

## **Can a *Sheitel* be Prohibited Because of *Avodah Zarah*?**

### **A Background Discussion of the Halacha Issues Involved in the Use of Indian Hair**

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By the time you are reading these words, you have certainly heard that there is a halachic concern about wearing *sheitlach* manufactured from hair of Indian origin. Suddenly, nearly all conversations in the *frum* world revolve around the origin of the hair in a *sheitel*. The purpose of this article is not to *paskin* anyone's specific *shaylah*, for that purpose, each individual should consult his personal *Rav*. This article is to provide background to some of the halachic issues and considerations involved.

#### **Introduction to the Laws of *Avodah Zarah***

In addition to the cardinal prohibition against worshipping idols, the Torah distanced us from any involvement with or benefit from *Avodah Zarah*. Furthermore, the money received in payment for the *Avodah Zarah* is also tainted with the stigma of *Avodah Zarah* and may not be used. As will be described later, this money must be destroyed in a way that no one will ever be able to use it.

*Chazal* prohibited benefit even from the wages earned for transporting an item used in idol worship. Thus, the wages of a person who hired himself to transport wine used in idol worship are prohibited (*Mishnah, Avodah Zarah 62a*). He is required to destroy whatever he received as a payment, and he must destroy it in a way that no one else can use it. The *Gemara* rules that if he received coins as payment, he must grind up the coins and then scatter the dust to the wind to guarantee that no one benefit from idolatry.

In this context, the *Gemara* recounts the following story: A man who had rented his boat to transport wine owned by idolaters was paid with a quantity of wheat. Since the wheat may not be used, the question was asked from Rav Chisda what to do with it. He ruled that the wheat should be burnt and then the ashes should be buried. The *Gemara* asks why not scatter the ashes, rather than burning them? The *Gemara* responds that we do not permit this out of concern that the ashes will fertilize the ground where they fall. Thus we see how concerned *chazal* were that we should not gain any benefit from idols, even so indirectly.

There are several mitzvahs of the Torah pertaining to *Avodah Zarah*, all of them to convey the Torah's concerns that we be extensively distanced from *Avodah Zarah*. For example, the Torah forbids having an *Avodah Zarah* in one's house (*Avodah Zarah 15a*). This is based on the verse *Vilo sovie so'aivah el bisecha*, You shall not bring an abomination into your house (*Devarim 7: 26*). In addition, we may not benefit from that which decorates an *Avodah Zarah*. Furthermore, we are prohibited from providing benefit to the *Avodah Zarah* (*Gemara Avodah Zarah 13a*). Thus, it is prohibited to make a donation if a neighbor or business contact solicits a contribution for his *Avodah Zarah*.

There is also a positive mitzvah to destroy *avodah zarah*. This is mentioned in the verse, *Abeid ti-abdun es kol hamekomos asher ovdu shom hagoyim ... es eloheihem*, You shall completely destroy all the places where the nations worshipped their gods (*Devarim 12: 2*). According to *Rambam*, the mitzvah *min hatorah* applies only to destroy the *Avodah Zarah* itself and that which decorates and serves it. There is no Torah requirement to destroy items used in the worship of *Avodah Zarah* (*Hilchos Avodah Zarah 7: 1-2*, as proved by *Kehilos Yaakov, Bava Kamma* end of #3). However, as mentioned above, one is required *midarabanan* to destroy anything that is prohibited to use to make sure that no one benefits from the *avodah zarah* items (see *Gemara Avodah Zarah 51b; Rambam, Hilchos Avodah Zarah 8: 6*).

### **Takroves Avodah Zarah – An Item Used to Worship an Idol**

One of the laws relating to idol worship is the prohibition against using *takroves Avodah Zarah*, that is, not to benefit from an item that was used to worship *Avodah Zarah*. According to the accepted halachic opinion, the prohibition against using *takroves Avodah Zarah* is *min hatorah* (Rambam, *Hilchos Avodah Zarah* 7:2; cf. *Tosafos Bava Kamma* 72b s.v. *de-ey*, who rules that the prohibition is only *midarabanan*).

