

HALACHICALLY SPEAKING

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{ TOPIC }

Doing Business on a Non-Jewish Holiday



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► Halachically Speaking is a monthly publication compiled by Rabbi Moishe Dovid Lebovits, a former *chaver kollel* of *Yeshiva Torah Vodaath* and a *musmach* of *Harav Yisroel Belsky Shlita*. Rabbi Lebovits currently works as the Rabbinical Administrator for the KOF-K Kosher Supervision.

► Each issue reviews a different area of contemporary *halacha* with an emphasis on practical applications of the principles discussed. Significant time is spent ensuring the inclusion of all relevant *shittos* on each topic, as well as the *psak* of *Harav Yisroel Belsky, Shlita* on current issues.

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Doing Business on a Non-Jewish Holiday

Although many non-Jewish businesses are closed a few days before their holidays, many are open. In this article we will discuss the *halachos* of doing business with non-Jews before their holidays. What is the *issur*? Why is there an *issur*? Which days are prohibited? Is there a difference between *Eretz Yisroel* and *Chutz L'aretz*? What are the *heterim*?

The Issur

Three days before the holidays of the non-Jews¹ (i.e. December 25th and January 1st)² one may not do business with non-Jews, lend them money,³ or pay a debt to them. We may not collect their debts either.⁴ There is a discussion in the *Gemorah*⁵ whether the three days includes the holiday itself (two days before plus the holiday) or not (three days before and the holiday). The *Gemorah*⁶ concludes that

1. Refer to Mishnah Meseches Avodah Zarah 1:3, Bartenura. See Ritvah Meseches Avodah Zarah 8a, Rambam Pirush Hamishnayos Meseches Avodah Zarah 1:3. Sunday has the same status as three days before their holiday (Refer to Meseches Avodah Zarah 6a, Rashi 6a "yom echad" 7b "I'olom," Rambam Hilchos Avodah Zarah 9:4, Meiri Meseches Avodah Zarah 2a). Also see Shearim Metzuyanim B'halacha Meseches Avodah Zarah 6a.

2. Regarding New Years and its Holiday Status see <http://www.torahmusings.com/2011/12/is-new-years-kosher/>. In regards to Valentine's Day see http://www.yutorah.org/materials/Source_sheets-508700.pdf, and http://www.ottmall.com/mj_ht_arch/v51/mj_v51i27.html#CGV. In regards to Halloween see <http://www.tfdixie.com/special/thanksg.htm#A10>. Memorial Day, Columbus Day, Veterans Day, Labor Day and July 4th are not religious holidays.

3. Refer to Tosfas Meseches Avodah Zarah 2a "ossur," Rashba Meseches Avodah Zarah 2a, Rosh Meseches 1:1, Bais Yosef Y.D. 148.

4. Meseches Avodah Zarah 2a, 6b. The *issur* applies to doing business with non-Jews who bow down to an *avodah zarah* (Bartenura Meseches Avodah Zarah 1:2).

5. Meseches Avodah Zarah 6a.

6. Ibid.



איננו להלכה של האמת של הלכה בלבד... (ברכות ח')

כל השנה הלכות בכל יום מובטח להשתדל בו עולם התנא... (תורה עב)

all four days are prohibited.⁷ These days are prohibited because the non-Jews busy themselves with their holiday (*avodah zarah*) preparations.⁸ One who transgressed and did business with them during the three days prior to the holiday may benefit from the money. However, if he did business on the holiday itself, he may still not benefit from it⁹ (today this is not applicable since we have many *heterim*; see below).

