YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**PIKUACH NEFESH**

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**Shiur #47: Shabbat Activity in IDF Rescue and Relief Missions Abroad (1)**

**I. Introduction – Operation "Sound of the Shofar in the Distance"**

At 4:00 A.M. on the eve of Rosh Hashana 5778, my cell phone rang. On the line was the rabbi of the IDF Home Front Command, with the following question: The political echelon had instructed that a military aid delegation be dispatched to the area where an earthquake had struck Mexico the previous day, killing hundreds of people and leaving many thousands homeless and many buildings in danger of collapse. The rabbi told me the delegation was to depart for Mexico on the very day of Rosh Hashana, and he was unsure about the position of the military rabbinate on the matter. Unable to reach the IDF's chief rabbi by phone, he turned to me, his assistant.

I immediately replied that the matter had already been discussed many times, and that the military rabbinate had clearly ruled that a rescue mission could be dispatched to a disaster area even if it involved violation of Shabbat or a Festival. The rabbi of the Home Front Command conveyed the message to his superiors, and the mission, dubbed Operation "Sound of the Shofar in the Distance," took off hours before the onset of the holiday. The rabbi of the Home Front Command joined the delegation and was privileged to sound the shofar on the first day of Rosh Hashana during the flight to Mexico. To the best of my knowledge, this was the first time in history that Torah-mandated shofar blasts were sounded along with their blessings between heaven and earth, while in flight.

Three weeks later, on Simchat Torah, I participated in the *hakafot* at Yeshivat Har Etzion. The Rosh Yeshiva, Rabbi Yaakov Medan, saw me from the far end of the foyer, and I too was greeted with a "sound of a shofar in the distance." The rabbi ushered me into his office and told me that I had "spoiled his High Holy Days." Aghast, I asked him: 'What did I do to the esteemed rabbi?!" and he replied: "I heard that you said that it is permitted for a rescue mission to set out abroad on the holiday itself." I replied that I thought this ruling of the IDF rabbinate was well-founded and well-grounded, in connection with the expansive perspectives on violating Shabbat to prevent "enmity" (*eiva*), and even more so, to strengthen the foreign relations of the State of Israel. I believe my words were favorably received by Harav Medan, and in the next three *shiurim* I will seek to elucidate and substantiate them from their sources.

**II. Rescue and Relief Missions – General Background**

Operation "Sound of the Shofar in the Distance" was one of many IDF and Israeli delegations dispatched in recent decades to areas stricken by disaster. Only a few weeks ago (Shevat 5783),[[1]](#footnote-1) the IDF was again called upon to do so, when it dispatched the "Olive Branches" delegation to engage in rescue and relief operations following a devastating earthquake in Turkey.

The State of Israel invests enormous resources in funding these delegations, sometimes even substantially more so than larger and wealthier countries. This serves Israel's interest in various ways. First, we come to the aid of various countries so that if we ever need help, God forbid, the nations of the world will come to our aid – as happened, for example, in the fire disaster in the Carmel Forest in the month of Kislev 5777.

Second, the State of Israel is constantly confronted with challenges on the international front. These delegations, which present the "positive face" of the State of Israel, enhance our standing in the world.

Thirdly, for many of the emergency teams, this is a "real-time drill" that is unparalleled in the various training exercises, and going on such missions maintains the forces' readiness for emergencies.

But beyond these considerations, there is no doubt that the delegations are seeking first and foremost to save human life, out of a profound recognition of the significance of every human being created in the image of God:

[Rabbi Akiva] used to say: Beloved is man in that he was created in the image [of God]. [A mark of] superabundant love, it was made known to him that he was created in the image [of God], as it is stated: "For in the image of God made He man" (*Bereishit* 9:6).

Beloved are Israel in that they were called children of the Omnipresent. [A mark of] superabundant love, it was made known to them that they were called children of the Omnipresent, as it is stated: "You are the children of the Lord your God" (*Devarim* 14:1).

