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THE ETHICS OF REBUKE

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In the following, I explore the ethical potential of the Mosaic and, by extension, rabbinic obligation to rebuke or reprove one's neighbor.[1] The obligation "to reprove your neighbor, or you will incur guilt yourself"[2] refers to one's fellow Israelite. There is no legal obligation to reprove the stranger, and the ethical potential of the law is thus not as immediately evident as may be the case in verses contained in the same chapter (Leviticus 19) where the Israelites are in fact obliged "to love" the "alien residing with you . . . as yourself."[3] From the modern perspective of a society founded on individual liberty and social contract, it seems irredeemably antiquated to be obliged to rebuke one's neighbor. This is particularly so once rebuke is predominantly called for in cases of blasphemy. With the separation of church and state, blasphemy has lost its luster as a transgression, and the very idea that an act could be branded as blasphemous conflicts with the right of free speech, a right which may

[1] See Leviticus 19:17. This paper is a thoroughly revised version of a paper by this title presented at the UCLA Center for Jewish Studies conference on "The Ethics of the Neighbor," May 17, 2004.

[2] Ibid.

[3] Leviticus 19:34.

have been invented to put a stop to charges of blasphemy and the stigmatization that went with it. Similarly, the obligation to rebuke one's fellowman encroaches on his privately held opinions and obfuscates the boundary between morality and law that is fundamental to modern conceptions of social harmony and toleration. Does not, therefore, the obligation to rebuke one's neighbor of necessity return us to a Puritanical state? The risk involved in the following investigations is thus that we might obfuscate the difference between law and morality, or rather between their radically different presuppositions, namely, revealed legislation and moral autonomy. It remains to be seen, therefore, whether rebuke can indeed be fully translated from its halakhic origins into the language of ethics.

Civilizations differ as to what they consider destructive behavior and offer different controlling mechanisms to prevent what they perceive as destructive behavior. We generally assume that there is, or ought to be, some agreement on what most civilizations consider bad or evil, at least under ordinary circumstances. But there is also the obverse phenomenon of a suspicion that our neighbors, be they my individual neighbor or our collective neighbors, do not attend to quite the same values and sensitivities that determine good and bad in our own family or community. This more than anything else makes the neighbor into a stranger. As one might put it in Yiddish, they are simply *zey*, i.e. "them."[4] There is therefore a risk involved in any transaction that involves others, neighbors, strangers. Anticipating the worst, I caution myself against supposing that he or she will be kind, generous, moral. I am polite and establish distance. Yet I cannot always avoid dependence on the kindness of strangers.

We are reminded of Abraham, the quintessential biblical model of a man dependent on the kindness of strangers. Oddly enough, Abraham is also the first to be rebuked by a stranger on whose kindness he depends,

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[4] Take, e.g., the song about *Reyzele*, where the traditionalist mother is cited as referring to "*zey*" in the sense of the non-Jews who do things that Jews ought not to do (such as whistling): *es passt nor bloys far "zey."*

namely, by Abimelech of Gerar, and perhaps by the narrators/redactors of Genesis 20, one of the three variants of this well-known story.

According to this story which German OT scholarship has dubbed *Gefahrdung der Ahnfrau* (threat to the matriarch), patriarch and matriarch are compelled to enter a new realm where they are strangers. To protect himself (or for other reasons) the patriarch passes off his wife for his sister. The matriarch enters the harem of the foreign ruler which, as a taboo violation, causes disruption (e.g., a plague), the matriarch is returned, the patriarch rebuked for his trickery, and his action richly rewarded. Variations of the *Gefahrdung der Ahnfrau* motif appear three times, namely, in Genesis 12:10-20 (Avram, Sarai, Pharaoh; taboo violation implicitly consummated), in Genesis 20:1-18 (Abraham, Sarah, Abimelech of Gerar; taboo violation explicitly preempted at the last minute by divine intervention), and Genesis 26:6-11 (Isaac, Rebekah, King Abimelech of the Philistines in Gerar; possibility of taboo violation averted by chance).

Genesis 20 is the Elohistic version of the story. It is the most elaborate and, for our purposes, the most important one. Here the patriarch is rebuked for having suspected the representative of another tribe for failing to live up to his own moral standards. This suspicion, which the Genesis 20 version of the story means to obviate, echoes the primordial meeting between the two types of civilization whose conflict repeatedly surfaces in the patriarchal narrative, i.e., the meeting between semi-nomadic herdsmen and sedentary agriculturists (or possibly between Canaanite city-states and migrant *hapiru*). All variants include an element of fear on the part of the patriarch. He is afraid that the land-owning society will not respect the most basic rights considered sacred by the godly nomads. This sentiment is echoed in Leviticus 18:2-4 where the Hebrews are admonished to establish a lawful society that differs from Egypt (the land Israel is leaving) and Canaan (whither they are going). Egypt and Canaan appear as quintessentially lawless or as societies whose laws (or sexual mores) the Torah is meant to supplant. But Genesis 20 never clarifies the specific legal or moral difference that is presupposed, nor does it qualify Abraham's behavior as legally grounded or morally superior. Hence it remains unclear whether he suspects the Gerarites of

