YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**On Being Chosen:**

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

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**Shiur #16: Talmudic Attitudes to Gentiles (2)**

Before going on to explore the various models that one can find of the election in the writings of the Rabbis, we have to address the accusation that Rabbinic Judaism is inherently racist and supremacist. Last week, we examined and rebutted the accusation that Rabbinic Judaism doesn’t value the lives of gentiles. On the contrary, as we saw, we are commanded to go as far as we can, short only of sacrificing our own lives, to save the lives of gentiles, be it on a weekday or Shabbat. In this week’s lesson, I shall spend some time rebutting other canards that have been levelled against the Talmud. Next week, I shall outline the radical extent to which the Rabbis were concerned for the welfare of gentiles. Then, in lesson 18, we shall get down to the business of surveying Talmudic and Midrashic approaches to the election of the Jews.

**Rabbi Berkowitz’s Defense of the Talmud**

Soon after the Nazi party rose to power in Germany, Rabbi Abraham Joshua Heschel was approached by the new government to write a German explanation of what the Talmud is. Obviously, the Nazis hoped that such a book would help them to demonstrate how demonic Jewish law is, so that they could use it to justify their evil plans. Rabbi Heschel politely declined this poisoned chalice, but suggested that his friend, Rabbi Eliezer Berkowitz, might be willing to take it on. And so, in 1935, Rabbi Berkowitz published his *Was ist der Talmud?* Of course, the book was far from the inculpatory evidence the Nazis had hoped it would be. Instead, Rabbi Berkowitz’s book, published by Erwin Löwe Jewish Book Publishers, was entirely exculpatory. Accordingly, the Germans ordered it burned immediately upon its publication, though some copies survived. The book is now available online in both Hebrew and English and provides an excellent resource to those who feel compelled to respond to the many calumnies that have been levelled against the Rabbinic corpus. Let us sketch just a few of these accusations, and Rabbi Berkowitz’s deft responses.

**The Humanity of Gentiles**

Because Gentiles are not commanded by most of the laws of the Torah, they simply don’t fall under the purview of the laws of ritual purity and impurity. They can’t become ritually impure, as Jews can, and they can’t transmit ritual impurity to others, as can ritually impure Jews. This is nothing more than a function of the fact that, as I said, the ritual laws don’t apply to them. There are a few exceptions to this. Their corpses, like Jewish corpses, are a source of ritual impurity. This makes a certain amount of sense. Since even Jewish corpses are no longer subject to commandments, if a Jewish corpse is going to be impure, then there’s no reason to think that a gentile corpse would be any different. But, in the context of discussing these laws, there is a Talmudic text which reads as follows:

Rabbi Shimon ben Yochai says that the graves of gentiles do not render one impure, as it is stated: “And you, My sheep, the sheep of My pasture, are man” (Ezekiel 34:31); [from here, we can see that] you [i.e., the Jewish people], are called “man,” but gentiles are not called “man” [in the verse, “If a man dies in a tent” (Numbers 19:14)].[[1]](#footnote-1)

This passage has been seized upon, and often embellished, to prove that the Rabbis of the Talmud didn’t really think gentiles were human. Only Jews were thought to be human, while gentiles, so the accusation would have it, were considered subhuman. But as Rabbi Berkowitz explains, the *halakha* doesn’t follow Rabbi Shimon bar Yochai on this occasion, since the majority of his colleagues disagreed with him. Now, this may not satisfy the Talmud’s opponents, as it still suggests that the great Rabbi Shimon bar Yochai, at least, was thoroughly racist. But, as Rabbi Berkowitz goes on to explain, the argument that Rabbi Shimon was using, once properly understood, doesn’t carry the racist implications that were read into it.

Rabbi Shimon’s inference is an instance of a technical principle of halakhic Biblical exegesis, which operates on certain verbal analogies (known as a *gezeira shava*). The idea is that since the word *man*, in the local context of Ezekiel 34:31, is referring only to a Jew, then we can read the verse in Numbers about impurity, which also uses the word *man*, to be referring only to Jews. Rabbi Berkowitz provides us with another example of the same sort of exegesis:

In *Menachot* (10:1), it is written: “A finger means only the right finger,” since in one instance in the [Biblical] text it is written: “the right finger” (Levit. 14:16). In Talmudic style, one could render the sentence quoted above like the statement of R. Shimon ben Yochai, and then it would read: The fingers of the right hand are called fingers, and the other fingers are not called fingers.[[2]](#footnote-2)

