

The Great Sheitel Kiddush Hashem – The Factual And Halachic Background
An Explanation Of HaRav Eliashiv's Psak
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The Accepted Position In The Past

The sheitel industry derives its human hair from three main sources: 1) China whose hair is considered of the lowest quality; 2) India whose hair looks nice and, after being processed, very similar to European hair yet does not last as long as European hair; 3) European hair.

The price for 1 kilogram (2.2 pounds) of Indian hair starts at roughly \$80 as opposed to \$500 for European hair. Its importance in the industry can hardly be overstated. The full extent of its prevalence in the manufacture of normal non- custom sheitels has only recently become known and surprised many ordinary customers.

It has been known for years that some hair is sold by dealers who purchase their supplies from the Tirupati Temple. Thousands of pilgrims come to this temple, have their hair cut and then go to the idol. Estimates range from 15-25,000 daily pilgrims, and on holidays it is up to 70,000 pilgrims a day!

In the past, the question arose as to whether this hair is to be regarded as a sacrifice (*korbon*) to the idol. If so, deriving benefit from it would be a most severe *issur*. According to many *poskim* it would fall under the rule of *yeihoreg ve'al ya'avur*.

Determining whether it is forbidden *avodoh zora* hinges to a great extent upon the accurate understanding of the pilgrim's reason for cutting her hair. A number of explanations have been advanced by experts:

- 1) As a fulfillment of an oath made at time of sorrow or joy, where the hair is simply a present to the idol and the cutting off merely a means-to-an-end to obtain the hair. This explanation was endorsed by Dr. Mohan, a professor of religion in New York and a Hindu priest himself. It was also endorsed independently by a professor of religion at Harvard.
- 2) A way of breaking one's ego by cutting off one's glory and thus appearing before the idol in a debased way. According to this explanation too, the cutting off is merely a means-to-an- end and not an act of worship in itself.
- 3) An act of religious significance in itself for the sake of the idol in order to bring the hair as a *korbon*.

Gedolei Horo'oh Ruled Leniently

In about 1990 this *sha'aloh* was presented to HaRav Eliashiv. In explaining the pilgrim's intention, the first option was presented based on the information provided by the experts.

HaRav Eliashiv replied that it is not to be considered *avodoh zora*. However he stressed that this psak is squarely based upon Dr. Mohan's contention that the first option is correct. Since others disagree and he himself has no knowledge in the matter "further investigation" is desirable. [The original *psak* is in HaRav Eliashiv's published *Kovetz Teshuvos* Vol. 1.]

Similar information was reported to HaRav S. Z. Auerbach *zt"l* especially in the form of a letter written by some Indian experts at the London School of Oriental Studies. He too ruled leniently (as quoted in a letter by HaRav Eliyohu Weissfish of Machon Letechnologia Vehalachah). Others have reported that HaRav Moshe Feinstein also ruled leniently, but there is no published responsa by him on the subject. It is likely that he too was presented with the first option as being the correct explanation.

The Sha'aloh Resurfaced Last Nisan

Recently a Canadian-born *maggid shiur* who lives in Yerushalayim met a group of 200 Indian tourists in Toronto. From his conversations with them it appeared to him that hair from India posed a serious problem. He then collected many documents and presented this to several rabbonim in Eretz Yisroel. The rabbonim of the Eida Chareidis, the rabbonim of Bnei Brak and HaRav Eliashiv were all approached and a number of questioners presented different viewpoints on the intention of the pilgrims in cutting their hair.

Due to the controversy surrounding the pilgrims' intention, several rabbonim came to the conclusion that there was no option but to send a fact-finding mission to this unusual destination. [Perhaps we should pause at this point and reflect upon the courage and *zikui horabim* of these messengers. They could expect to be subject to all kinds of pressures yet would have to steel themselves to bring back an impartial report.]

The First Bnei Brak Fact-Finding Mission

The first and lesser-known mission was dispatched by HaRav Nissim Karelitz of Bnei Brak. It consisted of an Indian couple who now reside in Eretz Yisroel. The couple had the advantage of being familiar with the country and with Indian culture in general. They were furnished with an extensive question list and spent ten days researching the answers. Upon their return they were asked most detailed and searching questions, they reported to HaRav Chaim Yitzchok Dovid Weiss of Antwerp, HaRav N. Karelitz and HaRav S. Vosner of Bnei Brak.

Surprisingly, or perhaps unsurprisingly, the conclusions of the latter two rabbonim were similar to those of the later London mission, though differing from the views of the secular experts.

HaRav Karelitz and HaRav Vosner drew conclusions from the report. They signed a joint public letter in which they urged everybody "to try hard" to exchange their sheitels for synthetic sheitels or *tichels*. They did not phrase it as an absolute obligation.

