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FROM THE PAGES OF *TRADITION*

RABBI ELEAZER FLECKELES: AN EARLY RABBINIC HUMANIST

One of the hallmarks of the age of the Enlightenment was the growing popularity of the concepts of universalism and equality. Many thinkers of that period argued for a form of rationalism that engendered social equality for all men. In this context, Jewish laws and texts that suggested discrimination between Jews and non-Jews began to come under scrutiny. For some, these texts were proof that traditional Judaism, ossified in ancient dogma, bore no relevance to progressive society. Defenders of traditional Judaism responded in a variety of ways. Many authored disclaimers, arguing that all examples of discrimination towards non-Jews found in the Talmud and other rabbinic works refer to ancient pagans and not to the modern and enlightened gentile. According to Jacob Katz, it became commonplace in the eighteenth century for rabbinic works to include these prefatory disclaimers.¹

Perhaps the most famous example of this formula was penned by R. Yehezkel Landau (1713–1793) in the introduction to his *Responsa Noda bi-Yehuda*. Rabbi Landau claimed that all derogatory statements about non-Jews found not only in his work, but in all rabbinic works, referred to pagans and not to contemporary gentiles.²

I express my thanks to Rabbi Dr. Moshe Y. Miller, whose scholarship was the inspiration for this work, to Rabbi Dr. Jacob J. Schacter for his insight and guidance, and to Zvi Erenyi and the staff of Yeshiva University Gottesman Library for their time, assistance, and dedication.

¹ Jacob Katz, "Three Apologetic Statements and their Developments" [Hebrew], *Zion* 23–24:3–4 (1958–1959), 189–190.

² R. Yehezkel Landau, *Responsa Noda bi-Yehuda* (Prague, 1776), introduction titled "*Hitnatzelut ha-Mehaber*."

Some have called the sincerity of these works into question. In many places, Jews were unable to publish their own works and were reliant on non-Jewish printing houses. Perhaps these disclaimers were authored as apologetics aimed at appeasing non-Jewish (and possibly anti-Semitic) publishers and censors who would not release their books if they did not offer an apology for these aspects of the work's content. These statements almost always appeared at the beginning of these works because typically, when publishing, that was where an author would address the censor. Or perhaps they were written with the intention of protecting the Jewish community from the dangers of anti-Semitic and hostile readers. While R. Landau's passage is significantly longer than most of the disclaimers authored at his time, it still reads with an air of self-censorship. Because of this, some have dismissed this passage along with many other such disclaimers as mere apologetics.³

In his work dedicated to correcting textual corruptions in the Vilna Shas, R. Dovid Cohen records a conversation he had with R. Moshe Feinstein. R. Feinstein assumed that the many disclaimers arguing for distinguishing between the modern gentiles and ancient pagans were not to be taken seriously. However, notwithstanding R. Feinstein's comment to him, R. Cohen questions this assumption and argues that it is often unclear whether a particular passage was written with an eye towards the censors to avoid animosity, or if it was in fact the actual opinion of the author.⁴

Jacob J. Schacter is not convinced that all rabbinic disclaimers were sincere. In his view, even the attitude of Rabbi Jacob Emden (1697–1776) to Christianity, which is often used as a prime example of tolerance and acceptance, is a complex one. According to Schacter, the tolerance found in R. Emden's writings may not in fact represent his genuine belief.⁵

³ Moshe Y. Miller, "Rabbi Samson Raphael Hirsch and Nineteenth Century German Orthodoxy on Judaism's Attitude Towards Non-Jews," Doctoral Dissertation (Yeshiva University, 2014), 38, infers that this appears to be the view of the Jewish editors of the recent editions of *Noda bi-Yehuda* because, without explanation, they removed R. Landau's preface. Presumably, those editors believe, contemporary Orthodox readers need no apology for the author's "discriminatory" remarks.

⁴ Dovid Cohen, *He-Akov li-Mishor* (Mesorah, 1993), 33–34. I am indebted to Marc B. Shapiro for this source, see his *Changing the Immutable* (Littman Library, 2015), 42.

⁵ See Jacob J. Schacter, "Rabbi Jacob Emden, Sabbatianism, and Frankism: Attitudes toward Christianity in the Eighteenth Century" in *New Perspectives on Jewish-Christian Relations*, eds. Elisheva Carlebach and Jacob J. Schacter (Brill, 2012), 370–371, where he argues that one can dismiss these disclaimers as "self-serving declarations designed to pacify ever-present and vigilant censors and not necessarily reflections of genuine attitudes." For the contrary position that R. Emden was sincere, see Moshe Y. Miller, "R. Jacob Emden's Attitude Towards Christianity," *Turim: Studies in Jewish History and Literature* 2 (2008), 105–136.

