

Playing with Fire: Adopting Chukos Hagoyim

Adapted from the writings of Dayan Yitzhak Grossman

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The Yeshiva World reports:

HaGaon HaRav Yitzchak Zilberstein on Monday published a letter, signed by Rosh Yeshivah HaGaon HaRav Gershon Edelstein, against firecrackers ahead of the upcoming holiday of Purim.

“My dear brothers. I came to warn about the spilling of innocent blood, (וְלֹאֲרָץ לֹא יִכָּפֹר לְדָם אֲשֶׁר שָׁפַךְ בָּהּ (במדבר לה לג, Hakadosh Baruch Hu gave us the holy day of Yom Hapurim which is like Kipurim, and unfortunately, it has been transformed into a day of bloodshed. I know of children who threw firecrackers and caused women situations of *pikuach nefesh mamash*, there are children whose fingers were cut off, and people who were blinded.

“One who sells firecrackers or a father who allows his children to use them—what will he answer on Yom Hadin?

“And it’s written in the Sefer Mo’ed Lechol Chai (in the introduction)[1] that the use of gunpowder stems from the nations of the world, and it’s not appropriate for the Jewish nation in any place and at any time to do so, and the one who does so violates ‘You shall not do as their deeds.’[2]

“And he writes that at first, the *bais din* would inform the *bnei hagolah* (Diaspora) when Rosh Chodesh was determined by raising torches, and they would light up the entire *golah* like a bonfire. It wasn’t announced by a ‘reed of fire” or the like, for they are weapons and instruments of death which are designed for calamity—because the *mo’adei* Hashem were given for life and not death.

“And even if there is nothing deadly in it, its sound alone, when it’s set off suddenly, can cause a person to tremble and panic. These instruments of death shouldn’t be used in any form, even on Purim and at weddings.”[3]

The concern for safety is certainly a straightforward matter; as we have previously discussed, it is indeed forbidden to risk one’s own life or the lives of others without justification.[4] The invocation of the prohibition of “you shall not do as their deeds,” however, is far less clear, and would seem to hinge upon a fundamental dispute about the scope of the prohibition. While some interpret this prohibition (based on the context of the *pasuk*) as referring specifically to idolatry,[5] others understand it as forbidding “the ways of the Emori”[6]—various superstitious practices of the ancient pagans.[7]

The practice of non-Jewish customs is more commonly understood to be forbidden by the prohibitions of “do not follow their statutes (*uvechukoseihem lo seileichu*)”[8] and “Do not follow the traditions (*bechukos*) of the nation that I expel from before you.”[9] As the Rambam writes:

We may not follow the statutes of the idolaters or resemble them in

their [style of] dress, coiffure, or the like, as it says (Vayikra 20:23), “Do not follow the traditions of the nation,” and it says (Vayikra 18:3), “Do not follow their statutes,” and it says (Dvarim 12:30), “Be careful, lest you be distracted by them.”

All these *psukim* share a single theme, warning us not to resemble them. Rather, the Jew should be separate from them and known by his dress and his other deeds, just as he is in his mindset and his ideas, as it says (Vayikra 20:26), “I have separated you from among the peoples.”[10]

A number of *Rishonim*, however, understand that the prohibition of following gentile customs is limited, either a) to *chukim* (practices that have no rational justification)[11] or b) to those that are characterized as folly and nonsense and are rooted in idolatry[12] or c) to those that constitute immodesty and haughtiness and thus contravene Jewish norms.[13] We do not find a single *Rishon* who explicitly rejects this view, the Rama codifies it as normative halacha, and as we have previously discussed,[14] various later authorities accept it as well.

The Vilna Gaon, however, disagrees and extends the prohibition to gentile customs in general,[15] and some *Acharonim* recommend that one act stringently and follow his view, at least in certain contexts.[16] Thus, R’ Betzalel Zolty forbids military funeral ceremonies involving the laying of floral wreaths and the firing of guns, based on the position of the Gra, although R’ Yechiel Yaakov Weinberg rejects his view as excessive stringency.[17]

Incidentally, if one wishes to act stringently and follow the position of the Gra, a good case can be made for refraining from dressing up on Purim,[18] since as we discussed last year,[19] some Sephardi *poskim*, including R’ Meir Mazuz, maintain that it is nearly certain (*karov levadai*) that the custom

evolved from the customs of the non-Jewish inhabitants of Europe on their holidays, where they arrange Carnival festivities and men disguise themselves as women and women as men, and they sink into the fifty gates of impurity, as is known.[20]

The assertion of the Mo’ed Lechol Chai that the use of gunpowder violates the prohibition against practicing gentile customs would seem not to be correct according to the lenient, narrower understanding of the prohibition articulated by the *Rishonim*, although it might be consistent with the stricter view of the Gra. Additionally, some authorities have asserted that invocations of the prohibition by *poskim* were not always intended in a literal, rigorous sense, but were sometimes merely used to express vehement condemnation of a practice that while not technically a violation of the prohibition was nevertheless intolerable due to its setting within a context of religious reform and assimilation.[21]

[1]Mo’ed Lechol Chai (Bnei Brak 5774) p. 21.

