Kiddush HaShem: Israel’s Mission

By: ASHER BENZION BUCHMAN

The Shem

“The mitzvah of Kiddush HaShem is stated [in the Torah] in the words ‘I will be sanctified in the midst of the Children of Israel’ (Vayikra 22:32). It consists in that we are commanded to publicize the true faith in public, and that we not fear from the damage threatened by any aggressor, to the extent that even if an oppressor demands of us to deny the Almighty—we will not heed him, but give ourselves up to certain death rather than let him be led to believe that we have denied even though in fact our hearts are still true to Heaven. This is the mitzvah of Kiddush HaShem that all of Israel was commanded in, to give ourselves up to death in the hands of the oppressor for the sake of the love of the Almighty and our belief in His Unity as did Chananiah, Mishael, and Azariah in the days of Nevuchadnetzar the Evil when he forced [all people] to bow to an idol, and all people bowed to it and Israel was amongst them, and there was none to sanctify (mekadesh) the Name of Heaven. And this was a matter of great shame to Israel that the mitzvah was lost from them all, and none was willing to fulfill it—all feared. And this mitzvah is only fulfilled in such a situation, where the entire world is in a state of fear, and then the obligation exists to publicize G-d’s unity and to announce it at that time. G-d had already promised via Yeshayah that Israel’s shame would not be total when this plight would arise, and that young men would step forward in that difficult situation, and not tremble before death and they would offer up their blood and publicize the faith and sanctify G-d in public as the Almighty commanded us via Moshe as it says: “And now Yaa-kov will not be embarrassed nor his face turn pale, when he

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sees his children, the work of My hands in the midst of him, sanctifying My name; they will sanctify the Holy One of Yaakov and stand in awe of the G-d of Israel” (Yeshayahu 29:22–23).

The language of the Sifra is “on this condition I took you out of Egypt—on the condition that you will sanctify me in public.”1 (Sefer Hamitzvos, Aseh)

As Rambam presents the mitzvah of Kiddush HaShem2 here in the Sefer HaMitzvos, its central theme is that Israel is obligated to demonstrate its loyalty in public to the One true G-d, who was revealed to them at Sinai. The crucial element of this publicizing is that the individual Jew demonstrates his willingness to give up his life rather than give the oppressor the impression that he has abandoned his religion because of the threat to his life. Although not stated explicitly here, in the time of shemad even for the smallest of mitzvos one must not relent before his oppressor.3 The mikra itself speaks of making this demonstration specifically before a Jewish public: “I will be sanctified in the midst of the Children of Israel,” ונקדשתי, and consequently halachah requires that should the oppressor demand the Jew transgress a lesser violation for his personal gain rather than for the purpose of having him abandon his faith, he must only forfeit his life in refusal if this

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1 Hilchos Yesodei HaTorah 5:3.

2 Hilchos Yesodei HaTorah 5:2.
transgression is to be done before ten Jews. Thus on the one hand
the central element of the mitzvah is standing up against the gentile
oppressors and demonstrating to them our steadfastness and on the
other hand it takes on an added dimension in front of a Jewish pub-
lic.

Rambam further states that it is only because the Jewish people
would one day produce Chananiah, Mishael and Azariah, who
would stand up against idolatry when the whole world gave in to it,
that we were taken out of Egypt. The sense that Rambam conveys
is that the Jews who witnessed Chananiah, Michael and Azariah saw
an example of faith, courage and love of G-d that would forever sus-
tain the nation and preserve the mission they were entrusted in by
the Creator. Rambam in Moreh Nevuchim (1:64) explains that שם
(he name of G-d) has several meanings and one of them is “G-d’s
mission,” as in שם בראו “My name is within him (Israel)” which
means that Israel is “a vessel for My (G-d’s) will” and it is this
meaning that it has with regard to Kiddush HaShem.

Refraining or Resisting?

Some Rishonim say that the requirement to give up one’s life for
Kiddush HaShem only pertains to cases where one is called upon to
actively transgress a mitzvah in the Torah. One must refrain from

4 See also Løv 63 that it is only when done before ten Jews. The
law of Chillul HaShem is the counter to the mitzvah of Kiddush HaShem
and in general a failure to perform Kiddush HaShem includes a violation
of Chillul HaShem. In this essay we will use the terms Kiddush HaShem
and Chillul HaShem without dealing with the nuances that differentiate
one from the other.

