

⌘ chapter thirty-one ⌘

## The Prohibition of לא תתנם

### The Prohibition

**T**he *posuk* in the *Torah* of לא תתנם forbids one to show certain favors to (עובדי כוכבים ומזלות) עבדים. The *Gemara* discusses three categories that are included in this *issur*. They are as follows: 1. לא תתן להם - One may not give them presents for 'free'. 2. לא תתן להם חן - One may not show admiration towards them. 3. לא תתן להם חנייה - One may not sell them land in *Eretz Yisroel*.<sup>1</sup> The *Chinuch* explains that the *Torah* forbids one to do any of these things because we are afraid that one will be drawn to behave as they do. What raises this fear is the fact that all the actions of a person influence what one thinks in their mind. Therefore, by forbidding to show them favor, the *Torah* prevents us from thinking or talking favorably about them, thereby preventing assimilation and the following of their ways, including idol worship.<sup>2</sup> There are those who hold that the *issur* only applies in regard to actual idol worshippers. However, the majority of the *poskim* disagree and maintain that it applies to all nations.<sup>3</sup>

### Giving Them Presents for 'Free'

One is forbidden to give them presents for 'free'. *Tosafos* infers from the terminology of "free - חנם", that the prohibition applies only where one expects nothing in return from them. However, if one expects to benefit from it and is actually only giving the present because he wants the עבדים to reciprocate by doing him a favor, it would be permitted. *Tosafos* explain that we don't view it as a present, but view it as a sale where both parties received benefit from the transaction. Since it is definitely permitted to make a sale to an עבדים, it would likewise be permitted to give them a present when one is interested in a reciprocal benefit.<sup>4</sup> The *Ran* uses this concept to explain a well-known *Gemara*. The *Torah* forbids one to emancipate a non-Jewish slave, as the *Torah* states that "he must work for you forever". Yet, the *Gemara* states that R' Eliezer once needed one person to complete a *minyan*, so he freed his slave who then became a full-fledged *Yid*, and was therefore able to complete the *minyan*. The *Ran* explains that the reason why the *Torah* forbids one to free his slave who is an עבדים is because one is forbidden to give them presents for free or for 'nothing', and what better present is there than for one to gain his own freedom. However, the

1. עי' מס' ע"ז דף כ...

2. ס' החינוך מצוה תכ"ו.

3. עי' שו"ע חר"מ סי' רמ"ט סעי' מ', ועי' שו"ך יו"ד סי' קנ"א ס"ק י"ח, ועי' שו"ת שבט הלוי ח"ד סי' רי"ג, אבן עזר שו"ת חמד ח"ג דף 298, וכן דעת הרשב"א והמאירי להקל.

4. עי' תוס' בע"ז שם.

Ran explains that since R' Eliezer didn't free the slave for the slave's benefit but for his own interest (i.e. so that he himself could benefit by *davening* with a *minyan*), he did not violate any prohibition by emancipating his slave.<sup>5</sup>

### Giving Presents to A Mailman, Sanitation Worker, etc.

Many people are accustomed to give gifts to one's mailman, sanitation worker, etc. during their holiday seasons. This is done to show one's appreciation for the services that they have performed in the past and also motivate them to continue performing these services in the future (e.g. that his mail be delivered or that his garbage collected proficiently). Therefore, it is not *for free*, and is permitted.<sup>6</sup>

### Giving Presents to Employees and Business Acquaintances

One may not give a gift to an acquaintance who is an *עבדים* if his intentions are simply to stimulate or create feelings of friendship with him. For example, if an *עבדים* is not one's neighbor nor a business acquaintance who one has business dealings with, and one expects nothing in return for the gift, it would be forbidden to give him the gift.<sup>7</sup> One is permitted to give an employee who is an *עבדים* a bonus for his good performance, since this will entice the employee to strive to achieve his utmost potential and continue to work hard and diligently.<sup>8</sup> It is permitted to pay an employee who is an *עבדים* even for the days that he is not working (e.g. on a secular holiday), since these payments are standard and are basically considered mandatory and not optional.<sup>9</sup> Likewise, one may tip a waiter who is an *עבדים* since it is an accepted practice

