

FROM THE PAGES OF TRADITION

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MAIMONIDES' *MAAMAR KIDDUSH HASHEM*

Historical Evidence and Halakhic Principles

INTRODUCTION

In his first public document, *Maamar Kiddush Hashem*, Maimonides demonstrated his unique scholarly approach of combining historical evidence and halakhic categories in support of formulated propositions. He commences his treatise with an examination of the tragic problem of forced apostasy from an historical perspective before expounding upon the halakhic dimension. The attempt to combine both disciplines in a responsum is, indeed, unique. It raises the question, however, whether it was necessary to bring to bear the testimony of history when the Halakhah, which constitutes the norm and ultimate authority in such matters, was abundantly clear and decisive without any need to refer to historical precedents. Should we perhaps assume, as do Yellin and Abrahams, in their biography of Maimonides, that "Like a skilful physician who accurately diagnoses his patient's symptoms, Maimonides at first soothed the Sufferer . . . persuaded the pseudo-Moslems that they had not lost their inheritance in the God of Israel?"

However, if we accept the opinion that Maimonides was motivated by pure sentiment to lift the despairing hearts of his persecuted people, the historical section in his treatise should have appeared after he had first delineated the halakhic aspects of forced apostasy which were decisive in determining the proper response. Apparently, by reversing the order of the two disciplines, we must assume that the historical argument served as evidence for the determination of new halakhic decisions not derived from Talmudic halakhic sources and not discussed in his *Yad*. This will become clear after we examine the halakhic principles of his responsum in more detail.

In his *Hilkhot Yesodei ha-Torah*, Rambam repeats the Talmudic discourse on *Kiddush* and *Hillul Hashem*, stating that capital offences of idolatry, unchastity and murder have to be resisted even at the cost of suffering death. With regard to other commandments, the idolator's motive (*Kavanah*), circumstance (*be-*

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farhesyah), and the period of apostasy, (*b'shaat ha-Shemad*), are crucial. Only when the motive of the persecutors to compel a deliberate rejection of religion in public and not for the purpose of personal advantage is one required to avoid compliance even at the cost of martyrdom. At a time of persecution, however, there is no distinction between a violation of any commandment in public or in private. By the same token, the neglect of moral duties toward our neighbors, that cast dishonor on our name, constitutes *Hillul ha-Shem*.

The above distinction Maimonides draws from Talmudic sources.¹ Adhering to his general method in the *Yad*, he reproduces the halakhic content directly from the Talmud without philosophic or historical considerations. In this Treatise on Apostasy, however, there are some new elements to be considered and new conclusions to be reached. These are derived but are not explicit in the halakhic aspect of the Talmud and require the testimony of the past as found in Scriptures and the historical aspects of Talmudic literature.

The first is that of one who has yielded to coercion instead of undergoing martyrdom. While he acted badly, yet no punishment can be imposed upon him and no Jewish court can intervene against him. To rule otherwise, as this fanatic zealot had done, (an anonymous rabbi circulated a responsum calling upon the Jews of Morocco to suffer death rather than utter the Islamic formula), is a gross misrepresentation of Judaism. For he does not distinguish between those who transgress under compulsion and those who do so from sheer wickedness. Such a severe judgment is contrary to the testimony of the past. For do we not find that some of the greatest men in Israel, Moses, Elijah and Isaiah were punished for inveighing against the apostasy of Israel, implying the imposition of punishment?²

Secondly, the present persecution differs from previous periods of apostasy. In former cases our people were under compulsion to transgress the law in action; whereas the present oppression required no overt act but only the utterance of an empty formula which the Moslems themselves knew was uttered insincerely to circumvent the bigot.

Appealing to historical precedent at the time of the Roman persecution, when Rabbis Meir and Eliezar had saved their lives by pretending they were not Jews,³ Maimonides argued passionately: Would this fanatic consider Rabbis Meir and Eliezar non Jews? Hence if a man asks me "Shall I be slain—or utter the formula of Islam?" I answer, "Utter the formula and live!"