5 The מלכות who are on the highest plane of existence resisted שמה
before all of Israel, but according to Rambam’s definition, in Yesodei
HaTorah 5:4, they may have attained that status even if it was not the
time of שמה.

6 Kappach’s translation reads כלל ההפשר רבני מלחים.

7 Later on in this essay we will explain the term קדוש and sharpen the defi-
nition of the mitzvah.

8 See Nimukei Yosef (Sanhedrin 82a) and Ran (Shabbos 49a) quoted in Kesef
Mishneh (Y.H. 5:1–3).

9 Following Abaye in his dispute with Rava.
doing a “sinful act” a maaseh issur (מעשה אסור). Thus, if the oppressor assaults a woman, as long as her submission is passive and requires no positive action, there is no need for her to give up her life—this is the principle that the Amora Abaye refers to as karka olam (קרקה עולם) ¹⁰ This principle applies to murder and avodah zarah as well; thus, if one would stay still and allow himself to be used as a projectile to kill another, that would be permissible.¹¹ Applying this principle further, these Rishonim deduce that in the case of refraining from doing a mitzvah, bitul aseh (בטול עשה), where the gentiles “could prevent one from acting” anyhow, the law would not apply. These Rishonim seem to see Kiddush HaShem more as a halachic principle than as a unique mitzvah.¹² The maintenance of the performance of mitzvos is so important that one should rather die than abandon them¹³—but if one will not be able to perform a specific mitzvah anyhow, there is no reason to give up one’s life only to show resistance.

According to Rambam, the resistance itself is the mitzvah of Kiddush HaShem and thus refraining from doing a mitzvah is not an option.¹⁴ Rabbi Akiva, who gave his life to preserve the mitzvah of talmud Torah, epitomizes this mitzvah. He steeled himself and even ordained others during a period of shemad.¹⁵ The obligation is to

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¹⁰ אסתר הוקמה על שמה היה. Literally, “Esther was [like] the ground of the Earth.”  
¹¹ Likewise, an act of avodah zarah that is done without any action would be allowed.  
¹² This mitzvah is not found in all counts of the mitzvos. It is not found, for example, in Ibn Gabirol’s. As we shall see, Rambam packages several diverse requirements under this one concept and in this he is certainly unique.  
¹³ The Chinuch (296) writes as follows: שורש מוציא זה دون, כQui adem ale bar-sa רכ למזו ביה, уни שרדנו מואר לע תורות ארונני ונבר נפש. והי ביה אמא מפרר בברות על מdìים, כל מזור על מזו ממליך מלכי הקדשים ברוך זה נأشמה על מזון ננבר.  
¹⁴ See Hil. Yesodei HaTorah 5:2 and 5:4. In Iggeres HaShemad he calls the refraining from talmud Torah and milah a maaseh which we must not acquiesce to.  
¹⁵ See Kesef Mishneh (Yesodei HaTorah 5:3) who brings this as proof against Nimukei Yosef.
sustain the Jewish religion and positive acts of resistance are necessary for this.\textsuperscript{16}

**Kedushab**

The *Baalei Tosafos*\textsuperscript{17} and *Chinuch* (296) explain Rabbi Akiva’s actions and similar conduct recorded in the Talmud by claiming that those people went beyond their legal requirement, *lifnim mi’shuras hadin*.\textsuperscript{18} These Rishonim who on the one hand limit the cases where one is obligated to give up his life, on the other hand balance this by saying that it is saintly conduct, *middas chassidus* (מדת חסידות), to sacrifice one’s life when it is not required.\textsuperscript{19} This position itself also clashes with Rambam who states: “To whomever it is said that he should transgress rather than being killed, should he choose to be killed, he is guilty of shedding his own blood.”\textsuperscript{20}

To understand why *Tosafos* and Rambam argue on whether one may give up his life when it is not warranted, we must understand their respective positions on the concept of *kedushab*.

