JUDAISM AND RELIGIOUS FREEDOM

A SOURCEBOOK OF SCRIPTURAL, THEOLOGICAL, AND LEGAL TEXTS
Judaism and Religious Freedom: A Sourcebook of Scriptural, Theological, and Legal Texts

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Chastened by the enormity of its collective sins committed during the horrors of the Holocaust, post-war Germany has actively sought to create a nation that is welcoming to Jews. Without attempting to scrub clean its history, German leaders have tried to be sensitive to policies affecting the Jewish community.

It therefore came as a surprise to the international community when early in the summer of 2012, a court in Cologne ruled that circumcision—a practice closely tied to Jewish identity and associated with Jews by the gentile majority—constituted bodily harm. This ruling appeared to be both a rollback of Germany’s post-war attempts at reconciliation with the Jewish world and a contraction of religious liberty. (Interestingly, the Cologne ruling was based on a case involving a four-year-old Muslim boy, indicating the potential scope of such a decision beyond Jewish communities.)

This decision highlights some of the broad questions about religious freedom that have emerged in the early twenty-first century: What is the legitimate reach of the state into religious life? Does the state have rights that transcend those of communities that predate it? What are the limits of permitted religious practice? Who decides what those limits are? These questions represent one side of religious liberty, namely, the interactions, positive or negative, between communities regarding what may and may not be done. The other side of religious liberty concerns internal relations, including the rights of religious

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i. The understanding of religious freedom adopted by the Religious Freedom Project is robust and has two parts. First is the right to believe or not (freedom of belief or of conscience), to worship, alone or with others, and to exit religious groups because of belief or conscience. These components of religious freedom are essentially interior (belief and conscience) or private (worship). As such, they are, or ought to be, virtually absolute. There is no legitimate rationale for their restriction by any human agent, including governments. The second element entails both individuals and groups, and has distinctive public dimensions. It includes the rights of individuals and groups to act in civil and political society on the basis of religious conscience or belief, within very broad limits equally applied to all—religious or not. This two-part understanding of religious freedom, with its robust public components, is not present within any religious tradition or nation until the modern era. Even then, the degree of religious freedom present in any given nation was, and continues to be, contingent on historical and contemporary forces that may or may not be related to the dominant religious tradition. Restrictions on religious freedom, especially in its public forms, result from a variety of conditions, including communism, religious nationalism, violent religious extremism, and aggressive modern secularism.
communities to define their teachings and require fidelity to them among adherents, as well as the role of the state and the international community in intervening in internal cases of perceived religious freedom violations.

Religious liberty in Judaism—as well as other traditions—can thus be viewed through two lenses: first, what does the religious tradition, in its diverse voices, say about religious liberty internally (that is, for Jews speaking among and for themselves); and second, what does the tradition say about religious liberty for gentiles, or those who are outside the Sinaitic covenant? This introduction addresses these questions and highlights some of the global topics in Jewish responses to religious liberty.

Religious freedom does not come naturally to Judaism. In its core ethical statement, the Ten Commandments, the Torah begins by declaring exclusive worship of the God of Israel. The Torah’s authors understood that the temptation of idolatry was great, and the people could not be expected to come to pure monotheism through reasoning alone. The punishment for worshipping another God or for worshipping the God of Israel the wrong way was death, either by a human court or divine decree. There was no room for the internal pluralism necessary for religious freedom among Jews, at least not in any sense immediately recognizable to us. Moreover, according to the Torah, the best possible government is theocracy. Not a state run by theocrats, but, rather, literally ruled by God. In human terms, this would be anarchy, as “no king but God” indicates an absence of human government. Human kingship thus comes as a compromise measure. Israel wanted a king to repulse foreign enemies. Samuel counseled against this desire: “The king will take your children from you, sequestrate your land, your vineyards, and your animals” (I Sam. 8:10-20), but God tells him to accede to the people’s wishes. Even in the most charitable view, Israel’s kings proved a mixed group of men, with few dying a peaceful death, and many allowing idolatry to flourish in Israel.

In any case, in classical Judaism, the covenant (brit) between God and Israel determines the permitted and the forbidden for the community. Such religious norms do not derive from the individual conscience or the state. Religious freedom for gentiles, as represented in Jewish tradition, is more complex. Idolatry is forbidden to Israel, but seems to be largely permitted—outside of the Promised Land—to non-Israelites, though their worship is commonly scorned as futile and immoral.
Central to the intersection of Judaism and religious freedom is the fact that for the greater portion of Jewish history, Israel has not been a sovereign people with its own land and political autonomy. This means that Jews could do very little to change practical policies implemented by the dominant culture, whether pagan, Christian, or Islamic. (For various reasons, however, Jews often negotiated a mostly peaceful, if second-class existence in which they were free to practice their faith as long as they kept their place.) Prior to the establishment of the modern, secular State of Israel in 1948, Jews had political autonomy only during the biblical and Hasmonean periods, and the former was subject to the imperial ambitions of the Egyptian, Babylonian, and Persian empires.

Judaism became a predominantly diaspora faith with the loss of the Second Temple in 70 CE. Texts from the rabbinic and medieval periods reveal a scattered people adapting to the transition from living under Roman (and largely pagan) rule to living under Christian and Islamic rule. Whereas the rabbis had an almost uniformly low view of paganism, their reactions to Christian and Islamic monotheism were more varied. Indeed, despite the deterioration of Jewish life in the late medieval period, especially in Christian Europe, one finds increasingly positive evaluations throughout the medieval era, such as those of Menachem ha-Meiri, who argued that Christianity actually enlarged possibilities for Jewish religious liberty.

Within Judaism itself, the Karaite “heresy” and reactions to it helped define some of the contours of religious freedom during the medieval era. The Karaites were a Jewish group that generally accepted the Torah but rejected the binding authority of the Oral Law, thus separating itself from rabbinic Judaism. As the passages about the Karaites indicate, there was no consensus on how they fit into the Jewish narrative. Were they heretics; members of another religion altogether; or were they simply misguided, coerced by outside factors (and thus not legally liable for their heresy)? Deliberations about the Karaites would later mirror divisions over how traditional Judaism—which would become Orthodoxy—ought to deal with Reform Judaism and other Jewish liberalisms in the nineteenth century.

The rabbinic and medieval eras also witnessed the creation and expansion of one of the best conceptual tools leading to a robust Jewish interpretation of religious freedom, that of the Noahide law, the Jewish understanding of natural law. Natural law, tied to no particular tradition, is the minimum moral standard that applies to all people, everywhere, and at all times. Most religions have some
conception, even if not always explicitly formulated, of the moral worth and inherent dignity of all persons. The concept of the Noahide law, formulated in the rabbinic era and discussed in that section, gives Jews a language for articulating this notion—one that emerges from Jewish tradition but is based on wisdom, which is universal, rather than revelation, which is always specific.

Documents from the modern era express concern with problems unimaginable in earlier eras. In the middle of the eighteenth century, European Jews slowly and fitfully began to gain citizenship. This gain occurred with a concurrent loss of Jewish communal autonomy. Jews were no longer to be viewed as a corporate body, but as individual citizens whose religious choices were a private matter. Identification with Judaism was to be completely voluntary. Emancipation radically redefined what it meant to be Jewish: It was now seen by political authorities and elite culture as a choice, whereas previously it had been understood as inscribed from birth, nurtured by the community within, and enforced from without. This novel situation gave individual Jews more religious freedom than they had ever had and diminished communal liberty proportionately.

The passages from Moses Mendelssohn, on one side, and traditionalist rabbis, on the other, underline the emerging tensions between communal loyalty and individual desire in terms of religious freedom. Acknowledged as one of the signal voices in modern Jewish thought, Mendelssohn (1729-1786), a devout Jew and a committed liberal, set the narrative on religious freedom for contemporary Jews. The passages in this sourcebook show a nuanced Mendelssohn, one who distinguished—conceptually if not explicitly—between a secular public sphere that does not insist that religious persons bracket their beliefs in public and an aggressive secularism (laïcité). A secular public sphere recognizes that while pragmatism and bargaining are part of political life, most people in a polity have a primary identity with a history and culture much older than any nation-state. Aggressive secularism, on the other hand, recognizes no reality before politics or above politics because its vision of human flourishing is framed exclusively through the instruments of the state. In Mendelssohn’s view, there are rights that are prior to the state, and religious liberty is one of these rights.

Mendelssohn noted that it was not Judaism that needed to change, but the state. The state must recognize the status of religious liberty as a right, for if it is not a right, then it is a mere privilege or concession that is vulnerable to negotiation and even revocation. Secularity, as defended by Mendelssohn, furnishes a public space for people with prior commitments—commitments
that transcend the limited horizon of any nation-state—to live and work together, a place where discrimination based on religious practice and belief is legally discouraged and morally censured. Aggressive secularism, on the other hand, offers an invidious bargain to members of religious communities: Religious citizens relinquish prior commitments to their religious communities and their loyalty to a morality that precedes the state in exchange for economic opportunity, legal equality, and the protection of—and from—the state. In other words, cultural autonomy is bartered for citizenship. This dilemma has emerged anew in the twenty-first century.

The final section deals with the State of Israel and the return of Jewish political authority in its own land. For the first time in modern history, Jews exercise authority over non-Jews, and this new situation calls for new formulations of religious freedom. By law, religious liberty is guaranteed for all in Israel, but on the ground the situation is more complex due to the state’s Jewish orientation, both cultural and religious, as well as to the control exercised by the official rabbinate on matters of personal status. Documents in this section include passages from the Israeli government on religious freedom—largely in reference to the protection of the liberties of non-Jewish minorities—and passages from major rabbinic figures about how religious the state ought to be and how this affects religious freedom.

What we see in these sources is that the tradition is diverse, and there are numerous options available to Jews today to support or obstruct religious freedom. Judgment is called for, and one can certainly create different Jewish narratives on this issue.
Religious liberty, in its modern sense, was not conceptually available or politically feasible in the ancient world. And this situation was as true in Israel as elsewhere. The parameters of religious liberty—and religious life in general—in biblical Israel are measured through covenant, the special relationship between God and Israel, forged first with Abraham and his family and later in Egyptian slavery and exiled wandering. Because of her commitment to covenant, the range of religious liberty, of choice and alternative, is circumscribed for Israel and—when it has authority over non-Israelites—for gentiles.

The covenant establishes a kind of bright-line test for Israel, both in its cult and its moral action. It binds the two parties together forever, unlike a contract, which has a terminal point. Violations of the covenant do not sunder the relationship; it can be wounded (God will be pained by Israel’s wavering) but never fatally. Its terms—again, unlike a contract—are not the result of a negotiation between God and Israel. While God initiates the covenant and sets its conditions, Israel accepts it on trust (emunah), a trust earned by God’s liberation of the people from Pharaoh.

The earlier covenant with Abraham, sealed by his irreversible circumcision, created an intimate relationship between God and Abraham’s family. Abraham is given a three-part blessing: land, descendants, and the promise that the nations shall be “blessed” through him (Genesis 12:2-3). This covenantal arrangement lacks the detailed orientation of the Mosaic covenant to come, but it does supply Israel with covenantal experience. The covenant at Sinai is more salient, as the Torah’s commandments, which are part of that covenant, define what constitutes religious liberty. The Mosaic covenant gave form and meaning to a nation, which had previously been a mixed multitude, creating a people out of tribes.

As much as the covenant fastened Israel to God, it bound Israelites together as well. The covenant contains the social, economic, political, and moral expectations of Israelites, outlining the permitted and the prohibited, rights and obligations. Such a society made no distinction between the sacred and the secular. There was, by extension, no “naked public square,” a meeting space that bracketed prior commitments. Religious liberty, therefore, could only be extended as far as the covenant would permit.
The other side of covenant is its transgression, usually falling under the category of “idolatry.” Idolatry, the worship of something other than God or the worship of the right God in the wrong way, is absolutely forbidden to Israel. An example of the first form of idolatry is Ahab’s worship of Baal (1 Kings 16:31-33). An example of the latter occurs when Aaron’s sons, Nadav and Avihu, offer “strange fire” unbidden by God, and they are consumed by their offering (Leviticus 10:1-2). The punishment for idolatry is often death, meted out either by a human court or by God. In this sense, then, religious freedom is constrained for Israelites: They may not wander after their own hearts. Their worship is regulated. For gentiles, however, the situation is quite different. Biblical texts openly mock gentile idolatry—though there are many biblical examples of righteous gentiles—considering it useless and morally corrupt. Despite the moral condemnation of idolatry by both Israelites and gentiles, for the latter, idolatry does not appear to be prohibited. The covenant at Sinai obligates Israel alone, both the native-born and those who attach themselves to Israel (converts) such as Ruth.

The covenant governs and gives meaning to Israel’s internal and external relationships. From it, four separate categories emerge: Israel, the people of the covenant; gerim (resident aliens), the foreigners living among Israel; gentiles; and the Canaanite nations. The first and third of these groups have been described above. The second group, the resident aliens, acquires certain rights in the Torah, and the Bible regularly calls upon Israel not to oppress these strangers. Their personal liberty is to be maintained, but they are not permitted to worship as they wish in the land of Israel. The people of the fourth group, the seven Canaanite nations, are not to be secure even in their personal liberty (Deuteronomy 31:3), and Canaanite religious practice is considered particularly odious. (It is worth noting, however, that the biblical Ruth comes from Moab, one of the Canaanite nations Israel is commanded to destroy.)

This section closes with a selection from Philo. An Alexandrian Jew, Philo was very much part of the Greco-Jewish intelligentsia, moving easily between the Jewish and gentile world. In this passage, Philo sets himself at a far remove from contemporaneous rabbinic thought, with a degree of tolerance of “pagan” theology unimaginable in Talmudic literature.
Scriptural Texts

Document Title: Tanakh
Date: between ca. 800 and 400 BCE
Source: http://www.jewishvirtuallibrary.org/jsource/Bible/jpstoc.html

Exodus 12:48-49
And when a stranger shall sojourn with thee, and will keep the Passover to HaShem [the Lord], let all his males be circumcised, and then let him come near and keep it; and he shall be as one that is born in the land; but no uncircumcised person shall eat thereof. One law shall be to him that is homeborn, and unto the stranger that sojourneth among you.

Exodus 20:3-5
Thou shalt have no other gods before Me (Ed: Commandment 2). Thou shalt not make unto thee a graven image, nor any manner of likeness, of any thing that is in heaven above, or that is in the earth beneath, or that is in the water under the earth; thou shalt not bow down unto them, nor serve them; for I HaShem thy G-d am a jealous G-d, visiting the iniquity of the fathers upon the children unto the third and fourth generation of them that hate Me.

