands the *kallah* the wedding ring, she in return would hand the *chassan* another ring for himself. Rav Moshe Feinstein strongly opposed this practice. He writes that this practice was adapted from the *עכו"ם* and is therefore prohibited. However, he writes that the *kallah* may hand the *chassan* a ring *after* the *chupah* was completed, provided that she makes no mention that she is handing him the ring because he betrothed her. Furthermore, if the *chassan* wishes to wear that ring at a later date he is permitted. The reason why he is permitted to wear it is because there is a reason for him doing so; either to show that he is a married man or to wear it as an adornment. Nevertheless, Rav Moshe concludes that although it is permitted for the husband to wear the ring, nevertheless, it is unbecoming to do so and a *yorei shamayim* should not wear a ring even if his intentions are not to copy the *עכו"ם*.<sup>16</sup>

The general custom is to perform the *chupah* either completely outdoors or under an open roof. The reason why we perform the *chupah* under the stars, is because it is a *siman tov* for one to have many children, just as the stars are many in the sky.<sup>17</sup> The *poskim* discuss whether it would be prohibited to perform a *chupah* in a completely closed building or in a *shul*, since it may seem that one is copying the ways of the *goyim* who perform their weddings indoors, in their houses of worship.

Indeed, during the times of the *haskalah* movement when there was an attempt to uproot the ancient Yiddishe customs and to modernize them in accordance with the secular world, the Chasam Sofer and other prominent

11. עי' ביאור הגר"א סי' קע"ח סק"ז.

12. כך שמעתי מהגר"י בעלסקי ואכמ"ל.

13. אג"מ י"ד ח"א סי' פ"א.

14. עי' קובץ הלכות י"ד ממחנה אגודה בהסכמת הגר"י בעלסקי שליט"א.

15. שו"ת מנחת אלעזר ח"ד סי' ס"א, ועי' שו"ת מנחת יצחק ח"א סי' ל"א, ועי' שו"ת הר צבי י"ד רע"ט, ושו"ת יביע אומר י"ד ח"ג סי' כ"ד.

16. עי' אג"מ אהע"ז ח"א סי' י"ח, ועי' אהע"ז ח"ד סי' לב.ב.

17. עי' רמ"א בסי' סא באבה"ע.

Rabbonim of that time, signed a proclamation prohibiting the performance of a chupah in a *shul*. This was done in order to counter the efforts of the maskilim who started to change the present custom of performing chupahs outdoors, and started to perform them inside their synagogues, taking on the practice of goyim who perform their marriages in their churches. Rav Moshe Feinstein zt"l writes that nowadays there is no problem in making a chupah indoors or in a *shul*. Rav Moshe explains that since it is obvious that one's intention is not to follow the goyim, it is permitted. However, Rav Moshe concludes that although it may not be prohibited because of *chukas akum*, nevertheless, there are other existing reasons why it should not be done.<sup>18</sup>

### A Thanksgiving Celebration

At first glance, it would seem that the source of celebrating Thanksgiving was not for any religious reason, and was instituted merely as a token of thankfulness for the success of the colonies. Consequently, it would seem to fall under the guidelines of the *Maharik* and taking part in celebrating Thanksgiving should be permitted. However, Rav Moshe Feinstein writes that he has questions with regard to *halacha* whether the fact that a few colonists decided to celebrate their success should be a valid reason to continue having a celebration on that day for many years after. Therefore, Rav Moshe writes that he is hesitant to permit it and recommends that one not establish Thanksgiving as a day on which to eat turkey each year. However, if the reason why one wishes to eat turkey is not because of Thanksgiving but because he received a free turkey from his company or from someone else, then it is certainly permitted without making a party. However, one who wishes to act even more stringently should eat it on another night. Rav Moshe writes that one should preferably not schedule a *chasunah* or a *bar mitzvah* on Thanksgiving or New Years if one can make it on a different night, since

18. אג"מ אהע"ז ח"א צ"ג, ועי' שו"ת חת"ס סי' צ"ח.

there may be a problem of *maaris ayin*. However, one is definitely permitted to make a *seudah* for a *pidyon haben* or for a *bris milah*, since it is obvious that the scheduling of the *seudah* on that day is not because of Thanksgiving.<sup>19</sup> If one would like to schedule a *chasunah* or a *bar mitzvah seudah* on Thanksgiving since it is a day that many people are home or come home early from work, he is permitted to do so. Indeed, Rav Moshe Feinstein himself attended numerous *chasunas* that were made on Thanksgiving.<sup>20</sup>

### Speaking a Secular Language

The *Mishnah* in *Meseches Shabbos* states that there were eighteen decrees that the students of *Beis Shamai* and *Beis Hillel* adapted. They were extra precautions in observing the laws of purity and in preventing the assimilation between *Yiddin* and עכו"ם. The *Yerushalmi* states that one of the eighteen decrees was the prohibition of adapting the language of the *akum*. The *Chasam Sofer* writes that in light of the decree, many revisions were made by the *Yiddin* in the German language, which eventually became known as the *Yiddish* language. There are those who explain that the *Yerushalmi* did not prohibit one from speaking a secular language, and only prohibited one to speak in a very sophisticated poetic way as many of the catholic nobleman did when delivering their sermons.<sup>21</sup>

### Building Structures that Resemble Churches

One is forbidden to build structures that resemble the architectural design of churches. This is only prohibited if it is built to house a major gathering of people. This was one of the major criticisms of the reform synagogues. Likewise, one is forbidden to imitate the

19. עי' אג"מ אהע"ז ח"ב סי' י"ג, ועי' אג"מ יו"ד ח"ד סי' י"א וסי' י"ב.

