YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**On Being Chosen:**

**A Philosophical Investigation into the Election of the Jewish People**

**Prof. Samuel Lebens**

**Shiur #15: Talmudic Attitudes to Gentiles (1)**

At the start of lesson 1, I declared that I was looking to articulate the doctrine of the election in a way that would be well buttressed by the sources and which would also escape any trace of xenophobia, racism, or supremacism. I had various motivations for this agenda. First came my own ethical convictions. Admittedly, a person who believes in revelation must be willing sometimes to set one’s prior convictions to one side. Those convictions may be mistaken. Indeed, those mistakes may be part of what a revelation comes to correct. And yet, it’s unavoidable that, to some extent, our experiences, opinions, and intuitions will shape the way we understand the words of revelation. I come to the table with strongly anti-racist intuitions.

A second motivation was my belief that Jewish history is itself a part of the process of revelation. And thus, with David Novak, I agree that the Holocaust, and our wider experiences of being victims of racial supremacism, must inform us as we seek to articulate the deep principles of our faith. Since the history of the Holocaust is something that we are rightly “determined to share with the world, [it] must also be a factor in formulating our theology.”[[1]](#footnote-1) That is to say, if there is something that the Holocaust has to teach the world about the dangers of racial supremacism, surely this is a message we also have to internalize.

Thirdly, there is a set of character traits (mercy to all beings, kindness, and a sense of shame and humility) associated with the Jewish people so deeply that the *halakha* treats the lineage of a Jew who doesn’t have these traits with deep suspicion.[[2]](#footnote-2) I argued, back in lesson 1, that these traits would be difficult to hold alongside a supremacist self-evaluation. Accordingly, and even if the doctrine of the election is an indispensable part of our religious tradition (which I believe it to be), we would be wise to interpret it in a way that avoids any hint of supremacism or racism in our theology and philosophy.

Finally, in lessons 2 and 3, I developed an account of the narrative frame of the entire Hebrew Bible. That frame reveals a God who is interested in cultural diversity and in the welfare of all human beings, a God who recognizes that the humans He created are inherently social animals, invested with inalienable individual rights.[[3]](#footnote-3) Anything that occurs *within* the Hebrew Bible is sandwiched between the opening and closing acts of this narrative frame, and should be understood in consonance with its values.

Admittedly, when we went on to amass the Biblical data that deals directly with the election, we were confronted with various different models, metaphors, images, and tensions.[[4]](#footnote-4) Some of this data will prove easier to reconcile with the narrative frame of the Bible. Some will be more challenging. The task, in lessons 7-14, was merely to outline the data. We will subject that data to philosophical scrutiny, and attempt to systematize and properly organize it, so as to inform one coherent doctrine of the election, only later on.

But one task that had to be addressed, which occupied our attention in lessons 4-6, was to disarm a potential counterargument. Even before we looked at the Biblical treatment of the election, my fear was that critics (both on the secular left and on the extreme right) would seek to use the Hebrew Bible to undermine my anti-racist agenda. What about the Torah’s treatment of non-Jewish slaves? What about the apparent commandments to annihilate Amalek and the seven indigenous nations of the land of Cannan? Surely it would be futile to try to reconcile my progressive values of racial equality with the out-and-out racism of the Hebrew Bible. In lessons 4-6, I argued that these “troublesome texts,” when properly understood in the context of the Hebrew Bible’s own narrative frame, fail to establish that the God of the Hebrew Bible – who created all human beings in His image – ever encourages racism or xenophobia. My critics (both on the secular left and on the extreme right) would be misunderstanding the message of the Bible.

Scripture is only authoritative in the Jewish tradition when interpreted through the prism of Rabbinic teachings; we will therefore have to spend some time exploring what the Talmud and Midrash have to say about the election. That project will begin in lesson 18. But just as we had to disarm potential critics before we embarked upon our journey through the Biblical data, it will be equally important to disarm potential critics before we embark upon our journey through the Rabbinic data.