Exodus 23:9
And a stranger shalt thou not oppress; for ye know the heart of a stranger, seeing ye were strangers in the land of Egypt.

Exodus 34:14-16
For thou shalt bow down to no other god; for HaShem, whose name is Jealous, is a jealous G-d; lest thou make a covenant with the inhabitants of the land, and they go astray after their gods, and do sacrifice unto their gods, and they call thee, and thou eat of their sacrifice; and thou take of their daughters unto thy sons, and their daughters go astray after their gods, and make thy sons go astray after their gods.

Leviticus 19:32-34
Thou shalt rise up before the hoary head, and honour the face of the old man, and thou shalt fear thy G-d: I am HaShem. And if a stranger sojourn with thee in your
land, ye shall not do him wrong. The stranger that sojourneth with you shall be unto you as the home-born among you, and thou shalt love him as thyself; for ye were strangers in the land of Egypt: I am HaShem your G-d.

Leviticus 24:15-23
And thou shalt speak unto the children of Israel, saying: Whosoever curseth his G-d shall bear his sin. And he that blasphemeth the name of HaShem, he shall surely be put to death; all the congregation shall certainly stone him; as well the stranger, as the home-born, when he blasphemeth the Name, shall be put to death. And he that smiteth any man mortally shall surely be put to death. And he that smiteth a beast mortally shall make it good: life for life. And if a man maim his neighbour; as he hath done, so shall it be done to him: breach for breach, eye for eye, tooth for tooth; as he hath maimed a man, so shall it be rendered unto him. And he that killeth a beast shall make it good; and he that killeth a man shall be put to death. Ye shall have one manner of law, as well for the stranger, as for the home-born; for I am HaShem your G-d.’ And Moses spoke to the children of Israel, and they brought forth him that had cursed out of the camp, and stoned him with stones. And the children of Israel did as HaShem commanded Moses.

Numbers 15:27-31
And if one person sin through error, then he shall offer a she-goat of the first year for a sin-offering. And the priest shall make atonement for the soul that erreth, when he sinneth through error, before HaShem, to make atonement for him; and he shall be forgiven, both he that is home-born among the children of Israel, and the stranger that sojourneth among them: ye shall have one law for him that doeth aught in error. But the soul that doeth aught with a high hand, whether he be home-born or a stranger, the same blasphemeth HaShem; and that soul shall be cut off from among his people. Because he hath despised the word of HaShem, and hath broken His commandment; that soul shall utterly be cut off, his iniquity shall be upon him.

Deuteronomy 7:1-4
When HaShem thy G-d shall bring thee into the land whither thou goest to possess it, and shall cast out many nations before thee, the Hittite, and the Girgashite, and the Amorite, and the Canaanite, and the Perizzite, and the Hivite, and the Jebusite, seven nations greater and mightier than thou; and when HaShem thy G-d shall deliver them up before thee, and thou shalt smite them; then thou shalt utterly destroy them; thou shalt make no covenant with them, nor show mercy unto them; neither shalt thou make marriages with them: thy daughter thou shalt not give unto his son, nor his daughter shalt thou take unto thy son. For he will turn away thy son from following Me, that they may serve other gods; so will the anger of HaShem be kindled against you, and He will destroy thee quickly.
Deuteronomy 13:7-11
If thy brother, the son of thy mother, or thy son, or thy daughter, or the wife of thy bosom, or thy friend, that is as thine own soul, entice thee secretly, saying: “Let us go and serve other gods,” which thou hast not known, thou, nor thy fathers; of the gods of the peoples that are round about you, nigh unto thee, or far off from thee, from the one end of the earth even unto the other end of the earth; thou shalt not consent unto him, nor hearken unto him; neither shall thine eye pity him, neither shalt thou spare, neither shalt thou conceal him; but thou shalt surely kill him; thy hand shall be first upon him to put him to death, and afterwards the hand of all the people. And thou shalt stone him with stones, that he die; because he hath sought to draw thee away from HaShem thy G-d, who brought thee out of the land of Egypt, out of the house of bondage.

Deuteronomy 17:2-7
If there be found in the midst of thee, within any of thy gates which HaShem thy G-d giveth thee, man or woman, that doeth that which is evil in the sight of HaShem thy G-d, in transgressing His covenant, and hath gone and served other gods, and worshipped them, or the sun, or the moon, or any of the host of heaven, which I have commanded not; and it be told thee, and thou hear it, then shalt thou inquire diligently, and, behold, if it be true, and the thing certain, that such abomination is wrought in Israel; then shalt thou bring forth that man or that woman, who have done this evil thing, unto thy gates, even the man or the woman; and thou shalt stone them with stones, that they die. At the mouth of two witnesses, or three witnesses, shall he that is to die be put to death; at the mouth of one witness he shall not be put to death. The hand of the witnesses shall be first upon him to put him to death, and afterward the hand of all the people. So thou shalt put away the evil from the midst of thee.

I Kings 8:41-43
Moreover concerning a stranger, that is not of thy people Israel, but cometh out of a far country for thy name’s sake; (For they shall hear of thy great name, and of thy strong hand, and of thy stretched out arm;) when he shall come and pray toward this house; Hear thou in heaven thy dwelling place, and do according to all that the stranger calleth to thee for: that all people of the earth may know thy name, to fear thee, as do thy people Israel; and that they may know that this house, which I have builded, is called by thy name.

Isaiah 2:2-4
And it shall come to pass in the last days, that the mountain of the LORD’s house shall be established in the top of the mountains, and shall be exalted above the hills;
and all nations shall flow unto it. And many people shall go and say, Come ye, and let us go up to the mountain of the LORD, to the house of the God of Jacob; and he will teach us of his ways, and we will walk in his paths: for out of Zion shall go forth the law, and the word of the LORD from Jerusalem. And he shall judge among the nations, and shall rebuke many people: and they shall beat their swords into plowshares, and their spears into pruninghooks: nation shall not lift up sword against nation, neither shall they learn war any more.

Jeremiah 10:11-15
Thus shall ye say unto them, The gods that have not made the heavens and the earth, even they shall perish from the earth, and from under these heavens. […]

Every man is brutish in his knowledge: every founder is confounded by the graven image: for his molten image is falsehood, and there is no breath in them. They are vanity, and the work of errors: in the time of their visitation they shall perish.

THEOLOGICAL AND PHILOSOPHICAL TEXTS

**Document Title:** Book of Jubilees (7:20)
**Date:** ca. 160-150 BCE

Noah began to enjoin to his sons to (1) observe righteousness, (2) to cover the shame of their flesh, (3) and to bless their Creator, (4) and honor father and mother, (5) and love their neighbor, (6) and guard their soul from fornication and all iniquity.

**Document Title:** *Life of Moses*
**Author:** Philo
**Date:** ca. 40 CE
**Source:** Neil Elliot and Mark Reasoner, *Documents and Images for the Study of Paul* (Minneapolis: Fortress Press, 2010), 197.

No, clearly by “god” (the Greek term: theon), he is not here alluding to the Primal God, the Begetter of the Universe, but to the gods (theous) of the different cities who are falsely so called…We must refrain from speaking insulting of these, lest any of Moses’ disciples get into the habit of treating lightly the name “god” in general, for it is a title worthy of the highest respect and love. But if anyone, I will not say blasphemes the Lord of gods and men, but even ventures to utter His Name unseasonably, let him suffer the penalty of death.
The start of the rabbinic era witnessed the total collapse of Jewish sovereignty. Jewish political autonomy had gradually been winnowed by Roman rule since the second century BCE, but with the destruction of Jerusalem and the Temple in 70 CE, any vestiges of Jewish independence disappeared for the next nineteen centuries. Of the major Jewish sects in the Temple era, only the Pharisees (and, depending on one's reading of the situation at the time, Christians) had the resources to survive and thrive in a post-Temple era. The Pharisees, the immediate forerunners of the rabbis, did not reject the Temple and its sacrifices, but they were not Temple-centered like the Sadducean elite. Pharisaic Judaism, because of its more portable nature, would therefore persevere even if the Temple lay in ruins. Unlike the Zealots, the Pharisees were willing to make temporizing bargains with the Romans, exchanging any claim to political authority for the preservation of religious autonomy.

No matter how much the people yearned for Zion, Judaism would now be a diaspora religion. From this new situation, new approaches to religious liberty would surface. Two significant developments emerged in the rabbinic narratives of religious liberty. First, the rabbis reversed the biblical tolerance regarding gentile idolatry. Idolatry became for them universally prohibited, without, however, any expectation that the whole world would in turn immediately become monotheistic. Of course, they had no legal mechanism or political remedy to stamp out what they considered gentile idolatry, but the absence of practical application did not hinder them from using Jewish law, halakha, to outline how Jews should approach gentile religious practice. For example, one of the Talmudic texts in this chapter forbids conducting business with gentiles three days prior to their festivals. The reason for this prohibition is that any financial gain would aid their idolatrous practices and increase their gratitude toward their gods.

A second central development at this time, and perhaps the most important for later Jewish thought about religious liberty, was the rabbinic creation of the seven Noahide laws. How could the rabbis determine the moral standing and, by extension, the religious liberty, of gentiles, who stood outside of the covenant? For those who were not obligated by Mosaic law, what measure could the rabbis employ to determine which communities were just and therefore deserving of tolerance? The seven laws settled upon by the rabbis (and enumerated in several passages in this document) are considered to be a part of natural reason, thus needing no revela-
tion. They form the Jewish understanding of natural law, a type of reasoning that permitted the rabbis, emerging from a particular revelation, to consider gentiles moral equals imbued with the same level of inherent dignity as themselves. Noahide law required neither that gentiles have a revealed law nor that they acknowledge the God of Israel, but only that they abide by these minimum moral standards.

In the absence of Jewish political authority, these laws were strictly theoretical, did not have policy implications, and could have not been implemented. Thus, rabbinic accounts of the Noahide—that is, humanity per se—were *aggadic*, not *halakhic*, underpinned by moral reasoning rather than practical law. These laws represent the strong universalist strand in Jewish moral and legal thinking about how to live with others, how to assess a community’s moral status (that is to say, its proximity to the Noahide ideal), and how to grant political legitimacy to those whose religious cult is deemed idolatrous.

One other trend in the rabbinic era merits particular attention as it appears in several texts below. The rabbis, like other religious authorities, were concerned about boundary maintenance, that is, how to deal with internal and external deviance: How far does the religious liberty of heretics (*minim*), apostates (*meshumadim*), and monotheists who were not part of the Sinaitic covenant (Christians) extend? What rights do they possess? The concern with the boundaries of Judaism—primarily, the question of who is a Jew—is a persistent theme in the many Jewish voices on religious liberty.
**Document Title:** Bava Kamma 38a  

Rabbi Joseph said: He stood and measured the earth he beheld [and drove asunder (*va-yatter*) the nations]. What did He behold? He beheld the seven commandments which had been accepted by all the descendants of Noah, but since they did not observe them, He rose up and granted them exemption (*ve-hittiran lahem*).

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**Document Title:** Avodah Zarah: Chapter 1, Mishna 1  
**Source:** Jewish Virtual Library; [http://www.jewishvirtuallibrary.org/jsource/Talmud/avodazara1.html](http://www.jewishvirtuallibrary.org/jsource/Talmud/avodazara1.html).

Three days before the festivals of the heathens it is forbidden to have any business with them. One must not lend them anything (which can be useful to them) nor borrow such from them. And the same is the case with cash money, even to pay or to receive payment is forbidden. R. Jehuda, however, maintains: To receive payment is allowed, because it is a displeasure to the payers. And he was answered: Although it is now a displeasure, it pleases them, in the future.

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**Document Title:** Shabbat 88a  
**Source:** Elliot Kaplowitz, “Purim: A New Approach to the Mitzvot?” (Yeshivat Chovevei Torah Rabbinical School, Riverdale, NY).

“And they stood under the mountain” (Exodus 19:17)  
Rav Avdini bar Chama bar Chasa said: This teaches that the Holy One Blessed is He covered them with the mountain as though it were an upturned vat, and said to them: “If you accept the Torah, fine. But if not, your burial will be there!” Rav Acha bar Yakov said: “This is a great refutation against the Torah.” Rava said, “Nevertheless, they accepted the Torah again in the days of Achashverosh, as it says *The Jews*
established and accepted (Esther 9:27). [That is to say,] they established [in the days of Achashverosh] that which they had already accepted [in the days of Moses].

Document Title: Shabbat 88b  
Source: “Shabbat 88a-b - Are We Obligated to Keep the Torah?,” The Aleph Society; http://steinsaltz.org/learning.php?pg=Daf_Yomi&articleId=2955.

The Torah says, “And Moses brought forth the people out of the camp to meet God; and they stood at the lowermost part of the mount” (Shemot 19:17). Rabbi Avdimi bar Ḥama bar Ḥasa said: the Jewish people actually stood beneath the mountain, and the verse teaches that the Holy One, Blessed be He, overturned the mountain above the Jews like a tub, and said to them: If you accept the Torah, excellent, and if not, there will be your burial. Rav Aḥa bar Ya’akov said: From here there is a substantial caveat to the obligation to fulfill the Torah. The Jewish people can claim that they were coerced into accepting the Torah, and it is therefore not binding. Rava said: Even so, they again accepted it willingly in the time of Ahasuerus, as it is written: “The Jews ordained, and took upon them, and upon their seed, and upon all such as joined themselves unto them” (Esther 9:27), and he taught: The Jews ordained what they had already taken upon themselves through coercion at Sinai.

Document Title: Sanhedrin 56b  

As for idolatry a Noahide is only considered to be prohibited (muzhar) for those idolatrous practices for which a Jewish court would execute one, but he is not prohibited for those practices which a Jewish court would not execute one.

Document Title: Sanhedrin 59a  

There is nothing permitted to Jews which is prohibited to gentiles.

Document Title: Sanhedrin 63b  

The father of Samuel said that it is forbidden (asur) for a man to set up a partnership with a gentile (shuttfut mi-nokhri), lest the gentile become obligated to swear
an oath (shevu’ah) and he swears by his god. And the Torah stated, “it shall not be heard on your mouth” (Exodus 23:13).