Finally, when one has submitted to forced apostasy and continues to live in such a state, he should nevertheless not abandon the hope that God will reward the good works, performed in this

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state, though few in number, and even double his reward because he exposed himself to danger. Citing instances in Jewish history, Maimonides refers to Ahab who worshipped idols, but afterwards fasted two and a half hours and prayed to God, that his prayers were accepted and that he was rewarded for this single act (*T.B. Taanit 25b*). Another instance was Nebuchadnezzar, who was allowed to reign as long as King Solomon because he honored the Lord on one occasion.

Admittedly, Maimonides displayed a skilful application of sources and scientific method in marshalling historical evidence which he did not hesitate to use in establishing some halakhic propositions. While in the *Yad*, he was satisfied, in the main, to reproduce the content of the Talmud *per se*, in his other works, especially "The Guide" and in his Letters, he did not hesitate to combine philosophical and historical considerations with halakhic principles.

Following is my translation of Maimonides' first part of *Mamar Kiddush Hashem*. A translation of the other sections appeared in *TRADITION*, Vol. 14, No. 2, Fall 1973.

L.D.S.

Maimonides' "Letter Concerning Apostasy" 1160

Thus says Moses, the son of Maimon, the Judge, the Sephardi:

A contemporary of ours addressed a question concerning the tragic problem of apostasy to a pseudo-scholar,⁴ who lived in a community, which unlike most other places was spared the affliction of apostasy, may the Almighty uproot it. It involved some Jews who, under compulsion, had to confess the authenticity of Mohammed as God's messenger and as a true prophet. They were given one of two choices: Either to accept the Mohammedan confession and spare their children from falling into the hands of their oppressors⁵ or refuse to pronounce the Islamic formula and suffer martyrdom—a fate presumably prescribed by the laws of Moses. The dilemma was compounded by the apprehension that the bearing of witness to the Islamic faith might ultimately lead to the undermining of the entire corpus of Jewish precepts.

The consultant responded in a most derisive and distasteful manner, stylistically and contextually. The arguments projected by him were without foundation even for the unenlightened. At

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first I was tempted to reproduce⁶ the entire⁷ text of his responsum—despite its length, misrepresentation and confusion—were it not for the fact that I was solicitous of human speech which the Almighty has vouchsafed unto us as an act of kindness, as we read in holy writ: “Who hath given speech to man . . . is it not I the Lord” (Exodus 4:99)? Accordingly, it is incumbent upon us to be more sparing in speech than in the acquisition of material possessions, keeping in mind that excessive verbiage often beclouds relevant content, a practice denounced by the wise author of Ecclesiastes (5:2): “For a dream cometh through with much content and the voice of a fool cometh with a multitude of words.” By the same token, Job’s friends took him to task for extravagant talk when they said: “Shall a multitude of words not be answered? And is it so that a man full of talk shall be deemed in the right?” (Job 11:2). “Job had not spoken with knowledge and his words are without intelligence” (*ibid.* 34, 35). Clearly, because we are grounded in this matter and find it hard to tolerate⁸ the ignorance of this man, we have selected just a part of his responsum, omitting the extraneous material, that does not merit a response, although upon closer examination the entire text is of the same character. Consider, for instance, his statement to the effect that he who utters the formula of Mohammedan Confession,⁹ it is accounted unto him as if he denied the Lord, the God of Israel. He supports his conclusion by citing the rabbinic admonition “that one who admits to idol worship, it is as if he denied the whole Torah.”¹⁰ But he fails to distinguish between one who confesses to idol worship without compulsion as Jeroboam and his followers did, and another, who is coerced at the point of a sword, into uttering an empty formula referring to that impostor as a prophet.

