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LOVING AND HATING JEWS AS HALAKHIC CATEGORIES

The feeling of love that is expected from every individual Jew for his people (*ahavat Yisrael*) is an existential fact that sometimes assumes mystical proportions. Associated with this love for Israel is its obverse, the injunction against hating one's fellows in his heart. And the exception is the commandment to hate the *rasha*, the evil-doer.

These are themes which stir passions and, indeed, have played a not insignificant role in the political polemics of our day, both enriching and obscuring the rhetoric of intra-Jewish dialogue.

Concomitant with these problems, and deeply intertwined with them, is that of Jewish identity, often phrased as who does and who does not belong to *kelal Yisrael*, the Jewish people.*

But these are also biblical or rabbinic commandments, and it is instructive as well as enlightening to view them more dispassionately as halakhic categories. Such a treatment, as the reader will surely notice, is not without its problems, but it is well worth the enterprise. At the very least, such an objective legal focus will make possible a modicum of calm analysis, certainly more than is otherwise likely in dealing with such fateful questions.

"Thou shalt love thy neighbor¹ as thyself" (Leviticus 19:18) is the biblical source of the commandment to love one's fellow Jews, as codified by Maimonides² and the author of *Sefer ha-Hinnukh*.³

What is the scope of this *mitzvah*? There is, according to Halakhah, a *mitzvah* to hate evil-doers and, *prima facie*, love and hate are mutually exclusive. Are, then, evil-doers outside the pale?

*This is not the same as the current "Who is a Jew?" question, which refers to one's individual identity as a Jew. Our problem is that of, as it were, citizenship in the Jewish people. This will be clarified below.

This article is an abbreviated version of a chapter of my forthcoming *Halakhot ve-Halikhot*, especially translated and revised for this festschrift.

We will divide our consideration of the issue into two parts, dealing first with the theoretical halakhic aspects and then moving to the contemporary implications of these *halakhot*.

I. HALAKHIC ASPECTS

The Position of Hagahot Maimuniyyot

In *Hilkhot De'ot* 6:3, Maimonides writes:

It is incumbent on every one to love each individual Israelite as himself, as it is said "Thou shalt love thy neighbor as thyself." Hence, a person ought to speak in praise of his neighbor and be careful of his neighbor's property as he is careful of his own property and solicitous about his own honor. Whoever glorifies himself by humiliating another person, will have no portion in the world-to-come.

Hagahot Maimuniyyot offers the following gloss:

[One must love his neighbor] only if he is a "neighbor" with regard to belief in Torah and performance of the commandments. However, as far as a wicked person who does not accept rebuke is concerned, the *mitzvah* is to hate him, as it is written, "The fear of the Lord is to hate evil" (Proverbs 8:13). And so too, "Shall I not hate, O Lord, those who hate Thee?" (Psalms 139:21).

Writing in a similar vein, the medieval biblical exegete and Talmudist, R. Samuel ben Meir (RaSHBaM), comments on Leviticus 19:18 as follows:

"Thou shalt love thy neighbor as thyself." He is thy neighbor if he is good, but not if he is evil, as it is written, "The fear of the Lord is to hate evil."

Abraham ibn Ezra, however, seems to allow for broader parameters for the term "neighbor." He writes that the end of the verse, "I am the Lord," explains why one should love his neighbor; "I am your God who created all of you [good and bad]." Thus, love is not dependent upon the quality of the "neighbor" but rather flows from the principle of the unity of God; the same God who created both light and darkness is the one who created all humankind, both the righteous and the evil-doers.

The point of departure for the restrictive view of *Hagahot Maimuniyyot* is Maimonides' *Hilkhot Evel*, 14:1. Maimonides here writes:

The following positive commands were ordained by the Rabbis; visiting the sick; comforting the mourners; joining a funeral procession; dowering a bride;

escorting departing guests; etc. These constitute deeds of loving kindness performed in person and for which no fixed measure is prescribed. Although all these commands are only on rabbinical authority, they are implied in the precept, "Thou shalt love thy neighbor as thyself," that is: what you would have others do unto you, do unto him who is your brother in the Law and in the performance of the commandments.

It seems, however, that these statements do not correlate with Maimonides' own views as expressed in *Hilkhot Rotze'ah*, 13:13-14. He writes in halakhah #13 (based on the principle that unloading an animal takes precedence over loading another animal in response to the *mitzvah* to minimize pain to animals):

If one encounters two animals, one crouching under its burden and the other unburdened because the owner cannot find anyone to help him load, he is obligated to unload the first to relieve the animal's suffering, and then to load the other. This rule applies only if the owners of the animals are both friends or both enemies [of the person who comes upon them]. But if one is an enemy and the other is a friend, he is obligated to load for the enemy first, in order to subdue his evil impulse.

In the next halakhah (#14), Maimonides defines "enemy":

The "enemy" mentioned in the Law (cf. Exod. 23:5) does not mean a foreign enemy but an Israelite one. How can an Israelite have an Israelite enemy when Scripture says, "Thou shalt not hate thy brother in thy heart" (Lev. 19:17)? The Sages decreed that if one all by himself sees another committing a crime and warns him against it and he does not desist, one is obligated to hate him until he repents and leaves his evil ways. Yet even if he has not yet repented and one finds him in difficulties with his burden, one is obligated to help him load and unload, and not leave him possibly to die. For the enemy might tarry because of his property and meet with danger, and the Torah is very solicitous for the lives of Israelites, whether of the wicked or of the righteous, since all Israelites acknowledge God and believe in the essentials of our religion. For it is said, "Say unto them: As I live, saith the Lord God, I have no pleasure in the death of the wicked but that the wicked turn from his way and live" (Ezek. 33:11).

If, then, one is required to be solicitous of the transgressing Israelite, why does Maimonides in *Hilkhot Evel* apparently exclude him as an object of love, restricted to "your brothers in the Law and the performance of the commandments"?

Character Building and Halakhah

At first blush, one might suggest that the moral imperative to "subdue his evil impulses" (at the end of *Hilkhot Rotze'ah*, 13:13) and to perfect one's character is the reason one must first unload the burden of one's enemy's animal before loading that of one's friend.

This moral imperative would even override the halakhic prohibition of causing animals undue pain (*tza'ar ba'alei hayyim*). Indeed, this seems to be R. Abraham Maimonides' sense of this law. The latter writes:

The verse means to say that although he is hated because of his sins, nevertheless we have to strengthen him financially because possibly he will repent or he will leave his possessions to children who are upright in their deeds. From this we learn that the purpose of this and similar *mitzvot* is not only solicitude for the property owner, but also in order to acquire for himself virtuous traits.⁴

According to this principle of R. Abraham, one may override a specific biblical law to achieve the goal of ethical and moral perfection. The students of R. Isaac Luria, centuries later, also exhibited this predilection to value the goal of moral perfection over the performance of *mitzvot*. R. Hayyim Vital held that virtue resides in the lowly soul (*ha-nefesh ha-yesodit*), whereas the drive to perform the commandments rests within the rational soul. Yet the rational soul does not have the power to perform commandments without the assistance of the bedrock soul. While individual virtues are not reckoned within the 613 biblical commandments, virtuous behavior is the necessary propaedeutic to performance of all the *mitzvot*. For him, "it is more important to avoid non-virtuous behavior than it is to perform the *mitzvot*."⁵

It is difficult, however, to accept R. Hayyim Vital's position as normative halakhic practice. R. Hayyim of Volozhin's words on this score are well known. In his work *Ru'ah Hayyim*, commenting on the Mishnah in Tractate *Avot* (1:2),⁶ he makes the remarkable comment that the three attributes of Torah, worship, and loving-kindness—the three "foundations on which the world rests"—existed as independent variables only prior to the giving of the Torah. Subsequent to the revelation at Sinai, worship and kindness became meaningless when separate from Torah. Hence, if one acts in a seemingly virtuous manner but contrary to Halakhah, he has strayed from the proper path of life and has lost his way. The *TaZ*⁷ offers a graphic example of this principle. Before the revelation of the Torah at Mount Sinai, one who lent money at interest performed a virtuous act; when the Torah prohibited usury, however, it redefined its moral nature as well. Lending money at interest became a vice and, as a result, any subsequent offender became eternally damned.