Document Title: Eruvin 69a-b

Said Rav Huna: Who is an apostate Israelite? One who publicly desecrates Shabbat. Rav Nahman asked him: which [tannaitic] opinion does this fit? If [you consider] the view of Rabbi Meir, who holds that “a person who is suspect with regard to one item is [consequently deemed] suspect with regard to the entire Torah,” then [one should be considered an apostate] on account of [transgressing] any of the Torah’s prohibitions! But if [you considered rather] the view of the [other] sages, well, they hold that “a person who is suspect with regard to one item is not [consequently deemed] suspect with regard to the entire Torah,” unless he is an apostate with regard to idolatry!

Said Rav Nahman b. Yitzhak: [The specific focus on observing Shabbat relates only] to the issue of ceding one’s domain or canceling one’s domain. As it was taught, “An apostate Israelite who [nevertheless] publicly observes Shabbat can cancel his domain; one who does not publicly observe Shabbat cannot cancel his domain. For it has been stated, “An Israelite can cede his domain or cancel his domain, but [from] a gentile [the neighbors] must rent it...”

Rav Ashi said: [Rav Huna’s position] fits the opinion of the following tanna, who considers [desecrating] Shabbat as equal in severity to idolatry, as it has been taught: “[‘When one of you presents an offering’ (Lev. 1:2)–‘one] of you,’ not everyone, excluding...an apostate with regard to idolatry or public desecration of Shabbat.”

Document Title: Mishna Gittin 5:8

The heathen poor should not be prevented from collecting the gleanings, the edges, or the overlooked sheaf, on account of the ways of peace.

Document Title: Tosefta Berakhot 6.2
Whoever sees idolatry should say, “blessed is the Long-Suffering One”; a place wherefrom idolatry has been extirpated, he should say, “blessed is He who has extirpated idolatry from our land. May it be Thy will O Lord our God that idolatry be extirpated from all Jewish places and that Thou wilt turn the hearts of Thy servants to serve Thee.”

THEOLOGICAL AND PHILOSOPHICAL TEXTS

Document Title: Sifre Numbers 115
Date: ca. 200

“Then you shall be reminded to observe all My commandments and to be holy to your God. I am the Lord your God, who brought you out of Egypt to be your God: I, the Lord your God” (Num. 15:40-41). […]

Similarly, when the Holy One redeemed the seed of Abraham, his friend, He did not redeem them as freemen but as slaves, so that if He issues [decrees] and they resist, He can say to them: “You are My slaves!” When they emerged into the desert, he issued to them some minor mitzvot [commandments] and some major mitzvot, such as the Sabbath, incest, fringed garments, and phylacteries. Israel started pulling away; He then said to them: “You are My slaves! It is on this condition that I redeemed you—that I shall issue [decrees] and you obey.”

“I, the Lord your God”—Why is this repeated? Is it not written already, “I am the Lord your God, who brought you out of the land of Egypt”? Why write again, “I, the Lord your God”? So that Israel should not say, “What was the point of God commanding us—wasn’t it so that we observe [His commandments] and receive a reward? Let us neither observe [His commandments] nor receive a reward!” Just as Israel asked Ezekiel (“Certain elders of Israel came to inquire of the Lord” (Ezek. 20:1)): If a slave is sold by his master, is he not then outside his power?” He answered: “Yes.” They said to him: “Since God has sold us over to the nations of the world, we are outside His power.” He answered them: “If a slave is sold by his master on condition that he be returned [after a time], is he outside his power?”

“And what you have in mind shall never come to pass—when you say, ‘We will be like the nations, like the families of the land, worshipping wood and stone.’ As I live—declares the Lord God—I will reign over you with a strong hand, and with an
outstretched arm, and with overflowing fury” (Ezekiel 20:32-33). […] I will reign over you against your will—that is why it is repeated, “I, the Lord your God.”

**Document Title:** Mekhilta Derabbi Yishmael, Bahodesh 5, 6  
**Date:** ca. 200–300  

(5) “I the Lord am your God” (Exod. 20:2). Why were the Ten Commandments not proclaimed at the beginning of the Torah?... A parable: A human king entered a province [medinah]. His servants said to him: Issue decrees upon the people. He answered: No! Once they have accepted my reign I shall issue decrees upon them. If they do not accept my reign, why should they accept my decrees?

Similarly, God said to Israel: “I the Lord am your God who brought you out of the land of Egypt. You shall have no other Gods.” He [thus] said to them: “Am I He whose reign you have accepted in Egypt?” They replied: “Yes”; [so he went on] – “Now, just as you have accepted My reign, accept My decrees.”

**Document Title:** Mishnat Rabbi Eliezer  
**Date:** ca. 700  

Section 20, 374  
Who is a ger toshav? Whoever has resolved to convert and has renounced idolatry but who still has not actually converted. We allow him twelve months to do so. This applies to a ger toshav, but as for a gentile it is forbidden for him to dwell among Jews and to work on the Sabbath lest the Jews learn from his deeds.
The medieval era marked a revolutionary change in the Jewish view of religious liberty. This was particularly clear in attitudes toward idolatry, as well as toward Christians and (to a lesser extent) Muslims, with whom Jews shared monotheism and morality but differed on matters of revelation.

For the rabbis of the Talmudic era, paganism was a living reality and was virtually synonymous with idolatry. Some early authorities maintained that Christianity had idolatrous features, the doctrines of the Trinity and incarnation figuring most prominently. But some medieval rabbis, most notably Menachem ha-Meiri, reoriented the Jewish view of Christianity. He argued that paganism as described in the Talmud was no longer active, and that Christians, despite their association (šittuf) of Jesus of Nazareth with God, were truly monotheistic. This text, as well as several excerpts below that build on it, represents a significant legal change in the status of Christians and Christianity in Jewish law. Ha-Meiri was joined in his views by the late medieval rabbi, Jacob Emden, who went even further in his positive evaluation of Christian morality. Christianity was thus no longer to be considered idolatrous despite its errant beliefs about Jesus, because Christians ultimately believe in and worship God.

Such reasoning narrowed contemporary understandings of idolatry while still managing to keep the concept alive. Jews later followed the same line of reasoning to think through the status of other traditions, in particular some of the apparently polytheistic Eastern religions. Still, Jewish tradition, like other traditions, contains many voices: Some of the passages in this section, almost exclusively mystical in nature, insist on a metaphysical distinction, which extends into the political realm, between Jews and gentiles.

Along with removing the stain of idolatry from Christianity, the medieval rabbis also eliminated some of the double standards in rabbinic law. The example in our sourcebook is the “goring ox”: the rabbis of the Talmudic era maintained that if a gentile’s ox gored a Jew’s ox, the former had to reimburse the latter, but if the situation was reversed, reciprocity was not legally demanded. Medieval rabbis, such as Meiri, reversed this legal inequality because Christians and Muslims were judged to be non-idolators unlike the pagans of antiquity.
From the beginning of Islam, Jewish authorities generally considered it monotheistic, with some *responsa* (answers to halakhic questions) of the Geonim (leaders of Babylonian Talmudic academies in the early medieval era) even allowing Jews to benefit from wine handled by Muslims because they do use wine as an offering in their ritual practice. Unlike Christianity, however, Islam did not judge the Torah as revelation, considering it a corrupted text that scrubbed out passages heralding the Prophet Muhammed. Maimonides subsequently forbade teaching Torah to Muslims.

Lastly, at the edge of the transition from the medieval to modern era it is important to note briefly the case of Spinoza—a case at the heart of developing conceptions of religious liberty. Because Spinoza publicly aired views at variance with Jewish tradition, he was placed under *herem*. *Herem* functions similarly to excommunication in Catholicism. Those put under the ban are denied public honors—reading from the Torah, being counted in a prayer quorum—and are socially ostracized. This brings up two questions about religious liberty: First, ought a religious community to have the right, protected by the state, to decide who is to be a part of it? Alternatively, does an individual have a right, enforceable by the state, not to be excluded because of their opinions and practices? We see in the passages that follow that the community did indeed exercise what it took to be a right to exclude wayward members. In the next century, thinkers such as Moses Mendelssohn would challenge this right.
It is written: “Let them be only thine own, and not strangers’ with thee” (Prov. 5:17). The Holy One blessed be He said, “I do not warn idolaters concerning idolatry, but you,” as it is said: Ye shall make you no idols (Lev. 26:1). Only to you have I given judgment, for it says: Hear this, O ye priests, and attend, ye house of Israel, and give ear, O house of the King, for unto you pertaineth the judgment (Hos. 5:1).

Not only did they [gentiles] not accept it [the Torah], but even the seven commandments which the Noahides accepted upon themselves they were unable to persevere in them, finally casting them off. When the Holy-One-Blessed-be-He saw this He therefore gave them to Israel…so Israel accepted the Torah with all its ramifications and details, plus […] those seven commandments in which the Noahides were unable to preserve and which they cast off. Israel came and accepted them.

“The words of the Lord are […] silver tried in the open before all men refined seven times seven” (Psalm 12:7). R. Yannai said: The words of the Torah were not given as clear-cut decisions. For with every word which the Holy One, blessed be He, spoke
to Moses, He offered him forty-nine arguments by which a thing may be proved clean, and forty-nine other arguments by which it may be proved unclean. When Moses asked: Master of the universe, in what way shall we know the true sense of a law? God replied: The majority is to be followed.

**Document Title:** Rashi to Gittin 9b  
**Author:** Rashi  
**Date:** ca. 1100  

They [gentiles] are not subject to Divine punishment (*kritut*) because they are not subjects of Jewish marriage and divorce; but concerning adjudication (*ba-dinim*) Noahides are commanded.

**Document Title:** Darkhe Mosheh mi-T ur Yoreh Deah  
**Author:** Moses ben Israel Isserles  
**Date:** ca. 1200  
**Source:** Alan Brill, *Judaism and Other Religions: Models of Understanding* (New York: Palgrave Macmillan, 2010).

Today, it is permitted [to form a partnership with Christians], because when they swear on their holy scriptures called the Evangelion, they do not hold it to be divine. Even though when they mention God they mean Jesus, they do not mention idolatry since they really mean the creator of heaven and earth.

Even though they mention jointly God’s name and another name, there is no prohibition to cause someone to jointly mention [or associate] God with another…since this association is not forbidden to gentiles…

**THEOLOGICAL AND PHILOSOPHICAL TEXTS**

**Document Title:** Responsa of Zarfat and Luthir 97  
**Author:** Gershom ben Judah Me’or ha-Golah  
**Date:** ca. 1000  

Answer: This is our opinion, assuming [the accuracy of] the content of the query: All Israelites are obligated to coerce and compel one another to live in accordance
with truth, justice, God’s laws and His precepts... Therefore, if the kahal [the lo-
cal, organized Jewish community] agrees together to enact decrees forming a fence
around the Torah, an individual may not exclude himself from the collective and
cancel the pronouncement of the many by saying that he did not agree to the enact-
ment. The individual, being a minority, is himself cancelled: whereas the many are
authorized to bind by oath, to decree, to place under a ban, expropriate his property,
and enact any decree...

If, God forbid, the inhabitants of another town transgressed the Torah or the law, or
decided a point of law not in accordance with halakha, the inhabitants of another
town might coerce them, and even pronounce the herem [ban of excommunication]
against them, in order to force them to mend their ways.

Document Title: Bustan al-Uqal
Author: Netanel Ibn Al-Fayyumi
Date: ca. 1150
Source: David Sidorsky, Sidney Liskofsky, and Jerome Shestack, Essays on Human
Rights: Contemporary Issues and Jewish Perspectives (Philadelphia: The Jewish Publica-
tion Society of America, 1979).

Nothing prevents God from sending unto His world whomsoever He wishes, whenever He wishes, since the world of holiness sends forth emanations unceasingly from the light world to the coarse world, to liberate the souls from the sea of matter—in the world of nature—and from destruction in the fires of Hell. Even before the revelation of the Law He sent prophets to the nations, as our sages of blessed memory explain, “Seven prophets prophesied to the nations of the world before the giving of the Torah: Laban, Jethro, Balaam, Job, Eliphaz, Bildad and Zophar.” And even after its revelation nothing prevented Him from sending to them whom He wished, that the world might not remain without religion. The prophets declared that the other nations would serve Him from the rising of the sun to the setting thereof: “For from the rising of the sun to the setting thereof great is my name among the nations.” (Malachi 1:11)

Document Title: Beit ha-Bechirah
Author: Menachem ha-Meiri
Date: ca. 1200

If the ox of a Jewgores the ox of a gentile, [the Jew] is exempt [from paying dam-
ages] because of the [limiting] law of “one’s peer,” but if a gentile’s ox gores a Jew’s, the gentile pays full damage, regardless of whether the ox is known as a goring ox or not… But according to what the gemara says, this pertains specifically to nations not restricted by the ways of religion and proper conduct. …Accordingly, all those who adhere to the seven [Noahide] commandments are treated in our [courts] as we are treated in theirs, and we do not accord ourselves favorable treatment. It therefore goes without saying that the same thing applies to nations restricted by the ways of religion and proper conduct. […]

And this relates to what we have already written concerning the Rabbis’ ban on entering a gentile’s home on his festival day to greet him, for he may recount the nature of the festival, being celebrated for the sake of some particular heavenly body or sacred figure, and [the Jew], through all the chattering about it, may be ensnared. But if he encounters the gentile in the marketplace he may greet him even on his festival day, albeit not in a manner that expresses affection or attachment, lest the gentile, having both the opportunity and the eagerness to recount the might of his idol, continue on to do so. But, in any event, none of this applies to nations restricted by the ways of religion and believing in the existence, unity, and power of God (may He be blessed), even if they go astray with respect to some matters according to our beliefs. […]

Heretics (minum) and non-believers (epiqorsim) may be directly harmed; and informers (masorot) are permitted [to be harmed] though their property may not [be used]; and one who apostatizes to idolatry is within the class of the heretics. But all of this is so only when the rubric of “Israel” continues to apply to them, for anyone who is within that rubric and disavows and desecrates the religion is subject to severe punishment, for he has become a heretic and is as one who has no religion. But one who has completely left the rubric [of Israel] and become a member of another religion is considered by us to be the same as any other member of the religion he has joined.

**Document Title:** Bet ha-Behirah, Horayot 11a  
**Author:** Menachem ha-Meiri  
**Date:** ca. 1200  
**Source:** Menachem Lorberbaum, Michael Walzer, and Noam Zohar, eds., *The Jewish Political Tradition*, vol. 2 (New Haven: Yale University Press, 2003).

It is permitted actively to harm a heretic [min], or epikoros. Informers may be
[caused] bodily [harm], but it is forbidden [to infringe on] their property. An apostate with regards to idolatry is considered a heretic.