To be sure, I was reluctant at first to controvert his statement until I became aware of the entire responsum, in keeping with the admonition of the wise author, “when one returneth an answer before he understandeth, it is folly unto him and shame” (Proverbs 18:13). When I probed further into the text, I discovered the following: that he who utters this formula, even if he fulfill the whole Torah in secret and in public, must be considered a pagan.¹¹ Apparently, there is no distinction in his dis-

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torted mind¹² between one who does not observe the Sabbath because of coercion or wilfully. He states further: that if one just enters Islamic houses of worship to pray although he does not utter a sound and then proceeds to his own home to offer his prayers, that the latter is accounted unto him as an affront and a sin, as the sages maintain, quoting the verse: "For two evils have my people committed" (Jeremiah 2:13), they bowed down to the idol and to their house of worship."¹³ Again he made no distinction between one who prostrated himself before idols and temples as an act of apostasy in order to contaminate God's Holy Place and profane His sacred name or one who enters such places under compulsion with the intention to extol God's name and not to make a single pronouncement contrary to his religious beliefs. He, moreover, maintains that a forced Mohammedan confession brands him as a wicked person and consequently the Torah disqualifies him as a witness as we read: "put not thy hand with the wicked to be an unrighteous witness" (Exodus 23:11), implying "that the wicked cannot be a witness."¹⁴

After reading his reviling, blasphemous and long harangue reflecting his ignorance and folly, I was still hesitant to initiate a confrontation with him until I read his final words in keeping with Solomon's exhortations: "Better is the end of a thing than the beginning thereof" (Ecclesiastes 7:8). And alas I came across the following startling concluding remarks: "Heretics and Christians would rather submit to death than accept the Islamic doctrines."¹⁵ When I pondered the implication of this statement I was shocked with amazement and exclaimed: Is there no God in Israel! Suppose the practice of heathen worshippers entailed the sacrifice of children as burnt offerings, should we, therefore, emulate them and act likewise in the service of our God. Woe to such questions, woe to such a response.¹⁶ Manifestly, when I observed, in the beginning of his responsum an attempt to marshal evidence that does not square with his thesis and, in the end, an outrageous distortion which might be interpreted as justification of heretics and Christians, I exclaimed, how appropriate is the scriptural observation:¹⁷ "The beginning of the words of his mouth is foolishness and the last that cometh out

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of his mouth is evil bringing madness.”

One should know, moreover, that before communicating ideas to the general public, it is essential to review them thoroughly, two, three, or four times in private prior to exposing them in public. Our sages,¹⁸ derived such a procedure from the four-fold expression in scriptures: “Then did he see her, and make her known, he established her and also searched out” (Job 28:37). Following that statement we read:¹⁹ “And he said unto man.” The reference here is thus to oral communication. When one is involved, however, in putting something in writing, an even greater effort of a possible thousand-fold review is required. But this man who obviously failed to act in this manner preferred to cast his notions into a fixed mold in haste without first preparing a draft copy for review and proper corrections. Reflecting an arrogance that entertains no doubts about one’s position, he proceeded, in a doctrinaire fashion, to dispatch his responsum through a messenger to every city and country plunging the hearts of our co-religionists into darkness which is reflected in the words of the psalmist:²⁰ “He sent darkness and caused it to be dark.”

II

I shall proceed now to explain the grievous error committed by this fanatic doctrinaire, who failed to realize the consequences of his own actions. One wonders how he could possibly conceive that he was doing the right thing when the result of his actions was so disastrous! Moreover, in the process of rendering his decision, he produced many illustrations that were incongruous to the central theme. His language was verbose, mechanically following the so-called dictates of the “pen” (rather than the mind).