Hence, the improvement of ethical qualities and the attainment of a moral character, important as they are, may not override the formal Halakhah. How, then, can we formulate Maimonides' position—that the suppression of one's evil impulses overrides the

injunction against causing pain to animals—in strictly halakhic terms?

Love and Hatred

One must, I believe, subsume the moral act of subduing one's evil impulses under the formal rubric of a *mitzvah*. If this act is categorized as a technical *mitzvah*, one can understand why it overrides the prohibition of causing undue pain to animals. That *mitzvah* is none other than the commandment to love one's fellow man. But if so, we must also reckon with the obligation to hate evil-doers. How can this positive *mitzvah* of love override two other *mitzvot* (in this case, the prohibition against inflicting needless pain upon animals and the obligation to hate evil-doers)? Even if the commandments to love one's neighbor and to hate evil-doers neutralize each other, there remains the prohibition of causing undue pain to animals. How, then, may one load the burden of his enemy, the evil-doer, before unloading for his friend, and thereby allow the animal of his friend to suffer pain?

We can suggest the following formulation. The positive commandment to love one's neighbor (which, in this case, is to load his enemy's donkey first) overrides only the prohibition of causing unnecessary pain to animals. It does not override the *mitzvah* to hate evil-doers (which *mitzvah*, however, does not diminish the imperative to help the evil-doer's animal). Analyzing the matter further, we can posit the following reconstruction of both the rejected hypothesis and the conclusion of the germane talmudic passage which forms the basis for Maimonides' ruling.⁸ Originally, the Talmud thought that when one is faced with the live option of unloading one's friend's animal or loading one's enemy's animal, one should pursue the first option for two reasons. First, the prohibition against causing unnecessary pain to animals (in this case, delaying the act of unloading the friend's animal) dictates that one should immediately perform the act of unloading. Second, the *mitzvah* to hate evil-doers should require that one should first attend to the animal of one's friend (i.e., an observant Jew). But when the Talmud concludes that the goal of subduing one's evil inclination (i.e., the formal *mitzvah* of loving one's neighbor which applies to everyone) mandates that one help his enemy first, this *mitzvah* overrides the prohibition of causing undue pain to animals. Although the *mitzvah* to hate evil-doers remains in full force, it is irrelevant to the imperative at hand—to subdue the evil inclination. We thus remain with two commandments: to love and hate the very same person.

But how is it possible for the Torah to command to love someone and, at the same time, to hate the same person? One may

offer two explanations for this apparent conundrum. First, the law to "love" one's neighbor is purely functional, restricted to the practical sphere, and makes no demands upon one's emotions. Contrariwise, hatred of evil-doers is a *mitzvah* which focuses upon one's psychological attitude only. Nahmanides, in his commentary to Leviticus 19:18, writes:

This is an expression by way of overstatement, for a human heart is not able to accept a command to love one's neighbor as oneself . . . Rather the commandment of the Torah means that one is to love one's fellow being *in all matters* as one loves *all good* for oneself.

The Torah could not demand, according to Nahmanides, that one emotionally bestow the same degree of love that he feels for himself upon others. Rather, the verse means that one must *act lovingly* to one's fellow; he must conduct himself *as if* he loved him. In this vein Nahmanides explains why the preposition "*et*" is used.⁹ According to this distinction between the *mitzvah* of love and the *mitzvah* of hate, it is understandable for Maimonides to rule that one simultaneously hate someone attitudinally but perform acts of love toward him as a practical matter.

This analysis, however, cannot suffice for our reconstruction of Maimonides' position, for he clearly rejects a dichotomy between the nature of the *mitzvot* of love and hatred. According to Maimonides, the *mitzvah* to love one's neighbor includes one's emotional orientation towards him.

In *Sefer ha-Mitzvot* (ed. Kapah, #206), Maimonides writes:

By this injunction we are commanded that we are to love one another even as we love ourselves, and that a man's love and compassion for his brother in faith shall be like his love and compassion for himself, in respect of his money, his person, and whatever he possesses and desires. Whatever I wish for myself, I am to wish the like for him; and whatever I do not wish for myself or for my friends, I am not to wish the like for him. This injunction is contained in His words (exalted be He), "thou shalt love thy neighbor as thyself."

He reiterates this view in *Hilkhot De'ot* 6:3 and in *Hilkhot Evel* 14:1, both of which we cited above.

In sum, Nahmanides perceives the essence of the *mitzvah* of love and the means of its implementation to lie in the practical sphere. Maimonides, however, holds that while the means of implementation are functional or practical in nature, the *essence* of the commandment, which defines its fulfillment, is emotional, a feeling of love. This feeling, and not the act per se, constitutes the essence of the fulfillment of this *mitzvah*. Our original question then, remains: How can Maimonides conceive of simultaneous *mitzvah* of love and hatred, both on the emotional level?

Maimonides believes, in my view, that it is psychologically and therefore legally possible to maintain a position of ambivalence.¹⁰ Halakhah can demand that one both love and hate the same person. Hence, one must love even the evil-doer, even while one is also halakhically required to hate him.¹¹

MaHaRaM Schick points out that the Torah formulated the *mitzvah* of love with the term "neighbor," not the usual "brother." He believes that this demonstrates that one must love even those who are not God-fearers. In support, he cites the talmudic statement (*Sanhedrin* 52a) that the *mitzvah* of neighborly love obligates us to choose an "easy death" for those condemned to die by the Sanhedrin. There certainly can be no greater evil-doer than one who merited the death penalty, yet we are commanded to love him. One of the early medieval halakhic authorities, R. Meir Abulafia, in his commentary *Yad RaMaH* to *Sanhedrin* 52b, deduces the same principle from the Hebrew spelling of the term that connotes neighbor. "Neighbor" includes, he writes, even the evil among the Jews. Indeed, the word for "neighbor" and the word for "bad" are spelled identically in Hebrew (*r'a*).

"Your Brother in Torah and Mitzvot"

However, it yet remains for us to reconcile our analysis of the aforementioned passage—in opposition to the interpretation of *Hagahot Maimuniyyot*—with his remarks in *Hilkhot Evel* which limit the *mitzvah* to love one's fellow Jew to the Jew who is "your brother in Torah and *mitzvot*." Are not the latter the very source of *Hagahot Maimuniyyot*?

This key phrase must be understood not in terms of actual observance, which is the literal sense in which it was read by *Hagahot Maimuniyyot*, but as a metaphor for those who are *obligated* to study Torah and observe *mitzvot*, i.e., Jews. Interestingly, the Yemenite manuscript of Maimonides' *Hilkhot De'ot* substitutes "children of the covenant" for Israelite.¹² We suggest that "your brother in Torah and *mitzvot*" is another such honorific synonym; it only excludes non-Jews, and is not meant to limit the *mitzvah* to those who are totally observant Jews.

