

SURVEY OF RECENT HALAKHIC PERIODICAL LITERATURE

ENTERING A NON-JEWISH HOUSE OF WORSHIP

Jewish attitudes and practices are generally firmly grounded in Jewish tradition. At times the sources are clear and unequivocal; at other times the sources are obscure and even speculative. Oftentimes, there is little correlation between the normative authority of the underlying source and the tenacity with which its expression is maintained by the simplest of Jews. Quite apart from any halakhic infraction involved, for most Jews of the old school refusal to cross the threshold of a non-Jewish house of worship is a Pavlovian reflex rather than a reasoned response. Nevertheless, this is an instance in which emotion and intellect are at one.

I. THE STATUS OF CHRISTIAN BELIEF

The question of the permissibility of entering church premises arises from the antecedent premise that, as a matter of normative Halakhah, Judaism regards acceptance of the notion of the Trinity as antithetical to the doctrine of Divine Unity; perforce Judaism regards worship of a triune deity as a form of idolatry. Christians conflate Trinitarianism with monotheism despite the self-contradiction that renders simultaneous acceptance of both doctrines an absurdity. Indeed, as Tertullian is famously quoted in defining his own Christian belief: “*Credo quia ineptum*—I believe because it is absurd.”¹ In that aphorism is a deeply-rooted desire on the part of Christians to be monotheists; in the words of rabbinic writers, “Their heart is directed toward Heaven.” Reconciliation of that desire with an antithetical belief in a triune God requires nothing less than a leap of faith on their part.

The simple but seminal point that adoration of the Trinity is incompatible with the worship of the one God is clearly articulated by a host of classic early-day authorities. In particular, it is the unequivocal position of

¹ Cf., Tertullian’s categorization of Christian beliefs in chapter 5 of his *On the Flesh*.

Rambam as expressed both in uncensored versions of his *Commentary on the Mishnah*, *Avodah Zarah* 8a, and in uncensored versions of his *Mishneh Torah*, *Hilkhot Avodat Kokhavim* 9:4 and *Hilkhot Ma'akhalot Assurot* 11:7. Rambam's view is substantiated by manuscript readings of *Avodah Zarah* 6a and 7b as cited by Rabbi Raphael N. N. Rabbinovicz, *Dikdukkei Sofrim*, X, 15. Among latter-day authorities, Rambam's ruling is explicitly endorsed by R. Moshe Sofer, *Teshuvot Hatam Sofer*, *Yoreh De'ah*, no. 131 and by R. Eleazar Shapira, *Teshuvot Minhat Elazar*, III, no. 44, as well as by numerous other rabbinic scholars who, as will be shown presently, maintain that no distinction between Jews and Noahides exists in this regard.²

A somewhat different assessment of Christianity is ascribed to the Tosafists in their comments on *Sanhedrin* 63b and *Bekhorot* 2b.³ A broad reading of those comments indicates that the Tosafists maintain that acceptance of a doctrine of *shittuf*, or "co-sovereignty," is permitted to non-Jews. The doctrine of *shittuf* involves a belief in the "Creator of the heavens," but links a belief in the Creator with a belief in some other being or entity. The term "*shittuf*" is not uncommon in medieval philosophical literature and connotes plurality in the Godhead.⁴ *Tosafot* refer explicitly to the gentiles of their day and, in historical context, it is obvious that the doctrine which the *Tosafot* seek to legitimize for non-Jews is Trinitarianism.

However, this interpretation of *Tosafot* is by no means universally accepted. *Tosafot* state only that one may administer an oath to a Christian even though the latter swears in the name of the Trinity. This ruling is justified by *Tosafot* with the declaration that nowhere is there recorded a prohibition against causing gentiles to "associate" or to "incorporate" another deity in an oath invoking the Divine Name. R. Ezekiel Landau, *Teshuvot Noda bi-Yehudah*, *Mahadurah Tinyana*, *Yoreh De'ah*, no. 148,

² Cf., however, R. Judah Asad, *Teshuvot Mahri Asad*, *Yoreh De'ah*, no. 170, who asserts that Christians do not worship idols and hence are not idolaters. R. Chaim Eleazar Shapira, *Teshuvot Minhat Elazar*, I, no. 53, sec. 3, takes strong issue with that view and regards it as contradicted not only by Rambam but by *Shakh*, *Yoreh De'ah* 151:17 as well. Presumably, Rema, *Yoreh De'ah* 141:1, is speaking of Christian practices and, if so, Rema also concurs with Rambam's view. Indeed, idolatry as a halakhic category is not limited to adoration of a physical idol; a mere profession of belief even absent a concrete representation of a deity constitutes idolatry. For that reason, rules R. Jacob Ettlinger, *Teshuvot Binyan Zion*, no. 63, a church has the status of a place of idolatry even if it lacks idols or icons. Moreover, Rema, *Yoreh De'ah* 141:1, rules that a representation before which devotees kneel has the status of an idol and hence it is forbidden to derive any benefit from such artifacts.

³ Parallel statements also appear in Rosh, *Sanhedrin* 7:3 and Rabbenu Yeruham, *Sefer Adam ve-Havvah* 17:5.

⁴ See David Kaufman, *Geschichte der Attributenlehre* (Gotha, 1877), p. 460, note 148.

understands *Tosafot* as carefully distinguishing between *shittuf*, or Trinitarianism, as a professed doctrine and swearing an oath in the name of the Trinity. *Noda bi-Yehudah* declares the former to be idolatry and, since idolatry is forbidden by the Noahide Code, prohibited as such to Jew and gentile alike. Swearing an oath in the name of a pagan deity does not constitute an act of worship or adoration but is forbidden by the commandment “and in His Name shall you swear” (Deuteronomy 10:20). That commandment, however, is addressed only to Jews with the result that Noahides may swear such an oath with impunity. This reading of *Tosafot* is faithful to the plain meaning of the text and is consistent with the principle of “strict construction” applied by rabbinic scholars to such statements of early-day authorities. Nevertheless, although this reading of *Tosafot* is accepted by a host of highly authoritative scholars,⁵ it is probably correct to say that the majority of latter-day authorities interpret *Tosafot* more broadly as declaring that *shittuf* does not constitute idolatry for Noahides.⁶

The latter interpretation of *Tosafot* must be understood as distinguishing between denial of polytheism and affirmation of Divine Unity. In proscribing the worship of foreign gods, the Noahic Code binds gentiles to the acceptance of a monotheistic belief. That concept, however, entails only the rejection of *shetei reshuyot*, i.e., a multiplicity of powers each capable of independent action.

A full analysis of the doctrine of Divine Unity compels much more than abjuration of such a primitive notion. Indeed, Rambam, in formulating the second of his Thirteen Principles in his *Commentary on the Mishnah*, introduction to *Helek*, affirms that God’s unity is unique:

⁵ See *Sha’ar Efrayim*, no. 24; *Me’il Zedakah*, no. 22; *Teshuvot ve-Shev ha-Kohen*, no. 38; *Teshuvot Hadashot le-Rabbenu Akiva Eger* (Jerusalem, 5738), 164-166; *Pri Megadim*, *Yoreh De’ah*, *Siftey Da’at* 65:11; *idem*, *Orah Hayyim*, *Eshel Avraham* 156:2; *Mahazit ha-Shekel*, *Orah Hayyim* 156:2; and *Magen Gibborim*, *Yoreh De’ah* 156.

⁶ See Rema, *Orah Hayyim*, 156:1; *Darkei Mosheh*, *Yoreh De’ah* 151; *Shakh*, *Yoreh De’ah* 151:1 and 151:7; *Teshuvot Havrot Ya’iv*, nos. 1 and 185; *Ha-Makneh*, *Kiddushin* 31a, s.v. *eino yode’a*; R. Jacob Emden, *Mor u-Kezi’ah* 224; *Teshuvot Binyan Zion*, no. 63; *Mishnat Hakhmamim*, *Hilkhot Yesodei ha-Torah*; Rabbi Zev Boskowitz, *Seder Mishnah*, *Hilkhot Yesodei ha-Torah* 1:7; *idem*, *Shoshan Edut* (commentary on *Eduyot*), 188; *Teshuvot ve-Shev ha-Kohen*, no. 38; Rabbi A. Vermeiz, *Me’orei Or*, IV, 8a, 13a, and V, 11b; *Revid ha-Zahav*, *Parashat Yitro*; R. Joseph Saul Nathanson, *Yad Sha’ul*, *Yoreh De’ah* 151 and *idem*, *Teshuvot Sho’el u-Meshiv*, *Mahadurah Tinyana*, I, nos. 26 and 51; R. Zevi Hirsch Chajes, *Kol Sifrei Maharaz Hayes*, I, 489-90; R. Jacob Zevi Mecklenberg, *Ha-Ketav ve-ha-Kabbalah*, Deuteronomy 4:19; and *Pithei Teshuvah*, *Yoreh De’ah* 147:2; as well as by R. Isaac ha-Levi Herzog, *Tehukkah le-Yisra’el al-pi ha-Torah*, I (Jerusalem, 5739), 17; R. Joseph Elijah Henkin, *Kitvei ha-Graya Henkin*, II (New York, 5749), 230; R. Chaim David Halevi, *Bein Yisra’el la-Amim* (Jerusalem, 5714), pp. 48-49; and *idem*, *Tehumin*, IX (5748), 74.

TRADITION

1. Mankind, for example, is a single species, a unity composed of all individual men. God, however, is not such a collective unity; He is not to be construed as a genus composed of distinct beings or powers. The unity of God is not the unity of a collectivity.
2. The unity of God is not the unity of an aggregate. God is not a compound. His unity is not the unity of a composite divisible into its component parts.
3. Merely to say that God's unity is not the unity of a compound does not exclude the possibility of a nature analogous to that of even the smallest corporeal substance, which, at least in principle or conceptually, may be further divided or broken down. God's unity, however, is not the unity of magnitude. It cannot admit of any division whatsoever. A "simple substance," not composed of parts, cannot be broken down. Since destruction involves the division of an entity into component parts, it follows that God, who is a perfect unity, is not susceptible to destruction.

For Rambam, renunciation of polytheism is not a separate principle or doctrine standing alone. It flows rationally and necessarily from the notion of Divine Unity and is part and parcel of a sophisticated conception of the unity unique to God.⁷ Since rejection of polytheism and acceptance of Divine Unity are but two sides to the same coin, it follows that Noahides, who are commanded to renounce idolatry are, *ipso facto*, commanded to accept the doctrine of Divine Unity.⁸

According to this analysis, *Tosafot* posit that Noahides are required only to renounce the notion of multiple, independent deities. This is expressed in the statement that contemporary gentiles recognize the "Creator of the heavens," by which *Tosafot* undoubtedly intend to ascribe to Christians a belief in a single Creator who continues to exercise providence over His creatures. The highly sophisticated belief that the Deity is an absolute unity is demanded of Jews but is not a requirement placed upon non-Jews. Hence, according to this view, since Christians do not ascribe independent powers to each of the members of the Trinity, worship of a triune God by Christians is not tantamount to idolatry or polytheism.

