Chapter 13

*Kiddush Hashem* and *Kiddush Hahayyim* – Perspectives on *Kedusha* in Maimonides’ Oeuvre

(A Clarification of Maimonides, Hilkhot Yesodei Hatorah 5:11)

The first commandment that is dealt with in Sefer Hamada – following the four foundational commandments of the heart that deal with the existence of the Primary Being, the singularity of God, loving Him and being in awe of Him, “commandments that are the foundation of the Mosaic religion”[[1]](#footnote-1) – pertains to the positive commandment of *kiddush Hashem*, sanctifying the Name of God, together with its parallel negative commandment that forbids the desecration of His Name: “All those who belong to the house of Israel are commanded to sanctify the great Name of God, as it is written: ‘I will be sanctified among the people of Israel’; they must take heed lest they profane it, as it is written: ‘You shall not profane my holy name’ (Leviticus 22:32).”[[2]](#footnote-2) The Oral Torah clearly stipulates that there are situations in which a Jew must be killed rather than transgressing one of three cardinal sins (idolatry, illicit sexual behavior, and bloodshed). At times of religious persecution, when the oppressive enemy seeks to eradicate the Israelite faith, the individual is compelled to embrace martyrdom, even for the observance of other Torah commandments. “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.”

It is a well-acknowledged principle in Jewish law that regarding most commandments an individual is obligated to transgress rather than sacrifice his life, for the Torah testifies with regard to the commandments “which a person shall do, and he shall live by them” (Leviticus 18:5),” understood by the sages as “‘and he shall live by them,’ but they were not given so that one will die due to their observance” (b. San. 74a). Therefore, should an individual willingly forfeit their life instead of transgressing, Maimonides staunchly asserts that “he is held accountable for his life.” This viewpoint is notably articulated at the beginning of the chapter (5:1): “If a person dies rather than transgress, he is held accountable for his life” and is reiterated soon afterwards (5:4): “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.” The recurrence of this ruling in Maimonides' writings invites scrutiny, and is extensively explored by various commentaries – both early and late.[[3]](#footnote-3) Notably, Maimonides' perspective sharply contrasts with that of the Ashkenazic Sages. The latter, almost unanimously, extol the sanctity of this commandment, lauding individuals – women and children included – who chose martyrdom for the sanctification of God's Name. The phenomenon of Jewish martyrology in Northern Europe and the laws of Kiddush Hashem related to it clearly show that it is possible to advocate an overarching stringency, opting for martyrdom over transgression, irrespective of circumstances. One could assert that advocating for a surpassing commitment beyond the literal dictates of the law is not only justified but commendable within this context. In stark contrast, Maimonides maintains that the principle of exceeding the letter of the law is inapplicable in this realm of Jewish law.

Nachmanides’ striking formulation, that appears in his Sefer Milhamot Hashem on Alfasi, at the end of Perek Ben Sorer U’morer in Tractate Sanhedrin, highlights and elucidates the position taken by Maimonides:

...and it is implausible to argue that this act went beyond the letter of the law, for he assuredly would not have taken his own life unless compelled by legal necessity, as the biblical verse cries out, “But for your own life-blood I will require a reckoning” (Gen. 9:5)…and all the sages of Israel who met their end while sanctifying God's Name were in situations marked by religious persecution, or perhaps, a public context...thus, it can be inferred that they would not willingly surrender their lives in a manner exceeding the letter of the law.[[4]](#footnote-4)

To employ terms commonly used in the realm of Jewish law, we can assert that in the absence of a mandatory imperative for Kiddush Hashem, there is no license to willingly sacrifice one's life. Without a compelling situation that necessitates and obliges an individual to face death, one cannot permit themselves to be killed for reasons of piety, due to the overarching principle of "he shall live by them."

