

# *The Soul of a Jew and the Soul of a Non-Jew*

## *An Inconvenient Truth and the Search for an Alternative*

By: HANAN BALK

*Holiness is not found in the human being in essence unless he sanctifies himself. According to his preparation for holiness, so the fullness comes upon him from on High. A person does not acquire holiness while inside his mother. He is not holy from the womb, but has to labor from the very day he comes into the air of the world.<sup>1</sup>*

### **Introduction: The Soul of a Jew is Superior to that of a Non-Jew**

The view expressed in the above heading—as uncomfortable and racially charged as it may be in the minds of some—was undoubtedly, as we shall show, the prominent position maintained by authorities of Jewish thought throughout the ages, and continues to be so even today. While Jewish mysticism is the source and primary expositor of this theory, it has achieved a ubiquitous presence not only in the writings of Kabbalists,<sup>2</sup> but also in the works of thinkers found in the libraries of most observant Jews, who hardly consider themselves followers of Kabbalah. Clearly, for one committed to the Torah and its principles, it is not tenable to presume that so long as he is not a Kabbalist, such a belief need not be a part of his religious worldview.

Is there an alternative view that is an equally authentic representation of Jewish thought on the subject? In response to this question, we will

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<sup>1</sup> R. Simḥa Bunim of Przysukha, *Kol Simḥa, Parshat Miketz*, p. 47 and *Mesbaratan Eish Lohet*, p. 228, quoted in *Noam Siab*, p. 263. See Michael Rosen, *Quest for Authenticity* (Jerusalem, 2008), p. 211 & 382.

<sup>2</sup> In this article, the term “Kabbalists” will hereafter be used to refer to those who are general adherents of the teachings of Kabbalah—especially with relation to the particular topic under discussion—which was espoused as fundamental to Kabbalistic thought. The term is not intended to attest to a particular thinker’s active involvement in the religious mystical experience, nor does it necessarily reflect a thinker’s own self-perception or his specific choice of engagement with Jewish religious texts.

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devote the central portion of this study to the view of Maimonides, the major representative of the rationalist school of Jewish thought, and argue that he was committed to an approach wherein Jew and non-Jew occupy the same domain with relation to the soul, with no inherent superiority presumed in one over the other.<sup>3</sup> This view can be fully appreciated when it is studied not only in the independent context of Maimonides' legal and philosophical works, but also through the Talmudic sources with which he contended. We will focus on the Talmudic text that serves as a major source for the "distinction of souls"<sup>4</sup> and note the differing conclusions of the Kabbalists and Maimonides. It is my hope that the nuanced approach of the latter will inspire those in the category of "the perplexed" to once again turn to the greatest thinker of Jewish history for guidance. They may thereby discover renewed meaning in a path that differs from that which others have taken, but which leads no less legitimately to the personal and communal fulfillment of the Divine plan for human perfection.

## **The Superiority of the Jewish Soul: A Brief Survey**

### **The *Zohar***

The *Zohar*, the primary source of Jewish mystical thought,<sup>5</sup> firmly establishes the perspective distinguishing between the souls of Jews and non-

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<sup>3</sup> Menachem Kellner has repeatedly asserted this claim in his many writings on Maimonides and he has done groundbreaking work on the subject. See his *Maimonides on Judaism and the Jewish People* (Albany, 1996); *Maimonides' Confrontation with Mysticism* (Oxford, 2006), ch. 7; *Science in the Bet Midrash* (Brighton, MA, 2009), chs. 16-17; and "We Are Not Alone," in *Radical Responsibility: Celebrating the Thought of Chief Rabbi Lord Jonathan Sacks* (Jerusalem, 2012), pp. 139–154. As Kellner has emphasized, Maimonides certainly believed that the Jewish people were chosen and that they were superior to other peoples in various realms of human endeavor. But this distinction was not presumed to be due to a pre-existing, primordial, or ontological quality. Rather, it was the result of an unrelenting emphasis upon values that were taught, lived, and passed down within the Jewish heritage.

<sup>4</sup> Throughout this article, we will refer to our subject with this terminology.

<sup>5</sup> The dispute regarding the authorship and antiquity of the *Zohar* may be relevant to the present discussion, but we will not enter into it. This issue, while prominently debated in modern academic scholarship, was also discussed by the greatest sages of previous generations, some of whom questioned the traditional attribution to the Talmudic sage R. Shimon bar Yoḥai. See Moshe Idel, "Differing Conceptions of Kabbalah in the Early 17<sup>th</sup> Century," in Isadore Twersky and Bernard Septimus (eds.), *Jewish Thought in the 17<sup>th</sup> Century* (Cambridge, 1987), esp. pp. 137–162, and Isadore Twersky, "Law and Spirituality in the 17<sup>th</sup> Century: A Case Study in R. Yair Ḥayyim Bacharach," *ibid.*, pp. 447–467. See also Marc

Jews, describing the Jewish people at the outset of creation as “The children of the Holy One, blessed be He, whose souls are [therefore] holy.” This is in contrast to the souls of the nations, “which emanate from... impure sources and render impure anything that approaches them.”<sup>6</sup> The people of Israel, the *Zohar* states, possess a living, holy, and elevated soul (“*nefesh hayah kadisha ila’al*”), as opposed to the other nations, who are described as akin to animals and crawling creatures, which lack this “Divine” soul and possess only an “animal” soul.<sup>7</sup> Additional comments in the *Zohar Ha-Ḥadash* establish that those who fulfill the Torah—the Jewish people—will live forever with God, while those who do not—the non-Jewish nations—will decay with the animals.<sup>8</sup>

### **R. Yehudah ha-Levi (1075–1141)**

In his work, *The Kuzari*, this author envisions the Jew as occupying a different and more exalted level of existence within creation than other human beings.<sup>9</sup> He famously states that a convert, lacking the spiritual makeup of a born Jew, cannot become a prophet.<sup>10</sup>

### **R. Yehudah Lowe (1520–1609)**

Throughout his numerous writings, the Maharal of Prague discusses the elevated spiritual level of the Jewish people,<sup>11</sup> influencing many later scholars to subscribe to his position.

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Shapiro, “Is One Obligated to Believe That R. Shimon Bar Yoḥai Authored the *Zohar*?” (Hebrew), *Millin Havivin* (New York, 2011), pp. 1–20. For a stinging rebuke of those who would question the authenticity of the *Zohar*, see R. Avraham Yitzhak ha-Kohen Kook, *Iggerot Ha-Ra’ayah* (Jerusalem, 1985), #626; *Ma’amrei Ha-Ra’ayah*, vol. 2, p. 518, and *Haskamot Ha-Ra’ayah*, p. 46.

<sup>6</sup> *Zohar* (Sulam Edition, Jerusalem, 1975), Gen., no. 170. The notion that the Children of Israel are the children of God, which is an expression of the special relationship the two parties maintain with each other, is already expressed in Biblical sources. Among the more well-known examples in the Torah are Ex. 4:22, “Israel is my son, by first-born,” and Deut. 14:1, “You are children to the Lord your God.” All translation and emphasis in this essay are mine unless otherwise noted.

<sup>7</sup> *Ibid.*, no. 171.

<sup>8</sup> *Zohar Ha-Ḥadash* (Sulam Edition, Jerusalem, 1975), Gen., no. 407 & 412.

<sup>9</sup> *Kuzari*, 1:41–43.

<sup>10</sup> *Ibid.*, 1:115 (3).

<sup>11</sup> *Tiferet Yisrael* Chapter 1, 9; *Hiddushei Aggadot to Sanbedrin* 59a and *Avodah Zarah* 3a; *Netzah Yisrael*, Ch.1, pp. 66, 73-74.

### **R. Ḥayyim Vital (1543–1620)**

The greatest disciple of R. Isaac Luria—the major expositor of Kabbalistic principles—he taught and spread his master’s mystical teachings. He further explicated the distinction established by the *Zohar*, writing that every Jew, whether righteous or wicked, possesses two souls. The second, uniquely Jewish soul is “a part of G-d above.” The souls of the nations of the world, in contrast, emanate from unclean shards that contain no good whatsoever.<sup>12</sup>

### **R. Shabbetai Sheftel Horwitz (1565–1619)**

This scholar cites many sources that refer to the Jewish soul as an actual portion of God.<sup>13</sup> The theological problem posed by this description—that God is therefore composed of many parts and is not a Unity or One—required that he address the matter in a special treatise.<sup>14</sup>

### **R. Moshe Ḥayyim Luzzatto (1707–1746)**

R. Moshe Ḥayyim Luzzatto, also known as Ramḥal, writes that “While a Jew and a non-Jew appear exactly alike in terms of their human characteristics, from the Torah’s perspective, they are so greatly different as to be considered a completely different species.”<sup>15</sup> Furthermore, despite the well-known Talmudic dictum that “The righteous of all nations have a place in the World to Come,”<sup>16</sup> he comments:

Only Israel will be found there, while the righteous of the nations will be given their reality only by virtue of their attachment to them. They will be subordinate to Israel as clothes are subordinate to the body. In this way they will acquire whatever good is due to them, but they are unable to acquire anything whatsoever beyond this.<sup>17</sup>

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<sup>12</sup> *Eitz Ḥayyim* Portal 5, Ch. 2

<sup>13</sup> *Shefa Tal*, Introduction.