Just because in one technical legal context, the scope of the word “finger” is limited only to the right index finger, nobody would think that the Rabbis were denying that other fingers are fingers. Likewise, the fact that in one limited legal context, Rabbi Shimon sought to limit the scope of the word “man” to refer only to Jews, would in no way imply that he thought other men were not men. Rabbi Berkowitz continues:

Besides the term “man,” there are several other terms in the Hebrew language for “man/human being,” such as “*enosh* – human being,” “*ish* – man/person,” *etc*. Nowhere is it found that these words are not used for non-Jews. On the contrary, in several places it is emphasized that these expressions … refer to non-Jews as well.[[3]](#footnote-3)

**Rabbinic Discrimination**

Another accusation that is somewhat more fairly levelled against the Talmud, and Jewish law in general, is that it doesn’t offer all human beings equal protection and rights under the law. So, although a Jew has an obligation not to lend to a Jew, or to receive loans from a Jew, with interest, he has no such obligation with regard to a gentile.[[4]](#footnote-4) Although a Jew has an obligation to return lost items to their Jewish owners, he has no such obligation to a gentile.[[5]](#footnote-5) A Jew is not allowed to steal from a gentile, but if a gentile shopkeeper unwittingly gives a Jewish customer more change than was due to him, the Jew is under no obligation to inform the gentile and can thereby profit from the shopkeeper’s mistake, though this wouldn’t be allowed if the shopkeeper were Jewish.[[6]](#footnote-6)

With admirable honesty for someone writing under such precarious and difficult conditions, Rabbi Berkowitz declares that it isn’t possible to investigate this question with much scientific rigor, because the Talmudic text has been corrupted by censorship over time. We know that the Rabbis had various different words to describe different sorts of non-Jews. Some examples are: *zar* (literally: alien), *goy* (literally: nation, but often used to describe a member specifically of a non-Jewish nation), *Kuti* (literally: a person who lived in the region of Kuta, but used to describe Samaritans in general), and *akum* (which is an acronym for somebody who worships idols). But because of the heavy censorship that the Talmud received from gentile authorities, throughout the years, our texts have become corrupted. So much so, Rabbi Berkowitz maintains, that some of the more subtle differences between the various words that the Rabbis used to describe non-Jews have become very difficult to discern.

They changed the terms “gentile,” “stranger,” and “*goy*” indiscriminately for “*akum*” or “Samaritan,” with the intention of removing from the Talmud any unpleasant reference which could perhaps be applied to Christians as well. (Using the terms “gentile,” “stranger,” or “*goy*,” it would be possible to include the Christians, but it would not be possible if they used the term “Samaritan” – a son of the city Kuta, or “*akum*” – a star-worshiper. This was the rationale of the censors.)[[7]](#footnote-7)

This state of affairs means that when we find a Talmudic text discussing attitudes or laws concerning non-Jews, we can rarely be certain what type of non-Jew the original authors had in mind. Even when we can be sure the words are right, we can’t be methodical about testing what the nuances of those words must have been because so many related texts have been censored. But some of the nuances are clear. For example, there is no obvious value judgement implied when describing somebody as a *nokhri* (literally, a gentile), but there is an obvious value judgement, in a Jewish context, when describing somebody as an idolater or a heathen, which is what would be meant by *akum*. Rabbi Berkowitz therefore compares the difference between these two words, *nokhri* and *akum*, to the difference between the terms “stranger” and “barbarian.”

What is clear from the Bible (which wasn’t, thankfully, subject to censorship) is that Jewish law will distinguish between a *nokhri* and a *ger-toshav*. The former is a non-Jew who is a citizen of some other, non-Jewish, country.[[8]](#footnote-8) We shouldn’t expect Jewish law to offer the same protection to citizens of other countries as it does to citizens of the Jewish state. No country in the modern world offers the same protections, rights, and services to foreign citizens as it does to its own citizens, and this isn’t something to which we generally object. Indeed, we’ve explored already, in lesson 4, the appropriateness of feeling greater obligation towards those who are closer to you, in various ways, than towards others; how our obligation to all of humanity ripples outwards in concentric circles of obligation, from the family, to the community, to the nation, to the world. Accordingly, we shouldn’t be surprised or offended to learn that Jewish law distinguishes between an Israelite and a *nokhri* just as the law of every country distinguishes between citizen and non-citizen*.*