The London Fact-Finding Mission

HaRav Tuviah Weiss, the recently appointed *ga'avad* of the Eida HaChareidis, and HaRav Efrati in the name of HaRav Eliashiv, also wanted a clarification of this issue which was shrouded in controversy. Dayan Aharon Dovid Dunner was asked on chol hamoed Pesach and eventually, soon after the return of the first mission, a further party set out from London. This consisted of Rabbi Scharf of the kashrus department of Kedassia [the Union of Kehillos HaChareidim of London] whose expertise is in digging out relevant facts and the understanding of the truth between the lines. The second member was Dayan Dunner, a rov in London and senior dayan on the Kedassia Beth Din. He was accompanied by his wife. The fourth member of the party was an Indian Yid who was familiar with some local dialects. Many Indians speak English, the only common language for all of them, but some only know one or a few of the countless dialects. The fifth member was a non-Jewish driver who had been hired and who turned out to be most enterprising and helpful.

Before leaving, Dayan Dunner was careful to prepare himself thoroughly. This included: Studying the relevant sources in *Shas* and *poskim*; Looking up relevant passages in books about the Hindu religion; An appointment and lengthy conversation with Hindu priests in London; An appointment with an ex-pilgrim. HaRav Eliashiv was consulted about what preparations were permitted for the necessity of finding out the truth.

Dayan Dunner's own *kehilloh*, the majority of the wider *London kehilloh* and his own family were accustomed to wear sheitels rather than insisting on tichels. For many years Dayan Dunner has had a warm relationship with HaRav Tuviah Weiss. In fact, he was invited as the guest speaker at the parting dinner from HaRav Weiss in Antwerp when he left for Eretz Yisroel. Similarly, he has enjoyed a warm relationship as a disciple of HaRav Eliashiv for many decades. It goes without saying that there were no pecuniary advantages or disadvantages accruing to the London party from a ruling either way.

The facts

Upon landing in Madras they were met by the Indian Yid and the local driver who took them to Tirupati. The temple is on a hill about 10 kilometers from the town. The pilgrims ascend the hill by foot in the blazing heat. As "tourists" they were allowed to drive up.

With great *siyata deShmaya* they spoke to many pilgrims of all types. Some knew English, the official tongue of India and the only common language for all Indian citizens. Others

only spoke one of the over 100 local dialects, so the two imported interpreters came to good use.

In contrast to the first mission, they were also able to speak to the barbers. In addition to the interviews, they also surveyed and inspected in the general atmosphere and circumstances which have a bearing upon the *sha'alah*.

They then followed the "hair trail" until the production of wigs. In fact, they looked into so many corners that their simple "tourist cover" was eventually blown and the security people began to become suspicious, although of course there was no real cause for concern.

Some of the Questions

Amongst many questions, the pilgrims were asked whether they cut their hair in order to break their ego and to debase themselves by looking bald so that their later prayer-worship would be more efficient. They disagreed with this contention.

The pilgrims were asked: If your intention is to give a present why do you cut it here and therefore have to wait for hours in a queue? Why don't you cut it at home and send it to the G-d?

They answered: No, we want to cut it here because here we are in a holy place. The cutting must take place in a holy place.

They were asked: Why do you do it?

They answered: Our idol loves our hair.

The barbers told them that their intention in cutting the hair is twofold: to earn a good salary and to fulfill their religion. The barbers are of a low caste yet they must belong to the same religion. Most pilgrims either verbalized or thought the name of their idol before or during the haircut. Everyone has to enter the haircutting building without shoes (including the visiting party!). On top of this building an idol was mounted and in one of the rooms there were further idols.

Richer pilgrims could enjoy room service in a nearby hotel which had an idol in every room. Both the hair cutting building and the hotel belong to the idol organization and this fact was considered important by the pilgrims.

A small minority offered up their hair in front of the idol. All the hair was put into a type of container to which special powers were ascribed. These facts were also described by the first fact-finding party.

To their surprise, they saw girls with a full head of hair with only a few snippets taken off. They left the hair cutting house with the full glory of their hair.

The Report of the London Delegation

After only two days -- of very little sleep and hectic activity -- the party left India. Dayan Dunner traveled on to Jerusalem to fulfill the second part of the mission: A report of the findings to the Beis Din of the Eida HaChareidis. He also reported at length to HaRav Eliashiv and was closely questioned by the latter in the presence of several *talmidei chachomim*.

The case for explaining the cutting of the hair as an act of intrinsic servitude, and thus *avodoh zora*, rested upon the following findings, according to the understanding of this writer:

The main reason: Primarily on the reported fact that girls who did not want to lose their beautiful hair were allowed to have just a few snippets cut from it. Nobody has disputed this fact. Thus it became clear that the purpose is not to appear bald and debased prior to praying, because these girls simply do not become bald.

Furthermore, this also made it clear that it is not a simple donation to the idol. They are hardly giving anything. In fact until a few years ago, all the hair was simply thrown out.

One is forced to conclude that the cutting is in itself an act of significant religious worship, not a means to an end. The cutting is therefore an act of *avodoh zora* and it follows that the hair is *takroves avodoh zora*.