and it is viewed as a payment rather than a present.<sup>10</sup>

### Giving Charity and Praying For an *עבדים*' Well Being

One is permitted to give charity to an *עבדים* to promote peace between the *Yiddin* and *עבדים* (מפני דרכי שלום). If one were to refuse to give charity to *עבדים*, they may get offended or insulted which may cause hatred, and therefore, in such a case, one may give the charity. Indeed, the *Yerushalmi* writes that in a town where *Yiddin* and *עבדים* live together, one should appoint charity collectors for both *Yiddin* and *עבדים* alike and collect for both, in order to prevent hatred. Similarly, one is permitted to visit *עבדים* who are ill, to eulogize and bury their dead, and comfort their mourners, in order to promote peace. However, if one can easily avoid doing so without causing any ill feelings, it is preferable.<sup>11</sup> Some *poskim* permit one to pray for the well being of an *עבדים* who has done him numerous favors. Interestingly enough, R' Yehudah Hachasid writes that if an *עבדים* did a *Yid* many favors and then died, the *Yid* should say *זכרונו לברכה* when referring to him.<sup>12</sup> One should avoid praising an *עבדים* unnecessarily. If an *עבדים* is sitting at one's table when he is *bentching*, one should alter the *tefilah* and say *in order to exclude him from being included in the tefilah*.<sup>13</sup> However, there is no problem in saying good morning or good luck to an *עבדים*, since this is not considered a blessing and is merely considered the 'socially' or 'politically' correct thing to do.<sup>14</sup>

10. ע"פ הנוכח לעיל.

11. ע"י תוס' בע"ז שם, וע"י שו"ע סי' קנ"א סעי' י"ב, וע"י ירושלמי בגיטין פ"ה ה"ט, וע"י ספר דרך אמונה (מהגר"ח קניבסקי שליט"א) הל' מתנת עניים פ"א הל' ט', וע"י שו"ת אבני ישפה ח"א סי' קצ"ג מש"כ בשם הגר"ש אלישיב שליט"א.

12. ע"י ספר החסידים סי' תש"צ וסי' תשמ"ז, וע"י שו"ת מהר" חיים פלאגי ז"ל סי' ל"ג.

13. ע"י מג"א אור"ח סי' קפ"ט סק"א.

14. אור"ח סי' שמ"ט סק"ד.

5. ר"ן במס' גיטין דף לח, וע"י מג"א אור"ח סי' צ' מה שהקשה עליו.

6. ע"פ הנוכח לעיל.

7. ע"י קובץ הלכות יו"ד ממחנה אגודה (בהסכמת הגר"י בעלסקי שליט"א).

8. ע"י שו"ת דברי שלום ח"ד סי' ק"ח (הובא בס' מנחת שמואל).

9. שו"ת שרגא המאיר ח"ז סי' קנ"ה (הובא בס' מנחת שמואל).

### **Lending an עכו"ם Money Without Charging Interest**

Some *poskim* write that one is forbidden to lend money to an עכו"ם without charging interest. Since the ability to use the money for a period of time has a monetary value, one is in effect giving the עכו"ם a monetary present, which is prohibited (except in those cases explained earlier). (See footnote for dissenting opinions).<sup>15</sup>

### **Items Whose Defined Use are Prohibited for Yiddin**

When *Erev Pesach* falls out on *Shabbos*, one is permitted to give an עכו"ם his *chometz* as a present before *Pesach*. This is permitted since one is forbidden to derive benefit from the *chometz* during *Pesach*, and one is therefore not giving the *chometz* to the עכו"ם for his benefit.<sup>16</sup> Similarly, one who has a utensil that requires *tevilah* (immersion) and did not get a chance to immerse it in a *mikvah* prior to *Shabbos* should preferably not immerse it on *Shabbos*. However, he is permitted to give the utensil to an עכו"ם as a present and subsequently borrow it from him, thereby absolving himself from the obligation to immerse the utensil.<sup>17</sup> However, one is forbidden to give food that is not kosher to an עכו"ם as a present (if the *heterim* discussed earlier do not apply). This is forbidden because although one cannot eat the food, one is permitted to sell it and there is therefore no added advantage in giving it to the עכו"ם as a present.<sup>18</sup>