20. כך שמעתי מהגר"י בעלסקי שליט"א.

21. עי' שו"ת חת"ס אהע"ז ח"ב סי' י"א, ורבינו הלל בפירושו על ספרא

פרשת אחרי מות, ועי' אג"מ יו"ד ח"ד סי' י"א.

methods used by the עכו"ם to gather people, such as the use of bells.<sup>22</sup>

### Attending Sports Stadiums and Theaters

Rav Moshe Feinstein writes that it is difficult to say that attending sports stadiums and theaters should be prohibited because of ובחוקותיהם לא תלכו, since one is attending these places for a reason (in accordance with the *Maharik* mentioned above). Nevertheless, Rav Moshe writes powerful words discouraging people from attending these places. In one *teshuvah* he entertains the thought that it may even be better to remove one's *yarmulka* rather than performing a *chillul Hashem*, although he doesn't remain with that conclusion. He cites several other *issurim* that are involved with attending such places, since it stimulates the *Yetzer Hara* to start taking control over oneself which can lead a person to commit many other and worse *aveiros*.<sup>23</sup> There are many communities in which teenagers started to attend and watch sports games with their friends and then began to attend theaters, and then עלינו, one thing lead to another and they found themselves doing things that they never imagined they would ever sink so low to be doing. No one could claim that they are above it and therefore will not be affected, especially in our times when the negative influences are so strong, and are inescapable. Twenty years ago, even in the secular world, much of the news that happens nowadays would be unfit to be printed or said. The standards for censoring advertisements have likewise been relaxed. We all have to take extra precautionary measures nowadays to prevent our *yiras shomayim* from being affected by outside influences.

22. עי' שו"ע יו"ד סי' קע"ח סעי' א', ועי' אג"מ יו"ד ח"ד סי' י"א.  
23. ועי' אג"מ יו"ד ח"ד סי' י"א אות א', ועי' אג"מ ארו"ח ח"ב סי' צ"ה ויו"ד ח"ב סי' ל"ג.

### Shaving

The *Rambam* writes that the reason for the prohibition of cutting one's beard with a razor is because this was the custom of idolatrous priests. The *Minchas Chinuch* writes that even if this is the rationale for the prohibition, it would be permitted if their practice changed and they started to grow beards. It is interesting to note that the *Chasam Sofer* traces the custom of being clean-shaven to an era when there was a king who could not grow a beard. In order to make his deficiency less noticeable, he decreed that all his subjects remove their beards. Therefore, he writes that since shaving is a common practice and no longer serves as a distinction between *Yiddin* and עכו"ם it is not prohibited. (It is beyond the scope of this publication to delve into the intricate discussion about the *halachos* of shaving in general. See chapter on Electric Shavers for a detailed discussion).<sup>24</sup>

### Covering Our Heads

The underlying reason for covering our heads is to show our constant feeling and fear of Hashem. The word *yarmulka* is a contraction of two words *yorei malka* – fear of the king, Hashem. The *Taz* maintains that one is required to cover one's head in order not to violate ובחוקותיהם לא תלכו. He explains that once it became customary for עכו"ם to purposely remove their head covering when sitting, *Yiddin* are forbidden to follow. However, many *poskim* permit one to remove his *yarmulka* if he is required to do so when testifying in court. Likewise, if a person is afraid that he would lose his job if he insists on wearing a head covering, it is permitted for him to remove it. This is all in accordance with the reasoning of the *Maharik* that if one's intention is not to follow the ways of the עכו"ם it is permitted.<sup>25</sup> Rav Moshe Feinstein writes that nowadays perhaps even the *Taz* would agree

24. עי' רמב"ם הל' ע"ז פי"ב הל' א', ומנ"ח מצוה רנ"א סק"א.  
25. עי' ט"ז סי' ח' סק"ג, ועי' שו"ת מלמד להועיל יו"ד סי' נ"ו, ועי' מ"ב סי' ב' ס"ק י"ב.

### Chapter 30: Adapting the Customs of Akum

that the *issur* of *chukas akum* would not apply if one were one to remove his head covering. He explains that since all עכו"ם go around with their heads uncovered wherever they may be, and it is done for comfort and not for any ideological or religious reasons, the *issur* of *chukas akum* does not apply.<sup>26</sup> Nevertheless, it may be prohibited for other reasons. However,

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<sup>26</sup>. ע"י אג"מ אור"ח ח"ד סי' ב'.

Rav Moshe writes that the reason of *chukas akum* would apply when walking into a *shul* or *davening* with one's head uncovered, since the עכו"ם always removed their head coverings for religious purposes when entering their sanctuaries. He even speculates whether one who *davened* with his head uncovered may be required to repeat *shemonah esrei*.<sup>27</sup>

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<sup>27</sup>. ע"י אג"מ אור"ח ח"ד סי' מ' ס"ק י"ד.