

Idolatry and Martyrdom

Jewish law requires martyrdom to avoid transgressing murder, idolatry, and sexual immorality, yet two of these cases seem easier to understand than the other. Killing and incest have a reality and force to them irrespective of the motive for their performance. Even when committed under duress, murder leaves a victim dead and incest violates the normal relationship of close family members. Idolatry, on the other hand, would seem to depend upon the motivation of the worshiper. If worship is a function of sincere devotion, then someone who bows down to an idol only due to the threat of a gun pressed to his head does not truly engage in an act of worship. If so, why does Halakhah demand that a Jew relinquish his life rather than engage in compelled idol worship?¹

1. We could deny the premise of the question and conclude, to borrow a formulation from Haym Soloveitchik, “that idolatry does not require a subjective state of belief, but rather that the quiddity, the very essence of the transgression, lies in the mechanical act itself.” Put otherwise, idolatry is “cultic” rather than “credal.” Associating paganism with moral degradation makes it easier to view idolatry as cultic. Those who find that view compelling should read this essay as a working out of the logic of martyrdom from the credal standpoint. The cultic view appears unlikely to this author, but I will not work out the argument at length in this context and will only briefly outline my position. Just as prayer or sacrificial rites lack positive religious status absent belief in God, it seems reasonable that the gravity of transgressing the idolatry prohibition should depend on authentic belief in a pagan deity. The internal religious stance of the worshiper defines “worship” more than the physical act in and of itself. I grant that some theologians find value in prayer even absent belief and that others can distinguish between the value of prayer and the problem of paganism. For more on these two views of idolatry, see Haym Soloveitchik, *Collected Essays: Volume II* (Oxford and Portland, 2014), 288-364. The first citation in this note appears on p. 296. Soloveitchik uses the terms “credal” and “cultic” on pp. 326 and 344. Also see Moshe Halbertal and Avishai Margalit, *Idolatry*, trans. Naomi Goldblum (Cambridge and London, 1992), chapter 7, especially 202-13.

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In truth the argument advanced above may find talmudic expression. R. Yishmael argues that a Jew should worship idols to stay alive as long as the act takes place in a private setting. Only in a public forum with ten Jews watching does the Jew need to forfeit his life to avoid idolatry (*Sanhedrin* 74a). Perhaps R. Yishmael endorses the idea that insincere worship does not truly constitute idolatry. Working out the logical basis for R. Yishmael depends on what he would say about the other two cardinal transgressions. One opinion in *Tosafot* states that R. Yishmael never calls for martyrdom regarding private transgressions.² This position does not see R. Yishmael as making a claim about idolatry, but rather a broader statement about life and Halakhah. R. Yishmael thinks that Jewish law so prizes life that it allows the violation of all prohibitions (presuming a private setting) in order to preserve life.³ On the other hand, a different opinion in *Tosafot*,⁴ *Arukh la-Ner*,⁵ *Minḥat Ḥinnukh*,⁶ and R. Yeruḥam Fishel Perla⁷ assumes that R. Yishmael would require martyrdom to avoid murder or sexual immorality performed in private. Their view suggests that R. Yishmael made a point specific to idolatry; namely, that idolatry depends upon sincerity of intent in a way that murder and sexual crimes do not. Indeed, R. Moshe Ibn Ḥabib writes that idolatry “in private is not a transgression because his heart is loyal to heaven, whereas murder and sexual immorality are *ma’aseh rav* since sexual immorality provides physical pleasure and murder involves the loss of a soul.”⁸

Normative Jewish law rejects the position of R. Yishmael and requires martyrdom so as not to transgress idolatry even in private.

2. *Tosafot Avodah Zarah* 27b, s.v. *yakhoh*; *Tosafot, Ketubot* 19a, s.v. *de-amar*.

3. David Berger noted in correspondence that applying *Tosafot*'s understanding of R. Yishmael to murder would entail that we cannot simply say that Halakhah so prizes human life that it does not demand martyrdom, since here a life is lost in any case. We would have to go one step further and state that Halakhah grants immense value to human life and that it allows a person to give precedence to his or her own life.