It should be noted that one is permitted to use items that are donated to *Avodah Zarah*, provided these items are not used for worship. Thus, gold, jewelry, and other valuables donated to a Hindu temple may be used.

### **Some Background Facts in the Contemporary Shaylah About Indian Hair**

The Indian sub-continent is the home of the largest population of Hindus in the world. Hinduism is a religion that falls under the category of *Avodah Zarah*.

Most sects of Hindus do not cut their hair as part of any worship ceremony. However, there is one large sect of Hindus that shave their hair as an acknowledgement of thanks to one of their deities. This practice is performed by thousands of Hindu men, women, and children daily at their temple in Tirupati, India. The temple then collects the hair shavings and sells the women's hair for wig manufacture. Although the majority of human hair used in wig manufacture does not come from India, a significant percentage of hair in the international wig market comes from Indian idol worshippers.

A very important halachah issue is whether the hair shaving procedure that takes place in this Hindu Temple constitutes an act of idol worship or whether the hair is simply donated for the use of the idol. This distinction has major halachic significance. As mentioned above, it is permitted to use an item that was donated to an *Avodah Zarah*. Such an item does not carry the halachic status of *takroves Avodah Zarah*, which are prohibited from use. However, if the shaving is an act of idol worship, then the hairs may not be used.

### **The Earlier Ruling**

Many years ago, Rav Elyashiv *shlit"a* ruled that there is no halachic problem with using the hair from the Indian temples. This responsa is printed in his *Kovetz Tshuvos* (1:77). The person who asked the *shaylah* from Rav Elyashiv provided him with information based on the opinion of a university professor familiar with the Hindu religion. According to the professor, the Hindus who cut their hair did so only as a donation to the temple, just as they also donate gold, jewelry and other valuables to the temple. Although there is presumably still a prohibition in purchasing the hair from the temple (because of the prohibition against providing benefit to an idol), Rav Elyashiv ruled that there is no halachic prohibition to use these hairs.

However, Rav Elyashiv and several other prominent *gedolim* ruled recently that the hair sold by this Hindu temple is prohibited for use because of *takroves Avodah Zarah*.

### **What changed?**

The critical difference is that the hair shaving ceremony in this temple is no longer simply a donation, but has apparently become now a form of worship. As has been observed and described by several observers, both Rabbonim and secular observers, there has been a change in the Hindu ritual. Apparently, at the time of Rav Elyashiv's

earlier responsum, the Hindus who donated their hair to the idol did not view this as an act of worshipping their god.

Although it may seem strange to quote the story of an idolater, I think this small quotation reflects how a Hindu views this ceremony of shaving hair:

Rathamma has made the two-day journey to India's largest Hindu temple with her family and friends to fulfill a pledge to her god. Provide us with a good rice crop, she had prayed, and I'll sacrifice my hair and surrender my beauty.

This quotation shows that this woman is not coming to make a donation of a present to her god, but that this is a method of worship.

It should be noted that Rav Moshe Shternbuch, shlita, currently Rosh Av Besdin of the Eidah HaChareidus in Yerushalayim, published a *tshuvah* on the question about the Indian hairs about the same time that Rav Elyashiv did. Rav Shternbuch ruled that it is prohibited to use any sheitel produced with Indian hair because of *takroves Avodah Zarah*.

### ***Bitul* -- Nullifying the Prohibited Hair**

What happens if the Hindu hair is mixed in with other hair? This is a very common case, since Indian hair is much less expensive to purchase than European hair and at the same time is not readily discernable in a European *sheitel*. (As a matter of fact, it has been discovered that some manufacturers add Indian hair on a regular basis into their expensive "100% European Hair *Sheitlach*.")

Assuming that hair shorn in the Hindu temple is prohibited because of *takroves avodah zarah*, does that mean that any *sheitel* that includes any Indian hair is prohibited to be used? What about the concept of *bitul*, whereby a prohibited substance that is mixed into other substances in a manner that it can no longer be identified is permitted.

