

HALOCHOSCOPE TOI PE

A class learning martial arts bow to a picture of the founder of this form of martial arts. (i) May a Jew attend the class? (ii) May a Jew bow to this picture?

The issues:

(A) Bowing towards a picture; remaining in the presence of an Avoda Zara

(B) Studying the art of fighting

(A) *Bowing towards a picture*

Bowing is a sign of greeting, respect or submission. Bowing to a friend (or nodding) is considered greeting. In some cultures a full bow is considered greeting. When bowing to a superior, such as a teacher, it symbolizes respect. When bowing to a king, it signifies submission. Bowing to Hashem is a form of *Avoda*, service. Bowing to *Avoda Zara*, an idol is similarly considered a form of acceptance and service, be the typical way to violate the most serious of all *Aveiros* in the Torah. Thus, bowing to a picture raises the specter of *Avoda Zara*.

An image of a human is forbidden to make, keep or distribute. A picture is an image, but since it is not raised off the surface, most Poskim do not consider it a forbidden image. However, any item actually worshipped can attain the status of *Avoda Zara*. Even if a picture does not fit the category of *Avoda Zara*, one may not bow towards it. Many Poskim forbid images of animals in a Shul, particularly on the wall towards which people bow. It is also forbidden to daven facing a picture, a mirror, or even glass, if it reflects.

One may not stoop to pick something up in front of an *Avoda Zara* image. It is forbidden to drink from a water fountain that has an image over it. It is also forbidden to bow to people wearing clothing with images of *Avoda Zara* on them. All this is due to *Maris Ayin*, appearance of doing something wrong. However, one may stoop before the people wearing pictures of images in a way that it does not look as though he means to bow to the image. Thus, bowing to any image is a problematic practice, even if it does not symbolize real *Avoda Zara*. In the case in our question, a more disturbing issue arises of some form of worship. Honoring the person on the picture in his absence by bowing to his picture sounds like a form of worship, rather than respect. The Talmud discusses bow-

ing to statues of kings that were erected throughout their kingdoms.

Our second issue is whether one may remain in the presence of the image. One must distance himself from Avoda Zara. This entails avoiding a road that leads to, and remaining in the immediate vicinity of, the Avoda Zara, and avoiding looking at it. The restriction against being nearby an Avoda Zara is a Rabbinical ordinance, while the restriction against looking at or going towards an Avoda Zara is of Scriptural origin. Accordingly, if the path that leads to the Avoda Zara is not for the Avoda Zara, but services other things as well, it is permissible to travel on it.

Our issue is whether the picture in question is considered Avoda Zara due to the bowing. We may assume that those bowing do so out of something more than admiration, but not out of belief and worship. Accordingly, the main issue is Maris Ayin, rather than the main issues of distancing oneself from the actual image of an Avoda Zara. Furthermore, the purpose of all those studying this discipline is to acquire skill at fighting. This is not a form of any Avoda Zara, nor do the attendants consider the picture their master. They feel respect, admiration, gratitude or even submission to the person in the picture. However, the main purpose of bowing seems to be to assure the attendants' adherence to the rules of the discipline. The practice might have originated in cult worship. This certainly forbids the questioner to bow. [One may not bow to any image or even a brick, if it represents Avoda Zara of any kind.] If this class subscribed to the cult, the attendant who refuses would be disallowed from attending. In our case, if individuals are allowed to excuse themselves from the practice, it appears that the primary objective of this class is to make money for the person in the picture and his subordinates. Nonetheless, if some people, in this class or in other locations, mean more than this when they bow, it could give the image Avoda Zara connotations. This would include this image itself, since it is possible that some of those present worship it, or that it was used elsewhere in this way. The Talmud forbids images worshipped by gentiles nowadays, even though the worship is not out of belief but out of tradition.

The Poskim discuss davening in an inn that belongs to gentiles that have real idols inside. Clearly, entering the inn and lodging there is not the issue. Therefore, since there is really a question on the status of the picture, and we have explained that the presence of the picture need not pose a problem, it appears that the picture does have sufficient significance to forbid remaining in its vicinity. Therefore, the person may attend these classes, provided he does not bow. However, as mentioned, he must be careful to avoid stooping and bending before the picture. Since exercises invariably involve bending and the like, it is advisable for this participant

to stay at a distance from the picture that will not give the appearance of bowing to it. If this is not possible, he may rely on the fact that his actions are quite obviously not those of one intentionally bowing. Since the picture is not a definite Avoda Zara, it might be compared to the picture of an Avoda Zara on the clothing of a government official, to which one should not purposely bow but may stoop for another reason. [See Avoda Zara 12a 40b &c, Poskim Tur Shulchan Aruch Orach Chaim 90:23 Yoreh Deah 141:1 6, commentaries. Halochoscope II:26.]