4. *Tosafot, Sanhedrin* 74b, s.v. *ve-ha*.

5. R. Yaakov Ettlinger, *Arukh la-Ner, Sanhedrin* 74a, s.v. *bi-gemara talmud lomar ve-ḥai bahem*.

6. R. Yosef Babad, *Minḥat Ḥinnukh* 296:1.

7. See his commentary on the *Sefer ha-Mizvot* of R. Sa'adyah Gaon, vol. 2, *Lo Ta'aseh* 33, p. 65. In theory, we could distinguish between murder and all other transgressions, since logic militates against justifying the killing of innocents based on the ideal of preserving life (*Sanhedrin* 74a). In the interest of simplicity and to focus our attention on the case of idolatry, I do not discuss that possibility in this essay. For more sources on this topic, see the entry on *yehareg ve-al ya'avur* in the *Enziklopedyah Talmudit*, vol. 22 (Israel, 1995), esp. p. 60.

8. R. Moshe ibn Ḥabib, *Tosefet Yom ha-Kippurim, Yoma* 82a, s.v. *Tosafot, s. v. mah rozeah*.

Nonetheless, the argument above may still influence Halakhah. What happens to a person who worships idols because he cannot muster the heroism necessary to give up his life under threat of death? Most *posekim* rule that he does not receive the death penalty for the crime of idolatry. We could explain the absence of punishment based on the category of *ones* and say that a choice made due to such intimidation does not truly constitute a choice. In this vein, Rambam writes that even though this person was obligated to choose martyrdom, “since he sinned under duress, we do not give him lashes, and certainly the court does not put him to death even if he killed under duress.”⁹ Alternatively, the explanation may be that we do not punish the coerced idol worshiper since he did not really worship idols. Perhaps the argument that worship depends upon sincerity does not alter the obligation to prefer death, but it does mitigate responsibility for the act after the fact.

A potential source for this idea appears in a talmudic debate (*Sanhedrin* 61b):

A person who worships idols out of love or fear: Abbayeï says he is liable and Rava says he is exempt. Abbayeï says he is liable because he worshipped. Rava says he is exempt. If he accepted it as a divinity, then yes; if not, not.

What precisely is the scenario of “out of love” or “out of fear”? Rambam, surprisingly, explains that the person loves the idol itself; he is enamored of its shape or he finds it pretty. Out of fear refers to fear that the idol will harm him.¹⁰ As many commentators point out, this makes Rava’s position quite difficult to accept; someone who fears that a given idol will harm him apparently attributes divinity to that idol and should be liable for idol worship.¹¹ Therefore, most commentators explain that the idolater is motivated by fear and love of another human being. Fear of a person could involve different levels of severity. Ramban argues that the *gemara* does not discuss trepidation regarding loss of life because then Abbayeï would agree that the idolater is exempt from punishment.¹² If Ramban understands the *gemara* as discussing lower grade fears, such as social pressure or financial loss, then why does Rava not see the perpetrator as fully responsible and liable for punishment? The category of *ones* should no longer apply. This returns us to the argument that insincere worship does not constitute worship.

9. *Hilkhot Yesodei ha-Torah* 5:4.

10. *Hilkhot Avodah Zarah* 3:6.

11. Meiri, *Sanhedrin* 61b, s.v. *ha-oved*, *She’elot u-Teshuvot ha-Rivash* no. 110.

12. *Ḥiddushei ha-Ran*, *Sanhedrin* 61b, s.v. *itmar*.

Of course, such analysis still leaves open the question of why this argument absolves punishment but does not remove the requirement to choose martyrdom in the first place. We shall outline two answers, one explicit in our traditional sources and the other explicated well by a contemporary Christian theologian.