differing in regard to the protection of strangers, in regard to the sanctity of marriage,[5] or in regard to a mythological *lex prima noctis*, providing a right of possession to the king/priest. What remains, therefore, is that his very suspicion of Abimelekh and the Gerarites is a problem for the Elohistic narrators. The first version about Abram in Egypt (Gen. 12:10-20), which is much shorter, simpler, and unencumbered with moral concerns, considers Abram's actions prudent, given the stunning beauty of his wife. Abram is an itinerant trickster who succeeds by cunning. In contrast, the Elohistic version (Genesis 20) has Abimelekh of Gerar rebuke Abraham for assuming that the Gerarites lacked in morality ("You have done things to me that ought not to be done"). God (Elohim) himself confirms that Abimelekh's intentions in desiring Sarah as his wife had been innocent (v. 6). While the earlier version ("The LORD afflicted Pharaoh," v. 17) served to extol the beauty of the matriarch ("the woman was very beautiful," v. 14), the Elohistic version serves to explicate as well as exculpate a twofold error on the part of the patriarch: his lying and his assuming that those with whom the later Israelites had to coexist in the same civilization were of inferior morality. Abimelekh of Gerar's rebuke of Abraham's behavior is legitimate, whereas Abraham is criticized. What this critique may reflect may be a common assumption held by the Israelites at the time of the monarchy that their laws, or their special status as God's chosen people, elevates them above their neighbors. Abraham, who in Genesis 20:7 is significantly called a prophet, stands here for both his descendants in general and their prophetic critics in particular.

It is striking that neither version of the story allows a difference between Israel and its neighbors to stand. As noted before, this is in conflict with passages aiming at enforcing separation and difference between Israel on the one hand and Canaan/Egypt on the other, foremost

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[5] This could be implied in the formulation of the tenth commandment found in Deuteronomy 5:21, which may be a late rationalization of the odd and hence perhaps more ancient, perhaps nomadic, rule in Exodus 20 where one is commanded not to covet one's neighbor's house. On the earliest form of the Ten Commandments see Elias Auerbach, *Moses* (Amsterdam: Ruys, 1953).

among them Leviticus 18:2-4, which serves as the preamble to a list of prohibited sexual relations. Leviticus contrasts the (unnamed) *huqqot* (statutes) of Egypt/Canaan and *huqqotai* , the laws of YHWH "by the pursuit of which a man is to live . " Genesis 12 distances Abram and Pharaoh from one another without posing an essential difference. Both love the same woman. Had it not been for a providential plague (prefiguring the plague of Exodus, cf. Gen 12:17 and Ex 18:11b[6]), the difference between Egypt and Israel would have been erased before it was ever established. The difference between self and other is here functional rather than essential, almost accidental. Patriarch and matriarch are separate from their neighbors only by virtue of an inscrutable divine intervention. Genesis 20 similarly denies the assumption that the patriarch is morally superior. In fact, the point of the story may be to rebuke those among the later Israelites who began to essentialize the difference between themselves and others. To make this point, Abimelekh is elevated. Like Abraham before him, Abimelekh of Gerar is privy to a dream in which God interacts with and instructs him.[7] Abimelekh and Abraham both maintain the same standards of decency, making neighborly relations possible between people who are not related by blood. Finally, Abraham exculpates his white lie to Abimelekh by pointing to the fact that Sarah is, in fact, his half-sister, which makes their union—at least according to Leviticus 18:9 and Speiser notwithstanding[8]—an illicit, incestuous relation.

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[6] Cf. Auerbach, *Moses,* p. 59, who suggests to amend *davar* (word) to *dever* (plague).

[7] A perfect model of the King of the Khazars in Judah Halevi's *Kuzari.*

[8] E. A. Speiser famously argues that the apparent deviousness of the patriarch may be resolved if one considers it as the reflection of fact, i.e., if in some sense Sarah actually was Abraham's sister. In order to support this assumption, Speiser refers to a single text from ancient Hurrian society that reflects the custom of adopting a woman as one's sister in order to confer on her socially acceptable status before marriage. See *Genesis* (= *Anchor Bible* vol. 1), Garden City/New York, 1964, 91-92: "The pertinent customs were peculiar to Hurrian society and practiced in such centers as Har(r)an, where Western Semites, from which the patriarchs branched out, lived in closest cultural symbiosis with Hurrians. . . . In Hurrian society the bonds of marriage were strongest and most solemn when the wife had simultaneously the juridical status of a sister, regardless of actual blood ties. This is why a man would sometimes marry a girl and adopt her at the same time as his sister. . . . Violations of such sistership