<sup>14</sup> See Louis Jacobs, “The Doctrine of the ‘Divine Spark’ in Man in Jewish Sources,” in Raphael Loewe (ed.), *Studies in Rationalism, Judaism, and Universalism In Memory of Leon Roth* (London, 1966), p. 99.

<sup>15</sup> *Derekh Hashem* 4:1.

<sup>16</sup> *Sanhedrin* 105a

<sup>17</sup> *Derekh Hashem* 4:7.

### **R. Shneur Zalman of Liadi (1745–1815)**

The most likely source for the familiarity of the concept of the distinction of souls among many contemporary Jews is the Ḥabad movement, due to its outreach efforts and its dedication to spread the teachings of its founder, also known as the Ba'al ha-Tanya or the “*Alter Rebbe*.” R. Shneur Zalman affirms the concept that the soul of a Jew is literally a part of God and the Divine essence (“*helek Elokah mima'al mamesh*”), while the soul of a non-Jew is purely animal in nature.<sup>18</sup> Even righteous gentiles, while possessing an element of good within their souls, do not possess a Divine soul. Indeed, when asked if an English translation of the *Tanya* should omit this teaching for fear that it might lead to resentment and anti-Semitism, the last *Rebbe* of Ḥabad, R. Menachem Mendel Schneersohn (1902–1994), responded that the words should not be omitted or changed:

In our day and age, one does not have to be a *Hasid* [i.e., a devout follower of Ḥabad], nor even a Kabbalist... nor even a confirmed believer, as long as one does not close his eyes to the stark facts, to see what kind of souls the nations of the world have. For all of the nations of the world were witnesses to what took place in Germany and the countries that it overran, yet they remained indifferent. In light of this, the words of the *Alter Rebbe* may even be an understatement.<sup>19</sup>

Obviously, the *Rebbe* believed in the Talmudic dictum that the righteous of all nations are awarded a place in the World to Come. He maintained, however, that their reward, warranted by exemplary behavior on some level, does not indicate that the essential nature of their souls is in any way akin to the lofty souls of Jews.

The *Rebbe* further clarified his position in a discussion with Hillel students, during which he was directly asked if a non-Jew has a spark of God in him, just as a Jew does. He answered: “A non-Jew and every created thing does have a Divine spark, but it is not the same kind of Divine spark that a Jew has.”<sup>20</sup> In other words, the Divine spark of a non-Jew is similar to that which exists within any animal, plant, or inanimate object. This is the same hierarchical theory of souls found in the *Tanya*. The *Rebbe* chose not to be apologetic and to express the true meaning of the doctrine.

The implications of this stance can be seen in the *Rebbe*'s explanation of the famous Talmudic statement that one who converts is considered

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<sup>18</sup> *Tanya, Likkutei Amarim*, end of ch. 1.

<sup>19</sup> *Letters from the Rebbe* (Brooklyn, 1997), pp. 106-107.

<sup>20</sup> See [www.chabad.org](http://www.chabad.org). The discussion took place on March 7, 1960.

to be like a newborn baby.<sup>21</sup> At first glance, this indicates that a non-Jew becomes a Jew when he is endowed with a completely new soul, a Jewish soul. The *Rebbe* notes, however, that the Talmudic statement literally reads: “A convert who converted (*ger sh’nitgayer*) is considered to be like a newborn baby.” A person who comes to convert, the *Rebbe* explains, is led to that decision because he already possesses a Jewish soul, which happened to mistakenly find its way into a non-Jewish body. In accordance with the Talmudic view that all Jews, including future converts, took part in the Revelation at Sinai,<sup>22</sup> the convert seeks not to acquire something new, but to recover what was actually his all along.<sup>23</sup> Accordingly, the only reason a non-Jew can convert to the Jewish faith is because he was essentially never a non-Jew in the first place!<sup>24</sup> If a person’s soul truly emanated from an inferior substance, as the *Zohar* describes non-Jewish souls, such a situation could never be rectified; he could never convert to Judaism.

### R. Ḥayyim of Volozhin (1749–1821)

R. Ḥayyim of Volozhin succeeded the Gaon of Vilna as the leader of the *Mitnagdim*, the opponents of the Ḥasidic movement. He disagreed with the Ba’al ha-Tanya’s understanding of the Lurianic concept of *tzimtzum* and the foundations of the creation of the world, and his work, *Nefesh ha-Ḥayyim*, was written to provide a non-Ḥasidic understanding of the Kabbalistic sources. In this context, however, he uses almost the exact same language as the *Tanya* to describe the greater connection between the soul of the Jew and God.<sup>25</sup> In a particularly powerful passage, he writes that the most genuine and authentic Temple was not in Jerusalem, but has always dwelled in the soul of every Jew. At the time of the Destruction,

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<sup>21</sup> *Yevamot* 62a; *Bekhorot* 47a.

<sup>22</sup> *Shavuot* 39a. An alternative view that converts did not experience the Revelation at Sinai can be found in *Midrash Tanḥuma, Lekh-le-Kha*, no. 6: “R. Shimon ben Lakish said: ‘A convert is more precious before the Holy One, blessed be He, than the myriads who stood at Mt. Sinai.’”

<sup>23</sup> The *Rebbe* notes that this interpretation was previously suggested by Ḥida, R. Ḥayyim Joseph David Azulai (1724–1806).

<sup>24</sup> See Elliot Wolfson, *Open Secret* (New York, 2009), pp. 261-262.

<sup>25</sup> The only difference between the formulation in *Nefesh ha-Ḥayyim* and that of the *Tanya* is that the latter states that the Jew’s soul is “*mamesh*” (“in actuality”) connected to the Almighty, while R. Ḥayyim is a bit more restrained, writing that it is “*mamesh, k’v’yakhol*” (“in actuality, if it were able to be so”).

when Titus entered the Holy of Holies and committed acts of sexual immorality in that most sacred place, this had no impact whatsoever upon the cosmic order. Should, however, a simple Jew allow even a forbidden thought to enter his mind or heart, this would desecrate the more significant Holy of Holies, which lies within him. Since the Jew is “a portion of God above,” such a transgression has ramifications that could generate dangerous reverberations throughout the cosmos.<sup>26</sup>

### **R. Avraham Yitzhak ha-Kohen Kook (1865–1935)**

The first Chief Rabbi of Palestine, R. Kook is often lauded for his ability to come to terms with such modern notions as the Theory of Evolution and Zionism. R. Kook’s great love for all Jews—those who were not observant, those who were anti-observant, and even those who were fanatically observant and publicly attacked and derided him—is legendary. But as a mystic, he could not ignore the Kabbalistic view of the superior Jewish soul:

The Jewish people are superior to all nations of the earth. This is not only so with regard to the fools who are abominable in their ways through murder and other great abominations. Rather, their superiority is due to their sanctity... which is superior even with regard to those who are the wisest and most saintly among the nations.<sup>27</sup>

In another work, he offers one of the most astounding statements ever uttered on the subject:

The difference between the Jewish soul, its self, its inner desires, its overflow, its character, its standing, and that of all the nations, at all their levels, is greater and deeper than the difference between the human soul and the soul of an animal. Between the latter, there is merely a quantitative distinction; between the former, an essential qualitative distinction pertains.<sup>28</sup>

R. Kook’s shocking statement appears to go even beyond the initial view of the *Zohar*, which describes the distinction between the Divine soul of the Jew and the soul of the non-Jew as akin to the distinction between man and animal, as he explicitly states that it is even “greater and deeper” than this!

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<sup>26</sup> *Nefesh ha-Hayyim, sha’ar* 1, ch. 4.

<sup>27</sup> *Midbar Shur* (Jerusalem, 1997), p. 300.

<sup>28</sup> *Orot* (Jerusalem, 2005), 156, no. 10. See also his introduction to this statement in the preceding paragraphs, as well as his comments to the preface of *Pirkei Avot*, “All Jews have a portion in the World to Come,” in *Olat Ha-Ra’ayah* (Jerusalem, 1996), pp. 156-157.

Interestingly, despite this incredible statement, R. Kook presents one of the most eloquent and poetic overtures toward the love of all men that have ever been composed:

The highest state of love of creatures should be allotted to the love of mankind, and it must extend to all of mankind, despite all variations of religions, opinions, and faiths, and despite all distinctions of race and climate. It is right to get to the bottom of the views of different peoples and groups, to learn, as much as possible, their characters and qualities, in order to know how to base love of humanity on foundations that approach action. For only upon a soul rich in love for creatures and love of man can the love of the nation raise itself up in its full nobility and spiritual and natural greatness. The narrowness that causes one to see whatever is outside the border of the special nation, even outside the border of Israel, as ugly and defiled, is a terrible darkness that brings general destruction upon all building of spiritual good, for the light of which every refined soul hopes.<sup>29</sup>

### **R. Avraham Grodzinski (1883–1944)**

R. Grodzinski, a disciple of the renowned R. Nosson Zvi Finkel (the *Alter* of Slabodka) who later becomes the *mashgiach* (spiritual supervisor) of the Yeshiva of Slabodka, portrays the soul of the Jew in accordance with the description we have seen thus far: “[It is] a different being, a new creation,