⁷ Rambam, *Mishneh Torah, Hilkhot Yesodei ha-Torah* 1:7, refers simply to polytheism as a belief to be abjured. That reference is appropriate in its context, *viz.*, a succinct specification of the requirements of the commandment "I am the Lord your God" rather than a discussion that is primarily philosophical in nature.

⁸ See the cryptic comment of R. Zevi Hirsch Chajes in a note appended to his *Kol Sifrei Maharaz Hayes* (Jerusalem, 5718), I, 490, in which he states that he had authored a treatise explaining the nature of Trinitarianism permitted to non-Jews as distinct from the nature of Trinitarianism forbidden to them.

Nevertheless, the controversy among latter-day authorities regarding the proper interpretation of *Tosafot's* position is of absolutely no relevance to the issue of perception of the doctrine of the Trinity by Jews themselves. *Tosafot's* comments apply only to acceptable conduct and/or belief insofar as non-Jews are concerned. According to *all* understandings of *Tosafot*, Jews are commanded entirely to abjure Trinitarianism.⁹ Accordingly, if there is a prohibition against entering a place of idolatrous worship, that prohibition applies to a church as well. Thus, R. Isaac ha-Levi Herzog, *Tebukkah le-Yisra'el al-pi ha-Torah*, I (Jerusalem, 5739), 18,¹⁰ writes: "...we are certainly commanded to distance ourselves from entering their places of worship just as Trinitarianism is forbidden to us, as are all appurtenances of Trinitarianism...."

Singular among early-day authorities is the far different view of Christianity expressed by R. Menachem ha-Me'iri. In a number of statements scattered throughout his commentary on the various tractates of the Talmud, Me'iri unequivocally rules that, with regard to various halakhic provisions, Christians are not to be equated with idolaters.¹¹ Me'iri's most explicit ruling occurs in his commentary on the opening Mishnah of *Avodah Zarah* in which he declares that the restrictions on commercial intercourse with idolaters on their feast days are not applicable "in these times." Me'iri takes pains to note that the uncensored text of the Talmud *Avodah Zarah* 6a and 7b refers explicitly to the "Nozri" as an idolater.¹² But Me'iri dismisses those texts by declaring that the reference is to an ancient people mentioned in Jeremiah 4:16 whose appellation is derived from the name Nebuchadnezzar. He depicts that people as sun-worshippers who observe the first day of the week as a day of religious devotion because it is regarded as the day of the sun's dominion.¹³

⁹ This distinction is universally accepted and is emphasized by R. Ovadiah Yosef, *Yehaveh Da'at*, IV, no. 45, and R. Chaim David Halevi, *Aseh Lekha Rav*, I, no. 59. See also *infra*, note 24. Cf., *infra*, note 59 and accompanying text.

¹⁰ That chapter of this work first appeared in *Tehumin*, vol. II (5741).

¹¹ See Me'iri, *Bet ha-Behirah*, *Avodah Zarah*, ed. Abraham Schreiber (Jerusalem, 5704) 2a (p. 4), 6b (p. 9), 15b (p. 39), 20a (p. 46) and 22a (p. 53); *Bava Kamma*, ed. Kalman Schlesinger (Jerusalem, 5723) 113a-b (p. 330); *Gittin*, ed. Kalman Schlesinger (Jerusalem, 5724) 62a (p. 258). See also the comments of Me'iri cited by R. Bezalel Ashkenazi, *Shitah Mekubbezet*, *Bava Kamma* 38a and 113a.

¹² See also Me'iri, *Ta'anit*, ed. Abraham Schreiber (Jerusalem, 5718) 27b (p. 97).

¹³ See Lawrence Zalcman, "Christians, Noserim and Nebuchadnezzar's Daughter," *Jewish Quarterly Review*, LXXXI, nos. 3-4 (January-April, 1991), 411-426, who, citing E. S. Drower, *The Mandeans of Iraq and Iran* (Oxford, 1937); reprinted (Leiden, 1964), draws attention to the tale of "Nebuchadnezzar's Daughter" concerning the sect known as the "Nasurai" whose practices parallel those of the *Nozrim* as recorded in *Avodah Zarah*.

Theologically, Me'iri's most positive statement concerning Christianity is his unequivocal declaration that "they believe in God's existence, His unity and power, although they misconceive some points according to our belief" (*Bet ha-Behirah*, *Gittin* 62a, p. 258). This remark is far more significant for determining Me'iri's theological assessment of Christianity than are his frequent and oft-quoted references to "*umot ha-gedurot be-darkei ha-datot*—nations restrained by the ways of religion."¹⁴ Me'iri's employment of the latter phraseology is invariably in the context of jurisprudential and interpersonal matters. Hence his comments might well be understood as reflecting the thesis that halakhic distinctions between Jews and gentiles regarding such matters are predicated upon the principle that the advantages enjoyed by Jews, e.g., restoration of lost property, depend on reciprocal respect for property rights and the welfare of others.¹⁵ Hence Jews owe such obligations only to fellow Jews who respond in kind, but not to gentiles "not restrained by the ways of religion" who feel no legal or moral obligation to comport themselves in a similar manner. On such an analysis, Me'iri might well be understood as asserting that law-abiding and benevolent adherents of religions that make similar demands of their devotees are entitled to the same benefits, privileges and protections as Jews. But from such a position nothing can be deduced with regard to the status of theological beliefs of the members of such religions. Such a distinction is bolstered by Me'iri's ruling that, unlike a heretic, an apostate Jew is to be accorded the rights and privileges of members of his adopted faith in all matters pertaining to jurisprudence.¹⁶

Me'iri's theological assessment of Christianity is unique in rabbinic literature. Jacob Katz' assertion that "independently of him, a similar line of reasoning was followed by certain seventeenth-century scholars, among them Moshe Rikves..."¹⁷ is simply erroneous. R. Moshe Rikves, in his

¹⁴ See *Bet ha-Behirah*, *Pesahim*, ed. Joseph ha-Kohen Klein (Jerusalem, 5726) 2b (p. 67); *Ketubot*, ed. Abraham Schreiber (Jerusalem, 5707) 15b (pp. 67 f.); *Kiddushin*, ed. Abraham Schreiber (Jerusalem, 5723) 17b (p. 108); *Bava Kamma* 113a-b (p. 330); *Bava Mezi'a*, ed. Kalman Schlesinger (Jerusalem, 5723) 59a (p. 219); *Avodah Zarah* 13b (p. 29), 20a (p. 46) and 22a (p. 53).

¹⁵ In his *Bet ha-Behirah*, *Yoma*, ed. Joseph ha-Kohen Klein (Jerusalem, 5735) 84b (p. 212), Me'iri, omitting any positive reference to *umot ha-gedurot be-darkei ha-datot*, does speak of a provision of religious law as referring "to ancient idolaters... who have no religion at all and, moreover, were unconcerned with the duty of human society." See *infra*, note 20 and accompanying text.

¹⁶ See *Bet ha-Behirah*, *Horiyot*, ed. Abraham Schreiber (Jerusalem, 5729) 11a (p. 274) and *Avodah Zarah* 26b (p. 161).

¹⁷ Jacob Katz, *Exclusiveness and Tolerance* (Oxford, 1961), p. 164.

glosses to *Shulhan Arukh*, *Be'er ha-Golah*, *Hoshen Mishpat* 425:5, does indeed posit an obligation to rescue gentiles from danger and, moreover, to pray for their welfare. And *Be'er ha-Golah* does express a positive theological attitude toward Christianity, but it is the attitude of *Tosafot*, not of Me'iri. *Be'er ha-Golah* correctly ascribes to Christians a belief in God as Creator of the universe and Author of providence, as evidenced by the phenomena of the Exodus, and adds that "their whole aim and intent is toward the Creator of the heaven and earth, as the codifiers have written." The expression "aim and intent" refers to acts of worship and adoration and is equivalent to the formulation used by *Tosafot* with regard to Christianity as *shittuf*. The phrase "as the codifiers have written" is clearly a reference to the treatment of the doctrine of *shittuf* advanced by *Tosafot* for that is the only positive categorization of Christianity found in the writings of codifiers of Jewish law.

Moreover, it is extremely difficult to determine whether the comments of *Be'er ha-Golah* are to be taken as an expression of normative Halakhah or whether they were penned with an eye to the censor or otherwise intended to dispel anti-Semitic enmity. Phrases such as "the gentiles in whose shadows we live and under whose wings we shelter" and "hence we stand on guard to pray continually for the welfare and success of the kingdom and the ministers" have a ring that is not halakhic, but which can be characterized as almost craven in tone. Certainly, the citation of Rambam's qualifications of R. Joshua's dictum, *Sanhedrin* 105a, that the pious of the nations enjoy a portion of the World to Come is imprecise and indeed may have been appended as a means of revealing to the discerning reader that the entire statement is hyperbole. Rambam maintains that the pious of the nations of the world are entitled to a portion in the World to Come only if they obey the Noahide Code because they accept it on the basis of divine revelation. A Christian who believes that the Sinaitic covenant has been abrogated but adheres to the provisions of the Noahide Code because he accepts them on the basis of natural law, on general humanitarian grounds, or for some other reason, is excluded by Rambam from the category of the "pious of the nations of the world." If *Be'er ha-Golah* did not accept the limitation Rambam places upon the concept of "the pious of the nations of the world" he might simply have cited the dictum of R. Joshua without reference to Rambam. So it seems likely that *Be'er ha-Golah's* citation of Rambam was intended as a clue to the nature of the entire statement.

But Me'iri does not merely distinguish Christianity from polytheism. He makes the far more positive statement that Christians accept Divine

Unity. The tenor of his comment about the “misconceptions” of Christianity gives the impression that any doctrinal error on the part of the Christians is not tantamount to a denial of Divine Unity. Nowhere in his categorization of the beliefs of contemporary religions does Me’iri suggest a distinction between idolatry as prohibited to Jews and idolatry as banned by the Noahide Code.

