

Great Expectations: On Spitting before Idols

Adapted from the writings of Dayan Yitzhak Grossman

October 12, 2023

In recent years, there have been several incidents in which Jews in Yerushalayim spat on the ground upon seeing a Christian priest wearing a cross or when passing a church. The phenomenon has been documented and criticized in the past, but it has regained public attention after an incident on Chol Hamo'ed in which some Jews were walking through the Muslim quarter near a church just as a group of Christians was carrying a huge cross out of the building, and several of the Jews spat on the ground. A video clip of the event spread on social media, prompting severe criticism. One reaction incensed many: Elisha Yered, former aide to Limor Son Har-Melech (M.K., Otmah Yehudit) said that spitting near churches and Christian symbols is an ancient Jewish custom, and that there is a special *bracha* to be recited near a church praising Hashem for showing forbearance to those who disobey his will.

Israeli Chief Rabbi David Lau also condemned the spitters, adding that "On Sukkos, we would bring 70 sacrifices for the welfare of all the gentile nations, and we will continue to pray for them." [1]

In this article, we discuss the historic and halachic background of this controversy.

(Note that most of the classic sources on this topic date from times and places in which norms of religious tolerance and civil behavior, and relations between religious groups, were very different from the current ones, and a *she'eilas* chacham must certainly be made before invoking any of them today.)

As we have previously discussed, [2] the Gemara says that (at least in certain contexts) "it is preferable that one letter of the Torah be uprooted and the *shem shamayim* not be desecrated in public." [3] And the Yerushalmi records that R' Shimon ben Shetach once returned a pearl that a non-Jew had mistakenly transferred to him, despite that fact that doing so was not required by halacha, explaining: "Do you think Shimon ben Shetach is a barbarian? Shimon ben Shetach wants to hear "Praised be the G-d of the Jews" more than any gain in this world." [4]

The Gemara says:

The *Rabanan* taught in a *breisa*: One who sees an idol of Merkulis says: Blessed are You Hashem our G-d, King of the world, who has shown forbearance to the transgressors of His will. [5]

Opinions differ among the *Rishonim* as to whether this *bracha* is specific to Merkulis or applies to any idol; [6] the halacha follows the latter view. [7]

Tosfos rules that

We are not now accustomed to recite this *bracha*, since we see it every day, and all these *brachos* recited by "one who sees" were previously said to apply only once every thirty days. [8]

This position is accepted by the Rama and later *Acharonim*. [9]

It seems clear that the word "it" in the phrase "we see it every day" refers

to Christian churches or other Christian sites, and it thus follows that Tosfos and the *Acharonim* are assuming that in principle, the *bracha* would be recited upon seeing these things, were it not for the fact that this is such a common occurrence.[10] R' Chaim Benveniste (the Knessess Hagedolah), however, offers an alternate explanation for the minhag not to recite this *bracha*: We rely upon the view cited above that its recital is limited to Merkulis, which is not commonly found today.[11]

Regarding spitting and idolatry, there is a custom mentioned centuries ago in various Ashkenazic sources to spit during *Aleinu*[12] after saying
for He has not assigned our portion like theirs nor our lot like all their multitudes. For they bow to vanity and emptiness and pray to a god that cannot save.

The earliest records of the practice date back approximately six centuries. The Sefer Maharil-Minhagim records (twice) that R' Yaakov Moelin (the Maharil) would expectorate[13] "once, as per the general minhag" upon reciting the words "to vanity and emptiness." [14] R' Dovid Segal (the Taz) mentions the custom and explains that the spitting is to express our contempt for idols.[15]

But while the Maharil himself practiced it and the Taz apparently condones it, other authorities, beginning with the Maharil's contemporary, R' Yom Tov Lipman Muhlhause (author of Sefer Nitzachon),[16] opposed it, largely due to its constituting an unnecessary provocation. The Taz's older contemporary R' Yeshayah Horowitz (the Shelah Hakadosh) is sharply critical of it on a variety of grounds, including the historical fact that *Aleinu* was composed by Yehoshua and thus refers to the genuine idolatry of his day, which is not prevalent in our society, and the concern that the custom entails "a great danger, lest contemporary nations think that 'like all their multitudes, etc.' refers to them, but Yehoshua actually instituted it in his day, as above." [17] Similarly, R' Ya'ir Chaim Bacharach (the Chavos Ya'ir) opposed the custom "lest the kid be swallowed among seventy lions, and we do not rely upon miracles." [18]

[1]Yehuda Dov. Jews Spitting Near Church In Jerusalem Condemned By Political And Religious Establishment.