Let us begin with the categories of *kiddush Hashem* and *hillul Hashem*. If the oppressor demands that a Jew transgress any law in a public forum, Halakhah requires that the Jew become a martyr and avoid desecrating God's name. According to the *gemara* (*Sanhedrin* 74b), this law applies only if the oppressor wants to make the Jew violate Jewish principles, and not if he simply seeks self-gratification. Thus, Esther did not have to give up her life rather than be with Ahashverosh, despite the public's knowledge of her behavior, since the Persian king sought his own hedonistic pleasure and was not trying to make a Jewish woman sin. This entire category depends on the existence of an audience that may be influenced by what they witness, and the effect on the audience changes based on the motivations of the oppressor. When he puts Judaism on trial to test the commitment of a Jew, then the audience will either be heartened by Jewish resistance or dismayed by Jewish compliance. A ruffian simply pursuing his own pleasure does not generate the same communal dynamic.

The *gemara* about martyrdom mentions *kiddush Hashem* and *hillul Hashem* only when discussing public transgressions and not when discussing the three sins that require martyrdom even in private. Logic dictates that those categories do not apply to private sins lacking an audience. The call for martyrdom with reference to murder, idolatry, and sexual immorality stems from the grievous nature of these acts (*humrat ha-averah*), and not from a desecration of God's name or the sin's impact on other people.

This point emerges clearly from an argument advanced by Ramban. Does the motivation of the oppressor play any role in determining the law regarding the major sins in private? R. Zerahyah ha-Levi answered in the affirmative.¹³ According to him, Esther's relations with Ahashverosh were the kind of sexually problematic act avoidance of which demands martyrdom (even if performed in private) but the self-gratification motive of the king neutralized the need for martyrdom. Although the *gemara* applies this factor only to

13. *Ha-ma'or ha-Gadol*, *Sanhedrin* 74b, s.v. *Abbayei amar*.

the category of public sins, R. Zerahyah applies it to the private realm as well. In theory, he thinks the same would apply to idolatry; it is only the practical difficulty of conceiving a self-gratification motive in the context of idol worship that prevents the application. Someone who intimidated a Jew into idol worship presumably wants the Jew to violate Jewish law. Yet in principle, R. Zerahyah maintains that this factor could influence the halakhah regarding idolatry. Ramban, however, denies that the motivation of the oppressor should make a difference since “the three *averot hamurot* are not prohibited because of *kiddush Hashem*.”¹⁴ Ramban’s approach seems eminently reasonable; murder and adultery/incest are severe transgressions whose severity does not depend on the motivation of the oppressor. If so, why does R. Zerahyah disagree regarding sexual immorality?

Rambam adds to the mystery when he describes martyrdom for the three major sins as a sanctification of the divine name and failure to achieve the heights of self-sacrifice in that context as a desecration of God’s name.¹⁵ As *Minhat Hinnukh* notes, this position lacks talmudic support, since the *gemara* mentions these factors only regarding the public forum.¹⁶ Beyond the search for an early source, the logic of this position also proves difficult. We usually conceive of *kiddush* and *hillul Hashem* as depending upon an audience affected by our behavior. How could these factors prove operative in a scenario involving just an oppressor and his victim?

Rambam himself offers a solution to this dilemma. When describing martyrdom in his *Sefer ha-Mizvot* in the context of the commandment to sanctify God’s name, Rambam writes:

And even when a strong oppressor comes who desires that we deny God, we will not listen to him and we will give ourselves up to death and not mislead him into thinking that we deny, even though our hearts are loyal to God.¹⁷

In other words, there is always an audience potentially affected by our decision—the oppressor himself. Granted, the oppressor knows that he coerces the Jew into idolatrous worship; nonetheless, he clearly wants to bring about such behavior and apparently views it as some kind of

14. *Milhamot Hashem*, *Sanhedrin* 74b, s.v. *ve-od Abbayei amar*.