All three passages that we have touched on, Genesis 12, Genesis 20, and Leviticus 18, express concern with neighborly relations. But they seem to be the concerns of entirely different times or different circles. Genesis 12 is cast in the patriarchal age of semi-nomadic existence but it may reflect the neighborly relation between Israel (or Judah) and Egypt during the time of Solomon when they met one another on an equal footing. Genesis 20 reflects an integration between Israel (the Northern monarchy) and its immediate neighbors that was, by and large, the rule and necessity throughout the monarchic period. Leviticus 18, on the other hand, is predicated on a discourse of difference that was either unknown to the preceding layers of the tradition or that Genesis 20, at least, seems to argue against. Depending on one's view of its age, the Holiness Code, if that is the correct original setting of Leviticus 18, either restores an ancient notion of ethnic-cultural difference that might have been constitutive in pre- and early-monarchic times but was erased over time and through Canaanite influence, a notion of difference that Genesis 20 may have meant to counter; or it establishes a difference between Israel and its neighbors that is based on an abhorrence of the (presumed) violation of basic morality on the part of the others. The Other is henceforth indelibly marked with the blemish of deviant behavior.[9]

The earliest story (Gen 12) illustrates alienness and the fragility of self among one's powerful neighbors. The story "works" because, as readers, we intuitively need difference in order to maintain a sense of self. The source of this self, as in the case of Abram, is enigmatic but it plays itself out in confrontation with another over mundane matters of competing claims over possessions, boundaries, rights of use, or personal safety. The threat to one's property not only challenges one's faith and confidence in

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arrangements were punished more severely than breaches of marriage contracts. The practice . . . gave the adoptive brother greater authority than was granted the husband. By the same token, the adopted sister enjoyed correspondingly greater protection and higher social status."

[9] We find echoes of this in Paul's characterization of pagan sexual deviance in the letter to the Romans, 1:18ff.

the ethical standards of one's neighbor, but it reinforces self-confidence. Exposure to and dependence on others ultimately inspires relief at being amongst ourselves; the unfriendly neighbor—even if he exists only in our imagination—enhances our sense of self. According to a rabbinic saying, it is a wretched (literally: accursed) thing to depend on flesh and blood (i.e., on the kindness of strangers). The recognizable difference, or rather the lack of comprehension generated by foreign forms, symbols, and language, that makes the neighbor an alien or stranger strengthens our own collective sense of self, allowing us to have a sense of what is normal: people of a tribe with a common religion, a common economic interest, and a common language, body and soul.

Genesis 20 presupposes a society with a strong, perhaps excessive, sense of self that threatens to forestall respectful and constructive interactions with one's neighbor. The function of the divine in this story is remarkable in that it restores the balance between Israel and its neighbors (or the strangers at her borders) and negates the difference between them. Abraham's marriage to his half-sister shows him as following what Leviticus 18 later decries as the laws of Egypt and Canaan, something the Elohist, of course, does not presuppose.

Leviticus 18, finally, reestablishes difference as a legal rather than ethnic, or a revealed rather than natural, standard of conduct. The legal framework of the priestly law becomes the foundation of normative Judaism which is predicated on difference established through revealed legislation, and hence conduct, rather than by nature or birth. Where does this leave the concern with the neighbor? It is not accidental that the neighbor is explicitly thematized in the context of the Holiness Code, i.e., the laws of separation (if one translates "though shalt be holy" in the literal sense of "though shalt be different/separate"), namely, in Leviticus 19:18 and 33. It is in this context that we also find the obligation of rebuke (Lev 19:17).

II.

According to the political theory that prefaces Mendelssohn's philosophical argument about Judaism as a revealed legislation,[10] what prevents us from accepting the Hobbesian definition of the neighbor as comprehensively descriptive of neighborly relations is the sense that, despite our suspicion to the contrary, there is something we have in common with our neighbor. We don't wish to be our neighbor, but we share with our neighbor common interests that each of us cannot pursue alone and on his or her own. In modern terms, mutuality is grounded in the realization of mutual dependence. We know that water and other natural resources must be shared and agreements must be hammered out; calendars and rules of usage, lending, borrowing, sharing, exchanging of tools, and commerce all depend on our ability to contain our suspicion of the neighbor, to trust him, even to welcome him into our extended family, and to help one another out against common threats from predators, wild beasts or humans who are even more remote, the common enemy. Humanity is in the process of becoming, in sociological terms, a single "survival group."