But citizenship as an Israelite, in Biblical Israel, was very difficult to attain for those not born into it, because it required that a person adopt all of the ritual aspects of living a Jewish life. In other words, they would have to convert to Judaism. Accordingly, non-Jewish residents of Israel who didn’t *want* to convert to Judaism were given another option. This gives rise to the category of the *ger-toshav* (the resident-alien). A *ger-toshav* is – according to the Rabbinic interpretation of Biblical law – a non-Jew who lives under the sovereignty of Biblical Israel, having declared before a Rabbinical court that he accepts upon himself the seven laws of Noah, without opting to become Jewish.[[9]](#footnote-9) Full citizenship was open to them, but – as I said – they would have to opt in.

The *ger-toshav* is entitled to all of the same public services (to use a slightly anachronistic description of the various welfare handouts provided to Israel’s poorest citizens) as the native-born Jew and the convert. In this sense, he is an equal citizen of Biblical Israel. But it’s still true that the Jew is only obligated to return the lost property of other *Jews*, and that a Jew is only prohibited from charging interest to other Jews. The *ger-toshav* is excluded from these rules and responsibilities. These legal distinctions are rooted in the Bible, which wasn’t subjected to the sort of censorship that could obscure their proper scope. What could possibly justify this discrimination?

**Lost Property and Interest**

Rabbi Berkowitz suggests one answer to this question, and I would humbly like to add another, which can work in tandem with his. Rabbi Berkowitz concentrates on the fact that, just as the Jew is allowed to charge the stranger interest, so too is the stranger allowed to charge the Jew interest. Part of what unites the Jews is a culturally binding network of reciprocity – a network that the *ger-toshav* didn’t opt to join. Indeed, the choice of the *ger-toshav* not to opt in suggests that he is unwilling to throw his lot in, unequivocally, with the Jewish people. That’s his right. But it means that he remains outside of that network of reciprocity that binds the Jews. This allows the *ger-toshav* to take interest from Jews, if he wants to, and it also permits Jews to charge him interest. Rabbi Berkowitz continues:

The same thing is true of a lost article belonging to a non-Jew. In Talmudic law, there is no obligation to return the lost article to him. The basis for this instruction was the fact that the stranger did not accept the Biblical precept concerning the return of lost property, not because of hatred of the Jews, but because in non-Jewish society, as it was known at that time, there was no such instruction. Again, the reciprocity which was the only basis for such laws was non-existent [since the *ger-toshav* didn’t, so to speak, *opt in*].[[10]](#footnote-10)

My suggested addition to Rabbi Berkowitz’s response shouldn’t come as a surprise to readers of this series. I would like to challenge the assumption that there isn’t a legal obligation to return lost items to a *ger-toshav*. Admittedly, this obligation, if it exists, doesn’t stem from the laws of *hashavat aveida* (the laws that govern returning lost property). That local area of the law quite clearly generates an obligation to return lost items only to Jews. But where one area of the law is silent, other areas of the law often step into the breach. I agree with Rabbi Berkowitz that the fact that the laws of *hashavat aveida* only oblige us to return lost items to Jews is a function of the network of reciprocity and fraternity into which Jews are bound, one to the other. This goes to signify just what a severe dereliction of duty it would be for a Jew to turn a blind eye to the lost property of a fellow Jew. But does that mean that Jewish law, in toto, remains silent in the face of a person who disregards the property of a *ger-toshav*?

Of course not. The Torah commands us to “do that which is right and just in the eyes of the Lord.”[[11]](#footnote-11) It mandates that we go beyond the formal obligations laid down by the law, when narrowly conceived.[[12]](#footnote-12) You might be offended by the fact that our obligation to return lost objects to non-Jews stems from a more hazy area of Jewish law, with less severe punishments attached to its transgression. But this is merely another reflection of the way every human being’s obligation to others ripples outwards in concentric circles. Moreover, the bottom line is still the same: a Jews is legally obliged to return lost items to non-Jews.

One of the stories that Rabbi Berkowitz cites, from the Jerusalem Talmud, could be used to illustrate my point.