Me’iri’s position has long been a source of puzzlement to rabbinic scholars. Indeed, there is a strong feeling in some rabbinic circles that the comments concerning the halakhic status of Christians were either falsely ascribed to Me’iri or were inserted because of fear of the censor.¹⁸ *Hatam Sofer*, citing the comment of Me’iri quoted by *Shitah Mekubbezet*, *Bava Kamma* 113a, declares, “It is a *mizvah* to erase it for it did not emerge from his holy mouth.”¹⁹ I am inclined to believe that statements concerning

¹⁸ See R. Yehudah Herzl Henkin, *She’elot u-Teshuvot Bnei Banim*, III (Jerusalem, 5758), no. 35, sec. 5, who offers a strained interpretation of Me’iri according to which Me’iri permits Trinitarianism only to non-Jews and forbids worship of other members of the Trinity unless accompanied by worship of God. If that understanding of Me’iri were correct there would have been no need for Me’iri to define the term “*nozri*” other than as a reference to a Christian. See *supra*, notes 12 and 13 and accompanying text.

¹⁹ See the responsum of *Hatam Sofer* published in R. Baruch Frankel-Teumim’s *Ateret Hakhamim*, no. 14, reprinted in *Kovez She’elot u-Teshuvot Hatam Sofer* (Jerusalem, 5733), no. 90. See also R. David Zevi Hillman, “Leshonot ha-Me’iri she-Nikhtevu le-Teshuvot ha-Minim,” *Zefunot*, I, no. 1 (Tishri, 5749), 65-72.

R. Isaac ha-Levi Herzog, *Tehikkah le-Yisra’el al-pi ha-Torah*, III (Jerusalem, 5749), 278, has been cited as espousing Me’iri’s position governing financial matters between Jews and non-Jews. This writer finds that to be a misinterpretation of a somewhat ambiguous text. Rabbi Herzog was consulted concerning proposed egalitarian legislation by the State of Israel. His interlocutor apparently quoted the various comments of Me’iri in support of rendering all statutes governing financial matters fully applicable to relations between Jews and non-Jews. On grounds of policy and pragmatism Rabbi Herzog opposed any legislative distinction between “*umot ha-gedurot be-darkei ha-datot*” and other gentiles and concluded with the advice that it would be best to omit all references to distinctions between Jews and non-Jews. In that context he remarks, “*Gam le-aherei she-anu mekablīm et divrei ha-Me’iri ha-yedu’im*...—Even after accepting the known words of Me’iri it would not be beneficial for us for there to be found in our codex a distinction even between actual idol worshippers and Jews...” In context, “*gam le-aharei*” should be rendered as “even after,” indicating a hypothetical acceptance, rather than as “also.” Cf., David Berger, “Jews, Gentiles, and the Modern Egalitarian Ethos: Some Tentative Thoughts,” *Formulating Responses in an Egalitarian Age*, ed. Marc D. Stern (New York, 2005), p. 100 and note 40. The statement of Itamar Warhaftig, “Rabbi Herzog’s Approach to Modernity,” *Engaging Modernity: Rabbinic Leaders and the Challenge of the Twentieth Century*, ed. Moshe Z. Sokol (Northvale, New Jersey, 1997), p. 289, to the effect that Rabbi Herzog “relies upon the famous principle of Me’iri that talmudic discrimination was directed at ancient nations and not the modern ones” is inaccurate. Moreover, it is contradicted by Warhaftig’s very next sentence: “Similarly, in present society any form of dis-

jurisprudential, financial and interpersonal relations, and certainly Me'iri's statement in *Yoma* 84b regarding religious law, were introduced into the text by Me'iri with an eye to the censor,²⁰ but that the statements

crimination must be avoided since it entails a *chillul hashem*"—a consideration not at all advanced by Me'iri. The error is further compounded by Warhaftig's understatement of Rabbi Herzog's position. Rabbi Herzog explicitly states that the types of conduct discussed must be abjured even when no *hillul ha-Shem* will result because of quite different considerations of *darkei shalan*.

The translation of "*gam le-aharei*" as the hypothetical "even after" is compelled by a comparison of that comment with Rabbi Herzog's earlier discussion of Moslems and Christians in vol. I, chapter 3 of the same work. In that chapter, Rabbi Herzog not only endorses *Tosafot's* view regarding acceptance of Trinitarianism on the part of non-Jews and forbids entry into a church but in further discussions of other issues pertaining to non-Jews in the State of Israel he entirely ignores the celebrated comments of Me'iri.

Similarly, *Ziz Eli'ezer's* employment of the phrase "*bet av*" with regard to Me'iri as a basis for a policy of jurisprudential egalitarianism does not signify an endorsement of the position attributed to Me'iri as normative; it means only that such policies, regardless of their halakhic status, have already found expression in rabbinic literature. Cf., Berger, *ibid.*, p. 100.

R. Chaim David Halevi, *Bein Yisra'el la-Amim*, pp. 48-49 and *idem*, *Tehumin*, IX, 73f., rejects the theological position ascribed to Me'iri but asserts that talmudic strictures are limited solely to pagans but not to non-idol worshippers of our day, a view he ascribes to other early-day authorities in addition to Me'iri. See *Tehumin*, IX, 75 and 78.

²⁰ Any person familiar with European rabbinic works published in recent centuries is aware that publishers routinely included a notice, usually in the form of a frontispiece, declaring that all references to gentiles, idol worshippers, etc. denote only members of pagan cults of antiquity to the exclusion of contemporary non-Jews. See Sharon Flatto, *The Kabbalistic Culture of Eighteenth-Century Prague* (Oxford, 2010), pp. 36-38, who documents this point with regard to eighteenth-century Prague. A closer example of what I regard as self-censorship on the part of Me'iri is the marginal comment indicated by an asterisk published in the early editions of *Mishneh Berurah* 330:8. Cf., however, R. David Zevi Hoffmann, *Der Shulchan-Aruch und die Rabbinen über das Verhältnis der Juden zu Andersgläubigen* (Berlin, 1894), pp. 4-7; R. Ahron Soloveichik, *Bet Yizhak*, XXII (5750), 224-248 and *Sefer Parah Matteh Aharon: Hiddushim al ha-Rambam Sefer Madda* (Jerusalem, 5757), pp. 144-145; R. Eliezer Waldenberg's preface to *Bein Yisra'el la-Amim*, pp. 16-17; and an unpublished letter of R. Yechiel Ya'akov Weinberg cited by Marc Shapiro, "Scholars and Friends: Rabbi Yechiel Jacob Weinberg and Professor Samuel Atlas," *Torah U'Madda Journal*, VII (1997), 118, who regard those statements as an authentic expression of Me'iri's views. However, Rabbi Weinberg is also quoted as conceding that "the teachers and *ramim* whisper in the ears of the students that all this was written because of the censor." The comment was satirical, but Rabbi Weinberg concedes that such sentiments were widely accepted. Whether Rabbi Weinberg's understanding or that of the *ramim* is correct remains an issue. Ignored in discussions of Me'iri is the fact that there appears to be neither talmudic precedent nor theoretical basis for Me'iri's distinction.

R. Abraham I. Kook, *Iggerot Re'iyah*, I (Jerusalem, 5722), 99, endeavors to provide such a foundation for Me'iri's thesis. Rabbi Kook interprets Me'iri as declaring that the gentiles of our age "are considered as resident-alien (*gerim toshavim*) with respect to all obligations regarding human beings." That is also the view of R. Ahron Soloveichik, *Bet Yizhak*, XXII, 224-248 and *Sefer Parah Matteh Aharon*, pp. 144-145.

concerning Christian theology constitute Me'iri's considered opinion. Elsewhere,²¹ I have endeavored to show that the Christianity presented so favorably by Me'iri was not an orthodox Trinitarianism but a Christianity

Assuming that such was indeed Me'iri's position, it is contradicted by Rambam, *Hilkhot Ma'akhalot Asurot* 11:7; and *Teshuvot ha-Rambam*, ed. Joshua Blau, II (Jerusalem, 5760), no. 448; Rashba, *Avodah Zarah* 64b; *idem*, *Torat ha-Bayit*, bayit 5, *sha'ar* 1 and *sha'ar* 4; *Kesef Mishneh*, *Hilkhot Ma'akhalot Asurot* 11:7; and *Bet Yosef*, *Hoshen Mishpat* 249 as well as by the numerous 19th-century authorities who inveigh against sale of farmland in the Land of Israel to a non-Jew in advance of the sabbatical year in order to avoid the onus of prohibitions associated with working the land during that year on the grounds that sale of real estate in the Land of Israel to a non-Jew is forbidden—a practice that would have been innocuous had the purchaser achieved the status of a resident-alien. Cf., the novel view of R. Me'ir Don Plocki, *Hemdat Yisra'el*, *Kuntres Ner Mizvah*, no. 35, who maintains that a group who collectively observe the Seven Commandments of the Sons of Noah, or even an individual who does so from his earliest years, has the status of a resident-alien even in our day and does not require formal acceptance of the seven Noahide commandments. See also R. Abraham I. Kook, *Mishpat Kohan*, nos. 61 and 63, who maintains that Moslems may be regarded as *gerai toshav* for purposes of *lo tehanem*. In *Mishpat Kohan*, no. 63, Rabbi Kook asserts that this is the view espoused by *Bab*, *Hoshen Mishpat* 249 in disagreement with *Bet Yosef*, *ad loc.*, and may be relied upon in cases of grave need. However, Rabbi Kook had before him a censored version of *Bab*. On the basis of the deleted material in the *editio princeps* restored in the Machon Yerushalayim edition (Jerusalem, 5754) it is clear that *Bab* is in complete agreement with *Bet Yosef*.

However, subsequently, *Hemdat Yisra'el*, sec. 40, modifies his view and restricts his thesis to the pre-Sinaitic era. Moreover, Rabbi Kook's theory cannot accommodate Me'iri's statement, *Yoma* 84b, concerning religious law.

Cf., R. Menachem Mendel Schneerson, *Teshuvot Zemah Zedek*, *Yoreh De'ah*, no. 83; R. Yechiel Michal Epstein, *Arukh ha-Shulhan*, *Yoreh De'ah*, 254:3; R. Yosef Eliyahu Henkin, *Kol Kitvei ha-Griya Henkin* (New York, 5749), II, 230; and R. Ahron Soloveichik, *Bet Yizhak*, XX, 227-246 and *idem*, *Parah Matteh Aharon*, pp. 139-151. Those authorities maintain that a non-Jew who observes the Seven Noahide Commandments without formal acceptance of those obligations before a *bet din* has the status of a *ger toshav* at least for some purposes.