All this applies as long as they bear the name of Israel. For whoever bears the name of Israel acts wantonly and desecrates the religion [dat] is very severely punished because he has become a heretic and [he is] like someone with no religion. It follows, then, that whoever has completely removed himself from the community and become a member of another religion is regarded by us as a member of the religion that he has joined for all matters except divorce, betrothal, and halitzah.

**Document Title:** On Sanhedrin 57a and 59a  
**Author:** Menachem ha- Meiri  
**Date:** ca. 1200  

Every Noahide whom we see, who accepts upon himself the seven commandments, is one of the pious (me-hasiday) of the nations of the world and is in the category of the religious (ba’alay ha-dat) and he has a portion in the world-to-come.

[...] And, nevertheless, anyone who engages in the essentials and the seven commandments and in their details and what is derived from them, even though most of the substance of the Torah is included therein, we honor him [...]. All the more so if his investigation (hagirato) for knowledge leads him to come to the final perfection of our Torah, until he finds it perfect and converts (yahzor ve-yitgayer).

**Document Title:** Malmad Hatalmidim  
**Author:** Jacob Anatoli  
**Date:** ca. 1250  
**Source:** Alan Brill, *Judaism and Other Religions: Models of Understanding* (New York: Palgrave Macmillan, 2010).

Noah was a saint (zaddik), yet only the seven Noahite laws were given to him and his offspring. It should not be a wonder to you that [Noah] was called a saint for these commandments alone… The righteous of the nations of the world who keep the seven commandments merit the world to come. Just as there is a commandment for Jews to establish courts in their cities, so, too, the children of Noah have
to set up courts in their cities, the righteous of the nations following their business dealings according to their courts.

**Document Title:** Commentary on the Torah  
**Author:** Nahmanides  
**Date:** ca. 1250  

In my opinion, the obligation of adjudication that was assigned to the Noahides in their seven commandments required that they not only place judges in every district, but He commanded [too] concerning such matters as stealing and cheating [...] just like the obligation of adjudication that the Jews were commanded.

**Document Title:** Keshet U-Magen  
**Author:** Shimon ben Zemah Duran  
**Date:** 1400  
**Source:** Alan Brill, *Judaism and Other Religions: Models of Understanding* (New York: Palgrave Macmillan, 2010).

And when these two sects [Christianity and Islam] are nullified then the whole world will admit to the Torah of truth and say to falsehood you lead our ancestors, vanity that does not help and will establish what is written “then the nations will turn to a pure language” (Zephaniah 3:9).

**Document Title:** An Essay Concerning the Karaites  
**Author:** Samuel b. Moses Halevi ibn Hakim  
**Date:** 1530  
**Source:** Menachem Lorberbaum, Michael Walzer, and Noam Zohar, eds., *The Jewish Political Tradition*, vol. 2 (New Haven: Yale University Press, 2003).

It is certainly prohibited to marry one who does not believe in the oral Torah. One [may not] give his daughter in marriage to a Sadducee.

[...] But the author [Samson] goes on to state that their [Karaites/Sadducees] wine is prohibited, like [that of] apostates [...].

[...] As for the descendants of those who went astray, they are clearly not liable. What is more, it is evident that these erring descendants are not punished. They are “like a child taken captive by gentiles.”
[...] Hence the descendants, in any event, are considered *anoosim* [those forced from their ancestral faith], and their status is not that of holiday desecrators and apostates....

[...] But these Sadducees [i.e., Karaites]—even though scoundrels from among us enticed their ancestors to dispute the bearers of tradition and deny their teachings—nevertheless, they are not suspected of rejecting any biblical law or any Rabbinic midrash close to the [text's] plain meaning or to [the demands of] reason [*sevara*]. Rather, they have preserved all these as they have received them from their forefathers. They also meticulously observe the subtle details of the commandments, as their ancestors instructed them. For they are the seed of Jacob and were raised to observe the commandments properly.

**Document Title:** Maaseh Hashem  
**Author:** Eliezer Ashkenazi  
**Date:** ca. 1550  
**Source:** Alan Brill, *Judaism and Other Religions: Models of Understanding* (New York: Palgrave Macmillan, 2010).

“Pour out your wrath upon the nations”

Some of the Gentiles among whom we are exiled under their protection have thought that, God forbid, we are cursing them.

It only applies to the nations that do not know Him, that deny the Exodus from Egypt because they don’t accept the miracles and wonders. It is quite clear that the Gentiles among whom we are exiled all know about the Exodus and believe in it, and know its details… We only curse the idol worshipers who don’t believe in creation and who destroyed the Temple, not the nations who became Edom and Ishmael (Christianity and Islam) because they were still not created… But now our Gentiles and the Ishmaelites know God, and acknowledge the Exodus, forefend for us to curse them from our religion.

And when we do curse those who afflict us and unjustly persecute us, that curse is not from our religion, forefend, but as a person who curses one who afflicts another…

Our holy Torah announces this in the name of the head of the faithful [Abraham] that God does not desire this, as it is written, “Will you destroy the righteous with the wicked?” And the master of the prophets [Genesis 18:23] said, “One person
will sin and the whole community should be cut off?” And from the writings it is clarified that we are not allowed from our religion to curse nations that acknowledge the Exodus from Egypt and know God even if they have not received the Torah…

**Document Title:** Etz Chaim  
**Author:** Isaac Luria  
**Date:** ca. 1570  
**Source:** Alan Brill, *Judaism and Other Religions: Models of Understanding* (New York: Palgrave Macmillan, 2010).

Israel possesses the three levels of soul, *nefesh, ruach, neshama*—from holiness… The gentiles, however, possess only the level of *nefesh* from the feminine side of the shells…for the souls of the nations, which come from the *klipot* [shells], are called evil and not ‘good’ since they are created without knowledge (*daat*). The animal soul of man is the good and evil inclination. The soul of the gentiles comes from the three *shells*: wind, cloud, and fire, all of them evil. So is the case with impure animals, beasts, and birds. However, the animal soul of Israel and the animal soul of pure animals, beasts, and birds all come from *[klipat] noga*.

**Document Title:** Various sources  
**Author:** Maharal (Yehudah ben Betzalel Loewe)  
**Date:** ca. 1500-1600  
**Source:** Alan Brill, *Judaism and Other Religions: Models of Understanding* (New York: Palgrave Macmillan, 2010).

Israel and Edom are inverse and opposite—when one is in ascent then the other is in descent.

At the beginning, Israel is connected to the nations like a shell around a fruit. At the end, the fruit is separated from the shell completely and Israel is separated from them.

The separation from idolaters makes a nation complete in itself and sustains the essence of Israel.

Idolaters are compared to water and Israel to fire. If the two substances, fire and water, are mixed together the water puts out the fire. But if the fire remains distant and separate from the water, then the fire consumes and dries out the water until nothing is left. In truth, this is the uniqueness (*segulah*) of Israel.
Yaakov Emden (1697-1776) of Hamburg is an exemplar of a traditionalist pulpit rabbi and Talmudist responding to the eighteenth-century Enlightenment who stretches the traditional inclusivist position of Maimonides into eighteenth-century directions.

We should consider Christians and Moslems as instruments for the fulfillment of the prophecy that the knowledge of God will one day spread throughout the earth. Whereas the nations before them worshipped idols, denied God's existence, and thus did not recognize God's power or retribution, the rise of Christianity and Islam served to spread among the nations, to the furthest ends of the earth, the knowledge that there is One God who rules the world, who rewards and punishes and reveals Himself to man. Indeed, Christian scholars have not only won acceptance among the nations for the revelation of the Written Torah but have also defended God's Oral Law. For when, in their hostility to the Torah, ruthless persons in their own midst sought to abrogate and uproot the Talmud, others from among them arose to defend it and to repulse the attempts.
see clearly here that the Nazarene and his Apostles did not wish to destroy the Torah from Israel, God forbid: for it is written so in Matthew (Matthew 5:17-19), the Nazarene having said, “Do not suppose that I have come to abolish the Torah. I did not come to abolish, but to fulfill. I tell you this: So long as heaven and earth endure, not a letter, not a stroke, will disappear from the Torah until it is achieved. If any man therefore sets aside even the least of the Torah’s demands, and teaches others to do the same, he will have the lowest place in the Kingdom of Heaven, whereas anyone who keeps the Torah, and teaches others so, will stand high in the Kingdom of Heaven.”

[…] The writers of the Gospels never meant to say that the Nazarene came to abolish Judaism, but only that he came to establish a religion for the Gentiles from that time onward. Nor was it new, but actually ancient; they being the Seven Commandments of the Sons of Noah, which were forgotten. The Apostles of the Nazarene then established them anew. However, those born as Jews, or circumcised as converts to Judaism (Exodus 12:49; one law shall be to him that is home born, and unto the stranger) are obligated to observe all commandments of the Torah without exception.

**Document Title:** Kreti uPleti  
**Author:** Jonathan Eybeschutz  
**Date:** ca. 1750  
**Source:** Alan Brill, *Judaism and Other Religions: Models of Understanding* (New York: Palgrave Macmillan, 2010).

The Christian nations among whom we live, generally observe the principles of justice and righteousness, believe in the creation of the world and the existence and providence of God, and in the Law of Moses and the prophets, and oppose the Sadducean view that denies the resurrection of the dead and the immortality of the soul. Therefore it is fitting to be thankful to them, to praise and extol them, and to bring upon them blessings and not, God forbid, curses.
Know that this Christian nation, who advocates the messianic claim in all their various sects, all of them are [considered] idolaters. On all their various festivals it is forbidden for us to deal with them. All Torah restrictions pertaining to idolaters pertain to them. Sunday is included among their festivals. Therefore, it is forbidden to deal at all on Sunday with the believers in the messiah. We treat Sunday as an idolatrous festival... We deal with them as we would deal with any idolaters on their festival.

And so it is with a non-Jewish city that has made peace with us, a covenant is not to be made with them until they renounce idolatry and destroy all its shrines and accept the rest of the commandments commanded to the Noahides. For any nation that has not accepted the commandments commanded to the Noahides is to be killed if under our power... And so did Moses our Master command by word from God to force all the inhabitants of the world to accept the commandments commanded to the Noahides. And whoever does not accept them is to be killed. The one who accepts them is called a ger toshav wherever, and he must accept them upon himself in the presence of three rabbinic judges.

Any gentile who does not accept the commandments of which the Noahides were commanded: we are to execute him if he is under our political control...whoever
accepts the seven commandments and is obligated to do them…because God commanded them in the Torah and made us aware through Moses our master that the Noahides were previously commanded concerning them.

Document Title: Mishneh Torah, Melakhim 8
Author: Maimonides
Date: 1170

But if he did them because of rational conclusion, he is not a ger toshav, nor one of the saints of the nations of the world, but one of their sages.

Document Title: Mishneh Torah, Laws of Idolatry 10:1-6
Author: Maimonides
Date: ca. 1180

1. No treaty is to be concluded with worshipers of an alien deity whereby we make peace with them while tolerating its worship; for it is said, “Make no treaty with them” (Deut. 7:2); they must rather abandon its worship, or be killed. It is forbidden to pity them, as it is said: “Show them no mercy (lo tehonem)” (Deut. 7:2). So if one sees a gentile worshiper of an alien deity perishing or drowning in a river, one should not extricate him; if one sees him taken to [his] death, one should not rescue him. But to directly destroy [his life] or to push him into a pit, and the like, is prohibited, because he is not at war with us.

The aforesaid pertains only to gentiles: but Israelite informers and [Israelite] heretics and epicureans we are bidden to destroy directly and cast down into the pit of perdition, because they beleaguer Israel, turning the people from the Lord, like Yeshua [Jesus] the Nazarene and his disciples […].

2. You may thus deduce that it is forbidden to heal worshippers of an alien deity, even for a fee […]. However, a resident alien—because you are committed to sustain him—is healed gratis.

3. [Idolaters] may not be sold houses or fields in the Land of Israel. […]

5. […] It is also forbidden to praise them (even to say, “How comely is this gentile’s
form,” all the more so, to praise his deeds), or to hold dear anything about them […] For this causes one to attach oneself to [the idolater] and to learn from his evil deeds. It is forbidden to give them gifts, although one may give [gifts] to a resident alien.

6. […] One should not visit a gentile at home on a [pagan] festival, to greet him; should one encounter him in the marketplace one, one greets him with a hushed voice and solemn demeanor.

7. All of the above pertains only when Israel is exiled among the nations or when the gentiles hold sway. But when Israel holds sway over the nations of the world, we are forbidden to tolerate a gentile who worships an alien deity in our midst.

**Document Title:** Mishneh Torah, Laws of Rebels 3:2-3  
**Author:** Maimonides  
**Date:** ca. 1180  
**Source:** Menachem Lorberbaum, Michael Walzer, and Noam Zohar, eds., *The Jewish Political Tradition*, vol. 2 (New Haven: Yale University Press, 2003).

2. As soon as it is made public that [a person] has repudiated the oral law, he is cast into the pit and is not rescued from it. He is placed on a par with heretics, epicureans, those who deny the divine origin of Scripture, informers, and apostates—all of whom are ruled out of the community [klal] of Israel. No witnesses or previous warnings or judges are required. Whoever puts any of them to death fulfills a great precept, for he removes a stumbling block.

3. This applies only to one who repudiates the oral law as a result of his reasoned opinions and conclusion […]. But their children and grandchildren, who, misguided by their parents, were raised among the Karaites and trained in their views, are like a child taken captive by gentiles and raised in their religion, whose status is that of an anoos [one who abjures Judaism under duress] […]. Therefore efforts should be made to bring them back in repentance […].

**Document Title:** Teshuvot ha-Rambam v’Igrotav 2:23b-24a  
**Author:** Maimonides  
**Date:** ca. 1180  
**Source:** Spertus Institute of Jewish Studies, *The Solomon Goldman Lectures*, vol. 3 (Chicago: Spertus College of Judaica Press, 1982).

You should know that God desires the heart…thus the nations of the world have
a portion in the world-to-come if they apprehend what is capable of being apprehended in terms of knowledge of the Creator, blessed be He, and ordering their souls with good morals. There is no doubt that whoever orders his soul with correct morals and correct wisdom regarding belief in the Creator, blessed be He, surely a person is one of the members of the world-to-come… Indeed the philosophers call him a godly man (*ish elohi*).