In refutation of his distorted arguments, I wish to state the following: Our rabbis have made it clear that the children of Israel before the exodus from Egypt, with the exception of the tribe of Levi at the time of Moses, deviated from the true paths of Judaism and even neglected the covenant of circumcision. When the laws of Passover were introduced and Moses was com-

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manded . . . “that no uncircumcized person shall eat thereof” (Exodus 12:48), he exhorted his people to perform the *mitzvah* of circumcision as our rabbis tell us “Moses circumcised them, Joshua split the membrane of the corona and Aaron drained the blood.”²¹ When the foreskins piled up in large heaps and their blood mingled with the blood of the Paschal lamb, the Israelites merited redemption,²² as the prophet Ezekiel declared . . .²³ “and I saw thee stained with thine own blood and I said unto thee, in thy blood, live.” Thus the assertion by the sages that the defection of the Israelites in Egypt consisted of their failure to perform the *mitzvah* of circumcision coincides with the word of God, “Son of man, there were two women, the daughters of one mother . . .” (Ezekiel 23:2).²⁴

But despite their evil practices and deviations, Moses himself was condemned by the Almighty for accusing them of faithlessness, when he said, “behold they will not believe in me” (Exodus 4:1). He was, thereupon, admonished: Moses! they are believers and the children of believers as it is written “and the people believe” (*ibid.* 31), and with regard to being the children of believers, we read, “and he believed in the Lord, and he accounted it to him for righteousness” (Genesis 15:6).²⁵ But as far as Moses was concerned, it turned out that in the end, he was the unbeliever, as we find “because you have not believed in me, to sanctify me before the eyes of the children of Israel,”²⁶ and he was subsequently punished. In keeping with the rabbinic dictum, “one who accuses the innocent is subject to personal punishment as was the case with Moses.”²⁷

A similar situation prevailed at the time of Elijah when almost all of the Israelites, with the exception of “seven thousand²⁸ (all the knees which have not been bent unto Ba'al and every mouth which had not kissed him”), were idol worshippers wilfully submerged in sin. But in spite of their transgressions when Elijah inveighed against the apostasy of his coreligionists at Horeb, we find: “And he said unto him, what does thou here Elijah? And he said, I have been very zealous for the Lord, the God of hosts, for the children of Israel have forsaken thy covenant” (I Kings 9-10). And the Lord said to him: perchance it is your covenant? And he answered: ‘Thy altars have they thrown

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down.” And again the Lord asked: “Are they perchance your altars? And he answered. “And thy prophets have they slain with the sword.” And the Lord said: But you have survived! Elijah responded: “And I am left by myself alone and they have sought my life to take it away.” But the Holy One, blessed be He, retorted: Instead of condemning the Israelites, you should have blamed the heathens who maintain houses of adultery and idol worship as we read in Isaiah (17:2): “Forsaken are the cities of Aroer” and Kings (19:15) . . . “Go, return on the way to the wilderness of Damascus.”²⁹ All this is clearly elucidated by our sages in the *Midrash Hazita* (*Shir-ha-Shirim* 1:6).³⁰

By the same token, the people of Israel were submerged in sin at the time of Isaiah as we read: “Wo, sinful nation” (Isaiah 1:14). There were idolaters among them, cf., “And behind the doors and door-posts hast Thou placed thy mark of remembrance” (*ibid.* 57:8). There were also among them assassins, cf., “How is she became a harlot . . . but now murderers” (*ibid.* 1:21), profaners of God’s name, cf., “Let us eat and drink, for tomorrow we must die” (*ibid.* 22:13);³¹ contemptuous of God’s precepts, cf., “Depart you out of the way, turn aside out of the path, remove from before us the holy one of Israel (*ibid.* 30:11). And yet, despite all these corruptions, when Isaiah uttered the words, “And in the midst of a people of unclean lips do I dwell” (*ibid.* 6:5), immediately, “Then flew unto me one of the seraphim and in his hand was a live coal . . . and he touched therewith upon my mouth and said, Lo, this hath touched thy lips and thy iniquity is departed and thy sin is forgiven” (*ibid.* 6:1-7). However, our rabbis assert that Isaiah’s accusation was atoned for only by his death at the hand of Menasseh.³²

Likewise when one of the seraphim accused Joshua, the son of Jozadak that his sons had taken alien lives, making them unfit for the priesthood,³³ the Almighty removed him as we read, “The Lord rebuke thee, O accused, yea the Lord rebuke thee that hath chosen Jerusalem; is not this a brand plucked out of the fire?” (Zechariah 3:2).

