

Sanhedrin 63b

A beraita:

“And the names of other divinities you must not mention” – this forbids a person to say to his friend ‘Wait for me next to that avodah zarah’; “it must not be heard on account of you” – this forbids one from taking an oath in its name, or upholding an oath in its name, or causing others to take an oath in its name or uphold an oath in its name . . . “or causing others to take an oath in its name, or uphold an oath in its name’ – this supports the statement of Shmuel’s father, or Shmuel’s father said: It is forbidden for a person to make a partnership with a nonJew, lest the nonJew become liable to swear to him, and swear by his avodah zarah, when the Torah says “it must not be heard on account of you”

Tosafot Sanhedrin 63b

“It is forbidden for a person to make a partnership” – Said R. Shmuel (Rashbam): All the more so if it has actually come to an oath, that one must not receive it from him (i.e., one must not allow him to swear). But Rabbeinu Tam said: It is permitted to receive the oath from him rather than lose out financially, as we say on Avodah Zarah 6b: that on a loan made orally one may receive payment from idolaters (near their festivals) because this is as if one is saving the money from them, and we are not concerned lest the idolater go and thank his divinity afterward,. Even though that case (AZ 6b) is one of doubt (perhaps he will go thank his divinity), whereas this case is definite (as he must swear), nonetheless in this time all of them swear by their sacred ones (saints) but do not see enshrine them as divinities. Even though they mention among them the name of Heaven, and their intention is for something else, nonetheless this is not “a name of avodah zarah”, and also, their intent is for the Maker of Heaven. Even though they partner the name of Heaven and something else, we have not found that it is forbidden to cause others to partner, and there is no issue of “before a blind person (you must not place a stumbling block”, because the Noachides have not been prohibited to (partner the Name of Heaven and something else)..

סנהדרין סג:

תניא (שמות כ"ג):
"ושם אלהים אחרים לא תזכירו" -
שלא יאמר אדם לחבירו
'שמור לי בצד ע"ז פלונית';
- (שמות כ"ג) "לא ישמע על פיך" -
שלא ידור בשמו,
ולא יקיים בשמו,
ולא יגרום לאחרים שידרו בשמו
ויקיימו בשמו...
"ולא יגרום לאחרים שידרו בשמו
ושיקיימו בשמו" -
מסייעא ליה לאבוה דשמואל,
דאמר אבוה דשמואל:
אסור לאדם שיעשה שותפות
עם הנכרי,
שמה יתחייב לו שבועה
ונשבע בעבודה זרה שלו,
והתורה אמרה:
"לא ישמע על פיך".

תוספות סנהדרין סג:

אסור לאדם שיעשה שותפות -
אמר ר' שמואל:
כ"ש שבועה עצמה
דאין לקבל הימנו.
ור"ת אומר:
מותר לקבל הימנו השבועה
קודם שיפסיד.
כדאמר בפ"ק דמס' ע"ג (דף ו):
דמלוה ע"פ
נפרעין ממנו
מפני שהוא כמציל מידם,
ולא חיישינן
דילמא אזיל ומודה.
ואע"ג דהתם ספק
והכא ודאי,
מ"מ בזמן הזה
כולן נשבעים בקדשים שלהן
ואין תופסין בהם אלהות,
ואע"פ שמה שמזכירין עמהם
ש"ש
וכוונתם לדבר אחר,
מ"מ אין זה שם עבודת כוכבים,
גם דעתם לעושה שמים,
ואע"פ שמשותפין
שם שמים ודבר אחר,
לא אשכחן דאסור
לגרום לאחרים לשתף,
ולפני עור ליכא,
דבני נח לא הוזהרו
על כך.

Mishnah Sukkah 45a

When they left the altar
(following the aravah-ritual on Hoshana Rabbah),
what would they say?
"Beauty unto you, altar; beauty unto you, altar."
Rabbi El'azar said:
"To Him and to you, altar; To Him and to you, altar".

Talmud Sukkah 45b

"When they left the altar what would they say" –
But they would be partnering the Name of Heaven
and something else,
and a beraita teaches:
Anyone who combines the Name of Heaven with something else
is uprooted from the world,
as Scripture says:
"Except to Hashem by Himself". !?
This is what the Mishnah means:
(When they left the altar, what would they say?)
"To Him we concede and to you we offer praise;
To Him we concede and to you we offer encomia."

סוכה דף מה.

בשעת פטירתן

מה הן אומרים?
"יופי לך מזבח, יופי לך מזבח."
רבי אלעזר אומר:
"ליה ולך מזבח, ליה ולך מזבח".

סוכה מה:

בשעת פטירתן מה הן אומרים וכו' –
והא קא משתתף שם שמים
ודבר אחר,
ותניא:
כל המשתף שם שמים ודבר אחר
נעקר מן העולם,
שנאמר (שמות כב)
"בלתי לה' לבדו". !?
הכי קאמר:
ליה אנחנו מודים ולך אנו משבחינן,
ליה אנחנו מודים ולך אנו מקלסין.