Although the authenticity of these disclaimers has been the subject of debate, recent scholarship has provided new and compelling argumentation that many of these passages were, in fact, written with total conviction. In his thorough analysis of nineteenth-century German Orthodoxy's attitude towards non-Jews, Moshe Y. Miller has argued that many of these disclaimers were written with the conviction of their authors.⁶ Noting significant scholars to support his view, such as Mordechai Breuer and Jacob Katz, Miller is absolutely certain that a significant number of these passages were genuine depictions of their authors' beliefs and convictions.⁷

In a well-known passage, R. Shlomo Luria (Maharshal, 1510–1574) takes the radical stance that it is forbidden to misrepresent Torah positions and teachings even on pain of death.⁸ On the basis of Maharshal's position, in response to those who argue that all of these disclaimers were written as apologetics, Miller asks, "Why are they [contemporary writers] so convinced that [so many of our] greatest rabbinic authorities regularly falsified and distorted Torah to please a censor [even when] no one's life was at stake?"⁹

It should be noted that R. Moshe Feinstein believed that the fact that many Torah scholars authored such disclaimers, which in his view were insincere, was evidence that the halakha is not in accordance with the position of Maharshal.¹⁰

One disclaimer that significantly strengthens Miller's position is that of Rabbi Eleazer Fleckeles (1754–1826). To introduce his major halakhic responsa *Teshuva mi-Ahava*, R. Fleckeles penned a disclaimer titled *Kesut Enayim* arguing that all discriminatory passages found in the Talmud

⁶ Miller, "Rabbi Samson Raphael Hirsch," 36–46.

⁷ See Mordechai Breuer in *German-Jewish History in Modern Times*, ed. Michael A. Meyer, vol. 1 (Columbia University Press, 1996), 161, and Jacob Katz, *Exclusiveness and Tolerance: Studies in Jewish-Gentile Relations in Medieval and Modern Times* (Behrman House, 1961), 167.

⁸ *Yam Shel Shlomo*, *Bava Kamma* 4:9.

⁹ Personal email correspondence (March 30, 2021). Miller also added that in his view, many rabbinic figures during the late eighteenth and nineteenth century took a more tolerant view of contemporary gentiles. For example, R. Pinchas Eliyahu Horowitz mi-Vilna wrote in his *Sefer ha-Berit* (Hen Le-Dodi, 2014), 645, which was first published in 1797, that "*ahavat re'im*, love of one's fellow man, extends to non-Jews as well."

¹⁰ Dovid Cohen, *He-Akov li-Mishor*, 33–34. Notwithstanding his dismissal of Maharshal, R. Feinstein appears to rule in accordance with this position of Maharshal in his halakhic responsa; see *Iggerot Moshe*, *Even ha-Ezer* 3:18, *Orah Hayyim* 2:51, 5:28:21.

and other rabbinic works refer only to idolatrous gentiles and not to contemporary non-Jews who observe the seven Noahide Laws.¹¹

Even if one were to argue that many of these introductory disclaimers were mere apologetics, there is significant reason to believe that R. Fleckeles' is an exception. As opposed to other works, R. Fleckeles' essay has a more scholarly and sincere feel. It is much longer and more thorough than even R. Landau's disclaimer. Furthermore, based on a variety of sources, R. Fleckeles argues for applying many laws equally to non-Jews. He suggests the prohibitions of thievery, returning lost objects, and deceit apply even to idolaters. A Jew is obligated to give charity to an idolater and to honor agreements and treaties with them. Similarly, visiting the sick, leaving a corner of the field, gleanings and forgotten produce [that must be left for the poor], and burial of the dead, apply as well to idolaters—and certainly to modern gentiles whom he classifies as righteous.¹² He writes forcefully that “scorning the nations amongst whom we live in peace contradicts the Torah, fear [of Heaven], and wisdom.” He concludes with a prayer for universal peace, asking that “all humanity will speak with one language and have unity of purpose.” Moreover, in addition to authoring similar introductory remarks at the beginning of some of his other works,¹³ R. Fleckeles chose to publish this essay as the introduction to his major halakhic work. All of this indicates that *Kesut Enayim* is a true expression of R. Fleckeles' humanistic convictions.

In his analysis of these introductory disclaimers, Miller distinguishes between two types written in the nineteenth century, terse pro forma disclaimers and those that develop this view in a more substantive and thorough fashion. In the latter category—perhaps more accurately termed “clarifications”—the writer would typically provide a lengthier in-depth halakhic analysis arguing for distinguishing between the pagan gentiles of old and the non-pagan gentiles of his day. These passages are clearly different from pro forma disclaimers which merely state the non-applicability of anti-gentile sentiments to modern Christians. According to Miller, these longer “clarifications” were certainly written with

¹¹ Eleazer Fleckeles, *Teshuva mi-Ahava*, 3 volumes (Prague, 1809–1821), introduction titled *Kesut Enayim*.

¹² It is interesting to note that although Maimonides rules that a non-Jew who observes these commandments because of rational commitments alone is not “considered as one of the righteous gentiles” (*Hilkhot Melakhim* 8:10), R. Fleckeles ignores this particular qualification. He applies the category of righteous gentiles to all who observe the Noahide laws, even if they do not believe that it is a divine command.