The consensus of the *poskim* is that this *issur* is *d'rabbanan* in nature.¹⁰

Reasons

The *Gemorah*¹¹ lists two reasons for the *issur*. First, the non-Jew will rejoice in his financial success, and thank the *avodah zarah* for his achievement.¹² In addition, it is considered “placing a stumbling block before a blind person,” as the items we sell to them may be used for a sacrifice for *avodah zarah*, which is prohibited to the non-Jews.¹³

Items Which Do Not Last

One may sell items which will not last until the day of their holiday (even without relying on any of the *heterim*

7. Rashba Meseches Avodah Zarah 2a “lifnei,” Tur Y.D. 148, Bais Yosef Y.D. 148.

8. Ran Meseches Avodah Zarah 5a. Refer to Ritvah Meseches Avodah Zarah 2a “shloshe yomim.”

9. Rambam Hilchos Avodah Zarah 9:1, Shulchan Aruch Y.D. 178:2. For a reason see Kesef Mishnah Hilchos Avodah Zarah 9:1, Lechem Mishnah Hilchos Avodah Zarah 9:1.

10. Rashi Meseches Avodah Zarah 12a “hachi nami,” Ramban 13a “v’hudatanya.” Refer to Chinuch mitzvah 86.

11. Meseches Avodah Zarah 6a. Refer to Rashbah Meseches Avodah Zarah 2a “ossur.” See Tosfas Meseches Avodah Zarah 6a “oh.”

12. Meseches Avodah Zarah 6b, Rashi Meseches Avodah Zarah 2a “lifnei,” Bartenura Meseches Avodah Zarah 1:1, Taz 1, Shach 1. Refer to Ritvah Meseches Avodah Zarah 6a. See Rashba Meseches Avodah Zarah 2a.

13. Meseches Sanhedrin 56a.

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mentioned below). However, items which do last are subject to the *halachos* above.¹⁴

Eretz Yisroel vs. Chutz L'aretz

The prohibition of three days before the holiday only applies to those living in *Eretz Yisroel*,¹⁵ but in *Chutz L'aretz* the issue only applies on the day of the holiday itself.¹⁶ The reason for this allowance is that our livelihood depends on the business which we do with the non-Jews, in addition to the fact that we are scared (not to do business with them).¹⁷ *Rashi*¹⁸ says the non-Jews in *Chutz L'aretz* are not as involved with their *avodah zarah*.

Heterim

Practically speaking, we do business with non-Jews every business day of the year, even on their holidays. Many *heterim* are offered for this practice.¹⁹

The opinion of some is that there is no *issur* today since the non-Jews do not bow down to an *avodah zarah*.²⁰

Others say that it is guaranteed that they will not thank their *avodah zarah*.²¹

14. Rambam Hilchos Avodah Zarah 9:1, Hag'oes Maimoines, Tur Y.D. 148, Shulchan Aruch Y.D. 148:1. See Shach 2. Refer to Lechem Mishnah Hilchos Avodah Zarah 9:1.

15. Refer to Lechem Mishnah Hilchos Avodah Zarah 9:1 who says that this is referring to a time when the Jews are under a Jewish rule and in their land. Today we are in *golus* and there should be no difference between *Eretz Yisroel* and *Chutz L'aretz*.

16. Meseches Avodah Zarah 7b, Tosfas ibid 2a "ossur," Rambam Hilchos Avodah Zarah 9:1, Tur Y.D. 148, Bach, Shulchan Aruch 148:1.

17. Bartenura Meseches Avodah Zarah 1:2, Rashi Meseches Avodah Zarah 11b "bgoleh," Bais Yosef Y.D. 148, Shulchan Aruch Y.D. 148:12.

18. Meseches Avodah Zarah 7b "bgoleh."

19. See Higyonei Haparsha Shemos pages 276-278.

20. Tosfas Meseches 2a "ossur," Rashbah Meseches Avodah Zarah 8a, Ritvah Meseches Avodah Zarah 65a, Bartenura Meseches Avodah Zarah 1:2, Shulchan Aruch Y.D. 148:12.

21. Tosfas Meseches Avodah Zarah 2a "ossur," Rashba Meseches Avodah Zarah 2a, 8a, Ritvah Meseches Avodah Zarah 65a, Bartenura Meseches Avodah Zarah 1:2, Shulchan Aruch Y.D. 148:8.