Abba Oshaia from Tireh was a washer. The queen came to bathe in a water pond. She lost her necklace there. He found it. When she left, he handed it to her. She said to him, “[You can keep it.] This is for you; it is not important for me, and I have more [just like it at home].” He told her, “The Torah commanded that I return it.” She said, “Praised be the God of the Jews.”[[13]](#footnote-13)

Was Abba Oshaia an ignoramus? He didn’t have to be afraid of the queen, in this particular instance, since he had won her favor by returning her lost necklace, and she had graciously gifted it to him. There doesn’t seem to be any reason why he shouldn’t accept her gift. Nor does he have any need to lie about anything – yet he tells her, unprompted, that he was commanded to return it. *Commanded*. But he wasn’t. Unless he was! And, indeed, I think he *was*. He wasn’t commanded to return it to her under the provision of Deuteronomy 22:3 and the laws of lost property that the Rabbis derive from that verse. But, I would argue, he *was* commanded elsewhere: in Deuteronomy, which commands, “You shall do that which is right and just in the eyes of the Lord”;[[14]](#footnote-14) and in the book of Leviticus, which commands him to be generally “holy.”[[15]](#footnote-15) Understood in this way, a Jew *must* return lost items to a *ger-toshav*.

In post-Biblical times, and in exile, any duty that applied to a *ger-toshav* applies equally to any gentile who lives within the minimal ethical requirements set out by the seven laws of the Noahide code.[[16]](#footnote-16) As I understand the story, Abba Oshaia regards the queen as a Noahide, and so he rightly deems himself commanded to return her property.

The only person to whom an item of lost property shouldn’t be returned is to somebody – Jew or gentile – who is considered to be utterly wicked in every way. This would apply to the heathens of the ancient world, who sacrificed their children to their gods, or to a Jew who abandons his Judaism, not through mere disbelief, or for convenience, but as a deliberate rebellion against his people and his God. In those circumstances, the Torah forbids us from returning lost property because, in the words of Maimonides, “if one returns such an article… one strengthens the power of the wicked peoples of the world.”[[17]](#footnote-17)

But note two things. First: practitioners of other religious beliefs today, so long as they’re not engaged in human sacrifice and other heinous ritualistic practices – including non-observant or irreligious Jews, whose relationship with Jewish law in the modern world in no way implies that they’re actively rebelling against God – are no longer considered to be anything close to the epitome of evil. Indeed, the Talmud implies that post-Biblical idolatry may only really be skin deep.[[18]](#footnote-18) Rabbi Sacks goes so far as to claim that the Talmud might view them as victims of a type of “cultural duress.”[[19]](#footnote-19) If that’s the case, then even gentiles who violate the seven Noahide laws might sometimes count as Noahide, to the extent that their violations haven’t harmed others and weren’t motivated by malice. Secondly, Rabbi Berkowitz notes that even when the law forbids us from helping the *wicked*, there is still “not a single law which permits actively causing injustice (cheating, stealing, robbery and of course murder). Here there is no distinction [even] between the *Akum* and the Jew.”[[20]](#footnote-20)

But even concerning certifiably wicked gentiles, Maimonides notes an exception: returning a lost item to a wicked person in order to sanctify the name of God is permitted, and even encouraged. What does that mean? Often, when we talk about *sanctifying the name of God,* we’re really talking about the reputation of the Jewish *people*, who carry the name of God. So, is the idea that you can return lost property to a wicked person merely in order to make the Jews look good? No. That doesn’t seem to be the idea at all. The Talmudic examples from which Maimonides is drawing tend to end, like the story of Abba Oshaia, with the non-Jewish owner of the recovered lost property praising the God of the Jews.[[21]](#footnote-21) And thus, surely the idea is this: a wicked person can be brought closer to God when God’s people are kind to him. If that is the motivation for our kindness – if we are seeking not to strengthen the power of the wicked, nor merely to curry favor, but to encourage the wicked away from their wickedness – then the Torah commands, or at least commends, and certainly encourages, our actions.

I would likewise contend that we are actually *commanded* – at least in some circumstances – not to lend with interest to non-Jews. Lending with interest often means becoming invested in a person’s failure, since the longer the person remains in debt to you, the more you ultimately gain. As we’ve seen, the local laws of finance do not *oblige* us to refrain from lending with interest to gentiles. But a Jew who takes to heart the ethical objection that the Torah has towards usury should feel herself commanded, not by the local laws of finance, but by the broader ethical calling of Jewish law, not to lend with interest to anybody. To the extent that it would be wrong to subject a Jew to usury, it would be wrong to subject a gentile – so long as that gentile is a Noahide (or at least not a wicked person). There may be times when a loan with interest is truly in the interest of the borrower, but whenever it isn’t, surely the Torah commands you to refrain from such activity.