Our attention is specifically directed to the conclusion of Chapter 5 of Hilkhot Yesodei Hatorah, rather than its outset. Following his characteristic style of concise and precise elucidation, Maimonides, after summarizing and clarifying all the laws pertaining to the commandment of Kiddush Hashem, introduces an additional layer, a new dimension, of Kiddush Hashem. This additional aspect focuses entirely on what is necessitated beyond the literal requirements of the law. His words merit thoughtful consideration:

There are other deeds which are also included in [the category of] the desecration of [God's] name, if performed by a person of great Torah stature who is renowned for his piety - i.e., deeds which, although they are not transgressions, [will cause] people to speak disparagingly of him. This also constitutes the desecration of [God's] name.
For example, a person who purchases [merchandise] and does not pay for it immediately, although he possesses the money, and thus, the sellers demand payment and he pushes them off; a person who jests immoderately; or who eats and drinks near or among the common people; or whose conduct with other people is not gentle and he does not receive them with a favorable countenance, but rather contests with them and vents his anger; and the like. Everything depends on the stature of the sage. [The extent to which] he must be careful with himself and go beyond the measure of the law [depends on the level of his Torah stature.]
[The converse is] also [true]. When a sage is stringent with himself, speaks pleasantly with others, his social conduct is [attractive] to others, he receives them pleasantly, he is humbled by them and does not humble them in return, he honors them - even though they disrespect him - he does business faithfully, and does not frequently accept the hospitality of the common people or sit with them, and at all times is seen only studying Torah, wrapped in *tzitzit,* crowned with *tefillin,* and carrying out all his deeds beyond the measure of the law - provided he does not separate too far [from normal living] and thus become forlorn – to the extent that all praise him, love him, and find his deeds attractive - such a person sanctifies [God's] name. The verse [Isaiah 49:3]: "And He said to me: `Israel, you are My servant, in whom I will be glorified'" refers to him.[[5]](#footnote-5)

This facet of Kiddush Hashem finds its foundation in important Talmudic sources and is rooted in explicit elements from the teachings of the Sages. Notably, the correlation between the Maimonides’ words and the teaching in Tractate Yoma 86a deserves particular emphasis.

The Gemara asks: What are the circumstances that cause desecration of God’s name? Rav said: For example, in the case of someone like me, if I take meat from a butcher and do not give him money immediately… Rabbi Yoḥanan said: What is an example of desecration of God’s name? For example, someone like me, if I would walk four cubits without Torah and without phylacteries…Rav Naḥman bar Yitzḥak said: When people say about him: May his Master forgive so-and-so for the sins he has done. Abaye said: As it was taught in a *baraita* that it is stated: “And you shall love the Lord your God” (Deuteronomy 6:5), which means that you shall make the name of Heaven beloved. How should one do so? One should do so in that he should read Torah, and learn Mishna, and serve Torah scholars, and he should be pleasant with people in his business transactions. What do people say about such a person? Fortunate is his father who taught him Torah, fortunate is his teacher who taught him Torah, woe to the people who have not studied Torah. So-and-so, who taught him Torah, see how pleasant are his ways, how proper are his deeds. The verse states about him and others like him: “You are My servant, Israel, in whom I will be glorified” (Isaiah 49:3). But one who reads Torah, and learns Mishna, and serves Torah scholars, but his business practices are not done faithfully, and he does not speak pleasantly with other people, what do people say about him? Woe to so-and-so who studied Torah, woe to his father who taught him Torah, woe to his teacher who taught him Torah. So-and-so who studied Torah, see how destructive are his deeds, and how ugly are his ways. About him and others like him the verse states that the gentiles will say: “Men said of them: These are the people of the Lord, yet they had to leave His land” (Ezekiel 36:20).

Additional excerpts from various sources and quotations from articles that employ the phrase Kiddush Hashem in accordance with the expanded meaning can be brought,[[6]](#footnote-6) but the overarching conclusion, once all sources, both definite and potential, are considered, is that this extensive and prominent passage, concluding the chapter on Kiddush Hashem, reflects Maimonides' own innovation. Rather than Kiddush Hashem being manifested through surrendering oneself to death, Maimonides introduces a novel concept: Kiddush Hashem through a devoted commitment to an elevated way of life, characterized by exemplary moral and spiritual conduct. This commitment is marked by its consistency and purity, representing Kiddush Hashem through maximal (and perhaps, at its highest level, constant) engagement in matters of holiness (the transition from Kiddush Hashem to holiness and their reciprocal relationship will be discussed later). A meticulous examination of Maimonides' words, in the context of all directly or indirectly illuminating sources, affirms the assertion that Maimonides' formulation is innovative and rich in meaning. It not only encapsulates numerous laws but also alludes to others, serving as an exemplary instance of Maimonides' adept utilization of sources and his innovative contributions.