15. Rambam, *Mishneh Torah*, *Hilkhot Yesodei ha-Torah* 5:4.

16. R. Yosef Babad, *Minhat Hinnukh* 296:13.

17. Rambam *Sefer ha-Mizvot*, *mizvat aseh* 9.

victory for his pagan beliefs. To prevent this from happening, Halakhah demands that the Jew give up his life just as it requires the same for other sins when ten Jews are watching. R. Avraham Borenstein offers such an explanation of Rambam in his *Avnei Nezer*. A potential formulation of this point states that coerced idolatry is not an act of idolatry, but rather a desecration of God's name. It becomes readily apparent why a Jew who failed at this required martyrdom would not receive the death penalty for idol worship. This position also accounts for how R. Zerahyah could apply the criteria of *hana'at azman*, the self-gratification motive of the oppressor, to idolatry and sexual immorality. Since martyrdom in these instances is a function of *kiddush Hashem*, the motivation of the oppressor matters.¹⁸

Though the oppressor constitutes a legally significant audience regarding idolatry, he does not with reference to other transgressions. A Jew threatened by an oppressor into eating pork or desecrating Shabbat would be allowed, or perhaps even obligated, to do so despite the audience of one. There, only an audience of ten Jews creates a demand for martyrdom. *Avnei Nezer* will have to argue that there is something more fundamental and influential about the choice to worship idols; therefore, the impact on even one gentile oppressor changes the law. For other sins, only the wide reaching impact of ten Jews witnessing the event generates the obligation of martyrdom.¹⁹

One talmudic story (*Avodah Zarah* 18a) gives poignant expression to the impact a martyr can have on members of the oppressing culture. When R. Ḥanina ben Teradyon publically ignored a Roman edict against studying Torah, the Romans chose to put him to death in a slow and excruciatingly painful manner. They lit a fire around R. Ḥanina but placed wet sponges upon him so that the burning would proceed slowly. A Roman executioner was so impressed by the heroism of R. Ḥanina that he increased the flame and removed the sponges so that R. Ḥanina could perish in a less painful fashion. He then jumped into the fire himself, having been assured by this rabbinic sage that he would merit a place in the World to Come. Though this episode is not about idolatry, it does highlight the impact that witnessing the dedication of a martyr can have even upon the enemy. This helps bolster *Avnei Nezer's* suggestion.²⁰

18. R. Avraham Borenstein, *She'elot u-Teshuvot Avnei Nezer* 128:4-5, 131:5.

19. I thank David Berger for raising the point addressed in this paragraph.

20. I thank David Flatto for suggesting the relevance of this story.

Thus far, we have advanced one explanation for why Halakhah demands martyrdom in the case of coerced idol worship. Is there an alternative for those who do not find this analysis compelling, for those who argue that Halakhah would always care about the impact on a crowd of Jews but not about the effect on one evil oppressor?

Robert Adams, an important contemporary Christian philosopher, develops a significant option.²¹ A story from the biography of Dietrich Bonhoeffer helps our understanding of this fresh approach. Bonhoeffer was a leader of resistance to Hitler who was ultimately executed for participating in a plot to kill the German dictator. In June 1940, Bonhoeffer and a friend were sitting in a German café when news of the French surrender came over the café's loudspeaker. As all of the patrons celebrated and gave the Nazi salute, Bonhoeffer joined in and encouraged his hesitant friend to do so as well. Pragmatically, Bonhoeffer was certainly correct. He would accomplish nothing by refusing to participate and his participation helped keep his cover, thereby enabling further efforts to work against Hitler's evil regime. Yet there is a less pragmatic way of thinking about what Bonhoeffer should have done. Adams's comment is to the point.