Admittedly, you might not want to give a free loan to a wicked person (Jew or gentile), because we don’t want to “strengthen the power of the wicked” – for that reason, Jewish law commands us that, if we *are* going to give a loan to a *pagan* (as opposed to a Noahide), then we *must* charge interest.[[22]](#footnote-22) But if the choice before us is to either not lend them anything or to lend them with interest, and thereby profit from their misfortune, perhaps the best course of action would be not to lend to them at all. And indeed, we find in the Talmud that some Rabbis harbored a negative attitude towards lending with interest even to pagans:

[The verse states:] “He who augments his substance by interest and increase gathers it for one who has pity on the poor” (Proverbs 28:8). What [is the meaning of the phrase] “one who has pity on the poor”?... Rav Nachman said: Huna said to me [that this verse is] necessary only [to state] that even interest [that a Jew took] from an idolater [will ultimately reach the government treasury, to be distributed to the poor, and the one who took it will not be successful.] Rava raised an objection to [the statement of] Rav Nachman: [The verse states:] “Unto a gentile you shall charge interest” (Deuteronomy 23:21), [which indicates that it is permitted for a Jew to take interest from a gentile, as] what [is the meaning of the Hebrew word, in this verse,] “*tashikh*”? Doesn’t [it mean the same as] *tishokh*, namely, to charge interest]? [The Talmud refutes this claim:] No, [that word means to] pay interest, [meaning that you must pay him interest, but not charge him interest].[[23]](#footnote-23)

It's one thing to allow a gentile to charge *you* interest, but Rav Huna would insist that we shouldn’t take that license as any sort of encouragement to do the same to them.

**Damages**

There is a Mishna about damages that can easily be taken out of context. It teaches that if an ox belonging to a Jew gores an ox belonging to a Canaanite, then the Jew is exempt from having to pay damages to the Canaanite. The same Mishna, by contrast, teaches that if an ox belonging to a Canaanite happens to gore one belonging to a Jew, then the Canaanite must pay full damages (even if the ox had no history of aggressive behavior, which in regular Jewish law would only generate an obligation to pay for *half* of the damage). This is an egregious double standard. But the Mishna is only offensive if you take it out of context and fail to read what the Talmud has to say about it.[[24]](#footnote-24)

Indeed, the Talmud was worried about this apparent injustice – and the fact that it raises this concern is already suggestive of an underlying value system that demands justice for Jews and gentiles alike.

The Biblical verse that discusses this sort of damage speaks about a person and his *neighbor*.[[25]](#footnote-25) If we take the word “neighbor” literally, then, the Talmud argues, it shouldn’t matter what their religious or ethnic identity might be. If your ox gores his ox, then you owe him money – be he Canaanite or not. If, instead, we take “neighbor” as a term for a fellow *Jew*, then just as the Jew should be exempt from paying damages to the Canaanite, the Canaanite should be exempt from paying the Jew. Having articulated this concern, the Talmud offers a defense of this Mishna’s ruling, based on a homiletical reading of a verse in Habakuk.[[26]](#footnote-26) As Rabbi Abbahu reads this verse, God was so disappointed with the gentiles for disregarding the seven Noahide laws that He released Israel of indemnity to them.[[27]](#footnote-27) And thus, with its Talmudic gloss, the Mishna’s use of the word “Canaanite” is taken to be a metaphor for “a type of person who does not observe the seven Noahide laws. As for all other non-Jews, the principle of reciprocity is applicable.” [[28]](#footnote-28) And so, we must compensate them for damage done to their property.[[29]](#footnote-29)

**Summary**

The Rabbis of the Talmud and the Midrash were a varied community of thinkers, stretched over multiple generations, living in various socio-economic and political contexts. Some of them were more isolationistic than others. Some were inward-looking, some were outward-looking. There is therefore no doubt that their attitudes towards non-Jews were varied, with some adopting more positive, and some more negative attitudes. Others were simply suspicious, which is understandable. We have been victim to so much antisemitic hatred and violence, over the course of our history, that it’s almost inevitable that some Jewish thinkers are going to hesitate before trusting a gentile.