The literalist reading of the phrase "your brother in Torah and *mitzvot*" presents insuperable difficulties. Where does one draw the line? If one who is inadequately observant of *mitzvot* is excluded, what of one who does not satisfy the criterion of the first half of the phrase, i.e., one who is not a scholar and cannot study Torah, and is therefore not "your brother in Torah?" Moreover, everyone has

sinned at one time or another in his life ("For there is not a righteous man upon earth who doeth good and sinneth not"—Eccl. 78:20). In face of a *reductio ad absurdum* that would impose massive limitations upon the scope of the *mitzvah* and effectively make it inoperative, it is preferable to interpret the phrase "your brother in Torah and *mitzvot*" in the manner we have here suggested.

Different Classifications of Evil-doers

We cannot complete our analysis of Maimonides' position without referring to his concluding remarks in *Hilkhot Rotze'ah*:

The Torah is very solicitous for the lives of Israelites, whether of the wicked or of the righteous, since they acknowledge God and believe in the essentials of our religion.

The point of these remarks, of course, is a drastic distinction between different types of evil-doers. Perhaps our previous contentions hold only for the evil-doer who still believes in the fundamentals of the Jewish faith, i.e., one who transgresses but not because of lack of faith.

Of course, the distinctive literary character of Maimonides' concluding words to all his fourteen books of *Mishneh Torah* is well known. In the light of this tendency to stylistic flourish, it is conceivable that the word "they" does not refer to specific Jews, whether observant or non-observant of Halakhah, but pertains, rather, to Jews as a whole. All Jews, even sinners, are regarded by the Jewish tradition "as full of *mitzvot* as a pomegranate"; and *all* Jews collectively constitute the people of Israel which in its ideal state is pure and holy. Hence, all Jews are included in the group of those who "acknowledge God and believe in the essentials of our religion" and are therefore deserving of compassion. The *mitzvah* to love one's fellow Jew applies to all.

Support for our contention may be found in the law, formulated by Maimonides in *Hilkhot Avodah Zarah* 5:4, that the commandment to love one's fellow Jew does not apply to one who attempts to persuade his neighbor to worship idols.

The execution of the enticer devolves upon the one he attempted to entice, as it is said, "Thy hand shall be first upon him to put him to death" (Deut. 13:10). The latter is forbidden to love the enticer, as it is said, "Thou shalt not consent unto him" (Deut. 13:9). Since, in reference to an enemy, it is said, "Thou shalt surely help with him" (Ex. 23:5), it might be supposed that this person (the enticer) should also be helped. It is therefore said, "Nor hearken unto him" (*ibid.* 13:9).

The source for this law is the *Sifre* (*Piska* 89):

"Thou shalt not consent unto him" (13:9): Because of what is said elsewhere, thou shalt "love thy neighbor as thyself" (Lev. 19:18), you might think you must love this one too; hence the verse says, "Thou shalt not consent unto him, nor hearken unto him."

(Parenthetically, Maimonides' use of this passage in the *Sifre*—defining "thou shalt not consent" as "thou shalt not love"—in his formulation of the law of loading and unloading in *Hilkhot Rotze'ah*, may also lend credence to our contention that the commandment to "subdue his evil impulse" is that of neighborly love.) If the *Sifre* is viewed as presenting the only exception to the universal rule to love one's neighbor, then it follows that all other evil-doers, even those who deny the fundamentals of Jewish belief, do fall under the scope of this law. Even with regard to such people, one must adopt a simultaneous posture of love and hate.¹³ Barring the lone exception of the "persuader" to idolatry, the *mitzvah* to love one's fellow Jew is absolute.

However, Maimonides, in his *Commentary to the Mishnah*, after enumerating his formulation of the thirteen principles of Judaism, does indeed distinguish between different classes of evil-doers. He writes:

When a man believes in all these fundamental principles and his faith is thus clarified, he is then part of that "Israel" whom we are to love, pity, and treat, as God commanded, with love and fellowship. Even if a Jew should commit every possible sin, out of lust or mastery by his lower nature, he will be punished for his sins but will still have a share in the world-to-come. He is one of the "sinners in Israel." But if a man hesitates about any one of these fundamental principles, he has removed himself from the Jewish community. He is an atheist, a heretic, an unbeliever who "cuts among the plantings." We are commanded to hate him and to destroy him. Of him it is said: "Shall I not hate, O Lord, those who hate Thee?" (Psalms 139:21).¹⁴

Thus, Maimonides might accept that the commandment to love one's neighbor applies to one who sins out of moral weakness but still subscribes to the thirteen fundamentals of Jewish belief, but he excludes the Jewish heretic from the fellowship of Israel.

The aforementioned *Sifre* stands in stark opposition to Maimonides' position just cited. One may deduce from it that one must even love his neighbor who is a heretic; the only exception is the "enticer." Apparently, however, the heretic is in many respects worse than one who persuades others to idolatry. True, when Maimonides writes (in Chapter 2 of *Hilkhot Avodah Zarah*) that with regard to many *halakhot*, the heretic and the *apikores* are no different from one who incessantly worships idols, and he does not mention as well

that the *mitzvah* to love one's fellow man does not apply to the heretic, this supports our previous contention that only the persuader to idolatry is not subject to the *mitzvah* to love one's fellow man. However, we cannot escape the conclusion that Maimonides' own words on the heretic in his *Commentary to the Mishnah* militate against our interpretation of his position in the *Mishneh Torah*.

In truth, Maimonides holds that the heretic does not only lose his share in the world-to-come; he is removed from the class of those fellow Jews whom one is commanded to love and, indeed, he is not considered part of the Jewish people.* With regard to the principle of the resurrection of the dead, Maimonides writes:

The resurrection of the dead is one of the cardinal principles established by Moses our Teacher. A person who does not believe in this principle has no real religion and no connection with the Jewish people.

In *Mishneh Torah, Hilkhoh Rotze'ah*, 4:10, he writes:

It was at one time deemed meritorious to kill apostates—by this are meant Israelites who worship idols or who provocatively do other sinful things, for even one who provocatively eats carrion or wears clothes made of mingled stuffs is deemed an apostate—and heretics, who deny the authenticity of the Torah or of prophecy. If one had the power to slay them publicly by the sword, he would do so. If not, one would plot against them in such a way as to bring about their death. Thus, if a person saw that such a one had fallen into a well containing a ladder, he would remove the ladder, giving the excuse that he wanted it to get his son down from the roof, and would bring it back afterward, and do similar acts.

These words are consistent with his opinion in his *Commentary to the Mishnah*, cited above. R. Menahem Ha-Meiri, in his commentary on this Mishnah in tractate *Sanhedrin*, also writes in the same vein: "Since he believes what is proper for one to believe, and is thus included among the people (Hebrew: *'am*), his many sins do not exclude him from the class of virtuous people . . ." Meiri seems to agree with this limited classification of the term "people of Israel."

Although Maimonides' position is clear, there do seem to be inherent difficulties with it, especially with his equation of those who will receive no share in the world-to-come with those who are not part of "Israel."

For one thing, why did the Mishnah itself not adopt the Maimonidean formulation and write, "All of Israel has a share in the world-to-come . . . and these are not included in Israel . . ." Perhaps the Mishnah did not want to reach this extreme conclusion and only stated the fact that these people, while remaining part of Israel, do

* *Kelal Yisrael*, lit., "the category of 'Israel.'" This is the original meaning of the term so often used today.

not possess a share in the world-to-come; while those who do maintain Judaism's cardinal beliefs will merit a share in the world-to-come.

Another difficulty: In *Avot de-Rabbi Natan*, we find the following remark:

Seven have no share in the world-to-come, to wit: Scribes, elementary teachers, (even) the best of physicians, judges in their native cities, diviners, ministers of the court, and butchers.