Critics on the secular left, even if they were moved to accept my reading of the Biblical texts, will still think it foolish to try to reconcile the Orthodox Jewish doctrine of the election with progressive values. Isn’t it obvious that the Rabbis were racist Jewish supremacists? They had one law for the gentile, and one law for the Jew. They only permit a Jew to be *kind* to a gentile if the Jew gets something in return for his kindness. The Rabbis would, apparently, rather let a gentile die a painful death than desecrate the Sabbath to save them.[[5]](#footnote-5) To the extent that it is rooted in a Rabbinic worldview, it would be futile to attempt a non-racist articulation of the doctrine of the election. You cannot reconcile such a hate-filled tradition with progressive values. Instead, we should just reject this racist religion.

Critics on the most extreme and radical right, by contrast, might once again claim that my progressive values are causing the problem. We should, they might argue, simply embrace the ethic of supremacism that they find in the Talmud and Midrash, even if I were able, somehow, to remove any such appearance from the Hebrew Bible.

Unsurprisingly, once again, I think that both sets of critics are mistaken. Their mistake is rooted in their shared and pervasive misreading of the Rabbinic tradition and its values. To prove my point, we shall have to confront the Rabbinic texts that supposedly manifest this xenophobic spirit and determine what’s really going on. Only then can we move on with the project of amassing Rabbinic data regarding the election.

**Saving Gentile Lives – The Shahak Affair**

In 1965, Professor Yisrael Shahak wrote a letter to the [*Haaretz*](https://en.wikipedia.org/wiki/Haaretz) newspaper. He said, in this letter, that he witnessed an Orthodox Jew refuse the use of his telephone to call for an ambulance for a non-Jew on Shabbat. He claimed that he had sought the opinion of Israeli halakhic authorities, and they assured him that the Orthodox Jew had been acting in conformity with Jewish law, which doesn’t – they reportedly said – allow a Jew to desecrate the Sabbath to save a gentile life. Is this true? Does Jewish law have such little respect for gentile life that it would rather watch one die, God forbid, than break the Sabbath to save them? Shahak’s letter caused an international media storm. Rabbi Immanuel Jakobovits called it a modern-day blood libel.[[6]](#footnote-6) But it would only be libelous if it wasn’t true. *Does* Jewish law mandate such callous disregard for gentile life?

The book of Leviticus teaches: “If your brother falls low and cannot maintain himself with you, you shall uphold him; though be he a stranger [Hebrew: *ger*] or a resident [Hebrew: *toshav*], he shall live with you.”[[7]](#footnote-7) The *Sifra* (halakhic *midrash*)*,* understands this verse to establish an obligation to sustain a native-born Jew (i.e., your brother), a full convert to Judaism (i.e., a *ger*), and any gentile who abides by the seven Noahide laws (i.e., a *toshav*).[[8]](#footnote-8) The Noahide laws, recall, establish the bare minimum of ethical requirements that all humans should meet.

This verse, talking about all three categories of people, concludes with the phrase, “he shall live with you.” The *Sifra* learns from here that we have an obligation to save their lives.[[9]](#footnote-9) Rabbi Nachum Rabinovitch notes:

Although Maimonides does not consider this verse… [to be] the source of the commandment to save life, he does not disagree with the interpretation of the intent of this passage, for he rules that “since we are commanded to sustain a *ger toshav* [a category of person which today extends to any gentile who observes the seven Noahide laws],[[10]](#footnote-10) he must be given medical treatment without charge.””[[11]](#footnote-11)

And, as Rabbi Rabinovitch understands the *Sifra*:

Our obligation to save a life is exactly the same for a *ger toshav* as for a Jew and requires [in either case] that we do everything short of sacrificing our own life to save him.[[12]](#footnote-12)

So, it should be clear that Rabbinic tradition takes the value of gentile life extremely seriously. We must be willing to do all we can, short of sacrificing our own lives, to save a gentile life, just as we would for a Jewish life. But there are two questions: (1) What if the gentile in question *doesn’t* abide by the Noahide laws; are we then supposed to let him die? Indeed, God was moved to wipe out all of humanity, in the days of Noah, when they failed to live up to His minimal expectations for them.[[13]](#footnote-13) Would we be obliged to save such lives if they were placed in danger? And (2) What happens if the duty to save a gentile life conflicts with our duty to observe the Sabbath? Which takes precedence? Was Prof. Shahak right, that the observant Jew should watch a gentile die rather than violate the rules of the Sabbath to call an ambulance?

