



Keep Yourself Far Away and Do Not Come Near The Doorway

A fascinating question was recently posed to our Beis Medrash. Hatzala responders carry radios, pagers, or cellular devices that alert them to medical emergencies in their vicinity. Generally, the person closest to the scene responds. The following incident raised the question that we will discuss below.

A call came in for an emergency at a certain address. The responding Hatzala member was not familiar with the building at his address, and discovered upon his arrival that it was a church. A small crowd standing outside the church, urged him to go inside quickly to provide urgent medical assistance to someone whose life was in danger. Is it permissible to enter a church for this purpose?

The answer depends on a wide-ranging *Machlokes Rishonim* in how to understand a *Sugya* in *Maseches Avoda Zara*:

The Gemara (*Avoda Zara* 17a) implies that it is forbidden [even] to pass by the entrance of a place containing an *Avoda Zara*. This is derived from the Pasuk, "Distance from the entrance of its house" (*Mishlei* 5:8), as stated by *Tosfos* (*ibid.* 17b s.v. "Neizil").

Moreover, the Gemara (*ibid.* 12a) also forbids going to a city that is celebrating a festival of an *Avoda Zara*.¹ Rashi explains that this is due to "Chashad" - the concern that others will suspect that he is on his way to worship the *Avoda Zara* there. However, the *Rosh* (*ibid.* 9) maintains (in the name of *Rabbenu Yona*) that the Gemara is discussing a trade fair; a person traveling in that direction will be suspected of wanting to trade there in order to honor the *Avoda Zara* but not of going in order to worship. The *Ritva* sides with Rashi.

The Gemara then cites three other cases in which there is a concern of *Chashad*. For example, if a person has a thorn stuck in his foot while passing an *Avoda Zara*, he may not bend down to remove the thorn because he will appear to be prostrating himself to the *Avoda Zara*. He may similarly not bend down to pick up his money if it had scattered there or to drink from a spring that is situated at the feet of the *Avoda Zara*.

Why was it necessary to provide three examples? The Gemara explains:

If we were only taught the case of the thorn, [we would not have been able to derive the case of the scattered money. A person is able to remove a thorn a short distance away,

¹ The Halacha follows the *Chachamim* who only forbid journeying on a road that heads exclusively to that city.

[thus we may require him to do so], however, he cannot recover the money [that is located right in front of the Avoda Zara] anywhere else, thus we might not [have forbidden him to collect the money that is scattered there.]

If we were only taught [the case of the] scattered money, [we would not have been able to derive the case of the thorn since] it is only a financial loss, but not to endure physical pain.

If we were only taught the cases [of the thorn and the money, we would not have been able to derive the case of drinking from the spring.] In those cases, there was no Sakana, but in the case of the spring where there is a Sakana, as he could die if he does not drink² [there would therefore have been more reason to be lenient if it wasn't explicitly forbidden.]

The Gemara clearly implies that a person must even ignore a danger to his life (by not drinking from the spring) to avoid even giving the impression of worshipping an Avoda Zara.

The Rashba adds:

*And he is certainly forbidden to enter the courtyard of an Avoda Zara, even to speak with one of them³, due to Chashad. And **perhaps** it is forbidden to enter even to deal with matters of the public or even for matters of Pikuach Nefesh. We can adduce proof to this conclusion from the Gemara below regarding a spring of water in front of an Avoda Zara. A person may not bend down and drink [from it] because it looks as though he is prostrating himself. [The Gemara] establishes that it is even [discussing a case] where he will die if he does not drink. And all of this is only due to the Chashad of the onlookers. Here too, since [by entering the courtyard of an Avoda Zara] there is a Chashad that he is worshipping the Avoda Zara, it is forbidden even if there is a danger to life.*

He also notes that this notion has practical ramifications regarding the *Isur* of traveling on a road to a town where they are celebrating a festival of Avoda Zara. As we mentioned earlier, according to *Rabbenu Yona*, the only concern is that by traveling there he may end up honoring the Avoda Zara. If so, he is not obligated to sacrifice his life to avoid traveling there. However, according to Rashi, the *Isur* is due to the concern of *Chashad* – people may suspect that he is going to worship the Avoda Zara. If so, he is obligated to sacrifice his life to avoid traveling on this road because concerns of *Chashad* warrant sacrificing one's life, as explained by the *Rashba*.

The *Rashba* does not state with certainty that a person is obligated to sacrifice his life to avoid *Chashad* of Avoda Zara ("**perhaps** it is forbidden"). However, the *Ritva*

² In a case of extreme thirst or dehydration; see *Rashi s.v. Aval Ma'ayan*.

³ *I.e.*, one of the idol worshippers.

holds that this conclusion may certainly be drawn from the *Gemara* – “It is *Abizraihu d’Avoda Zara* for which the *Halacha* is ‘*Yehareg v’Al Ya’avor*’.”⁴

However, other *Rishonim* dispute the *Rashba* and *Ritva*’s conclusion. The *Ran* asserts (*Avoda Zara* 3b *miDafei haRif*) that one cannot conclude from the case of drinking from the spring that a person is obligated to sacrifice his life to avoid *Chashad*. Though the *Gemara* does say that there is a possibility of *Sakana* if the person does not drink, it does not [necessarily] mean that he will certainly die. Rather, the *Gemara* is only noting that his life may be endangered if he does not drink now and is unable to find another source of water if he becomes dehydrated. In a case of definite *Sakana*, we do not see clearly from the *Gemara* that a person is not obligated to sacrifice his life just to avoid *Chashad*. (The *Ran* also draws a distinction between the case of the spring and that of entering the courtyard of an *Avoda Zara*. Since drinking from the spring gives the direct impression that he is prostrating himself to the *Avoda Zara*, it is forbidden even in a case of *Sakana*. However, entering the *Avoda Zara*’s courtyard only gives the impression of *going to* worship it, not of actually worshipping it.)