אין על להקדיף"ה בעולמו אלא י
אמות של הלכה בלבד... (ברכות ה')

כל השנה הלכות בכל יום מובטח לך שיהיה לך עולם הנא... (תודה עבה)

Many *poskim* permit business with non-Jews since avoiding business with them will cause animosity between us and them.²² According to *Harav Moshe Feinstein zt"l*²³ the reason of animosity is a very strong reason to be lenient with these *halachos* today.

There are those who maintain that the *issur* does not apply to non-Jews whom you recognize.²⁴

Another reason to be lenient is that the *issur* only applies to items that are offered to the *avodah zarah*.²⁵

There is another *heter* which is expressed by the *Rashba* as follows: it is permitted to buy from and sell items to non-Jews which you need and can only get on the day of their holiday. This is considered a "*davar ha'oved*."²⁶

Another reason offered by the *poskim* is that our livelihood depends on the business which we do with the non-Jews.²⁷

Giving and Accepting Presents

There is a question concerning giving and receiving presents from non-Jews on their holidays.

The *Gemorah*²⁸ quotes occurrences where gifts were given to non-Jews who were known not to bow to any *avodah zarah*. The *Gemorah*²⁹ discusses cases of accepting

Shach 13. Refer to Hago'os Maimonies Hilchos Avodah Zarah 9:1. See Yabea Omer Y.D. 2:11:4.

22. Tosfas Meseches Avodah Zarah 2a "ossur," Ritvah Meseches Avodah Zarah 6b, Rashba Meseches Avodah Zarah 2a, Rama Y.D. 148:12. Refer to Asei Lecha Rav 9:30.

23. Igros Moshe Y.D. 1:71.

24. Tosfas Meseches Avodah Zarah 2a "ossur," Tur Y.D. 148.

25. Tosfas Meseches Avodah Zarah 2a "ossur," Rashba Meseches Avodah Zarah 2a.

26. Meseches Avodah Zarah 2a.

27. Ritvah Meseches Avodah Zarah 2a.

28. Meseches Avodah Zarah 64b-65a.

29. Meseches Avodah Zarah 6b.

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presents from non-Jews as well. The *Rambam*³⁰ and *Tur*³¹ opine that one should not accept a gift from a non-Jew on their holiday. If there is a concern of resentment, then one should accept it but not derive any benefit from it until he can verify that the non-Jew does not bow to an *avodah zarah*. However, others say that one should accept it and “place” it in front of him.³²

One who feels that he must give a gift to non-Jews for their holiday should give it before the holiday, not on the day itself.³³

Attending Holiday Parties

The *Shulchan Aruch*³⁴ states that a Jew is allowed to attend parties on legal holidays because of resentment, and hatred it might cause if one does not participate. Therefore, if attending a holiday party is beneficial to one’s job, or he may lose his job if he does not show up he may make an appearance. He should go and pay his respects, make sure everyone sees him and then leave as quickly as possible.³⁵

Some maintain that parties on January 1st should not be attended.³⁶

School Vacation During The Holiday Season

Often, a Yeshiva or girls school wishes to give vacation from December 25th until January 1st for a variety of

30. Hilchos Avodas Kochavim 9:2. See Bais Yosef Y.D. 148.

31. Y.D. 148.

32. Shulchan Aruch Y.D. 148:5. Refer to Kesef Mishnah and Lechem Mishnah on Hilchos Avodah Zarah 9:2. See also Shach Y.D. 148:5. Refer to Taz Y.D. 148:5.

33. See Rama Y.D. 148:12.

34. Y.D. 148:12.

35. Harav Yisroel Belsky Shlita as expressed in *Shulchan Halevi* (English) 1:pages 135-136.

36. Refer to *Shulchan Halevi* (English) 1:pages 135-136.

איך ללמוד להלכה של אמות של הלכה בלבד... (ברכות ח)



reasons. *Harav Moshe Feinstein zt"l*³⁷ maintained that this is *ossur*. This is true even if one has no intention to celebrate the holiday, and is only doing it because the parent body has a break from work and wishes to go on vacation with their children.

כל השומה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (קדה עב.)

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37. Igros Moshe Y.D. 3:85.