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<sup>29</sup> *Mussar Avikha* (Jerusalem, 1985), p. 58, no. 10; *Orot ha-Kodesh* (Jerusalem, 1990), vol. 4, p. 405. See also David Samson, *Torat Eretz Yisrael* (Jerusalem, 1991), p. 86, who quotes R. Tzvi Yehudah Kook as stating in the name of his father that the duty to love all nations also applies to the Arab nations. Even when other nations seek to destroy the Jewish People, it is their evil that should be hated, not the nation and its people. See also David Samson and Tzvi Fishman, *War and Peace* (Jerusalem, 1987), pp. 22-23. The obligation to love all men, while stated eloquently by R. Kook, was earlier articulated by R. Hayyim Vital, *Sha'arei Kedushah*, part 1, *sha'ar* 1, section 1. R. Vital interpreted the *mishnah* in *Avot* (3:14), “Precious is man who was created in the image of God,” as applying to all of mankind. See R. Ahron Soloveichik, *Logic of the Heart, Logic of the Mind* [Jerusalem, 1991], p. 70. This was also the view of R. Obadiah S'forno, Ex. 19:5; R. Yom Tov Lippman Heller, *Tosafot Yom Tor*; and R. Barukh ha-Levi Epstein, *Barukh sh-Amar*. See, however, R. Shmuel b. Isaac Uceda, *Midrash Shmuel* who understands “man” in the *mishnah* as referring exclusively to Jews. This view appears to oppose the simple meaning and intent of the text, which goes on to specifically identify the precious nature of the Jewish People as a result of their receiving the Torah, thus granting them the status of “Children of the Lord your God.” See also *Kiddushin* 31a.



of which nothing compares in the entire human species... The most praiseworthy and chosen of the class of men does not approach even the most worthless (*paḥot she-be-paḥotim*) of the class of Israel.”<sup>30</sup>

### **R. Shlomoh Wolbe (1914–2005)**

A renowned contemporary proponent of *mussar*, R. Wolbe describes the eternity of the Jewish soul and its special nature.<sup>31</sup> He explains that the Jewish soul is not in any way dependent upon any action in which a person engages in order to reach the eternal realm; even a stillborn child will achieve this lofty status. The soul is eternal by the nature of its own essence and needs no human input to establish its basic character.

### **The Talmudic Source**

In support of the concept of the distinction of souls, *Tanya*<sup>32</sup> cites a passage in the Talmud that compares the acts of charity and loving kindness of Jews and non-Jews:

R. Yoḥanan ben Zakkai said to his students: “My children, what is the meaning of the verse (Prov. 14:34): ‘Charity elevates a nation and the loving kindness of the nations is a sin (*bataḥ*)?’” R. Eliezer answered: “‘Charity elevates a nation’—this is Israel, as the verse states (Sam. II 7:23): ‘And who is like Your nation Israel, a unique nation on earth.’ ‘And the loving kindness of the nations is a sin’—all of the charity and loving kindness that the nations perform is a sin for them, for they do so only to aggrandize themselves...” [The Talmud now questions the implication of these statements]: And if a person does [give charity with the intent of fulfilling his own needs rather than purely for the sake of Heaven], is it not completely acceptable as charity? But it is taught in a *b’raitā*: “One who says, ‘This coin [will go] to charity so that my children will live or so that I will merit the World to Come,’ this is considered a perfectly righteous person (*tzaddik gamur*)!”<sup>33</sup> [The *gemara* answers]: This is not difficult. Here [the *b’raitā* describing the act as acceptable], it is speaking of a Jew;

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<sup>30</sup> *Torat Avraham* (Israel, Undated), opening chapter (*Am Segulah*), especially the end of no. 1 and the beginning of no. 5.

<sup>31</sup> *Da’at Shlomoh* (Jerusalem, 2006), p. 388.

<sup>32</sup> See n. 18 above.

<sup>33</sup> Ha-Meiri has the reading: “This is considered a perfect act of charity (*tzedakah gemurah*).”

here [the statement that such an act is considered sinful], it is speaking of a non-Jew<sup>34</sup>...R. Neḥunya ben ha-Kanah answered and said: “Charity elevates a nation and loving kindness’—for Israel; ‘The nations’—a sin” [i.e., they do no acts of loving kindness]. R. Yoḥanan ben Zakkai said to his students: “The words of R. Neḥunya ben ha-Kanah are better than my explanation and your explanation, for he grants charity and loving kindness only to Israel, and to the nations [he grants] only sin.” This teaches that [R. Yoḥanan] also had an interpretation. What was it? As we learn: R. Yoḥanan ben Zakkai said to them: “Just as the sin offering atones for Israel, so does charity atone for the nations of the world.”<sup>35</sup>

On the simple level, this passage seems to contrast only the intentions of Jews and non-Jews in their performance of acts of charity and kindness. The Kabbalists, however, interpret this passage in a profound and spiritually significant manner to indicate that the very souls of Jews and non-Jews are inherently different. In other words, the element of motivation under discussion is, in fact, a reflection upon the very nature of the soul.<sup>36</sup>

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<sup>34</sup> Rashi comments: “The intention of the Jewish People [in giving charity] is for the sake of Heaven (*da’atan la-Shamayim*); whether the son lives or not, he [the Jew] does not wonder about [God’s] attribute of judgment. However, a non-Jew does not have the intention [to give the charity] unless it is on this condition, and if not [fulfilled], he regrets [that he did so].”

<sup>35</sup> *Bava Batra* 10b. This lengthy passage has been abbreviated.

<sup>36</sup> Major thinkers of the Mussar movement frequently emphasize the distinction of souls in agreement with this understanding as well. See R. Eliyahu Eliezer Dessler, *Mikhtav mei-Eliyahu (Sefer Ha-Zikaron)*, vol. 2, p. 45, who characterizes non-Jews as possessing no spiritual core whatsoever, but only superficiality. R. Wolbe further develops this thought in *Alei Shur*, vol. 1, p. 326, and *Ma’amarei Yemei Ratzon*, pp. 53-54, explaining that this is the natural result of the fact that unlike a Jew, a non-Jew is not rooted or identified with Godliness—as we noted in the *Zohar* and those who followed in its wake. The inner being of a non-Jew cannot make contact with the Divine because he is immersed in this world, without a vision of a spiritual world that exists beyond the present, robbing him of any genuine sense of spirituality. That said, R. Wolbe makes the following observation: “These words are not to be explained as a sharp criticism against the nations, but are simply the underlying premise as to how things must be as they flow from [those who are immersed in this] preliminary world [with no concept of an ultimate spiritual world that lies beyond].” In other words, there is nothing that can be done to correct this situation; non-Jews are not to be blamed for their lack of spirituality as they were never granted such a sensitivity in the first place. R. Wolbe then continues with the following comment:

Numerous questions may be raised regarding this interpretation. First, is this truly what the Talmudic discussion is about? Second, does the conclusion actually follow R. Neḥunya ben ha-Kanah's interpretation of the verse? Perhaps R. Yoḥanan ben Zakkai praised his student's interpretation because he felt that it brought honor to the Jewish People, but nonetheless maintained that the proper interpretation of the verse was his own. As R. Yoḥanan ben Zakkai is the greater figure in the debate, his interpretation should be more readily accepted. Third, even if R. Neḥunya ben ha-Kanah's view is accepted over that of R. Yoḥanan ben Zakkai, numerous authorities are of the opinion that aggadic (non-legal) discussions such as this are not subject to authoritative decisions and do not obligate one to uphold such a belief.<sup>37</sup>

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They [the words of the Talmud] are said regarding the general entities of the Jewish People and The nations. It is understood that there are individuals who come to the level of the righteous ones of the world, and there are individuals from among us [the Jews] who are enclosed as they [the non-Jewish nations] are, in the midst of this world of falsehood, without the ability to rise above it.

This assessment of R. Wolbe appears so reasonable that I initially considered his position to oppose that of the Kabbalists. For if the Talmud is only making a general observation regarding the behavior of Jews and non-Jews that in no way elevates or condemns either to a particular realm from which they cannot extricate themselves, then how can one presume a theory of distinction of souls? How can a person overcome that which by nature establishes his spiritual character to be as it is? See, however, n. 32 above. For additional discussion of the subject by leading *mussar* advocates, see R. Ḥayyim Shmulevitz, *Sifot Mussar* (Jerusalem, 2002), pp. 192 & 195 and R. Ḥayyim Friedlander, *Sifte Ḥayim, Mo'adim* (B'nai Brak, 1994), vol. 1, p. 229.

<sup>37</sup> See *Vikuaḥ ha-Ramban*, in *Kitvei ha-Ramban* (Chavel Edition, Jerusalem, 1978), vol. 1, p. 306, where Naḥmanides responded to an aggadic source brought by his adversary, Pablo Christiani, in his Disputation with the Church in Barcelona in 1263, with the words: "I do not believe in that *aggadah*." He further explained that the *aggadah* referenced either was not true or was meant to convey a deeper meaning beyond the literal explanation, but in any event, one is not required to believe such statements. Whether these words convey Naḥmanides' true view or he spoke them under pressure and the need to combat an attack that might have endangered the future of the Jewish faith is subject to much discussion. See the Chavel edition, notes to p. 308. R. Moses Schreiber in *Responsa Hatam Sofer*, O. H. no. 16, cites Naḥmanides' statement as his genuine opinion, albeit, he qualifies that a midrash can be rejected only if it is outside of the Babylonian and Jerusalem Talmud. See also R. Shlomoh Luria (Maharshal), *Yam Shel Shlomoh, Bava Kamma* 4:9, who rules that one may not engage in the falsification of the Torah [*ḥizuy ha-Torah*] even when one's life is at stake. See also the insightful

It is of great importance to note as well that the classic commentators make no reference to R. Nehunya ben ha-Kanah's interpretation:

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comments of Hyam Maccoby, *Judaism on Trial* [Oxford, 2006], ch. 2, esp. pp. 44–47). It appears to me that we may presume that Nahmanides expressed his true opinion about the *Aggadab* for another reason. It was Nahmanides, after all, who chose to write down the arguments of the Disputation after its conclusion of his own accord (much as a Christian version was similarly recorded). If Nahmanides was, in fact, under duress to respond in a manner that would defeat his opponent and defend the faith in the midst of the theological joust, he certainly was not in such a position when he decided to preserve the event for posterity. To convey as truth a false depiction of the nature of *Midrash* when he no longer was embattled in the tempest of a spiritually perilous arena would not be reasonable.