I don’t deny that one will be able to find statements of individual Rabbis that seem to embody a xenophobic attitude. Many of these statements, as we have seen, were more innocent than they may at first appear. Many more such statements are explored by Rabbi Berkowitz. But no doubt, some of their statements will not yield to charitable interpretation. That is to say, there may be individual Rabbinic opinions that are ill-disposed towards gentiles in general. That needn’t bother us unduly. What should matter to us, given the axioms and assumptions of our investigation, which we laid out in lesson 1, is whether or not these attitudes are reflective of the weight of the tradition. I hope to have convinced you, by the time we reach the end of lesson 17, that they are not.

What we’ve seen in this lesson and the last is that many of the most egregious seeming inequalities in Rabbinic law, and in apparent Rabbinic attitudes to gentiles, turn out – on inspection – to be innocent of the charges that generations of antisemites have levelled against them. Moreover, we should bear in mind that the Talmud declares that non-Jews will go to heaven, so long as they’re not wicked; the view that only Jews have a place in the world to come, though it was advocated by Rabbi Eliezer, was rebutted by Rabbi Yehoshua, and the Talmud clearly favored the argument of Rabbi Yehoshua.[[30]](#footnote-30) Elsewhere, the Talmud reports that Antoninus, a Roman emperor,[[31]](#footnote-31) asked Rabbi Yehuda Ha-Nasi, “Will I enter the world to come?”[[32]](#footnote-32) The Rabbi answered that he would. Antoninus wasn’t convinced, and cited a verse from Obadiah, “There will be no remnant of the house of Esau.”[[33]](#footnote-33) Since the Romans were thought to descend from Esau, Antoninus was suggesting that there would be no place for Romans in the world to come. Rabbi Yehuda Ha-Nasi assured him that this verse refers only to those descendants of Esau who follow the wicked example of their ancestor, Esau.

Not only was the overwhelming consensus that gentiles have a share in the world to come, so long as they steer clear of wickedness, but one can even find numerous Rabbinic statements denying that God favors the Jews over others. For example, in *Yalkut Shimoni*,we read: “God said [to Moses], ‘There is no bias before Me between an Israelite and a non-Jew, between a man and a woman, between a male slave or a maidservant. Perform a commandment and receive its reward, as it is said: “Your justice is as the mountains of the Lord.”’”[[34]](#footnote-34) On a similar note, when the Rabbis discuss the fact that Deborah was a prophetess, they rebut the patriarchal assumption that the Holy Spirit would rather rest upon a man, and elevate him to prophecy, than a woman. They said:

“And Deborah was a prophetess” (Judges 4:4). What was the nature of Deborah, that she was a judge of Israel, and prophesied to them? Was Pinchas son of Elazar not standing [i.e., was he not available to prophesy and judge]? I bring the heavens and the earth as my witnesses: whether a man or a woman, a gentile or a Jew, a slave or a maidservant, everything depends upon a person’s actions – only then will the holy spirit rest upon a person.[[35]](#footnote-35)

In the next lesson, I will outline the surprising and little-understood extent to which the Talmud imposes responsibility upon Jews for the *welfare* of gentiles. These responsibilities apply even to gentiles who reject the seven Noahide laws, and even if they persist in the worship of idols. Moreover, these responsibilities are not prudential, but get to the very heart of the system of values that, according to the weight of the Rabbinic tradition, animate the entire edifice of our religion.

