

lated 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. One who enters a gentile town and finds them celebrating may join in 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*. The poskim debate whether *aivah* would permit participation in a gentile's family event, depending on the reason for the ban. *Aivah* and *darkei shalom* might be invoked in cases where there is a debate. One might rely on a lenient view. [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, the Jewish home should light fewer lights than his gentile neighbors. **On the Parsha ...** *Yosef commanded the doctors to embalm his father .. Forty days passed, for this is how long it took for the embalmers .. [50:2-3] Why did Yosef die before his brothers? Because he embalmed his father .. [Midrash] Why does the Torah state how long embalming usually took? Why indeed did Yosef embalm Yaakov? [Why did he ask the healers to do it?] Yosef thought, since Yaakov was royalty, there was a need to ensure that they did not think he is immortal. [Or Hachaim] If so, why was Yosef punished? Perhaps he could have reduced the usual embalming time. There would be a *heker*, to show that it was not done to follow Egyptian culture. The Torah tells us the usual embalming time in Egyptian culture, to highlight the fact the Yosef need not have gone so far.*

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HALOCHOSCOPE

This week's question:

(As a follow up to last week's issue)

A Jew lives in a predominantly non-Jewish Neighborhood. The neighbors maintain a certain uniform image. At this time of year, they insist on each house being decorated with lights in some way. If the Jew does not decorate his house, it will stand out, and he might be the recipient of more than a lack of goodwill. What may he do to comply with the neighborhood's "standards" without violating *chukas hagoy*?

The issues:

A) The nature of these lights from a *halachic* perspective

B) *Chukas hagoy* – exceptions

C) *Darkei shalom*, maintaining good relations with gentiles

A) The lights

We discussed in some detail the pagan origins of the holiday season. Accordingly, the first issue to address is whether the lights themselves have a pagan origin. In addition, there might be a loose connection to the celebration of the pseudo-pagan holiday. This might also affect the status of the lights. If they are not connected to the actual holiday, but are an outgrowth of the seasonal celebrations, the issue of *avoda zara per se* might not arise. However, a more general issue of *chukas hagoy* might arise.

To categorize something as *avoda zara*, or a form of service, honor, decorations and the like, it must have clear pagan roots. The lights in question, decorating homes, are a relatively recent phenomenon. Candles used to decorate the tree have been in use for a long time. In the minds of some religionists, they do represent what they see as the light of their god. Although this was not necessarily part of the original religion, when it is practiced this way, it takes on a religious connotation. In the original pagan holiday at this time of year, lights were a part of the ritual, celebration and decoration. They represented the power of the sun, light and energy. This means that one may not engage in the same behavior and for the same reasons. However, if one happens to like to decorate his home with candles, and it happens to be the time of year that idolaters are also doing this for their own reasons, the activity does not become *avoda zara*.

Furthermore, if a gentile used an item as *noy avoda zara*, to decorate the *avoda zara*, it becomes forbidden. If the item was never meant as a decoration for *avoda zara*, but to infuse a festive air, the question arises, is this also forbidden? If the lights were manufactured for use in this way, there arises a similar question. Could one say that these lights are *muktzeh*, dedicated to *avoda zara* use? However, nowadays, it is assumed that in the mass-production of such items, there is no intent at all. Neither the owners of the plants, nor those operating the machines, have any religious intent. They are interested in the

commercial value or in getting their job done and being paid for it. It has been argued that the entire origin of the outdoor lights is due to commercial initiative. For this reason, it is common to see the same type of lights used at Jewish events or in *sukos* at other times of year. Even if an item was used by priests, but not strictly in service or *noy*, it is permitted for non-*mitzvah* use. It is unfit for *mitzvah* use. This is based on a concept known as *hakrivaihu na lefechasecha*, which is basically reverse *hidur mitzvah*. Thus, one would not use lighting from a temple to decorate a *sukah*.

The practice of lighting a tree became easier with the advent of electricity. It became a publicity tool when the attraction of a light-up event was realized. People started decorating homes more recently. Finally, the concept of neighborhood or city-wide lighting became popular in certain places. This has become more elaborate with some neighborhoods creating events like parades, competitions, tours and even local by-laws. None of these more recent events are related to religion. They might have originated in the way we have described, but they have morphed into something quite unreligious.