**Document Title:** Teshuvot ha-Rambam, No. 448  
**Author:** Maimonides  
**Date:** ca. 1180  

These Muslims are not at all idolators […]. For they are totally and properly committed to the One God [*yihud ke-niyy*] without deceit [*dofi*]. …And if someone says that the house that they praise [*al-Ka'ba*] is an idolatrous shine and an idol is hidden in it which their ancestors used to worship—what about it? Those who worship in its direction today, their thoughts are only for God [*eyn libbam ella lashamayim*]. They who now prostrate themselves and direct their hearts to God.

**Document Title:** Teshuvot ha-Rambam  
**Author:** Maimonides  
**Date:** ca. 1180  
**Source:** Alan Brill, *Judaism and Other Religions: Models of Understanding* (New York: Palgrave Macmillan, 2010).

It is permitted to teach the commandments to Christians and draw them to our law. But it is not permitted to teach anything from it to Muslims because it is known to you about their belief that this Torah [of ours] is not from God…and if one can convince the Christians of the correct interpretation [of Scripture], it is possible that they might return to what is good.

**Document Title:** The Writ of Excommunication Against Baruch Spinoza  
**Date:** 1656  

The Senhores of the Mahamad make it known that they have long since been cognizant of the wrong opinions and behavior of Baruch d’Espinoza, and tried various means and promises to dissuade him from his evil ways. But as they effected no
improvement, obtaining on the contrary more information every day of the horrible heresies which he practised and taught, and of the monstrous actions which he performed [...] they decided [...] that the same Espinoza should be excommunicated [...].

After the judgment of the Angels, and with that of the Saints, we excommunicate, expel and curse and damn Baruch de Espinoza with the consent of God, Blessed be He, and with the consent of all the Holy Congregation, in front of the holy Scrolls with the six-hundred-and-thirteen precepts which are written therein, with the excommunication with which Joshua banned Jericho, with the curse with which Eli-sha cursed the boys, and with all the curses which are written in 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 pardon him; the anger and wrath of the Lord will rage against this man, and bring upon him all the curses which are written in the Book of the Law, and the Lord will destroy his name from under the Heavens, and the Lord will separate him to his injury from all the tribes of Israel with all the curses of the firmament, which are written in the Book of the Law. But you who cleave unto the Lord God are all alive this day. We order that nobody should communicate with him orally or in writing, or show him any favor, or stay with him under the same roof, or within four ells of him, or read anything composed or written by him.

But you who cleave unto the Lord God are all alive this day. We order that nobody should communicate with him orally or in writing, or show him any favor, or stay with him under the same roof, or within four ells of him, or read anything composed or written by him.

Document Title: The Brody Proclamation (to ban the Hasidic movement)
Date: 1772

Whereas it has been reported throughout the camp of the Hebrews that by reason of our great sins the [sinful practice] has been rekindled, in the midst of our people, of sects and groups detaching themselves from the unified and just community, adopting new practices and evil laws. They thrown off the yoke of Torah and prefer license.
[...] Therefore the holy community has decreed by the great and awesome herem... by all the sanctions and curses written in the Torah...: that, from this day onward, it is strictly forbidden for any one of the synagogues or fixed minyanim in our community to alter—God forbid—anything of our customary formula of Ashkenazi prayer. [...] Also it is forbidden for any individual to pray other than according to the Ashkenazi liturgy [...].
Throughout the medieval period, the majority of Jews in Islamic and Christian countries lived under the kehillah system (that is, the self-governing Jewish communal structures), where local Jewish communities exercised semi-autonomous legal powers, especially in religious, civil, and personal status matters. That is to say, Jews lived under Jewish law. There was no secular public space where primary religious identities could be shelved. If any members of the Jewish community no longer wished to live under halakha, rabbinic law, their only other choice was to join another religious community. But with the enormous structural (political and economic) and cultural changes that occurred in the eighteenth and early nineteenth centuries (especially a centralizing state that would not abide a competing legal power like a kehillah), as well as a growing secularism (especially amongst the cultural elite), Jewish life began to take on the forms familiar to us today.

If Maimonides casts a long shadow over medieval Jewish thought, Moses Mendelssohn does the same for modern Judaism. His writings, especially Jerusalem, are the central philosophical texts for Jewish responses to religious liberty. Mendelssohn, a religious traditionalist in habit and practice, designed the great liberal Jewish bargain: Jews would trade their corporate status, judicial autonomy, and cultural separatism for citizenship and equality before the law, eliminating in the process both barriers to entry for professions as well as religious disabilities and tests. He also insisted, as part of this grand bargain, that the Jewish community refuse to employ herem, or excommunication. Mendelssohn viewed herem as coercion, and he argued that religious coercion, whether by the state or another body, had no place in a liberal polity. In the documents in this section, however, we see that Mendelssohn’s dream was not always reality: In the late eighteenth century, the Vilna Gaon, perhaps the most important early modern rabbinic figure, approved the excommunication of members of the hasidic movement in Lithuania, and in the early nineteenth century, Hungarian traditionalists put the nascent Reform under the herem.

In the long excerpt from the French Jewish authorities’ reply to Napoleon, we see that West European Jews were willing to sacrifice the autonomy of the kehillah—and its right to social coercion—for citizenship. Religious choice was now to be, in legal terms at least, fully voluntary, and the religious community would be pluralistic. Emancipation meant the end to (a gossamer-thin) Jewish unity, and it certainly increased dramatically the religious liberty of individual Jews. If religious belief and
practice were now private, then Jews could arrange themselves into communal groupings that would be more congenial to individual taste and choice.

Three events in modernity stand out in shaping contemporary Judaism and Jewish life. European emancipation—from which Jews received in theory, if not always in practice, equal civil, social, political, and religious rights—and the Holocaust proved immeasurably important. Yet it is the third event, the establishment of the State of Israel, that is the most germane to this sourcebook’s purposes. For the first time in almost two thousand years Jews had full political autonomy over themselves and other ethnic and religious minorities. This radically altered the state of affairs for Jews worldwide, yet it brought with it profound challenges.

In the early days of the State of Israel, Ben-Gurion made the fateful decision that what mattered most was national unity. Thus, in order to get the religious parties to go along with his policies, he traded authority in matters of personal status—for example, marriage, divorce, and conversion—to religious groups (all recognized religions in Israel have these rights) in return for their political quiescence. Israel’s official rabbinate is dominated by the Orthodox, who have actively hindered any official recognition of conversions and marriages performed by Conservative and Reform rabbis. (The conversion committee has, at times, not even recognized Orthodox conversions performed abroad.) Such issues, then, persist in Israel’s political and cultural negotiations with religious liberty, negotiations that are novel in the Jewish experience because of the lack of experience as a sovereign nation.

Israel’s Supreme Court has also issued decisions on matters of religious liberty. In the famous Brother Daniel case, a Pole of Jewish descent and a survivor of the Holocaust had converted to Roman Catholicism and become a priest. However, he still identified ethnically with the Jewish people. Israel’s Law of Return (1950) permitted any Jew to immigrate to Israel. Brother Daniel (born Oswald Rufeisen) wished to take advantage of the law, but his request to settle in Israel was denied first by the Israeli government and then by the Supreme Court (though the Court was divided in its decision). This case touches on some of the broader themes of religious liberty: who determines the boundaries of religious choice, communal and individual religious liberty, and the politics of identity.
Why are there many religions in the world? Because God gave to all nations according to what is fitting for them...Israel was worthy to the true God and the true Torah, and the pure language...

God wanted there to be religion in the world even if they are false and deceitful in order that all should worship the Divine, because if not for fear [of heaven] a person would swallow up his neighbor...

If a Confucius or a Solon should were to live among our contemporaries, I could, according to my religion, love and admire the great man without succumbing to the ridiculous desire to convert him. Convert a Confucius or a Solon? What for? Since he is not a member of the household of Jacob, our religious laws do not apply to him. And as far as the general principles of religion are concerned, we should have little trouble agreeing on them. Do I think he can be saved? It seems to me that anyone who leads men to virtue in this life cannot be damned in the next…

It is my good fortune to count among my friends many an excellent man who is not of my faith. […] I enjoy the pleasure of his company and feel enriched by it. But at no time has my heart whispered to me, “What a pity that this beautiful soul should be lost…” Only that man will be troubled by such regrets who believes that there is no salvation outside his church.
They must not base their system…on the hypothesis that Judaism and, even more so, natural religion, are inadequate means to ensure man’s salvation. Since all men must have been destined by the Creator to attain eternal bliss, no particular religion can have an exclusive claim to truth. This thesis, I dare to submit, might serve as a criterion of truth in all religious matters. A revelation claiming to show man the only way to salvation cannot be true, for it is not in harmony with the intent of the all-merciful Creator.

And to me these matters are difficult…that all the inhabitants of the earth from the rising to the setting of the sun are doomed, except us…unless they believe in the Torah which was given us as an inheritance to the congregation of Jacob alone, especially concerning a matter not at all explicit in the Torah…what will those nations do upon whom the light of the Torah has not shined at all?

I grant that we believe that our religion is the best, because we believe it to be divinely inspired. Nevertheless, it does not follow from this premise that it is absolutely best. It is the best religion for ourselves and our descendants, the best for certain times, circumstances and conditions.
Regents of the earth! If an insignificant fellow-inhabitant of it may be allowed to lift up his voice unto ye, O listen not to the counsellors, who, in smooth words, would misguide you to so pernicious an undertaking. They are either blind themselves, and cannot see the enemy of mankind lurking in ambush; or they want to blind you. If you hearken to them, our brightest jewel, freedom of conscience is lost. For your happiness’ sake, and for ours, religious union is not toleration; it is diametrically opposite to it. For your happiness’ sake, and for ours, lend not your powerful authority to the converting of a law into immutable truth, without which civil happiness may very well subsist; to the forming into a public ordinance any theological thesis, of no importance to the state. Be strict as to the life and conduct of men; make that amenable to a tribunal of wise laws; and leave thinking and speaking to us, just as it was given us, as an unalienable heirloom; as we were invested with it, as an unalterable right, by our universal father. […] Reward and punish no doctrine; hold out no allurement or bribe for the adoption of theological opinions. Let every one who does not disturb public happiness, who is obedient to the civil government, who acts righteously towards you, and towards his fellow-countrymen, be allowed to speak as he thinks fit, to pray to God after his own fashion, or after that of his forefathers, and to seek eternal salvation where he thinks he may find it. Suffer no one to be a searcher of hearts, and a judge of opinions in your states; suffer no one to assume a right which the Omniscient has reserved to himself.

[...] A union of faiths, if it were ever to come about, could have only the most disastrous consequences for reason and freedom of conscience. [...] If the goal of this universal delusion were to be realized, I am afraid man’s barely liberated mind would once again be confined behind bars. [...] Brothers, if you care for true godliness, let us not pretend that conformity exists where diversity is obviously the plan and goal of Providence. Not one among us thinks and feels exactly like his fellowman. Why, then, should we deceive each other with lies? It is sad enough that we are doing this
in our daily relations, in conversations that are of no particular importance. But why also in matters which concern our temporal and eternal welfare, our very destiny? Why should we use masks to make ourselves unrecognizable to each other in the most important concerns of life, when God has given each of us his own distinctive face for some good reason?

**Document Title:** Jerusalem: A Treatise on Ecclesiastical Authority and Judaism  
**Author:** Moses Mendelssohn  
**Date:** 1782  

According to the tenets of Judaism, all inhabitants of the earth have claim to salvation, and the means to attain it are as widespread as mankind itself, as liberally dispensed as the means of satisfying one’s hunger and other natural needs.

**Document Title:** On the Curtailment of Jewish Juridical Authority  
**Author:** Moses Mendelssohn  
**Date:** 1782  

[…] All societies have a right of expelling members; religious ones only have not: for it runs diametrically contrary to their principle and object, which is joint edification and participation in the outpouring of the heart, by which we evince our thankfulness to God for the many bounties he bestows on us, and our filial trust in his sovereign goodness and mercy. Then, with what conscience can we deny entrance to dissenters, separatists, misbelievers, or sectarians, and deprive them of the benefit of this edification? For rioters and disturbers there is the law and the police; disorders of that kind may, nay must, be restrained by the secular arm. But a quiet and inoffensive attendance at the [religious] meeting may not be forbidden even to an offender, unless we purposely want to bar him from every road to reformation [...].

I have that confidence in the more enlightened amongst the Rabbis, and elders of my nation, that they will be glad to relinquish so pernicious a prerogative, that they will cheerfully do away with all church and synagogue discipline, and let their flock enjoy, at their hands, even that kindness and forbearance, which they themselves have been so long panting for. [...] All the nations of the earth, hitherto, appear to have been infatuated by the error, that religion can be maintained by iron force—
doctrines of blessedness inculcated by unblest persecution—and true notions of
God, who, as we all acknowledge, is love itself, communicated by the workings
of hatred and ill-will only. You, perhaps, let yourselves be seduced to adopt the
same system; and the power of persecuting was to you the most important preroga-
tive which your own persecutors could bestow upon you. Thank the God of your
forefathers, thank the God who is all love and mercy, that that error appears to be
gradually vanishing. The nations are now tolerating and bearing with one another
[...]. Imitate the virtues of the nations whose vices you hitherto thought you must
imitate. If you would be protected, tolerated and indulged, protect, tolerate and
indulge one another.

Document Title: Jerusalem: A Treatise on Ecclesiastical Authority and Judaism
Author: Moses Mendelssohn
Date: 1782

God […] was, in their opinion, good enough to reveal to mankind the truths on
which their happiness depends; but he was neither omnipotent nor good enough
to grant to them the faculties of discovering them themselves. Besides, by this as-
sertion, they make the necessity of a supernatural revelation more universal than
revelation itself. For it without revelation the human race cannot but be depraved
and miserable, why have by far the greater portion thereof been living without true
revelation from the beginning, or why must both the Indies wait until the Europe-
ans are pleased to send them some comforters, to bring them tidings.

Document Title: Letter to George Washington
Author: Moses Seixas
Date: 1790
Source: http://www.jewishvirtuallibrary.org/jsource/loc/washington.html

Sir:
Permit the children of the stock of Abraham to approach you with the most cordial
affection and esteem for your person and merits—and to join with our fellow citi-
zens in welcoming you to Newport.

Deprived as we heretofore have been of the invaluable rights of free citizens, we now
with a deep sense of gratitude to the Almighty Disposer of all events behold a Gov-
ernment, erected by the Majesty of the People—a Government, which to bigotry
gives no sanction, to persecution no assistance—but generously affording to all lib-
erty of conscience, and immunities of citizenship: deeming every one, of whatever Nation, tongue, or language equal parts of the great governmental machine. [...] 