Later in the same chapter, still others of such type are added to this category. Now, this presented a problem for the Tosafists. In their commentary to *Sotah* 5b (s.v. *kol*), they ask why the Mishnah in *Sanhedrin* did not mention the many others who do not possess a share in the world-to-come according to various views in the Talmud, such as: the haughty;¹⁵ those who die outside the Land of Israel;¹⁶ the ignorant, if they do not at least help support Torah scholars;¹⁷ those who lend money at interest, etc. (in addition to the seven enumerated in *Avot de-Rabbi Natan*). Certainly it is unthinkable that these people would not be counted as belonging to *kelal Yisrael*, yet their exclusion is the inevitable result of Maimonides' exclusion from the fellowship of Israel of those who are assumed to have forfeited their share in the world-to-come.

Moreover, when Maimonides lists the twenty-four categories of sinners who will not receive a share in the world-to-come, he mentions those who violate the prohibition of *leshon ha-ra*, gossip or tale-bearing. The Talmud states that no one can escape the "dust" of *leshon ha-ra* even for one day.¹⁸ According to Maimonides' own rules, few indeed would merit a share in the world-to-come, while the overwhelming majority would be considered hateful, undeserving of our love, and meriting severe oppression. This would seem to contradict the plain sense of the Mishnah which states that everyone (implying only a few exceptions) will merit a share in the next world.

Maimonides, it appears, was aware of this difficulty. In *Hilkhot Teshuvah*, 3:24-3:25, he states:

There are transgressions less grave than those mentioned, concerning which, however, the Sages said that whoever habitually commits them will have no portion in the world-to-come. One should therefore avoid and beware of such transgressions. They are: one who gives another a nickname, etc.

If Maimonides felt that these people are not part of Israel, even as they do not merit a share in the world-to-come, why does he not spell out the consequences of those who violate these comparatively "light" sins? If he believed that these people do not merit a share in

the world-to-come but are still considered a part of *kelal Yisrael*, as opposed to those enumerated in the Mishnah in *Sanhedrin*, he certainly should have made that distinction explicit. Does he take this latter view for granted in the *Mishneh Torah*?

Even more difficult for the Maimonidean assumption is the opinion of R. Akiva (*Sanhedrin* 108a, 110b) that the "generation of the desert," i.e., Moses' contemporaries who worshipped the golden calf, have no share in the world-to-come. Now, if that implies the loss of status as Jews, how did the Jewish people continue?

Thirdly, when Maimonides in *Hilkhot Teshuvah*, Chapter 3, classifies those who will not receive a share in the world-to-come, he does not include the remark that these people are not counted as part of Israel.¹⁹

Finally, the Maimonidean equation of "no share in the world-to-come" with exclusion from *kelal Yisrael* is upset by the famous teaching of the Tosefta (*Sanhedrin*, chapter XI) that the pious Gentiles (*hasidei umot ha-olam*) have a share in the world-to-come. Maimonides codifies this in *Hilkhot Melakhim* 8:11. Hence, if non-Jews have a share in the world-to-come, it follows that the right to such eternal bliss is not a sure sign of one's status as a Jew.

In the final analysis, we must accept the stark truth that Rabbi Moses ben Maimon differentiated between different degrees of "wickedness" in his *Commentary to the Mishnah*. One who does not accept the fundamentals of Jewish belief excludes himself from the class of individuals the Halakhah tells us to love and, in addition, is excluded from *kelal Yisrael*, the fellowship of the people of Israel. It is possible, however, that with regard to the equation of those who forfeit their share in eternal life with those who lose their status as Jews, he changed his mind when he later wrote his immortal code, *Mishneh Torah*.

(It is, at first, quite astonishing that Maimonides takes such a hard line on orthodox adherence to the Thirteen Principles. Any deviation results not only in the loss of eternal life, but of membership in *kelal Yisrael*. However, upon reflection, this is not at all surprising. Systems which hold that the acme of Judaism is attained in formulating correct ideas and true notions about God, as opposed to proper conduct, will consider any divergence from such correct opinions to be severe violations of the integrity of the faith. Since Maimonides is the supreme rationalist, who holds that metaphysics is beyond Halakhah, and that the loftiest goal is the forming of correct concepts about the Deity, it is in the area of ideas and theory that the test of faith takes place. It is in that realm, rather than in behavior, that one stands or falls as a Jew.)

II. CONTEMPORARY IMPLICATIONS

The halakhic implications of the issue we have been discussing are of great import to the Jewish community today. Are we, in fact, commanded to exclude all those who reject the fundamentals of Jewish belief from the *mitzvah* of love and from membership in *kelal Yisrael*? If indeed this is what we are bidden to do, the ramifications are nothing short of cataclysmic. But if one is not sure that the Halakhah is indeed such, but decides to act toward Jews who have abandoned the creed of Judaism as if they were enemies, he is not being *mahmir* (adopting the stringent view); he is illicitly being *meikil* (adopting the lenient view) on the *mitzvah* of the love of neighbor, a *mitzvah* which involves potential defamation of God's Name, "Thou shalt love thy neighbor as thyself—I am the Lord," and a commandment which Hillel, in a famous passage (*Shabbat* 31a), considered the fundamental principle of Judaism even in its negative formulation.

Our analysis will show that there are four cogent reasons for concluding that the *mitzvah* to love one's fellow Jew applies to virtually all Jews today, even those who do not believe in the basic tenets of Judaism. Recent halakhic authorities (*aharonim*) have already proposed two reasons, which we shall here cite, and we shall assert two other reasons for this decision as well.

A. The Prevailing Zeitgeist as a Form of "Coercion"

How do we classify one who does not accept the fundamentals of Jewish belief (whether Maimonides' Thirteen Principles or the various other dogmatologies proposed by other medieval Jewish authorities) if his dissension issues neither out of his personal philosophical conviction nor out of spite, but simply because of mindless conformity to the prevailing norms and values of the ubiquitous secular culture? In other circumstances, had he been nurtured by a loving family committed to Torah, and educated by competent and religiously inspired teachers, he might well have grown up firm in his commitment to God, Torah, and the Jewish tradition. Can we not claim for such people the halakhic status of "children who were taken away into captivity amongst the heathen" that the Talmud categorizes as *ones* (coerced transgressors) and, hence, exonerated from willful heresy, and included amongst those we are commanded to love?

Rabbi Abraham Isaac ha-Kohen Kook maintained that the category of the sinner by coercion applies as well to the realm of faith and beliefs. He writes:

Just as the Tosafists remark in *Sanhedrin* 26b (s.v. *he-hashud*) that someone who is suspected of an act of sexual immorality because he was seized by

passion is not disqualified as a witness because "his passion coerced him" and, by the same token, the Tosafists in *Gittin* 41b (s.v. *kofin*) write that seduction by a maid-servant is considered a form of coercion, we may say that the *Zeitgeist* acts as an evil intellectual temptress who seduces the young men of the age with her charm and her sorcery. They are truly "coerced," and God forbid that we judge them as willful heretics.²⁰

Once we grant that in matters of faith as in the realm of sexual misconduct, extenuating circumstances do exist along with the consequent halakhic categories of lack of intention, coercion, and ignorance of the law, we must proceed then to investigate carefully every case of a person to whom we would deny the biblical mandate of love, making sure that he willfully rejected Judaism because of his free personal decision rather than his seduction by the overwhelming might of the cognitive majority in his environment.²¹ The *mitzvah* to love one's fellow is, as R. Akiba is quoted in *Sifra* to Leviticus (19:18), a *kelal gadol* or fundamental principle of the Torah.