¹³ For example, see the introduction to his *Olot Hodesh* (Prague, 1785) titled *Kol Kore ve-Omer*.

complete sincerity and were intended as much for Jewish readers as for any potential gentiles who would have become aware of its content.¹⁴

Miller notes that to achieve their goal of publishing and avoiding distorting the Torah, R. Landau and R. Fleckeles could have written pro forma statements. This would clearly communicate that their disclaimers about non-Jews were intended to prevent potential anti-Semitism, not necessarily in order to be taken seriously by their Jewish readers. However, both R. Landau and R. Fleckeles wrote forceful essays stating that whoever thinks any derogatory references to non-Jews do in fact refer to modern-day Christians are themselves guilty of distorting the Torah. According to Miller, there is no doubt that both of the disclaimers, written by R. Landau and his student R. Fleckeles, were the products of the complete and genuine convictions on the part of their authors.¹⁵

An important figure who was sure of R. Fleckeles' sincerity was R. Samson Raphael Hirsch (1808–1888). In his noteworthy essay, “Talmudic Judaism and Society,” R. Hirsch argued for a positive perspective on contemporary non-Jews—even calling for “active human brotherly love” for gentiles. Arguing for legal equality and a non-discriminatory position towards non-Jews, he cites Rabbis Yehezkel Landau, Jacob Emden, and Eleazar Fleckeles in support of his approach.¹⁶

However, R. Hirsch's work has also been subjected to claims of significant accommodation and concessions bordering on self-censorship.¹⁷ Specifically, this essay was written at the request of R. Yitzhak Elhanan Spektor in 1884 as a response to an anti-Semitic campaign conducted in Czarist Russia against the Talmud.¹⁸ Clearly, the risk of danger to the Jewish community was at the forefront of R. Hirsch's mind when writing this essay. Perhaps R. Hirsch had a pragmatic impetus for his tolerance?

¹⁴ Miller, “Rabbi Samson Raphael Hirsch,” 40–42. For more on these pro forma disclaimers see A.M. Habermann, “Declarations of Authors or Publishers in Their Books to Legitimize Them in the Eyes of Gentiles” [Hebrew], in *Essays and Studies in Librarianship Presented to Curt David Wormann on His Seventy-Fifth Birthday* (Magnes Press, 1975), 60–71.

¹⁵ Miller, *ibid.*, and personal email correspondence (March 30–April 5, 2021). Also, see Yosef Salmon, “Christians and Christianity in Halachic Literature from the End of the Eighteenth Century to the Middle of the Nineteenth Century,” *Modern Judaism* 33:2 (2013), 132.

¹⁶ Samson Raphael Hirsch, *Judaism Eternal*, vol. 2 (Soncino, 1956), 168–169 (henceforth *JE*).

¹⁷ Aharon Lichtenstein, “Legitimization of Modernity” in *Leaves of Faith*, vol. 2 (Ktav, 2004), 304. Also see Gershom Scholem cited in Mordechai Breuer, *The Torah Im Derekh Eretz of Samson Raphael Hirsch* (Feldheim, 1970), 61, n. 117.

¹⁸ See the editorial footnote which appears both in *JE*, 155, and in Samson Raphael Hirsch, *Collected Writings*, vol. 7 (Feldheim, 1992), 209 (henceforth *CW*).

Perhaps R. Hirsch's decision to invoke R. Fleckeles' position as precedent was part of his larger attempt to accommodate a more humanistic approach within Judaism?

Much has been written about whether R. Hirsch's *Torah Im Derekh Eretz* approach was an ideal or merely a temporary allowance, even apologetics and accommodation. Many noteworthy scholars have endeavored to demonstrate R. Hirsch's principled commitment to both Torah and humanism as an ideological one.¹⁹ According to this view, R. Hirsch's approach to contemporary gentiles would be an expression of his general humanistic perspective, not apologetics.²⁰

It is difficult to deny that these disclaimers were written as a stratagem to preempt interference by the State and Church censors. In fact, R. Fleckeles enjoyed a very close relationship with the Christian censor and translator Karl Fischer. There is a record of 39 letters that Fischer and R. Fleckeles exchanged, most of them written by R. Fleckeles.²¹ One exchange is included as responsum no. 26 of R. Fleckeles' *Teshuva mi-Ahava*. There he writes to Fischer that no distinction can be made between swearing to a Jew and swearing to a non-Jew. R. Fleckeles makes reference to this correspondence in the passage translated below.²²

¹⁹ For example, see Breuer, *Torah Im Derech Eretz*, 49; Shnayer Z. Leiman, "Rabbinic Openness to General Culture—Early Modern Period" in *Judaism's Encounter With Other Cultures: Rejection or Integration*, ed. Jacob J. Schacter (Maggid, 2017), 232–248; Ephraim Chamiel, *The Middle Way: The Emergence of Modern Religious Trends in Nineteenth-Century Judaism*, vol. 2 (Academic Studies, 2014), 38–47, 75–98; Miller, "Rabbi Samson Raphael Hirsch," 252–274.

²⁰ In my view, R. Hirsch's attitude towards modern gentiles is far too consistent and strident to be mere apologetics. For example, his approach to contemporary non-Jews in his essay on Talmudic Judaism and general society in *CW*, vol. 7, 227, and in *JE*, vol. 2, 168, is consistent with his *Horeb*, V, chapter 77, no. 503, (Soncino, 1962), 379.

