Must We Have Heretics?

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Rabbi Marc Angel honored me with a request to restate some of the points made in my book, *Must a Jew Believe Anything?* (Oxford: Littman Library of Jewish Civilization, 1999; expanded second edition, 2006). In that book I sought to lay out a foundation for how Orthodox Jews should view the rest of the Jewish people, and attempt to provide an intellectual framework for meaningful Orthodox participation in general Jewish life. I also point out how the prevalent Maimonidean framework poses serious problems of heresy-hunting and seeing "non-believers" as enemies with whom we want no ties.

The core argument of that book was that for pre-medieval Judaism the notion of *emunah*, belief, is best captured by English words like 'trust', 'reliance', 'trustworthiness', and not by terms like 'intellectual acquiescence', or 'agreement'. A believing Jew on this account was a Jew who trusted in God (and whose life-choices and behavior exemplified that trust) and one in whom God could, so to speak, trust. It is not hard to prove that this is the case and I do so in the book. On this understanding of Judaism, membership in the Jewish people and identification with the Jewish past and the Jewish future is what makes a person a Jew in good standing. This reality reflects Ruth's statement to Naomi: "your people are my people, your God is my God," and the process of conversion as outlined in Yevamot 47a-b (and as bravely championed in our day by Rabbi Angel himself). There is no room on this conception of Judaism for systematic theology or dogma and, indeed, neither is to be found in Torah or Talmud.

Maimonides introduced a dramatic change in Jewish self-understanding by insisting that a Jew in good standing was Jew who accepted without demurral certain clearly defined beliefs (now widely known as 'Maimonides' Thirteen Principles of Faith'). This attempt to change Judaism from a community defined by shared history, shared hopes, and shared patterns of behavior to a church of true believers aroused considerable opposition and resistance, as shown in *Must a Jew…?*, in my *Dogma in Medieval Jewish Thought* (published by Oxford University Press in 1986 and available now from the Littman Library of Civilization), and in Marc Shapiro's *The Limits of Orthodox Theology: Maimonides' Thirteen Principles Reappraised* (Oxford: Littman Library of Civilization, 2004).

Maimonides' principles only became normative in the 19th century. Pre-emancipation Judaism had been an unselfconscious amalgam of religion and what came to be called nationality. With very few exceptions (the forced converts of Iberia being the most prominent example), Jewish authorities never had to define who a Jew was, since the matter was clear, both to Jews and to non-Jews. After the French Revolution, when Jews were invited to participate in the world around them, they found a world in which religion had been largely 'privatized', in which religion had been severed from nationality, and in which there developed a confusing myriad of new ways of being Jewish. It was suddenly no longer so clear who was a Jew, and it was certainly no longer clear who was a 'good' Jew. In a world in which membership in good standing in the Jewish community was no longer determined by descent (since so many Jews by descent had ceased being Jewish in terms of belief and practice, or were adopting new beliefs and practices, while still calling themselves 'good' Jews), in a world in which membership in the Jewish community was no longer determined by identity with a shared Jewish past and hopes for a shared Jewish future (since so many Jews who identified with the shared Jewish past hoped for a shared Jewish future defined primarily in national or cultural terms), in a world in which Jews might be willing to violate every single one of the 613 commandments of the Torah while still being prepared to lay down their lives in defense of the Jewish collective, Maimonides' Thirteen Principles, wholly ignored by halakhic decisors since their publication, and largely ignored by theologians (with the exception of those of Iberia between 1391 and 1492), suddenly came into their own and were used, with increasing vigor, to demarcate the line between 'good' Jews and those who must be excluded, those with whom no religious co-operation may be permitted, those who, for the most lenient, are *tinokot shenishbu*, and, who, for the most stringent, are out-and-out heretics.

My argument in *Must a Jew Believe Anything?* called for a return to a vision of Judaism according to which Jews are judged as Jews, not by how closely they proclaim adherence to this, that, or the other interpretation of Maimonides' 'Thirteen Principles', but by their loyalty to the Jewish people and its future. Adopting such a standard allows Orthodox Jews to disagree – strongly! – with the theologies of non-Orthodox movements while enthusiastically working with such Jews in order to assure a stronger future for the Jewish people as a whole.