For other opinions concerning the genre of the *Aggadab*, see Maimonides' *Guide for the Perplexed* 3:43. Interestingly, in his *Epistle to Yemen*, Maimonides soundly criticizes those who attempt to calculate when the Messiah will arrive for ignoring the Talmud's (aggadic) exhortation, "May all those who calculate the end come to grief" (*Sanhedrin* 97b). He then famously proceeds to make his own prediction based on a tradition that he received from his father and to defend R. Saadia Gaon's calculation. Maimonides' decision both to rebuke those who contradict the *Aggadab* and then not to consider it binding in the face of a leader attempting to inspire a disheartened and suffering community is itself a valuable teaching as to how such material is to be approached.

Especially outspoken about this issue is R. Samson Raphael Hirsch in his "Letter on *Aggadab*" (*Ha-Ma'ayan*, 1976), who writes: "*Aggadab* is not part of our obligation to accept as Jews. Therefore, if a person's reasoning leads him to reject any statement of *Aggadab*, he is not considered a heretic." He later writes: "Torah originated with what God told Moses; *Aggadab* originated in the mind of a sage." He maintains that this attitude is consistent with the views of the early authorities. He further clarifies that the *Aggadab* was, in fact, given to Moses, but only in a general and unspecific manner, allowing scholars to introduce their own insights into the original material in order to keep the Torah fresh and appealing. In other words, there is both a Divine and human element in the *aggadic* genre that distinguishes it from other aspects of Torah and makes it non-binding. R. David Tzvi Hoffman similarly maintains such a view in the introduction to his *Commentary to Leviticus* (Jerusalem, 1976), p. 6: "One should not say of these [elements that are included in the realm of '*Aggadab*'] that they were given from Sinai, nor is there any obligation upon us to accept them." See also Talmud *Yerushalmi Horiyot* 3:8; R. Yehezkel Landau, *Noda be-Yebudab*, Y.D.161; Maharal, *Be'er ha-Golah*, no. 6, and additional sources cited in Daniel Eidensohn, *Da'as Torah* (Brooklyn, 2005), pp. 224–225, 230–233, and 236. In R. Kook's *Iggerot*, #103, and especially #302, R. Bahye ibn Pekuda and Maimonides are cited in support of the notion that the authoritative view in aggadic material is not determined by the Supreme Rabbinical Court (*Sanhedrin*), as is the case with Jewish Law, so that an individual may choose the opinion that he identifies as correct without the need to consult with scholars.

### **Rabbeinu Gershom (960–1040)**

In his Talmudic commentary, Rabbeinu Gershom explains: “All that the sages said herein, many nations do.” In other words, this cannot be meant as an absolute statement about the difference between Jews and non-Jews as to the nature of their souls, because there are some nations that do not perform kindness and offer charity in a sinful manner, but who instead carry out such actions with the same proper motivation as the Jewish People.

### **R. Abraham Ibn Ezra (1089–1167)**

In his commentary on Proverbs, ibn Ezra cites the view of R. Yoḥanan ben Zakkai as the correct and authoritative interpretation, suggesting no distinction of one soul from another.

### **R. Menaḥem ha-Meiri (1249–1310)**

In his commentary on the Talmud, ha-Meiri writes:

There is another level of charity that is not fit to be considered, and this is one who gives in order to acquire a name [for himself], to become great, and to become famous among others. This is not characteristic of the Jewish People and it is a very disgusting trait. Not only is this not considered an act of charity, but the person who does this is called a sinner, and of this it is said, “The loving kindness of the nations is a sin.” Nonetheless, one who gives with the intention of acquiring a reward, such as he who says, “This coin shall go to charity so that my sons shall live, so that I will merit the World to Come, so that my success will continue,” or other such things, this is considered an act of perfect charity, so long as if his request is not granted, he does not voice complaint and regret that he gave it, since it did not accomplish anything.

Ha-Meiri, while condemning the act of charity given with selfish ends as unworthy and “not characteristic” of the Jewish People, and proverbially an act performed by the other nations, indicates no conclusions about the different souls of each. More significantly, in the case of one who attaches a condition to his act of giving, Ha-Meiri makes no distinction between Jew and non-Jew, but only between the nature of the act itself and its accompanying intention.

### **R. Elijah of Vilna (1720–1797)**

The Gaon of Vilna not only does not reference the Talmudic discussion of this verse, he offers his own original interpretation:

When the nations give charity, those nations will be elevated... and when they do acts of loving kindness, not only will they be elevated, but it will also be sinful for the Jewish People, for their merit will thereby be lacking. And the Holy One, blessed be He, must pay their reward in this world... and the reward of a *mitzvah* is great.<sup>38</sup>

Remarkably, whereas R. Yoḥanan ben Zakkai identified the interpretation of R. Neḥunya ben ha-Kanah as the proper interpretation because it praised Israel for both its charity and kindness while granting the nations only sin, the Gaon introduces an interpretation that is in complete opposition to this view, praising the nations for their benevolent gestures while appropriating sin to the Jewish people alone. If R. Neḥunya's view is to be considered normative, why would the Gaon select an interpretation that conflicts with the Talmudic conclusion?

The answer I believe is that the Gaon's interpretation follows a rabbinic source that differs from the source in *Bava Batra*. In the midrashic presentation, unlike the Talmudic discussion, none of the views presented disparages the motivation of the nations of the world. In fact, the views presented, even that which is attributed to R. Neḥunya ben ha-Kanah, envision the acts of the other nations to be so worthy that they cause the Jewish people to appear sinful in their lack of such commitment. The view of R. Neḥunya ben ha-Kanah in the *midrash* is this: "Charity elevates a nation"—this is Israel; 'and the loving kindness of the nations is a sin'—the loving kindness that the nations do is a sin for Israel."<sup>39</sup> In this source, there is no room for the concept of distinction between souls even according to R. Neḥunya ben ha-Kanah.

Finally, the one practical element of this text, which considers charity given by a Jew with an ulterior motive to be acceptable, while deemed sinful for a non-Jew, is not codified by Maimonides. He is similarly silent regarding other Talmudic sources discussing this law.<sup>40</sup> Why? Perhaps

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<sup>38</sup> *Commentary on Proverbs*. I do not claim that the Gaon disagreed with the view that we have established in the name of the Kabbalists. To the contrary, I would presume that, as a great Kabbalist, he held this view. It is only my intent to show that what is considered by many to be the major Talmudic source for such a perspective is not unanimously considered as such by others—even by those who may be committed to such a position. Others (unlike the Gaon) interpret the verse in a manner that does not even maintain the structure or format of the Talmudic debate. They include R. Meir Leibush Malbim and R. Samson Raphael Hirsch.

<sup>39</sup> *Tanḥuma (Ki Tissa, no. 5)*.

<sup>40</sup> *Rosh HaShanah* 4a; *Pesahim* 8a. Interestingly, a practical ramification of the Gemara can be found in R. Shlomoh Zalman Braun's contemporary work *Shaarim*

Maimonides ignores the codification of this decision because he does not accept its underlying principle. He does not recognize one basic type of behavior based on motive for a Jew and another for a non-Jew; he does not recognize one type of soul for a Jew and another, of lower stature, for a non-Jew.

## **Maimonides' Alternative View**

### **The Role of the Intellect**

Maimonides consistently emphasizes that all human beings—Jew and non-Jew alike—have the ability to come close to God through their service of Him. The measure of a man's soul is a function of his intellectual comprehension of Divinity (and the proper translation of that level of comprehension into sanctified actions):

The soul of all flesh is the form that God gave him, and the greater knowledge that is found in the soul of man is the form of man who is complete in his intellect. Regarding this form, the Torah states—“Let us make man in our form and in our likeness”—that is, that he should possess the form that comprehends ideas.<sup>41</sup>

The intellect, which overflowed from Him, may He be exalted, toward us, is the bond between us and Him.<sup>42</sup>

Indeed, in the interpretation of his Palace Parable, Maimonides speaks of “every person of humankind”<sup>43</sup> in his evaluation of those who are far from the king due to their lack of proper intellectual development and those who are closer to gaining access to his inner chamber. He is interested in distinguishing not between Jew and non-Jew, but between those who possess the knowledge required to converse with the king, and those who do not. Should one lack knowledge or possess incorrect knowledge, it bears no difference whatsoever from what background he has come.

### **Absolute Free Will**

Maimonides establishes absolute free will as a basic foundation of the Torah:

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*Mitzvayanim be-Halakhab, Bava Batra* 10b, but his concern is with the view of R. Yoḥanan, not with the view of R. Neḥunya ben ha-Kanah.

<sup>41</sup> Laws of *Foundations of the Torah* 4:8.