What captures the reader's attention is Maimonides' seamless transition, marked by calm yet passionate emphasis, from a negative portrayal of desecrating God's Name, centered on individual cases, to a positive generalization—a sort of “these are particulars and these are general rules.” By weaving together a few concrete examples, he incorporates a decisive and guiding phrase that possesses the power to impart a distinct quality to all human actions: “This individual has sanctified God's Name…to the extent that all praise him, love him, and find his deeds attractive – such a person sanctifies [God's] name. The verse [Isaiah 49:3]: ‘And He said to me: Israel, you are My servant, in whom I will be glorified’ refers to him.” It is as if God Himself takes pride in those who sanctify His name—an instructive and weighty amalgamation of two fundamental concepts that mold the religious experience. Kiddush Hashem becomes evident and embodied in deliberate, driven, meticulous behavior, coupled with a specific religious consciousness. This combination inspires a sense of respect and admiration in others, encouraging them to desire to perform these actions, to strive to emulate the doers of these actions, and to endeavor to acquire and internalize this pure behavior and the solid perfection upon which it is founded.

We understand that desecration of God's Name can sometimes stem from a deficiency in a person's sensitivity or vulnerability, unrelated to any specific transgression from the perspective of Jewish law or its commandments. Hence, great vigilance is required to prevent succumbing to haughtiness or a lack of sympathy. *Kiddush Hashem* encompasses both religious acts and interpersonal relationships: “carrying out all his deeds beyond the measure of the law” is a natural extension, grounded in reality, of a person adorned with *tzitzit* and crowned with *tefillin*. A person consistently engaged in Torah, who fails to go beyond the letter of the law in all his actions before others, causes his Torah to be devoid of truth. We find before us a distinctive and refined halachic formulation from a perceptive and resourceful thinker-pedagogue, who unravels a spiritual understanding of the system of the commandments—and one might contend, of a religious consciousness even more comprehensive than the meticulous details of all the commandments. Maimonides underscores that the commandments of the Torah, inherently imbued with holiness, aim to elevate humanity to a superior plane, reaching the pinnacle of morality and perfection. In our context, this signifies an additional level of sanctity attainable through them.

Similarly, the juxtaposition of Kiddush Hashem in this new sense with consistent, comprehensive behavior that is “beyond the letter of the law” introduces a fresh tone and direction, establishing a novel context for the formulation of the law leading us to far-reaching conclusions of principle. This definition/equation implies that all actions labeled as “beyond the letter of the law,” familiar to us from the study of well-known passages in Maimonides' Mishneh Torah—such as the Torah of Morals,[[7]](#footnote-7) acting justly and virtuously in matters of Jewish law,[[8]](#footnote-8) engaging in activities like returning lost objects,[[9]](#footnote-9) loading and unloading,[[10]](#footnote-10) and displaying a degree of piety both towards God[[11]](#footnote-11) and in interpersonal relationships[[12]](#footnote-12) — these acts, reflecting piety towards God and profound honesty towards others, also fall under the rubric of Kiddush Hashem. The law “I will be hallowed among the children of Israel” applies to a wide spectrum of carefully chosen acts, progressively refining their performers and increasingly obligating or inspiring those who witness them to align with their elevated religious-moral inclination and aspire to emulate those who embody these deeds.

Thus, we come to understand that while in the first and widely accepted sense of Kiddush Hashem there may not be room for behavior beyond the letter of the law, in the second, additional meaning, such behavior is not only accommodated but is the very essence and purpose of the commandment. Moreover, as we will explore further, all discussions related to behavior beyond the letter of the law in various contexts, along with every manifestation of such behavior, should rightly fall under the overarching category of Kiddush Hashem. These instances not only contribute to elucidating the nature of this foundational concept but also aid in its conceptualization and concrete realization.