However, the concept of *bitul* does not apply in most cases when *avodah zarah* items became mixed into permitted items. *Chazal* restricted the concept of *bitul* as applied to *Avodah Zarah* because of the seriousness of the prohibition. Therefore, if a *sheitel* contains hair from different sources, such as hair made of European hair with some Hindu hair added, the *sheitel* should be treated as an Indian hair *sheitel*. Thus, according to Rav Elyashiv, this *sheitel* should be destroyed in a way that no one may end up using it. It is not necessary to burn the *sheitel*. It would be satisfactory to cut it up in a way that it cannot be used, and then placed in the garbage.

However, there is some halachic lenience in this question. Since the concept that *avodah zarah* is not *boteil* is a rabbinic injunction and not a Torah law, one may be lenient when it is uncertain that there is a prohibition. This is based on the halachic principle called *safek dirababanan likula*, that one may be lenient in regard to a doubt involving a rabbinic prohibition.

Thus, in a situation where a *sheitel* is manufactured from predominantly synthetic material, or predominantly European hair, yet there is a concern whether some prohibited hair might have been added, the halacha is that the *sheitel* may be worn.

It should be noted, that when attempting to determine the composition of a *sheitel*, one cannot rely on the information provided by a non-*frum* or non-Jewish manufacturer. In general, halacha accepts testimony from these sources only in limited instances, none of which would be fulfilled in this application.

### **Hairs and *Sheitlach* of Undetermined Origin**

What happens if you have a human hair *sheitel*, but you cannot determine the origin of the hair used in the *sheitel*. In this situation, the determining factor is what is the status

of most *sheitlach*. If most *sheitlach* contain non-kosher hair, then the *sheitel* of indeterminant origin may not be worn. However, if most of the *sheitlach* are permitted, than this *sheitel* is also permitted. At the moment this article is being written, it is unclear whether most *sheitlach* contain forbidden hair or not. Many *poskim* in *Eretz Yisroel* have ruled that a *sheitel* of undetermined origin that was produced in *Eretz Yisrael* should not be worn. According to the information available to them, it appears that most *sheitlach* produced in *Eretz Yisroel* contain hair that originated in Hindu temples. It is for this reason, that most *chareidi* women in *Eretz Yisrael* are not wearing *sheitlach* at this moment. However, the *poskim* in Europe and North America have determined that one need not assume that *sheitlach* marketed as “European Hair” contain prohibited hair and may therefore be worn.

This author believes that there is no dispute in halacha here between the *poskim*, but a difference in fact. Due to economic and market geographic factors, there appears to be a much greater use of Indian hair in *sheitlach* manufactured for the market in Israel than in *sheitlach* manufactured for Europe and North America. As in all areas of halacha, the individual is directed to ask the *shaylah* from their own *Rav*.

Many synthetic *sheitlach* contain some natural hairs to strengthen the *sheitel*. In this instance, there is an interesting side *shaylah*. One can determine whether there are human hairs in these *sheitlach* by checking the hairs of the *sheitel* under a microscope. The human hairs will look differently than the synthetic material. However, there is no way that this can tell us the country of origin of the human hairs, and it certainly cannot tell us whether the hairs were involved in any worship. Is one required to check the hairs of a synthetic *sheitel* under a microscope to determine whether there are any human hairs? All the *poskim* I have heard from have ruled leniently about this issue – one is not required to have the *sheitel* checked.

### **Color of Sheitel**

I have heard people say that there should be no halachic problem with blond- and red-headed *sheitlach* since Indian women have dark hair. Unfortunately, based on my conversations with *sheitel machers*, there does not seem to be any basis for this assumption. In most instances, the hair used in *sheitlach* is bleached and then (much later in the process) dyed to a specific color. Thus, there is no reason to assume that simply because a *sheitel* is a fair color that it cannot have originated in a Hindu temple.

Had someone told me six months ago that I would be dealing with a *shaylah* pertaining to *Hilchos Avodah Zarah*, I probably would have laughed. Who could imagine that in the modern world, *shaylos* about these issues would affect virtually every *frum* household. It goes to show us how *ayn kol chodosh tachas hashemesh*, There is nothing new under the sun (*Koheles* 1:9).