Hence, we dare not, in our paganized generation, glibly assume that any particular person is not a "child who has been taken captive among the heathen" and is thus excluded from the circle of those we are commanded to love and from the fraternity of Israel. Moreover, not only is it wrong to condemn whole sections of the Jewish people to this status but, given the intellectual climate in which we live—its pervasive secularism, hedonism, agnosticism, and materialism—each individual Jew who has strayed from Torah must be presumed to be "coerced" and thus not regarded as a willful heretic or *apikores*. "And it shall be forgiven all the congregation of the children of Israel . . . seeing that all the people were in ignorance" (Numbers 15:36).

Rabbi Abraham Isaiah Karelitz, "Hazon Ish," arrived at the same conclusion. His words deserve close attention:

It seems that the law that we drop (into a well i.e., kill) an *apikores* (heretic) only existed in an epoch when divine Providence was perceived by all as self-evident, as in those times when overt miracles were abundant and the Heavenly Voice (*bat kol*) was heard, and when the righteous men of the generation were under the specific Providence that was visible to all. The heretics of that day were particularly spiteful in their rejection (of Torah) and pursuit of hedonistic values and amorality. Then, the eradication of wicked people was a way to protect the world, for everyone knew that the waywardness of the generation brought destruction upon the world: pestilence, war, and famine. However, in a time when God's Providence is hidden and when the masses have lost faith, the act of eradicating unbelievers does not correct a breach in the world; on the contrary, it creates a larger breach, for it will appear to others as nothing more than wanton destruction and violence, God forbid. Since [the purpose of the law of dropping into the well] is meant to repair, this law does not apply when it fails to repair. We must instead woo back [those who have strayed] with love and enable them to stand upright with the strength of Torah insofar as we can.²²

Hazon Ish thus asserts that in our generation, a time when "God's Face is hidden" and when "heresy rules the world," laws which sanction the oppression of heretics are counter-productive and no longer apply. Instead, love and friendship must prevail. The grounds of analysis differ—Rav Kook calls this secular age one in which the intellectual temptress seduces, while Hazon Ish brands it the age of the hiding of divine Providence—but the conclusion is the same. And what is true for individuals holds true for the community as a whole.

Indeed, Maimonides himself, in spite of the harsh attitude so evident in his remarks in his *Commentary to the Mishnah* in *Sanhedrin*, does mention in his *Mishneh Torah* that one who rejects the fundamentals of Jewish belief out of force of habit or out of defective education is halakhically not considered a heretic. In *Hilkhot Mamrim*, 3:3, he writes concerning the exclusion of an individual from *kelal Yisrael* and the punishment of being cast into a well and not being rescued from it,

that this applies only to one who repudiates the Oral Law as a result of his reasoned opinion and conclusion, who walks lightmindedly in the stubbornness of his heart, denying first the Oral Law, as did Zakok and Boethus and all who went astray. But their children and grandchildren, who were misguided by their parents and were raised among the Karaites and trained in their views, are like a child taken captive by them and raised in their religion, whose status is that of an *anus* (one who abjures the Jewish religion under duress) who, although he later learns that he is a Jew, meets Jews, and observes them practice their religion, is nevertheless to be regarded as an *anus*, since he was reared in the erroneous ways of his fathers. Thus it is with those who adhere to the practices of their Karaite parents. Therefore efforts should be made to bring them back in repentance, to draw them near by friendly relations so that they may return to the strength-giving source, i.e., the Torah.

Maimonides could not have been any more explicit in exculpating those who were raised by their parents and teachers (and, presumably, society) on a diet of rejection of or indifference to Judaism. The category of *ones* (duress, coercion) thus applies to the realm of religious faith. Indeed, this view is already prefigured by Maimonides in his *Commentary to the Mishnah*, *Hullin* (chapter I, ed. Kapah):

Know that the tradition, as we have received it from our forefathers, is that since we are living in an age of exile, we no longer practice capital punishment in all other capital crimes. However, in cases of religious sedition—to wit: heretics, Sadducees, and followers of Boethus—those who initiated the rebellion against the Torah, are punished by death. They are to be executed in order that they not mislead Israel and destroy the Jews' faith, etc. But their followers who were born and educated into these ideas are considered as coerced (*ones*), and the applicable law is that of children who were taken into

captivity by the heathen. All their sins are deemed inadvertent, as we explained. However, those who initiated the heresy are considered intentional and not inadvertent.

B. The Lack of Proper "Rebuke"

Secondly, we must consider the decision of the Hazon Ish relating the *mitzvah* to hate evil-doers to the commandment to rebuke the sinner: "Thou shalt not hate thy brother in thy heart; thou shalt surely rebuke thy neighbor, and not bear sin because of him" (Leviticus 19:17). The Halakhah considers the negative consequences that flow from a transgression to be contingent upon prior proper rebuke of the sinner. He quotes earlier halakhic authorities, such as MaHaRaM of Lublin and R. Jacob Molin (or Molln), who rule that the *mitzvah* of hating the evil-doer applies only after one has properly rebuked the sinner and the latter still refuses to obey. On the basis of the talmudic discussion in *Arakhin* 16b, that nowadays there is no one sufficiently capable of delivering proper rebuke (*tokhahah*), one arrives at the conclusion that today we must act toward those who have strayed as people who have not yet been rebuked properly, and hence, even though they explicitly reject Torah, as still deserving of love. The lack of proper rebuke places them in the category of *ones*. Thus:

The *Hagahot Maimuniyyot* wrote that one may not hate the heretic until he has disregarded rebuke. At the end of his book *Ahavat Hesed* (by Rabbi Israel Meir Ha-Kohen, author of the classic work *Hafetz Hayyim*), the author cites R. Jacob Molin (Molln) to the effect that we must love the sinner. He also quotes the responsa of MaHaRaM of Lublin to show that we must consider the sinners as those who have not yet been rebuked, for we no longer know how to rebuke properly, and hence one must treat them as transgressors under duress. As a result, we cannot exempt these sinners from [standard Jewish] obligations such as levirate marriage and other *halakhot*.²³

According to this analysis, not only must one love the sinner (even the heretic), but one must desist as well from hating him as an evil-doer. Consequently, to hate such a person is to violate the injunction against hating one's neighbor in one's heart (the first part of the same verse in Leviticus 19:17).

It must be noted that Hazon Ish's ruling is based on the premise that we are incapable of fulfilling the requirement of rebuke in our generation. Such is, in fact, the opinion of most decisors and most *rishonim*. They follow the Mishnaic teachers R. Tarfon, R. Elazar B. Azariah, and R. Akiba, all of whom—for different reasons—arrived at the same conclusion. However, Maimonides (*Hilkhot De'ot*,

chap. 6) decides the law in favor of R. Yohanan B. Nuri, who "called heaven and earth as witnesses" that one may indeed fulfill the *mitzvah* of rebuke in the present generation.²⁴

C. Doubt and Denial

I have suggested elsewhere that those who *doubt* the fundamentals of Judaism should not be classified together with those who categorically *reject* the truths of Judaism. (The gist of the argument is repeated here, in somewhat different form, because of its obvious relevance to our theme.)

Support for this contention may be found in the Talmud (*Shabbat* 31a):

Our Rabbis taught: A certain heathen once came before Shammai and asked him, "How many Torahs have you?" "Two," he replied: "the Written Torah and the Oral Torah." "I believe you with respect to the Written, but not with respect to the Oral Torah; make me a proselyte on condition that you teach me the Written Torah [only]." [Shammai] scolded and repulsed him in anger. When he went before Hillel, he converted him. On the first day he taught him [the alphabet:] *Alef, beth, gimmel, dalath*. The following day he reversed [them] to him. "But yesterday you did not teach them to me thus," he protested. [Hillel replied:] "Must you then not rely upon me? Then rely upon me with respect to the Oral [Torah] too."

