

HALOCHOSCOPE

This week's question:

May a Jew transport a 'holiday tree' in his car as a favor for a gentile?

The issues:

- A) Origins of the 'tree'; *darkei emori*, nonsensical or superstitious customs**
- B) *Avoda zara* for a gentile; *lifnei ivair*, leading another to sin; *neheneh, mehaneh*, benefit to or from *avoda zara*; *maris ayin*, appearance of impropriety**
- C) *Lo savi toavah el baisecha*, bringing a forbidden item into one's possessions**

A) The 'tree' – pagan origins

It is forbidden to delve into gentile religions, except to study why they are forbidden. The observances of the 'holiday season' are pagan in origin. This is a perfect example of those who practice a religion with no knowledge of its meaning. *Minhag avosaihem beyadaihem*, they merely observe the customs of their forebears. This actually mitigates the issue somewhat, making it less of an observance of a pagan practice, and more like nonsense. Nonetheless, though some traditions have been 'sanitized', the reality is that the alternative religion (hereafter called *Notzrus*) is subject to debate. Many consider it to be idolatry as well. Investing the tree and the like with new superstitions does not necessarily change anything. In addition, any superstitious inexplicable secular custom could be forbidden to Jews. Therefore, the issue must first be addressed carefully.

The holiday celebrated at this time of year dates back to Creation. *Adam* and *Chava* sinned, and were informed that they would die. This was in the fall, when days get progressively shorter. *Adam* thought that, despite his *teshuva*, the world was coming to an end. He began fasting eight days before *Tekufas Taivais*, the winter solstice, the shortest day. He noticed after eight days that the day had started getting longer. He realized that it was all the way of the Creation. He then celebrated with a corresponding feast for eight days. The following years, he celebrated both sets of eight days as a *Yomtov*, in recognition of his *teshuva*. Later generations began worshiping the sun, as a minister serving and 'helping' Hashem. As forces of nature took on religious significance and godly powers, this waning and 'rebirth' of the sun became a big festival replete with superstitious practices rooted in the forces of impurity. They prayed to the sun to come back to them – and it worked!! Every time!! In pagan Rome it was known as *Saturnalia* and *Calendula*.

The Romans adopted the 'new' religion of the *Edomite Notzrim*, but incorporated their old religion with modifications. The holiday with its trappings was reinterpreted to mean another type of rebirth. Initially, there was resistance due to the influence of Jewish and *Edomite* minim, followers of the new faith. Our tradition is that the Sanhedrin prevailed in steering them away from Jews, mainly by proclaiming that *Notzrus* retained elements of paganism. Some add, Edom will characteristically incorporate indigenous reli-

owned by a Jew. For this reason, it is forbidden to rent a home to a gentile, since he will bring his idols into the house. Some extend this to any Jewish-owned property. In context, the Torah refers to a Jew bringing an item into his home to use it. The poskim debate whether this also forbids cases like ours, where a Jew does not plan on benefiting from the idol. Some maintain that this is not forbidden Scripturally, but Rabbinically.

How can Jews ever rent homes to non-Jews? Various factors are taken into consideration. The basic issue only applies to *keva*, bringing an idol there permanently. *Arai*, temporary storage or usage would not count. For example, he might have an icon brought when confessing before death, or entertain a priest with a cross. However, *keva* can also apply to designating a special place, even for a shorter period. If the tree is designated as a relic or idol, this poses a problem every year. Furthermore, it is common for superstitious gentiles to place certain items around the home. Some souvenirs and gifts are even brought from places where they might have been worshiped. Some contend that the prohibition only applies in Eretz Yisroel and Syria. Some countries are considered the property of the king or government, with residents effectively tenants. Some maintain that in places where the Jewish owner pays taxes to the gentile authorities, the gentile has some ownership in the property. This affects application of the term *baisecha*, your home.

In our case, the car is being used to take the tree for a short trip. The question comes back to whether it is an icon in its own right. In this case, there is an additional problem. The gentile is not bringing the item into the Jew's home of his own accord, and certainly not without the consent of the Jew. According to some, those who permit *arai*, only do so when the gentile brings the icon without asking. In our case, the gentile openly asked the Jew, though the gentile might be the one loading it into the car.