Brief Introductory Note: I couldn't resist putting the dvar Torah below out for December 25th. However, I also want to direct your attention to the recently posted audio shiur "Gerut leChumra and Other Forbidden Stringencies" in the Halacha section of www.torahleadership.org, as I think it has very significant and immediate halakhic implications, which I anticipate discussing with you iyH in the coming week.

What is the halakhic status of the Doctrine of the Trinity? This is in a certain sense a presumptuous, and in another sense a meaningless, question. What I mean by that is that since many Christian theologians declare that the doctrine is rationally unintelligible, it is presumptuous of us to claim to understand it well enough to pass judgment on it, and since the logical positivists claimed that statements which cannot be falsified, i.e. which are impervious to contradiction, are meaningless, a question about the meaning of an admittedly self-contradictory doctrine is meaningless. Nonetheless, the question undoubtedly has practical halakhic ramifications of great import, such as whether one has to die rather than verbally assent to the doctrine, and therefore we have no choice but to address it.

I don't wish to approach it from the perspective of contemporary psak here, however, but rather to understand the seminal position of "the Tosafot on the daf". So I won't engage with the many different Christian self-understandings of this issue, and will largely ignore the numerous variant formulations found in the various Tosafists. I also need to acknowledge that the meaning of Tosafot is debated by a remarkable list of the great acharonim, as well as contemporaries, and that I can only write here, in standard rabbinic idiom, ואני הנראה לעניות דעתי כתבתי – acknowledging that others greater than I have said otherwise (and likewise), I have written what seems true to my impoverished intellect. Finally, I need to thank my friend and long-ago chavruta Rabbi Yaakov Genack, who researched this sugya with me at great length in YU when we were "doing Avodah Zarah together".

The immediate halakhic question before Tosafot is the ban stated by Shmuel's Father (Sanhedrin 63b) on forming commercial partnerships with ovdei avodah zarah (whether this position reflects a Talmudic consensus, or a minority position, is not our issue here) on the ground that

- a. a partnership disagreement may generate a requirement to take an oath, and
- b. an ovoid avodah zarah partner would presumably swear by his own divinity, and
- c. there is a Biblical prohibition against being the cause of someone else mentioning the name of "another god". (There are of course contextual limits to that prohibition, but for our purposes, all that need be said is that an oath certainly falls within them.)

Rashbam reasonably deduces that a fortiori one may not require an ovoid avodah zarah to swear to one even when imposing such a requirement is financially advisable, but Rabbeinu Tam permits this.

Rabbeinu Tam's initial basis for doing so is by analogy to a Talmudic permission to accept repayment of loans made without a receipt to ovdei avodah zarah near avodah zarah festivals, despite the risk that this will cause them to commit avodah zarah when they thank their god(s) for enabling them to remove their debt – this suggests that one can risk causing avodah zarah by ovdei avodah zarah in order to avoid financial loss.

This argument, however, is not seen as compelling, as here the issue is not a risk of avodah zarah, but rather a certainty that the oath will be taken. (This rejection itself may be challenged as follows: The plaintiff in a lawsuit always requires the defendant to take an oath in the hope that the defendant will choose to concede rather than commit perjury; thus while it is certain that the ovoid avodah zarah will swear by his god(s) if he swears, it is not certain that requiring him to swear will result in him doing so, and the Jewish plaintiff would much prefer, for reasons unrelated to halakhah, that he choose not to do so. But Tosafot does not take this route.)

The alternative ground then offered is that Gentile contemporaries swore by the names of "their holy ones" (very likely saints, although in alternate versions it may refer to the Bible), and they do not see these holy ones as divine in a way that makes halakhah regard them as names of other gods.

This ground, however, is not sufficient, for two reasons:

A. Gentile oaths also referred to the Name of Heaven, and by this they seemingly intend something other than the God we worship (at least the Trinity; in Rabbeinu Yerucham's version, "their intended referent is Yeshu haNotzri").

Two responses are offered to fill this gap:

- a. The Name of Heaven, even when used to refer to "another god", does not constitute a "name of another god", and therefore causing someone to use the Name in that sense is not a violation of the prohibition against causing the mention of the name of another god (This is a somewhat troubling argument, as it seems hard to think of a clearer instance of literally being 'mechallel shem shomayim', desecralizing the Name of Heaven.)
- b. While Gentile contemporaries have a different theology than we do, their intended referent when using the Name of Heaven is the One Who Made Heaven. This is close enough to our conception of G-d that causing someone to use the Name of Heaven in that sense is not a violation of the prohibition against causing the mention of the name of another god. (What remains unclear is whether causing someone to use a name other than the Name of Heaven, e.g. "Fred", with the same meaning, e.g. "the One Who is Three who made Heaven", or "the human incarnation of the divine", would also not violate this prohibition)

B. Granting that we can understand Gentile contemporaries as using the Name of Heaven in their oaths to refer to a god who is at the least not wholly other than G-d, and that their references to "their holy ones" in the same oaths are halakhically not references to gods, there seems no way to deny that they are swearing by the Name of Heaven and "their holy ones" simultaneously, and a beraita (Talmud Sukkah 45b) bans statements that refer to G-d and anything else equally, even if G-d is referred to only by pronoun. (As cited in the name of Rabbi Shimon bar Yochai on Sanhedrin 63a, the ban refers as well to including G-d and something else in a collective pronoun. Again, this prohibition has contextual limits, but Tosafot assume that the taking of an oath falls within those limits.)