For all these blessings of civil and religious liberty which we enjoy under an equal benign administration, we desire to send up our thanks to the Ancient of days, the great Preserver of men beseeching him, that the angel who conducted our forefathers through the wilderness into the promised land, may graciously conduct you through all the difficulties and dangers of this mortal life: And, when, like Joshua full of days and full of honour, you are gathered to your Fathers, may you be admitted into the Heavenly Paradise to partake of the water of life, and the tree of immortality.

Done and signed by order of the Hebrew Congregation in Newport, Rhode Island, August 17, 1790.

Document Title: The Nineteen Letters of Ben Uzziel
Author: Samson Raphael Hirsch
Date: ca. 1830
Source: Alan Brill, Judaism and Other Religions: Models of Understanding (New York: Palgrave Macmillan, 2010).

[...] The Torah and the Jewish religion are unique in that they are not created by man. This objectivity separates Judaism in an un-ambiguous way from all other religions. Therefore, it alone is absolute and is above all human development because the other religions are based on the grasp of God by man during a given epoch; therefore they evolve with mankind and its enlightenment.

Document Title: Tiferet Yisrael
Author: Rabbi Israel Lipschutz
Date: ca. 1850
Source: Alan Brill, Judaism and Other Religions: Models of Understanding (New York: Palgrave Macmillan, 2010).

Rabbi Elazar ben Azaryah said, “If there is no Torah there is no civilization [derech eretz].” The word “Torah” here cannot be meant literally, since there are many ignorant people who have not learned it, and many pious among the gentiles who do not keep the Torah and yet are ethical and follow the “way of the land.”
And I will make you into a great nation, and I will bless you, and I will make your name great; become a blessing (Gen. 12:2).

The people of Abraham, in private and in public, follow one calling: to become a blessing. They dedicate themselves to the Divine purpose of bringing happiness to the world by serving as model for all nations and to restore mankind to the pure spiritual status that Adam had possessed. God will grant His blessing of the renewal of life and the awakening and enlightenment of the nations, and the name of the People of Abraham shall shine forth.

[...] The distinction between Israel and the nations continuously lessens through the influence of the mission of Israel and quiet exemplar activities amidst the nations.

Dear Rabbi! Voluntary membership in a religious community of necessity implies the espousal of the principle to which that religious community subscribes. Everything that this community does in matters of religion is done with the consent of every single member who is and remains a member of the community of his own free will. A community consists only of the sum total of all its members, and whatever is done, is done in the name of all. That is a truth that all arguments and mental reservations in the world cannot alter even by a hair’s breadth. An Orthodox Jew who remains a member of the Reform community, even though he can and does have the use of all the religious institutions he needs elsewhere, remains a member of that Reform community only for the sake of being a member. He thereby makes it clear beyond question that his personal religious conscience approves of the idea that Jews may create and support, for use by non-Orthodox Jews, Reform institutions that violate religious law.
It is difficult to believe that you were fully aware of the implications of your statement. Your statement sets forth, in unequivocal terms, that Reform has full legitimacy in the eyes of the Orthodox, as long as it tolerates the existence of Orthodoxy at its side and accords it proper consideration. In other words, the Orthodox conscience can accept the existence, before the One sole God and His one sole Law, of two kinds of Judaism, each co-equal with the other—the one with the Torah and the other against the Torah, all depending on the views of the individual. In your view, even the most extreme Reform community is “kashered” if its members maintain “kosher” institutions.

Now, our codes of law command us to keep a much greater distance from heresy than even from idolatry. We are commanded to stay much further away from contact with Jewish elements that are opposed in principle to Jewish law and truth than from the dealings with idolatrous paganism [...] contact with Jews who are opposed in principle to Jewish law and truth is far more likely to lead a Jew astray than dealing with outright idolatry. Consequently, it is clear beyond question that anything forbidden to us with regard to idolatry is forbidden even more emphatically with regard to heresy.

It is my most profound and earnest belief that only a separation such as had been made possible, thank God, by the Law of July 28, 1876, can bring healing also in our day for the diseased conditions that have prevailed among German Jewry for more than half a century. Anyone who is sincere in his adherence to religious truth, to whom anything religious is not just a jumble of meaningless forms that can be muddled at will, must give his support to such a separation. One who would attempt to hold up secession is delaying our spiritual redemption.

Document Title: Talmudic Judaism and Society
Author: Samson Raphael Hirsch
Date: 1884
Source: Alan Brill, Judaism and Other Religions: Models of Understanding (New York: Palgrave Macmillan, 2010).

Judaism does not say, “There is no salvation outside of me.” Although disparaged because of its alleged particularism, the Jewish religion actually teaches that the upright of all peoples are headed toward the highest goal.
Nothing more is demanded. The belief in the Jewish God is not demanded. [...] The Noahide is not a believer but a citizen (Staatsbürger). Therefore, this institution constitutes a unique factor in the history of religious politics… The positive connection with the faith community (Glaubensgemeinschaft) is not constituted as necessary for the civil community. [...] The Noahide was not recognized as a believer but as a moral (sittlicher) human being.

All Jewish proselytism is shown to be inconsistent with the original teaching. The Torah never looks upon men outside the Jewish faith as men doomed to damnation whose only hope of salvation would be their conversion to Judaism. All that is necessary for them is to be pure men, not Jews. By the faithful observance of general human duties they will, as his children, earn their share of the grace of their and our God.

You are called “men,” and not the other nations, [the meaning is] that the Gentiles were deprived of the title “men” only where Israel were called “men,” because in comparison to Israel, who are the primary form of man in the Divine Chariot, it is irrelevant to call any of the Gentiles “men”; at most, they are like animals in the form of men. Taken as themselves, however, all the children of Noah are considered men...and when the Messiah comes...they too will recognize and admit that there are none called “man” except Israel...anyway, in comparison to Israel even now they are in the category of animals.
Shall we end by having a theocracy? No, indeed. Faith unites us, knowledge gives us freedom. We shall therefore prevent any theocratic tendencies from coming to the fore on the part of our priesthood. We shall keep our priests within the confines of their temples in the same way as we shall keep our professional army within the confines of their barracks. Army and priesthood shall receive honors high as their valuable functions deserve. But they must not interfere in the administration of the State which confers distinction upon them, else they will conjure up difficulties without and within.

Every man will be as free and undisturbed in his faith or his disbelief as he is in his nationality. And if it should occur that men of other creeds and different nationalities come to live amongst us, we should accord them honorable protection and equality before the law.

The religious Christian serving the same God and observing the laws of his religion, must be treated like a resident alien (ger toshav) and as such, according to the strict Jewish law, can demand our moral and financial support. The heathen, hostile to God, is not covered by the law; mercy alone motivates our relationship to him.

There is no room for Ghetto Judaism in America. Look at any of the creeds and churches in our free land! They are all more tolerant, more liberal, more humane and sympathetic in their mutual relations than those in Europe. Our free institu-
tions, our common school education, our enlightening press and pulpit, with their appeal to common sense, enlarge the mental and social horizon and render progress the guiding maxim. Least of all could Judaism retain its medieval garb, its alien form, its seclusiveness, in a country that rolled off the shame and the taunt of the centuries from the shoulders of the wandering Jew, to place him, the Pariah of the nations, alongside of the highest and the best, according to his worth and merit as a man, and among a people that adopted the very principles of justice and human dignity proclaimed by Israel’s lawgivers and prophets, and made them foundation stones of their commonwealth.

American Judaism! What a power of inspiration lies in these two words! They spell the triumph of the world’s two greatest principles and ideals, the consummation of mankind’s choicest possessions, the one offered by the oldest, the other by the youngest of the great nations of history, the highest moral and spiritual and the highest political and social aim of humanity; the God of righteousness and holiness to unite and uplift all men and nations, and the Magna Carta of liberty and human equality to endow each individual with God-like sovereignty.

Document Title: Orot haKodesh
Author: Abraham Issac Kook
Date: 1920s
Source: Alan Brill, Judaism and Other Religions: Models of Understanding (New York: Palgrave Macmillan, 2010).

Since the manner that human thought and feeling connects with the infinite supernal Divine light needs to be in a multiplicity of colors, therefore every nation and society must have a different spiritual way of life.

Document Title: Orot haKodesh
Author: Abraham Issac Kook
Date: 1920s
Source: Alan Brill, Judaism and Other Religions: Models of Understanding (New York: Palgrave Macmillan, 2010).

Rabbi Abraham Isaac Kook (1865-1935) was the first Ashkenazi chief rabbi of the Zionist return to the land of Israel. His writings embrace modernism by offering a vision of the restored land of Israel, a vision at once evolutionary and Hegelian while at the same time mystical and messianic. Offering a Zionist dream of renewal of religious Judaism, his influence is widespread and significant. Since the manner that human thought and feeling connects with the infinite super-
nal Divine light needs to be in a multiplicity of colors, therefore every nation and society must have a different spiritual way of life.

**Document Title:** Shemoneh Kevazim  
**Author:** Abraham Isaac Kook  
**Date:** ca. 1920s-1930s  
**Source:** Alan Brill, *Judaism and Other Religions: Models of Understanding* (New York: Palgrave Macmillan, 2010).

From [the church’s] wickedness and opinions do not take any aid or support, even from the good aspects. One needs to be careful to avoid the ideas that appear or agree with the good and holy that are found in its treasures...only by separation and loathing, and by absolute resolution not to benefit or to accept any good from their disgusting treasure. Specifically, in this one should fortify the will, clarify the mind, strengthen the good, thereby all that was stolen from the self will return to its place, and Israel will be strong.

**Document Title:** Arpelei Tohar  
**Author:** Abraham Isaac Kook  
**Date:** 1934  
**Source:** Alan Brill, *Judaism and Other Religions: Models of Understanding* (New York: Palgrave Macmillan, 2010).

As for other religions, in my opinion, it is not the goal of Israel’s light to uproot or destroy them, just as we do not aim for the general destruction of the world and all its nations, but rather their correction and elevation. Then, of themselves, they shall join the Source of Israel, from whence a dew of light will flow over them.

[…] It is necessary to study all of the wisdoms in the world, all ways of life, all different cultures, along with the ethical systems and religions of all nations and languages, so that, with greatness of soul, one will know how to purify them all.

**Document Title:** Igrot Harayah  
**Author:** Abraham Isaac Kook  
**Date:** 1935  
**Source:** Alan Brill, *Judaism and Other Religions: Models of Understanding* (New York: Palgrave Macmillan, 2010).

The brotherly love of Esau and Jacob, Isaac and Ishmael, will transcend all confusions...the old method of choosing one path to patiently follow can no longer exist
or continue. In the beginning of our path, we need to develop and evolve to grasp an integration of the paths to synthesize them into a secure tranquility.

**Document Title:** Hazon Ish, Yoreh Deah 15  
**Author:** Abraham Yeshayah Karelitz  
**Date:** 1930  
**Source:** Menachem Lorberbaum, Michael Walzer, and Noam Zohar, eds., *The Jewish Political Tradition*, vol. 2 (New Haven: Yale University Press, 2003).

Branding secular Jews as apostates led orthodox Jews to a separatist position—and to a dangerous hostility: applying the law of “pushing them down into the pit” could spark violence. Karelitz seeks to avoid this consequence. His enormous prestige as a halakhist and a saintly man ensured that this argument would shape the attitude of most ultraorthodox Jews toward their secular contemporaries in Israel.

It seems that the law of pushing [apostates] down [into a pit] applies only at a time when God’s providence is manifest, such as the time when miracles were prevalent and the *bat kol* [heavenly voice] was heard, and the righteous [tzaddikim] of the generation enjoyed particular providence, visible to all. Heretics then were particularly perverse, for they turned their inclinations toward desire and licentiousness. The destruction of the wicked then [upheld] the fence of the world, because everyone knew that leading the generation astray brings calamities...plague, war and hunger in the world.

However, at a time [when God’s providence is] concealed, when faith has perished from the common folk, the act of pushing down does not mend the breach, just widens it. For they would perceive this act as destructive violence, God forbid. Now, since our entire purpose is to repair [tikkun], this law does not apply when no repair [can be] achieved. Rather, we should draw [the sinners] back with “cords of love” (Hosea 11:4) and enlighten them, insofar as this is within our reach.

**Document Title:** The Pentateuch and Haftorahs  
**Author:** Joseph Hertz  
**Date:** 1938  
**Source:** Alan Brill, *Judaism and Other Religions: Models of Understanding* (New York: Palgrave Macmillan, 2010).

Chief Rabbi of England Rabbi Joseph Herman Hertz (1872-1946) was an important rabbinical figure because of his post, his writings, and his political activities, especially his widely used The Pentateuch and Haforahs.
Even the heathen nations that worship the heavenly hosts pay tribute to a Supreme Being, and in this way honour My name; and the offerings which they thus present (indirectly) unto Me are animated by a pure spirit, God looking to the heart of the worshipper. This wonderful thought was further developed by the Rabbis, and is characteristic of the universalism of Judaism.

Document Title: Judaism and National Home  
Author: Isaac Breuer  
Date: 1946  

Nation and national territory are united by the law of God into the state. The state is not the source of law, but wholly and completely subject to the law of God. The state is the first servant of the law. Its supreme task is the realization of divine law. The nation as a community of the law precedes the state in both terms and time, and it is never merged in it.... The community of the law remains in existence also within the state, at all times prepared to oppose and, indeed, to fight the state, should it abuse the power entrusted to it.

Document Title: Excerpt from a private letter  
Author: Jehiel Weinberg  
Date: 1965  

As in Christianity’s internal development, the logic of the worthlessness of other faiths inexorably led to reduced respect for the decency and humanity of their practitioners. A powerful and widespread moral judgment grew in which gentiles were considered less than fully human or less than images of God; non-Jews were worthy of less ethical responsibility, the object of fewer obligations to help and to heal. In 1965, Rabbi Jehiel Jacob Weinberg, a towering figure in modern Orthodoxy, wrote a private letter articulating an impassioned protest at the cumulative moral cost of these attitudes.