In answer to question (1), Rabbi Rabinovitch explains that we’re not commanded to be vigilantes, taking the law into our own hands and dishing out punishment to those gentiles we deem to fall below the minimal ethical standards set for humankind. God can be their judge and jury in the world to come. That is not our responsibility or role.[[14]](#footnote-14) But neither are we obligated to be the saviors of truly wicked people. We have spoken, in previous lessons, about the importance of partiality.[[15]](#footnote-15) It is right and proper that a person’s obligation to his own children should take priority over his obligation to other people’s children, and that a person’s obligation to his own community should take priority over his obligation to other communities. So, if harm happens to come upon an “habitual criminal,”[[16]](#footnote-16) it might be relevant to know whether or not they’re Jewish. If the person is Jewish, we might have an additional fraternal obligation to intervene. But if the habitual criminal happens to be a gentile, Jewish law doesn’t *command* us to save that life. We’re commanded to save the lives of Noahide gentiles, but not the wicked.

Or, to put it more accurately, the laws of *lifesaving* don’t generate any such obligation. But as I’ve said before, when assessing Jewish law, one must be careful to recognize that even if one area of the law doesn’t generate an obligation, another area of the law might kick in. What we’ve seen so far is that the local laws of lifesaving apply equally to Jews and gentiles, but only so long as the gentiles in question are not “habitual criminals.” At the next stage of our analysis, another area of the law must be heard.

If you are confronted with a wicked gentile who needs lifesaving attention, the regular obligation of lifesaving – as we’ve seen – doesn’t apply. But here the Talmud has a principle known as *mishum eiva*, that commands us to do things we otherwise wouldn’t be actively encouraged to do, sometimes even in violation of other halakhic duties, in order not to fan the flames of hatred and animosity.[[17]](#footnote-17) Some argue that the principle is merely prudential, and nothing more than an exercise in public relations.[[18]](#footnote-18) I would humbly suggest that this isn’t so, for two reasons. First, there are sources which indicate that when we act *mishum eiva*,we’re motivated in part by the hope that, if we do save the lives of wretched people, they will become less wretched.[[19]](#footnote-19) Second, the desire to remove animosity from the world is itself a key principle of Jewish ethics. The Torah hates hatred and despises discord. Witness the following famous passage of the Talmud:

When David dug drainpipes [in Jerusalem, the waters of] the depths rose up to flood the world. David said, “Does anyone know if it’s permitted to write the name [of God] upon a shard of earthenware and throw it into the depths, [so that the waters will] subside?” … Achitophel raised an *a fortiori* argument of his own: just as in order to make peace between one man and his wife, the Torah says that “My name” that was written in holiness should be erased in water, for the whole world, how much more so?”[[20]](#footnote-20)

God allows His own name to be dissolved, when the parchment of the *sota* ritual is placed in the water to be drunk by a wife accused of infidelity, even to create peace only between a husband and wife. When the Tower of Babel was built, God didn’t wipe the entire generation out, as He had done in the generation of the flood. Why? The Rabbis answer: because “they loved each other, as it is stated: “The entire earth was of one language”; that is why a remnant of them remained.”[[21]](#footnote-21) God treasures peaceful relationships, even between wrongdoers. When the Torah includes provisions to reduce animosity, therefore, it does so not merely for prudential reasons, but because animosity is toxic to God.

If observant Jews were unwilling to save the lives of gentiles, whenever those gentiles fell below the ethical bar of the Noahide code, then hatred in the world, between Jew and gentile, would increase. And since the Torah hates hatred, and since the wicked might become less wicked if we act mercifully towards them, we are duty bound, *mishum eiva*, to save the lives even of gentiles who happen to be wicked. In cases where Jewish law, narrowly understood, would give rise to hatred, it must be that Jewish law is being *too* narrowly understood. The laws of *eiva* therefore serve, in the words of Rabbi Jakobovits, “to align the letter to the spirit of Jewish law.”[[22]](#footnote-22)

But doesn't this strip gentile lives of any value independent of their behavior (i.e., whether they’re wicked or not) and independent of the value of social order?[[23]](#footnote-23) I don’t think it does. To recognize that the wicked might become less wicked if you reach out a hand to help them is precisely to recognize that they have value independent of their current moral state, value bound up more tightly with their essential nature as beings capable of moral good. If God cares that there’s peace and harmony, not just between Jew and gentile, but between any group of people, even between exclusively wicked people, then God’s concern for peace and harmony quite straightforwardly translates into a concern for quality of life, even for the wicked.