²¹ Iveta Cermanová, "Karl Fischer (1757–1844) I: The Life and Intellectual World of a Hebrew Censor," *Judaica Bohemiae* 42 (2006), 151. Fischer had a number of close Jewish contacts. In addition to R. Fleckeles, another close friend and advisor was R. Betzalel Ranschburg (1760–1820). For more on Fischer and his relationship with R. Fleckeles see Cermanová, "Karl Fischer I," 146–152, and Cermanová, "Karl Fischer, II," *Judaica Bohemiae* 43 (2007), 15, 22, 23, 39, 41–53. See also Marc B. Shapiro, "Torah Study on Christmas Eve," *Journal of Jewish Thought and Philosophy* 8:2 (1999), 350–355.

²² Fischer was actually reproached for allowing *Teshuva mi-Ahava* to be published. In June 1809, he received an official letter notifying him that the Hungarian Court office had complained about its publication due to its purported support of the death of members of the Sabbatian sect. Ultimately, R. Fleckeles was asked to "quietly sell the remainder of his copies." Fischer vehemently defended R. Fleckeles and his character. See Cermanová, "Karl Fischer, II," 46–47.

Is this relationship evidence that R. Fleckeles was writing with an eye towards Fischer, whom he knew would be offended by the disparaging talmudic passages concerning gentiles? We can only speculate. However, it appears to me that R. Fleckeles' close relationship with a Christian Hebraist only further testifies to his genuinely tolerant sensibilities. Moreover, the intimate nature of the Fleckeles-Fischer relationship, apparent from their correspondence, further evidences the sincerity of R. Fleckeles' tolerance and respect for non-Jews.

Furthermore, even though R. Fleckeles needed to bypass censorship, he wrote his disclaimer in rabbinic Hebrew as the introduction to a major halakhic work. Clearly, his primary targeted audience was the learned segment of the Jewish population who could read what he wrote.

In sum, the question of the authenticity of these disclaimers is still unanswered. Clearly, some were written as an authentic reflection of their authors' ideologies, while others were likely motivated by an apologetic agenda. No doubt these two possibilities coincided in the minds of some authors; others may have wrestled with a dissonance between their inner convictions and required public pronouncements. The most plausible reading of Rabbis Landau and Fleckeles indicates that their more lengthy disclaimers were written with sincerity.

Outside of academic circles, this latter view has appeared to have gained popularity as well. In their treatment of the discriminatory passages found in *Avoda Zara*, the editors of the ArtScroll Talmud advocate for distinguishing between ancient pagans and modern gentiles. In addition to others, they cite R. Hirsch's essay on the Talmud and R. Landau's disclaimer as support for this position. In fact, they include an extensive citation of the R. Landau passage in the footnotes.²³

The emergence of modern trends in Jewish thought has been charted with a focus on nineteenth-century figures like R. Zvi Hirsch Chajes (1805–1856), R. Samuel David Luzzato (1800–1865), and R. Samson Raphael Hirsch. Likewise, as noted above, R. Jacob Emden's tolerance for gentiles and Christianity has been widely studied. However, less attention has been paid to figures like R. Yehezkel Landau, and his student, R. Eleazer Fleckeles: perhaps because they wrote less about the confrontation between Judaism and modernity. However, the early

²³ *The Schottenstein Talmud: Tractate Avodah Zarah* (ArtScroll/Mesorah, 2001), xxxvi–xxxvii. Some may argue that, just like R. Landau, the editors of ArtScroll are continuing in the tradition of self-censorship and apologetics. To my mind, this is unlikely. If they intended on misleading their audience about the true nature of R. Landau's passage, they would not have provided an extensive translation of it.

nineteenth-century document presented below is an important precursor to the thinkers who dealt with the intersection of modernity and tradition later in the century. R. Fleckeles' *Kesut Enayim* is an important contribution to the literature of contemporary rabbinic responses to discrimination against non-Jews. It is also a significant example of an early rabbinic response to the questions modernity began to present to Jews living in an open society. If it is an authentic depiction of R. Fleckeles' humanistic convictions about non-Jews, it carries even more significance.

R. Fleckeles was born in Prague. He was appointed as a rabbi in Kojetin, Moravia, in 1779. In 1783, he returned to Prague to lead a large yeshiva and join the *beit din* of the famed R. Yehezkel Landau. After R. Landau's death in 1793, his post of Chief Rabbi of Prague remained vacant for 67 years. However, in lieu of a chief rabbi, the members of the *beit din* and the higher rabbinical board (*Oberjuristen*) of Prague undertook those responsibilities and functions.²⁴ In this model, the highest ranking official of the community was referred to as the *erster Oberjurist* or Chief Jurist (*Rosh Av Beit Din*).²⁵ This position was held by R. Fleckeles from 1801 until his death in 1826.²⁶