In my opinion, it is fitting to put an end to the hatred of the religions for each other. More than Christianity hates Judaism, Judaism hates Christianity. There is a dispute if stealing from Gentiles is forbidden from the Torah. […] The law of a gentile is the same as that of an animal. […] We must solemnly and formally declare that in our days this does not apply.
2. What is the status of Arabs of the Muslim religion? Are they to be considered as resident aliens \([\text{ger toshav}]\)? That Muslims are in no way categorized as idolators is quite clear; this is the definitive ruling of Maimonides. The question is only whether, even if they are no longer idolators, they are not yet resident aliens \([\text{ger toshav}]\). For even though they observe the seven commandments, and much more, observe the commandments to do charity and that of the prayer to the one God, and so, they never accepted even the seven commandments in the presence of an Israelite court[…]

4. [With respect to] purchasing real estate in the Land of Israel: Sale of real estate to gentiles in the Land of Israel is explicitly prohibited. This does not mean that the government \([\text{malkhut}]\) of Israel is legally empowered to expropriate their holdings...

5. With regard to tolerance toward their worship: This certainly presents no difficulty.... We are only commanded to uproot idolatry from our land and to disallow gentiles from practicing idolatry in it. But as the Ishmaelites are not idolators, there is no question here at all.

[[…]) Just as the sages said that heathens outside the land are not real idolators—rather, “the [merely] maintain their ancestor’s practices” (Hullin 13b)—so too contemporary Christians, even Catholics, are not idolators in the original sense of the term; rather, their heart is to heaven, even though they cannot resolve the contradiction between monotheism and the Trinity in their own minds.

7. With regard to their worship: As to the Protestants, their faith is in the worst case [only a matter] of adding to the deity, and their worship does not involve statues but only the cross, which is clearly not an object of worship but a symbol. Yet even regarding the Catholics, we know that they do not worship statues as deities but rather by way of adoring the persons therein. Now, although we are certainly forbidden to enter their places of worship...the question here is whether we are commanded to forcibly bar this worship in a Jewish state. With regard to this, I say that we would not be sinning against our holy Torah were we to tolerate its existence.
For Protestants, [it is permitted to maintain their Churches] since even in the worst case their faith is not anything but association. They do not use statues in their worship only the cross and it is clear that it is only a symbol for remembrance alone and not for worship. But also Catholics know that they are not worshipping the statue as a god but to proclaim the power of those people that the image depicts. Therefore it is certain that we commanded to avoid entrance to their places of prayer just as it is forbidden for us to have association (shituf), to use their religious objects, and to maintain distance for the very purpose of the distance.

But here the question is if we are required to prevent this worship with power of the Jewish state? According to this I say: We are not sinning against our holy Torah if we tolerate their existence because it is unclear if it is mandated from the Torah... and in time of great need even doubts about Torah law are judged leniently... And it is permitted to prevent hatred...and this is passive not active.

I believe that no state whatsoever, in the past, present, or any foreseeable future, in any society, in any era, in any culture, including the Jewish culture, ever was or will ever be anything but a secular institution. The function of the state is essentially secular. It is not service of God. Whenever the Jews had a state, the history of that state was that of a continuous struggle between religion and political leadership. [...] Some twenty years ago I had a lengthy conversation with Ben-Gurion, whose attitude toward Judaism is well known to you, about the problem of religion and state. He said to me: “I understand very well why you demand the separation of religion from the state. You want the Jewish religion to be reinstated as an independent factor with which the political authority will have to contend. Therefore I shall
never agree to the separation of state and religion. I want the state to hold religion under its control.” The official representatives of Jewish religion are resigned to this state of affairs; even worse, they count on being “kept” by the secular government.

The state, as such, has no religious value. No state ever had. Political achievements, conquests, victories—none of these are religiously significant.

**Document Title:** Proofs for the True Israel  
**Author:** Shlomo Aviner  
**Date:** Unknown; Shlomo Aviner b. 1943  
**Source:** Alan Brill, *Judaism and Other Religions: Models of Understanding* (New York: Palgrave Macmillan, 2010).

The state of Israel was established by Divine decree, this negates the fundamental principle of Catholic theology, founded on the eternal punishment of Israel. Wandering in exile provides the truth of Christianity.… The [State of Israel] proves that the Jewish people…are the true Israel.

Christianity is the number one enemy of the state of Israel. With the Arabs we have a non-essential neighbors quarrel…. But with Christianity it is cosmological in essence, whether we are the Jewish people or not.

**Document Title:** Peace without Conciliation: The Irrelevance of “Toleration in Judaism”  
**Author:** Adin Steinsaltz  
**Date:** 1995  
**Source:** Alan Brill, *Judaism and Other Religions: Models of Understanding* (New York: Palgrave Macmillan, 2010).

Judaism, despite the absolute and exclusionary quality of its monotheism, has a side that tends toward openness and toleration. This side of Judaism has also an expression in the Jewish abstention from proselytizing. Even ultimately, Judaism does not view itself as the religion of all people. It is the religion of the Jews alone and is, for almost all its practitioners, inherited. The assumption that Judaism is the religion of one people (and a few unsought converts) is emphatically a normative principle and is important to our discussion because it suggests that, within Jewish doctrine, there is room for the religious beliefs of others.

[…] In the ancient religions grouped under the name of Hinduism, there are many gods and local shrines, but the theological principles that guide belief and provide
a uniformity of moral standards assume that all the deities revered in India or elsewhere are forms of, expressions of, or names for, one ultimate reality or God.

[...] The essential point of the Noahide laws is that the standards of Jewish law do not apply to non-Jews. Radically pure monotheism is expected by Judaism only from Jews. The Noahide laws do not preclude gentile religions from developing softer, more complex, and compromised forms of monotheism. Under the Noahide laws, it is possible to assume that Hinduism and Buddhism are sufficiently monotheistic in principle for moral Hindus and Buddhists to enter the gentiles’ gate in heaven. Jewish law regards the compromises made or tolerated by the world’s great religions as ways of rendering essentially monotheistic theologies easier in practice for large populations of adherents.

Document Title: The Dignity of Difference: How to Avoid the Clash of Civilizations
Author: Jonathan Sacks (chief rabbi of England)
Date: 2002

Judaism is a particularist monotheism. It believes in one God but not in one religion, one culture, one truth. The God of Abraham is the God of all mankind, but the faith of Abraham is not the faith of all mankind.

There is a difference between God and religion. God is universal, religions are particular.

LEGAL AND POLITICAL TEXTS

Document Title: Answers to Napoleon
Author: Assembly of Jewish Notables
Date: 1806
Source: http://people.ucalgary.ca/~elsegal/363_Transp/Sanhedrin.html

Third Question:
Can a Jewess marry a Christian, and a Jew a Christian woman? Or does the law allow the Jews to marry only among themselves?

Answer:
The law does not say that a Jewess cannot marry a Christian, nor a Jew a Christian
woman; nor does it state that the Jews can only marry among themselves. The only marriages expressly forbidden by the law, are those with the seven Canaanite nations, with Amon and Moab, and with the Egyptians. The prohibition is absolute concerning: the seven Canaanite nations: with regard to Amon and Moab, it is limited, according to many Talmudists, to the men of those nations, and does not extend to the women; it is even thought that these last would have embraced the Jewish religion. As to Egyptians, the prohibition is limited to the third generation. The prohibition in general applies only to nations in idolatry. The Talmud declares formally that modern nations are not to be considered as such, since they worship, like us, the God of heaven and earth. And, accordingly, there have been, at several periods, intermarriages between Jews and Christians in France, in Spain, and in Germany: these marriages were sometimes tolerated, and sometimes forbidden by the laws of those sovereigns, who had received Jews into their dominions.

Unions of this [i.e., interreligious] kind are still found in France; but we cannot deny that the opinion of the Rabbis is against these marriages. According to their doctrine, although the religion of Moses has not forbidden the Jews from intermarrying with nations not of their religion, yet, as marriages, according to the Talmud, requires religious ceremonies called Kiduschim, with the benediction used in such cases, no marriage can be religiously valid unless these ceremonies have been performed. This could not be done towards persons who would not both of them consider these ceremonies as sacred; and in that the married couple could separate without the religious divorce; they would then be considered as married civilly but not religiously.

Such is the opinion of the Rabbis, members of this assembly. In general they would be no more inclined to bless the union of a Jewess with a Christian, or of a Jew with a Christian woman, than Catholic priests themselves would be disposed to sanction unions of this kind. The Rabbis acknowledge, however, that a Jew, who marries a Christian woman, does not cease on that account, to be considered as a Jew by his brethren, any more than if he had married a Jewess civilly and not religiously.

Questions:
What police jurisdiction do Rabbis exercise among the Jews?
What judicial power do they enjoy among them?

Answer:
The Rabbis exercise no manner of Police Jurisdiction among the Jews. It is only in the Mishnah and in the Talmud that the word Rabbi is found for the first time ap-
plied to a doctor in the law; and he was commonly indebted for this qualification to his reputation, and to the opinion generally entertained of his learning.

When the Israelites were totally dispersed, they formed small communities in those places where they were allowed to settle in certain numbers.

Sometimes, in these circumstances, a Rabbi and two other doctors formed a kind of tribunal, named Beth Din, that is, House of Justice; the Rabbi fulfilled the functions of judge, and the other two those of his assessors.

The attributes, and even the existence of these tribunals, have, to this day, always depended on the will of government under which the Jews have lived, and on the degree of tolerance they have enjoyed. Since the revolution those rabbinical tribunals are totally suppressed in France, and in Italy. The Jews, raised to the rank of citizens, have conformed in every thing to the laws of the state; and, accordingly, the functions of Rabbis, wherever any are established, are limited to preaching morality in the temples, blessing marriages, and pronouncing divorces.

**Document Title:** These are the Words of the Covenant  
**Author:** Hamburg Rabbinical Court  
**Date:** 1818  

It is forbidden to change the worship in Israel... [or] to make any deletions in the traditional liturgy. It is forbidden to pray in any language other than the holy tongue.

**Document Title:** Responsa Binyan Tziyyon: New Responsa, 23  
**Author:** Jacob Ettlinger  
**Date:** ca. 1860  
**Source:** Menachem Lorberbaum, Michael Walzer, and Noam Zohar, eds., *The Jewish Political Tradition*, vol. 2 (New Haven: Yale University Press, 2003).

[…] Your esteemed Honor has written of your practice of prohibiting the drinking of wine touched by an Israelite who publicly desecrates Shabbat, because he is an apostate with regard to the entire Torah. You proved this from the Nekudot ha-Kesef, citing Rabbi Samson who prohibits drinking wine touched by Karaites because they desecrate the holidays and they are [equivalent to] desecrators of Shabbat. But there are those who disagree with this ruling.
In my humble opinion, you are right, because a public desecrator of Shabbat is [considered] an apostate with regard to the entire Torah and the [legal] status of an idolator.

[...] [One might respond] that the decree [prohibiting] the wine of gentiles is [only to prevent marriages with] their daughters, but there is no prohibition against [marrying] the daughters of desecrators of Shabbat. This is wrong. For if this were the case, wine touched by an apostate with regard to idolatry would not be prohibited--but his wine is prohibited. [The underlying assumption must be]... that since [the Jewish idolator] is like a complete gentile, the decree applies to him too, even though one may marry his daughters. Therefore, the same applies to an apostate with regard to public desecration of Shabbat.

[...] Thus far we have discussed the legal principle of a public desecrator of Shabbat. However, regarding contemporary Israelite sinners I do not know how I ought to rule. For on account of our many sins, the sore has spread and multiplied [to such a degree] that the desecration of Shabbat has come to be treated as permissible among the majority. Shouldn't they be considered [under the category of] one who [mistakenly] believes that a prohibited act is permitted, whose [transgression] is not quite intentional?

There are those among them who pray the Shabbat prayers and recite the kiddush and afterwards transgress the rabbinic or biblical laws of Shabbat. But a desecrator of Shabbat is considered an apostate solely because one who denies Shabbat denies the creation and the Creator. They, however, affirm [creation and the existence of the Creator] through their prayers and recitation of the kiddush. And certainly [the wine touched by] their children... [is permissible]. They who neither know nor have heard of the laws of Shabbat exactly resemble the Sadducees who have not been considered apostates even though they desecrate Shabbat.

[...] Therefore, in my humble opinion, whoever acts stringently, treating wine touched by these sinners as nesekh wine, will be blessed. But the lenient likewise have a case.

Document Title: Noahide Law
Author: Elijah Benamozegh
Date: 1863
The Noachide, apart from universal law, may also observe whatever Mosaic precepts he chooses. “If he wishes to fulfill one of the other commandments of the Law [says Maimonides], he should not be prevented from doing so just because his own law does not require it.” Thus, the entire Law of Moses is available to the Noachide. He can take from it what he wants, so that his own personal code, which consists of a small number of obligations which cannot be set aside for any reason, can, if he desires, be augments with such Mosaic observances as he wishes to practice as well.

As regards ethics...we see God approving or condemning, rewarding or punishing the Gentiles—appraising their conduct, whether as Lawgiver or Judge, and doing this with reference to a higher law to which they are held as responsible as the Israelites, which is in fact the same for all men. This universal moral standard is invoked not only in the pagan’s relation to God but all in his relation to Israel, and in a general way in the relations of all men with one another. It is this standard which obliges Israel to treat even idolators, their religions (and, very often, political) enemies, with justice and charity.

Document Title: Malki ba-Kodesh 2:3
Author: Hayyim Hirschenson
Date: 1921

[Regarding Jews who publicly desecrate Shabbat and yet] are magnanimous and virtuous [persons] who love their people and whatever promotes it honor: among them are saviors of Zion, shepherds, and princes of men. The great light of the sciences, however, has blinded them, and they cannot see clearly. They err—in thought and deed—with regard to some of the fundamental principles of the Torah. In purity of heart and with clean hands, they transgress...severe prohibitions regarding matters of great importance for the religion of Israel.

Document Title: The Palestine Order in Council (the British mandate in Palestine)
Date: 1922
Source: http://unispal.un.org/UNISPAL.NSF/0/C7AAE196F41AA055052565F50054E656

18. The Legislative Council shall have full power and authority, without prejudice to the powers inherent in, or reserved by this Order to, His Majesty, and subject always to any conditions and limitations prescribed by any Instructions under the Sign Manual and Signet, to establish such Ordinances as may be necessary for the
peace, order and good government of Palestine, provided that no Ordinance shall be passed which shall restrict complete freedom of conscience and the free exercise of all forms of worship, save in so far as is required for the maintenance of public order and morals; or which shall tend to discriminate in any way between the inhabitants of Palestine on the ground of race, religion or language. […]

83. All persons in Palestine shall enjoy full liberty of conscience, and the free exercise of their forms of worship subject only to the maintenance of public order and morals. Each religious community recognised by the Government shall enjoy autonomy for the internal affairs of the community subject to the provisions of any Ordinance or Order issued by the High Commissioner.

