

HALOCHOSCOPE

This week's question:

The local gentiles celebrate a holiday rooted in ancient pagan traditions. On this day, their children collect candy from the homes in the neighborhood. May a Jewish family participate by handing out candy? May candy be left out on their porch? May they do so if the holiday falls on *Shabbos* and the Jewish home is inside an *eruv*?

The issues:

A) *Ancient pagan holidays - nowadays*

B) *Hotza'a*, a gentile taking something from Jew's property

C) *Darkei shalom*, *aivah*, halachic considerations for the sake of peaceful relationships

A) *Ancient pagan holidays*

It is forbidden to delve into gentile religions, except to study why they are forbidden. There is no question that Halloween has pagan origins. The main issue with paganism is obviously *avoda zara*, the Scriptural *mitzvah* or *mitzvos* forbidding idolatry. Negating *avoda zara* is the core of Judaism, and it is included in the seven basic *mitzvos* commanded to all mankind. This holiday is observed in many pagan cultures. The superstition is that the souls or spirits of the dead come to harass the living at a certain time of year, either the beginning or the end of the agricultural cycle. The practices are meant to appease the deity of these spirits or of the underworld. Or they are to placate the spirits or souls of the dead. Or they relate to the souls of the good spirits, that are given semi-god status and powers. In any event, the ideas are that these forces have some sort of power that they share with other so-called divine beings. This is *avoda zara* in quite a pure form. The holiday is or was observed either at this time of year by European cultures, at late spring by Oriental cultures, or at both by Roman and Greek cultures. The Roman holiday Lemuria closely resembles *avoda zara* named *Gad* and *Meni* in Tanach, worshiped by the nations that surrounded Israel.

The practices vary from place to place. For the most part, the superstition is that the day the souls or spirits come can be 'controlled' by preempting them the evening before. Hence the name hallow(s) – souls or saints, 'een – eve or evening. Offerings are made to the deity or spirits, in the form of a meal placed for them to take overnight. This is specifically condemned by Tanach as an idolatrous practice, *orchim lagad shulchan*. In some cultures, beans are tossed over the shoulders for the spirits to eat, because the superstition is that this is what they want. Cross-dressing or wearing masks is observed to trick the souls or spirits, or to get superstitious people to give the masked people food. The superstitious giver does not know whether he is facing a 'real' spirit. In some cultures, the poor beg for food in return for a prayer to stave off the bad intentions of the dead spirits.

In Jewish tradition, there is a source that maintains that the *neshamos* 'come out and

pray' or are wandering on a specific night. Indeed, they discuss the future of the harvest for the year. Some say this is *Rosh Hashanah* or the night of *Hoshana Raba*. However, we are careful not to attribute too much to these concepts. In gentile cultures, death and burial has always been associated with rituals and religious or quasi-religious practices. Many religions confuse the afterlife with the burial and what is included in a grave. They also associate the symbols placed on or near a body as 'protection' by their 'spirits'. Some of the *mitzvos* associated with grief are explained directly by the commentators as ways of distancing from idolatry. Our case clearly raises these issues. In addition, our case touches on the Scriptural *mitzvah* forbidding *doresh el hamaisim*, making inquiries of the dead souls. The actual prohibition refers to fasting and lodging in a cemetery in order to bring upon oneself the spirit of defilement. Nonetheless, the simple meaning includes such practices as interacting with the dead souls or spirits.

The calendar based on the sun seasons has pagan connotations. The fact that the sun is used to measure time and the yearly cycle goes back to Creation. Days are defined based on movements of the constellations. These patterns can also be used to make vague predictions of events. Hashem also placed the dominion of the nations under *Sarim*, ministers, called stars or constellations, who advocate for them against each other and before Hashem. They are associated with these patterns as well. [Israel is not under this influence, but is directly connected to Hashem.] This metamorphosed into the pagan system of worship, in which the constellations became known as forces that control independently. They are 'appeased' or played off against each other and the like. Hashem was taken out of the picture, or accorded a limited role. This is *avoda zara*. Thus, holidays (from the word holy) connected to this calendar are pagan by definition.