R. Fleckeles was well-known for his powerful *derashot* and his strident stance against excessive mysticism, Haskalah, Frankist Sabbatianism, and messianistic tendencies.²⁷ His *Kesut Enayim*, along with the rest of his *Teshuva mi-Ahava*, was first published in 1809 in Prague. In 1827, Yom Tov Spitz, R. Fleckeles' grandson, published a German translation of the passage.²⁸

Translator's note: After a brief introduction, R. Fleckeles divided his essay into eleven sub-sections where he laid down ten principles. I have added titles to each of them for clarity's sake. R. Fleckeles cites his sources in the body of the text, however, I have relegated all citations to footnotes except

²⁴ Gutmann Klemperer, "The Rabbis of Prague: A History of the Rabbinat of Prague from the Death of Rabbi Loewe B. Bezael ('The High Rabbi Loew') to the Present (1609–1879)," *Historia Judaica* 13:1 (1951), 77.

²⁵ Heiman Joseph Michael, *Or ha-Hayyim* (Frankfurt, 1891), 227–228.

²⁶ S.H. Lieben, "Rabbi Eleasar Fleckeles," *Jahrbuch der Jüdisch-Literarischen Gesellschaft* (Frankfurt am Main, 1912), 17. For more biographical information see Gutmann Klemperer, "The Rabbis of Prague," and a work by R. Fleckeles' grandson, Yom Tov Spitz, *Zikhron Eleazer: Toledot ha-Rav ha-Gaon ha-Gadol ha-Mefursum Eleazer Fleckeles* (Prague, 1827).

²⁷ See his *Olat Hadash*, 4 vols. (Prague, 1785–1800).

²⁸ Spitz, *Zikhron Eleazer*, 42–44. Spitz felt it was important for this passage to reach a wider audience. Therefore, he included a German translation of it in his Hebrew work on R. Fleckeles. See Salmon, 144, n. 46.

for direct Biblical and Talmudic references. I attempted to note additional allusions to other sources not explicitly referenced.



*Kesut Enayim: Revealing the Hidden Truth*²⁹

From the time I was capable of reflection, I heard of the grievances the nations of the world have against us, [based on] passages found in the Talmud and in other works, that denigrate and slander non-Jews. This has resulted in much hatred and the desire for vengeance both for us and for the Talmuds [...].

All my life, I have grown up among Torah scholars. I have studied much from our forefathers, and from the holy books of the early authorities, and even more from the later authorities, and from my students I have learned more than anyone else. I have attempted without success to find even the smallest trace of discrimination [in Jewish tradition] against the gentile of our times. [Therefore,] I decided to publish this pamphlet, titled *Kesut Enayim*, in order to open people's eyes, to enlighten them, [and] to make known that [these notions] are fallacies that [enemies of Israel] inherited from their forefathers, that their hatred is baseless, and that they have turned things upside down. [In reality,] our Sages urged us to act in the good interest of each and every nation in whose countries we dwell, and not to commit any injustices against any nation or culture of the land. [They said this in reference to] idolaters, certainly this applies to nations [who have existed] for many generations, as well as today's contemporary gentiles, as I will explain. I have prepared ten core principles [...].

I. Today's Gentiles: "The Righteous Among the Nations"

It is stated in Psalms (135:14–20):

For the Lord will champion His people, and obtain satisfaction for His servants. The idols of the nations are silver and gold, the work of men's hands... O house of Israel, bless the Lord; O house of Aaron, bless the Lord; O house of Levi, bless the Lord; those who fear the Lord, bless the Lord.

²⁹ The title of this essay comes from Genesis 20:16, and see Rashi, ad loc. who explains the term *kesut enayim* as a kind of vindication. The phrase is used by R. Fleckeles to mean a kind of illumination, vindication, or revelation, as he writes below.

These verses are difficult to understand. Once the house of Israel, the house of Aaron, and the house of Levi are listed—these being the priests, Levites, and Israelites—who can [the phrase] “those who fear the Lord” be referring to? There are no Jews outside of these three categories. I [would like] to explain [these verses] with an introduction from the great light of Israel, our teacher, Maimonides who writes, “Adam, the first man, was commanded with [...] seven commandments.”³⁰

[Based on this], I would [like to] suggest that whoever is careful to observe these seven commandments is referred to as “man,” as in Adam, the original man. This is precisely the [principle] found in the beautiful statement of our Sages: “You [the Jewish people] are called ‘man,’ but idol-worshippers are not called ‘man’” (*Bava Metzia* 114b).

Meaning to say, the title “man” refers to those who observe these rational laws referred to [above]. [However,] idol-worshippers, who are not careful in their observance of these laws, are therefore not included in this category of “man.”

Furthermore, you should know that, as Maimonides writes, any non-Jew who observes [these] commandments of God [the Noahide laws], has a portion in the World to Come. Not only that, but he is called a *hasid* [pious one].³¹

Now, open your eyes and see how beautiful the song of David is! [...] “The idols of the nations are silver and gold, the work of men’s hands” [refers to] idolaters. However “the house of Israel,” “the house of Aaron”—the priests and servants of God, and the Levites who guard the Temple—[refer to those who] do not place their faith in [these false gods]. [And] the phrase, “Those who fear God” refers to righteous gentiles who observe the seven Noahide laws. All of these people are a blessing to God by carefully observing all of these [commandments] [...]. Accordingly, it is as clear as day that contemporary gentiles, who observe the seven Noahide commandments, have a share in the World to Come and are called *hasidim*.