What we’ve seen so far is that the duty to save a life extends absolutely equally to a Jew and to a gentile, so long as the gentile abides by the minimum ethical requirements set out in the seven Noahide laws. Furthermore, we’ve seen that this duty is extended, by a different area of the law, to require us to save even those gentiles who do not meet that minimum ethical standard. But we haven’t addressed the content of Prof. Shahak’s accusation. What happens on the Sabbath? Does the value that we place on observing Shabbat really take precedence over our commitment to save the lives of gentiles? The simple answer is, no.

Prof. Shahak’s accusation is so far from being true that most halakhically literate observers were forced to conclude that the story had been fabricated in its entirety. Jews are *certainly* obliged to break Shabbat to save the lives of non-Jews (both the righteous and the wicked among them). Having said that, there are (at least) two different ways to reach this conclusion. The first is the approach of Rabbi Isser Yehuda Unterman, who was the chief Rabbi of Israel in the days of the Shahak scandal.[[24]](#footnote-24) The second route is the more radical path of Rabbi Nachum Rabinovitch.

**Background to the Debate**

It is well known that the *halakha* places such a premium on the value of life that it allows us to break almost any Jewish law in order to save a life. In general, there are only three transgressions that a Jew is commanded to die rather than transgress. Those three sins are murder, sexual immorality, and idolatry. But what people might not realize is that there was almost a fourth. The fourth law would have been the observance of Shabbat. So serious is the Sabbath taken, in Jewish law and ethics, that the Rabbis didn’t think it obvious that a Jew should break it to save even one’s own life, let alone the lives of others.

The rituals of the Sabbath, including the ritual omission of certain sorts of behavior, create a sophisticated language with which the Jew expresses, each week, her belief in God as the Creator of the universe. Therefore, failure to act in accordance with these rituals is tantamount to a declaration, in that language of ritual, of apostasy. That’s why the Rabbis tended to lump Sabbath desecrators and idolaters together.[[25]](#footnote-25) If a Jew should rather die than commit the apostasy of idolatry, and if desecration of the Sabbath is *akin* to apostasy, you might think that a Jew should rather die than violate the Sabbath. Accordingly, the Rabbis needed to come up with arguments that would allow Jews to desecrate the Sabbath to save lives (their own included). Among the *Tannaim*, there were many different arguments offered:

Rabbi Elazar answered and said: Just as circumcision, which [rectifies only] one of the 248 limbs of the body, overrides Shabbat [as we have already learnt elsewhere, so too, by way of] *a fortiori* [deduction, we can see that saving] one’s whole body overrides Shabbat.

Rabbi Yosei, son of Rabbi Yehuda, says: [Since] it [is stated]: “But keep my *Shabbatot*” (Exodus 31:13), [one] might [have thought that this applies] to everyone [in all circumstances; therefore], the verse says “but,” [which is a term that restricts and] qualifies. [It implies that there are circumstances in which one must keep Shabbat and also circumstances in which one must desecrate it – the latter being to save a life.]

Rabbi Yonatan ben Yosef says: It [is stated], “for it is sacred to you” (Exodus 31:14). [Since the verse says it is *for you*, the implication is that the Sabbath] is given into your hands, and you are not given over to it [i.e., you are not supposed to die on account of Shabbat].

Rabbi Shimon ben Menasya said: “And the children of Israel shall keep Shabbat, to observe Shabbat” (Exodus 31:16). [That is to say, one of the reasons we keep the Sabbath, is to keep the Sabbath! What does this mean?] The Torah said: Desecrate one Shabbat on behalf [of a person in need of lifesaving care] so he will observe many [more] *Shabbatot*.[[26]](#footnote-26)

Following these arguments of the *Tannaim*, we hear the report of an *Amora*:

Rav Yehuda said that Shmuel said: If I would [have been] there, I would have said that my proof is preferable to theirs, [as it states: “You shall keep My statutes and My ordinances, which a man shall do] and live by them” (Leviticus 18:5), and not that he [should] die by them.[[27]](#footnote-27)