In modern cultures, these dates have been incorporated by the dominant religion in some way. Some poskim say that a day associated with a 'saint' is not the same as one associated with a deity. Nonetheless, the pagan customs are still associated with the superstitions, especially those practiced the evening before. Nowadays, these observances have become trivialized and commercialized. Depending on the culture, they are observed with very little thought of the superstition. Accordingly, the *halachos* that usually apply to Jews dealing with gentiles involved in these observances are relaxed somewhat. It is not considered *lifnai ivair*, causing them to sin with regard to idolatry, if they are merely 'traditionalists'. Accordingly, one could hand out candy to costumed gentile children.

However, Jews may not participate with the gentiles. It is still considered *darkei emori*, a division of *chukas hagoy*, Jews may not engage in customs of gentile nations if they have nonsensical, superstitious or pagan connections. Even the appearance of this is to be avoided. Moreover, the appearance of validating the *avoda zara* is also forbidden. The Talmud lists certain activities and symbolisms as *darkei Emori*, the ways of the Emorites who populated *Eretz Yisroel* before it was conquered by *Yehoshua* and *Benai Yisroel*. The reference is to a *pasuk* that forbids following the customs of the peoples who lived in the Land before we arrived there. By classing them in this way, one includes them in the prohibition of *chukos hagoy*, the *mitzvah* not to follow gentile culture. Most poskim include two classes of *chukos hagoy*: (i) A *chok*, meaningless and purposeless activity done as a fashion; (ii) Anything done due to superstition with idolatrous connota-

tions. Our case, involves one or both of the main categories of *chukos hagoy* or *darkei Emori*. The observance is either rooted in pagan origins or is nonsensical. [See Vayikra 18:3 19:26-31 20:23 Devarim 4:19 18:9-14 Yeshaya 65:11, commentaries. Brochos 18b Shabbos 67a-b 75a Sanhedrin 65a-b Avoda Zara 2a 12a-13b 16a-b 19b, Poskim. Tur Sh Ar OC 156 YD 123:1 139:1 3 6 9 141 142 143:2-6 147:2-3 148:12 150-151(:3 11) 178:1 3 179:1 13 17 180:5-6 (348:1 350), commentaries. Sefer Chasidim 452, Mekor Chesed.]

B) Hotza'ah

The Scriptural *melacha* of *Hotza'ah* forbids moving something from a private domain to a public domain. One may not instruct a non-Jew to move something for a Jew. One may invite a gentile to his yard and offer him food on *Shabbos*. If he wishes to remove it of his own accord, the Jew need not worry. If it is obvious that the gentile will remove it to the *reshus harabim*, the Jew may not offer it to him. While he did not ask the gentile to do *melacha* on his behalf, the appearance is given that the gentile is acting on instructions of the Jew. Thus, leaving candy for the gentile to take is forbidden.

The poskim debate whether one need be concerned with allowing a gentile to take food into a *karmelis*, quasi-*reshus harabim*. Furthermore, nowadays, according to many poskim, the streets do not qualify as *reshus harabim*. One should not necessarily rely on the lenient view except in pressing circumstances. Nonetheless, our case is definitely better. The *eruv* is a *reshus hayachid*. The gentile might leave the *eruv*-bound area. Since this is some distance from the home of the Jew, it does not lead to the direct appearance of *amira leakum*, instructing the gentile to do *melacha* on his behalf. [See Shabbos 3a 19a, Poskim. Tur Sh Ar OC 325:1-2 347:1, commentaries.]

C) Darkei shalom

There might be no issue for the gentile children, but the Jew may not participate in the observance by giving the candy. On *Yomtov*, one may not invite a gentile. He might engage in *melacha* to prepare the food. This is permissible when preparing for a Jew, but forbidden when preparing for a gentile. On *Shabbos* one would not do *melacha*, but one would otherwise perform tedious tasks, known as *tircha*. This is permitted for a Jew, but why is it permitted for a gentile? The answer is that the Talmud requires distributing charity to gentiles because of *darkei shalom*, to maintain the peace. The question is whether this is sufficient in our case. Most poskim consider the restrictions on *tircha* on *Shabbos* either a positive *mitzvah*, a Prophetic *mitzvah*, or a Rabbinic *mitzvah*. *Chukos hagoy* would appear to be a Scriptural negative *mitzvah*. The Talmud and poskim permit giving or receiving gifts from gentiles on their holidays. In our case, the gifts represent actual observances. The Jew does not do it for this reason, but the appearance exists.