### **Admiring Them – לא תתן להם חן**

The *Shulchan Aruch* states that one is forbidden to show admiration towards an עכו"ם. Even saying, "Look how handsome he appears" is forbidden. Surely, one is forbidden

15. ע"י שר"ע הרב הל' ריבית סע' ע"ה, אכן ע"י שר"ע יר"ד סי' קנ"ט סע' א' שמשמע שאינו אסור.

16. ע"י מ"ב סי' תמ"ד ס"ק ט"ז.

17. ע"י סי' שכ"ד סע' ז' ומ"ב שם, וע"י שר"ת כתב סופר אור"ח סי' כ"א.

18. כף החיים יר"ד סי' קי"ז ס"ק ע"ה ע"ו.

to compliment, praise, or be in awe of an עכו"ם's actions. However, if one's intention by praising him is not for his sake, and one intends to praise Hashem for creating such an individual or talent, it is permitted.<sup>19</sup>

### **Praising Doctors and Medical Journals**

One who is amazed by the brilliance of a doctor or scientist who is an עכו"ם and invented a cure for a disease, should avoid personal praise but should look at the broader picture and praise Hashem for his greatness in creating the brilliant person who discovered this cure. In order to explain the concept of seeing 'the whole picture' let us take a master violinist as an example. One is not in awe of how smooth the violinist plays his instrument as much as he is in awe of the sound that the violinist creates with the instrument. Taking this a step further, one should say, "Look at the greatness of Hashem who created this great violinist." One may praise doctors or medical discoveries by an עכו"ם, in a case where one's purpose is so that those who hear his words should gain from it as a result. Therefore, one may tell his friend that he saw a very interesting and ingenious article in a certain medical journal if one's purpose is to generate his friend's interest in the article.<sup>20</sup>

### **Praising Athletes and Other Stars Who Are עכו"ם**

Unfortunately, there is a lack of awareness of this *issur* that leads many people to transgress it unknowingly. Very often people may comment "That great pitcher has an amazing arm and can throw a fast ball close to 100 mph"! It is forbidden for one to make such a statement. An expression is often used which is very apropos to this discussion, and is used when one takes a popular figure and makes him his role model. People often say that one

19. שר"ע יר"ד סי' קנ"א סע' י"ד.

20. ע"י ציץ אליעזר חט"ו סי' מ"ז, וע"י בשו"ת שרגא המאיר ח"ו סי' ק'

(הובא בס' מנחת שמואל).

person “idolizes” another person. This is the *Torah’s* purpose with regard to the prohibition of לא תחנם; to prevent one from idolizing them. Therefore, it is forbidden to praise them to others.

This *issur* of לא תחנם only applies to a person. However, the *Gemara* states that one is permitted to praise a country. Therefore, one does not transgress the prohibition if one praises a certain sports team, since the praise is not centered on one person but on a group of people instead. Therefore, although many *poskim* prohibit one from wearing a tee shirt that has a picture of a sports figure on it, perhaps one is not technically *oveir* the *issur* by wearing a shirt or a cap that has a team’s name or logo on it. Nevertheless, every *yorei shomayim* should avoid wearing such clothes or apparel, since it is completely unbecoming for a *frum Yid* to identify himself as being a follower of a sports team. The focus of a *Yid* should be in striving to reach greater heights in *kedusha* and *Torah*, and one should not be involved with the outside influences of our society. One should not spend their time being in awe of sports stars, but should look to our *gedolim* and *Roshei Yeshiva* and strive to reach the levels of *yiras shomayim* and *limud haTorah* that they have.<sup>21</sup>

### Giving an עכו"ם an Award At a Dinner or Having a Guest of Honor Who is an עכו"ם

One is permitted to give an *עכו"ם* an award or even make him the guest of honor at a dinner if this will benefit a *Yiddishe* organization financially. One should preferably try to get financial assistance from *Yiddin* instead. However, if one’s intentions are to show gratitude for the *עכו"ם’s* involvement and assistance to the organization it is definitely permitted.<sup>22</sup>

21. עי' גמ' שבת דף לג., וכן שמעתי מהגר"י בעלסקי שליט"א.