Which of these arguments won out? Well, in the continuation of the discussion in Tractate Yoma, Rava argues that all of the arguments can be rebutted apart from Shmuel’s. This would lead us to conclude that the reason we’re allowed to violate the Sabbath to save a life is that we are supposed to live by the Torah, and not die by it – i.e., not let our observance of its laws lead to our death. But interestingly, when the Talmud elsewhere discusses the obligation to save a life on Shabbat, it doesn’t bring Shmuel’s argument at all. Instead, it quotes only the argument of Rabbi Shimon ben Menasya, that we should violate one Sabbath so as to enable observance of more of them in the future.[[28]](#footnote-28)

Rabbi Unterman follows Rabbi Shimon. Rabbi Rabinovitch follows Shmuel. In the end, both Rabbis comes to the same practical conclusion. But the difference is profound.

**Rabbi Unterman’s Position**

According to Rabbi Unterman, Shabbat really is so precious that we should rather die than violate it. The only reason we are ever allowed to violate the Sabbath is to save a Sabbath-observer, because by doing so, we allow for more Sabbath observance in the future. It is not the value of life – be it Jewish or gentile – that allows us to break Shabbat. Rather, it is the value of *Shabbat* that allows us to break the Sabbath to save a life, so long as the life in question is that of a sabbath-observer. Indeed, Rabbi Jakobovits points out that Rabbi Unterman’s reasoning only allows us to desecrate the Sabbath to save religiously observant Jews.[[29]](#footnote-29)

Does that mean that Rabbi Unterman would tell us to let gentiles (and non-observant Jews) die, rather than use our telephones on a Saturday? No. Once again, just because one area of Jewish law doesn’t allow something, that doesn’t mean other areas of Jewish law remain silent. And indeed, Rabbi Unterman argues that a Jew is commanded to break Shabbat to save a non-Jew (or indeed, Rabbi Jakobovits would surely add, a non-observant Jew) *mishum eiva*.

Here, Rabbi Unterman relies upon the *Chatam Sofer* and others, who rule that considerations of *eiva* can even trump Biblical law.[[30]](#footnote-30) Rabbi Moshe Feinstein’s ruling on this matter accords, to the letter, with Rabbi Unterman. Indeed, Rav Moshe notes his own astonishment that the *Chofetz Chaim* should have registered any reservations whatsoever about the clear obligation, incumbent upon every Jewish doctor, to put the Sabbath aside when it comes to saving the life of a gentile.[[31]](#footnote-31)

But what happens if there’s a gentile in need of lifesaving care on Shabbat, and the situation is such that nobody would ever know if you refused to offer that lifesaving care? What if this were all happening on an isolated desert island? How can we say that our obligation to prevent animosity would kick in, in such a situation? Who would hold any animus against you, if you let this person die and nobody lived to tell the tale? Now, you might say two things here that are deeply unsatisfying. You might say that you should save the gentile because you can never be *sure* that reports of your behavior won’t get out into the wider world. Perhaps someone was watching, unbeknownst to you. Alternatively, you might say that the *halakha* has to make a blanket ruling to save any gentile on the Sabbath because if it got out that we had ruled otherwise, the flames of animosity would be fanned. Both of these answers, as I predicted, are deeply unsatisfying. They amount to the claim that the life of the gentile in question is only worth saving for prudential reasons of public relations.[[32]](#footnote-32) In response to this legitimate complaint, we should say two things.

First, the problem has only arisen because Jewish law puts *so* *much* value on Sabbath observance that, in principle, it can only be broken for other Sabbath observers – not because Jewish law places little value upon non-Jewish life. Second, and more importantly, the laws of *eiva* are not a loophole motivated by public relations. The entire tenor of Rabbi Unterman’s responsum is that the laws of *eiva* are ethical rather than prudential. They are a corrective that brings the letter of Jewish law closer to its own spirit, since, if Jewish law gives rise to states of affairs that would rightly generate discord and anger, then the law itself must have been too narrowly understood. If God despises animosity, then He despises it even between you and this dying gentile, as he calls out for help. The fact that the Torah hates hatred and despises discord means that the law cannot be left to allow us to stand by, on Shabbat, when gentiles are in need of live-saving care. The Torah cares too much for peace between human beings for its laws to be calibrated in ways that would inevitably, in one way or another, fan the flames of animosity.