The Torah verse that commands the *mitzvah* of *Kiddush HaShem*, \textsuperscript{21} comes at the end of a section in the Torah that begins with the verse “You shall be holy”—*kedoshim tihiyu* \textsuperscript{22}—and the two concepts are clearly linked.\textsuperscript{23} The position

\textsuperscript{16} Thus the *mitzvah* only applies to Jews and not gentiles (*Hil. Melachim* 10:2, *TB Sanhedrin* 74b, *TY* 3:5) as it is the obligation to preserve the Jewish religion and the Yerushalmi learns it from the words *ישראל בני בתוך*. But see *Minchas Chinuch* 296 (beginning) discussing other opinions who believe it does apply to gentiles.

\textsuperscript{17} See *Tosafos* to *Pesachmi* 53b.

\textsuperscript{18} The Chinuch stipulates that only those on the highest level are able to do this.

\textsuperscript{19} In the literature describing Ashkenazic Jewish communities sacrificing themselves and even slaughtering their children to avoid forced conversion during the Crusades, it is important to realize how different their halachic stance is from that of Rambam.

\textsuperscript{20} \textit{Vayikra} 22:32.

\textsuperscript{21} \textit{Vayikra} 19:2.
Tosafos takes with regard to Kiddush HaShem is consistent with the famous Ramban on kedoshim tihyu, that the concept of kedushah consists in going beyond what the Torah demands. Thus, while the basic halachos of Kiddush HaShem might demand only a limited type of resistance, the fuller fulfillment calls for a higher level of devotion. In contrast, Rambam believes that kedushab resides in doing the will of G-d which lies in performing all the mitzvos of the Torah exactly as they are defined and not more.

Rambam actually begins his definition of Kiddush HaShem in Mishneh Torah by stating (Hilchos Yesodei HaTorah 5:1): “How is it performed? Under duress, one must violate any mitzvah rather than be killed” following the Torah’s principle that the mitzvos were given to “live by”—v’chay bahem (ו’חי ומכש). The simple reading of his words implies that in normal cases, by transgressing rather than dying for mitzvos, one is also engaging in Kiddush HaShem. Rambam believes that it is just as much a profanation of the name of G-d—chillul HaShem—to portray His will as demanding that human life be sacrificed when it is unwarranted as it is to refuse to give up one’s life when such a sacrifice is demanded. According to Rambam, kedushah is not an extremist quality, but a balanced one like all the qualities (middos) of G-d, as the obligation to be holy is a part of the mitzvah to emulate G-d.

To be קדוש is to fulfill הקדוש והשם and hence strengthen Israel in their mission in the world. We will explain this idea later in the essay.

See his commentary on the Torah at the beginning of Parashas Kedoshim. See Sefer HaMitzvos, Shoresh 4. Before explaining under which conditions one must forfeit his life. See also Hilchos Shabbos 2. See Moreh Nevuchim where Rambam quotes this verse for the concept of הקדוש as a middah in balance while in Mishneh Torah he explains הקדוש hverchא. Kedoshim tihyu is fundamental to the obligation of a Jew and in fact in Sefer HaMitzvos the mitzvah of Kiddush HaShem is immediately after V’Halachta B’drachav. Just as kadosh as a middah is in balance, so too Kiddush HaShem is in balance. Kedoshim tihyu incorporates the requirement to be healthy and to not deprive oneself (Shemonah Perakim). See Hilchos Shabbos 2:3 where Rambam berates those who would not understand this concept. When Rambam speaks of מיש區—he is in his dealings with others in monetary matters.
In *Iggeres HaShemad*, in response to the claim by some that there are other religions where more is demanded of practitioners than Judaism demands, Rambam notes that we dare not learn from other cultures what constitutes *Kiddush HaShem*, for if so “it would obligate us to say that since some idolaters sacrifice their children to their idols we should do likewise.”

**Kiddush HaShem and the Fundamental Mitzvos**

The Talmud says that the reason one may not kill another so that an oppressor will spare his own life is because “Who says your blood is redder than another’s?” (溦י יִשְׂרְאֵל רָדֹד רָדֹד שֶׁנַּאֲרָךُ אֵשֶׁךְ). As we have noted, the *Baalei Tosafos* contend that one can nevertheless allow himself to be used in a murder as long as he is passive, as one’s own life is equally worthwhile as another’s and the law therefore just demands passivity. Since both lives are equal, one’s obligation is merely to refrain from an act of murder, *maaseh retzichah*).

