

Apostasy & Maimonides

In the biography of French Huguenot scholar Isaac Casaubon (1559-1614) by Walter Farquhar Hook (Chapter 8), it relates of a Jacob Barnet, known as 'Jacob the Jew', who came to England from Germany before the readmission of the Jews to England by Oliver the Cromwell. Jacob somehow gained a teaching position of Hebrew to students at Oxford around 1609, where he met Isaac Casaubon. Casaubon was deeply impressed by Jacob's vast knowledge of the Talmud and employed him as his personal rabbinical reader of Hebrew at Oxford. When Casaubon left Oxford to London he took Jacob with him. Casaubon however was unable to keep Jacob any longer 'as his inmate', whereupon Jacob intimated to Casaubon that he would be willing to accept Christian Baptism. Casaubon subsequently sent letters of recommendation with Jacob to the Regius Professor of Hebrew at the University of Oxford. The vice chancellor was notified, the king of England was informed, and the University determined to baptize Jacob in a great ceremony before the whole University at the University Church of St Mary's. However, the day before the ceremony was due to take place, Jacob had changed his mind and fled the town on foot. The proctors instructed the university police to pursue Jacob and they captured him on the road to London and imprisoned him in Bocardo Prison by Oxford's Northgate, currently the intersection of Cornmarket Street and Ship Street. In the meanwhile, with short notice, the preacher changed his sermon from a Baptism sermon to one on the perfidy of the Jews. While in prison Jacob was subject to torture and taunting by university academics and officials until Casaubon came to his defense and argued that since to decline Baptism is not a crime in English Law Jacob should be released. Upon his release Jacob was banished from the university precincts and possibly from England all together.

Leviticus 18:5

(5) Ye shall therefore keep My statutes, and Mine ordinances, which if a man do, he shall live by them: I am the LORD.

ויקרא י"ח:ה'

(ה) ושמרתם את-חקתי ואת-משפטי אשר יעשה אתם האדם וחי בהם אני יהוה: (ס)



Avodah Zara 54a

Rabbi Johanan said in the name of R/ Shimon b. Jehozadak: By a majority vote, it was resolved in the upper chamber of the house of Nithza in Lydda (Diaspolis) that in every other law of the Torah, if a man is commanded: ' Transgress and suffer not death' he may transgress and not suffer death, except idolatry, incests, which includes adultery and murder.

Leviticus 22:32

(32) And ye shall not profane My holy name; but I will be hallowed among the children of Israel: I am the LORD who hallow you,

ויקרא כ"ב:ל"ב

(לב) ולא תחללו את-שם קדשי ונקדשתי בתוך בני ישראל אני יהוה מקדשכם:

Deuteronomy 5:6-9

(6) I am the LORD thy God, who brought thee out of the land of Egypt, out of the house of bondage. (7) Thou shalt have no other gods before Me. (8) Thou shalt not make unto thee a graven image, even any manner of likeness, of any thing that is in heaven above, or that is in the

דברים ה':ו'-ט'

(ו) אנכי יהוה אלהיך אשר הוצאתיך מארץ מצרים מבית עבדים: (ז) לא יהיה לך אלהים אחרים על-פני: (ח) לא-תעשה לך פסל כל-תמונה אשר בשמים | ממעל ואשר בארץ מתחת ואשר במים | מתחת לארץ: (ט)

earth beneath, or that is in the water under the earth. (9) Thou shalt not bow down unto them, nor serve them; for I the LORD thy God am a jealous God, visiting the iniquity of the fathers upon the children, and upon the third and upon the fourth generation of them that hate Me,

לֹא־תִשְׁתַּחֲוֶה לָהֶם וְלֹא תַעֲבֹדֵם כִּי אֲנֹכִי יְהוָה
אֱלֹהֶיךָ אֵל קַדְוֶה עֵוֹן אָבוֹת עַל־בְּנֵיהֶם
וְעַל־שְׁלִישִׁים וְעַל־רְבָעִים לְשִׁנָּאִי:

Maimonides Mishneh Torah Hilchot Yesodei Hatorah 5:4

Halacha 1

The entire house of Israel are commanded regarding the sanctification of [God's] great name, as [[Leviticus 22:32](#)] states: "And I shall be sanctified amidst the children of Israel." Also, they are warned against desecrating [His holy name], as [the above verse] states: "And they shall not desecrate My holy name."