The poskim discuss kindling lights in honor of a procession of idols and crosses. In some places, this was enforced by law. The consequences of failing to abide could be life-threatening. One must give up his life, rather than violate *avoda zara*. The question is whether this is *avoda zara*. In other places, it is not enforced by law, but by vigilante citizens. In either event, if the activity is done directly to honor the idol, it is forbidden. One must also avoid the appearance of idolatry. However, various creative ways are suggested to avoid the consequences. One could hint to a gentile neighbor that he will do the kindling. The appearance issue can be debated. People know that the reason it was kindled was not to worship, but to comply with the whims of the church. One could kindle it earlier and leave it burning later, thus making a *heker*, recognizable differentiation. One may also take into account whether the gentile rule is made due to religion, and whether the practitioners are really worshiping *avoda zara*, as we discussed in the last issue.

All of this applies where there is an actual procession with a cross. In our case, there is no procession. The only issue is whether the entire nature of the lighting up is somewhat religious. Taking all of this into consideration, it seems safe to say that the lighting up practice that has become popular in neighborhoods is not a form of idolatry. It might be permitted for a Jew, if he feels endangered by standing out in non-compliance. There might be ways to mitigate the severity of the appearances. [See Avoda Zara 2a 8a 11b-14b 46b-47a 50a-b 52a-b etc. Temurah 29a, Poskim. Tur Sh Ar OC 154:10 YD 139:3 9 13 14 142:15 143:4 148:8 12 150:3(DT 14), commentaries. ST Chasam Sofer OC:42.]

B) Chukas hagoy, exceptions

Assuming that there is no issue of *avoda zara*, there is still the issue of *chukas hagoy*. As we mentioned in the last issue, Jews may not copy meaningless or superstitious gentile practices. Moreover, they may not participate in the gentile customs together with them, especially their celebrations. We are in exile. They have reason to celebrate; we do not. Indeed, part of their celebration might even relate to their cultural and ideological supremacy, the most obvious manifestation of our *galus*. By lighting up one's house, he is not participating in the festivities. There might be an issue of *chukas hagoy*.

Chukas hagoy applies specifically when the gentiles have an unusual custom. [When

they forbid conforming to Jewish customs, it raises an even greater issue of *gezairas shmad*, decrees to attack Judaism. This rises to the level of *kiddush Hashem*, sanctifying Hashem's name. Similar to the three cardinal sins, one must sacrifice his life rather than publicly complying. However, asking Jews to observe their customs does not, generally, involve directly outlawing Jewish customs.] It applies especially to styles of dress and haircutting, including immodest styles and those with religious significance. Ideally, Jews should distinguish themselves by their styles of dress. Therefore, according to some poskim, if this has already occurred in a particular location, it is automatically forbidden to dress like the local gentiles. This can lead to various problems for those who interact with gentiles regularly. For those whose profession requires some type of uniform to identify them by, there is an automatic dispensation. The style is not considered specially gentile, nor is it meaningless. Therefore, a doctor may wear a white coat and the like.

Another exception applies to those who have dealings with non-Jewish authority. Red attracts attention, and considered immodest. In government circles, officials wear red to show importance. Therefore, one who must attend official functions may wear red. Those who frequent government offices may also wear clothing that Jews do not usually wear, and shave during the *Sefirah* period. It would be considered rude to present oneself in unconventional dress. As long as it is obvious that the Jew is not behaving this way simply to act like a gentile, but for another purpose, it is not considered a violation.

The poskim debate a situation where the law was that anyone marrying below the age of thirty had to wear non-Jewish clothing. [It is unclear whether they had to wear it all the time or only for the wedding ceremony. It is also unclear whether the clothing was distinctly non-Jewish everyday clothing, or something worn for the ceremony.] Some maintained that there was no dispensation based on the *mitzvah* to marry. Others maintain that the *mitzvah* is so vital, both in having a family and in preventing immorality, that *chukas hagoy* must be suspended for this. Clearly, those dressing for this purpose would not be assimilating. They would only do it for an ulterior motive. A further suggestion is made. Within the manner of dress, a *heker* should be maintained. The groom should wear some Jewish clothing at the same time as he wears the non-Jewish clothing.

Based on these considerations, our case has a solution. If the Jewish home is decorated with fewer lights than those of his non-Jewish neighbors, it will be obvious that the individual home-owner wishes to stand out as a distinctly Jewish home. At the same time, he will not really spoil the bigger picture. The street will still be lit up. [See Tur Sh Ar YD 178:1-2, commentaries Darkei Teshuva.]

C) Darkei Shalom, peace; Aivah, antisemitism

Our case does not have the same urgent cause for dispensation as the case of the *mitzvah* to get married. The limited compliance with the local custom is not being done to assimilate. However, there is the appearance of impropriety. This forbids doing something that can arouse suspicion or that can mislead others into thinking it is permitted. Furthermore, is there a positive reason to comply in a limited manner?

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 re-