(B) Studying the "art" of fighting

There are five possible reasons to fight. One might fight to injure the other party; to use physical means to force the party into submission; in self defense, to protect himself; as a sport, to prove his strength and skills or to earn money; or one might fight in play. These involve a Scriptural prohibition against injuring, *Chovel*. However, not all of the above are forbidden. This prohibition is derived from the laws punishing the violator of a Scriptural Mitzvah with lashes. The Mitzvah includes two liabilities, a criminal liability and a civil liability. This means that one who intentionally hits another person could be liable for a punishment of lashes himself. He is also held liable, even if he inflicted the injury unintentionally, to pay monetary damages, including payments assessed for shame and pain, as well as for loss of worth and work and for medical expenses. Both judgments are decided by Bais Din. Usually, one is not given two judgments for the same act and violation. Therefore, unless the injury was worth too little to be assessed, the ruling is usually to pay and to be exempt of the personal punishment. However, the aggressor is held liable in Heaven. Nowadays, we are not qualified to assess some of these damages, nor do we pass judgment to punish with lashes. Nonetheless, the violator must beg forgiveness from the victim. Many Poskim maintain that one is also liable to pay of his own accord. Damages due to loss of work and medical costs are still assessed. If the injury causes even a temporary reduction in worth the Talmud suggests that *Bal Tashchis*, wastefulness, is violated. *Tzaar Baalei Chaim*, usually associated with cruelty to animals, really means causing pain to living creatures, including humans. There is also the positive Mitzvah to love one's fellow as much as oneself. One is also obliged to prevent harm and danger.

In our case the issues are whether participating in this class involves *Chovel*. The participants enter into the situation fully aware of the possibility of injury, yet forgive each other. [Actually using the art in self defense is not our issue. In fact, this aspect is probably not only permitted, but commendable. The Poskim debate

whether one may use excessive force in self defense. Training oneself to use the exact amount of force necessary avoids this issue.]

The Talmud discusses permitting another person to injure oneself, and financial liability for the damages. The case involves one who invites his fellow to harm him, explicitly waiving any charges, then sues for damages. Generally, it is understood that certain damages are not forgiven, even when the damaged party promised it ahead of time. If two people enter into a mutual fight, neither has the right to press charges for monetary damages. It is, of course, forbidden anyhow. The Talmud also debates inflicting harm on oneself. One opinion holds that it is derived from the Scriptural prohibition against suicide. Though this does not refer to injuries, one who restricts himself from wine alone is condemned. Certainly restricting oneself from all benefit (by injuring himself) is also condemned. Some say that only shedding blood is included in this prohibition. Some Poskim maintain that one could be punishable with lashes for this. The other view is that one is not held liable for Chovel on himself. However, unless there is pressing need to undergo the injury, he is liable for Bal Tashchis.

However, in our case, the object is not to inflict injury at all and there is no fight. At least one opinion only forbids Chovel when it is done in a fighting mode. Our case is comparable to the injuries caused unintentionally when involved in a permissible act. Sometimes, the act involves risks. These must be avoided, and negligence is not approved. However, the damages are waived, and the act is not openly forbidden. This ruling is applied by the Poskim in at least three cases. One case involves a wedding, where horse riders jostle each other. Another involves children playing. The third involves damages and injuries caused on Purim, in the midst of joyful celebration. In all of these the activities are not discussed, the damages are debated, with most Poskim absolving the parties of bodily injuries, and some only forgiving property damage. It is possible that the activity is forbidden anyhow. However, in our case, where the parties are intentionally learning the safest way to do the actions, and also taking care to avoid injury, the activity would be totally permissible.[See Sukah 45a Baba Kama 83b-84a 87b 91b 93a, Poskim. Tur Shulchan Aruch Orach Chaim 695:2, Choshen Mishpat 1, 420-424, commentaries. Igros Moshe O.C. III:78. Leor Hahalacha; Mishpat Shylock.]