<sup>42</sup> Shlomo Pines, translator, *Guide for the Perplexed* (Chicago, 1963), 3:51.

<sup>43</sup> Ibid.

It should not occur to you the idea that the foolish of the nations and most ignorant Jews profess that God decrees upon man from the beginning of his creation whether he will be a righteous or evil person. The matter is not such. Rather, every man can be righteous like Moses our teacher or evil like Yerabam...<sup>44</sup>

This concept is a great principle and a pillar of the Torah and the Commandment.<sup>45</sup>

Maimonides emphasizes that the fundamental of free-will applies to all human beings and that every human being can achieve the highest possible rank in the realm of spirituality. It should be evident that Kabbalists—who are of the opinion that a non-Jew cannot carry out acts for the sake of Heaven, due to his possession of an inferior soul to that of a Jew—cannot possibly entertain the thought that such an individual could achieve the spiritual level of Moses.<sup>46</sup>

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<sup>44</sup> *Laws of Repentance* 5:2.

<sup>45</sup> *Ibid.*, 5:3. This is one example among several that indicate that Maimonides' Thirteen Principles which he developed in his *Commentary on the Mishnah to Sanhedrin* 10:1, following the mishnaic format, were not exhaustive. See also his *commentary to Makkot* 3:16, where he states that it is “a principle of our faith” to believe that if one properly fulfills any commandment with pure intention, he will merit a place in the World to Come.

<sup>46</sup> *Tanpuma, Balak*, no. 1, relates that Bilaam reached the level of Moses in his ability to be able to converse with God whenever he wanted. For the Kabbalists, however, the example of Bilaam is the exception that proves the rule. His evil behavior testifies that his status as a prophet was not genuinely earned but was rather an act of Divine grace, which, tradition recounts, was meant to pacify the complaint of the nations that they too should be granted prophets to help guide them toward God.

For a source with a Kabbalistic coloring, that in contrast to Maimonides, denies that all human beings have absolute free will, see the writings of R. Kalonymus Kalman Shapira, the martyred *Rebbe* of Peasetzna, in Yehoshua Starrett, Editor and Translator, *To Heal a Soul* (1995, New Jersey), pp. 156-157:

Nevertheless, the root of the Jewish soul transcends them all (even the higher worlds), being intimately bound with God and His will. This explains why only the Jewish person has absolute free choice, something no other earthly or heavenly being has. What is free choice? A will of which the author himself is the absolute author... The energy of the Divine will that thus enters the Jewish person empowers him to exercise the same willpower as God, its source: a causative and active will rising from the depths or himself. The rest of creation, though, receives Divine energy only as reflected off the Jewish soul. Its source of energy is thus not primary and causative but reactive.



## The Love of God

According to the Kabbalists, every Jew has a natural hidden love for God that emanates from the Divine soul that he has been granted.<sup>47</sup> Maimonides, in contrast, does not presume that an inherent love of God exists in the Jewish soul; rather, such love, like all other forms of love, must be nurtured and developed—be it for a Jew or a non-Jew. In this instance, man must reflect upon the wisdom with which God invested the world; the understanding of His greatness will inspire one to have a profound love for Him.<sup>48</sup>

## Prophecy

Maimonides' view of prophecy is consistent with his broader view of spiritual possibilities for all men. While ha-Levi and others relegated the prophetic experience to the Jewish People, as only their souls are worthy of such Divine encounters, Maimonides was completely opposed to such a position, establishing a “Fundamental of the religion to know that the Almighty prophetically communicates with human beings (*b'nei adam*).”<sup>49</sup> Indeed, the conditions he requires for the prophetic experience are not specifically Jewish: “Great in wisdom, mighty in his character traits, and not overcome in any aspect by his [evil] inclination, but rather his intellect always overcomes his inclination...”<sup>50</sup> Similarly, Maimonides' description

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<sup>47</sup> See *Tanya*, chs. 15, 18, 19, and 44. For another example in Hasidic texts, see R. Yehuda Aryeh Leib Alter, *Sefat Emet al ha-Torah, Parshat Va'et'hanan*, 20 (par. 3). Such suggestions often sought to answer a difficult question aimed at Maimonides and other authorities who list the love of God as a commandment: How can a person be commanded to love God? Love is an emotion; moreover, it is an emotion that requires an authentic relationship between the subject and the object of his love and cannot merely be expressed in an insincere manner. The Kabbalists solved this problem by positing that a natural love for God is already to be found inside of the Jewish soul. A Jew, therefore, does not need to generate such an emotion, but only to remove the obstacles and distractions that interfere with his spiritual personality so that this inner love can burst forth toward the Creator. For an extensive discussion, see R. Norman Lamm, *The Shema* (Philadelphia 1998), pp. 95–100.

<sup>48</sup> Laws of *Foundations of the Torah* 2:2, 4:12; *Guide*, 3:28; *Book of the Commandments*, Positive Command no. 3. In this last source, Maimonides includes the wisdom of the Torah and the commandments, as well as the natural world, as the focus of one's reflection in order to achieve love of God.

<sup>49</sup> Laws of *Foundations of the Torah* 7:1.

<sup>50</sup> *Ibid.*

of the character traits that one should acquire to become a spiritual personality, is addressed not only to Jews, but to all human beings.<sup>51</sup>

In the *Epistle to Yemen*, Maimonides leaves no doubt to his position, by listing the non-Jewish prophets who are to be rejected and those who are to be accepted: “But we will believe in a prophet or reject him due to his prophecy, not his lineage.” As a proof-text, he refers to the Book of Job, citing the prophets Job, Tzofar, Bildad, Elifaz, and Elihu, “who are all prophets to us,” despite the fact that they were, in his opinion, not Jewish.<sup>52</sup> He later comments with regard to the proof that is necessary to identify a prophet: “Should a Jewish or gentile prophet urge and encourage people to follow the religion of Moses, without adding to it or subtracting from it, like Isaiah, Jeremiah, and the others, we require a miracle from him.”

### **Amalek**

Maimonides’ treatment of the obligation to destroy the nation of Amalek<sup>53</sup> is also consistent with his approach that there is no holy or profane soul that pre-exists in a person. Although the command to wipe out Amalek is clear and seemingly unequivocal, Maimonides rules that efforts must first be made to dwell with them in peace with their acceptance of the Noahide Code.<sup>54</sup> In a similar vein, Maimonides does not deny the Amalekites the opportunity to convert to Judaism.<sup>55</sup> If the hatred for the Jewish nation is an inherent part of the Amalekite soul, what possible meaning could their verbal agreement to live by the Noahide laws truly have? If, on the other hand, Amalekites can convert, their murderous convictions are presumably not an internal and unchangeable flaw, but rather a result of a certain culture and its morally flawed education. As Maimonides writes, “It is the way of man to be drawn in his opinions and his actions after his neighbors and friends,

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<sup>51</sup> *Laws of Character Traits*, ch. 1

<sup>52</sup> Note that Maimonides is convinced of this proof from The Book of Job even though he accepts the view articulated in the Talmud (*Bava Batra* 15a) that the entire book is a parable and the story never actually happened—see *Guide* 3:22. The fact that the Biblical text presumes that there could be non-Jewish prophets is sufficient for him.

<sup>53</sup> See Ex. 17: 8–16; Deut. 25: 17–19.

<sup>54</sup> *Laws of Kings* 6: 1–4. See also Josef Stern, “Maimonides on Amalek, Self-Correcting Mechanisms, and the War Against Idolatry,” in Jonathan W. Malino, editor, *Judaism and Modernity: The Religious Philosophy of David Hartman* (Great Britain, 2004), especially p. 362.

<sup>55</sup> *Laws of Prohibitions of Sexual Intercourse*, 12: 17, 25.

behaving in the way of the people of his country.”<sup>56</sup> It is the upbringing of an individual that determines his values, not a genetic component of his being.

For those who consider Amalek’s hatred for the Jewish people to be inborn, Amalek is a biological category and there is no escaping his fate. Maimonides, in contrast, presumes the matter to be one of ideology, not biology.<sup>57</sup>

### **Holy of Holies**

Perhaps the most well-known example of Maimonides’ view of the equality of the soul of a Jew and a non-Jew and the ability of both to reach the loftiest heights of the spiritual realm is the following statement:

And not only the tribe of Levi, but every single person (*kol ish v'ish*) from all inhabitants of the world (*me-kol ba'ei ha-olam*) whose spirit guides him and whose intellect leads him to understand, to separate himself and to stand before God, to serve Him and worship Him, to know God and walk straight as God created him, and who removes from his neck the many calculations that men have sought—he is sanctified with the greatest holiness (“Holy of Holies”) and God will be his portion and inheritance forever and ever.<sup>58</sup>

Consistent with his view of the requirements to achieve prophecy, Maimonides states here that there no ontological notion of a superior soul that is required for the fostering of a lifelong religious relationship of the highest order with the Almighty.

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<sup>56</sup> *Laws of Character Traits* 6:1

<sup>57</sup> In harmony with our presentation is the insight of Rabbi Joseph B. Soloveitchik, in the name of his father, R. Moshe, that whereas Maimonides describes the Canaanite nations as being completely wiped out so that there is no longer a command to wage war against them, he makes no such comment with regard to Amalek—an indication that Amalek is not necessarily defined as a particular nation, but is rather a prototype for any nation that would seek to annihilate the Jewish people. See R. Mikhal Zalman Shurkin, *Harrerei Kedem* (Jerusalem, 2000) Vol. 1, no. 186.