Now if such punishment was meted out to great pillars of Judaism like Moses, Elijah, Isaiah and ministering angels be-

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cause they maligned the people of Israel, we imagine the penalty awaiting an ordinary, insignificant simpleton, who with a loose tongue dared to assail whole communities, their scholars, their disciples, priests and Levites, calling them transgressors, wicked men, heathens unfit to bear witness, and deniers of the Lord of Israel. How much more severe his punishment will be considering he stated those accusations in writing with his own hands! For, alas, the oppressed did not rebel against God because of evil passions or lust. They strayed from the Law not because of a relentless pursuit of high position or evil passions as the prophet exclaimed: "Because from the swords they fled, from the drawn sword and from the bent bow and from the pressure of war" (Isaiah 21:15). Does not this man know that God does not forsake or abandon the innocent transgressors, "For he hath not despised nor abhorred the affliction of the poor (Psalms 22:25). On the verse "and he smelled the smell of his garment" (Genesis 27:27), our sages comment that the term *begadav* (his garment) is interchangeable with the word *bogedav* (renegade).³⁵ Apparently whatever he said was a fabrication.

Moreover, it is generally known that R. Meir was incarcerated during a period of massive apostasy which brought death upon many of our sages. When an attempt was made by the interrogators to identify him as Rabbi Meir, he denied the identification. Whereupon, they brought before him a morsel of pork, and said to him, eat it if you are not a Jew. He agreed and pretended to consume the food although he did not really eat it.³⁶ Now in the eyes of the presumptuous extremist, Rabbi Meir should have been considered a pagan in keeping with his treatise: "one who appears in public like a pagan and in private an Israelite is to be regarded as a pagan, inasmuch as he conceals his worship of God like Rabbi Meir."

It is likewise well-known that Rabbi Eliezar was arrested because of "heresy,"³⁷ which is regarded as a graver offense than pagan worship, inasmuch as heretics—may the Almighty strike them down—scoff at our religious laws and say: "one is a fool to practice them and insane to study them." They likewise denied completely the notion of prophecy.

Now since Eliezar was well versed in the sciences, they ques-

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tioned him as to how a man of such intellectual acumen could possibly believe in Judaism? He proceeded, however, to answer them in such an ambivalent manner that it could be construed that he was a follower of their persuasion, while in reality he had in mind the authentic faith of Judaism.

This incident is related in the Midrash Ecclesiastes and we quote: "R. Eliezar was arrested because of heresy and the governor took him and made him ascend a dais, to be tried. He asked him, 'How can a sage like you occupy himself with those idle matters?' He answered him, 'Faithful is the judge concerning me.' The governor thought he was alluding to him, whereas, by the term judge, he was referring to God. He thereupon said to him, 'Since you have acknowledged me to be right, I am wondering how those academies should go astray with such idle matters. You are consequently acquitted and free.'"

It is thus clear that Rabbi Eliezar, although in his heart was steadfastly devoted to our Heavenly Father, apparently manifested to the governor some sympathy for the heretics which, according to the Talmud were more reprehensible than pagan worship.³⁸ Consequently, in accordance with the conclusion of this zealot in his responsum Rabbi Eliezar should have been condemned.³⁹ By the same token, the apostasy we are experiencing consists of no overt acts of commission but of a simple uttering of a formula of faith which even our adversaries are convinced we do not believe. Compare the metaphor, "they prayed insincerely to him with their mouth and with their tongue they lied unto him" (Psalms 78:36).

