

CRUSADES, INQUISITIONS, & CAMPUS PROTESTS

**Is it Halachically Permissible
to Deny your Jewish Identity?**

*Based on a shiur given by Rabbi Lebowitz,
adapted by Rabbi Jordan Auerbach.*

Following the heinous attacks against Am Yisrael on Simchas Torah 5784, Jews in the Diaspora have felt something that most of us, Baruch Hashem, have never felt in our lifetimes. While we have all, undoubtedly, heard stories of the fear and anxiety that typified the experiences of Jews living in Europe during the many eras of persecution, we, living in the modern Western world, have thankfully been blissfully untouched by that acute feeling of being targeted for our Jewishness. We have all seen and heard of the many antisemitic incidents taking place on college campuses across the United States and even on city streets across the world; those who hate us have ripped down the posters of our brothers and sisters held hostage in Gaza while rallying in support of the terrorists who perpetrated the worst massacre of Jews since the Holocaust.

We are suddenly living in a time in which walking down the wrong sidewalk in many cities while wearing a kippah could, potentially, put someone

into serious danger. This “new normal” has presented *shailos* that rabbanim of this generation generally don’t receive. However, there is certainly a precedent for what we are seeing and experiencing today. And we can look to the gedolim who have preceded us to show us a path forward in this trying time.

I recently received the following *shaila*, which illustrates the true extent of the reality we now face. “I was on my college campus, wearing a baseball cap and typical college student clothing, and as a pro-Palestinian protest was marching through the campus one of the protestors grabbed me by my shirt and asked, ‘Are you a Jew? In that scenario can I reply, ‘No’?”

Upon hearing this question many would, very reasonably, assume that this is a simple open-and-shut case. Of course, one can deny their Jewishness to save their life, this seems to be a clear case *pikuach nefesh* given the clear and present danger, and we know that the Torah commands us *to live* by the mitzvos not die for them. However, there are three major exceptions to the principle of “living rather than dying for the mitzvos.” One must die rather than



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transgress one of the “big three” *aveiros* (murder, adultery, idolatry). Still, when looking at the case we have before us, it does not appear to fit into any of those three categories and thus our question, again, seems to be an easy one to answer. However, after examining the sources and some responsa addressing this very question, we’ll see that the answer is far more complex than one may initially assume.

The *Shulchan Aruch*, when codifying the scenarios in which a Jew must give up their life rather than transgress a commandment, states the following:

אסור לאדם לומר שהוא עובד כוכבי' כדי שלא יהרגוהו.

It is forbidden for a man to claim that he is an idolater so that they will not kill him...
Shulchan Aruch Yoreh Deah 157:2

What an astonishing halacha. The *Shulchan Aruch* explicitly rules that one cannot claim to be a non-Jew to avoid being killed. Why? Which of the “big three” *aveiros* is being violated when one claims to be a non-Jew?

Perhaps claiming to be a non-Jew is a more severe issue than we might assume. The Rosh (Rav Asher ben Yechiel 1250-1327), in his commentary on the *Talmud Bavli*, explains that when one feels threatened by idolators and claims to be a part of their religious group he is, in essence, claiming to believe in their religion.

אין לדקדק מכאן שיהא מותר לישראל לומר עובד כוכבים הוא כדי שלא יהרגוהו. דודאי כופר בעיקר הוא. דכיון שרוצין להורגו אם לא יהפוך לדתם ויהיה עובד כוכבים כמותם. ודאי כשאומר עובד כוכבים הוא הודה לדתם וקבל עליו אלוה שלהן.

We cannot infer from here that it is permissible for a Jew to say, “I am a non-Jew,” to avoid being killed. Indeed, fundamentally, it is a form of denying G-d because they wish to kill him unless he abandons his religion and becomes a non-Jew like them and therefore, when he says that he is a non-Jew, he is validating their religion and accepting their god upon himself.

Rosh, Avodah Zarah 2:4

The Rosh states that this sort of claim is viewed by halacha to be an acceptance

of an idolatrous or foreign religion, and as such would fall within the parameters of the Torah's prohibition on idol worship. The *Terumas Hadeshen* (Rav Israel Isserlein 1390-1460) follows a similar path and writes that if one is not careful with his language and professes to be a member of an idolatrous sect, he is viewed as one who denies the Torah in its entirety:

ולכך צריך לדקדק יפה בדברים הללו שלא יהא נראה כמודה בע“ז, שכל המודה בה כאילו כופר בכל התורה כולה.

Therefore, one must be careful on these matters so that he doesn't appear to validate idol worship because one who validates it is as if he denies the entire Torah.

Terumas Hadeshen siman 197

Do these Rishonim mean to say that a verbal pledge of allegiance to an idolatrous religion is equal to the actual practice of idolatry? It seems clear that while this would not constitute a direct violation of the Torah Prohibition of idolatry, it is certainly an *abizraihi* (a prohibited accessory or subcategory) of idolatry. Potential violation of *abizraihi* of idolatry would also compel a Jew to give up his life rather than transgress, and as such it seems, at least based on the approaches of the Rosh and *Terumas Hadeshen*, that when stopped on the street in Manhattan or on the quad of a college campus by the antisemitic mob, one would be compelled to admit that he is Jewish rather than profess to being a non-Jew.