22. אג"מ יו"ד ח"ב סי' קי"ז.

### Selling Them - לא תתן להם חנייה בקרקע Land in Eretz Yisroel

One is forbidden to sell land in *Eretz Yisroel* to an *עכו"ם*. Unlike the other *halachos* discussed in this chapter, many *poskim* maintain that when one sells land to them, he transgresses an additional *issur*, for there is an *issur* forbidding one to permit them to settle in *Eretz Yisroel*, (i.e. if it is in the *Yid’s* power to prevent it). This prohibition includes both houses and fields. Furthermore, it is even forbidden to sell anything attached to the ground in *Eretz Yisroel*, unless a condition is made that it will be removed from the ground after the purchase. Therefore, one is forbidden to sell a tree in *Eretz Yisroel* to an *עכו"ם* unless a condition is made that the tree will be cut down. However, there is one difference between houses and fields. Although one is forbidden to sell a house to an *עכו"ם* in *Eretz Yisroel*, one is permitted to rent it to him. However, with regard to fields, even renting is prohibited. The *Yerushalmi* states that selling them a gravesite to be used after an *עכו"ם’s* death is included in this *issur*.<sup>23</sup>

Although with regard to the other categories included in the *issur* of לא תחנם it is permitted if one has his own personal interest, nevertheless, this leniency does not apply with regard to the selling of land in *Eretz Yisroel*.<sup>24</sup> As mentioned above, these *halachos* are not specifically limited to actual idol worshipers and include all nations, according to most *poskim*. (It is beyond the scope of this publication to discuss the topic of giving back land in *Eretz Yisroel* in exchange for peace settlements or the topic of selling land to an *עכו"ם* for *shmittah*).

Even outside of *Eretz Yisroel*, it is forbidden to sell or rent to three *עכו"ם* together, in a Jewish neighborhood. However, one need not be concerned with regard to selling or renting a house or apartment to two *עכו"ם* who

23. עי' שו"ע יו"ד סי' קנ"א ז"ח, ועי' ספר המצוות להרמב"ם ל"ח נ"א, ועי' חזו"א שביעית פכ"ד אות א', ועי' ירושלמי ע"ז פ"א הל' ט'.

24. חזו"א שם, ועי' אות ג'.

will rent it to a third עכו"ם. It is important that one consult a *Rov* when dealing with these very delicate and sensitive issues in *halacha* involving the interaction between *Yiddin* and עכו"ם.<sup>25</sup>

### Miscellaneous Halachos

If a *Yiddishe* doctor were to refuse to treat a patient and would thus cause hatred, it is permitted to treat the עכו"ם even for free. *Poskim* consider this to be our present

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<sup>25</sup>. שו"ע יו"ד קנ"א סעי' ט'.

situation, and doctors are thus permitted to treat *Yiddin* and עכו"ם alike.<sup>26</sup>

It is forbidden to degrade עכו"ם. Therefore, it is forbidden to curse them, damage them, steal from them, or pain them in any way. Our relationship with them should be cordially neutral. One should try to deal only with fellow *Yiddin* who are *yorei shomayim*, as much as is possible, and avoid associations which can lead to problems.<sup>27</sup>

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<sup>26</sup>. שו"ע שם סי' קנ"ח סעי' א', ועי' תפארת ישראל ע"ז פ"ב אות ט'.

<sup>27</sup>. שו"ת שיח יצחק סי' ת"ז, ושו"ת בצל החכמה ח"ד סי' קנ"ח (הובא בס' מנחת שמואל).