

How to be a Jewish heretic

Limmud 2015

The Other might not be very other at all.

- Kwame Anthony Appiah (*The Ethics of Identity*, 2005)

Minim, Tosefta Shabbat 13:5

The *gilyonim* and the Books of *minim* are not to be saved on the Sabbath from the fire. ... Rabbi Tarfon, said: “On the life of my son, I swear that if they come into my hands, I will burn them together with the Divine Names that are in them. For even if someone is chasing me to kill me, I will enter into the house of idolatry but not into their houses, for the idol worshipers do not know God and deny God, while these know God and deny God.”

Job 9:4, 9:12, 9:21-22

Wise of heart and mighty in power -

Whoever challenged God and came out whole?...

Who can say to God, “What are You doing?”

...I am distraught: I am sick of life.

It is all one; therefore I say,

“God destroys the blameless and the guilty.”

Elisha ben Abuyah (Aher), Talmud Yerushalmi, Hagiga 77b

Rabbi Meir was seated in the house of study in Tiberias on Shabbat, expounding, while his teacher Elisha was passing through the marketplace astride his horse. People came by and told Rabbi Meir: Look, your teacher Elisha is here riding through the marketplace. Rabbi Meir interrupted his expounding and went out to him.

What did Aher see that made him go wrong? It is said that once, while sitting in the valley of Gennaser, he saw a man climb to the top of a palm tree on Shabbat, take the mother bird with the young, and descend in safety. At the end of Shabbat, he saw another man climb to the top of the same palm tree, take the young but let the mother bird go free. As he descended, a snake bit him and he died. Elisha exclaimed: It is written, “Let the mother go and take only the young, that you may fare well and have a long life” (*Devarim* 22:7). Where is the wellbeing of this man and where is the prolonging of his life?

Daughter of Aher, Talmud Bavli, Hagiga 15b

The daughter of Aher came before Rabbi Yehuda Hanasi. She said to him, "My Master, support me." He said to her, "My daughter, whose daughter are you?" She said to him, "The daughter of Aher." He said, "Are his descendants still in the world?" *He has no offspring or descendant among his people, no survivor where once he lived* (Job 18:19). She said to him, "My Master, remember his Torah and do not remember his deeds."

Rabbi Eliezer ben Hyrcanus, Talmud Bavli, Baba Metzia 59b

On that day all objects which Rabbi Eliezer had declared clean were brought and burnt in fire. Then they took a vote and excommunicated him. Said they, "Who shall go and inform him?" "I will go," answered Rabbi Akiva, "lest an unsuitable person go and inform him, and thus destroy the whole world." What did Rabbi Akiva do? He clothed himself in black garments and wrapped himself in black, and sat at a distance of four amot from him. "Akiva," said Rabbi Eliezer to him, "why is this day different from all other days?" "Master," he replied, "it appears to me that your companions have separated themselves from you."

Thereupon he too rent his garments, took off his shoes, removed his seat and sat on the earth, whilst tears streamed from his eyes. The world was then smitten: a third of the olive crop, a third of the wheat, and a third of the barley crop. Some say, the dough in women's hands swelled up. Great was the calamity that befell that day, for everything at which Rabbi Eliezer cast his eyes was burned up. Rabban Gamliel too was travelling in a ship, when a huge wave arose to drown him. "It appears to me," he reflected, "that this is on account of none other than Rabbi Eliezer ben Hyrcanus." Thereupon he arose and exclaimed, "Master of the universe! You know full well that I have not acted for my honour, nor for the honour of my father's house, but for Your sake, so that strife may not multiply in Israel!" At that the raging sea subsided.

Spanish Inquisition, Al Hambra Decree, 31 March 1492

Therefore, we, with the counsel and advice of prelates, great noblemen of our kingdoms, and other persons of learning and wisdom of our Council, having taken deliberation about this matter, resolve to order the said Jews and Jewesses of our kingdoms to depart and never to return or come back to them or to any of them. And concerning this we command this our charter to be given, by which we order all Jews and Jewesses of whatever age they may be, who live, reside, and exist in our said kingdoms and lordships, as much those who are natives as those who are not, who by whatever manner or whatever cause have come to live and reside therein, that by the end of the month of July next of the present year, they depart from all of these our said realms and lordships, along with their sons and daughters, menservants and maidservants, Jewish familiars, those who are great as well as the lesser folk, of whatever age they may be, and they shall not dare to return to those places, nor to reside in them, nor to live in any part of them, neither temporarily on the way to somewhere else nor in any other manner, under pain