Allow me to add: moral integrity inherently requires a public stage; it must be unveiled and demonstrated in the public sphere, through interactions and social bonds. As Maimonides succinctly puts it, “If it occurs in your heart that one of the human beings stands alone and has nothing to do with others – we will find all his good virtues standing in vain.”[[13]](#footnote-13) It is the socio-political context that both demands and facilitates the cultivation of moral virtues to their fullest potential. This is evident in Maimonides' portrayal of Rabbi Yehuda Hanasi as someone “unique in his generation and unique in his time,” a person in whom God gathered fine teachings and virtues, earning him the esteemed title of Rabbenu Hakadosh, “our holy rabbi,” among his contemporaries.[[14]](#footnote-14) The inevitable conclusion is that society must recognize and acknowledge the virtues of pious and saintly individuals. Merely possessing moral integrity and piety in private holds no significant impact.

In accordance with the wisdom of the Sages, Maimonides articulates that the purpose of the commandment “to cleave to the sages and their students”[[15]](#footnote-15) is to glean insights from their actions. Maimonides’ son, R. Avraham, extends this principle to emphasize the necessity of maintaining ten idlers in every community, ensuring that those who seek them will listen and emulate their ways. It is evident, therefore, that behavior beyond the letter of the law is not feasible in isolation. Each individual act, as an isolated and independent gesture, may not inherently qualify as Kiddush Hashem in all circumstances. An act of Kiddush Hashem should exert influence on others. All actions designated as Kiddush Hashem share a common purpose and outcome: to glorify and exalt God and, in doing so, draw humanity closer to Him.[[16]](#footnote-16) As noted above, even those who chose martyrdom over transgressing a commandment, viewing it as an act of piety, did so based on the supreme commandment of exceeding the letter of the law. Their acts were intended to influence others, to instruct and educate them, and to guide their actions and shape their beliefs.

Indeed, it is not surprising that this understanding of Kiddush Hashem aligns with Maimonides' broader perspective on holiness. Holiness, according to Maimonides, is a transcendent and separate essence. It does not reside as a hidden virtue within a tangible object, to be transferred automatically or potentially to the users or those who honor it. In essence, an object of holiness should have an impact on the person engaging with it or using it. As an illustrative example, the impact of the commandment of donning Tefillin is articulated by Maimonides in the following manner: “The holiness associated with *tefillin* is very great. As long as a person is wearing *tefillin* on his head and arm, he will be humble and God-fearing and will not be drawn to frivolous behavior or empty speech. He will not turn his thoughts to evil matters, but rather will direct his heart to words of truth and justice. Accordingly, a person should try to wear [*tefillin*] throughout the entire day, for this is the mitzvah associated with them.”[[17]](#footnote-17) The sanctity of Tefillin is manifested through its spiritual effects.

Similarly, Maimonides vehemently condemns those who distort the commandment of the mezuzah, expressing his disapproval in strong and unequivocal language:

Those, however, who write the names of angels, other sacred names, verses, or forms, on the inside [of a *mezuzah*] are among those who do not have a portion in the world to come. Not only do these fools nullify the mitzvah, but furthermore, they make from a great mitzvah [which reflects] the unity of the name of the Holy One, blessed be He, the love of Him, and the service of Him, a talisman for their own benefit.[[18]](#footnote-18)

The spiritual essence behind the intention of the mezuzah commandment, according to Maimonides, is as follows: “whenever a person enters or leaves [the house], he will encounter the unity of the name of the Holy One, blessed be He, and remember his love for Him.”[[19]](#footnote-19) Encounter with the mezuzah serves to awaken and fortify one's love for the Holy One, blessed be He. Maimonides' words in *Guide for the Perplexed* carry significant weight for our discussion: “You must beware of sharing the error of those who write amulets (kameot). Whatever you hear from them, or read in their works, especially in reference to the names which they form by combination, is utterly senseless; they call these combinations shemot (names) and believe that their pronunciation demands sanctification and purification, and that by using them they are enabled to work miracles.”[[20]](#footnote-20) There is no room for sanctity and purity in connection with actions devoid of value. Only a religious act that impacts a person, refining and elevating him, possesses sanctity and purity—supreme values in Maimonides’ conceptual framework. His perspective does not favor those who seek to diminish or trivialize these values and their influence, and they should certainly not be associated with inappropriate actions.