<sup>58</sup> *Laws of Sabbatical and Jubilee Years*, 13:13. See Deut. 10:8 for the source of Maimonides’ language regarding the dedication of the Levite tribe. A similar description of the traits required to attain the paramount religious life envisioned by Maimonides, though with much more emphasis upon the component of knowledge, can be found in his discussion of the rank of the prophets, with intellect, a directing of the mind only toward God, separation from the burdens of this world (and even from other people), standing before God, and worshipping Him, presented there as it is here. See *Guide* 3:51 (Pines, pp. 620–623).

The language that Maimonides employs to make this point is both intentional and dramatic. Not only does he describe the possibility of any person reaching God through a religious experience, he further identifies such a person as “*Kodesh Kodashim*,” “Holy of Holies.” This terminology normatively identifies the holiest place in Jewish tradition, located in a part of the Temple that no one could enter save the High Priest, and even he, only one day a year, on *Yom Kippur*.<sup>59</sup> Maimonides, however, utilizes the concept to describe a person, not a place, whose sanctity has become such that he is spiritually unique and set apart from others. Such usage may also be found in a Biblical text: “The sons of Amram were Aaron and Moses; and Aaron was separated to sanctify him [as the] Holy of Holies, he and his children forever, to offer incense before the Lord, to serve Him, and to bless with His name forever.”<sup>60</sup>

A statement in the Talmud supports Maimonides: “R. Meir used to say: ‘How do we know that even a non-Jew who occupies himself with Torah is comparable to the High Priest?’ As it says (Lev. 18:5): ‘That man should do and live through them.’”<sup>61</sup> The comparison is so astonishing, however, that it required most commentators, especially those committed to the Kabbalah’s portrayal of the inferior spiritual state of the non-Jew, to greatly downplay R. Meir’s statement.<sup>62</sup> Other Rabbinic sources similarly support the Maimonidean view: “The heaven and earth testify on my

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<sup>59</sup> The term is also utilized throughout Leviticus to describe the sanctity of the sacrifices, beginning with Lev. 2:3. See also *mishnah, Yadayim* 3:4, where R. Akiva applies the term to the biblical “Song of Songs” as a statement of its most sacred nature.

<sup>60</sup> Chron. I: 23:13. See R. Meir Simḥa of Dvinsk, *Mesbekeh Hokhmah* (Israel, 2002), Ex. 26:33.

<sup>61</sup> *Bava Kamma* 38a; *Sanhedrin* 59a; *Avodah Zarah* 3a. A textual variant in *Bamidbar Rabbah* (*Naso* 13:16) is significant: “How do we know that even a non-Jew who converts and occupies himself with Torah is comparable to the High Priest?” See also Reuven Margoliot, *Margoliot ha-Yam, Sanhedrin* 59a.

<sup>62</sup> Tosafot emphasize that while a non-Jew may, in fact, reach the level of a High Priest, he still does not approach the status of a Torah scholar, who inhabits the inner sanctum not only once a year, but year-round. Maharal, *Hiddushei Aggadot*, contends that the intent is merely to state that such action on the part of a non-Jew is “a great thing,” and “a very high level.” R. Isaiah D. Trani (*Tosafot Rid*) and R. Shlomoh ben Aderet (Rashba) similarly write that this is not to be taken as meaning anything more than that he has done something of importance, with the comparison to the High Priest simply a “*guzma b’alama*,” “a hyperbolic figure of speech.” R. Samuel Eidels (Maharsha) opines that just as a Jew who studies the laws of the sacrifices of the High Priest is granted reward as if he actually offered them, even though he is forbidden to do so, a non-Jew who studies material that is not of a practical nature for his status will similarly be justly

behalf: ‘Be it a Jew or non-Jew, man or woman, manservant or maidservant—all is in accordance with the deeds of the person, and so shall the Holy Spirit rest upon him.’”<sup>63</sup>

Maimonides concludes his assessment of the individual, who like the tribe of Levi, aspires to fully commit his life to the service of God, with the following seemingly innocuous statement: “And God will be his por-

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rewarded. R. Jacob Reischer, *Iyun Yaakov*, views the statement as symbolic of the fact that just as the High Priest wore eight garments, if a non-Jew incorporates the study of the seven Noahide laws as an eighth element, his fulfillment of them is envisioned as on a higher level than his fellow Noahides. R. Yosef Hayyim, *Ben Yebovada, Sanbedrin* 59a, suggests that this comparison simply means that just as the High Priest is on a level that is higher than his fellow Priests, a non-Jew who occupies himself with Torah stands at a level above the other members of his nation. R. Meir Simḥa of D’vinsk in *Mesbekh Hochmah* (Lev. 18:5) maintains that just as the High Priest must be anointed and if his son should serve in that role he must be anointed independently, so too, a non-Jew, as opposed to a convert whose children fully assume his status, does not pass on his engagement with Torah to his children but rather it must be reaccepted by each one of them independently. R. Moshe Feinstein (*Iggerot Moshe*, OH II, 33:1) explains the term as nothing more than an expression of “*kavod b’alma*,” “simply a recognition of honor,” that is due to such a person.

According to R. Hananel’s text of the Talmud, a non-Jew who studies Torah is comparable to a Jew (*Yisrael*). While it is possible, as shown above, to interpret the comparison of a non-Jew to “the High Priest” as merely indicating a certain significant level of achievement, the Kabbalists would surely have difficulty grappling with a comparison to a Jew, as in their view, even the most spiritually noble non-Jew can in no way compare to the most spiritually debased Jew.

<sup>63</sup> *Tanna de-Bei Elyahu Rabbah*, 9:1. While the Kabbalists were compelled to interpret the comparison to the High Priest in a manner that greatly diminished the bold statement of R. Meir, the notion of a non-Jew experiencing the “Holy Spirit”—which might have similarly been interpreted to simply imply that the non-Jew is raised to a higher spiritual level than he stood on previously—is in this case understood literally. See R. Wolbe, *Da’at Shlomoh*, p. 110, who explains that the fact that every human being is created “in the image of God” accounts for this very real possibility. R. Grodzinski also offers this understanding in *Torat Avraham*, p. 139. One wonders, however, why such an individual cannot merit becoming a prophet. While there are those who wish to distinguish between receiving “The Holy Spirit” and prophecy, I am in agreement with Kellner that such a distinction here is not warranted. See *Science in the Beit Midrash*, p. 56, n. 28. Perhaps as Jew and non-Jew are mentioned together in this source with the same degree of religious rapture promised to both, its experience is more difficult to minimize in significance as it would also impact the Divine encounter of the Jew.

tion and his inheritance forever and ever.” Recall, however, that the Kabbalists used very similar language with reference to the connection of a Jew to the Almighty, calling the Jewish ”Divine” soul a “*helek Elokah mima’al mamesh*,” “An actual portion of God from above.”<sup>64</sup> It appears to me that Maimonides here has subtly turned this Kabbalistic formulation on its head. Man is not a portion of God; such a concept is sheer idolatry to Maimonides’ way of thinking (see note 14)! Rather, it is God who is man’s portion. Man has no place in the existence of the living God. It is God Who has a place in the life of man—the man who has made Him the constant focus of his every action, thought and desire.<sup>65</sup>

### **Holiness is Not Inborn**

We have seen that for Maimonides, all human beings may achieve and experience holiness, prophecy, and an intimate relationship with God, characterized by spiritual grandeur and dignity. A person is deemed holy by the force of his thoughts and actions and not by virtue of the fact that he was born into a certain nation. Holiness does not accompany one into this world, but is rather the result of spiritual achievement that one has attained through the fulfillment of the Divine commandments. Holiness does not dwell within a person, but rather conveys who a person is, the respect that is due to him, and the elevated status that he holds in the religious sphere, relative to man and to God.<sup>66</sup>

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<sup>64</sup> See notes 13, 14, 18, and 26.

<sup>65</sup> This represents additional support for the marvelous study by Kellner in *Confrontation*, that not only was Maimonides not ignorant of Jewish mystical beliefs, he was, in fact, so attuned to their existence, influence, and popularity, that he often wrote with a specific intent to address them—albeit in a subtle fashion—and present an alternative rationalistic approach. This thesis contradicts the claim of Kabbalists who argued that Maimonides had no knowledge of mystical beliefs and it was for that reason that he sought deeper knowledge in philosophy. He would have, they assert, chosen Kabbalah if he had known of it. Others have claimed that Maimonides actually “converted” to Kabbalah in his old age and disavowed his devotion to the rational approach to which he had committed his entire life. See Michael A. Shmidman, “On Maimonides’ ‘Conversion’ to Kabbalah,” in Isadore Twersky (ed.), *Studies in Medieval Jewish History and Literature* (Boston, 1984), esp. p. 384 ff. See also Louis Jacobs, “Attitudes of the Kabbalists and the Hasidim Toward Maimonides” in *The Solomon Golden Lectures* (Chicago, 1990), vol. 5, pp. 45–55

<sup>66</sup> For a complete and exhaustive discussion about the differing perspectives on holiness between Maimonides and the Kabbalists, see Kellner, *Confrontation*, ch. 3 & 4, and *Science*, ch. 17 & 19. As we are focusing only upon holiness as related