Interest in the practice of good neighborly relations and mutual furtherance of well-being may seem too utilitarian a concern for ethical theory, but it is certainly a sufficient ground for the establishment of a social contract. Reflections on what constitutes proper behavior, and the ever-changing rules by which social units can function in an ever-dangerous environment, are coeval with human civilization. The reasonable desire to combine the pragmatic interest in good neighborly relations with the theoretical interest in discovering the unchangeable rules behind successful social relations is reflected in the tension between two equally reasonable yet not fully reconcilable approaches, the Platonic theoretical one and the Aristotelian practical one, a tension that has greatly influenced the Western discourse on ethics.

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[10] See *Jerusalem*, Part I.

Yet the Western discourse on ethics is not simply a continuation of disagreements between the Platonic academy and the peripatetic school of Aristotle. Rather it is fundamentally constituted by the meeting between the revealed traditions of the East and the rational traditions of the West, symbolized in the conflict between Athens and Jerusalem. To symbolize the conflict between monotheism and the philosophical tradition in the form of two cities means to stipulate that Greece or Rome and Israel meet one another on a common ground, that they are true neighbors. In this perspective, both Judaism and Hellenism make a similar claim, namely, the claim of providing the sufficient ground for a successful civilization in harmony with nature, with the cosmos, or with the divine source of life.

Jewish civilization has its roots outside of Greek culture, just as Greek civilization has its roots outside of Judaism, yet they are not complete aliens to one another. From the perspective of ancient Eastern Mediterranean civilization, they are residents of the same neighborhood who, at some point, came into immediate contact. In the age of Hellenism, ushered in by the conquests of Alexander, Jews find themselves in a Greek-speaking neighborhood, dominated by Greek speaking imperial forces. Their relation is that between victor and vanquished, master and servant. Surely others influenced by Persian civilization, foremost among them the Zoroastrians, presented a spiritual resistance to Hellenization. And the resistance of the Maccabean party to forced Hellenization eventually morphs into a Hellenistic kingdom. But, like Zoroastrians, the Jews refuse to relinquish their ancestral laws and eventually turn into a profound irritant for the Greeks. Greek curiosity about this "race of philosophers" (Haecataeus of Abdera) gives way to narratives of disdain (e.g., Manetho and others famously reviewed in Josephus' *Contra Apionem*). Jewish separateness or the "Mosaic distinction"[11] turns into a source of Judeophobia.[12] It is as if Greco-Egyptian enmity toward the Jews

[11] Jan Assmann, *Moses the Egyptian,* Cambridge: Harvard University Press, 1998.

[12] Cf. Peter Schäfer, *Judeophobia: Attitudes Toward the Jews in the Ancient World*, Cambridge: Harvard University Press, 1998.

was the nemesis for the Levitical discourse of difference, penned under completely different circumstances and with no direct and actual neighbor in sight. The experience of hostility and seemingly irreconcilable difference is enshrined in the popular narrative of Hanukah which, on close inspection, reveals a whole slew of reversals and revaluations of Greco-Jewish relations. Poignantly enough, where difference is experienced on foreign soil, where Jews are the strangers as in Alexandria, the experience of real difference and of the hurt of enmity gives rise to an apologetic literature in which difference is obliterated by means of allegory. Philo of Alexandria's assumption that Plato was the student of Moses and that Moses, initiated into the mysteries of Egypt, is the primordial philosopher-king, aims to provide the condition for future neighborly relations, reconciled by the one truth. This groundbreaking attempt at reconciling Torah and *paideia* initiates the long and tense history of the Western attempt to establish state and church, philosophy and religion, reason and revelation as reconcilable neighbors. The apologetics of Philo and Josephus could be studied as an exercise in rebuke. Firmly committed to coexistence with non-Jews, as both are, they revive the discourse of commonality and mutual respect that we saw at work in Genesis 20. But their rebuke is directed at those who consider the Jews aliens and enemies of the entire human race.

Ever since, Judaism has sustained an inner tension concerning its discourse on neighborhood and difference. On the one hand, Levitical laws have imposed a separation between Jews and Gentiles that culminates in a doctrine of essential difference, marshaled in periods of extreme oppression and persecution or used in order to stimulate greater dedication to Halakhah, in times of an attenuation of commitment to difference. An example for the former would be Judah Halevi's notion of a biological difference between Jews and Gentiles which serves to argue for a return to Zion. An example for the latter may be found in Kabbalistic psychology, attributing to the souls assembled at Sinai a particular cosmic dignity. Yet, on the other hand, the excellence of the Jews could always be considered as a hyperbolic expression solely justified by their association with Torah and Halakhah whose superiority to all human legislation

elevates the Jews but also burdens them with the task of being the ambassadors of a heavenly city. Notions of ethnic pride ("who has not made our fate like that of the people of the earth") are balanced by the obligation to live an exemplary life, conducive to peace and, at least, neighborly relations.

III.