II. *Stealing from Non-Jews is Forbidden*

If you ask, “What is the law regarding stealing, robbing, or committing fraud against non-Jews?” I will turn my hand against you, and cleanse your dross to clarify the truth.³² It is forbidden by Torah law to do any

³⁰ *Hilkhot Melakhim* 9:1, based on *Sanhedrin* 56b.

³¹ *Hilkhot Melakhim* 9:11.

³² Cf. Isaiah 1:25.

of these things. [It is forbidden] to steal, rob, or commit fraud, even with the smallest amount of money—even from an idol-worshiper. And, as is explicitly stated by Maimonides, if one did steal, rob, or committed fraud, one is required to return [that money].³³ Similarly, when it comes to oaths, there is no difference between swearing to Jews or to non-Jews, as I explain at length in this work, in responsum no. 26.³⁴

III. *Trickery and Deception*

Not only are stealing and robbery forbidden, tricking or deceiving an idolater is forbidden. As our Sages say, “It is forbidden to deceive [any] human being, even idol-worshippers” (*Hullin* 94a). [This is clear] from the position of Maimonides³⁵ and the *Shulhan Arukh*.³⁶ There are no detractors [...].³⁷

If this is the law even for idolaters, then certainly [it applies] to contemporary gentiles, whom we have determined are not idolaters and who fulfill the seven Noahide laws [...].

IV. *All Children of One Father*

Until now I have only addressed and elucidated that with respect to monetary matters, [arguing] there is no distinction between Israel and the nations. However, if one would ask if it is permitted for a Jew to despise a member of other nations or to hate him, you should respond to him in accordance with the laws of the Torah. Our Sages also stated, “Do not despise any man” (*Avot* 4:3).

[We may] infer from their use of the phrase “any man” that they are speaking of someone from any nation. They have further stated, “R. Joshua says, an evil eye, the evil inclination, and hatred for humankind (*beriot*) take a person out of the world” (*Avot* 2:11). [Our Sages] were particular in choosing the term *beriot*, which implies all creations [because] they are all the handiwork of God. [Moreover,] this [principle] is completely logical—are we not all the children of one Father?³⁸ How can one

³³ *Hilkhot Gezela* 1:2.

³⁴ Here R. Fleckeles refers to his correspondence with the royal censor, the Christian Hebraist Karl Fischer. In the original he refers to responsum no. 23; in the current editions of *Teshuva mi-Ahava* the correspondence is numbered as no. 26.

³⁵ *Hilkhot De'ot* 2:6; *Hilkhot Mekhira* 18:1.

³⁶ *Hoshen Mishpat* 228:6.

³⁷ See Sema, *ibid.*, no. 7.

³⁸ A reference to Malakhi 2:10.

imagine treating lightly or disrespecting the honor of any human being, anywhere, from any nation?

We learn this from the Torah. It states, “You shall not abhor an Egyptian, for you were a stranger in his land” (Deuteronomy 23:8). Let us derive an *a fortiori* conclusion: If the Torah commands us not to abhor the Egyptians—who subjugated the Jewish people with crushing labor and cast their baby sons into the river—and despite all of this, since Israel was hosted there, the Torah commands [us] not to despise an Egyptian [...].³⁹ [Therefore], the nations amongst whom we live in peace and tranquility, with the rights to observe our Torah, to fully engage in any form of commerce, and enabled to pursue all occupations—which foolish, heartless, and mad person would entertain the idea of despising and cursing these nations? This is naught but an evil heart and contradicts the Torah, fear [of Heaven], and wisdom.

V. For the Betterment of Society

At this point, we still have not addressed the constant obligation we have to seek the welfare and betterment [of general society] throughout our lives. I will cite clear proofs for this principle from the Torah, from the Prophets, from the Writings, from the Mishna, and from the Talmud.

[Here is a proof from] the Torah: Amon and Moab broke the covenant of mankind and did not offer bread and water [when the Jews were in need], and hired Balaam [to curse the Jewish people]. Therefore, the Torah says, “You shall never concern yourself with their welfare or benefit as long as you live” (Deuteronomy 23:7). [This clearly implies] that for a nation that does provide sustenance for us from their land, you are obligated to concern yourself with their welfare and their benefit.⁴⁰ Furthermore, even regarding Amon and Moab, who broke the covenant of mankind and worshiped idols, the law demands that if they initiate kindness towards you, you must make peace with them. As it states in II Samuel (10:2), “David said, ‘I will keep faith with Hanun son of Nahash, just as his father kept faith with me.’” This is also clear from [the position of] Maimonides.⁴¹

This is repeated in the Prophets: Jeremiah sent [a letter] in the name of God to all of the [Jewish] people entering the exile, saying, “Seek welfare

³⁹ See *Bava Kamma* 92b. R. Fleckeles notes here that he wrote about this principle in the introduction to his *Olot Hodesh ha-Rishon* (Prague, 1785) and in the pamphlet *Kol Kore Omer*.