In addition, for a Jew, the tree involves *darkei emori* or *chukos hagoy*. Even the appearance of this is to be avoided. Moreover, the appearance of validating the *avoda zara* is also forbidden. [See Eikev 7:26. Shabbos 67a Psachim 48a Makos 22a Avoda Zara 15a 21a, Poskim. Ranbam AZ:11, Sefer Hamitzvos shores 9, commentaries. Minchas Chinuch 429, [Machon Yerushalayim notes]. Tur Sh Ar YD 151:10 178:1, commentaries. Refs to sections A and B. Har Tzvi OC:85. Torah Shlaimah Vayishlach 35:2[15].]

In conclusion, the Jew must explain that the tree is against his religion and he cannot bring it into his car. If this cools the relationship, it is not a bad thing!

On the Parsha for the abomination of Egypt is shepherding sheep .. [46:34] They worship sheep [Rashi], or the Egyptians despised those who shepherd and eat the meat of sheep. [Ibn Ezra, Daas Zekainim, Rashbam etc.] Why would Yosef want the brothers to advertise their occupation as something that the Egyptians found abominable. In fact, Yosef wanted the Egyptians to put some distance between themselves and his family. By claiming that their own way of life was something disgusting to Egyptians, Yosef hoped to isolate them, thus insulating his family from assimilating into the Egyptian society [R Hirsch]. Indeed, we can 'innocently' explain to them that we do not believe in their way of life or their rituals! If it causes some mild offense, thus keeping us apart, this is for the best!

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gions into their own, usually for political expedience.

In a sun religion, evergreens 'challenge' the power of the sun to withhold its energy to cause wilting in winter. The ideology of multiple *avoda zara* is to play one force of nature against another. This way, the helpless human imagines that he has control over powerful forces that are otherwise beyond human control. In Judaism, this is referred to thinking that man makes the gods and he controls them. Service on the sun-god holiday combined paying homage to the sun and challenging it. Evergreens were used as decoration of the temples. They also held the promise of summer and were supposed to scare off demons and winter forces. In addition, the rebirth of life at the *Tekufah* was symbolized by red and green. Red, the color of blood, represented animal life and green represented vegetable life. [In the Torah, these colors are linked to *nig'ei tzara'as*. Human *tzara'as* is manifest with the absence of color, or death. Clothing and buildings, that should be *domaim*, lifeless, suddenly show the colors of life. This demonstrates to the owner that his lifeless possessions have more life in them than he does.]

Bringing a tree into the home and decorating it is traced to a German tradition. Though recorded as a *Notzri* tradition, we may safely assume that it was incorporated from the prevailing pagan culture. [The pagans might not have had a means to record it in writing, or it might have been suppressed.] December 24th was fertility holiday, later changed to Adam and Eve(!) holiday. The balls were reinterpreted to represent apples, under the misconception that the tree of knowledge was an apple tree. The Torah discusses *ashairah*, tree worship. The Talmud discusses whether the tree is worshiped, or an idol was placed beneath a towering tree. The idol had something to do with worshiping the power of the tree. This was standard *avoda zara* in many ancient religions.

The Yule (Noel) log and candle tradition have no connection to *Notzrus*. Goel is the Gallic sun holiday. The burning log represents the power to produce fire or heat despite the waning sun. The candle represents the power to produce light. *Notzrim* moved the candle to the window, on the tree and all around to represent the 'enlightening' *Notzri* man-god idol (*ym's*). Interestingly, the Russian (and Yiddish) word for the tree is *yulka*.

Assuming modern day gentiles attach no original significance to the tree, it is still considered *darkei emori*. This is a division of *chukas hagoy*, Jews may not engage in customs of gentile nations if they have nonsensical, superstitious or pagan connections. Gentiles are not forbidden to practice them, unless it is idolatry (see next section). Indeed, some forbid decorating *shuls* with trees on *Shavuot*, because this can appear to be copying the *chukos hagoy*. 'They' decorate their homes and temples with the tree on their holiday. [See Ramban Shoftim 16:22. Avoda Zara 2a 8a, Poskim, commentaries. Rambam AZ:2:2. Tur Sh Ar OC 494:MB10 YD 178:1 commentaries. Halochose I:49 V:48.]