The *Ran* brings a proof to his approach from the *Rosh*. The *Rosh* discusses this question in a *Teshuva* (*Klal* 19:17) regarding a man fleeing for his life who wanted to take shelter in a house of *Avoda Zara*. The *Rosh* ruled that it was entirely permissible. This is also the ruling of the *Shulchan Aruch* (*Y.D.* 157:3).

It is apparent from all of the above that one may only discount the *Chashad* of *Avoda Zara* in a case of *Pikuach Nefesh*. In fact, as described above, there are opinions that forbid these actions even in a case of *Pikuach Nefesh* (see *Tur Y.D.* 149). If so, if there is no *Pikuach Nefesh* all would agree that one may not do something that could cause a *Chashad* of *Avoda Zara*, even for a great need. If so, in our case the Hatzala responder would presumably be forbidden to enter the church.⁵

We should note that although we have concluded that the *Chashad* of *Avoda Zara* is only overridden in a case of *Pikuach Nefesh*, it is only an *Isur d’Rabbanan* – akin to *Maris Ayin*. If so, one could contend that it should be waived in a situation of potential *Eiva* – hatred from non-Jews⁶ – as might occur if the Hatzala responder would refuse to enter the church to treat the patient.

⁴ However, the *Ritva* qualifies that this only applies if the courtyard in question is used only for worshipping the *Avoda Zara*. If it is also used for other purposes or as a shortcut one may enter, even if it is [only] to prevent for the purposes of preventing financial loss.

⁵ [Editor’s Note: This is predicated on the assumption that the patient is a non-Jew. *Pikuach Nefesh* would only be *Doche* the *Chashad* if the endangered individual is Jewish. See below for further discussion.]

⁶ [Editor’s note: The concern of *Eiva* is that the inaction of a Jew to save a non-Jew could lead non-Jews to either refuse to treat Jews when they are endangered or potentially even attack Jews in retaliation, *Rachmana Litzlan*.]

However, this is not the case. Though entering a church is [at most] only an *Isur d'Rabbanan*, it is clearly more severe than other *Isurim d'Rabbanan*, given that it is only waived in cases of *Pikuach Nefesh* (and, according to some, not even then). Thus, *Eiva* that is only invoked as a concern of possible *Sakanas Nefashos* would not necessarily override *Chashad of Avoda Zara*.⁷ Nevertheless, because most Poskim consider *Eiva* to be a matter of actual *Pikuach Nefesh*, we would actually permit a Hatzala responder to enter the church on the grounds of avoiding *Eiva* since we *Pasken* according to the opinions that *Chashad of Avoda Zara* is permissible in cases of *Pikuach Nefesh*.

There is another possible argument to permit the Hatzala responder to enter the church. The Gemara that discusses the case of the *Avoda Zara* and the water spring concludes: "*But if it is not discernible, it is permissible*". The Gemara explains that this cannot mean that nobody is able to see him bending over, as whenever the *Chachamim* forbade something due to *Maris Ayin*, they even forbade it in private ("*b'Chadrei Chadarim*"). Rather, the intent is that he may bend down in a manner that clearly indicates that he is not prostrating himself in worship, such as doing so with his back towards the *Avoda Zara*.

If so, a Hatzala responder wearing a uniform and carrying his equipment would not violate the Halacha of *Chashad* at all, as it is obvious that he is going into the church as a first responder. This argument would also be valid according to the stringent opinions that maintain the prohibition even in cases of *Pikuach Nefesh*. Since the first responder does not give the appearance of entering to serve *Avoda Zara* in this case, he does not violate the *Isur* at all.

[The *Rosh* cited above regarding an individual fleeing from persecution also delineates similar conditions to those that we have outlined here. However, the *Rosh's* ruling may be subject to a *Machlokes*, whereas when the Hatzala responder's behavior and uniform indicate that he is entering the church only for lifesaving purposes, it is likely that everyone would agree that it is permissible.]

We should also point out that all of the above only applies when he knows that the patient in the church is a non-Jew. Then we must invoke *Eiva* in order to permit his entry. However, in cases where the patient might be Jewish (which is sadly the reality in some places, unfortunately including even the Old City of Yerushalayim), a first responder is certainly permitted to enter given that we follow the Poskim who permit it in cases of *Pikuach Nefesh*.

[There is an additional *Isur* that can be violated by entering a church, namely that of deriving benefit from the house of an *Avoda Zara* (see the *Shach Y.D.* 145:9 and

⁷ Unless we draw a distinction between the *Sakana* of an individual, which does not override the *Isur d'Rabbanan* of *Chashad*, and the *Sakana* of the public due to *Eiva*, which would override it. This requires further examination.

Taz ibid. 6). For example, one may absolutely not enter to enjoy the architecture (*Igros Moshe Y.D.* 3:129:6). In fact, Rav Moshe Feinstein *zt"l* (*ibid.*) asserted that the very desire to do so is a “*Hashchasa*” – a corruption of our faith and morals, as the Torah instructs us “*You shall surely loathe it and you shall surely abominate it for it is banned*” (*Devarim 7:26*). However, this is not relevant in our case as the Hatzala responder is not intending to derive any personal enjoyment at all.]