However, Rav Chaim Brisker notes that Rambam could not agree with this since he states that the married woman who is assaulted must resist even at the risk of her life and the requirement to give up one’s life is unrelated to whether one need do a *maaseh*. He thus explains that the concept of “Who says your

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30 Kesuvos 3b speaks of *פריצות התרבות* and implication is that there are cases where a woman would not need to resist. Perhaps according to Rambam resistance should be to the act, to demonstrate non-compliance but not to the point where a provocation for murder would be created when the act could not be stopped anyway.

31 Kesuvos 3b says that Ramabam decided like Rava rather than Abaye and thus does not use the logic of *karka olam*.

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34 Dying for the three major sins—murder, *arayos* and *avodah zarah*—are exact parallels and should be governed by the same rules.
blood is redder?” teaches a principle that saving one person’s life—pikuach nefesh (פְּקֻעַץ נְפֶשׁ)—is not grounds for permitting murder of another. Whatever constitutes murder, whether an act is involved or not, is not permissible for pikuach nefesh.\(^{35}\)

Since the two are equal, thus it (murder) is not pushed aside for the sake of pikuach nefesh, and it matters not whether one is passive or performs an act, there are no grounds for pushing aside [the prohibition].

Rav Chaim does not elaborate further on this point, but we can explain this principle with the understanding that even with regard to the three mitzvos\(^ {36}\) that must never be violated even at the forfeiture of one’s life, the reason this is so is because of the mitzvah of Kiddush HaShem. That is why the halachah pertaining to the requirement to sacrifice one’s life rather than violating these three mitzvos is brought at the very beginning of the chapter of Kiddush HaShem (chapter five of Hilchos Yesodei HaTorah).\(^ {37}\)

Those who disagree with Rambam follow the reasoning that violating arayos and avodah zarah is as bad as an act of murder,\(^ {38}\) and since doing the act is as bad as refraining from the act one must be passive.\(^ {39}\) In fact, Ramban\(^ {40}\) is explicit that the three mitzvos are not

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\(^{35}\) Even though indirect murder is not punishable by the death penalty, it is still prohibited under the death penalty law. 

\(^{36}\) Avoedah zarah, gilei arayos, retzichab.

\(^{37}\) ב. בมหา אריס אברך, בשואא שמות—הרי מתוות, והרוי תרוי, ופש_SelectedIndexChanged, ולא שולש וניצמן בחר או עליה. א. אמז לברך על אדם מ poate או תחרות, וירץ או ניגב.

\(^{38}\) For arayos the Geonim say it is as punishable by the death penalty and with avodah zarah one loses even their olam haba. Thus, one shitas Tanna’im is that one can kill a person to save him from an act of idol worship. Rambam himself expresses this basic idea with regard to curing oneself through these sins.

\(^{39}\) We should also take note of the fact that the approach of the Baalei Tosafof rests upon the concept that submitting to an act of arayos is as bad as death. However, according to Rambam, this does not follow. These halachos are all governed by the principle of Kiddush HaShem. Israel’s commitment to tznius and abhorrence of arayos demands of them that they not submit even in the face of death but this does not mean the
related to Kiddush HaShem. According to Ramban it is only Kiddush HaShem when one resists because of his fidelity to the laws of the Torah when being forced to transgress even a minor violation in public or in the time of shemad. But according to Rambam, this case as well is Kiddush HaShem as the concept is that one cannot engage in murder even to save his life and then claim to represent G-d. Even when the oppressor acts for his own benefit and even when no maaseh is called for, it is a chillul HaShem to conduct oneself so as to save one’s own life at the expense of another.

On the other hand, there are some who contend that since (in agreement with Rambam) the three mitzvos are based on Kiddush HaShem, one must therefore only submit in public. But according to Rambam himself, just as kedoshim tihiyu applies in private, so, too, Kiddush HaShem can apply in private as well. Preserving the Shem within the individual is central to this commandment.