<https://vinnews.com/2023/10/03/is-there-a-jewish-custom-to-spit-near-a-church-yes-according-to-former-mks-aide-elisha-yered/>. Cf. here.

[2]Justice of the Peace: Externalities in Jurisprudence. Bais HaVaad Halacha Journal. Volume 5781 Issue LVI; Sins of the Fathers: Paying for the Crimes of Others. Bais HaVaad Halacha Journal. Volume 5783 Issue XXIII.

[3]Yevamos 79a.

[4]Yerushalmi Bava Metzia *perek* 2 halacha 5.

[5]Brachos 57b.

[6]Tosfos *ibid.* s.v. *Haro'eh* (1) and s.v. *Haro'eh* (2); Talmidei Rabeinu Yonah Brachos 43a in Rif pagination; Rambam Hilchos *Brachos* 10:9 (see Kesef Mishneh *ibid.*); Tur O.C. beginning of *siman* 224 (see Bais Yosef *ibid.*).

(Note that the texts of the Tur and Bais Yosef, and the Bach cited below, are distorted and deficient in some editions of the Tur, e.g., here, clearly due to either external or internal censorship.)

[7]Shulchan Aruch O.C. 224:1.

[8]Tosfos *ibid.* (1).

[9]Hagahos HaRama *ibid.*; Bach *ibid.*; Magein Avraham *ibid.* s.k. 3; Mishnah Brurah *ibid.* s.k. 3; Aruch Hashulchan *ibid.* *se'if* 1.

[10]We have previously touched on the general question of whether contemporary Christianity is considered idolatry in Service Entrance: May One Go into a Foreign House of Worship? (Part 2). Bais HaVaad Halacha Journal (see note 2 there).

[11]Sheyarei Knessess Hagedolah *ibid.* *hagahos* Tur *os* 1. Cf. Kaf Hachaim *ibid.* *os* 4.

[12]Aleinu has a long history of being perceived as offensive by Christians; see, e.g., Sefer Nitzachon (Muhlhausen) *siman* 347; Minhagim (R' Isaac Tyrnau), Minhag Shel Chol *hagahah* 14; Otzar Yisrael *cheilek* 8 *erech Aleinu Leshabeiach* p. 81.

[13]"היה מקיא," which is generally understood to mean "would expectorate."

[14]Sefer Maharil-Minhagim (ed. Mechon Yerushalayim 5749) pp. 297 and 438. These reports have been omitted from earlier printed editions of the Sefer Minhagim (e.g. here and here), clearly due to either external or internal censorship.

[15]Taz Y.D. *siman* 179 s.k. 5, cited in Ba'er Heiteiv *ibid.* s.k. 6 and Ketzos Hashulchan *cheilek* 1 *siman* 24 *se'if* 11.

[16]Sefer Nitzachon *siman* 348, cited in Sefer Maharil *ibid.* p. 438 n. 12. I have been unable to locate the reference in the edition of the Sefer Nitzachon to which I have access (in either *siman* 347 or 348).

[17]Eimek Bracha, *hagahah* to *os* 40.

[18]Mekor Chaim (Mechon Yerushalayim 5744) *cheilek* 2 *siman* 97 *os* 2 p. 39.

Cf. Mekorei Minhagim (Lewison) *siman* 20; Minhagei Yeshurun (Hirshowitz) *siman* 69 (the latter work claims that in addition to the Sefer Nitzachon and Eimek Bracha, opposition to the custom appears in the Chida's Machazik Bracha, but he unfortunately does not provide a more specific citation to the Machazik Bracha, and I have been unable to locate the reference); Kovetz Bais Aharon VeYisrael *shanah* 13 *gilyon* 1 (73) Tishrei-Cheshvan 5758 p. 72; Ma'alas Aleinu Leshabeiach (Zevichi) pp. 129-32.