The decline of Hellenistic civilization and the rise of the Holy Roman empire, accompanied by the displacement of Arab civilization by Turkic rule and Mongolian invasions, greatly affected the Jewish communities from Cairo to Cambridge. Entire Jewish communities were compelled to exchange neighborhoods: migration, destruction, expulsion, shifts from one linguistic and religious neighborhood and climate to another, and other factors gave rise to entirely novel "cultures of the Jews" (Biale).[13] In the process of this profound set of dislocations Jews acquired portable neighborhoods in form of traditions, idioms, customs, literatures, etc. Over time, these new cultures were dislocated once again, carrying with them the hybrid that was their home. South-Western European Arabized Jews turned into Dutch- and Frenchmen speaking a Portuguese dialect; Western European French-based Jews turned into Eastern Europeans speaking a Germano-Slavic dialect written in Hebrew. Demographic centers shifted from the Muslim South and East to the Christian North and North-East, from the Mediterranean environment to the Continental European one, then from West to East, and eventually from the East to the New World and back to Palestine.

The adaptability of Jewish civilization has been both praised (e.g., by Nietzsche) and maligned (by racial anti-Semitism). But for a group that is often suspected by their neighbors of harboring metaphysically grounded notions of superiority above all other nations, the Jews have shown a remarkable interest in not just knowing what others think about them—for a minority community and a nation in exile this would hardly amount to more than a matter of prudence--but in what others think about the God

[13] Cf. David Biale (ed.), *Cultures of the Jews* (New York: Schocken, 2002).

of Israel. By and large, Jewish revenge fantasies are mitigated by the goal of an ultimate oneness with the nations, corresponding to the eschatological oneness of God.[14]

As stated above, different civilizations offer different controlling mechanisms to prevent what they perceive as destructive behavior. It seems to me that the Torah reflects a striking awareness of the implications of the limits of political power and of the fact that Israel was a minor player among the nations rather than an empire called upon to pacify the *orbis terrarum*.[15] This realization demands an understanding of what it means to be a neighbor among others rather than a bully. At the same time, and in a manner that may have been natural at the time of its origin but that, to us, seems remarkably prescient, the Torah emphasizes the particularity of the Jews and reflects on what it means to be both different *and* equal. It does so by holding the people of Israel accountable for the impression they make on others. More precisely, each Israelite is liable for the other when it comes to public behavior because certain behavior may give rise to the impression on the part of non-Israelites that the God of Israel is a mere nothing rather than the creator of the universe and the one who gave his Torah to Israel.

The rabbis understand the command of rebuke in this horizon. For them, the Torah enjoins the Israelite to rebuke his Israelite neighbor rather than his non-Israelite neighbor if he sees him or her engage in behavior that leads to blasphemy on the part of the non-Israelite public. This is not

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[14] This is not the place for an examination of the relation between sociology and religious doctrine. There is no doubt that Jewish civilization shares many characteristics with other "mercurial" communities, to use a term coined by Yuri Slezkine in *The Jewish Century* (Princeton: Princeton UP, 2004). But it would amount to sociological reductionism to claim that Jewish religious belief is solely derived from social needs of a middlemen society.

[15] While I admire Erik Peterson's *Monotheism as a Political Problem* (1935) for its courageous and insightful stand against political theology, I disagree with his derivation of what he calls monotheism from predominantly Jewish Hellenistic sources. Only if one makes the assumption that monotheism derives from Jewish sources alone, in other words, only if one ignores the broad pagan trends toward monism present in several civilizations, such as the Egyptian, Persian, and Greek, can one blame the Jews for the heresy for an identification of the political empire and the kingdom of God.

a suggestion of prudence but constitutes the command of rebuke (*tokhehah*).

Anyone who has lived in a Jewish society will be able to adduce anecdotal evidence confirming that Jews rebuke one another. Measured by the standards of genteel Anglo-Saxon society it is an irritating, nosey habit, one hardly meeting the criteria of good manners. On the other hand, it is a mark of mutual solidarity in cognizance of the presence of others, strangers, neighbors. Jews will be judged collectively by individual behavior. In this sense, *kol Israel arevin zeh la zeh*, the rabbinic pronouncement of mutual responsibility as incumbent upon all Israelites, is both obligation and observation of fact. More than a bit of conventional wisdom, this principle originates in the insight that not just the reputation of Israel but that of the God of Israel is staked on the ability of the Jews not to give rise to blasphemous assumptions on the part of their neighbors.