Preserving Tabarah

The Mishnah (Terumos 8:11) discusses whether one woman can be handed over to save multiple women from defilement. The preceding Mishnah raises a similar issue with regard to saving terumah from being made impure, tameh (טמא). With regard to purity—taharos (טהרות)—the rule is to preserve as much taharah as possible even though it means committing the positive act of handing over...
the bread to be made *tamei* by the gentile.  But with regard to the
women, the Mishnah legislates differently, and a single woman cannot
be handed over to save the group. Although it is a logical prin-
ciple to preserve as much *taharah* as possible and the first part of the
Mishnah reflects this, this concept is not extended to the case of
women even if the woman to be sacrificed is not married and even
if not in the presence of ten Jews (*Hil. Yesodei HaTorah* 5:5). Based
on our understanding, there is no contradiction between these two
parts of the Mishnah since in the latter case the principle of *Kiddush
HaShem* becomes operable. Indeed, the Mishnah’s principle is that
as much *kedushah* and *taharah* as is possible must be preserved and
in the case of the women the preservation of the most *kedushah*
comes about by refusing to cooperate with the oppressors and act-
ing for *Kiddush HaShem*.

*_Chazal* utilize this concept as well, in ruling that the fugitive
Sheva ben Bichri could not be handed over by the community lead-
ers to save the lives of the rest of the city, unless he was indeed
guilty of a capital crime. *Ramach* (*Hil. Yesodei HaTorah* 5:5) asks
how this law can be rationalized. Our principle of “Who says your
blood is redder?” would certainly dictate that since the alternative
to handing over Sheva ben Bichri for execution is for the entire
city—including Sheva—to be killed, then certainly we should hand
him over. Should we not minimize deaths? *Kesef Mishneh* answers
that apparently, though the Gemara presents this logic of “redder
blood,” this is not the complete explanation. His words, like those
of Rav Chaim Brisker, point to the same principle—murder, even
the mere handing over of one to be murdered, is not an option,
because such an act is not permitted even for *pikuach nefesh*. *Kiddush
HaShem* is not dependent on the preservation of the most life, but
of the most *kedushah*. *Kiddush HaShem* is not defined as giving up

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46 יוכדיהו של תורה בידים, אומר של נכרירה.栓 ל איה עות קימצא, עוב לאו לחרני משמא
את כולם—רב אליוף אחר, נתא את כולם, אבל על את איה עות קימצא; רב-earth-שוע אוף,
יגוד לפור אתיה על המלך. See *Hilchos Terumos* 12:6 that the halachah is like
Rabbi Yehoshua.

47 ואמא עות צפעים there is no need to resist at the risk of death, if not in the presence of ten
Jews.

48 Not an act of murder.
one’s life because of one’s commitment to his faith, Yahadus, but rather preserving the values of Yahadus at the expense of one’s life.49

Elisha Baal Kenafayim and Rabbi Akiva

The Gemara says that there was a time when the observance of the mitzvah of tefillin was “weak in the hands of Israel” and in this context it presents the story of Elisha Baal Kenafayim (Shabbos 130a) who wore tefillin at the time of shemad but when spotted by a government enforcer fled and hid his tefillin in his fist. Upon being caught, he opened his hand and the tefillin had turned to the wings of a pigeon and he was saved. It is generally understood50 that Elisha was a saint whom G-d saved with this miracle,51 as there had been no need for him to have worn tefillin in the first place, since one need not endanger himself to perform a positive command. However, according to Rambam his removal of his tefillin in the face of danger52 was sinful and in fact embodies this weakness that was present in Israel. Tefillin is the sign (אות) of our covenant with G-d that we display to the world and at the crucial moment Elisha shirked his responsibility to publicize this bris. Rabbeinu Channanel53 explains that Chazal bring his story not to praise him but to condemn him.54

49 According to the Baalei Tosafos, the issue of נשפים דחיית is governed by the rule of the equality of every life that dictates that one react with passivity and let nature take its course. This presented them with some difficulty in explaining why it would not be proper to hand over one’s life to save many, and thus their reliance on refraining from a מעשה is crucial to their shittah. But according to Rambam that the principle is one of Kiddush HaShem, the nobility of the refusal to give up one’s life to a cruel enemy even to save the many is readily understood.

