

Identifying Chabad

A brief summary of some of the book's halachic arguments

Background

In 5710, the as-yet-uncrowned Lubavitcher Rebbe delivered a sicha that was to be published and re-printed countless times under his direct supervision and that was, upon his death, still part of his official bibliography. Briefly, he asked this question (as part of his interpretation of what he considered the ideal relationship contemporary Lubavitchers should have had with his then-deceased father-in-law):

וואס איז שייך בכלל בעטן ביי א רבין עס איז דאך אן ענין פון א ממוצע

Here's one key element of his response:

במילא איז דאך ניט שייך צו פרעגן א קושיא וועגן א ממוצע וויבאלד אז דאס איז עצמות
ומהות אליין ווי ער האט זיך אריינגעשטעלט אין א גוף
(לקוטי שיחות ב' עמ' 511-510)

It must be noted that the above sicha was delivered in the period between the death of the previous rebbe (the Riyatz) and the appointment of his successor (Menachem Mendel). There can be no doubt that the leaders and educators of the movement were well aware of these teachings when they offered him the position (over the vigorous candidacy of his brother-in-law) some months later (in Shevat, 5711). One can only conclude that they, too, accepted the legitimacy of “atzmus theology.” These leaders and their students have taught and guided the movement for all of the past six decades.

This theme (that a chassid may daven to his rebbe and rely on him for all his needs) was hardly infrequent in the Lubavitcher Rebbe's writings and teachings. Here's another example:

והעיקר אז עס זאל זיין במוחלט אפגעלייגט אז דער רבי איז מיט עס און ער קאן זיך אויף עס
פארלאזן אז אלץ וועט זיין גוט ווארום עצמות ומהות א"ס ב"ה איז דאך דער תכלית הטוב און
דער רבי איז דער ממוצע המחבר מיט עצמות ומהות א"ס ב"ה און פירט דורך דעם רצון אז עס
זאל זיין הכל טוב
(אגרות קודש תשטז עמ' תכ)

What can we conclude but that the Rebbe's fiercely loyal followers (who are famous for the endless hours they devote to the study of his teachings) have taken this central message to heart? Is it likely that any of them would reject an established teaching that lies so close to the core of his whole theological system? And if a Lubavitcher *would* reject it, knowing its true meaning and implications, wouldn't he leave the movement altogether? Would he still allow his children to be educated in a system that he holds to be corrupt?

Nevertheless, the halachic implications of these observations might not be so straightforward. Are there עכו"ם ומינים providing us with meat, wine, minyanim, children's camps and סת"ם in a way that renders their services invalid? We'll try to address the possible issues one at a time.

Didn't the Chazon Ish hold that even Rambam¹ would agree that someone making an honest error isn't a מיין?

The Chazon Ish (Hilchos Akum, 62: 21) suggests (“אפשר”) that even the Rambam would agree that a Jew is not a מיין if, through honest ignorance and thinking his beliefs conform to Torah tradition, he believes HaShem has physical properties. Conversely, the Chazon Ish also proposes that the Ra’avad would label as a מיין, someone who understands that the Torah doesn’t allow for belief in a physical god, yet who nevertheless ascribes the creation of the world to physical beings.

If this is correct (and assuming the Chazon Ish even meant it as a halachic statement), then one could say that most Lubavitchers (and, indeed, most secular Jews) cannot be considered מינים, but kosher, albeit confused, Jews.

However, for various reasons, we’re not at all sure that the Chazon Ish intended that these ideas should be applied in halacha. For one thing, we don’t think it’s possible to apply *both* suggestions at the same time, as that would seem to require that the Rambam and Ra’avad agree on all points (and we don’t know anyone who would be comfortable reading it that way).

Moreover, the Rambam himself clearly explains his opinion in More Nevuchim (א: ל"ו):
(בסוף הסימן):

“If you think that there is an excuse for those who believe in the corporeality of G-d on the ground of their training (i.e., background), their ignorance or their defective comprehension, you must (then) make the same concession to the (actual) worshippers of idols; (after all) their worship is (also) due to ignorance or to early training (see Chullin 13a). ...There is no excuse whatever for those who, being unable to think for themselves, do not accept (G-d’s incorporeality)...”

Maybe they don't really think their rebbe is a god; they're just davening to the kedusha of HaShem they think rests within him...

R’ Chaim m’Volozhin (נפש החיים שער ג פרק ט) writes that, not only is it prohibited to worship or serve any force or creature besides G-d, it is equally forbidden to worship that which is godly in a human being. One may not, therefore, pray to the רוח הקודש that may rest on a צדיק.

A source for this prohibition can be seen in Daniel where, having heard his dream successfully described and interpreted, Nevuchadnezer

“...fell on his face, bowed to Daniel and expressed a desire to offer a libation to him, saying: ‘it is true that your G-d is the G-d of gods Who guides kings and reveals secrets...”