### **Problem: The Forced *Get***

In order to uphold our thesis that Maimonides does not maintain that the soul of a Jew is superior to a soul of a non-Jew, we must resolve one of his most famous legal decisions that seemingly ends the debate—in favor of the Kabbalists—with Maimonides at their side:

He for whom the law decides that they force him to divorce his wife and he does not desire to do so, a Jewish court in any place and at any time may strike him until he says, “I want to [give the *get*],” and he shall write the *get* and it is a proper *get*... And why is this *get* not nullified? For behold, it was coerced!<sup>67</sup>... Because we do not say [something was done with] “coercion” unless someone was pressured and pressed to do something which the Torah does not obligate him to do, such as one who was struck until he sold or gave away [an item]. But someone whose evil inclination has seized him so that he nullify a commandment or commit a transgression and he is struck until he does that which he is obligated to do or is distanced from that which is forbidden to be done, this is not considered coercion; rather, he coerced himself with his evil thought. Therefore, he who does not want to grant a divorce, since he wants to be a part of Israel and he wants to perform all of the commandments of the Torah, and he wants to distance himself from transgressions, and it is his [evil] inclination which has seized him, and since he has been struck until his inclination has been weakened, he says, “I want to do this,” it is to be considered that he divorced in accordance with his own free will.<sup>68</sup>

The vast majority of those who comment upon this profound explanation of Maimonides envision him as saying that every Jew, in the depths of his being, really wants to do God’s will, to do His commandments, to avoid transgression, but he sometimes succumbs to the negative influence of his evil inclination. When he is forced to do what is the right thing to do, that is what he truly wants to do, and when he therefore states that he wants to now perform this commandment, we believe that this is the real person speaking; he is no longer under the control of his evil inclination.<sup>69</sup>

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to people and not objects, we have limited what could easily be a much more lengthy analysis.

<sup>67</sup> Jewish law requires that a man give his wife a bill of divorce of his own free will and not under duress.

<sup>68</sup> *Laws of Divorce* 2:20.

<sup>69</sup> See *Nefesh ha-Hayyim* 1:18; *Mesbekeh Hokhmah*, Gen. 22:14; *Mikhtav mei-Eliyahu*, vol. 2, p. 78, Vol. 4, p. 286; R. Yitzhak Hutner, *Pahad Yitzhak: Letters and Writings*

According to these views, what leads Maimonides to entertain a perspective that a Jew naturally wants to do God's will? Only if one presumes the existence of a soul that is ever connected to the Divine can such a suggestion be considered. Indeed, some maintain that even if a Jew became an apostate—as in the case of one who abandoned Judaism for Islam—when beaten until he agrees to give a *get* that desire still reflects his true essence, as the Jewish will to serve God is presumed to be unsullied at its core.<sup>70</sup>

I believe that this approach is not in harmony with Maimonides' strict judgment of one who would freely abandon the Jewish faith and even of one who is wholly righteous but who separates himself from Israel. Such a person, Maimonides declares, is excluded from the World to Come, banned from eternal life.<sup>71</sup> Moreover, Maimonides does not believe that a person never loses his connection to God. In his view, a person to whom the punishment of  *karet*  is administered, is fully and completely severed from God “and destroyed like an animal.”<sup>72</sup>

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(Brooklyn, 1998), p. 19; R. Yaakov Yitzhak ha-Levi Ruderman, *Sibot Levi* (Union City 1994), p. 17; R. Joseph B. Soloveitchik, in R. Herschel Schachter, *Eretz ha-Tzvi* (New York, 1992), p. 90.

<sup>70</sup> R. Avraham Yeshayahu Karelitz, *Hazon Ish* (Bnei Brak, 1974) *Even ha-Ezer* 99:1. This view is consistent with the Kabbalistic view that even the punishment of  *karet*  (one definition of which is being cut off from God) does not mean that a Jew is completely severed from his Divine connection. Thus, in the spiritual makeup of man, which consists of the three elements of  *nefesh* ,  *ruah* , and  *n'shamah* , the penalty of  *karet*  affects only the lower realm of  *nefesh* , as such is its description throughout the Torah (as in the first example in Genesis 17:14): “*v'nikbr'tab ha-nefesh ha-bee*,” “And that soul ( *nefesh* ) shall be cut off from its nation.” Other sins may damage the realm of  *ruah* , but the  *neshamah*  can never be damaged and always remains attached to God. See R. Hayyim Vital, *Likkutei Torah, Parsbat Bo*, and *Nefesh ha-Hayyim* 1:18.

<sup>71</sup> *Laws of Repentance* 3:11.

<sup>72</sup> *Ibid.* 8:1. While it is true that in Maimonides' list of those who suffer the fate of  *karet*  (*Laws of Repentance* 3:6) he states: “And these are those who have no place in the World to Come, rather they are cut off, destroyed, and judged upon the severity of their wickedness and their sinfulness forever and for all eternity,” which might indicate that the soul is, in fact, continuously judged, punished, and suffering for all time and not utterly extinguished—akin to the view of the Kabbalists—I believe the correct interpretation is otherwise. In fact, to the contrary, Maimonides has once again very carefully selected his words to specifically reject the Kabbalistic notion. The thrust of his powerful assessment of this punishment is such, that while those who merit it, live on after their physical death, ultimately to rise again, per his *Treatise on Resurrection*, the judgment that has been rendered though  *karet*  is a judgment for all time, with no possibility of reversal,



I would like to suggest another way to read the text that I believe is far more in keeping with Maimonides' rational approach. We should understand that in the law that we are analyzing, Maimonides is speaking specifically of a Jew who is committed to observing the entire halakhic code. He prays three times a day, dons *tallit* and *tefillin*, observes the dietary laws, *Shabbat*, family purity, and all the other myriad of laws, Toraitic and Rabbinic, that are part of the sacred routine of the observant Jew. Concerning this Jew, it is to be said that he actually wants to do God's will, but his evil inclination is distracting him from fulfilling what the court has ordered. In this circumstance, when a Jew says that he now wants to give his wife a *get* after he has been "forced" to do so, it is reasonable to say that this is, in fact, his true desire and that he is not giving it under duress.

This explanation requires no mystical presumption of a Divine soul that truly wants to carry out God's will in direct contradiction to what the individual actually states. Instead, this truth is attested to rationally by his actual devotion to all other aspects of Jewish law, a devotion that has been weakened in this case only, due to his acrimonious relationship with his

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reinstatement, or return to the world of the living, in any form. It is truly, then, the complete annihilation of the individual, for all eternity, who is sentenced to oblivion. This is in complete contrast to the Kabbalistic view, where God always provides a way back to that portion of the soul that is Divine and cannot be obliterated (see n. 79), even through such transformational means as *gilgul neshamot* (the transmigration of souls), with the reincarnated soul entering not only a human body again, but even animals, plants, and inanimate objects. Maimonides never considers such a possibility and follows his predecessor of the rational school, R. Saadiah ha-Gaon, who considered the doctrine of transmigration so utterly unacceptable that he declared it an approach that is "crazy and mixed-up," and a belief of people "who are called Jews" (Kabbalists?). See *Ha-Emunot v'ha-Deot* (New York, 1947), essay 6, pp. 129–131.

The arguments of Nahmanides in *Kitvei Ramban, Igrot* (Chavel Edition, Jerusalem, 1997), p. 344 and *Ibid.*, *Sha'ar ha-G'mul*, pp. 291–292—who fiercely contends that Maimonides in no way intended to suggest that the soul of a person is immediately destroyed without first suffering the punishments of *Gehennom*—do not nullify our basic presentation of a soul that it is ultimately eliminated from the annals of time and space, in contrast to one that exists for eternity. *Targum Onkelos* (with the rare exception of Lev. 18:29) regularly translates the word *nefesh* (soul) as *anasha* (person), an indication, perhaps, of a belief that is in agreement with Maimonides, that the result of *karet* is that the person is cut off in his entirety, is completely destroyed. Saadiah ha-Gaon, following the same path, explains the word *nefesh* as related to this penalty as meaning either *ish* or *adam*, also a statement as to the demise of the entire person. All three thinkers are figures who are identified with the rationalist school of Jewish thought. See, also, Rabbeinu B'hai's comments on the above verse for an alternative view.

wife. According to this approach, a Jew who is not generally committed to Jewish law can in no way be presumed to have really desired to give the *get*. In such a situation, even after the *get* was given, it would be deemed coerced.<sup>73</sup> The attractive nature of this argument is evident in the text itself: “Therefore, he who does not want to grant a divorce, since he wants to be a part of Israel and he wants to perform all of the commandments of the Torah, and he wants to distance himself from transgressions...<sup>74</sup> Accordingly, the case of a convert to Islam clearly does not fit into the logic that Maimonides has suggested, as he does not want to be a part of Israel and subject to its laws. I would suggest that even in the case of a non-observant or secular Jew, including those who are in the category of *tinok sh-nishba* (those who were raised without any awareness at all of the Torah, its beliefs, and practices), Maimonides would deny the validity of a *get* that was given under duress. In such a case as well, it is not reasonable to presume that after he has been forced to give the *get*, he will feel good about doing what the Torah wants of him, so that the action will be considered voluntary and reflective of his genuine will.<sup>75</sup> Indeed, as Maimonides considers a Jew who denies his Thirteen Fundamental Principles a heretic, it is clear that such a person would also be excluded from the

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<sup>73</sup> This approach is suggested in views found in R. Karo’s *Beit Yosef, Even ha-Ezer* 134, that if given under duress, the *get* would be considered null and void. See also the discussion of R. Meir Simḥa of Dvinsk in *Ohr Sameah al ha-Rambam*.