Judged by Platonic or Kantian standards, ethics is concerned with the inherent goodness of an act rather than with its potentially negative effect on the opinions others may harbor about oneself or about one's God. Hence rebuke will hardly appear in a deontological context. It is not an eternal duty. It is, of course, a matter of debate whether the rabbis ever engaged in a mission to the Gentiles. But it seems to me that the obligation of a responsibility to maintain conduct that will prevent others from denying the God of Israel very much implies the competitiveness of Judaism as a way of life that could attract non-Jews as well. For many centuries it was plausible to assume that others would embrace the God of Israel as their own, and even when it was not, the ultimate reconciliation between Jews and Gentiles on the basis of the laws of the God of Israel remained part of an apocalyptic or utopian scenario, a regulative idea aiming at a cross-tribal solidarity with non-Israelites for the sake of common origins and a common future. In other words, the responsibility to rebuke may presuppose that the others, the neighbors, are Gentile rather than congenital idol-worshippers, *umot ha-olam* (nations of the

world) rather than *akum*.[16] To be sure, guarding the image of one's God as mediated by the conduct of one's fellow-Israelite and as perceived by others may simply be an enticement aiming to prevent shame, hostility, and collective suffering.

The commandment to rebuke your fellow-Israelite occurs in the same chapter as the command to love your neighbor as thyself, and that further on specifies that the neighbor is the stranger who dwells in your midst. In this context, the law makes a different sense than when it is transposed into the world of diaspora, exile, and competition with other monotheistic faiths. Originally it was part of a constitution that would make the majority responsible for the ability of the minority to respect the God of the majority. Not oppression ("for you were slaves in Egypt") but self-restraint and model behavior was mandated of the majority with the explicit goal of obliterating the difference in status between Jew and non-Jew "in your midst" without erasing difference in kind. The sophistication and moral probity of this approach is hardly surpassable. To be sure, discussions on the status of the *ger toshav* (resident alien) must not ignore the paradox that the Torah stylizes its laws as if they represented the constitution of an independent state while they were in fact written at a time (and for/from a situation?) when the Jews were not the full owners of their home (the Persian province Yehud). The Torah as we have it never in fact served as the constitution of a state.

Nevertheless there is an impressive social-psychological realism contained within the commandment. According to the verse in Leviticus 19 ("You are not to hate your brother in your heart; rebuke, yes, rebuke your fellow that you not bear sin because of him!"), rebuke is a way of preventing religiously motivated hatred from lodging itself in one's heart, a possibility that is never far afield in an exclusivist religious community. It is a law against zealotry, although it can easily be perverted into its opposite (hence the Puritan association mentioned above).

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[16] Literally: *ovdey kokhavim umazalot*, i.e., those serving the heavenly bodies and constellations, a rabbinic term that, in the censored editions of the Babylonian Talmud, also can refer to other heretics, such as the Christians.

IV.

What does the obligation to rebuke mean for orthodox Jews today and in what sense may we speak of an ethics of rebuke? I would like to cite two very different examples of how rebuke is being discussed today. No matter which position one takes in this debate, it is striking that the debate on "who is your neighbor?" continues to exercise orthodox Jewish theology even 200 years after the Paris assembly of notables had to articulate an answer to this question, posed by Emperor Napolean through his emissary, Count Molé. The first more recent example contextualizes the question "who is your neighbor?" in a debate on how far your responsibility to rebuke ought to extend. Who is close enough to the core of Judaism, so the *she'ilta* (halakhic question), that you ought to rebuke him rather than simply let him be? In an email *t'shuvah* (halakhic opinion in answer to a question), a Rabbi Seinfeld of Palo Alto, California, addresses the thinking in terms of core and margin, expressed in the question, and counters it from an inclusivist perspective that aims to restore a sense of *klal yisrael* (i.e., Israel in general, i.e., beyond sectarian distinctions and notwithstanding particular differences based on degrees of observance) on halakhic grounds.

> The halachos of kiruv[17] [the laws of bringing close those who are distant]
> From: A. Seinfeld
>
> Date: Fri, 25 May 2001 01:58:45 -0700
>
> Subject: Hilchos Kiruv Rechokim
>
> [R. Seinfeld begins by saying that he has]... been communicating off-line about the halachos of kiruv. This seems an appropriate topic for the season, as one pre-requisite for receiving the Torah seems to be that we be 'like one man with one heart' [whereas] today, the Jewish people are fragmented into many hearts. The amount of machlokus is extraordinary. We have much work to do, on all fronts. One of those fronts is Jews who

[17] Source: Mail. Jewish Mailing List Volume 34 Number 66. Produced: Sun Jun 3 9:25:13 US/Eastern 2001. http://www.ottmall.com/mj_ht_arch/v34/mj_v34i66.html#CVQ (February 13, 2005). I've edited the source slightly for style and emphasis.

are far from *Daas Torah* [knowledge of Torah]. For the sake of opening up an important discussion, here are some basics:

The Chafetz Chaim (in the sefer Chizuk haDat) mentions three categories of Torah mitzvos that compel us to try to bring other Jews back to Torah:

1. *ahavat Hashem* love of the Almighty which requires us to make a *kiddush Hashem* [sanctification of the Name] and to prevent a *hilul Hashem* [blasphemy].