However, even among the Rishonim, not all agree with the above approach,

that saying “I am a non-Jew” violates an *abizraihi* of idolatry. The *Or Zarua* (Rav Isaac ben Moshe of Vienna (1200-1270), based on a passage in the *Jerusalem Talmud* (*Avoda Zara* 2:1), notes that there is a debate among the sages as to the legality of denying Jewish identity when threatened, and based on this debate there is significant room to be lenient regarding this question. Later, in the era of the Acharonim, the Gra (Rav Eliyahu of Vilna 1720-1797), in his glosses on the *Shulchan Aruch* (*Yoreh Deah* 157:2), notes the Talmudic debate and casts doubt on the strength of the Rosh's reasoning.

When evaluating similar scenarios — unfortunately there is no shortage of related cases in our history — one comes across a Gemara in *Maseches Sanhedrin* (72), which discusses changing one's dress to conform to non-Jewish styles. The Gemara there relates that we must give up our life rather than adopt the styles and customs of the non-Jews, and even changing the lacing of our shoes would demand martyrdom. This Gemara, which clearly demands an extremely high level of Jewish distinction, would certainly seem to indicate that we cannot verbally identify with the idolators. However, the Nimukei Yosef (Rav Joseph ibn Habiba) notes, in his commentary on the Rif in tractate *Bava Kama* (BK 40b in the Rif's pagination), that the Gemara is specifically referring to a *sha'as hashmad* (a time of religious persecution typified by forced conversions), a time when Jews are called upon to show higher levels of religious conviction and are



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halachically obligated to give up their lives in far more circumstances than the halacha would generally require.

Are we now in a *sha'as hashmad*?

Does the current climate of overt antisemitism we are now experiencing in the Diaspora compare with the case described by the Gemara? If the sages of our time determined it to be so then the answer to our starting question may very well be that, indeed, since October 7th we find ourselves in a *sha'as hashmad* and we would, therefore, be required to proudly proclaim our Jewish identity no matter the danger.

It does not seem that major halachic authorities of our day believe that our current situation has reached such a level. As was made clear by Hagaon Harav Asher Weiss Shlita, a major posek and rabbinic leader from Jerusalem, today's reality is not one of ideological warfare. We do not find ourselves in a time when we are being confronted for our beliefs and compelled to adopt alternative ones, rather, we are facing a threat that is based on sheer unadulterated barbarism. Our enemies wish to destroy us entirely, not convert us en masse as has been the case previously in our history. It therefore stands to reason that simply denying our Jewish identity, or perhaps,

even claiming to be a member of a different religious group, would not be a violation of halacha.

It is also important to note the opinion of the Rama (Rav Moshe Isserles 1530-1572), found in his glosses on the Shulchan Aruch (YD 157:2). In his comments on the Shulchan Aruch's discussion of the permissibility of changing our dress to avoid identification as a Jew, The Rama writes that it is permissible to make a statement that has multiple possible interpretations regarding our religious identity. This novel approach gives license to the threatened Jew to cleverly allow the non-Jewish aggressor to believe that he has found a co-religionist while the intentions of the statement were meant to, quite literally, imply that the opposite is true. While this strategy may not always prove effective, based on the intelligence of the threatening party, it does indicate that there is certainly some flexibility in the situations that we may now, unfortunately, find ourselves.

...ואע"ג דאסור לומר שהוא עובד כוכבים
מכ"מ יוכל לומר להם לשון דמשתמע לתרי
אפין (נמוקי יוסף פ' הגזול) והעובדי כוכבים
יבינו שהוא אומר שהוא עובד כוכבי' והוא
יכוין לדבר אחר...

Even though it is prohibited to say that one is a non-Jew, nevertheless, it is permitted to

use ambiguous language so that the non-Jews will think that he is saying that he's not Jewish, but he really means something else.

Rama, Yoreh Deah 157:2

While it does seem that the halacha would allow someone to deny their Jewish identity in the current climate of antisemitism and overt acts of hatred against our people, it may not be the best approach. The Midrash (*Devarim Rabbah* 2:8) relates that Yosef Hatzadik merited burial in Eretz Yisrael while Moshe Rabbeinu did not. The reason given by the Midrash is that while Moshe identified, at least in one context, as an Egyptian and did not proactively make himself known to be an Ivri (precursor to Jew), Yosef was particular in identifying as an Ivri. It was this pride in his Jewish identity that set Yosef apart and granted him the merit to be brought out of Egypt and buried in the holy earth of Eretz Yisrael. May we all find the courage and strength to be like Yosef Hatzadik even in the face of the vitriolic hatred we see on the streets of the Western world. And may our brothers and sisters in Eretz Yisrael merit a quick and decisive military victory that leads to a lasting peace in *Artzeinu HaKedosh*.

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