

Halachos of Avodah Zara: Part III Shiur

ISSUR MEHANE: BUYING OR RENTING FROM AVODAH ZARA

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A TRANSCRIPTION OF THE YORUCHA CURRICULUM WEEKLY SHIUR VIDEO

GIVING BENEFIT TO AVODAH ZARA:

We explained in Part 1 of this series that it is forbidden to enter an actual house of *avodah zara*, such as a Christian church. What if the church owns another property, not located on the same site as the church, that they rent out in order to earn revenue for their activities? Is it permitted for a Jew to rent this property?

The Gemara in Avodah Zara (12B) relates that it was common for stores that were affiliated with certain houses of worship to decorate their premises in a certain way in order to identify themselves. In such stores, a tithe of all the proceeds from sales was given to the house of *avodah zara*. The Gemara says that a Jew may not purchase goods in such a store, as a portion of the money he pays would go to idol worship and it is forbidden to provide benefit to *avodah zara*. Rav Yochanon explains the reasoning behind this halacha by saying that if it is forbidden to benefit from *avodah zara* (as we discussed in Part 2 of this series), it is certainly forbidden to give benefit to *avodah zara*.

It could be said that the case in our question is not the same as the case in the Gemara. In the Gemara's case, the *avodah zara* is only receiving benefit, while providing nothing. The tithe is given to the idol, and the house of *avodah zara* offers nothing in return. This is definitely a benefit for *avodah zara*. In our case, a transaction is made. The church provides a property for the renter to use, and he, in turn, pays rent. The renter is not making a donation to *avodah zara*; rather, he is simply making a fair trade with them.

A similar case to the one in question is discussed in the Mishnah (Avodah Zara 51B). It is stated there that if a house of *avodah zara* owns a bathhouse, a Jew is permitted to enter and use the bathhouse, as long as he is not doing so with "*tova*" goodness to the *avodah zarah*. Rashi explains this to mean that if admission is free, the Jew may enter; however, if a fee is charged that goes to the *avodah zara*, it is forbidden to enter. We see that Rashi is of the opinion that even in the case of a transaction, where the Jew is getting something for his payment, it is forbidden to provide benefit to *avodah zara*.

Tosafos (ibid 44B) disagree with Rashi and understand the Gemara to be saying that the Jew may use the bathhouse even if admission is charged. The only time it is forbidden is if he is required to "give *tova*" meaning recognition to the *avodah zara* such as by publicly praising it in exchange for use of the facility.

The Drisha (Yoreh Deah 153:3) clearly states that Tosafos disagree with Rashi because he is of the opinion that a transaction that benefits both sides is not the type of benefit that is prohibited to give to *avodah zara*.

The Poskim disagree about how we rule on this matter. The Shulchan Aruch (153) rules like Rashi, but the Rema rules like Tosafos. The Taz and Shach also rule like Rashi and forbid a Jew from renting a property that belongs to a house of *avodah zara*.

BUYING FROM A HOUSE OF AVODAH ZARA:

We've seen how according to Rashi's opinion, it is forbidden to rent a property from a house of *avodah zara*. One might assume that buying a property from them would be the same. Purchasing is also a form of transaction, and it would seem that according to Rashi it would be considered providing benefit to *avodah zara* and it should be forbidden.

However, we do find a clear halacha that says that one may buy merchandise from a house of *avodah zara*. It is stated (Yoreh Deah 139:9) that if a house of worship uses candles as part of its service and has some overstock, a Jew may purchase these candles. This leads us to ask why this wouldn't constitute a forbidden form of providing benefit for *avodah zara*?

The Taz answers this question by explaining that a house of *avodah zara* is not in the business of selling candles. The halacha is talking about a chance occurrence where they had an excess of candles and decided to sell them this one time. He says that it is only forbidden to provide business for *avodah zara* when engaging in such business is their common form of revenue – such as the case where the *avodah zara* owns a bathhouse that is used for profit, or it rents out a house regularly. In a fluke case, where they happen to sell candles one time, purchasing them would not be considered benefitting the *avodah zara* and would be permitted.

Accordingly, renting a house from a church would be prohibited if this house is regularly rented out to provide revenue for the church. There was a story a few years ago in a city where the Jewish community was growing and the local Catholic community was simultaneously shrinking. Since the Catholic school had closed down, they offered to rent the space it had previously occupied to a Jewish school. If this rent money would be used to fund church activities, such a rental would be highly problematic.



THE MORDECHAI'S APPROACH:

The Mordechai answers the question of the candles differently. He explains that the amount of revenue a bathhouse can generate is basically unlimited. If a few people use it, the church will make a little money. If many people use it, they will make a lot of money. Accordingly, every person who uses the facility is providing them with additional money and thereby giving them more benefit. That is why it is forbidden to pay to use the bathhouse for pay, as anyone who does so is benefitting the *avodah zara*.

On the other hand, the potential for profit from selling candles is limited. They can only be sold once. If a Jewish buyer wouldn't purchase them, the church would sell them to someone else and make the same amount of profit. Therefore, a Jew who buys the candles is not considered to be providing benefit for the church, as the church would make the same amount of money no matter who buys the candles.

According to this explanation, it could be argued that a Jew may rent a property from a church if he can assume that if he wouldn't rent it, someone else would. Because the church would make the same profit no matter who rents their property, the Jew who rents it would not be considered to be benefiting them.

Even according to the Mordechai, however, the specific question of the Jewish school renting from the Catholic school may still be problematic, as it is questionable whether the Catholic school would be able to find an alternate renter who would pay as much and be as interested in the property as the Jewish school.

There have been stories in frum neighborhoods where Christian people passed away and left all of their assets, including their homes, to the church. The church sells such homes and uses the proceeds for its religious activities. Would a Jew be permitted to purchase such a home?

It would seem that this would hinge upon the *machlokes* between the Taz and the Mordechai. According to the Taz, it is permitted to engage in a transaction with a house of *avodah zara* as long as this type of deal is not their regular form of earning revenue. Since the church is not in the business of selling homes and only does so on the rare occasion when someone leaves them one in a will, it would seem that it would be permitted to purchase a house from them.

According to the Mordechai, however, it is only permitted to purchase items from a house of *avodah zara* if they could find another buyer in any case. In some frum neighborhoods, only Jews are willing to pay very high prices for homes; therefore, purchasing from a church could be considered providing them with benefit.

BUYING A CHURCH:

What if a church itself goes up for sale?

If the church was owned by a private individual or group who is simply going to keep the money for itself, there would be no problem in buying it.

If it is owned by the general Catholic church, which will use the proceeds for religious activities, we again can say that this would hinge on the disagreement between the Taz and Mordechai.

According to the Taz, it could be argued that the church is not in the business of selling old churches and only does so on rare occasions, which would mean that it is permitted to buy one from them. Whereas according to the Mordechai, he only permits purchasing items from a house of *avodah zara* in instances where they could sell to anyone. If the church could only be sold at a high price to Jews and the non-Jews would only pay less, it would be forbidden to buy it.

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