The view that, according to the authorities who maintain that the institution of *ger toshav* has not been abrogated with the lapse of the Jubilee year, Moslems and Christians who observe the Seven Noahide Commandments enjoy that status is advanced by R. Zevi Hirsch Chajes, *Kol Sifrei Maharaz Hayes*, I, 489 and cited anonymously by *Hazon Ish*, *Shevi'it* 24:3. *Hazon Ish* rebuts that view contending that a non-Jew who accepts "false beliefs" and one who does not acknowledge the Seven Commandments are binding because of divine revelation cannot acquire the status of a *ger toshav*. In response to a critic who argues, *inter alia*, that no contemporary non-Jew is fully observant of the myriad provision of the Noahide Code, Rabbi Chajes, *Minbat Kena'ot*, *kuntres aharon*, published in *Kol Sifrei Maharaz Hayes*, II, 1035, also acknowledges that a *ger toshav* must accept the Seven Commandments on the basis of the prophecy of Moses and, on the basis of Rambam, *Hilkhot Melakhim* 10:6, adds that a non-Jew who engages in *hidush dat*, i.e., novel ritual practices, cannot have the status of a *ger toshav*.

²¹ J. David Bleich, "Divine Unity in Maimonides, the Tosafists and Me'iri," *Neoplatonism and Jewish Thought*, ed. Lenn E. Goodman (Albany, 1992), pp. 237-254.

that espoused a theology formally branded heretical by the Church. How that occurred, one can only conjecture. Perhaps Me'iri's information came from a member or members of such heretical circles or from conversations with Christian clerics who, in a desire to influence a prominent Jewish scholar, purposefully presented Christian theology in a manner most likely to evoke a sympathetic response.²²

More recently, the late R. Joseph B. Soloveitchik dismissed views expressed in the newly-published works of Me'iri based upon manuscripts found in the Cairo *genizah* as "a mere curiosity of no normative import" and hence entirely without relevance to the halakhic process.²³ Accordingly, for all purposes of Halakhah it is regarded as normatively established that, at least for Jews, worship of the Trinity must be deemed an act of idolatry.²⁴ Roman Catholics, the Orthodox churches, Anglicans, Episcopalians and Lutherans all espouse Trinitarian views. Beliefs of the various other Protestant denominations must be examined individually. Many do subscribe to the notion of a triune deity. Others venerate the Son as an intermediary between man and God and address prayer to him in that capacity, a practice comparable to the worship of angels and hence interdicted by Judaism. Any possible apologia for what might appear to be instances of angel worship or veneration of intermediaries among Jews and its application to the faith system of certain Christian denominations is beyond the scope of this discussion.²⁵ Some theologically liberal

²² For modern-day instances of two such occurrences see *infra*, note 57 and accompanying text.

²³ See R. Hershel Reichman, the Yeshiva University student newspaper, *The Commentator*, November 5, 2006, p. 21. Those comments and any "disdain of ha-Me'iri as a halakhic authority" apply only to statements found in *genizah* manuscripts because of issues regarding the reliability of texts whose provenance is uncertain and possibly with regard to other texts beclouded by suspicion of fear of the censor. See *supra*, note 19 and accompanying text. Me'iri himself was always regarded with the highest respect and positions ascribed to him by rabbinic decisors of previous generations are indeed part of the *mesorah* of Halakhah. Cf., Berger, "Jews, Gentiles and the Modern Egalitarian Ethos," p. 100.

²⁴ See *Tehukkah le-Yisra'el*, I, 18. See also *Aseh Lekha Rav*, I, no. 59, p. 179, who writes, "I know of no reliable decisor who maintains that Christianity is not idolatry in the halakhic sense of the concept."

²⁵ See, for example, *Teshuvot Mahari Bruna*, no. 275; *Be'er Heitev*, *Orah Hayyim* 581:17; *Teshuvot Hatam Sofer*, *Orah Hayyim*, no. 166; R. Moshe Schick, *Teshuvot Maharam Shik*, *Orah Hayyim*, no. 293; R. Abraham Samuel Benjamin Schreiber, *Teshuvot Ketav Sofer*, *Orah Hayyim*, no. 53; *Teshuvot Minhat Elazar*, I, no. 68; R. Nachman Kahana, *Orhot Hayyim* 581:14; R. Shalom Mordecai Schwadron, *Da'at Torah*, *Orah Hayyim* 581:1; and R. Chaim Chizkiyahu Medini, *Sedei Hemed*, *ma'arekhat Rosh ha-Shanah*, no. 1, sec. 6. See also the introduction to *Siddur Ozar ha-Tefillah* (New York, 5706) and the introduction to the Mosad ha-Rav Kook edition of the *Selihot* (Jerusalem, 5725); R. Shlomoh Goren, *Mahanayim*, no. 117 (Shevat, 5728),

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denominations regard the founder of Christianity simply as a prophet or moral teacher. Students of American history are aware of the fact that Puritans sought refuge in the new world because they were suspected of harboring non-Trinitarian views and because of their renunciation of even the iconistic trappings of Christianity were not tolerated in their native country.²⁶ Several denominations subscribe to a belief system that can best be described as deism. Although such beliefs are heretical in the sense that they constitute denial of the existence of an omnipotent and providential God, presumably, adoration of the deity they do acknowledge is not to be equated with idolatry.

II. ENTERING A NON-JEWISH HOUSE OF WORSHIP

The question of entering a church has been addressed in a series of responsa authored over the course of the past century and a half.²⁷ The earliest and most comprehensive of these is R. Chaim Pelaggi, *Teshuvot Hayyim be-Yad*, no. 26. Some time before publication of that responsa collection in 5663, a group of Jews escorted a consul to church on a holy day and entered the edifice. Rabbi Pelaggi, who was apparently consulted

pp. 6-15; S.Y. Agnon, *Yamim Nora'im* (Jerusalem, 5707), p. 94; and R. Tuviah Freund, *Mo'adim le-Simhah*, I (Jerusalem, 5762), 37-62. See as well Louis Jacobs, *Principles of the Jewish Faith* (London, 1964), pp. 173-175.

²⁶ The Puritans were Calvinists. See Rayna Bailey, *Immigration and Migration* (New York, 2008), p. 35 and Nick Bunker, *Making Haste from Babylon: Mayflower Pilgrims and Their World: A New History* (New York, 2010), p. 21. John Calvin and his followers were suspected of subscribing to Arianism which, in turn, involved a rejection of orthodox notions of the Trinity. See Thomas Henry Dyer, *The Life of John Calvin* (London, 1850), pp. 67-70.

²⁷ It is of interest to note that, prior to Vatican II, the Catholic Church forbade its adherents to be present at non-Catholic worship services. Canon 1528 stated: “[i]t is forbidden to actively participate in the worship of non-Catholics.” All active participation in such services in the form of any positive act of worship was banned by c.1258 §1. See T. L. Bouscaren and Adam C. Ellis, *Canon Law: A Text and Commentary* (Milwaukee 1955), p. 639. One author stated that although “to be present in a non-Catholic church for prayers, services, in a church or elsewhere is forbidden,” nevertheless, “it is not forbidden for a Catholic to visit a non-Catholic church as a sightseer.” See James. M. Oliver, *Ecumenical Associations: Their Canonical Status with Particular Reference to the United States of America*, (Rome, 1999), p. 13. Canon 2316 provided that a person in violation of such strictures is automatically suspect of heresy. The church’s encouragement of ecumenical activity in the wake of the Second Vatican Council is reflected in the promulgation of the new *Code of Canon Law* in 1983. Presently accepted practices are published in *Directory for the Application of Principles and Norms of Ecumenism*, issued March 25, 1993, secs. 102-142.

after the fact, wrote a detailed responsum declaring such conduct to be forbidden. In 5662, R. Eliezer Deutsch, *Teshuvot Pri ha-Sadeh*, II, no. 4, was asked a similar question regarding a memorial service for a government official attended by a number of Jewish notables. The latter deemed their attendance to be permissible because the service was conducted in a room, or possibly a building, that had no religious symbols. *Pri ha-Sadeh* cites *Binyan Zion*'s ruling to the effect that the absence of a crucifix or a cross does not render entrance permissible. Despite the permissive ruling of *Shulhan Arukh*, *Pri ha-Sadeh* expresses doubt with regard to whether one is obligated to suffer martyrdom rather than enter such an edifice.²⁸ Much later, in 5709, R. Ovadiah Yosef reports that, while yet a young man serving as a *dayyan* in Cairo, he was requested by the chief rabbi to represent him at the funeral of a consul to be held in a church. Despite the assurances of the chief rabbi that such had been the practice of "many rabbis," Rabbi Yosef researched the issue and concluded that entry into such an edifice is forbidden even in situations in which it might serve to preserve "the ways of peace." Those conclusions are presented in an essay published in *Teshuvot Yabi'a Omer*, IV, *Yoreh De'ah*, no. 11. *Yabi'a Omer* relies heavily upon the earlier responsum of *Hayyim be-Yad*. A shorter version of Rabbi Yosef's ruling covering much the same ground later appeared in his *Yehaveh Da'at*, IV, no. 45. Rabbi Yosef reiterates his view in *Teshuvot Yabi'a Omer*, VII, no. 13, sec. 1. That responsum was addressed to an Israeli ambassador who queried whether it was permissible for him to attend a church funeral of a high government official because of a concern that his failure to attend would evoke enmity towards the State of Israel. Rabbi Yosef emphatically forbids attendance at the funeral.

The responsa addressing the question of entering a church deal essentially with edifices used for orthodox Christian worship. Entering a house of worship not associated with Trinitarian belief is not explicitly addressed in those sources. However, R. Eliezer Waldenberg, *Ziz Eli'ezer*, XIV, no. 91, in two very brief paragraphs appended to his discussion of entering a church building, extends the prohibition to entering the houses of worship of Samaritans and Moslems as well. *Ziz Eli'ezer* cites *Hiddushi ha-Ran*, *Sanhedrin* 61b, s.v. *yakhol*, who writes of the saints of the "Samaritans" (*kutim*)²⁹ and Mohammed:

²⁸ The question of martyrdom will be addressed *infra*, notes 38-41 and accompanying text.

²⁹ The term "*kutim*" employed by Ran is probably a reference to Christians and was often used in Christian lands to avoid insult to the indigenous populace. See *Bnei Banim*, III, no. 35, sec. 8.

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[E]ven though they do not erroneously follow them to make them deities, since they bow before them [in the manner of the] bowing of deification, [those saints and Mohammed] have the status of idolatrous deities for every forbidden act of idolatry, for they bow before them not simply [as a sign of] honor since no honor [is paid] to the dead; rather, their service is in the nature of [the] service of deification.