1. This is the language of Joseph Ibn Kaspi in his ethical will addressed to his son. See Israel Abrahams, *Hebrew Ethical Wills*, Philadelphia, The Jewish Publication Society of America, 1926, Vol. 1, pp. 136, 139; also the language of Maimonides at the beginning of his description of the fourteen books at the end of his introduction to the Mishneh Torah. [↑](#footnote-ref-1)
2. Hilkhot Yesodei Hatorah 5:2. See Sefer Hamitzvot, Positive Commandment No. 9; Negative Commandment No. 63. The *Yad Halevi* correctly notes that “the positive commandment and the negative commandment are connected and dependent one on another, and one who violates one will, of necessity, violate the other.” Yitzchak Simcha Horowitz, Sefer Hamitzvot l’Rambam im Perush Yad Halevi, Jerusalem, 1927, p. 197. In Hilkhot Melakhim 10:2, Maimonides rules: “A Noachide who is forced by another person to violate one of his commandments is permitted to transgress. Even if he is forced to worship false gods, he may worship them. For Noachides are not commanded to sanctify God's name.” It would appear from here that the second aspect of kiddush Hashem, which is the topic addressed in this essay, does not apply to Noachides, since both aspects of this commandment are, essentially, one (but see the quote from Hilkhot Shemittah Veyovel that appears later). With regard to the third aspect, “that I may be sanctified in the midst of the Israelite people” that is, the recitation of matters of sanctity, See Hilkhot Tefilla 8:6. It is important to note that the commandment to sanctify the Name of God is also dependent on the commandment to love God. In Hilkhot Yesodei Hatorah 5:7 Maimonides writes: “What is the source [which teaches] that even when there is a danger to life, these three sins should not be violated? [Deuteronomy 6:5] states: ‘And you shall love God, your Lord, with all your heart, with all your soul, and with all your might.’ [The words "with all your soul" imply] even if one takes your soul.” Compare: Yesodei Hatorah 2:1; 4:13 and Teshuva 10:2; Berakhot 10:3; Sefer Hamitzvot, Positive Commandment 3; Guide to the Perplexed 3:51. It is, therefore, clear, as we shall see, that the additional aspect of Kiddush Hashem, namely that the Heavenly Name is made beloved by an individual, appears in the definition of the commandment of loving God recorded in the Sefer Hamitzvot, even as it is omitted in the definition of the commandment of Kiddush Hashem in the same source. Essentially, we must combine what is taught in the Sefer Hamitzvot and in the Mishneh Torah about loving God and Kiddush Hashem, and then these ideas align. [↑](#footnote-ref-2)
3. See, for example, Menahem Krakowsky, Avodat Hamelekh, Vilna 1931, who references some of the explanations offered by his predecessors and offers an interesting explanation of his own. It is important to note that in his “Letter of Apostacy” (Iggeret Hashmad), which we will discuss later (see below, note 7)
Maimonides’ language is clear, absolute, and resolute, with no room for compromise. There is not a single trace of the notion of going beyond the letter of the law: “And in a situation in which the Sages rule ‘He should transgress rather than be killed’ and an individual perceived himself be greater than the sages and more punctilious in the observance of the commandments and permitted himself to die by mouth and speech, sanctifying God’s name in word and thought – he is a sinner and rebels through his actions, his blood is on his head, he is accountable for his own life, because of the word of the Almighty God: ‘which a person shall do, and he shall live by them’ – but he should not die by them.” See: Iggeret Hashmad in Igrot Harambam, Shilat edition, p. 52. Still, there is one instance in which Maimonides expressed a different view, see ibid at the end of p. 53. Indeed, other Sefardi sages of later eras – like the Radbaz, R. Joseph ibn Habiba (who authored the Nemukei Yosef) and Rabbi Joseph Karo – were supportive of the opposing view and had reservations about Maimonides’ position. In his Kesef Mishneh ad loc, R. Karo notes: “But many virtuous individuals hold the belief that choosing to sacrifice one's life rather than being killed is considered an act of righteousness.”
Especially noteworthy is the well-balanced expression found in the writing of the Nimukei Yosef in Sanhedrin 74a: "Whenever it is suggested that one should transgress rather than face death, he must not surrender himself to death for the sanctity of God’s Name. If he chooses to do so, the responsibility lies with him. However, if he is a distinguished and devout God-fearing individual and observes that the generation is lacking in this aspect, he may choose to sanctify God and become a martyr, even for a minor commandment. This serves as a means for people to witness and learn to revere God and love Him with all their hearts." The notion of martyrdom beyond the strict requirements of the law is fundamentally an educational concept. [↑](#footnote-ref-3)
4. Nahmanides, Sefer Milkhamot Hashem 17b in the pages of Alfasi. [↑](#footnote-ref-4)
5. Hilkhot Yesodei Hatorah 5:11. It is worth acknowledging parallels in the Mishneh Torah to the concepts outlined here. “People to speak disparagingly of him” – Hilkhot Tefilla 15:6; “deeds which, although they are not transgressions” – Hilkhot Teshuva 3:11; “a favorable countenance” – Hilkhot De’ot 2:7, 5:7; Hilkhot Matanot Aniyim 10:4; “eats and drinks near or among the common people” – Hilkhot Sanhedrin 25:4; “he is humbled by them and does not humble them in return” – Hilkhot De’ot 2:3, 5:13; Hilkhot Talmud Torah 7:13; “he does business faithfully” – Hilkhot De’ot 5:13, Hilkhot Tefilla 15:6, Hilkhot Mehira 3:5-6, 14:1; “at all times is seen only studying Torah” – Hilkhot Talmud Torah, Chapter 3; “wrapped in *tzitzit”* – Hilkhot Tzitzit 3:11; “crowned with *tefillin”* – Hilkhot Tefillin 4:25; “carrying out all his deeds beyond the measure of the law” – Hilkhot De’ot 1:6; “provided he does not separate too far” Hilkhot De’ot 3:1. The notion that only an individual recognized for their piety can display overt moral and religious conduct resonates with Rashi's words in Tractate Berakhot 17b on the statement: “Not everyone who wishes to assume the reputation of a God-fearing person may assume it.” Rashi comments, "If he is not renowned publicly as a sage and pious individual, it amounts to nothing but haughtiness."