2. *tochacha* (rebuke)

3. misc. *mitzvos bein adam l'chaveiro* (obligations to other individuals)

These latter two are mentioned in the Torah (Vayikra 19:13-18, 25:14, 25:17, 25:36; Dvarim 22:1-4) in conjunction with specific types of individuals: [This is where the question of the neighbor comes into play M.Z.]

to your "brother" don't hate him, strengthen him, return his lost object (His soul is considered "lost" so we must return it to him.)

to your "neighbor" don't stand by his blood, love him

to your "compatriot" judge justly, don't speak lashon hara about, rebuke, don't turn away from him

to your "enemy" return his lost object (Shemot 23:4-5)

Now, in which of the above categories are Jews who eat shrimp or drive on Shabbat (for example)?

shogeg (one who sins accidentally or unknowingly) and a *tinuk shenishba lvein hagoim* (one who had been kidnapped and raised by non-Jews, i.e., doesn't know any better) – is still your brother, compatriot, neighbor therefore we are obligated to fulfill all of the above mitzvos for him.

avar aveira b'meizid (sins intentionally and hasn't done teshuva) because his yetzer hara got a hold of him – he is no longer "your brother" and *mutar* (even a mitzva) to hate him (i.e., his ways) but *ussur* to embarrass him or speak *lashon hara* [gossip] about him. Must judge him favorably and we are required to rebuke him, to love him, and to return his lost object to him. (Gamara Avoda Zara 26b and Tos).

matmid b'aveira (sins intentionally and habitually because of *yetzer hara*) no longer "your neighbor" for the mitzva of "don't stand by his blood."

mumar shlo l'teavon (sins intentionally and habitually because he just doesn't care about that mitzva) – major *makhlokus* [disagreement] on what his status is. Don't need to judge him favorably and are exempt from rebuking him if he won't accept it.

mumar l'hachis (sins intentionally and habitually out of maliciousness) major *makhlokus* [disagreement] again most hold we should hate him, speak *lashon hara* [gossip] about him, judge him unfavorably. Some say still required to return his lost object (in this case, his soul).

apikorus (denies Hashem and/or the Torah) no longer "your neighbor." *kofer machmat ta'ut* (denies because of an error in his learning) Rambam holds he's like an apikorus, Raavad holds he's like a shogeg.

Rambam holds in several places that we must try to bring Jews back to mitzvas that we err on the side of caution in terms of what a given Jew's status is as per above. See Deos 6:3, Hagahos Maimonius 1.

The Chafetz Chaim holds that we are required to try to bring Jews back to halacha; see Beer Mayim Chaim 4:14 and 10:30 .

The Chazon Ish z"l writes in YD 2:16 that the mitzva of preventing hilul Hashem in this day and age should be fulfilled via *kiruv rechokim* [bringing close the distant].

Further, in 3:28, the Chazon Ish writes that a person doesn't have the status of "mumar" until someone has tried to rebuke him. He goes on to say that in our times, people don't know how to give rebuke. This statement is sometimes misconstrued as meaning that we therefore have no obligation to do kiruv rechokim. In fact, pshat is that since we don't know how to give rebuke, everyone who sins remains in the status of shogeg and we are obligated to rebuke them.

How to rebuke? There are many halachas, but it boils down to speaking to a person in the way that they will hear it. If that means you need to hold a social event just to get them to come in the door, then so be it (as long as it be kosher, obviously).

Hope this has been a helpful summary. It is far, far from complete. Each one of us has the obligation to try to help our fellow Jews who don't know what Shabbat is, don't know what Sukkot is, never opened a Chumash or a Gamara.

May we merit to learn Torah together!

Rabbi Alexander Seinfeld

The second example extends the meaning of rebuke, restoring to it something of its biblical scope by applying it to the situation of the modern Jewish state. This use of rebuke secularizes the rabbinic understanding of a profanation of the name (*hillul hashem*), and the obligation to rebuke, in order to create political solidarity between secular and religious Israelis in light of the moral judgment passed by its non- Jewish residents and neighbors on the actions of the Jewish state. The excerpt is from an interview with Avi Sagi, Professor of Jewish Philosophy and Jewish History at Bar Ilan University and affiliate of the Shalom Hartman Institute in Jerusalem, found on the Oz VeShalom Netivot Shalom website. Here too, the question is addressed of how to build solidarity, albeit in a manner that extends the meaning of the community and its neighbors to the secular state and its non-Jewish residents and neighbors.

Interview With Avi Sagi[18]

Netivoteha: It is painful to observe the rise of a certain conception of Judaism that divides our nation and that undermines the proper functioning of the government and democracy in Israel. How do you react when you see that there are rabbis keeping silent, and even supporting what happens, both with regards to public corruption and the subject of marriage? Is this not a Hilul HaShem (desecration of God's name)?