It is clear, observes R’ Chaim, that Nevuchadnezer didn’t think Daniel himself was G-d, rather, he wanted to venerate that manifestation of G-dliness that Daniel had demonstrated through his inspired interpretation. Yet Daniel refused to allow the offering and, according to the gemara (Sanhedren 93a), considered the act idolatrous (and himself, the involuntary object of avodah zarah - presumably because the king had bowed).

R’ Chaim adds “...even though the primary prohibited act of idolatry is through one of the four paradigm acts of worship [i.e., animal sacrifice, incense, libation and bowing], nevertheless, now that worship through prayer (accompanied by hishtabduk halev) stands in the place of sacrifice, it [i.e., prayer directed anywhere but towards G-d] is certainly idolatry.”

רמב"ם (פ"ג תשובה ה"ז): "חמשה הן הנקראין מינים... והאומר שיש שם רבון אחד אלא שהוא גוף ובעל תמונה... "ראב"ד: "ולמה קרא לזה מין וכמה גדולים וטובים ממנו הלכו בזו המחשבה לפי מה שראו במקראות ויותר ממה שראו בדברי האגדות המשבשות את הדעות

Torah observance by idolaters). Even though the Nimukai Yosef argues that this status is only possible among children with no inkling of their origins, the Bais Yosef feels the Rambam's opinion is primary and can't be ignored. Thus, claims this approach, the status of Lubavitchers should be no worse than that of Karaites

A few points must be borne in mind:

- a. Perhaps the halacha follows the Nimukai Yosef.
- b. The Shach (Yore Deah 159: 6) disputes the Bais Yosef and (quoting the Maharshal and others in support of his opinion) claims that, at least concerning the payment of interest, that isn't actually what the Rambam said. What is clear is that the Rambam (Hil. Mamrim 3: 3) considered it a mitzva to work to return such people to proper observance through teshuva. More than that appears to be subject to dispute.
- c. The Rambam himself writes (ibid) that this extended status of *שנשבו* תינוקות would apply only to subsequent generations, but not to individuals who came consciously to their incorrect beliefs. This adds significant new layers of doubt to the matter as there is currently a wide range of backgrounds found among contemporary Lubavitchers with only a relatively small percentage of them who can be said to have been unambiguously born into the faith.
- d. As far as we know, the Bais Yosef himself only applied this opinion of the Rambam to the prohibition of charging a Karaite interest. In other words, he would use the Rambam *לחומר*. However it is quite possible that the Bais Yosef would have been *מחמיר* *not to* use the Rambam where the consequences lean *לקולא*. (Note: regardless of the strength of the preceding four points, these next two would seem to be of overwhelming significance.)
- e. From the text of the Rambam to Mishnayos Chulin in R' Kafach's edition, it seems very likely that the Rambam only distinguished between first and second generation heretics in relation to Karaites (about whom he wrote "ואינם מינים" "לפי אמונתם"). See R' Kafach (footnote 28) who explains that Karaites are different because they actually believe in all five of the essential categories related to *מינות*. This, however, does not seem true of modern Lubavitchers. Significantly, the Mishna Brura seems to apply this very distinction to practical halacha. See *סי"ב תקי"ב ס"ק ב* where he expresses the possibility of being *מיקל* *מומר לעבור"ם או לחלל שבתות* in a way that is not possible by *בקראים*.
- f. Finally, and perhaps most importantly, even if we accept that the Bais Yosef's reading of the Rambam is applicable to modern Lubavitchers, that would only elevate them to the same status now held by intentional Shabbos desecrators. Hardly of comfort concerning their shechita, wine and STaM! (*עין נמי רדב"ז*) (להל' ממרים ג:)

Can't you say that today's shechita is ספק ספיקא מותרת מטעם ספק ספיקא?

What might this *ספק ספיקא* be? One: there is an irresolvable doubt as to whether halacha follows Rambam or Ra'avad (assuming, of course, that even the Ra'avad's leniency regarding the third principle would extend so far as to include even Chabad atzmus-theology – a doubtful proposition) and, two: we don't know whether the particular Lubavitcher who slaughtered this animal personally accepted and/or practiced *hiskashrus*.

In fact neither of these *ספיקות* would seem to have any standing. Regarding the first, the Ra'avad only argues on the Rambam's third principle but not on the others – notably the fifth. (

("ע' ספר שמש מרפא עמ' נ"ה "היוצא מדברינו). There would therefore seem to be no doubt in this matter.

And regarding the second ספק, we consider this a לברר אפשר (uncovering a Lubavitcher's true beliefs requires only a five minute phone call – see the chapter "Identifying Problematic Beliefs" from the book). It, too, is thus irrelevant to our discussion (בענין ספק). (אפשר לברר ע' נודע ביהודה מהדו"ק נ"ז וגם רעק"א לשו"ע יו"ד סי' י"ח על סע' י"ב).