**Document Title:** The Declaration of the Establishment of the State of Israel  
**Date:** 1948  
**Source:** [http://mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/Declaration%20of%20Establishment%20of%20State%20of%20Israel.aspx](http://mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/Declaration%20of%20Establishment%20of%20State%20of%20Israel.aspx)

THE STATE OF ISRAEL will be open for Jewish immigration and for the Ingathering of the Exiles; it will foster the development of the country for the benefit of all its inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations.

**Document Title:** Excerpt from Speech  
**Author:** David Ben-Gurion  
**Date:** ca. 1950  
**Source:** [http://www.jewishvirtuallibrary.org/jsource/Society_&_Culture/freedom.html](http://www.jewishvirtuallibrary.org/jsource/Society_&_Culture/freedom.html)

The convenient solution of separation of church and state, adopted in America not for reasons which are anti-religious but on the contrary because of deep attachment to religion and the desire to assure every citizen full religious freedom, this solution, even if it were adopted in Israel, would not answer the problem.
[Silberg:] I have pondered deeply upon this question and have considered it in all its aspects. I have reached the conclusion that what Brother Daniel is asking us to do is erase the historical and sanctified of the term “Jew” and to deny all the spiritual values for which our people have their lives in different periods of our long dispersion... Our history would lose its unbroken continuity and our people begin numbering its days from the emancipation which followed the French Revolution. A sacrifice such as this no one is entitled to ask of us, even one so meritorious as the petitioner before the court.

2. The question of law before us is very simply the meaning of the expression “Jew” as used in the Law of Return, 1950. Does it also include a Jew who has changed his religion and been baptized as a Christian but who still feels and regards himself as a Jew in spite of his conversion?

[...] I shall not rely here on the well-known dictum that “A Jew, even if he has sinned, remains a Jew,” since, as some writers have already pointed out, it may well be that this dictum is more in the nature of a homily (aggadah) than a rule of law (halakhah).

[...] It is otherwise with the Law of Return. For all its immense historical importance, this...is a secular Law, and in the absence of definition in the statute itself or in the decided cases, we must interpret its terms according to their ordinary meaning, taking into consideration, when departing from the ordinary sense, the legislative purpose behind its provisions. And because the Law of Return is an Israeli statute, originally enacted in Hebrew...the term “Jew” must be interpreted in the sense that it is understood by Jews, for they are nearest to the subject matter of the Law, and better than they know the essential content of the term “Jew”?

Once more the question must be asked, what is the ordinary Jewish meaning of the term “Jew,” and does it include a Jew who has become a Christian?

5. The answer to this question is, in my opinion, sharp and clear—a Jew who has become a Christian is not deemed a “Jew.”
[...] But there is one thing that is shared by all Jews who live in Israel (save a mere handful) and that is that we do not cut ourselves off from our historic past nor deny our ancestral heritage.

[...] Whether...religious, non-religious, or anti-religious, the Jew living in Israel is bound, willingly or unwillingly, by an umbilical cord to historical Judaism, from which he draws his language and its idiom, whose festivals are his own to celebrate, and whose great thinkers and spiritual heroes—not the least of whom are the martyrs of [the crusaders of] 1096 and those who perished at the stake in Spain—nourish his national pride. Would a Jew who has become a Christian find his place in all this? What can all this national sentiment mean to him? Would he not see in a different light and appraise by other standards our draining to the dregs the bitter cup from which we drank so deeply in those dark Middle Ages? Certainly, Brother Daniel will love Israel. This he has proved beyond all doubt. But such love will be from without—the love of a distant brother. He will not be a true inherent part of this Jewish world. His settling in Israel in the midst of the Jewish community and his sincere affection for it cannot take the place of absolute inner identification which is absent.

[Cohn:] [...] I also agree that the Law of Return (as also the Registration of Inhabitants Ordinance) should not be construed according to Jewish religious law but that these statutes, and the various expressions found therein, should be interpreted in accordance with the rules of interpretation usually applied by the courts of Israel to the legislation of the Knesset. I would go even further and say that the traditional religious tests—both positive and negative—for determining who is a Jew are irrelevant in construing the Law of Return. Religious law does not apply in Israel save in matters of marriage and divorce, and the boundaries and frontiers which divide the law that is binding on everyone from religion, which is not, are the boundaries and frontiers upon which the rule of law in the State and the basic rights of its citizens depend.

But I cannot agree that in giving such an interpretation to the Law of Return, it is imperative or permissible to deprive the petitioner of his rights as a Jew.

[...] At the gates of the homeland, which (according to the Declaration) “the State will open wide to every Jew,” the petitioner who now knocks and declares, “I am a Jew; let me in,” and the Minister of the Interior, who is charged with implementing the Law of Return, refuses to listen because of the gown the petitioner wears as a Catholic priest, the cross that hangs from his neck, and his self-declaration that
his creed is that of the Gentiles. Had he folded his gown, hidden his cross, and concealed his creed, the gates would have been opened wide without protest. But he chose to come as he is, openly and without guile, and he finds the gates locked.

Times have changed and the wheel has turned full circle. There comes now to the State of Israel a man who regards Israel as his motherland and craves to find fulfillment within its borders, but his religion is Christian. Shall we therefore close the gates? Does the turning wheel of history indeed demand that we deal out measure for measure? Should the State of Israel, “based on freedom, justice, and peace as envisaged by the prophets of Israel,” act towards its inhabitants and those who return as did the evil rulers of some Catholic kingdoms in the past?

[…] [Berinson:] […] From his own point of view, the petitioner’s claim to belong to the Jewish nation is sincere and genuine. He is Jewish in origin, was educated as a Jew, and, as a Zionist, has labored and suffered as a Jew, and even when he embraced Christianity, he did not sever his family ties nor seek to leave the Jewish fold. This is no pretence by the petitioner, no caprice or passing fancy. Throughout the twenty years since his conversion to Christianity, he has been consistent in his Jewish outlook and consciousness and proud of belonging to the Jewish people, and he has with sincerity and Jewish dignity proclaimed this fact whenever possible.

[…] The people themselves, however, because of a well-developed sense of self-preservation, have decided otherwise, have behaved differently throughout the centuries. For them a Jew who has embraced another religion has withdrawn himself not only from the Jewish faith but also from the Jewish nation and has no place in the Jewish community. Not for nothing is a Jew who has changed his religion called in Hebrew a meshumad (meaning “destroyed”), because from the national point of view he is regarded as having destroyed himself and become lost to the nation, both he and his descendants after him. His family [members] mourn for him, rending their clothes, as they would for someone who had really died. All ties with him are broken as if he were indeed dead. In the contemplation of the Jewish people, a Jew and a Christian cannot reside in the same person, and certainly not a Jew who is a Catholic priest.

**Document Title:** The Eternity of Israel  
**Author:** David Ben-Gurion  
**Date:** 1964  
The divergence of commitments and beliefs regarding issues of religion requires both religious and secular citizens...to respect the feelings and perceptions of the other side and to relate to each other not only with tolerance but also with respect and mutual trust. Each side may simply desire that everyone be like it; indeed, in a totalitarian regime this is achieved through inquisitorial methods or through dictatorship. Israel is a democratic state. And its existence cannot be contemplated without a democratic rule that is founded upon the liberty and free choice of its inhabitants.

The Declaration of Independence, also signed by representatives [of all the religious parties], includes a proclamation of “freedom of religion and conscience.” This principle is intended to secure full opportunity for the most observant Jew to live according to his religious belief, and [also] for every other Jew to live according to his own way. The state, under all coalitions to date, has undertaken to provide for the communal religious needs of its inhabitants and to prevent any coercion in religious matters.

Those who demand freedom of conscience and of religion... include not only free-thinking [secularists] who perceive any imposition [of Torah law] as an assault upon their conscience but also many traditional and religious persons who themselves adhere to the Shulhan Arukh and carefully observe all traditional norms. Nevertheless, they view the transformation of religion into a political tool and the attempt to impose religious practice by the state as morally damaging to the state and as a perversion of the spirit of Judaism. They are opposed to political parties based on religion, which they view as detrimental to popular respect for religion. They view the politicization of the rabbinate and the mixing of divine and human relations with... factional maneuvers as unwholesome to both religion and state. Many simply... desire that the state restrict itself to relations between “man and his fellows.”

Granting official status to the rabbinate in a state committed to freedom of conscience and religion, which contains both religious parties seeking the rule of religion and traditionalists who oppose such rule, as well as a large free-thinking [secular] public, creates a dangerous minefield. Such a status is possible [only] if those interested in its existence accept voluntarily and faithfully the authority [of the state] and the limitations it entails. Benefits are accompanied by burdens; state authority entails restrictions. The rabbinate must not overstep the bounds... set by the state, and may not intervene in matters outside the jurisdiction determined by law. Unless the rabbinate accepts the yoke of the state and its laws without qualification, it cannot morally obligate citizens who entirely disavow rabbinic authority.
Human conscience, whether religious or moral...is far more powerful than law. But those who act on their conscience in opposition to state law must accept all the consequences of their actions, including the punishments whereby the state defends its authority.... In any event, they are not entitled to request from the state authority to impose their will upon others against their own consciences.

**Document Title:** Jerusalem and the Holy Places  
**Date:** 1967  
**Source:** http://www.mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook1/pages/14%20protection%20of%20holy%20places%20law.aspx

[Prime Minister Levi Eshkol:] It is my pleasure to inform you that the Holy Places in Jerusalem are now open to all who wish to worship at them—members of all faiths, without discrimination. The Government of Israel has made it a cardinal principle of its policy to preserve the Holy Places, to ensure their religious and universal character, and to guarantee free access. Through regular consultation with you, heads of the communities, and with those designated by you, at the appropriate levels, for this purpose, we will continue to maintain this policy and to see that it is most faithfully carried out.

III. Protection of Holy Places Law, 5727

Protection of Holy Places.  
1. The Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places.

Offences.  
2. (a) Whosoever desecrates or otherwise violates a Holy Place shall be liable to imprisonment for a term of seven years.  
   (b) Whosoever does anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places shall be liable to imprisonment for a term of five years.

**Document Title:** Speech in American Orphan Beth El Mission v. Minister of Social Welfare  
**Author:** Haim Cohn (former Israeli Supreme Court Justice)  
**Date:** 1967  
**Source:** http://www.jewishvirtuallibrary.org/jsource/Society&_Culture/freedom.html
It is decided law that rules of International law constitute part of the law prevailing in Israel insofar as they have been accepted by the majority of the nations of the world and are not inconsistent with any enactment of the Knesset (Parliament). The principles of freedom of religion are similar to the other rights of man, as these have been laid down in the Universal Declaration of Human Rights, 1948, and in the Covenant on Political and Civil Rights, 1965. These are now the heritage of all enlightened peoples, whether or not they are members of the United Nations Organization and whether or not they have as yet ratified them...for they have been drawn up by legal experts from all countries of the world and been prescribed by the [General] Assembly of the United Nations, in which by far the larger part of the nations of the world participates.

**Document Title:** Statement at the Western Wall  
**Author:** Moshe Dayan (former Defense Minister of Israel)  
**Date:** 1967  
**Source:** http://www.mfa.gov.il/MFA/Jerusalem+Capital+of+Israel/40th+Anniversary+of+the+Reunification+of+Jerusalem.html

This morning, the Israel Defense Forces liberated Jerusalem. We have united Jerusalem, the divided capital of Israel. We have returned to the holiest of our holy places, never to part from it again. To our Arab neighbours we extend, also at this hour—and with added emphasis at this hour—our hand in peace. And to our Christian and Muslim fellow citizens, we solemnly promise full religious freedom and rights. We did not come to Jerusalem for the sake of other peoples’ holy places, and not to interfere with the adherents of other faiths, but in order to safeguard its entirety, and to live there together with others, in unity.

**Document Title:** Israeli Anti-missionary Law 5738  
**Author:** Israeli Knesset  
**Date:** 1977  
**Source:** http://www.thephora.net/forum/archive/index.php/t-21793.html

[It is a crime to] give or promise money, the equivalent of money or any other material benefit in order to entice a person to change his religion.
1. Matthew LaGrone was the Anne Tanenbaum Post-Doctoral Research Fellow at the University of Toronto from 2012-2013. His work focuses on Judaism in England and North America from the nineteenth century to the present. He is completing a monograph on late Victorian Anglo-Judaism in the context of English Christianity. He is also working on the first major biography of Chief Rabbi Joseph Hertz.

2. In December 2012, the Bundestag voted 434-100 to allow the practice of male circumcision, overruling the Cologne court.


4. While we have opted to use a standard translation of the Tanakh for our excerpts, many of the sources are drawn from the research of David Novak’s Image of the Non-Jew in Judaism, 2nd ed. (London: Littman Library of Jewish Civilization, 2011) and Alan Brill’s Judaism and Other Religions: Models of Understanding (New York: Palgrave MacMillan, 2010).


6. All remaining dates are from the Common Era unless otherwise noted.

7. This document refers to the excommunication of the early hasidism from the organized Jewish community in Eastern Europe. Not just their extreme mysticism, but more importantly their deviations from Jewish law prompted this and other bans in the late 18th and early 19th centuries.

8. This document represents an important moment in European Jewish emancipation, meaning that Judaism could no longer make corporate claims on individuals, moving it in part from the public square to the private sphere.

9. Website of Eliezer Segal, professor of religious studies at the University of Calgary.
The Religious Freedom Project (RFP) at Georgetown University’s Berkley Center for Religion, Peace and World Affairs is the nation’s only university-based program devoted exclusively to the analysis of religious freedom, a basic human right restricted in many parts of the world. Under the leadership of Director Thomas Farr and Associate Director Timothy Shah, the RFP engages a team of international scholars to examine and debate the meaning and value of religious liberty; its importance for democracy; and its role in social and economic development, international diplomacy, and the struggle against violent religious extremism.

The RFP began in 2011 with the generous support of the John Templeton Foundation. In 2014 that support continued, while the project also began a three-year partnership with Baylor University and its Institute for Studies of Religion under Director Byron Johnson.

The Berkley Center for Religion, Peace, and World Affairs at Georgetown University, created within the Office of the President in 2006, is dedicated to the interdisciplinary study of religion, ethics, and public life. Through research, teaching, and service, the center explores global challenges of democracy and human rights; economic and social development; international diplomacy; and interreligious understanding. Two premises guide the center’s work: that a deep examination of faith and values is critical to address these challenges, and that the open engagement of religious and cultural traditions with one another can promote peace.