Rashi comments:

"He converted him"—and relied upon his wisdom, that in the end he will persuade him to accept [the Oral Torah]. This is not to be compared to the case of one who accepts Judaism except for one law. The man (in our case) did not wilfully deny the Oral law; he just did not believe in its divine origin. Hillel was confident that after he would teach him, he would rely upon him.

Rashi clearly draws a line of demarcation between the apostate and one who does not yet believe.²⁵

One critic has argued against the thesis here presented, maintaining that Rashi's focus is on the words "divine origin" (literally, "from the mouth of God"), i.e., the proselyte was willing to commit himself to practice all the *mitzvot* of the Oral Law, but was unwilling to grant its divine origin. This idea of the Oral Law's divine origin is thus the content of the "belief" as yet unattained by the proselyte. The phrase "did not wilfully deny the Oral Law" then refers to his acceptance of the Oral Law in practice. If so, Rashi's distinction is between belief and practice, rather than between faith and doubt.

This proposed explanation, however, is untenable. Besides violating the plain sense of Rashi, it offers no explanation as to why Rashi shifted from the phrase "wilfully deny" to the phrase "did not

believe." Rashi intended with these two different phrases two different and opposite concepts. Moreover, the talmudic passage does not mention at all the phrase "deny" or any similar term. The only phrases used are "I believe you" and "I do not believe you." Furthermore, what would be the source of this bold distinction between the practice of laws of the Oral Torah when accompanied and when unaccompanied by belief in its divine origin, the consequence of which was that Hillel was prepared to convert him even though he did not believe in the Oral Law's divine origin? If one is a heretic, even with regard to the theoretical basis of the Oral Law, his mechanical performance of *mitzvot* carries no weight.

Our interpretation of Rashi does not suffer from these difficulties. According to our analysis, both "did not willfully deny" and "did not believe" refer to the axiom of the Law's "divine origin," and "to accept" means to consent to this article of faith, and not to commit to a course of action without belief in its ultimate authenticity. Rashi proposes a distinction between deliberate apostasy and lack of positive conviction, i.e., doubt but not willful heresy.

Most people, especially in our days but in days of yore as well, abandon religion not because they are sure that it is false. They leave it because they are unconvinced, in doubt—and perhaps uncertain whether any kind of certainty can ever be attained. Such pervasive doubt is founded upon the Cartesian principle of *de omnibus dubitandum*—"doubt everything." In other words, they are not "deniers" but "non-believers."

On the basis of this distinction, we maintain that the great majority of non-believers of today are not equivalent to the *apikores* of talmudic times.

D. Love and Brotherhood

Finally, a note on Maimonides' formulation in his *Commentary on the Mishnah* to *Sanhedrin* is in order. Maimonides, it will be recalled, there stated that, "if a man believes in all these fundamental principles—he is then part of 'Israel,'" but "if a man hesitates about" these *ikkarim* of the faith, "he has removed himself from the Jewish community." Maimonides thus demands positive theological commitment for inclusion in *kelal Yisrael*. If we take his words literally, we reach the astonishing conclusion that he who observes *mitzvot* but has not reflected upon their theological basis would also be excluded from the Children of Israel. Spelling out the consequences of this position, we would be forced to conclude that not only heretics but unreflective and intellectually indifferent Jews, and children, would not be included in the "people of Israel"; as a result,

they would not only not receive a share in the world-to-come, but other Jews would not be permitted to love them and would, indeed, be commanded to hate them.

These words of Maimonides, however, are not repeated in his *Mishneh Torah*, and, except for the citation from Meiri referred to above, to my knowledge this view is not repeated by any other medieval Jewish authority.

From his remarks, especially in *Hilkhot Mamrim* cited above, we see that with regard to the Karaites of his day, Maimonides did not repeat his position as expressed earlier in his comments to tractate *Sanhedrin*, requiring positive affirmation of the Thirteen Principles of faith as prerequisite to inclusion in *kelal Yisrael*. This follows from his ruling that children of the original Karaites and other sectarians are accepted as part of the fellowship of Israel; presumably, no such positive affirmation of Rabbinic Judaism can be expected of the later Karaites. "Coercion" as a halakhic category exists as an exemption; it does not substitute for a needed prerequisite.

According to the other *rishonim*, must one declare his adherence to the principles of Jewish belief as a *conditio sine qua non* to be counted as a Jew? Alternatively, is one reckoned a Jew from birth, remaining so until he commits a positive act of heresy similar to that performed by the "wicked son" in the Passover Haggadah?

To analyze this controversy which separates Maimonides from most other *rishonim* (and which, as was indicated above, is probably Maimonides' position in his later *Mishneh Torah* as well), we must focus upon the parameters of inclusion in and exclusion from the community of "Israel."

One who does not believe in all the fundamentals of Judaism is certainly still obligated to observe all the commandments incumbent upon a believing Jew. I have elsewhere²⁶ developed the thesis that in Halakhah, especially according to Maimonides, the term "Israelite" (*Yisrael*) admits of two different definitions: as an *individual* per se, a "son" of his heavenly Father with Whom he has a relationship expressed halakhically in the form of specific obligations and prohibitions; and as a *brother* to other Israelites, which in turn is manifested in a different set of halakhic norms. The first class—the Jewishness of individuals as such—is the "who is a Jew" issue. Only with regard to the second moment, the fraternal aspect of Jewishness, do heretics lose their status as "Israelites," or citizens of *kelal Yisrael*. Thus, for example, wine that heretics touch is to be considered as wine that a non-Jew handled and hence forbidden; and Jewish courts do not have the obligation to prevent them from committing sins.²⁷ Their obligations towards God as individual Jews, however, remain

in full force. In this limited sense, their status as Israelites remains uncompromised, and their obligation to observe the Torah remains undiminished irrespective of their theological perplexities.²⁸

A responsum by R. Israel of Bruna, which distinguishes between the halakhic implications of the terms "Jew" and "Israelite," is most relevant. He writes:

There was a case of a young man by the name of Loewe of Passau who vowed never to play (i.e., gamble) with any Jew . . . Now, in Neustadt there was (a converted Jew) and Loewe asked R. Israel Isserlin if he is permitted to play with him. He permitted him to do so, for a Jew who is converted out of the faith is not called a Jew, even though "an Israelite even if he sinned remains an Israelite" (*Sanhedrin* 44a). Nevertheless, he is not called a "Jew," and therefore the vow does not apply to him. I can support this (ruling) with proof from a talmudic passage in *Sanhedrin* upon which Rashi comments that, "whoever denies idolatry is called a Jew" (*Megillah* 13a). Thus, a converted Jew who denies the God of Israel and worships an idol is not called a "Jew."²⁹

R. Isserlin does not attempt to distinguish halakhically between the terms "Israelite" and "Jew"; he merely observes that with regard to vows (which halakhically follow the common usage of the average person), renegade Jews were not meant to be included in the term *Jude*, Jew, as used in Germany at that time. Hence, his permission for Loewe to gamble with the apostate of Neustadt.