1. BT *Bava Metzia* 114b. [↑](#footnote-ref-1)
2. Available online [here](https://www.sefaria.org/What_is_the_Talmud%2C_VIII_What_is_not_written_in_the_Talmud%3F_Jew_and_Gentile%2C_1_%22You_are_called_man%22.9?lang=bi&with=all&lang2=en). Excerpts have been edited slightly for matters of style and punctuation. [↑](#footnote-ref-2)
3. Available [here](https://www.sefaria.org/What_is_the_Talmud%2C_VIII_What_is_not_written_in_the_Talmud%3F_Jew_and_Gentile%2C_1_%22You_are_called_man%22.10?lang=bi&with=all&lang2=en). He goes on to cite both *Gittin* 47a and *Sanhedrin* 56a as two examples among countless others that could be brought. [↑](#footnote-ref-3)
4. Deuteronomy 23:21. [↑](#footnote-ref-4)
5. See *Bava Kama* 113b, which learns this distinction from its reading of Deuteronomy 22:3. [↑](#footnote-ref-5)
6. *Bava Batra* 141b. [↑](#footnote-ref-6)
7. Available [here](https://www.sefaria.org/What_is_the_Talmud%2C_VIII_What_is_not_written_in_the_Talmud%3F_Jew_and_Gentile%2C_2_The_discriminatory_laws.3?lang=bi&with=all&lang2=en). [↑](#footnote-ref-7)
8. See, for example, Deuteronomy 29:21, which describes a *nokhri* as one coming from a far-away land; see also II Samuel 15:19-20. [↑](#footnote-ref-8)
9. BT *Avoda Zara* 64b. [↑](#footnote-ref-9)
10. See [here](https://www.sefaria.org/What_is_the_Talmud%2C_VIII_What_is_not_written_in_the_Talmud%3F_Jew_and_Gentile%2C_2_The_discriminatory_laws.9?lang=bi&with=all&lang2=en). [↑](#footnote-ref-10)
11. Deuteronomy 6:18. [↑](#footnote-ref-11)
12. See Nachmanides to Leviticus 19:2. [↑](#footnote-ref-12)
13. JT *Bava Metzia* 2:5. [↑](#footnote-ref-13)
14. Deuteronomy 6:18. [↑](#footnote-ref-14)
15. Leviticus 19:2. [↑](#footnote-ref-15)
16. See lesson 15, footnote 8. [↑](#footnote-ref-16)
17. *Mishneh* Torah, *Hilkhot Gezeila V’aveida* 11:3. [↑](#footnote-ref-17)
18. BT *Chullin* 13b. [↑](#footnote-ref-18)
19. Jonathan Sacks, *One People? Tradition, Modernity, and Jewish Unity* (The Littman Library of Jewish Civilization, 1993), p. 119. [↑](#footnote-ref-19)
20. See [here](https://www.sefaria.org/What_is_the_Talmud%2C_VIII_What_is_not_written_in_the_Talmud%3F_Jew_and_Gentile%2C_2_The_discriminatory_laws.31?lang=bi&with=all&lang2=en). [↑](#footnote-ref-20)
21. A collection of such stories can be found in JT *Bava Metzia* 2:5. [↑](#footnote-ref-21)
22. As codified by Maimonides, *Mishneh Torah*, *Hilkhot Malveh ve-Loveh*, 5:1. [↑](#footnote-ref-22)
23. BT *Bava Metzia* 70b. [↑](#footnote-ref-23)
24. Mishna *Bava Kama* 4:3. [↑](#footnote-ref-24)
25. Exodus 21:35. [↑](#footnote-ref-25)
26. Habakuk 3:6. [↑](#footnote-ref-26)
27. BT *Bava Kama* 38a. [↑](#footnote-ref-27)
28. Berkowitz, [here](https://www.sefaria.org/What_is_the_Talmud%2C_VIII_What_is_not_written_in_the_Talmud%3F_Jew_and_Gentile%2C_2_The_discriminatory_laws.31?lang=bi&with=all&lang2=en). [↑](#footnote-ref-28)
29. Ellis Jackson, in correspondence, raises a legitimate concern. Shouldn’t we worry that, in practice, the Torah is predicating our obligations to gentiles upon our own subjective judgment as to whether the gentiles in question are ethical people? I can only say, in response, that, in *principle,* it’s legitimate for a legal system to limit our obligations to non-citizens who are demonstrably wicked. Jackson’s worry here is practical, rather than theoretical. In *practice*, I would urge that we err on the side of caution, extending obligations to all gentiles unless we are absolutely certain of their moral depravity. [↑](#footnote-ref-29)
30. BT *Sanhedrin* 105a. Quincy Barrett notes, in correspondence, that the Talmud, and Jewish law in general, doesn’t tend to issue rulings on matters of philosophical theology. Bearing that in mind, I don’t say that the Talmud *rules* here in favor of Rabbi Yehoshua. Instead, the Talmud merely makes itself clear that it prefers his argument to that of Rabbi Eliezer, who may even be thought to concede to Rabbi Yehoshua, given that he doesn’t answer Rabbi Yehoshua’s critique. [↑](#footnote-ref-30)
31. The exact identity of Antoninus is a matter of academic dispute. The most common candidates are Alexander Severus or Marcus Aurelius. [↑](#footnote-ref-31)
32. BT *Avoda Zara* 10b. [↑](#footnote-ref-32)
33. Obadiah 1:18. [↑](#footnote-ref-33)
34. *Yalkut Shimoni* 76:12, citing Psalms 36:7. [↑](#footnote-ref-34)
35. *Tanna De-bei Eliyahu Rabba (Ish Shalom)*, *parsha* 10. [↑](#footnote-ref-35)