Rabbi Waldenberg, responding to a critic, reiterates this view in *Ziz Eli'ezer*, XVIII, no. 47.³⁰

Rabbi Waldenburg's correspondent apparently cited a responsum in *Teshuvot ha-Rambam* that contradicts Ran's position but which *Ziz Eli'ezer* dismisses as having been overruled by Ran. No citation of Rambam's ruling is provided by *Ziz Eli'ezer*. However, in defending Moslems against what he categorizes as a "spurious" charge of idolatry, *Teshuvot ha-Rambam*, II, no. 458, declares:

[T]hese Ishmaelites are in no sense idolaters. Idolatry has been severed from their mouths and hearts. They attribute to God, may He be exalted, proper divinity, unity which has no defect (*dofei*)... And if someone will say that the edifice in which they praise Him is a house of idolatry and that an idol that their fathers served is hidden therein, what of it? The hearts of those who bow before it today are [directed] solely to Heaven.

In this responsum Rambam does not discuss the permissibility of entering a mosque, but he does declare that, despite "hidden" idols and what he describes as "their error and foolishness with regard to other matters," which he declines to spell out because of "Jewish sinners and evildoers," Moslem worshippers in a mosque bow "before Heaven." That statement is antithetical to the notion that their prostration is intrinsically a form of idolatry.

³⁰ R. Yekuti'el Yehudah Halberstam, *Teshuvot Divrei Yaziv*, III, *Yoreh De'ah*, no. 40, cites R. David ibn Zimra, *Teshuvot ha-Radvaz*, IV, no. 1, 163, who rules that one must suffer martyrdom rather than embrace Islam. Radvaz does not use the phrase "idolatry" but he asserts that Islam constitutes heresy because it denies the supremacy of the prophecy of Moses and the eternity of the Torah, i.e., acceptance of Islam is a profession of heresy rather than an act of idolatry. See, however, Ritva, *Pesachim* 25b, who writes that "although they are monotheists, the faith of the Moslems is absolute *avodah zarah* insofar as martyrdom in time of forced apostasy for one who accepts their faith denies the faith of Moses as being true." *Divrei Yaziv* similarly regards such heresy as constituting idolatry. Moreover, in a brief statement, he concludes that, even if Moslems are not idolaters, all restrictions placed upon interaction with idolaters apply to them as well. *Divrei Yaziv* similarly forbids entering all Protestant houses of worship including those of denominations that regard the founder of Christianity merely as a prophet.

Hiddushei ha-Ran's comments are remarkable, particularly in light of the fact that medieval rabbinic scholars refer to Kalam philosophers as "*ba'alei ha-zedek ve-ha-yihud*," i.e., as protagonists of divine theodicy and unity. Ran may well have regarded Moslems as prostrating themselves to Mohammed rather than to Allah but Moslems certainly do not ascribe divine power to Mohammed. It may be the case that Ran assumed that Moslems venerated Mohammed as an interceder for them before God and hence Ran regarded adoration of Mohammed as tantamount to idolatry. On the basis of Ran's comments, *Ziz Eli'ezer* rules that entrance into a mosque in which Mohammed is adored is forbidden.

However, R. Ovadiah Yosef, *Yabi'a Omer*, VII, *Yoreh De'ah*, no. 12, secs. 2-4, rules in accordance with Rambam, arguing that Rambam was more familiar with Moslem practice than was Ran.

Although *Hiddushei ha-Ran* clearly speaks of persons who prostrate themselves before the saints of the *kutim* and Mohammed, that is not the practice of present-day Moslems who prostrate themselves before *Allah*.³¹ Moreover, Ran in his commentary on *Rabbenu Alfus (Rif)*, *Avodah Zarah* 57b, declares that Moslems are not idolaters. The author of the commentary of Ran on *Rif* may or may not have been the same person as the author of *Hiddushei ha-Ran*, but that early-day commentary explicitly affirms Rambam's ruling. Similarly, *Magen Avraham*, *Orah Hayyim* 128:54, regards a person who adopts Islam as an apostate but not as an idolater.³²

In the latter part of the nineteenth century, R. Isaac Elchanan Spektor, *Ein Yizhak*, *Orah Hayyim*, no. 11, ruled that Jews may even conduct worship services in a mosque. In that responsum *Ein Yizhak* reports that Jewish soldiers requested that a place be made available to them for prayer and were granted permission by the authorities to use a mosque for that purpose. *Ein Yizhak* ruled that it was indeed permissible for them to use the mosque for prayer. Similarly, Rabbi Halevi, *Aseh Lekha Rav*, I, no. 59, finds no problem with regard to entering a mosque. In support of that view he points to the fact that the structure built upon the Cave of Machpelah in Hebron was erected as a mosque but Jews nevertheless enter the edifice and pray therein as a matter of course. Advancing an opposing view, the late *Klausenberger Rebbe*, R. Yekuti'el Yehudah Halberstam, in *Saba Yisra'el*, IV, no. 48 and in his *Shefa Hayyim le Yamim ha-Nora'im*,

³¹ See *Hiddushei ha-Ran*, *Sanhedrin*, ed. R. Israel Sklar (Jerusalem, 5750) 61b, note 336, in which the editor, without citing *Ziz Eli'ezer*, notes that Ran's comment does not necessarily demonstrate that he regarded Moslems as idolaters.

³² Cf., *Shiltei ha-Gibborim*, *Magen ha-Elef*, sec. 73 and his citation of *Teshuvot Hakham Zevi*, no. 13.

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I, 54-55, forbids entering the Cave of Machpelah because of its use as a mosque. However, Rabbi Yosef, *Yabi'a Omer*, VII, *Yoreh De'ah*, no. 12, sec. 4, rebuts that position and unhesitatingly rules that entering the Cave of Machpelah or any other mosque is permissible.

III. SOURCES OF THE PROHIBITION

The clearest and most unequivocal source prohibiting entrance into an edifice dedicated to idolatrous worship is Rambam, *Commentary on the Mishnah, Avodah Zarah* 11b. The Mishnah prohibits entering a city on the feast day of its pagan deity for any purpose unless passage through the city is undertaken to facilitate travel to another city. Rashi and Ran explain that, absent an obvious reason to pass through the city, a person entering such a locale on a pagan feast day will be suspected of entering the city in order to participate in idolatrous activity. For Rashi and Ran the concern is suspicion of idolatrous conduct. R. Chaim Pelaggi, *Hayyim be-Yad*, no. 26, adds that if an edict was promulgated against entering a city containing a place of idolatry, it is readily deduced that, *a fortiori*, entering the place of idolatry itself is certainly forbidden.

As is evident from Rambam's codification of that rule, *Hilkhot Avodat Kohavim* 9:10, Rambam understood the Mishnah in a somewhat different way. According to Rambam, means of egress from the city to another locale, does not, in itself, render entry permissible.³³ Consistent with that ruling, Rambam writes in his *Commentary on the Mishnah*:

...it should be known to you that [with regard to] every city of a people in which [the city] has a place of worship that is a house of idolatry, it is without doubt forbidden intentionally to traverse [that city], and, *a fortiori* [it is forbidden] to dwell therein. However, because of our sins, we are subservient to them and live in their land under duress and in us has

³³ For two possible ways in which Rambam might have understood the Mishnah, see *Lehem Mishneh, Hilkhot Avodat Kohavim* 9:10. According to *Lehem Mishneh's* preferred interpretation, Rambam also understands the prohibition as based upon a concern for arousal of suspicion with regard to idolatry. Alternatively, *Lehem Mishneh* suggests that it is the "benefit" derived from a shortcut that causes one to traverse idolatrous celebrations that is forbidden. The benefit derived is certainly not of a nature that is biblically proscribed. Since, in his *Commentary on the Mishnah*, Rambam justifies living in such cities on grounds of duress, Rambam's concluding statement to the effect that it is "almost forbidden [even] to see" a house of idolatry does not seem to reflect a concern with regard to suspicion of misconduct but a transgression predicated upon actual association with idolatry.

been fulfilled the words of Scripture ‘and there you will serve gods that are the work of human hands, wood and stone’ (Deuteronomy 4:28). And if this is the law pertaining to the city, *a fortiori* it is the law pertaining to the house of idolatry itself which it is almost forbidden [even] to see and certainly to enter.

Rambam’s ruling is endorsed by *Shakh, Yoreh De’ah* 149:1.

In a comment upon a talmudic anecdote recounting that a number of the *Amora'im* declined to pass in front of a place of idol worship, *Tosafot, Avodah Zarah* 17b, declare that it may be deduced from that narrative that one should distance oneself “as much as possible” from the entrance of a place of idol worship as reflected in the verse “and do not come close to the door of her house” (Proverbs 5:8). That verse is understood by the Gemara, *Avodah Zarah* 17a, as a reference to idolatry. In a similar vein, *Shulhan Arukh* 150:1 declares that it is a “*mizvah* to distance oneself four cubits from the path of idols.” The four-cubit rule is based upon Rav Hisda’s definition, *Avodah Zarah* 17a, of the term “distance” that occurs in the earlier part of the same verse, *viz.*, “Distance your way from her,” as connoting four cubits. *Hayyim be-Yad* comments that, if one must distance oneself from the entrance of a place of idolatry, actual entrance into the premises is certainly forbidden.

Similarly, the Gemara, *Eiruvin* 18b, states that it is preferable to “follow a woman rather than to follow an idol.” Rashi indicates that idolatry is of greater concern than immorality and comments that the fear is “lest one be drawn to idolatry and Scripture says, ‘Distance your way from her.’” If so, comments *Hayyim be-Yad*, actual entrance into a place of idolatry is of even greater concern. Reflected in that text is a fear of actual temptation rather than avoidance of suspicion.

Sefer Hasidim, no. 1,157, cites Rebecca’s declaration to Eliezer, “I have emptied the house” (Genesis 24:31), understood in rabbinic sources as meaning that she had removed the idols, as an indication that, otherwise, Eliezer would not have entered the house because of the prohibition against entering a place of idol worship. *Sefer Hasidim* adds that during his sojourn with Laban, Jacob did not enter Laban’s tent for precisely that reason. *Sefer Hasidim* (Jerusalem, 5724), no. 435,³⁴ advises that if a person did indeed enter a place dedicated to idolatry he should fast each year on the anniversary of the occurrence.³⁵

³⁴ This section is omitted in censored versions of *Sefer Hasidim*.

³⁵ R. Chaim Pelaggi, *Teshuvot Hayyim be-Yad*, no. 26, advises that a person who enters such an edifice immerse himself in a *mikvah*, submit to *malkot* and donate the clothes he wore to the destitute as a means of expiation.