**Rabbi Rabinovitch’s Position**

Rabbi Rabinovitch claims that he’s explaining and defending the position of Rabbi Unterman. But in fact, he offers a very different perspective. He doesn’t accept that we break one Shabbat only so that future *Shabbatot* should be observed. Instead, he follows Shmuel, who says that we break Shabbat to save a life because the Torah was given so that we should live, and not die. Following Shmuel, the verse that allows us to break the Sabbath to save a life reads as follows: “You shall therefore keep my statutes and my ordinances, which if a man do, he shall live by them.”[[33]](#footnote-33) This leads Rabbi Rabinovitch to ask:

Now, who is the subject of this clause, which *if a man do, he shall live*? Does *man* refer to a Jew or to any man? The Talmud several times quotes Rabbi Meir: “How do we know that even a non-Jew who occupies himself with the Torah is like the High Priest? For it is written ‘which if a man do, he shall live’ – not Priests, Levites, or Israelites, but MAN. Thus you learn that even a non-Jew who engages in the Torah is like a High Priest.” The Talmud concludes that this [talk of the Torah that a non-Jew learns] refers to the seven commandments [of the Noahide code], since a non-Jew is not obligated for the rest [of the Torah’s commandments]. Thus, it is clear that the verse which authorizes desecrating the Sabbath in order that a man may live refers to any son of Noah, not just to Jews.[[34]](#footnote-34)

He goes on to argue that his understanding of the law is in accordance with the Rambam and the Ramban, both of whom would require us to break Shabbat, not merely because of *eiva*,in order to save the life of a Noahide gentile.[[35]](#footnote-35) According to Rabbi Rabinovitch, *eiva* only becomes relevant when saving the life of a *wicked* gentile.

Rabbi Rabinovitch’s position is squarely in line with the words of Rabbi Menachem Meiri, who stated that the prohibition to desecrate the Sabbath for the sake of saving a gentile life – the prohibition that we might require the principle of *eiva* to overcome – only ever applied to “the ancient heathens ... because they professed no religion at all, nor did they acknowledge their duty to human society.”[[36]](#footnote-36)

The people who think that Rabbinic literature devalues the lives of gentiles, or who think that the laws of Shabbat encode a racist prejudice against the value of gentile lives, divide into three. First, there are those who are ignorant of the overwhelming consensus of Rabbinic commentaries on the primary Rabbinic texts. Second, there are antisemitic or anti-religious provocateurs, such as Prof. Shahak. Finally, there are, though I’m loath to admit it, a number of hateful extremist Jews who *want* to believe that their lives are more valuable than the lives of gentiles, even when the Rabbis make absolutely clear that this simply isn’t true. In the next lesson, I turn to other antisemitic accusations that have been wrongly levelled against the Talmud. In lesson 17, I will outline the surprising extent to which the Rabbis actually command us actively to care for the welfare of gentiles. Then, in lesson 18, we can begin to accumulate the Rabbinic data we’re looking for, to inform an articulation of the doctrine of the election of the Jews.