Tosafot's response to this is that

- a. while the prohibition against the "names of other gods" applies both to mentioning them oneself and to causing others to mention them, the prohibition against referring to G-d and anything else equally applies only to doing so oneself.
- b. Furthermore, that prohibition applies specifically to Jews, and not to Gentiles. Therefore, there is also no issue of causing a Gentile contemporary to sin by taking an oath by G-d and something else, even though it is forbidden to cause Gentiles to sin (as stated explicitly on AZ 6b and elsewhere in the Talmud), and even causing a Jew to take the same oath would be causing that Jew to sin.

It should be evident that this last response says nothing whatever about the Halakhic status of belief in the Trinity – it refers specifically to statements that refer to G-d and other things equally even when it is obvious that the stater does not see those other things as divine. In another context I have pointed out, as has Dr. David Berger, that it is actually the second response to A above that is more relevant to the issue of the Trinity. The question, as I noted above, is whether the claim that using the Name of Heaven in a Christian sense does not constitute using a "name of avodah zarah" entails that believing the Christian understanding of G-d does not constitute Avodah Zarah; in other words, when Rabbeinu Yerucham says that the first statement is true even when the Name of Heaven refers to Yeshu HaNotzri, would he necessarily say that one could cause someone to swear by the name Yeshu haNotzri?

It seems to me that the answer in Tosafot is likely yes, as to be effective Tosafot's final argument regarding "lifnei iver" must also be true with reference to avodah zarah as such; in other words, he must hold that causing a Gentile to swear by the Name of Heaven, understood in a Christian sense, is not an act of worshiping Avodah Zarah. This would presumably not be true if one intended the Name of Heaven to refer to a minor (or major) member of the Roman pantheon for instance.

In another context I seek to demonstrate, as against Professor Halbertal, that Meiri's understanding of Christianity is mischaracterized as radical; it is actually identical with that of Tosafot as described in the preceding paragraph. I also note more tentatively, in the name of the

Seder Mishnah, that this position may even be shared by Maimonides, as he always derives the prohibition against belief that G-d is divisible from the verse "Shema Yisroel", which presumably applies only to Jews.

A few points in conclusion:

- a. The halakhic position that belief in the Trinity is avodah zarah for Jews but not for Gentiles is highly attractive practically, and in some senses morally, and adopted by many post-medieval decisors, but I cannot find any medieval basis for it. This of course raises fascinating issues in terms of psak.
- b. As noted trenchantly by Rav Yehudah Herzl Henkin, the claim that belief in the Trinity is not avodah zarah for either Jews or Gentiles does not mean that Christian practice for both Jews and Gentiles. Certainly Maimonides states explicitly that Christianity in all its forms is avodah zarah, despite the cogent argument from Seder Mishnah cited above. It also seems to me clear that Tosafot believed that conversion to Christianity was yehareg v'al ya'avur, and I find it very hard to believe, in the absence of an explicit contrary statement, that Meiri thought otherwise.

What I think has generated confusion is the tendency to translate avodah zarah as "idolatry", i.e. as the worship of false gods in place of the One True G-d. A better halakhic definition is "the worship of anything other than the One True G-d" (In another context I have argued for an even more precise definition that accounts for the permission to serve human beings in manners that would be forbidden as worship with regard to other things, ואין כאן מקום להאריך.) This can be seen from Nachmanides' understanding that the paradigmatic case of avodah zarah, the sin of the Golden Calf, was worshipping it as a representative of the true G-d, and from Maimonides' argument that the original avodah zarah was the worship of the stars etc as the intermediaries between G-d and humanity. Thus, for instance, genuflecting before, or burning incense before, statues of human beings may be avodah zarah even for someone (Jew or Gentile) who does not believe those statues to be anything more than symbols of the One True G-d.

It is necessary to state, and emphasize, in conclusion that as understood above Meiri stands for the critical position that the commission of acts of technical avodah zarah, and belonging to a religion that regularly requires such acts, does not remove a Gentile from the status of "bar dat", of civilized person, to whom essentially all the moral obligations one has toward Jews apply equally. This is actually more radical, and has more universalist implications, than understanding his tolerance as rooted in a particular understanding of Trinitarianism, although I tend to argue that even in this reading Meiri is not all we need to develop a Halakhah that genuinely acknowledges the tzelem Elokim of every human being. But Meiri certainly takes us a long way in the right direction.

Shabbat Shalom
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