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R. Ovadiah Yosef, *Yabi'a Omer*, *ibid.*, sec. 5, cites R. David Judah Zilberstein, *Shevilei David*, *Yoreh De'ah* 154, who interprets *Tosafot* as positing a biblical prohibition despite the fact that the verse “and do not come close to the door of her house” (Proverbs 5:8), upon which the prohibition is based, is a quotation from the Hagiographa.³⁶ Of course, if the prohibition is in the nature of an actual appurtenance of idolatry, the prohibition is biblical in nature even in the absence of any specific passage in the Pentateuch. There is, however, no doubt that *Tosafot* regard the prohibition to be at least of rabbinic origin and entirely independent of the prohibition against deriving benefit from artifacts of idolatry. Since the issue is not that of deriving benefit from artifacts of idolatry, R. Elijah Mizrachi, *Teshuvot ha-Re'em*, I, no. 79, concludes that the prohibition is limited to edifices dedicated to idol worship as their primary use. Accordingly, *Teshuvot ha-Re'em* permits occasional worship by a Jew in a private edifice containing idols that are served on a regular basis.

The well-known statement of R. Yohanan, *Hullin* 13b, “Gentiles in the Diaspora are not idolaters; rather, they practice the customs of their fathers,” in no way connotes that those “customs” do not constitute idolatrous practices. In context, R. Yohanan declares only that the lives of idolaters of bygone ages focused around pagan cultism transforming seemingly mundane acts into acts of idolatry. Thus, the slaughter of an animal even when intended for food was dedicated to the pagan deity, thereby rendering the act an act of idolatry. The idolatry of pagan devotees in the Diaspora was, and is, less consuming with the result that idolatrous acts were performed as a matter of “custom” and restricted to cultic practices. Accordingly, prohibitions regarding mercantile commerce with pagans prior to their feast days, originally forbidden because of the likelihood that the idolater would react by attributing his good fortune to his pagan deity and express gratitude by means of an act of adoration, are now suspended because, in our day, the devotion of idolaters to their deities is much mitigated.³⁷ Nevertheless, since their worship, even in the Diaspora, constitutes idolatry, prohibitions against entering an edifice in which such worship is offered is in no way mitigated in the Diaspora.

³⁶ *Shevilei David's* comment is somewhat ambiguous. In context, *Shevilei David* may have intended only to state that a biblical infraction is involved only if entry results in a prohibited benefit.

³⁷ See *Teshuvot Rabbenu Gershom*, no. 21; *Tur Shulhan Arukh* and *Bet Yosef*, *Yoreh De'ah* 148; *Shulhan Arukh*, *Yoreh De'ah* 148:1; and *Shakh*, *Yoreh De'ah* 151:16.

IV. PARAMETERS OF THE PROHIBITION

The nature and severity of the prohibition is a matter of dispute among early-day authorities. Ritva, *Avodah Zarah* 11b, regards entrance into a place of idolatry as one of the *avizraihu*, or appurtenances, of idolatry and hence prohibited even for the purpose of preserving one's life.³⁸ That is also the position of Rashba as cited by *Tur Shulhan Arukh, Yoreh De'ah* 149.³⁹ Indeed, the Gemara, *Avodah Zarah* 12a, declares that a person should not bend in order to drink from a stream that flows past an idol because it would appear to the onlooker that he is bowing to the idol. The Gemara declares that it is forbidden for a person to do so even if he will die of thirst as a result.

Nevertheless, *Teshuvot ha-Rosh, klal* 19, no. 17, permits seeking asylum in a church in a time of danger. He notes that, in his country, even a person guilty of a capital crime may seek refuge in a church and rules that a Jew may avail himself of that prerogative.⁴⁰ A ruling to that effect is recorded by *Shulhan Arukh, Yoreh De'ah* 157:3.⁴¹ That is also the position of Ran and Me'iri, *Avodah Zarah* 12a. Ran dismisses the above-cited statement of the Gemara prohibiting bending over to drink water in the presence of an idol despite the attendant danger of dying from thirst on the grounds that the danger of dying of thirst is not certain in nature. *Teshuvot Yabi'a Omer, ibid*, sec. 4, notes that even possible danger constitutes danger of which Halakhah takes cognizance and therefore asserts that the thrust of Ran's comment is that the danger to which the Gemara refers is not one that might be cogently anticipated but exists only in the mind of the person seeking water. Me'iri, *Avodah Zarah*

³⁸ See also *Tur Shulhan Arukh, Yoreh De'ah* 149, who cites additional authorities who regard such an act to be forbidden even in order to preserve human life.

³⁹ Cf., *Shiltei Gibborim, Avodah Zarah* 11b.

⁴⁰ For references to the right of asylum on church premises, see Victor M. Uribe-Uran, "Iglesia me Llamo: Church Asylum in the Law in Spain and Colonial Spanish America," *Comparative Studies in Society and History*, vol. 49, no. 2 (April, 2007), pp. 446-472. There is at least one report of the right of asylum having been preserved in some jurisdictions in Germany as late as 1837. See "The Cities of Refuge" (n.a.), *The Church of England Magazine*, vol. 2, no. 49, (April 29, 1837), p. 2.

⁴¹ *Shulhan Arukh* does not permit entering a forbidden place of worship for any purpose other than preservation of life. The author of *Shulhan Arukh*, R. Joseph Karo, in his *Bet Yosef, Yoreh De'ah* 178, carefully explains why apparent violations of "and you shall not walk in their statutes" (Leviticus 18:3) are permitted to a person who is "close to the government," i.e., a *karov le-malkhut*. See also *Bab, Yoreh De'ah* 178 and, *Taz, Yoreh De'ah* 178:5. There is no reference to a similar exception to the stricture against entering a forbidden place of worship having been provided on behalf of a *karov le-malkhut*.

12a, distinguishes between bending to drink water which is forbidden even in the presence of actual danger because such an act has the appearance of an act of idol worship whereas merely entering a pagan edifice may lead to suspicion but, in itself, does not have the appearance of idol worship.

Yabi'a Omer, *ibid*, sec. 5, cites R. Daniel di Trani, *Ikkarei ha-Dat*, no. 19, sec. 6, who quotes earlier authorities who permitted seeking refuge in a church even to avoid apprehension by creditors. Nevertheless, in light of the fact that *Shulhan Arukh*, as well as other authorities cited by *Darkei Teshuvah* 157:67, permit such conduct only in face of danger, *Yabi'a Omer* refuses to sanction entry into a church in order to avoid financial loss or even to obviate *eivah*, or enmity towards Jews. *Sefer Hasidim*, no. 435,⁴² reports an incident regarding a priest who owed a Jew a sum of money. When pressed for payment the priest repaired to a church confident in the knowledge that the Jew would not follow him inside. R. Chaim Joseph David Aluzai in his commentary on *Sefer Hasidim*, *Brit Olam*, no. 435, declares that the words of *Sefer Hasidim* "should be taken to heart."

Yabi'a Omer emphatically rejects the applicability of the principle of *eivah* for several reasons: 1) It is only rabbinic prohibitions that are ever suspended on such grounds. Citing *Shevilei David*, no. 154, *Yabi'a Omer* asserts that the prohibition against entering a church is biblical in nature. 2) It is by no means the case that all rabbinic prohibitions are suspended in the face of *eivah*. R. Ishmael ben Abraham Isaac ha-Kohen, *Teshuvot Zera Emet*, III, *Orah Hayyim*, no. 32, p. 40b, asserts that the few examples found in the Gemara, e.g., refusal to assist at childbirth and refusal to trade with idolaters on pagan feast days, would be perceived as demeaning and as an insult to human dignity. However, declining to enter a church is clearly rooted in religious conviction. Since it involves a matter of religious conscience, such conduct cannot be perceived as a personal insult. 3) R. Eliyahu Saliman Mani, *Zikhronei Eliyahu*, *ma'arekhet mukzah*, sec. 8, asserts that underlying the concept of *eivah* is a fear that a non-Jew who perceives an insult may respond by falsely accusing the Jew of wrongdoing and cause him harm as a result. That fear, he argues, was cogent only in ages in which false charges were not uncommon. *Zikhronei Eliyahu* concludes that, in our own age, an epoch in which Jews are protected by the laws of the land, *eivah* is generally not an applicable consideration. 4) *Eivah*, as provocation of enmity, must be distinguished from ingratiating. Those seeking rabbinic sanction to enter churches

⁴² See *supra*, note 34.

incorrectly invoke the concept of *eivah*, argues *Yabi'a Omer*, since their true motivation is a desire to ingratiate themselves in the eyes of non-Jewish officials—an attempt *Yabi'a Omer* regards as vain and destined for failure despite any attempt to do so.

Rabbi Yosef's points are well-taken. Any perspicacious individual involved in public affairs becomes aware that ceremonial attendance at mass assemblies seldom leads to significant positive benefit. That is not to say that there may not have been an occasion in which failure to participate in such an event could have resulted in actual danger to the Jewish community nor that, Heaven forbid, such a situation might not arise in the future. Although non-participation might, on occasion, generate ill will, in our age, there is no cogent danger that the life of any Jew would be imperiled. Any possible negative feelings can readily be dispelled by means of a cordial, but unequivocal and authoritative explanation that absence from such a venue is not an affront but is dictated solely by sincere belief and religious discipline.⁴³ In an age in which intolerance is, to say the least, politically incorrect, such an explanation would be graciously accepted by any government official, consul, sovereign, or head of state. Quite to the contrary, a thoughtful and reasoned explanation declining such an invitation is likely to have the positive effect of evoking respect for Jewish clergy as principled, consistent, and devoid of personal vanity as well as an awareness among occupants of high office that the Jewish community takes pride in its traditions and does not violate religious principles in order to flatter, curry favor, or to pursue fleeting advantage.

In 5740, R. Eliezer Waldenberg was asked whether tourists are permitted to enter a non-Jewish house of worship, or a monastery lacking crosses, for purpose of viewing artwork. His response, *Ziz Eli'ezer*, IV, no. 91, was emphatically negative. Similar rulings were issued by R. Ovadiah Hadaya, *Teshuvot Yaskil Avdi*, VIII, no. 20, sec. 46; R. Moshe Feinstein, *Iggerot Moshav, Yoreh De'ah*, III, no. 129, sec. 6; R. Chaim David Halevi, *Aseh Lekha Rav*, I, no. 59; as well as by R. Yekuti'el Yehudah Teitelbaum, *Teshuvot Divrei Yaziv*, III, *Yoreh De'ah*, no. 40 and *Likkutim*, no. 74.⁴⁴ Rabbi Feinstein was also approached through a local rabbi by administrators of a day school in a small community who asked if it was permissible

⁴³ Prior to Vatican II our position would have been even more readily understood in light of its counterpart in canon law. See *supra*, note 27. Even at present the earlier Catholic rules provide a valuable perspective.

⁴⁴ In *Aseh Lekha Rav*, VII, no. 53, Rabbi Halevi permits tourists to enter a church no longer used for worship, but preserved essentially as a museum.

to use the premises of a church on a temporary basis. In *Iggerot Mosheh, Yoreh De'ah*, III, no. 77, sec. 1, Rabbi Feinstein responds that such use of church premises is forbidden even if it would otherwise not be feasible to provide a day school education.