 [↑](#footnote-ref-5)
6. See, for example, Ketubot 17a; Yoma 23a; Sota 10b; Bava Kamma 113a; Shabbat 33a. [↑](#footnote-ref-6)
7. Hilkhot De’ot, Chapter 1 [↑](#footnote-ref-7)
8. Hilkhot Gezela Va’aveda 11:17 [↑](#footnote-ref-8)
9. Hilkhot Rotze’ah U’shemirat Nefesh 13:4 [↑](#footnote-ref-9)
10. For example, Hilkhot Ma’aser Sheni 2:2 [↑](#footnote-ref-10)
11. For example, Hilkhot Sekhirut 7:7 [↑](#footnote-ref-11)
12. Guide to the Perplexed 3:54 [↑](#footnote-ref-12)
13. Maimonides’ Introduction to the Mishnah, Shilat edition, p. 37. Compare: Shabbat 118b [↑](#footnote-ref-13)
14. Hilkhot De’ot 6:2 [↑](#footnote-ref-14)
15. Rabbi Abraham ben Moshe ben Maimon, Hamaspik Le'ovdey Hashem, annotated and translated by Nissim Dana, Ramat Gan, Bar-Ilan University, 1989, p. 113. [↑](#footnote-ref-15)
16. With regard to Kiddush Hashem in its first meaning, see Yesodei Hatorah 5:4, 5:10. See also Maimonides Commentary to the Mishna, Avot 4:5 - Maimonides appears to ignore the notion of “in secret.” However, in his Iggeret Hashmad, he extensively addresses the concept of "desecrating the Name of Heaven in secret." [↑](#footnote-ref-16)
17. Hilkhot Tefillin 4:25. See Chapter 11, p. 269 [↑](#footnote-ref-17)
18. Hilkhot Mezuza 5:4. [↑](#footnote-ref-18)
19. Hilkhot Mezuza 6:13 [↑](#footnote-ref-19)
20. Guide to the Perplexed 1:61 [↑](#footnote-ref-20)