However, R. Israel of Bruna does make an essential distinction that is valid regardless of time and place, as evidenced from his citation of the talmudic passage in *Megillah* to buttress his position. In his view, "Israelite" designates one's lineage as a Jew, which is essential and eternal and which concomitantly obligates performance of *mitzvot*, notwithstanding one's apostasy. "Jew" (German: *Jude*) refers to his relationship with the rest of the Jewish community. The former is what we have referred to as a Jew *qua* an individual, and the latter as a Jew who is a brother to other Jews, part of the fraternity of Israel. One who apostasizes loses his connections and his rights vis-a-vis the rest of the Jewish people. "An Israelite even if he sinned remains an 'Israelite,'" but he is no longer a "Jew" because he has forfeited the privileges attendant upon such status. Hence, one who vowed not to gamble with Jews is assumed not to have referred to such an apostate.

The *mitzvah* to love one's neighbor is, of course, the quintessential *mitzvah* of brotherhood. At first blush it appears puzzling that the heretic who sinned against God but not against man should be deprived of his halakhic ties of brotherhood to the rest of the Jewish people. We suggest that this punishment does not follow from the heretic's rejection of God; such matters are the concern of the omniscient Creator who alone knows the innermost thoughts of all

His creatures. It is, instead, a direct response to a sin against the Jewish people in its entirety. The Sinaitic covenant, which the Jewish people accepted with respect to God, also involved the element of Israel's brotherhood. The formal expression of the covenant, it is true, is reflected in the *mitzvot ma'asiyyot* that individual Jews perform; but its foundation is the faith in Him by Jews as a collectivity, a nation. One who rejects this faith sins not only against the Holy One, but equally destroys the entire foundation of Judaism by weakening the fabric of the Jewish covenantal community as a whole. Without this faith in God we, as a people, are not worthy of being the covenantal partners of God. The heretic thus severs the unique metaphysical chain which binds the Jewish people together as the people of God, the "holy nation and kingdom of priests." It is fitting that, as a punishment, he should be denied all expressions of Jewish brotherhood, a fraternity which he has treated with contempt.

Now Maimonides in his *Commentary to the Mishnah* holds that only one who has explicitly accepted the fundamentals of Jewish belief can join the brotherhood of Israel and be a part of the Jewish fraternity based upon the commonality of belief. Such a Jew merits all the privileges of Jewish brotherhood, including the *mitzvah* of neighborly love. But one who rejects such fraternity, even if only by the absence of explicit acceptance of the fundamental principles of Jewish faith in God, has read himself out of this brotherhood. One who is thereby not part of this voluntary fraternity, however, is still *qua* individual classified as a Jew. Other *rishonim* (and Maimonides himself in *Mishneh Torah*) maintain that one's classification as a Jew automatically confers upon him the rights of membership in the Jewish fraternity. Those who are sons of God are *ipso facto* brothers to each other. Only those who intentionally remove themselves from the community, by actions such as outright and positive rejection of Judaism, are denied the rights of the Jewish fraternity. One is not required to love a person who explicitly removed himself from the Jewish faith-community.

According to the foregoing analysis, only in a historical epoch when the great majority of the Jewish people are religiously observant and God-fearing, such that heresy constitutes a demonstrative denial of Jewish identity, does the corresponding removal of the apostate from the Jewish fraternity make sense. However, when the majority of the Jewish people themselves are ignorant of Torah and indifferent to its commandments, the heretic's denial of Judaism's theological principles is not destructive of the communal Jewish identity *per se*. On the contrary, many Jewish non-believers today affirm their "Jewish identity," are proud of their lineage, and contribute their effort and substance for the welfare of the Jewish

people. They certainly cannot be said to intend harm to Jewish fraternity by means of their heresy. They may not be classified along with those who have consciously and positively denied Judaism's tenets; they must be presumed simply not to have paid much attention to matters of faith. Their Jewishness is ethnic or natural, not intellectual or spiritual; their conscious status as part of the community is intuitively assumed and is not felt to be in need of demonstration or corroboration.

For this reason we can assume that in our contemporary era, even one who consciously rejects the principles of Judaism (but still maintains his "Jewish identity") is not halakhically defined as an *apikores* of the kind that flourished in the talmudic period.

To summarize, there exist four reasons why the stringency of the laws concerning treatment of a heretic should not apply to non-believers in our age. They are:

1. Heretics today are "coerced" by the *Zeitgeist* we live in, which ineluctably affects their *Weltanschauung*.

2. One may be classified as a heretic only if he has rejected halakhically valid "rebuke"; most *rishonim* decide in favor of the majority of *tannaim* that one cannot deliver proper rebuke in our times. As a result, there is no official status of "evil-doer."

3. Heresy in our day is most often not a positive rejection of Jewish principles of faith but a lack of conviction or belief; this doubt, according to Rashi's gloss, is not equivalent to heresy.

4. Heresy is applicable to a time when the majority of the people of Israel are themselves religiously observant. It does not constitute a traitorous act vis-a-vis the Jewish people under present conditions. Consequently, the reason why the heretic should lose his status as part of the Jewish fraternity does not apply. One forfeits the love of his fellow Jew if and only if he himself has first deserted the Jewish people.

On the basis of all of the above, we may conclude that according to most *rishonim*, the *mitzvah* of hating "evil-doers" does not apply to the overwhelming majority of non-observant and non-religious Jews in our times. (Indeed, the prohibition against hating a fellow Jew in one's heart might apply to those who practice hatred of the sinners.) Such Jews are indeed full members of *kelal Yisrael*. Even if we grant Maimonides' early position on the need for explicit commitment to the Thirteen Principles in order to be accepted in the Jewish fraternity and thereby merit neighborly love, and hence affirm the relevance of the *mitzvah* of hatred (of evil-doers) in our generation, the *mitzvah* to love one's fellow Jew applies (except in the case of one who tempts his fellow Jew to worship idols) simultaneously with the *mitzvah* to hate evil-doers.³⁰ And even if we grant Maimon-

ides' acceptance of the applicability of the *mitzvah* of rebuke in our day and age (and thereby the second principle which we have enumerated is not relevant), most Jews today should be classified as fully within the Jewish people and therefore exempt from the onus of being hated, according to the other three parts of our analysis.

A NOTE ON TRANSLATIONS

Translations of many of the Maimonidean and other rabbinic texts cited in this article were derived from the following sources with occasional changes for purposes of clarity or emphasis:

Moses Hyamson, ed. and intro. *Mishneh Torah: The Book of Knowledge by Maimonides*. Jerusalem, 1965, pp. 55a, 71b, 85a.

Charles B. Chavel, trans. *The Commandments: Sefer Ha-Mitzvoth of Maimonides, v. 1: The Positive Commandments*. London, 1940, p. 220.

Idem., Ramban's (Nachmanides) Commentary on the Torah: *Leviticus*. New York, 1974, pp. 292–293.

Isadore Twersky, ed. and intro. *A Maimonides Reader*. New York, 1972, pp. 414–422.

Abraham M. Hershman, trans., *The Code of Maimonides: Book 14. The Book of Judges*. New Haven, 1949, p. 200.

Hyman Klein, trans., *The Code of Maimonides: Book 11. The Book of Torts*. New Haven, 1954, pp. 234–236.

H. Freedman, trans., I. Epstein, ed. *Hebrew-English Edition of the Babylonian Talmud: Shabbat*. London, Jerusalem, New York, 1972, 26b.

Judah Goldin, trans. *The Fathers According to Rabbi Nathan*. New Haven, 1955, p. 151.

Reuven Hammer, trans. and intro. *Sifre: A Tannaitic Commentary on the Book of Deuteronomy*. New Haven and London, 1986, p. 139.