R. Aharon Ziegler, *Halakhic Positions of Rabbi Joseph B. Soloveitchik*, IV (Jersey City, 2007), 160, reports a widely-known ruling of Rabbi Soloveitchik issued in the wake of the assassination of President John F. Kennedy. Rabbi Soloveitchik announced that it was forbidden to view a televised funeral mass even in the privacy of one's own home because "just as it is prohibited for a Jew to enter a church, so too is it prohibited to bring the church into his home."

Yabi'a Omer, *Ziz Eli'ezer* and *Iggerot Mosheh* each cites the ruling of Rema, *Yoreh De'ah* 149:2, regarding a courtyard of such a building. Rema cites two conflicting opinions with regard to entering the courtyard of such an edifice at times when non-Jews "do not assemble there for their worship." The issue with regard to a courtyard is *heshada*, i.e., whether even a person entering a courtyard of an edifice devoted to idolatry arouses suspicion with regard to his purpose for doing so. Accordingly, Rema concludes that if the courtyard is not enclosed but provides egress to a road or path leading elsewhere, the entirely innocuous purpose of entering the courtyard is readily discernible. Nevertheless, concludes Rema, as a "trait of piety," one should not cross the courtyard if there is another path available that would not increase the distance to be spanned. But, if the courtyard serves as a shortcut, Rema does not consider refraining from its use as rising even to the level of a trait of piety. However, as stated by *Iggerot Mosheh, Yoreh De'ah*, III no. 77, sec. 1, classrooms used for teaching religion, unlike courtyards, have the same status as the church sanctuary.

The basement of a church or a hall located in the same building is often used as a polling place or for some other entirely mundane purpose. It seems to this writer that such areas enjoy the status of a courtyard and hence when the mundane function is well known, the situation is tantamount to a courtyard permitted for use as a shortcut,⁴⁵ since, under such circumstances, entrance is not likely to arouse suspicion.⁴⁶

⁴⁵ Cf., R. Moshe Feinstein, *Iggerot Mosheh, Orach Hayyim*, I, no. 40, sec. 26 and *Yoreh De'ah*, III, no. 77, sec. 1 and R. Ovadiah Hadaya, *Teshuvot Yaskil Avdi*, VIII, *Orach Hayyim*, no. 20, sec. 46.

⁴⁶ See, however, *Yaskil Avdi, ibid.*, sec. 45, who objects to entering any area adorned by a cross on the grounds that it is spiritually harmful. See also R. Chaim Pelaggi, *Ruach Hayyim, Yoreh De'ah* 150:1.

V. REPORTS OF ENTRANCE INTO A CHURCH

As reported by *Yabi'a Omer*, *ibid.*, secs. 6-7, despite the clear nature of the prohibition it is undeniable that certain rabbinic figures did enter church premises for various purposes. The most significant of such reports is recorded by R. Israel Moses Hazan, *Kerakh shel Romi* (Levorno, 5636), no. 1, p. 4a. Rabbi Hazan reports that a certain Abraham ha-Kohen Avinash of Smyrna led a group of "well-known wise men" in unobtrusively entering Christian churches on holy days in order to listen to soul-stirring church music which they then adapted for synagogue liturgy. *Yabi'a Omer* does not find such reports entirely credible and dismisses them as, at best, based upon incomplete or improper investigation on the part of such individuals.

Professor Marc Shapiro, *Milin Havivin*, IV (2008-2010), Hebrew section, 43-50, cites reports of other rabbinic figures who visited churches. Immanuel of Rome, *Mahberet Imanu'el*, ed. A.N. Haberman (Tel Aviv, 5706), p. 595, reports entering "the great sanctuary of the Christians." R. Aryeh of Modena, *Kitvei ha-Rav Yehudah Aryeh mi-Modena*, ed. Judah Blau (Budapest, 5666), p. 48, writes of the "many times that I attended gatherings of scholars to [hear] the lectures." Professor Shapiro is probably correct in assuming that the "scholars (*melumadim*)" were members of the clergy but it is far from clear that the lectures to which reference is made were delivered in churches and, even if that were so, it is unlikely that they were delivered in the sanctuary. In any event, Professor Shapiro appropriately dismisses those accounts on the grounds that it is clear that "no proof can be brought from persons such as these" since they do not seem to be personages worthy of emulation.

During the colonial period the New World was visited by an emissary of the Jewish community of Hebron, R. Chaim Isaac Carigal (Karigal), a contemporary of R. Chaim Joseph David Azulai, known as *Hida*, who engaged in similar journeys to European communities. However, unlike *Hida* who was renowned both for his erudition and for his prolific works, nothing is known of Rabbi Carigal's rabbinic prowess. In the course of his second trip, Rabbi Carigal visited the Caribbean in 1771, journeyed to Philadelphia in 1772 and later visited Newport, Rhode Island. On the first day of *Shevu'ot*, May 28, 1773, he preached in the synagogue of that city. An English translation of that sermon, delivered in Spanish, was published shortly thereafter and has been republished by the American Jewish Archives as a monograph bearing the title *Rabbi Carigal Preaches in Newport* (Cincinnati, 1966). Several months later he departed for Surinam and finally travelled to Barbados where he was appointed as *Hakham* and served until his death in 1777.

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In attendance at Rabbi Carigal's sermon in Newport was Reverend Ezra Stiles, a Congregationalist minister who later became President of Yale College. Dr. Stiles was extremely impressed by Rabbi Carigal's sermon, delivered in Spanish. They forged a close friendship and the two met for extended periods of time. Rabbi Carigal visited Dr. Stiles' church during services and, on one occasion, heard Dr. Stiles preach.⁴⁷ Ezra Stiles was, however, a Congregationalist clergyman and Rabbi Carigal, having had extensive conversations with Stiles, may have found nothing that might be described as idolatrous in the latter's beliefs or in the beliefs of his congregants.⁴⁸

More significant is the report of Gad Frumkin, *Derekh Shofet be-Yerushalayim* (Tel Aviv, 5714), p. 294, regarding the Sephardic Chief Rabbi of Israel, R. Ya'akov Meir. Sir Ronald Storrs, the High Commissioner of Palestine, held an annual commemoration of the entry of General Allenby to Jerusalem during World War I on the 9th of December. In the morning, a service was held in the Church of Saint George and was followed by a reception in the afternoon in the home of Storrs. Among the guests were Rabbi Meir who appeared in formal regalia. Professor Shapiro carefully adds his own footnote pointing out that Frumkin may have meant to report only that Rabbi Meir attended the afternoon reception.

The sole report to be given serious consideration is one concerning R. Joseph Carlebach by a late justice of the Israel Supreme Court and a cousin of Rabbi Carlebach. In 1922, R. Joseph Carlebach, then serving as his father's successor as chief rabbi of Lübeck, became the principal of the Talmud Torah *Realschule* in Hamburg, a position in which he served before becoming chief rabbi of Altona and later of Hamburg. Among his innovations were excursions to places of historical and cultural interest which he led personally. Haim N. Cohn, "Joseph Carlebach," *Leo Baeck Institute Yearbook*, V (1960), writes:

I remember a *Rheinfahrt* which took us in two weeks from Cologne to Mainz, with no town and no village, no castle and no site, no hill and no forest left out from inspection and enjoyment....He spent a full day with the boys in the Cathedral at Cologne, expertly explaining every detail of

⁴⁷ See George A. Kohut, *Ezra Stiles and the Jews* (New York, 1902), pp. 64 and 84 and Morris Jastrow, "References to Jews in the Diary of Ezra Stiles," *Jewish Experience in America* (New York 1969), ed. A. J. Karp, I, 165.

⁴⁸ The facts recounted in Kohut's quotation from Stiles' diary to the effect that Rabbi Carigal had previously "attended church services at Saint Peter's in Rome; at Saint Paul's in London; in Venice, and various other places; and had been at the Christian churches in Jerusalem" (Kohut, p. 84) are not documented and, in light of the claim with regard to Jerusalem, the report seems questionable.

the statues, the glass windows, the ornaments, and the intricacies of the Catholic faith and ritual; but I was not allowed to participate, being a Cohen who may not be under the same roof with a corpse or with tombs, lest he become impure; and although, according to the letter of the Law, it is only the Jewish dead the contact with whom renders impure, and not the non-Jewish dead, still Carlebach held that the least possibility that among the dead buried in the cathedral may have been a person of Jewish origin (even though ultimately converted to Christianity), sufficed to make the place taboo to me.⁴⁹

Professor Shapiro does not quote the immediately-following paragraph. Rabbi Carlebach was apparently challenged with regard to his conduct and his response as recorded by Haim Cohn is revealing:

[W]hen questioned about the manifest discrimination between injunctions he honoured and injunctions he disregarded, he would readily reply that the prohibitions relating to non-Jewish places and articles of worship applied only to heathen and not to theistic religions, and that any later extensions of the rule were prompted by the then justified fear of conversion to Christianity, with all the personal freedom and earthly riches attaching thereto—a fear that with the strength of our own faith and the security of our own personal freedom no longer existed.⁵⁰

Any notion that the prohibition against entering “a house of idolatry” does not apply to a Catholic cathedral is simply incorrect. Cohn was neither ideologically orthodox nor an observant person but in his youth he did spend time in the Hebron Yeshiva and was hardly a stranger to comparative rabbinic erudition. Of R. Joseph Carlebach he writes on the very next page of the same essay:

He had never had any systematic, full-time rabbinical education, but he had a sound knowledge of all Jewish disciplines. He was much too well versed in far too many other subjects, to be able to attain the standard of the great talmudical scholars in Palestine and Eastern Europe; still he firmly held his ground among the orthodox rabbis of Germany....

Well aware of his own shortcomings, he surrounded himself—just as his father had done—with eminent scholars from Eastern Europe whom he induced to settle in his city.⁵¹

⁴⁹ P. 66.

⁵⁰ *Loc. cit.*

⁵¹ *Ibid.*, p. 67

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As Cohn further writes, Rabbi Carlebach's "fame was widespread and his reputation well-established as one of the leading figures in orthodox world Jewry." Indeed, "he firmly held his ground among the orthodox rabbis of Germany," who were, in general, hardly famed as talmudic scholars. Since "he never had any systematic, full-time rabbinical education," it is not surprising that there were lacunae in his knowledge of Halakhah. R. Joseph Carlebach was both a great and inspiring figure as well as a saintly person but was never regarded as a prominent rabbinic decisor. Moreover, there certainly are numerous statements in the writings of leading German rabbis of the time distinguishing between contemporary Christians and pagans of antiquity and advocating fraternal relationships with non-Jews. In particular, that policy was forcefully enunciated by R. Samson Raphael Hirsch⁵² and by Rabbi Carlebach's own teacher, R. David Zevi Hoffmann.⁵³ In all likelihood, Rabbi Carlebach perceived his conduct as rooted in the teachings of his mentor.