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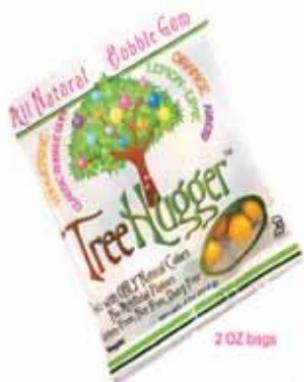
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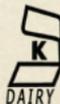
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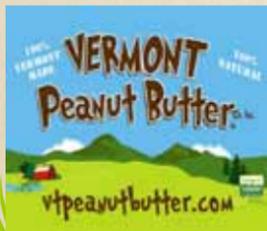
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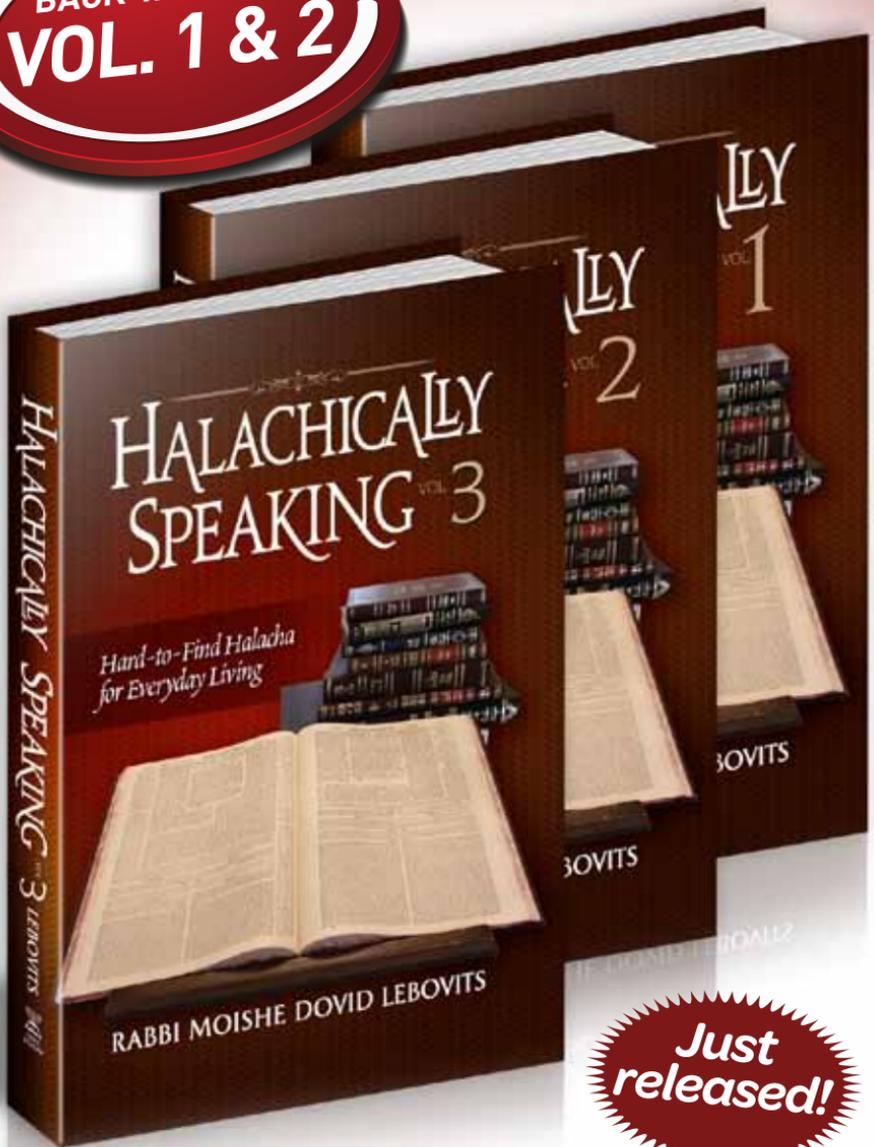
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