[2]Shmos 23:24.

[3]Gedolei Yisrael Against Firecrackers: “They Turned a Yom Kadosh into Bloodshed”. The Yeshiva World.

<https://www.theyeshivaworld.com/news/headlines-breaking-stories/2167746/gedolei-yisrael-against-firecrackers-they-turned-a-yom-kodesh-into-bloodshed.html>.

[4]See Counter a Tax: Disincentivizing Unhealthful Behavior. Bais HaVaad Halacha Journal. Jan. 19, 2023, and the earlier articles cited in n. 11 there.

[5]See Ramban *ibid.*; Rashi Sanhedrin 60b s.v. *Over belo sa'aseh*.

[6]See Maseches Shabbos Mishnah 6:10, Bavli 67a-b, and Tosefta *perek* 7; Encyclopedia Talmudis Vol. 7 columns 706-12.

[7]Rashi Avodah Zarah 11a s.v. *Velo midarchei haEmori* and Chulin 77a sv. *Darchei haEmori*; Sefer Yerei'im (5691) *cheilek* 1 *siman* 313 [88] pp. 174a-b (cited in Hagahos Maimoniyos, Hilchos Avodah Zarah *perek* 11 *os* 1 and Bais Yosef Y.D. *siman* 178).

While the Sefer Yerei'im understands that the category of *darchei haEmori* is limited to the practices enumerated by Chazal, which "are not based on logic, but on a received tradition," the Bach *ibid.* disagrees. In any event, it is clear from the entire halachic discussion of the topic that the general prohibition against gentile customs is universally assumed to extend beyond the practices enumerated by Chazal.

[8]Vayikra 18:3.

[9]*Ibid.* 20:23.

[10]Rambam Hilchos Avodah Zarah 11:1 (cited in brief in Tur and Shulchan Aruch *ibid.*).

[11]Shu"t Rivash *siman* 158; Shu"t Maharik *shoresh* 88 (cited in Bais Yosef *ibid.*).

[12]Ran Avodah Zarah p. 2b in Rif pagination.

[13]Maharik *ibid.*

[14]Article published in the Bais HaVaad Halacha Journal in 2017; I do not know the exact date or title.

Cf. R' Yehuda Spitz. Adorning the Shul with Greenery on Shavuos: Part 2. Ohr Sameach: Insights into Halacha. Week ending 9 Sivan, 5777/June 3, 2017.

[15]Biur HaGra *ibid.* *os* 7.

[16]R' Betzalel Zolty, Kovetz No'am Vol. 2 p. 170; Minchas Asher, Vayikra *siman* 33 *os* 4.

[17]Sridei Eish *cheilek* 3 *siman* 93 p. 297 s.v. *Uvemakom zeh alai leha'ir*.

[18]As we noted in n. 14 of the article referenced in n. 14 above, a similar point, in the form of a *reductio ad absurdum* objection to the reported opposition of the Gra to the custom of decorating synagogues and homes on Shavuos with greenery on the grounds that Christians have a similar custom on their holiday of Pentecost, is made by R' Gedalya Oberlander: "According to the opinion of the Gra, is it necessary to abrogate every Jewish custom to which the gentiles are accustomed as well, such as the custom of dressing up on Purim, to which the gentiles are accustomed as well on their holiday?" *Hanachas Asabim Veha'amadas Ilanos* BeChag Hashavuos: *Kiyumah Vehishtalshelusah*, in Or Yisrael, Sivan 5760-Year 5 Gilyon 4 (20), p. 145 n. 69.

[19]Customs Declaration: The Origins of Minhagei Purim. The Bais HaVaad

Halacha Journal. Mar. 3, 2022.

[20]Uknei Lecha Chaver, *siman* 103-*Minhag Hatachposet* bePurim.

[21]See Shu"t Yabia Omer *cheilek* 3 Y.D. *siman* 24 os 6 pp. 242-43; Minchas Asher *ibid.* os 4.