that if they do not perform and comply with this command and should be found in our said kingdom and lordships and should in any manner live in them, they incur the penalty of death and the confiscation of all their possessions by our Chamber of Finance, incurring these penalties by the act itself, without further trial, sentence, or declaration. And we command and forbid that any person or persons of the said kingdoms, of whatever estate, condition, or dignity that they may be, shall dare to receive, protect, defend, nor hold publicly or secretly any Jew or Jewess beyond the date of the end of July and from henceforth forever, in their lands, houses, or in other parts of any of our said kingdoms and lordships, under pain of losing all their possessions, vassals, fortified places, and other inheritances, and beyond this of losing whatever financial grants they hold from us by our Chamber of Finance.

Kol Nidrei Service, Erev Yom Kippur

By the authority of the heavenly court and by the authority of the earthly court (*biyeshiva shel ma'ala, u'viyeshiva shel mata*), with the consent of Almighty and with the consent of the congregation (*al da'at ha-Makom v'al da'at ha-kahal*), we hereby declare it permissible to pray with those who have transgressed (*anu matirin l'hitpalel im ha-avaryanim*).

Baruch/Benedict Spinoza (1632 – 1677)

The Senhores of the *ma'amad* having long known of the evil opinions and acts of Baruch de Spinoza, they have endeavored by various means and promises, to turn him from his evil ways. But having failed to make him mend his wicked ways, and, on the contrary, daily receiving more and more serious information about the abominable heresies which he practiced and taught and about his monstrous deeds, and having for this numerous trustworthy witnesses who have deposed and borne witness to this effect in the presence of the said Espinoza, they became convinced of the truth of this matter; and after all of this has been investigated in the presence of the honorable *chachamim* they have decided, with their consent, that the said Espinoza should be excommunicated and expelled from the people of Israel.

By decree of the angels and by the command of the holy men, we excommunicate, expel, curse and damn Baruch de Espinoza, with the consent of God, Blessed be He, and with the consent of the entire holy congregation, and in front of these holy scrolls with the 613 precepts which are written therein; cursing him with the excommunication with which Joshua banned Jericho and with the curse which Elisha cursed the boys and with all the castigations which are written in the Book of the Law.

Cursed be he by day and cursed be he by night; cursed be he when he lies down and cursed be he when he rises up. Cursed be he when he goes out and cursed be he when he comes in. The Lord will not spare him, but then the anger of the Lord and his jealousy shall smoke against that man, and all the curses that are written in this book shall lie upon him, and the Lord shall blot out his name from under heaven. And the Lord shall separate him unto evil out of all the tribes of Israel, according to all the curses of the covenant that are written in this book of the law.

Tzeitel, Anatevka (Sholem Aleichem, 1859 –1916)

Tzeitel Motel, Yente was here.

Motel I saw her.

Tzeitel If they agree on someone, there will be a match and then it will be too late for us.

Motel Don't worry, Tzeitel. I have found someone who will sell me his used sewing machine, so in a few weeks I'll have saved up enough to buy it, and then your father will be impressed with me and...

Tzeitel But Motel, a few weeks may be too late.

Motel But what else can we do?

Tzeitel You could ask my father for my hand tonight. Now!

Motel Why should he consider me now? I'm only a poor tailor.

Tzeitel And I'm only the daughter of a poor milkman. Just talk to him.

Motel Tzeitel, if your father says no, that's it, it's final. He'll yell at me.

Tzeitel Motel!

Motel I'm just a poor tailor.

Tzeitel Even a poor tailor is entitled to some happiness.