50 As the Rishonim we noted above contend, and thus his act was שניטם לפני הדין משורת.

51 See Kesef Mishneh, Yesodei HaTorah 5:3.

52 According to some Rishonim he was model of טהור גוף while according to Rambam he was the opposite.

53 Brought by Tosafos, ibid.

54 The Gemara is contrasting Elisha’s actions with regard to tefillin with Israel’s conduct with regard to avodah zarah and milah whose importance they understood and for whose performance they were willing to die.
Rabbi Akiva was brought to execution for having taught Torah. In his last moments, the Talmud tells us, he recited *Krias Shema* “and accepted upon himself the yoke of Heaven” (*Berachos* 61b.) In this retelling *Chazal* wish to impart to us the relationship between *Yichud HaShem*55 and *Kiddush HaShem*, as his willingness to die for *Kiddush HaShem* was evidence of what Rambam referred to in the *Sefer HaMitzvos*56 as his “love of the Almighty and belief”57 in his unity.” In *Hilchos Yesodei HaTorah* (chapter 5), Rambam treats *Kiddush HaShem* right after explaining *yichud* as it is the way in which one concretizes *yichud HaShem*.58 Elisha’s fear, and a lack of what the Gemara (*Shabbos*, ibid.) refers to as a “pure body” caused him to remove his *tefillin*. The holy Rabbi Akiva embraced his mission59 and reached a plane of existence that Rambam describes (ibid., halachah 4) as: “There is none higher than it” — בארא מ转载请 על מעלות —.

### Healing with Sin

The Talmud (*Pesachim* 25ab) forbids a person to heal himself from a fatal disease by committing any of the three major sins. Elsewhere the Talmud (*Sanhedrin* 75a) adds, surprisingly, that even if one can be cured by having an inappropriate conversation with an unmarried girl, it is still forbidden, even though this does not qualify as *arayos*. Rishonim60 note that even the first halachah is difficult to

Though *tefillin* relates to the same *bris as milah*, they did not think it was important to advertise the *bris* in the face of their oppressors and at the expense of their lives. Perhaps the נסהו נסה represents an attitude in which he saw the *mitzvos* as his protection in contrast to the *midrash* of *יהו או די צלוב*.

Many questions are asked by the *mefarshim* on why Rabbi Akiva would be saying *Krias Shema* at that time. They all become irrelevant when we understand that it was not a standard *Krias Shema* but the goal of that *mitzvah* which is of *ייחודו*.

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56 See the passage quoted in the opening paragraph of this essay.

57 Perhaps the correct word is “knowledge of” rather than “belief in.”

58 In *Sefer HaMitzvos* the *mitzvah* of *Shema* follows that of *Kiddush HaShem*.

59 For a Jew there is no life without Torah. See the Gemara (ibid.) that he argues.

60 See *Tos. Pesachim*, ibid.
understand as the example in the Talmud for *avodah zarah* healing is curing oneself with the wood from the *asheirah*, אשרה עצי, in which the violation is having benefit from *avodah zarah* which is only an auxiliary sin to *avodah zarah* and not punishable with the death penalty. Thus some Rishonim deduce from these laws that even auxiliary sins, *abizraihu*, אבזרייהו, of the major sins cannot be violated to save one’s life. So severe are these fundamental sins that anything related to them is also worthy of giving one’s life for.

When Rambam (*Hilchos Yesodei HaTorah* 5:6) quotes these halachos, he gives no indication that these laws are indicative of a broader principle of *abizraihu*. In general, he explains that the punishment for any sin is commensurate with the severity of the prohibition and thus auxiliary violations, carrying minor punishments, would not logically be comparable to the major sins themselves. Moreover, some Rishonim understand that the healing that comes through the wood of the *asheirah* is a result of the segulah/supernatural qualities of the wood, and Rambam is of course in disagreement with the belief that there is any efficacy to *avodah zarah* or the superstitions related to it. Clearly he must have had a different understanding of these laws and this understanding is found in *Shemos Rabbah*.

We learned. With all one may be healed by *avodah zarah*, uncovering *arayos*, and murder. How so? That if one tells a person to kill a person and you will be cured, don’t heed him for it says (*Bereishis* 9:6) “He who spills the blood of a person, by a person shall his own blood be spilled” so how can one be cured by spilling blood? “How so via uncovering *arayos*?” If one tells you to commit sexual violations and you will be cured, do not heed him ... for all who touch a woman who is not his brings death to the world for it says (*Mishlei* 7:26) “for many bodies

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61 See *Baal HaMaor*, Sanbedrin, (ibid); Chinuch 296; *Ran* (on Rif) *Pesachim* 25a who explains this based on the Yerushalmi.