Literally translated, *aivah* means enmity. In *halachic* terms it refers to strife between two parties. *Tikun olam*, institutions for the good of society or to prevent laxities in *halacha*, and *darkei shalom*, institutions to promote harmony and common decency, are related to and sometimes overlap with *mishum aivah* institutions. The basis for these institutions is the *mitzvah* to avoid disputes, and the verses, '*The ways of Torah as peaceful and pleasant*' '[Hashem] is good to all beings and His mercy extends to all of His works.'

These reasons are invoked frequently to avoid angering gentiles, who might not understand or agree with Jewish laws and practices. The conditions for employing *aivah* as

a dispensation include that it be done infrequently. It may not involve direct violation of something intended to create a distance. To defuse a possible *aivah* one must find a diplomatic solution, but not override a prohibition. If there is a plausible excuse acceptable to the gentile party, one may not rely on *aivah*. One could use a familiar religious practice that would not arouse *aivah*. “I’m sorry, you know I can’t do that due to religious reasons.” This applies even if the true reason is different, but one that could arouse *aivah*.

Some restrictions on interaction with gentiles are relaxed when they could lead to undue hardship for Jews. The principle behind this is *sakanta*, danger. If the restriction is Rabbinical in nature, the Rabbis did not intend to cause antisemitism. Our case involves *maris ayin*, the appearance of compliance with *chukas hagoy*, a Rabbinical provision.

Aivah permits accepting a gift from a gentile on his holiday, if the Jew interacts with this gentile the rest of the year. If a gentile insists on buying something from a Jew close to his holiday, the Talmud debates whether *aivah* plays a role. One view forbids it but permits benefit after the fact. Another even allows it before the fact when the gentile is well acquainted with the Jew, but not on the holiday. A third view allows it on the holiday. In a gentile town one may join them celebrating to flatter them. One may not go to greet a gentile on his holiday. If he meets a gentile, one may greet them softly, due to *darkei shalom*. *Aivah* and *darkei shalom* might be invoked in cases where there is a debate. One might rely on a lenient view. In our case, the Jew will not participate actively, but will leave the candy on the porch for the taking. [See Gitin Perek 4-5 Avoda Zara 2a 6b 7b 26a 64b-65a Yerushalmi 1:1, Poskim. Tur Sh Ar YD 148:5 9 12 152:1 154:2 158:1, commentaries. ST Chasam Sofer CM 94. Igros Moshe CM IV:77, etc.]

In conclusion, inside the *eruv*, one may leave candy on the porch, if it is a gentile neighborhood who will interpret non-participation negatively. The Jewish people should stay inside, and avoid direct interaction with the costumed children.

On the parsha ... *The men of Sedom were evil and sinners against Hashem, very much. [13:13] Evil- with their bodies. Sinners – with their money. [Rashi, see Targum Onkelos] They were the most corrupt of all the Lands of the Canaanites. [Ramban] Even so, Lot did not hesitate to settle among them [Rashi].* The sinners with their money included the fact that they were unwelcoming to strangers. They did not share their wealth at all. Apparently, the negative trait of refusing to share one's money is so evil that one should avoid living in such a place, incase one is influenced by them. One would think that this unwelcoming attitude would help insulate people from assimilating with them. If so, Lot did not need to worry about being influenced by them. However, the resistance to *darkei shalom* does influence people. They learn to alienate others themselves, just like their neighbors. While one must avoid being influenced by the prevailing culture, sharing and giving is still better than the alternative. When given the choice, one should rather live surrounded by those who give gifts, like Paroh or Avimelech, than those who never share anything. Perhaps this, too, is a source to allow giving gifts to gentile neighbors.

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Chaya, besoch shear cholei Yisroel.

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