What is implied? Should a gentile arise and force a Jew to violate one of the Torah's commandments at the pain of death, he should violate the commandment rather than be killed, because [[Leviticus 18:5](#)] states concerning the mitzvot: "which a man will perform and live by them." [They were given so that] one may live by them and not die because of them. If a person dies rather than transgress, he is held accountable for his life.

Halacha 2

When does the above apply? With regard to other mitzvot, with the exception of the worship of other gods, forbidden sexual relations, and murder. However, with regard to these three sins, if one is ordered: "Transgress one of them or be killed," one should sacrifice his life rather than transgress.

When does the above apply? When the gentile desires his own personal benefit - for example, he forces a person to build a house or cook food for him on the Sabbath, he rapes a woman, or the like. However, if his intention is solely to have him violate the mitzvot, [the following rules apply:] If he is alone and there are not ten other Jews present, he should transgress and not sacrifice his life. However, if he forces him [to transgress] with the intention that he violate [a mitzvah] in the presence of ten Jews, he should sacrifice his life and not transgress. [This applies] even if [the gentile] intended merely that he violate only one of the [Torah's] mitzvot.

Halacha 3

All the above [distinctions] apply [only in times] other than times of a decree. However, in times of a decree - i.e., when a wicked king like Nebuchadnezzar or his like will arise and issue a decree against the Jews to nullify their faith or one of the mitzvot - one should sacrifice one's life rather than transgress any of the other mitzvot, whether one is compelled [to transgress] amidst ten [Jews] or one is compelled [to transgress merely] amidst gentiles.

Halacha 4

If anyone about whom it is said: "Transgress and do not sacrifice your life," sacrifices his life and does not transgress, he is held accountable for his life.

When anyone about whom it is said: "Sacrifice your life and do not transgress," sacrifices his life and does not transgress, he sanctifies [God's] name. If he does so in the presence of ten Jews, he sanctifies [God's] name in public, like Daniel, Chananiah, Mishael, Azariah, and Rabbi Akiva and his colleagues. These are those slain by [the wicked] kingdom, above whom there is no higher level. Concerning them, [[Psalms 44:23](#)] states: "For Your sake, we have been slain all day, we are viewed as sheep for the slaughter," and [[Psalms 50:5](#)] states: "Gather unto Me, My pious ones, those who have made a covenant with Me by slaughter."

When anyone about whom it is said: "Sacrifice your life and do not transgress," transgresses instead of sacrificing his life, he desecrates [God's] name. If he does so in the presence of ten Jews, he desecrates [God's] name in public, nullifies [the fulfillment of] the positive commandment of the sanctification of [God's] name, and violates the negative commandment against the desecration of God's name.

Nevertheless, since he was forced to transgress, he is not [punished by] lashing, and, needless to

say, is not executed by the court even if he was forced to slay [a person]. The [punishments of] lashes and execution are administered only to one who transgresses voluntarily, [when the transgression is observed by] witnesses, and [when] a warning [was given], as [Leviticus 20:5] states concerning one who gives his children to [the worship of] Molech: "I will turn My face against that person."

The oral tradition teaches [that we can infer]: "that person" and not one who is forced [to transgress, who transgresses] inadvertently, or [who transgresses] because of an error. If, concerning the worship of false gods, which is the most serious [of sins], a person who is forced to worship is not liable for *karet*, nor, needless to say, execution by a court, how much more so [does this principle apply] regarding the other mitzvot of the Torah? [Similarly,] regarding forbidden sexual relations, [Deuteronomy 22:26] states: "Do not do anything to the maiden."

One who could, however, escape and flee from under the power of a wicked king and fails to do so is like a dog who returns [to lick] his vomit. He is considered as one who worships false gods willingly. He will be prevented from reaching the world to come and will descend to the lowest levels of Gehinnom.