I do not think it would have been "crazy" to have refrained from the salute, even if it would have involved some sort of martyrdom. . . . Even if we think that Bonhoeffer's path of secret and ultimately conspiratorial opposition was defensible, and maybe heroic, I imagine that most of us, perhaps all of us, will feel that it would also have been admirable to have refused to give the Hitler salute.²²

Adams explains that a martyr testifies about what he is for or against. In fact, the original meaning of the word "martyr" is to witness or testify. "Refusal to engage in behavior expressive of loyalty to Nazism is an important way of being against Nazism."²³ We can evaluate the goodness and badness of actions not only in terms of what they cause, but also regarding what they symbolize or stand for. Adams writes that this remains true even if the particular symbols in question are matters of convention. "Expressing love of the good, and opposition to the bad, is naturally and intrinsically good, though the form it takes is variable

21. Robert Merrihew Adams, "Symbolic Value," *Midwest Studies in Philosophy*, vol. 21, ed. Peter A. French, Theodore E. Uehling, Jr., and Howard K. Wettstein (Notre Dame, 1997), 1-13.

22. Adams, 3.

23. *Ibid.*

and conventional.”²⁴ Symbolic actions express what we truly identify with and care about most deeply, irrespective of the consequences they produce. Such actions harbor intrinsic moral and religious worth.

A different example may help illustrate the point. Let us say someone offered you a million dollars to loudly proclaim to everyone in the room that your mother is a whore. Even if the entire room knew you were only doing it for the money, you might refrain. It is simply an expression that you are unwilling to identify with on any level. Along the same lines, a person passionately committed to the truths of monotheism will remain unwilling to engage even in a false show of adherence to pagan polytheism. Loyalty to the benevolent and true God lies at the very core of his identity so that he could not imagine any prostrations before an idol of Jupiter. While someone could agree with this idea and still find the need for martyrdom too extreme, it does clarify that acts of loyalty, identification, and worship have intrinsic import even when an oppressor coerces the behavior.

Adams adds:

And while it is certainly possible to be for or against evil without expressing that openly, it is not easy. If you express explicitly, sincerely and openly, to your friends at least, your Christian faith or your hatred of Nazism, you take a stance. You are for Christianity; or you are against Nazism. Now suppose that, under the pressure of persecution, and perhaps justifiably, you suppress all outward expression of your loyalties. After a while you yourself may begin to wonder how much reality there is in your opposition to Nazism. Are you actually opposed to it, or do you only wish you could be?²⁵

To clarify, I do not think Adams’s mention of wondering later about the strength of revulsion for Nazi ideology moves the analysis to a more consequentialist viewpoint arguing that compliance to evil under pressure ultimately undermines our ability to fight evil. Rather, the retrospective evaluation highlights the significance of the symbolic action per se. Someone utterly opposed to Nazism would find it almost impossible to give the Hitler salute. Therefore, any individual who did so will ultimately confront the question of the force of his beliefs.

This approach helps clarify two other *halakhot* regarding martyrdom. R. Yosef Karo rules that a Jew must choose martyrdom before

24. Ibid., 5.

25. Ibid.

declaring himself a gentile.²⁶ From the perspective of evaluating sinful behavior, this makes little sense, since such declarations do not violate any specific *halakhah*. From Adams's perspective, this law becomes understandable, since what could be a greater abdication of what we stand for than to deny one's Jewishness? Along similar lines, a Jew must choose martyrdom before professing adherence to Islam. A questioner asked R. David ibn Zimra why this should be the case; after all, Islam is not idolatrous, nor does it call for murder or sexual immorality. Radbaz answered that affirming Islam constitutes the nullification of the entire Jewish religion. Declaring that a prophet superior to Mosheh emerged destroys the foundation of our religion since the latter prophet can abrogate the *mizvot*. Furthermore, adopting another religion's practices invariably means that one will ultimately violate Jewish law.²⁷ Note that Radbaz frames the argument in terms of transgressing halakhic norms. In contrast, R. Zadok Ha-kohen from Lublin states that we greatly value the affirmation of Jewish identity per se even irrespective of halakhic observance. That explains why a Jew must choose martyrdom before declaring adherence to Islam. R. Zadok's focus on identification beyond the question of concretely sinful behavior is reminiscent of Adams.²⁸

Second, Jewish law demands that a Jew give up his life rather than transgress any law at a time of religious persecution (*Sanhedrin* 74a). The *gemara* extends this obligation to a case of coerced change of shoelaces (*Sanhedrin* 74b). Although some commentators present other understandings, Rashi explains that the Jews customarily wore different laces than their gentile neighbors and that the clothing choice in question does not touch upon concrete halakhic violations but only on communal customs.²⁹ Why should the Torah demand that a Jew relinquish his life rather than wear the same shoelaces as his gentle neighbors when wearing such laces involves no transgression?