Omitted from Shapiro's list of rabbinic figures who have entered Christian houses of worship are the British Chief Rabbis who have done so on state occasions. The first to do so was Rabbi Hermann Adler, who is listed among the persons "present" at or "invited" to the coronation of Edward VII in Westminster Abbey.⁵⁴ Rabbi Adler's presence at the ceremony is confirmed in a history of the Western Synagogue published in conjunction with that institution's bicentennial celebration. The coronation took place on *Shabbat*, August 9, 1902. Rabbi Adler spent *Shabbat* in the vicinity of the Western Synagogue. In order to make it possible for the Chief Rabbi to attend the coronation, an early service was arranged at which he preached a coronation sermon. Attired in his clerical robes, Rabbi Adler walked from the synagogue to Westminster Abbey accompanied by a police escort.^{54a} Although R. Hermann Adler can hardly be considered a rabbinic authority,⁵⁵

⁵² See R. Samson Raphael Hirsch, *Judaism Eternal*, trans. by I. Grumfeld (London, 1959), II, 167-170.

⁵³ See R. David Zevi Hoffmann, *Der Shulchan-Aruch und die Rabbinen über das Verhältnis der Juden zu Andersgläubigen*, pp. 135-150.

⁵⁴ See John Edward Courtenay Bodley, *The Coronation of Edward the Seventh: A Chapter of Imperial and European History* (London, 1903), p. 404.

^{54a} See Arthur Barnett, *The Western Synagogue Through Two Centuries, 1761-1961* (London, 1961), pp. 119-20. The author further reports that, while he was in Westminster Abbey, Rabbi Adler's travelling-case and a pair of silver Sabbath candlesticks were stolen from the home of his host.

⁵⁵ See Geoffrey Alderman, *Controversy and Crisis in the History of the Jews in Modern Britain* (Boston, 2008), pp. 91-92.

his action served as a precedent making it difficult for his successors to do otherwise.⁵⁶

In any event, all these various incidents have no bearing on a halakhic determination of the issue. As aptly stated by R. Ovadiah Yosef, *Yabi'a Omer*, *ibid.*, sec. 7:

One does not determine Halakhah on the basis of “comportment” (*Bava Batra* 130b). It is not the manner of decision-making to reject the words of the Gemara and the previously-cited decisions on account of such an incident....If it is true that some rabbis entered [Christian] houses of worship on such occasions they were prompted to do so by the fact that they did not investigate the matter properly and they thought that it might be permitted because of “ways of peace” or the like or pressure was brought to bear upon them and they were coerced to take this step....

More significantly, the late R. Joseph Messas, formerly chief rabbi of Haifa, *Teshuvot Mayim Hayyim*, II, *Yoreh De'ah* 108, sec. 2, reports that while yet serving as a rabbi in Tlemcen, Algeria he met with a priest in a church who informed him that Christian belief is pure monotheism; prayer is directed to God who is one and that the term “son of God” connotes an angel, as is the meaning of “the sons of God” in Job 1:6, 2:1 and 38:7. Rabbi Messas also reports that, upon making inquiries in Algiers, he was sent a copy of a letter addressed to R. Chaim Joseph David Azulai by R. Sa'adia Amav, chief rabbi of Algeria at the time, in which the latter writes that early-day authorities erred in ascribing a Trinitarian dogma to Christians “for all of them served the one God and Him they always worship; all representations of their messiah and his mother, together with representation of the cross, are mere reminders to avenge his blood and crucifixion.” Certainly, no conclusions can be based upon such purposeful misrepresentations of Christianity.⁵⁷

⁵⁶ It is orally reported that recent Chief Rabbis have attended such ceremonies only when their participation was invited by the Queen. Invitations extended by government officials or other members of the royal family were declined, although on one or more occasions involving an invitation to a funeral service, the Chief Rabbi appropriately paid his respects by being present outside the edifice. Nevertheless, it is incontrovertible—but irrelevant—that, in the past, chief rabbis of both Britain and other countries have entered churches or sent representatives in their stead other than at the behest of the ruling sovereign and other than on state occasions.

⁵⁷ Rabbi Messas' experience and his report of an earlier incident of a similar nature confirms this writer's earlier-expressed conviction that Me'iri's informant was either a member of one of a number of deviationist Christian sects or that Me'iri was the victim of intentional misrepresentation of Christian belief designed to make Christianity more palatable to a prominent Jewish personality. See *supra*, note 22 and accompanying text.

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Professor Shapiro's comments are presented as a preface to his presentation of a heretofore unpublished responsum authored by the late Dr. Eliezer Berkowitz permitting entrance into a church. Dr. Berkowitz' argument is based upon two fundamental misconceptions:⁵⁸

1) Dr. Berkowitz writes, "[A]ccording to the majority of early-day authorities, Christianity is not in the category of idolatry." That statement is followed by a catalogue of authorities who follow the position of *Tosafot* in speaking of *shittuf* as permissible for Noahides. Omitted is any mention of the many latter-day authorities who regard *Tosafot's* statements as limited to permitting a non-Jew to swear an oath in the name of the Trinity. According to that understanding of *Tosafot*, with the arguable exception of Me'iri, there is no early-day authority who espouses the view set forth by Dr. Berkowitz. Much more important is the fact that those comments pertain solely to non-Jews. Insofar as Jews are concerned, all authorities concede that *Tosafot* regard Trinitarianism as idolatry for all purposes of Halakhah and draw the appropriate conclusion with regard to entering a church edifice.⁵⁹

2) Dr. Berkowitz assumes that the prohibition against entering a place of idol worship reflects simply a prohibition against deriving *hana'ah*, or benefit, from use of such a structure. He then enters into a discussion of the comments of *Tosafot*, *Avodah Zarah* 40b and *Pesahim* 26a, with regard to whether such edifices are consecrated to the worship of the deified idols or whether they are designed for protection of devotees against the sun or whether, even if that is not the case, using a building that houses idols for purposes of shade is prohibited as a stringency associated with idolatry. The argument is both erroneous and irrelevant:⁶⁰ erroneous because, as has been shown, the prohibition is independent of, and in addition to, any prohibition associated with ancillary benefit that may be derived from the edifice; and irrelevant because, if Trinitarianism is not idolatry, as Dr. Berkowitz incorrectly claims, there remains no further issue for discussion.

⁵⁸ Seemingly oblivious to the previously-cited comments of *Tosafot*, *Avodah Zarah* 17b, as the actual basis of the prohibition, Dr. Berkowitz also makes the strange suggestion that the prohibition is rooted in avoidance of the ritual defilement occasioned by contact with idolatrous artifacts. He dismisses that notion as inapplicable in an age in which every person is already defiled by virtue of contact with a corpse.

⁵⁹ See *supra*, note 9 and accompanying text.

⁶⁰ Although the argument is irrelevant, it might have been made more forcefully by pointing to R. Eliezer Yitzchak of Volozhin, *Hut ha-Meshulash*, part 3, no. 28, cited by *Darkei Teshuvah* 143:8, who maintains that the issue of prohibited benefit is limited to the "dome" erected in honor of the idol but not to the wider enclosure or modern-day edifice designed for the convenience and comfort of the worshippers.

VI. AFTERWORD

The foregoing has no bearing upon Jewish attitudes and comportment vis-à-vis non-Jews. A theological assessment of Christian dogma does not command a parallel assessment of either jurisprudential and societal relationships with Christians in general or with individual adherents of that faith. For a variety of considerations, some halakhic and some extra-halakhic, beginning with the forceful comments of *Be'er ha-Golah*, *Hoshen Mishpat* 226:2 and 425:5, rabbinic authorities have uniformly counseled fairness and equity in financial, commercial and interpersonal relations, stressing both the rewards associated with such deportment and the deleterious results of ignoring such counsel.⁶¹ Statements to that effect become increasingly numerous in the post-emancipation era which witnessed the extension of civil liberties to Jews and offered them the unstinting protection of the state. Particularly, in countries in which persecution of, and discrimination against, Jews has ceased, those statements are even more emphatic.

Moreover, often overlooked even by intellectuals drawn to the banner of Me'iri, is that, in many areas, Jews and nations *gedurim be-datot* have a common moral agenda and an eschatological aspiration predicated upon fulfillment of that agenda. Non-Jews who seek to implement public policies designed to foster such goals deserve the fullest support of the Jewish community. Meaningful support and cooperation in pursuit of those endeavors is possible only when fraternal and mutually respectful relations are well-established.

Such bonds and reciprocal policies of goodwill serve to benefit both communities in hastening the coming of the day when all will recognize that "the Lord is one and His name is one" (Zechariah 14:9).

⁶¹ See, *inter alia*, R. Shlomoh Eger, *Gilyon Maharsha*, *Yoreh De'ah* 159:1; R. Zevi Hirsch Chajes, *Kol Sifrei Maharaz Hayes*, I, 489-491; R. Samson Raphael Hirsch, *Judaism Eternal*, II, 167-170; R. David Zevi Hoffmann, *Der Shulchan-Aruch und die Rabbinen über das Verhältnis der Juden zu Andersgläubigen*, pp. 135-150; R. Abraham I. Kook, *Iggerot Re'iyah*, I, 99; R. Isaac ha-Levi Herzog, *Tehikkah le-Yisra'el al-pi ha-Torah*, I, 12-21 and III (Jerusalem, 5749), 279; R. Iser Yehudah Unterman, *Kol Torah*, vol. XX, no. 6 (Nisan, 5726), pp. 3-7, reprinted in *Or ha-Mizrah*, vol. XV, no. 4 (Tammuz, 5726), pp. 227-231 and reprinted with minor changes in *Morashah*, No. 1 (Sivan, 5731), pp. 5-10; R. Yosef Eliyahu Henkin, *Kol Kitvei ha-Griya Henkin*, II, 230-231; R. Eliezer Waldenberg, prefatory letter to Rabbi Chaim David Halevi's *Bein Yisra'el la-Amim*, pp. 16-19; as well as R. Chaim David Halevi, *Aseh Lekha Rav*, VIII, no. 68, and IX, no. 32; *idem*, *Tebumin*, IX, 78; and *idem*, *Bein Yisra'el la-Amim*, pp. 62-63; R. Ahron Soloveichik, *Bet Yizhak*, XX, 224-248 and *idem*, *Parah Matthe Abaron*, pp. 139-153, as well as *idem*, *Logic of the Heart, Logic of the Mind: Wisdom and Reflections on Topics of our Times* (Jerusalem, 1991), pp. 70-71.