62 See *Peirush HaMishnah* to *Avos* 2:1.

63 See *Tosafos Pesachim* 25a. Even according to this view, the healing via *avodah zarah* is not itself an act of idol worship but is not permitted lest it lead to idol worship.

64 See for example *Hilchos Avodah Zarah* 11.
she has these qualities, **how can she give life to the ill?** Thus one may not be cured with it. “How so with avodah zarah?” For if a Jewish man was sick and one tells him to go to a certain avodah zarah and be healed, it is prohibited to go ... **for there is no substance to them and they do not help at all** ... The Holy One Blessed Be He said “Since they are like an inanimate stone with no substance and others must watch it that it not be stolen how can it give life to the ill?” That is why it is prohibited to heal with anything from it.

It is precisely because these sins cannot cure that they may not be engaged in to protect against fatal diseases. Of course, they appeared to have efficacy, otherwise people would not have used them. Faith healers are often effective, even if the faith is in an idol. Killing a hated enemy can cure actual physical symptoms created by psychological factors. A lovesick person can be cured from actual symptoms by sating his lust. Sick minds can require sin to sustain their bodies. The Gemara (Sanhedrin, ibid.) explains that only after the destruction of the Beis HaMikdash did the situation arise that a

65 Ramban in Milchamos to the eighth perek of Sanhedrin also brings this midrash.
man could die of lust. Rambam explains (*Yesodei HaTorah* 5:9): “Let him die rather than he be permitted to speak with her from behind a fence, so that the daughters of Israel not be befker, lest this sort of conduct lead to arayos.” It is for the preservation of the values of Judaism that a Jew must give up his life.

### Halachic Ramifications

There are ramifications to Rambam’s position on *Kiddush HaShem* that would cause the *psak halachah* to differ from that of other Rishonim, and I will list some.

In the case of conjoined twins where one life can be saved if the other non-viable one is taken, some *poskim* look to the case of Sheva ben Bichri for guidance, where it is prohibited to actively give up one life in order to save the group. According to Rambam, since in this case the choice is not foisted on us by oppressors and thus *Kiddush HaShem* is not here a factor, it is logical that preservation of the most life possible would be the operable principle.

By contrast, in the case of the Cantonists where a quota of Jewish youth were drafted into a situation where their life was placed in great danger and performance of *mitzvos* was almost impossible, the principle of *Kiddush HaShem* would play a role. Some have argued based on the principle of קידושה קודמין חייך, that one has the right to put his own interests before that of others, as well as other halachic sources related to monetary matters, that one should be permitted to use his influence to save himself or others close to him at the expense of others who will subsequently be taken in his place. But should we

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68. Nor is it comparable to where the murder is committed to cure via satisfying one’s anger.

69. See Rabbi Yitzhak Grossman’s post <http://seforim.blogspot.com/2008/05/hunted-bears-cantonists-and-nazi.html> where he concludes that in the age of the Cantonists, it was permissible for the wealthy to use their influence to save their sons while it meant that the children of the poor would uniformly be taken. As this is really an issue of מ]|[ with regard to קדושה it would seem to come under the category of קדושה והשם and require that none try to gain advantage over another.
apply Rambam’s principle of Kiddush HaShem, our perspective changes.

In the death camps of Europe, Rabbi Zvi Hersh Meisels was approached by a man who was able to save his own son, but it would have meant that another would be taken in his place, and he asked if he could do so. Rabbi Meisels was unable to give him a definitive answer.

But the father who asked decided, that because of the refusal of Rav Meisels to give a definitive answer the thing was prohibited, and said if so he was prepared to sacrifice his only son according to the Torah and the law, and he accepted this with love and happiness.70, 71

In the face of the impending Holocaust, some Rabbis escaped and lived to build thriving communities.72 But it is the story of those who stayed to serve and comfort those who could not leave and who themselves perished and left no progeny that sustains our people and our religion. The stories of heroism displayed before asarah m’Yisrael are transmitted to future generations and remain in the consciousness of Israel until this day. This is the added importance of Kiddush HaShem b’rabbim.