Answering this question begins with a more general investigation of the logic of *she'at ha-shemad*, the legal category of a time of religious persecution. Rashi explains that giving in once in such a context encourages gentile oppressors to take further steps against the Jewish community and its laws. When the enemy wants to stamp out any practice from the totality of the Jewish community, we need to draw a red line so that

26. R. Yosef Karo, *Shulhan Arukh*, *Yoreh De'ah* 157:2.

27. *She'elot u-Teshuvot Radbaz* 4:92.

28. See *Zidkat ha-Zaddik* no. 54.

29. Rashi, *Sanhedrin* 74b, s.v. *arkisa de-misana*.

the legislation does not initiate a pattern.³⁰ The particular violation might not demand the defiance of a martyr, but the fear of where it will lead does. In contrast, Rabbenu Nissim³¹ and R. Meir ha-Levi Abulafia³² raise the possibility that *kiddush Ha-Shem* motivates the *halakhah* of *she'at ha-shemad* as well. Once again, we can ask how sanctification of the divine name occurs in reference to a challenge often occurring in a more private setting. R. Nissim says: "If he adheres to their edict, even in an inner chamber, the matter will become publicized because they will find that their edict was effective." This approach argues that tyrannical governments investigate the impact of their decree and invariably discover something of the Jewish response. Therefore, even private moments are included in our collective calculation.

If we follow Adams's approach, we can offer an alternative suggestion that nicely incorporates the case of the shoelaces. When an oppressive government works towards the large scale nullification of a Jewish practice, we need to communally affirm what we stand for in defiance of another's ability to define the parameters of Jewish practice. The specific act might not be of grand religious import, but the context of persecution calls for an avowal of our communal values and ideals. If so, even a custom about the color of shoelaces takes on ultimate import. It is not the severity of the act that matters, but the affirmation of a Jewish identity consisting of the independence to establish our own norms and ideals. Letting some foreign body dictate Jewish communal practice means relinquishing what we stand for.

Having outlined two justifications of the halakhic call for martyrdom to avoid idolatry, we can also understand why those on either side would reject the alternative approach. Those in the Adams camp disagree with *Avnei Nezer* and argue that the impact on one oppressor is not sufficient cause for a victim to relinquish his life. Only the broad impact on ten witnessing Jews generates enough force to call for martyrdom. Conversely, those siding with *Avnei Nezer* might admit that symbolic acts of loyalty matter, but do not see them as weighty enough to motivate loss of life.

To return to where we began, worship may indeed depend on the authentic conviction of the worshiper. Thus, R. Yishmael does not demand martyrdom in the case of private idolatry, and the person

30. Rashi, *Sanhedrin* 74a, s.v. *ve-afilu mizvah kallah yehareg ve-al ya'avor*.

31. *Hiddushei ha-Ran*, *Sanhedrin* 74a, s.v. *aval be-she'at ha-gezerah*.

32. *Yad Ramah*, *Sanhedrin* 74a, s.v. *ki ata*.

who fails his halakhic duty and worships under threat of death is not considered an idolater for the purpose of receiving the death penalty. At the same time, we understand the halakhic consensus that a Jew should choose death over coerced idol worship. Either we want to send the truthful message to the small audience consisting of the oppressor himself or we need to express what we most passionately and deeply identify with and fight against. Jews who gave up their lives rather than endorse other religions were not acting irrationally or pointlessly. On the contrary, they were standing up for ideals worth sacrificing for.

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