Furthermore, the vicissitudes visited upon Israel at the time of the wicked Nebuchadnezzar are well known. Everyone in Babylon had to prostrate before the pagan idols with the exception of Hananyah, Mishael and Azaryah who evoked the Almighty's praise, "Not now shall Jacob be ashamed and not now shall his face be made pale" (Isaiah 29:22). Even the craftsmen and locksmiths were not spared from bowing to idols, and yet we find nowhere any reference to them as wicked, or pagan or disqualified witnesses. Nor was this act accounted unto them as a transgression of pagan worship, inasmuch as they were under compulsion. Our sages also indicate: They committed an

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offense for appearance sake and I shall treat them in kind at the time of Haman (*T.B. Megillah* 12a). However, of this rabbi, although he may be God-fearing, it should be said: "Woe unto him that contendeth with the one who formed him — a potsherd among the potsherds of the earth — Shall the clay say to him that fashioned it, what makest thou?" (*Isaiah* 45:9).

By the same token, we are familiar with the repressive decrees imposed by the wicked Syrian Kingdom upon our people. Prominent among them was a prohibition against closing the door of their homes which would deprive them of the privacy required for the practice of their religion. And yet our sages never referred to our people as wicked or pagan but, on the contrary, referred to them as righteous and prayed for them. In the special *Chanukah* passage of *Al Hanisim*, which they added to our other prayers, they speak of delivering "the wicked unto the righteous."

Had we not agreed at the outset not to reproduce the entire exposition of this indiscreet chatterer,⁴⁰ I would have presented his text in full for your information. How can one be so ignorant of his own deficiencies and articulate such words or write a response which is utterly irrelevant to the one question addressed to him?⁴¹ He assembled evidence from such laws pertaining to "false witness," the cursing of one's father and mother, the precept of four-cornered fringes, the ploughing of an ox and ass together, the mixture of heterogenous animals. One would imagine he was asked to compose a complete treatise on the prohibitions and to enumerate all the positive *mitzvot*. He further states that the Mohammedans have a pagan altar in Mecca and in other places as if someone inquired of him whether it is permissible to celebrate a festival in Mecca. His assertion that Mohammed⁴² was responsible for the extermination of twenty-four thousand Jews is likewise astonishing, inasmuch as no one asked him whether Mohammed merited a share in the world to come. He makes many other similar statements which are equally irrelevant. He should have paid more attention to the words of Solomon:⁴³ "Suffer not thy mouth to be rash and let thy heart not be hasty to utter any word before God." If he had only pondered this verse, he would have been aware that one who responds to a theological question or expounds upon a ritual mat-

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ter is doing it in the presence of God. (He would have been spared from falling into such errors.)

And God is my witness—and that is sufficient for me⁴⁴—that if he, who has uttered these reproaches against us had uttered many more, we should not have considered it injurious or sought support for ourselves. We should have said: “Let us lie in our shame and let our confusion cover us, for we and our ancestors have sinned against the Lord our God” (Jeremiah 3:25). We would have even extolled his virtues and testified that his intentions were to glorify our Heavenly Father. For after all we are aware of our human frailties and we are not foolhardy. “We know, O Lord our wickedness, the iniquity of our father; for we have sinned against thee” (Jeremiah 14:20).

Had he not put these words in writing, we would not have contended with him. But now that he has stated that anyone of the apostates who prays does not receive any reward for his deed but in reality commits a transgression, we dare not be complacent or remain silent. For what once has been stated in writing, whether valid or invalid, will no doubt spread among people and become the chief cause for harboring wrong notions. Many false opinions have been caused by nothing else but the mere fact of their having been put into a book. And that is the way false notions gain followers. For credence is readily given to the written word, no matter how misleading, over one’s oral testimony, even to the point of frequently causing new sects to emerge. Thus we became apprehensive lest this responsum concerning the apostate will reach the multitude, causing them to refrain from praying, since there would be no hope or reward in their prayers, nor in the performance of other religious duties.