Building the Beis HaMikdash is a central mitzvah to Judaism and incumbent upon the community as a whole.73 Its centrality to Judaism explains why Israel’s enemies built their place of worship on its place and to this day insist that Jews do not pray there. According to Rambam, when the oppressor wishes to uproot our ability to

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70  However, if an individual should volunteer to save another it would seem to be an act of saintliness and should be permitted. This is apparently the story of the brothers in Lud (see Rashi to Pesachim 60a and Taanis 18b) who did so and are considered with the הרגי מלכות.

71  See Hakirah, vol. 9, “To Flee or to Stay.”

72  See Sefer HaMitzvos, Aseh 20.
perform a mitzvah, even an Aseh, it is incumbent on a Jew to resist, and the principle of Kiddush HaShem calls on him to act without fear.74

As we have seen, it is fundamental to the concept of Kiddush HaShem that one be willing to give up his life rather than kill another, as this is a demonstration of our moral values. Based on our understanding of Rambam, even without a maaseh retzichah one who is a cause for this murder engages in chillul HaShem that the Torah forbids. If indeed whether brain death is death is a case of doubt, ספק, it does not automatically follow that a Jew can place himself on a list for receiving an organ since for him it is pikuach nefesh, but rather it could be argued on the contrary that the complicity in taking another’s life for one’s own is chillul HaShem and it should follow that taking an organ while not being willing to give is a chillul HaShem.75

On the other hand, perhaps since the “redder blood” argument does not mean that all lives should be treated equally, but that merely one may not rely on pikuach nefesh to save his own life at the expense of others, it follows that one should be able to willingly sacrifice his life to save another. The willingness to give one’s life to save another emulates the act of the Martyrs of Lud (לוד הרוגי) who saved a group by sacrificing themselves. A similar calculation could be made that sacrificing one’s minimal existence to grant another a full life, would be a Kiddush HaShem.77

74 The concept is most specifically stated for conflict with religions. That Jews discuss the future of the Temple Mount—that we do not claim it—is certainly a chillul HaShem. Certainly the building requires Moshiach, but preserving the place for the eventual building should be a pressing obligation on the community.

75 A very similar argument based on Rambam’s shittah as understood by Rav Chaim and explained by Rav Soloveitchik, zt”l, is presented by Rav Hershel Schacter, sblita, in Assia 7, pp. 188-206.

76 See Rashi to Pesachim 50a and Taanis 18b. See Divrei Yirmiyah, Hil. Yesodei HaTorah 5:4.

77 Especially since the brain-dead person is a treifah. Rav Schachter, in his article, also makes a similar point—but when we add the argument of Kiddush HaShem the argument is strengthened.
This mitzvah is specifically to show our dedication to Jewish values, G-d’s values—to stand up against the world and not to adopt gentile values and curry favor with them. Kiddush HaShem is based on standing up against secular values when they contradict the Torah. Those Jews who fear that Rabbis who take strong public positions against homosexual “marriage” are creating a chilul HaShem since they oppose the “moral” values that are currently in vogue, are in error.

Servant of HaShem

The colloquial usage of the term Kiddush HaShem is when an Orthodox Jew acts in such a way as to reflect well upon the Jewish people. This is based on the last halachah of the perek of Kiddush HaShem.

And so too if a chacham is exacting upon himself, and he speaks pleasantly to people, and relates well with them, and greets them with a smile, and takes abuse from them and does not return it, shows respect even to the smallest of them, and is trustworthy in his business affairs, does not spend much time with the activities that the ignorant engage in, and is constantly seen engaged in Torah study wrapped in tzitzis and crowned with tefillin, and conducts all his actions [with others] beyond the strict requirements of the law—and yet is not considered aloof [from the common people], nor an ascetic—so that it is found that all praise him and love him and wish to be like him. This is a Kiddush HaShem and of him Scripture says “And He said, ‘You are my servant Israel’ in whom I take pride.”

— ישעיהו טט, ג.
When a *talmid chacham* acts in such a way as to reflect Jewish values, then Judaism is strengthened and Jewish values are strengthened. Moshe Rabbeinu captures the idea best in the blessing at the end of the Torah:

The L-rd will sustain you as a Holy nation as He swore to you, if you will keep the commandments of the L-rd your G-d and walk in His path. And all the nations of the earth will see that the name of G-d is called upon you and they will fear you.

79 All religious Jews have this halachah even in the most technical of ways.