B) Avoda zara for the gentile

One of the seven universal *Noachide mitzvos* forbids *avoda zara*. A Jew is forbidden *shituf*, worshiping Hashem with *avoda zara*. Many poskim maintain that the gentile's *mitzvah* does not forbid *shituf*. This is the opinion of some poskim regarding most versions of *Notzrus*. This does not permit them to serve the idol by itself. Nor does it mean that icons and pagan ritual articles are not forbidden. They are items of *avoda zara* or *meshamshei*, used in the service of the *avoda zara*. The holiday under discussion is also

not really a *Notzri* holiday. The pagan symbols are dedicated to the new man-idol alone.

Many poskim maintain that the practitioners do not do so out of fervent belief or superstition, but from habit and tradition. Some consider the entire matter a fairy tale. Others hold them sacred, but do not understand the meaning. When told the meaning, they consider it ridiculous. An idol that was worshiped only loses significance when the gentile is *mevatel*, demonstrates desertion of it. *Tashmishei avoda zara*, symbols and decorations, are only forbidden after their use in the service. It is possible that the symbol is not forbidden unless the gentile believes the pagan or *Notzri* legends attached to them.

A Jew may not aid a gentile in forbidden *avoda zara*. *Lifnei ivair* forbids aiding a Jew or a gentile in their respective sins. A Jew may not sell candles to a gentile on his holiday. It is assumed that he will honor his idol with them. Accordingly, an item manufactured specifically for this use may not be sold ahead of time either. [In modern times, the decorative lights are used for multiple other purposes. The tree, however, is not used for any other purpose.] A Jew may not build a niche in a wall where a gentile will place an idol. If the gentile could obtain the services of someone else to do it, the Jew is not considered the sole facilitator. This alleviates somewhat the issue of *lifnei ivair*.

The tree is used to publicize the holiday as well. This could even be considered providing benefit to the *avoda zara*. If the Jew benefits from helping the gentile, he could also be considered benefiting, albeit indirectly, from *avoda zara*, a Scriptural prohibition. In our case, he fosters favor, a form of benefit. If he refuses, he could foster *aivah*, animosity. This sometimes allows leniencies. On the other hand, differences need not lead to open *aivah*. Rather, they create a necessary distance.

One may not bow before an idol even unintentionally. If the tree has its original religious significance, there could be problems with handling it. In addition, even the appearance of showing respect for an idol is forbidden. One may not bend down to retrieve something that fell in front of a statue, but must turn aside while doing so. One may not lean or bow his head to a tree in a way that might be construed as respect.

In summary, is the tree an object of pagan worship itself, or used in a ritual? If it is a pagan object, it might not become *avoda zara* until it is set up and worshiped. If it is considered *meshamshei* or *tashmishei avoda zara*, it is forbidden to provide it to the gentile to aid him in his worship. It must be determined whether the Jew transporting the tree for the gentile, who would otherwise tie it to the top of his smaller car, constitutes true help, benefit or facilitating. Does the gentile actually attach religious significance to the tree, or treat it as a quaint sentimental custom? Societal or local values could also bear on this. [See Avoda Zara 2a 12a-13b 16a-b 19b, Poskim. Tur Sh Ar OC 156 YD 123:1 139:1 3 6 9 142 143:2-6 147:3 148:12 150-151(:3 11), commentaries. Rambam AZ 10:3, Mishnas Yaakov. Asher Chana 6/7:31. Otzar piskei AZ (Peretz) 29. Eretz Chemda (Stern) p. 443. Chashukei Chemed AZ p. 212. References to Halochose I:3 II:15 V:48 X:24-25.]

C) Lo savi toaivah el baisecha

The Jew is being asked to bring the religious item into his vehicle. He will not take possession of it, which would involve various violations. Having it on his property involves a separate *mitzvah*. One may not bring an abomination or an abominable item into his home. This applies to allowing a gentile to bring his own *avoda zara* into a house