1. David Novak, *The Election of Israel: The Idea of the Chosen People* (Cambridge: Cambridge University Press, 1995), p. 248. [↑](#footnote-ref-1)
2. See lesson 1. [↑](#footnote-ref-2)
3. Indeed, inspired by Rabbi Sacks, I argued, in lessons 2 and 3, that the story of the flood was a critique of unfettered individualism, and that the story of the tower of Babel was a critique of any sort of collectivism that runs roughshod over the rights of individuals. [↑](#footnote-ref-3)
4. As summarized in lesson 14. [↑](#footnote-ref-4)
5. All of these accusations will be unpacked, in conversation with the relevant primary sources, and addressed in lessons 16 and 17, other than the last one, which will be addressed in the continuation of this lesson. [↑](#footnote-ref-5)
6. Rabbi Immanuel Jakobovits, “A Modern Blood Libel: *L’affaire Shahak,*” *Tradition* 8/2 (1966): 58-65. [↑](#footnote-ref-6)
7. Leviticus 25:35. [↑](#footnote-ref-7)
8. *Sifra, Behar,* 5:1. Admittedly, the *toshav* is more than a simple Noahide. He is, rather, a Noahide who has been accepted by a Rabbinic court to become a resident-alien (a *ger-toshav*) in the sovereign state of Israel. But the status of a *ger-toshav* cannot be bestowed in times when the practice of *yovel* is no longer performed (See Rambam’s *Mishneh Torah,* *Hilkhot Isurei Bi’a*, 14:8.). In such times, the obligations that fall upon Jews to provide for a *ger-toshav* extend to include any Noahide (See *Kesef Mishna, Hilkhot Avoda Zara,* 10:6, s.v. *katav ha-Raavad* – and the ruling of Rabbi Yosef Eliyahu Henkin in his article, “*Keitz Ha-yamin,” Hadarom* 10 (Elul 5709 (1948)): 5-9, p. 8). [↑](#footnote-ref-8)
9. *Sfira, Behar,* 5:3. [↑](#footnote-ref-9)
10. See footnote 8. [↑](#footnote-ref-10)
11. Rabbi Nachum L. Rabinovitch, “A Halakhic View of the Non-Jew,” *Tradition* 8/3 (1966): 27-39, p. 30, citing *Mishneh Torah, Hilkhot Avoda Zara*, 10:2. [↑](#footnote-ref-11)
12. “A Halakhic View of the Non-Jew,” p. 31. [↑](#footnote-ref-12)
13. Thanks to Elliot Serure for this point. [↑](#footnote-ref-13)
14. Here, Rabbi Rabinovitch cites *Mishneh Torah, Hilkhot Rotzeach* 1:5, and *Hilkhot Avoda Zara* 10:1. [↑](#footnote-ref-14)
15. See lesson 4. [↑](#footnote-ref-15)
16. This is the terminology used by Rabbi Rabinovitch, “A Halakhic View of the Non-Jew,” p. 34. [↑](#footnote-ref-16)
17. BT *Bava Metzia* 32b, *Avoda Zara* 26a. [↑](#footnote-ref-17)
18. This seems to have been the concern of Rav Soloveitchik, who was unhappy basing the ethical imperative to save any life upon what he took to be the prudential principle of *eiva.* This is according to Gerald Blidstein, “Halakha and Democracy,” *Tradition* [32/1 (1997)](https://www.jstor.org/stable/i23261181): 6-39, p. 30. [↑](#footnote-ref-18)
19. To this end, Rabbi Rabinovitch cites the *Tosafot* to BT Tractate *Gittin*, 70a, s.v. *Rav.* [↑](#footnote-ref-19)
20. BT Tractate *Sukkot* 53a-b. [↑](#footnote-ref-20)
21. Genesis Rabba 38:6. [↑](#footnote-ref-21)
22. “A Modern Blood Libel,” p. 64. [↑](#footnote-ref-22)
23. This eminently fair question was put to me by Ellis Jackson. [↑](#footnote-ref-23)
24. Rabbi Unterman’s responsum was published in *Kol Torah* 20/6 (Adar 5726 (1966)): 95-99. [↑](#footnote-ref-24)
25. See, e.g., BT *Chullin* 5a. [↑](#footnote-ref-25)
26. BT *Yoma* 85b. [↑](#footnote-ref-26)
27. Ibid. [↑](#footnote-ref-27)
28. BT *Shabbat* 151b. [↑](#footnote-ref-28)
29. “A Modern Blood Libel,” p. 61. We might hope, though, that saving a non-observant Jew could encourage a process of religious growth that will result in their future observance of Shabbat. [↑](#footnote-ref-29)
30. *Chatam Sofer, Yoreh De’a*, no. 131; cited in *Pitchei Teshuva, Yoreh De’a*, 154. [↑](#footnote-ref-30)
31. *Iggerot Moshe* O.H. part 4, *siman* 79, citing *Mishna Berura* 330:8. [↑](#footnote-ref-31)
32. Indeed, it would seem that Rav Soloveitchik shared these concerns; see footnote 18 above. [↑](#footnote-ref-32)
33. Leviticus 18:5. [↑](#footnote-ref-33)
34. “A Halakhic View of the Non-Jew,” p. 32. [↑](#footnote-ref-34)
35. I refer interested readers to Rabbi Rabinovitch’s paper. [↑](#footnote-ref-35)
36. See *Beit Ha-bekhira* on Yoma 84b and 85a. According to Gerald Blidstein, this is the sort of consideration upon which Rav Soloveitchik would rather have based our obligation to save gentile lives on Shabbat. See footnote 18, above. [↑](#footnote-ref-36)