⁴⁰ See Ramban, *ibid*.

⁴¹ *Hilkhot Melakhim* 6:6.

of the city to which I have exiled you and pray to God in its behalf; for through its peace, peace will come to you” (Jeremiah 29:7).

And a third support for this [principle] is found in the Writings. Ezra (9:11–12) states:

The land that you are about to possess is an immoral land because of the immorality of the peoples of the land, through their abhorrent practices... Do nothing for their well-being or advantage, then you will be strong and enjoy the bounty of the land and bequeath it to your children forever.

This implies that every Jew is obligated to seek out the peace and welfare of nations whose deeds are pleasant and who follow the just path that a man should choose for himself.

A fourth [support for this principle] is found in the Mishna. *Avot* (3:2) states, “Pray for the welfare of the government.”

A fifth [support] [is found] in *Berakhot* (17a):

Abaye was wont to say: One must... take steps to increase peace with one’s brethren and with one’s relatives, and with all people, even with a non-Jew in the marketplace, so that he will be loved above [by God], pleasant [to people] below, and acceptable to all of God’s creatures. It was said about Rabban Yohanan ben Zakkai that no one ever preceded him in issuing a greeting, not even a non-Jew in the marketplace.

VI. *Treaties and Pacts*

What still needs to be explained is whether it is permitted for a Jew to form a treaty with the people of a different nation? Does this constitute a remembrance of the covenant and fulfillment of His word?⁴² About this as well, I kept my eyes and heart open at all times, [and realized that if one] considers our three forefathers, it will be impossible to have such a question.

Abraham was the first believing Jew [in history] and Abimelech was an idol-worshiper. However, the Torah states, “the two of them made a pact” (Genesis 21:27). And after him, Isaac, his son, formed a pact with Abimelech [as well].⁴³ And after him, his son, Jacob, formed a pact with Laban.⁴⁴

If you will argue that these examples were prior to the giving of the Torah [at Sinai] and therefore cannot be used as precedent, observe that

⁴² Here R. Fleckeles, using language from Genesis 9:9–11, means to ask if making treaties with non-Jews is in line with God’s will.

⁴³ Genesis 26:28.

⁴⁴ Genesis 31:44.

King Solomon formed a pact with Hiram. As it is stated, “God had given Solomon wisdom, as He had promised him. There was peace between Hiram and Solomon, and the two of them made a treaty” (I Kings 5:27).⁴⁵

VII. *Lending Money and Charity*

If you are not satisfied with this and you [still] ask me⁴⁶ if it is allowed for us Jews to lend money to a gentile from a different nation in their time of need. And [is it permitted] to support their poor and to perform charity and kindness with them? Raise your eyes and look at the verse in the Torah, “If you lend money to My people, to the poor among you, do not act toward them as a creditor” (Exodus 22:24). [Our Sages] comment in the Mekhilta of R. Yishmael, “If you lend money to My people,” is mandatory, not optional. [Just] as Rashi explains [the verse] in its place.

Our Sages state [this as well]: “The term ‘My people’ teaches that if one of My people, i.e., a Jew, and a gentile both come to borrow money from you, ‘My people’ take precedence...” (*Bava Metzia* 71a).

It is explicit [here] that according to the law we are obligated to lend money to non-Jews. [It is] just that a Jew has priority and precedence. [However] if a Jew has already received [a loan] and is not in need of a loan, and a non-Jew is in need, or if a Jew is able to lend to both of them, he is obligated to lend to the non-Jew.

What emerges from this is that there is an obligation to give money to non-Jews as charity. As the Talmud states, “One who loans another money is greater than one who gives him charity” (*Shabbat* 63a). Therefore, logic dictates that if one is obligated to lend money [to non-Jews] it goes without saying that one is obligated to give charity [to them as well].

VIII. *Darkei Shalom: The Ways of Peace*

Our Sages added [the following principle]:

One does not protest against poor gentiles who come to take gleanings, forgotten sheaves, and the produce in the corner of the field, which is given to the poor [*pe’u*], although they are meant exclusively for the Jewish poor, on account of the ways of peace (*Gittin* 59b).

⁴⁵ See Tosafot (*Yevamot* 23a, s.v. *ha-hu*) who deal with the prohibition of *lo tiha-neim*—of making a pact or treaty with non-Jews (Deuteronomy 7:2). Tosafot offer a variety of answers including limiting this prohibition to the seven indigenous nations of Canaan or limiting it to a pact for the sake of idol-worshipping.

⁴⁶ Here R. Fleckeles uses language that references Judges 13:18. R. Fleckeles is probably saying, as the angel says to Manoah, this is an inappropriate question.

[Similarly] the Talmud states:

One sustains poor gentiles along with poor Jews, and one visits sick gentiles along with sick Jews, and one buries dead gentiles along with dead Jews. All this is done on account of the ways of peace, to foster peaceful relations between Jews and gentiles (*Gittin* 61a).