Avi Saguy [sic]: If anyone expects that the rabbis will rise to the occasion and stop what is going on, they are mistaken. If a revolution will erupt, it will erupt only from within the religious community itself. During the very long history of the Jewish nation in exile, in which the Jews did not enjoy self-rule, the place of the rabbis was indeed very great. But we cannot create self-rule through rabbis. Where does this idea come from that every question or idea must be approved by the rabbis before it is deemed acceptable? The problem is not the rabbis. In general, a rabbi's answers will conform to what he hears from his communities. Rabbis are dependent on the community and speak to the community. The problem

[18] Source: http://www.netivot-shalom.org.il/news/asinter.php (February 13, 2005).

> is with the community itself, and the question that must be asked is not what to do when the rabbis are silent, but rather what to do when entire religious communities are silent.
>
> I only have one simple thing to say: in many religious communities there is a sense of apathy with regard to certain matters. You mentioned some of them: the laws of marriage, public corruption, and conversion. The sense of apathy indicates that a portion of the religious community is entirely cut off from Israeli life, and they have made for themselves a closed and cut-off culture. Anyone who is not totally part of their world will not be interested in it.
>
> The idea of hilul hashem [profanation of the name, i.e., blasphemy] that you mentioned is somewhat paradoxical, because the one who determines what is hilul hashem is someone else. Hilul hashem is dependent on someone elseÂthe one who sees it; and this doesn't have to be a Jew like me, but it could be a non-Jew, a secular Jew, or anyone who watches the practices of a community that claims to follow God's ways. The paradox is that what happens internally is conditioned by what the outside observer thinks. This forces us to care about what those outside of our community think of us. And when this concern for the other's opinion is missing (and it doesn't matter who the other is), in a place where there is a culture of extreme closednessÂI used to say bordering on arroganceÂI don't expect that anyone will be influenced by what outsiders think of them. This is a critical problem in the religious community, which is an important part of Israel, that the religious Zionist and the haredi live with the sense that they are the most important, that there is nobody else, that they alone constitute the state of Israel—and thus hilul hashem begins to lose its relevance.

Here too, then, the rabbinic intention is foregrounded that rebuke establishes a wider, rather than a narrower, range of who is your neighbor. Perhaps not by accident, and in keeping with the call of the Holiness Code (*q'doshim tihyu*), rebuke works to restore the fringes to the core, it overcomes divisiveness and returns the margins to *all Israel* as a community transcending all difference in religious commitment and observance. The obligation of rebuke works to establish a wider range of communal solidarity by extending the notion of the neighbor beyond what is assumed by the intended audience.

The Ethics of Rebuke

How may the obligation of rebuke, obligation in the sense of a meritorious or salvific law received at Sinai, and rebuke in the sense of the responsibility to prevent a profanation of the name--be translated into an ethics of rebuke? At the very least, this would entail the moral obligation of treating everyone as one's neighbor without looking first at their communal affiliation or their moral worth. If I am not mistaken, this is the very challenge posed by the famous parable Jesus tells in response to the time-honored question, who is your neighbor?[19] I imagine the telling of the parable itself in its original setting as an act of rebuke meant to stir an awareness in the ones who raised this question that there is a higher standard than that of communal solidarity. For the Samaritan to help the Jew who had fallen among the robbers and for the Samaritan to be praised for such an act makes sense only if the very question that we are addressing today was at stake already then, namely, how to negotiate the apparently conflicting standards of a universal morality of compassion toward the stranger and the casuistic attempt to delineate spheres of responsibility and solidarity. It would be wrong, of course, to distribute the two fundamentally different approaches between Jews and Christians as if one of these groups were more inclined to follow higher standards than the other. Rather, the conflict expressed in the parable of the Good Samaritan is an eternal one between ultimate and incremental, ethical and legal approaches that are both real and important and ultimately must not exclude one another.

The question is then, how the casuistic construal of spheres of responsibility can be juxtaposed with a spontaneous outpouring of solidarity without the polemic intention to encourage an espousal of the latter on the expense of the former. Jesus may have admonished his followers that their righteousness ought to be higher than that of the Pharisees. But it should be obvious that, from an ethical perspective interested in realism and moral agency rather than in a theology of

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[19] Luke 10:25-37.

vicarious atonement built on an unachievable level of holiness, the casuistic construal of spheres of responsibility ought not to be despised or abandoned only because we all judge spontaneous outpourings of solidarity to be of a higher value. The truth in this matter may be in the middle, i.e., between the heavenly ideal of spontaneous love and the earthly inclination to limit one's care for others as much as possible. The ethics of rebuke lies in making the ideal of neighborliness part of the discourse of the law.