III

I shall now proceed to point out further the errors of this man’s utter confusion:⁴⁵ The Bible describes Ahab b. Omri as a denier of God and worshipper of idols of whom it is said:⁴⁶ “But indeed there was none like unto Ahab,” and yet when he fasted for two and one half hours, our rabbis tell us, the severe decree against him was annulled” (*B.T. Taanith* 25), as we

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read: "And the word of the Lord, came to Elijah Tishbi: saying: Hath thou seen how Ahab has humbled himself before me? Therefore because he has humbled himself before me will I not bring the evil in his days: in the days of his son will I bring the days of evil on his house" (I Kings 21:29). Thus the Holy One did not deprive him of his reward for the sake of his fast.

Eglon, King of Moab, who oppressed the Israelites was rewarded nevertheless for showing honor to the God of Israel. When Ehud said to him:⁴⁷ "I have a message from God," he arose from his throne. For this act of deference, he was rewarded that his descendant, King Solomon, "sat on the throne of the Lord" (I Chronicles 1:29, 23), and the throne of the Messianic King will someday be occupied by another of his descendants, as our rabbis assert that Ruth, the Moabite, who was the progenitor of the Davidistic dynasty was his daughter (*B.T. Nazir* 23). We see thus again that God did not deprive him of his reward.

Likewise, the wicked Nebuchadnezzar who massacred numberless Jews and destroyed our Lord's Temple was permitted to reign forty years, as long as King Solomon, for having run four big steps to make sure that the Lord's name precedes the name of Hezekiah as the rabbis indicate:⁴⁸ "He ran after him four long steps" (*B.T. Sanhedrin* 96a). Again we see that the Holy One has not deprived him of his reward.

Also the wicked Esau who provoked the enmity of the Divine as recorded in Malachi (1:3), "But Esau I hated," which our sages interpreted to refer to his evil deeds, as they say "on that day he committed five offenses: murder, idol worship, adultery, denied resurrection and disgraced his birth right (*B.T. Baba Batra* 16b) — his offenses were, moreover, compounded by wrapping himself in a prayer shawl and approaching his father Isaac, inquiring hypocritically whether one has to offer a tithe on salt and thus pretending that he was ever so punctual in the observance of *mitzvot*—but despite those aberrations, when he observed one precept of honoring his father, he was granted uninterrupted sovereignty until the advent of Messianic period, as the rabbis state:⁴⁹ The Kingdom of David will not be ushered in until Esau will receive his due reward for having honored

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his father and mother as we read: "Who sent me after glory unto the nations" (Zechariah 2:12). This is generally the opinion of our sages expressed in various places: "The Holy One does not deprive any person of the reward due him for the performance of good deeds and the punishment for evil deeds for one who has not repented."⁵⁰

Now if those infamous atheists were rewarded by God for the performance of just a minor good deed, how can we say that the Lord will not recompense the children of Israel who, while they dwell in a forced pseudo-apostasy, practice the *mitzvot* in secret. It is apparent from the response of this anonymous zealot that there is no distinction between one who observes the *mitzvot* and worships God and one who does not. As a matter of fact, he concludes from the Biblical verse "for two evils has my people committed," that if this pseudo-apostate prays it is counted unto him as a sin.⁵¹ Accordingly, he does not even cease from maligning the people of his generation even to the point of contradicting the opinion of our sages and our Creator as we explained. He maintains steadfastly that the pseudo-apostate will be punished for keeping God's ordinances such as "prayer for the pseudo-apostate is a sin." Of such judgment Solomon said: "Suffer not thy mouth to bring thy flesh into guilt, neither say thou before the messenger, that it was an error" (Ecclesiastes 5:5).⁵²

IV

When I observed this shocking phenomenon, which was sickening to the eye, I decided to gather spices and roots from the ancient books, from which I would make a salutary mixture as an antidote to the disease, and cure it, with God's help.⁵³