The ways of peace are biblical in nature as is stated in Proverbs (3:17), “Her ways are pleasant ways, and all her paths, peaceful.”⁴⁷ Similarly, King David sent comforters to Hanun.⁴⁸

IX. *Paying Taxes*

And even after all of this, if the questioner is still not convinced and continues to ask if the government levies a tax on their citizens for anything, is there any allowance for evading it with strategies or tricks? [In response I say] observe what is written in the *Shulhan Arukh*:

A fixed tax which the king establishes [*Rema*: Even if he rules that a Jew must pay more than non-Jews, nevertheless, it is considered fixed for each person] and we apply the principle of *dina di-malkhuta dina*, the law of the land is binding... and one who evades this tax violates the prohibition of “Thou shall not steal.”⁴⁹

And this is based on chapter *Ha-Gozel* in *Bava Kamma*.⁵⁰

X. *The Unity of Mankind*

By inference, then, if these laws were stated with respect to idol-worshippers who flout the will of God [and choose] to do their own will, then do they not apply with even greater force to those who fulfill His will, that is, those nations that observe the Noahide laws, and who are deserving of the title *hasidim*?

Whoever is fair-minded [will understand that] all the curses, condemnations, and discriminatory names found in the Talmud and other

⁴⁷ See *Gittin* 59b which states that the principle of “the ways of peace” is biblical in nature.

⁴⁸ II Samuel 10:2.

⁴⁹ Paraphrasing *Hoshen Mishpat* 369:6. He appears to be citing the gloss of R. Moshe Isserles to the text of the *Shulhan Arukh* who states that one is in violation of “Thou shall not steal.”

⁵⁰ Although R. Fleckeles does not cite any particular passage, it is likely that he is referring to *Bava Kamma* 113a where the principle of *dina di-malkhuta dina* appears.

Jewish books refer [solely] to the ancient nations who engaged in all of the abominable practices despised by God, like the Sabians and the like.⁵¹ [And to] those [people] who worshiped idols, destroyed the Temple of God, and killed the lofty righteous ones. About these people, David said, “Pour out Your fury on the nations that do not know You, upon the kingdoms that do not invoke Your name” (Psalms 79:6).⁵²

And even though now, thank God, we have lost all idol worship and there is no remembrance of the original pagans who worshiped Ba'al and Ekron and the like, it is a biblical commandment to publicly denounce them for perhaps it will be discovered that on some distant islands people worship the stars of the sky.

[We are obligated to denounce their evil publicly] in order that there be no more evil in the world [...] like those who believe in the corrupt Sabbetai Tzvi,⁵³ who claim that Divinity has a physical essence, believe in dreams, worship icons, support every form of idolatry that ever existed, and even defend Jeroboam and his golden calves.⁵⁴

XI. Conclusion: A Prayer for Global Unity

Even with respect to those who do not know God, and listened to Sabbetai Tzvi, a gazelle crippled by a broken leg,⁵⁵ [it is best] to request [divine] compassion for them, that they may repent. Oh, how beautiful are the words of our Sages:

Rabi Meir's wife, Berurya, said to him: What is your thinking? On what basis do you pray for the death of these hooligans? Do you base yourself on the verse, “Let sins cease from the land” (Psalms 104:35), which you interpret to mean that the world would be better if the wicked were destroyed? But is it written, “Let *sinner*s cease?” Rather, “Let *sins* cease” is written. One should pray for an end to their transgressions, not for the demise of the transgressors themselves (*Berakhot* 10a).

⁵¹ This is clearly the position of Maimonides. See his *Hilkhot Avoda Zara*, chapter 1; Commentary to Mishna, *Avoda Zara* 4:7, and *Guide* III:29.

⁵² Cf. Jeremiah 10:25.

⁵³ Here R. Fleckeles uses language from Isaiah 13:14 to refer to Sabbetai Tzvi as a pursued gazelle (*tzvi mudah*).

⁵⁴ I Kings 12:25–33. R. Fleckeles notes that elsewhere he has explained this in detail. This is probably a reference to his “*Kuntres Abavat David*” in *Kuntres Olat Hadash* (Prague, 1800), Introduction and 9, 28, 30.

⁵⁵ See Mishna *Bava Metz'ia* 1:4. The phrase, “a gazelle crippled by a broken leg (*tzvi shavor*)” in our passage is a metaphor for the false messiah Sabbetai Tzvi.

[At that time] all residents of the earth will speak one language and have unity of purpose, to call in harmony upon the name of the living God, the King of the world, and to worship Him in unity. On that day God will be One and His name will be One.⁵⁶

⁵⁶ R. Fleckeles notes at the end that he has written about this theme in the introduction to many of his other works including his *Kuntres Kol Kore* at the beginning of *Olat Hadash*, vol. 1, his *Kuntres Zikaron* in the introduction to his *Olat Hadash*, vol. 2, and in the introduction to *Olat Hadash*, vol. 3. He also adds that at the time he likewise planned on addressing it in future writing.