NOTES

1. The translation of *le'reiakha* is problematical. We shall here adopt the conventional "thy neighbor" for the sake of convenience. The proper definition of this term is a major concern of this essay. The question of whether non-Jews are included in this commandment, important as it is, is not treated here and must be left for another occasion.
2. Maimonides, *Mishneh Torah, hilkhoh de'ot*, 68:3; *Sefer ha-Mitzvot*, Pos. Com. No. 206.
3. *Sefer ha-Hinnukh*, No. 243.
4. See Rabbi M. M. Kasher, *Torah Shelemah, Mishpatim* (Vol. 17), Addenda, p. 202, quoting the excerpts of R. Abraham Maimonides' Commentary, as printed in the *Jubilee Volume in Honor of Rabbi David Zvi Hoffman*.

5. *Sha'arei Kedushah* (Bnai Brak, 1967), p. 15.
6. *Ru'ah Hayyim to Avot*, 1:2. See my *Torah Lishmah*, Jerusalem, 1972, p. 75.
7. *Yoreh Deah*, 160.
8. *B.M.* 32b. "Come and hear: If a friend requires unloading, and an enemy loading, one's [first] obligation is towards his enemy, in order to subdue his evil inclinations. Now if you should think that [relieving the suffering of an animal] is biblically [enjoined], [surely] the other is preferable!—Even so, [the motive] in order to subdue his evil inclination is more compelling.
 "Come and hear: The enemy spoken of is an Israelite enemy, but not a heathen enemy. But if you say that [relieving] the suffering of an animal is biblically [enjoined], what is the difference whether [the animal belongs to] an Israelite or a heathen enemy?—Do you think that this refers to 'enemy' mentioned in Scripture? It refers to 'enemy' spoken of in the Mishnah."
 See, *Hebrew-English Edition of the Babylonian Talmud, Baba Mezia* 32b. Salis Daiches and H. Freedman, trans. I. Epstein, ed. London: Soncino Press, 1962.
9. See also Meiri to *Yoma* 75b: "one should not let hatred of his fellow deter him from helping him as much as he can." See MaHaRaM Schick's work on the commandments, *Mitzvah* 244.
10. This analysis is opposed to that of R. Barukh ha-Levi Epstein who, in his *Torah Temimah* (Leviticus 19:18), classifies love as the opposite of hatred. According to our analysis, Maimonides thus antedated the "discovery" of ambivalence by psychoanalysis by over 700 years.
11. See *Tanya (Likkutei Amarim)*, Chapter 32, who, in a famous passage, asserts that even those whom we must hate we must simultaneously love. Our hatred is directed to the element of evil in them; our love is focused upon the good that they contain. This view, of course, has roots in the famous talmudic record of the dialogue between R. Meir and his wife Beruriah, in which he accepted her distinction between praying for the destruction of sinners and praying for the eradication of sin: David's plea in his Psalms was for the latter, not the former. See *Ber.* 10a. I am grateful to Rabbi Hillel Goldberg for directing my attention to an essay by the famous Musar teacher Rabbi Chaim Shmulavitz (*Sihot Musar*, Part I [5731] #6) in which the theme of ambivalence of love and hatred is ascribed to God in His relations to humans.
12. See *Mishneh Torah*, ed. Cohen and Liberman (Jerusalem, Mosad Harav Kook: 1964), *ad loc.*
13. See n. 11, above.
14. *Commentary on the Mishnah*, tractate *Sanhedrin*, chapter 10, ed. J. Kapah, p. 145. Parenthetically, we have here one of the first times that the term *kelal Yisrael* is mentioned in halakhic literature. In contemporary parlance, this is a composite noun indicating, "the collectivity of Israel"—or, "the Jewish community." This is not, however, strictly the sense in which Maimonides uses the term. For him it might better be translated, "the category of 'Israel,'" i.e., the very definition or identity of one's Jewishness.
15. *Sotah*, *ad loc.*
16. *Ketubot* 111a.
17. *Ketubot*, *ad loc.*
18. *Bava Batra* 165a.
19. In Maimonides' *Treatise on the Resurrection of the Dead*, the author did not repeat the remarks he had made in his *Commentary on the Mishnah*. This is the work which Maimonides wrote to counter those who erroneously maintained that he did not believe that resurrection is a cardinal principle of the Torah and that he took the instances where the Rabbis mentioned resurrection figuratively. It seems that in this treatise he softened the stand he originally took in classifying heretics.
20. *Iggerot Ha-Re'iyah*, vol. I, p. 171.
21. By the same token, there is no special merit in faith and obedience in the presence of revelation or, derivatively, in circumstances when the *Zeitgeist* moves an individual to belief and observance. In both cases, the environment exercises a form of duress on the individual. The maximum opportunity for freedom of choice, and therefore for credit or blame, occurs when circumstances are neutral, equidistant from both extremes. See my *The Royal Reach*, chapter II ("Neither Here Nor There"), where I develop this idea based upon the talmudic linkage of Purim to Sinai. Hence, this exculpation by Rav Kook would apply selectively, depending upon one's individual circumstances.

22. *Hazon Ish*, 13:16.
23. See *Hazon Ish*, *Yoreh De'ah*, 13:28. See, as well, *Hazon Ish* on Maimonides' *Mishneh Torah*, *Hil. De'ot* 6:3, and references cited *ad loc.* See too *Sefer ha-Hinnukh*, No. 238.
24. See my article, "Rebuke thy Neighbor" (Heb.), in *Gesher* (1985) and, in modified form, in my forthcoming *Halakhot Ve'Halikhot*.
25. See my *Faith and Doubt*, pp. 186–187, nn. 24–27, where I bring proof for my assertion. See too *Migdal Oz* to Maimonides, *Hilkhot Teshuvah*, chapter 3, and R. Abraham Isaac Kook, *Iggerot ha-RAIH*, vol. 1, p. 20.
26. See my "May A Transgressing Kohen Perform the Priestly Blessing?" (Heb.), in *Ha-Darom*, (Ellul, 5759 = 1959) also to be included in my above-mentioned *Halakhot Ve'Halikhot*.
27. See *Sifte Kohen*, *Y.D.*, 141, and *Responsa Avnei Nezer*, *Y.D.*, No. 127.
28. This conforms with Maimonides' views in his famous *Iggeret ha-Shemad*. See references in my article mentioned in n. 26. See too *Keren Orah* to *Yevamot* 17, concerning the talmudic statement that the Rabbis classified the Ten Lost Tribes (who had totally assimilated into their idolatrous milieu) as idol-worshippers. He writes: "Perhaps with respect to marriage laws were they classified as non-Jews; in other respects, however, they could not be classified as such, for halakhically they remained Jews." Our analysis supports his conclusion that the ten tribes became non-Jews only with regard to the brotherhood of the Jewish people, which includes marriage law. *Keren Orah* (*ad loc.*) quotes MaHaRSHA, MaHaRShaL, and the Mordechai on this topic, and suggests that only at the time of the assimilation of the ten tribes, the age of Prophecy, and the availability of the divine Spirit, could the reclassification of the Ten Tribes as idol-worshippers have been effected. See also the surprising comment by R. Moshe Sofer, *Hagahot Hatam Sofer* to *Sh. A.*, *Orah Hayyim*, ch. 29, par. 4.
29. *She'elot u-Teshuvot Mahari mi-Bruna*, No. 35. The text is slightly corrupted, but the sense of the responsum is unaffected by these textual difficulties.
30. See the beautiful and uplifting comments of R. Naftali Tzevi Yehuda Berlin (the Netziv), *Teshuvot Meshiv Davar*, Vol. 1, No. 44. His words deserve wide dissemination. The Netziv here exemplifies the truthfulness of the saying of the Sages that "Torah scholars bring peace to the world."