Shneur Zalman of Liadi (1745 – 1812), founder and first Rebbe of Chabad

When Hasidic Judaism became influential in Vilna, the Vilna Gaon, joining the rabbis and heads of the Polish communities, took steps to check the Hasidic influence. In 1777 one of the first excommunications by the *mitnagdim* was launched in Vilna against the Hasidim, while a letter was also addressed to all of the large communities, exhorting them to deal with the Hasidim following the example of Vilna, and to watch them until they had recanted. The letter was acted upon by several communities; and in Brody, during the trade fair, the *cherem* (ban of excommunication) was pronounced against the Hasidim. In 1781, when the Hasidim renewed their proselytizing work under the leadership of their Rabbi Shneur Zalman of Liadi, the Gaon excommunicated them again, declaring them to be heretics with whom no pious Jew might intermarry. However, the excommunications did not stop the tide of Hasidism. - *Wikipedia*

Mordecai Kaplan (1881 – 1983), co-founder of Reconstructionist Judaism

On June 12, 1945, at New York City's Hotel McAlpin, the Union of Orthodox Rabbis of the United States and Canada formally assembled to excommunicate from Judaism what it deemed to be the community's most heretical voice: Rabbi Mordecai Kaplan, the man who eventually would become the founder of Reconstructionist Judaism. Kaplan, a critic of both Orthodox and Reform Judaism, believed that Jewish practice should be reconciled with modern thought, a philosophy reflected in his *Sabbath Prayer Book*. They wrote: "Dr. Kaplan has published a new monster that was prepared in the name of a prayer book. Its contents were shown to the eye of every heretic and heresy before the God of Israel and the fields of the faith of Israel's Torah." They then publicly burned his prayer book.

Louis Jacobs (1920 – 2006), founder of Masorti Judaism in the UK

"God's power is not lessened because He preferred to co-operate with His creatures in producing the Book of Books... We hear the authentic voice of God speaking to us through the pages of the Bible... and its message is in no way affected in that we can only hear that voice through the medium of human beings."
- *Jacobs, Louis. We have Reason to Believe (1965).*

In 2003 whilst visiting Bournemouth for a family wedding, a relative asked that Jacobs be given an aliyah - that is, called up to the Torah scroll during the service to recite the blessing. Once more, a very different Chief Rabbi, Jonathan Sacks, and the head of the London Beis Din, Dayan Chanoch Ehrentreu, said no: they believed that had Jacobs uttered the words "Our God... who gave us the Torah of truth... ", he would have made a false statement.

- *Rabbi Louis Jacobs, Obituary, The Daily Telegraph (2006)*

Peter Berger, American sociologist (b. 1929)

The English word *heresy* comes from the Greek verb *hairein*, which means 'to choose'. A *hairaisis* originally meant, quite simply, the taking of a choice. For this notion of heresy to have any meaning at all, there was presupposed the authority of religious tradition. Only with regard to such an authority could one take a heretical attitude. The heretic denied this authority *in toto*. Instead they picked and chose from the contents of the tradition, and from these pickings and choosings constructed their own deviant opinion.

In pre-modern situations there is a world of religious certainty, occasionally ruptured by heretical deviations. By contrast, the modern situation is a world of religious uncertainty, occasionally staved off by more or less precarious constructions of religious affirmations.

Modernity creates a new situation where picking and choosing becomes an imperative.

- *The Heretical Imperative: Contemporary Possibilities of Religious Affirmation (1979)*

Further reading

Daniel Boyarin, *Border lines*, University of Pennsylvania Press (2004)

Ed Feinstein, *The Chutzpah Imperative*, Jewish Lights Publishing (2014)

Jeffrey Rubinstein, *Talmudic Stories*, Johns Hopkins University Press (1999)

Appendix

Medieval Censorship of Hebrew Text

Even prior to the institution of the various Indexes, traditional Jewish texts, notably the Talmud were prohibited and censored by the Church.

1239: All copies of the Talmud were burned on the orders of Pope Gregory IX.

1244: Pope Innocent IV ordered Louis IX of France to burn all copies of the Talmud.

1415: Pope Benedict XIII ordered all copies of the Talmud to be delivered to the bishops of the Italian dioceses.

1555: On the instructions of the Inquisition of Rome the houses of the Jewish community were searched and all copies of the Talmud seized; these were burned on the first day of Rosh Hashana.

1559: After the publication of the Roman Index of 1559, which prohibited the Talmud and all other works of Jewish doctrine, some 12,000 volumes of Hebrew texts were burned after the Inquisitor Sixtus of Siena destroyed the library of the Hebrew school at Cremona.

1564: Under the Tridentine Index all works of Jewish doctrine were banned.

1565: All kabbalistic works were banned by the Inquisition of Rome.

1592: Pope Clement VIII forbade both Christians and Jews from owning, reading, buying, or circulating Talmudic or kabbalistic books or other “godless writings,” either written or printed, in Hebrew or in other languages, which contained heresies or attacks on the church, its persons or practices.