Corroboratory Evidence

Other circumstances also indicated to the distinguished "tourists" that the haircutting was far removed from being a simple procedure, a means to an end towards obtaining a "donation" of hair for the benefit of the temple. A number of pieces formed together a puzzle which, it was argued, left no other option.

Thus, upon entry into the tonsure hall pilgrims have to take off their shoes. They utter or think of the idol's name before and during the cutting of the hair. The barber himself has to be of the same religion and attested to the fact that he too intended it for the sake of his religion. The pilgrims held their bodies in a certain prescribed posture. All hair had to be taken to a certain receptacle which was imbued with religious significance and considered to be the seat of special powers. A minority actually took their hair and presented it before the idol. The building itself housed a room with an idol and in fact, those who could afford to have their hair cut in the adjoining hotel did so in the presence of an idol, which was

present in every hotel room. The fact that most haircuts were not in front of the big idol was simply due to the lack of room for the many thousands of tourists.

The other interpretations that had been suggested by experts as mentioned above were explicitly rejected by the pilgrims themselves. Nobody agreed with the suggestion that it is a present or self-denigration or simple fulfillment of an oath. Thus, these suggestions had to be dismissed.

Both the hair cutting building and the hotel are owned by the idol organization and this is viewed as essential by the pilgrims. They said that they insist on cutting their hair where they did, due to what they saw as the holiness of the place.

A Differing View

Several professors and Internet sites suggest that cutting is done for other reasons, as outlined above. The London party was fully aware of these arguments. They did not claim that the experts were lying. It may well be written and described in the books and rules as the professors said.

But the facts they found "in the field" were otherwise. To them it appeared that the pilgrims were not merely preparing themselves for a later service by cutting their hair -- either to destroy their ego or to have hair which they could give as a donation. Rather it appeared as an act of *avodoh* itself, similar to the *shechitoh* of a *korbon lehavdil*. The hair was the pilgrim's *korbon* to the idol.

Even if the experts were correct about the normative theory and practice of tonsure within the idol worship at Tirupati and similar places, whether their act was in fact an act of *avodoh zora* hinged upon the intention of those who were actually involved in the cutting rather than upon discourses of theologians who expound the rules of the religion.

Some prominent and learned rabbonim argued that the act of cutting is anything but an act of *avodoh zora*. As this religion regards human hair as an object of defilement, it is out of question that its cutting is an act of worship. It would be an insult, they maintain, rather than an act of honoring the idol and so should rather be viewed as the fulfillment of an oath or a donation, as explained above.

In particular this argument was advanced by a Jew who had previously spent some time in Tirupati and is now a *ba'al teshuvoh*. In a subsequent telephone conversation, he explained that according to his personal understanding of what is considered idol worship, such an act, being insulting to the idol, must fall outside the definition. However, it was pointed out that if the rules of idol worship stipulate an insulting act, it will still be considered *avodoh zora* by the Torah. The very well-known example is the worship of *ba'al pe'or* which was

done in a disgusting, debasing way but is certainly considered a *bona fide* act of idol worship. In Tirupati as well, the masses of the pilgrims view cutting their hair as an expression of servitude to the idol.

Two Views

Eventually another delegation arrived in Jerusalem. Shortly before Shavuot, at the urging of some American rabbanim and with Dayan Dunner's encouragement, a prominent *talmid chochom* arrived from America. HaRav Feivel Cohen, author of the highly acclaimed *seforim Badei Hashulchon* who has corresponded with HaRav Eliashiv on several weighty halachic issues and is held by him in the highest esteem, came to present the arguments for leniency. Unfortunately, the exact details of his arguments are as yet not known to the present writer.

He expounded at length. It is noteworthy that HaRav Eliashiv viewed the meeting as of such importance that in the middle he sent a message that he could not keep his commitment to attend a *bris* as *sandek*.

HaRav Eliashiv's Conclusion

Having hearing the report of Dayan Dunner and subsequently the arguments of HaRav Feivel Cohen, HaRav Eliashiv issued a public and signed letter in his own handwriting (published in this issue). In it he rules unequivocally that the hair from the Tirupati temple is to be considered as *takroves avodoh zora*. Therefore, it may not be worn as part of a sheitel.

It was amazing how many *neshei chayil* exchanged their sheitel for another cover as soon as HaRav Eliashiv's ruling became known. This was even more amazing when considering the fact that there in almost all cases there were doubts about the origin of most sheitel hair and thus no explicit *psak* against wearing them had been issued. The desire of so many not to enter an area fraught with uncertainty was heartwarming. There is little doubt that these *noshim tzidkoniyyos* performed an act of *kiddush Hashem* of immense proportions.

Irrespective of the actual *sha'aloh* those women "adorned" their head with a proclamation: "We listen to the *psak* of *gedolei haposkim*. Even if it is against what we have been used to for years. Even if it may make me feel uncomfortable. The halochah reigns supreme."