I decided to divide my comments in regards to this matter into five categories. The first category is in reference to the distinction in the application of the precepts (*mitzvot*) in a period of persecution. The second category defines the profanation of the Holy Name and its punishment. The third principle delineates the various levels of martyrs and those who transgressed under duress during a period of forced apostasy. The fourth

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category deals with the present unprecedented persecution, and the proper behavior required during this period. The fifth principle is an attempt to convey, in a simple manner, the steps one may take to guard himself during the present persecution—may the Almighty abolish it.

A

The first category divides the manner of the observance of the precepts at a time of persecution into three principles. The first deals with the prohibition of idolatry, unchastity, and murder. The law requires that any time one is forced to commit any one of these offenses, he is commanded to suffer death, at all times, in all places, and under all circumstances, rather than transgress. By the term "at all times," I refer to either a period of persecution or not. "In all places," alludes to both private and public performance, and the expression "under all circumstances," indicates that one has to suffer death whether the motive of the idolator is to compel the Israelite to violate the ordinances of his religion or his purpose is personal advantage.

With regard, however, to all other commandments save the aforementioned three, if one is coerced into violating any of them, one has to consider whether the coercion was motivated for personal advantage of the persecutor. In that case he is permitted to transgress the law rather than suffer death. This applies to every period whether it is one of persecution or not, and in every circumstance, private or public. An example of such a circumstance is found in the chapter of *Ben Sorer U'moreh* (*T.B. Sanhedrin*). The rabbis ask: "But did not Esther transgress publicly?"⁵⁴ Abaye answered: Esther was merely natural soil. Raba said: When they (sc. the persecutors) demand it for their personal pleasure, it is different. For otherwise, how dare we yield to them (sc. the Parsees or fire worshippers) our braziers (or fire bellows) and coal shovels? But for their personal pleasure is different: so here too (in Esther's case). This (answer) concurs with Raba's view expressed elsewhere. For Raba said: If a Gentile said to a Jew, 'Cut grass on the Sabbath for the cattle, and if not I will slay thee,' he must rather cut it

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than be slain. If he said 'Cut it and throw it into the river,' he should rather be slain than cut it. Why so? — Because his intention is to force him to violate his religion." And since we have established that we abide by the decision of Raba, it is clear that if transgression is committed for the persecutors personal benefit, one may violate the law even publicly and even during a period of persecution rather than suffer death.

If the idolator's intention, however, was aimed at forcing him to violate the ordinance of his religion, we have to consider the following: if the period was one of persecution, one has to suffer death rather than violate the law, whether the coercion be in private or in public. On the other hand, if the period was not one of apostasy, then if one were coerced to violate his religion only privately, then one may transgress rather than incur martyrdom. If the transgression has to be done publicly, then one must suffer death rather than violate the law. The following constitutes the essence of the rabbinic statement on his matter. "When Rab Dimi came, he said in R. Johanan's name: At a time free of religious persecution, it was only permitted in private; but in public one must be martyred in keeping with rabbinic strictures, even for a minor precept rather than violate it. What is meant by a 'minor precept?' — Raba son of R. Isaac said in Raba's name: 'even to change one's shoe lace.'⁵⁵ And how many make it public? R. Jacob said in R. Johanan's name: 'The minimum for public knowledge is ten. Obviously we mean ten Jews' " (*Sanhedrin* 74b).

B

The second category defines the profanation of the Holy Name and its punishment, which may be divided into two parts. The first is of a universal, and the second, of a particular nature.

The universal is, in turn, subdivided into two types. The first type is of one who commits a sin out of spite, i.e., not for personal pleasure or delight, but rather to demonstrate his contempt and rejection of religion. Such an act is considered a desecration of the Holy Name. It is with reference to this type that the Blessed One said, "and you shall not swear falsely in My Name,