Since the original publication of *Must a Jew Believe Anything?* the situation has, if anything, gotten worse. The Haredi world has been treated to the Kaminetzky and Slifkin affairs, Chief Rabbi Jonathan Sacks was forced into withdrawing a brave and prize-winning book, and the modern Orthodox community has been subjected to the unedifying spectacle of Professor Tamar Ross being accused of heterodoxy in an article written by a colleague in a journal published by her own Bar-Ilan University (a journal on whose editorial board I sit, but I was

not consulted about the article in question). These (and the many other episodes one could mention) are internal to Orthodoxy; our relations with other segments of the religious Jewish world have certainly not improved.

There is a core confusion at the heart of the rush to label views with which we disagree as heresy. This confusion lays behind an halakhic query send to none other than Maimonides. Maimonides was asked a pointed and interesting question on his position concerning the place of heretics in the Jewish community and in the world to come. Maimonides' questioner (Responsa, Blau ed., no. 264) had pointed out an apparent inconsistency in the Master's Mishneh Torah. In 'Laws of Idolatry' II.5 Maimonides had stated in no uncertain terms that "Jewish sectarians (*minim*) are not considered as Jews in any fashion, and they are never accepted as penitents." In 'Laws of Repentance' III.14, on the other hand, Maimonides maintained that sectarians and heretics "are excluded from the world to come only if they die unrepentant. But if he repents his evil, and is a penitent (*ba'al teshuvah*), he has a share in the world to come, since nothing stands in the way of repentance." The apparent contradiction is obvious. Maimonides' reply is illuminating and may help us in our conversation about relations among Jews of differing religious convictions today. Maimonides replied to his questioner as follows:

What you consider to be a contradiction concerning sectarians – there is no contradiction whatsoever. One of the texts states 'they are never accepted as penitents.' I.e., *We* do not accept their repentance and do not see them as falling under the category of penitents, but, rather, continue to see them as the sectarians they were, and assume that the righteousness of their behavior is motivated by fear or a desire to fool people. But the second text states that if they truthfully repented in all that concerns their relationship with their Creator, they have a share in the world to come. This [second] law concerns their relationship with their Creator, while the first concerns their relationship with other human beings.

We here gain a valuable insight into the nature of heresy from Maimonides' perspective. Heresy is not only a theological matter, it is also has crucial social aspects. Heretics are so dangerous that they must be excluded from the Jewish community *even if they repent*. Following Maimonides here would undermine all efforts at *kiruv*, would close down Habad houses all over the United Federation of Planets, and would bring about even greater divisions among Jews than those from which we suffer today.

No Jew alive today follows Maimonides in this teaching. While paying lip-service to adherence to Maimonidean conceptions of orthodoxy, Orthodox Jews actually behave (as they should) as if they agree with Kellner, and not with Maimonides. They use the 'Thirteen Principles' as a cudgel with which to batter each other but do not actually believe what they say. The clearest proof of this is the case of my friend and respected colleague David Berger. He has proved conclusively that (even without reference to their messianist delusions) contemporary Habad hasidism is heretical, yet no Orthodox rabbi that I have ever heard of is willing to follow him in adopting the operative conclusions that follow from this finding. This is so, despite the fact that most Orthodox rabbis persist in saying, with Berger, that ‘membership in good standing in the community of Israel rest[s] on certain articles of faith’. Berger is consistent: Habad fails a crucial theological test (divine unity and incorporeality, i.e. the absolute transcendence of God) and followers of Habad cannot therefore be considered

members in good standing in the community of Israel. Berger's rabbinic colleagues insist that the test is applicable, and some (in private) are willing to admit that Habad fails the test, but none are willing (in public) to join Berger in his condemnation of Habad. Why is that? Leaving aside questions of communal policy and the nature of rabbinic leadership, it seems obvious to me that in their heart of hearts the rabbis who agree that Habad is heresy but who refuse to condemn it as such are adherents (without knowing it) of the approach I advocate---other considerations (for them, halakhic obedience; for me, identification with the past and future of the people of Israel) trump theological orthodoxy.

God's name is truth and His seal is peace. If Orthodox Jews were a little more truthful with themselves, we could have more peace in the Jewish co