<sup>74</sup> The Frankel edition of the Maimonidean text presents a variant reading that is insightful: “Since he wants to be part of Israel, he wants to perform all the commandments of the Torah...,” which leaves out the word “and” after Israel. This would perhaps better support the approach arguing that to want to be part of Israel is enough to assert a basic underlying commitment to its religious constitution.

<sup>75</sup> The argument regarding how to understand Maimonides’ intent is not without relevance to contemporary considerations of Jewish Law, not only on the individual, but also on the national level. For example, should the Israeli Chief Rabbinate and other rabbinic authorities attempt to impose matters of *Halakha* upon a community that does not desire to observe its demands? Is there a presumption to be made that in their hearts, even secularists, “who want to be part of Israel,” possess a desire to do what God asks of them? Or is the case clearly otherwise, so that the imposition of such requirements, far from resulting in their recognition that this is really what should be done (“*rotzeh an?*”), will lead the secular community to an even greater hatred of Torah and *mitzvo?* The attempt to force non-observant Jews to uphold the laws of the Torah may not be wise, reasonable, or successful. Such challenges must thus be evaluated with great care and sensitivity and with serious consideration of the overall impact and possible negative, and even tragic, short- and long-term spiritual results that such decisions may foster.

application of this law.<sup>76</sup> This individual obviously does not fit the criteria that Maimonides has established of wanting to fulfill God's commandments.

### **A New Conception of the Noahide**

In suggesting that Maimonides envisions the non-Jew in a different spiritual light than the Kabbalist, we turn to a statement at the end of his Code that has left many puzzled:

Whoever accepts the seven [Noahide] commandments and is careful to observe them is of the righteous of the nations of the world and has a portion in the World to Come. But this is [only] so (“*Ve-hi*”) when he accepts and observes them because the Holy One, blessed be He, commanded them in the Torah and made it known to us through Moses our teacher that the offspring of Noah were previously commanded by them. If, however, he observed them due to the resolve of his own intellect, he is neither a resident alien, nor one of the righteous of the nations of the world—but (*e’la*) one of their wise men.<sup>77</sup>

Maimonides here is confirming all that we have said with regard to his anti-Kabbalistic stance toward the soul of the non-Jew and its inferiority to the soul of a Jew. The Talmud concluded, as we noted,<sup>78</sup> that a Jew can give charity with an ulterior motive because his essential motivation is to carry out God's will, while a non-Jew who is focused on his own needs cannot be considered to have given to charity if his conditions are not met, as he is not really interested in doing an act of kindness for its own sake—“even the loving kindness of the nations is sinful.” Maimonides, however, as we emphasized, does not cite this Talmudic decision in his Code. While additional reasons have been offered by us for the non-binding nature of this source,<sup>79</sup> it is now clear why Maimonides could not

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<sup>76</sup> See *Commentary on the Mishnah, Sanhedrin* 10:1.

<sup>77</sup> Laws of Kings 8:11. The vast majority of manuscripts have confirmed Maimonides' recognition of those who uphold the Noahide Code by virtue of their own quest for the truth as being of the wise men of the nations (with the word “*v'lo*,” “and not one of their wise men,” at the end of the passage—still found in many standard texts today—now viewed as a corruption). Whether the status of being of the wise of the nations grants one entry into the World to Come is a major debate among Maimonidean scholars that cannot be effectively analyzed within the current context. The topic is one I hope to address in a future article.

<sup>78</sup> See n. 34.

<sup>79</sup> See n. 37.

include it as Halakha: He has again turned the Kabbalistic principle on its head—this time with his silence on the matter—ruling that not only is there no distinction between the normative intention of a Jew and a non-Jew in the performance of a religious act for the sake of Heaven, but moreover, a non-Jew attains the World to Come if he accepts the Noahide laws specifically for the sake of Heaven! Maimonides' statement that non-Jews accept the Noahide laws with the understanding that they were commanded by God, through Moses, and via the instrument of the Torah, is essentially a recognition that a commitment “for the sake of Heaven” is, in fact, within the realm of the non-Jew to achieve.<sup>80</sup>

In his responsa, Maimonides similarly upholds this view, ruling that while a non-Jew may even fulfill commandments beyond the seven in which he is obligated—there is one critical caveat:

Just so he will fulfill it [the command] as he admits to the prophecy of Moses our teacher, who was commanded this from the exalted God, and believes in this, and that he not do it for any other reason or due to some opinion that he saw fit on his own.”<sup>81</sup>

In other words, a non-Jew may perform additional commandments as well—but only for the sake of Heaven—if he sees them as God's commandments. This parallels a statement in his Code and contributes yet another insight into our analysis:

A Noahide who wishes to perform a commandment from the remaining commandments of the Torah, in order to receive reward,

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<sup>80</sup> Ha-Meiri in his comments concerning the non-Jew who studies Torah as achieving the status of the High Priest (as discussed by other commentators in n. 61–63) speaks of such a person as one who completely understands the Torah's intentions and fulfills them “for the sake of Heaven,” (“*lishmah*”). It appears that ha-Meiri is in agreement with Maimonides on this issue and presumably also does not subscribe to the theory of a distinction of souls. This is a logical outcome of his analysis of the text of *Bava Batra* 10b, which, as we saw, did not derive such a distinction from this source as did the Kabbalists. R. Yaakov Emden also shares the view that non-Jews can serve God for the sake of Heaven, which perhaps identifies him as one who subscribes to the Maimonidean approach to the soul as well—see Steven Schwarzschild, in “*Do Noahites Have to Believe in Revelation?*” in *Jewish Quarterly Review*, no. 53, 1962, p. 35. While a more thorough study of these and other figures is needed—especially those of the rational school of Jewish thought—we may consider this an indication that in his altercation with the Kabbalists, Maimonides may not stand alone.

<sup>81</sup> *Pe'er ha-Dor* (Jerusalem, 1984), no. 60.

we do not prevent him from performing it, when it is performed in accordance with its halakhic requirements.<sup>82</sup>

In his comments upon this statement, R. David B. Zimri (Radvaz) explains that the intent of Maimonides' ruling is to grant permission to non-Jews to add to their commandments, so long as they understand that the additional commandments that they have chosen to fulfill are not commanded of them, but that they are doing them specifically to receive reward, just as a Jew who is not commanded to fulfill a particular commandment may perform that commandment in order to receive reward.<sup>83</sup> Clearly this is what Maimonides means. But is it all that he means?

The text of *Bava Batra* 10b, we recall, was the Talmudic source for the distinction of souls that was made by the Kabbalists. Let us now revisit that source and the specific scenario from which they derived their insight:

One who says, "This coin [will go] to charity so that my children will live or so that I will merit the World to Come." Here [the *b'raita* describing the act as acceptable], it is speaking of a Jew; here [the statement that such an act is considered sinful], it is speaking of a non-Jew.

What our Talmudic text is describing is precisely a situation where a non-Jew is fulfilling a commandment that is not required of him for the sake of receiving a reward ("so that my children will live or I will merit the World to Come"). The Talmud concludes that when a non-Jew does so, the commandment is deemed "sinful," because "the loving kindness of the nations is a sin." Why then would Maimonides permit an act by a non-Jew, which he is doing "in accordance with its halakhic requirements," which he is doing, in other words, correctly—presumably with both mind and body, in belief and action—if the outcome of such an act will be declared sinful, due to the inability of a non-Jew to maintain a commitment to the fulfillment of the commandment, to the will of God, should his reward not be granted? Once again, we may suggest, Maimonides was attempting to convey a message against the Kabbalists, that the act of a non-Jew who seeks reward is as acceptable before God as the act of a Jew, that the motivation of each is considered genuine, despite the condition of reward that is attached, and that the souls of both, therefore, are of the same precious value.

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<sup>82</sup> *Laws of Kings* 10:10.

<sup>83</sup> The classic case is a woman performing a positive time-bound commandment from which she is exempt.

Maimonides' rejection of the Talmudic text of *Bava Batra* 10b allows him to legislate that non-Jews accept their laws in a way that Kabbalists can in no way conceive possible—for the sake of Heaven. We have shown that throughout his writings—in his legal code, philosophical works, responsa and epistles—he consistently upholds a vision that the soul of a non-Jew may truly soar and potentially achieve all that can be accomplished by a Jew in the realm of the spirit. To be sure, we acknowledged from the outset that Maimonides believes that the Jew is more prepared to reach such spiritual heights due to his acceptance of the Torah—but such advantages occur through the choices of the Jewish individual and are not an essential and predisposed component of his physical or spiritual being.<sup>84</sup> Despite whatever advantages a Jew may have, especially when born into an environment of Torah values, the challenges that exist in the religious setting in which a non-Jew finds himself may, even without conversion, be met and overcome, offering the potential for an authentically rewarding and even rapturous relationship with the Master of the Universe, in the welcoming spiritual edifice that Maimonides has constructed. We can only look on with awe at the breadth of inclusivity that he displayed, in an era—as we know from his own writings<sup>85</sup>—in which medieval religious fanaticism was often rampant. This is reason enough to continue to seek both refuge and inspiration, on the outstretched and soaring wings of the “Great Eagle.” ❧

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<sup>84</sup> See n. 3.

<sup>85</sup> See his *Epistle on Martyrdom* and *Epistle to Yemen*.