Beloved are Israel in that a desirable instrument was given to them. [A mark of] superabundant love, it was made known to them that a desirable instrument was given to them with which the world was created, as it is stated: "For I have given you good doctrine; forsake not My teaching" (*Mishlei* 4:2). (*Avot* 3:14)

It is precisely because of Israel's love for God and for the Torah that they seek to cherish all those who are made in the image of God. Indeed, this accords with the defining qualities of Israel: "Merciful, meek, and perform acts kindness" (*Yevamot* 79a).

It would be possible to discuss each of the considerations more generally, and to examine whether it is justified in itself and whether it justifies allocating such a significant portion of taxpayers' funds. But in keeping with the theme of this series of *shiurim*, we will focus on the issue of *pikuach nefesh*, and the question of whether there is justification for carrying out rescue and relief operations even on Shabbat and Festivals.[[2]](#footnote-2)

**III. Rescue and Relief Operations Involving Non-Jews on Weekdays**

To properly understand the issue of violating Shabbat to save the lives of non-Jews, we must begin with *Chazal*’s words regarding their basic attitude toward providing aid to non-Jews on weekdays. On the one hand, *Chazal* expressed a fundamental prohibition, but on the other hand, they permitted such aid in practice, as will be demonstrated below.

**1. The prohibition**

The Mishna in tractate *Avoda Zara* states:

An Israelite woman should not act as a midwife to a gentile woman, because she would be delivering a child for idolatry. A gentile woman, however, may act as a midwife to an Israelite woman. An Israelite woman should not nurse the child of a gentile woman, but a gentile woman may nurse the child of an Israelite woman in her premises. (Mishna *Avoda Zara* 2:1).

And in the Gemara there (based on the Tosefta, *Bava Metzia* 2:33):

It was taught: Non-Jews and [Jewish] shepherds of small cattle[[3]](#footnote-3) are not brought up [from a pit], though they must not be cast down [into it]. (*Avoda Zara* 26a)

It seems from here that no medical or other aid should be given to a non-Jew in distress. The *Tosafot* note that we find an even more aggressive attitude elsewhere:

“They must not be cast down” – You might say: Surely it is stated in tractate *Soferim*: "The best of the Canaanites should be killed"! It may be answered that in the Jerusalem Talmud, *Kiddushin*, it is explained that this applies in a time of war.[[4]](#footnote-4) And it brings proof…. And even though unspecified Canaanites are [presumed to be] idolaters and transgress the seven [Noachide] commandments, nevertheless, they are not cast down [into a pit], for they are included in the Torah’s allowance, as it is written: "That all the people that are found therein shall become tributary to you, and shall serve you" (*Devarim* 20:11). (*Tosafot*, ad loc., s.v. *ve-lo moridin*)

According to the *Tosafot*, in a time of war, we must act decisively against our enemies, but in times of peace, we must not intentionally harm gentiles – even if they are idolaters and do not observe the seven Noachide commandments. Nevertheless, *Chazal* established that even in times of peace, gentiles are not to be brought up from a pit into which they fell, and included in this is that we do not extend medical aid to them.

The Rambam issued a similar ruling:

Accordingly, if we see an idolater being swept away or drowning in the river, we should not help him. If we see that his life is in danger, we should not save him. It is, however, forbidden to cause one of them to sink or push him into a pit or the like, since he is not waging war against us. (*Hilkhot Avoda Zara* 10:1)

It emerges from the Rambam that if a non-Jew is waging war against us, we are to act with greater severity; if not, we are not to harm him with our hands, but neither are we to offer him assistance. Earlier in his discussion, the Rambam noted that this law is derived from the prohibition of "*lo techanem*," "do not be gracious to them" (*Devarim* 7:2).[[5]](#footnote-5)

The Rambam also relates to this law elsewhere in the *Mishneh Torah*:

With regard to a gentile idolater with whom we are not at war, a Jewish shepherd of small livestock, and the like, by contrast, we should not try to cause their deaths. It is, however, forbidden to save their lives if their lives are threatened. For example, if such a person fell into the sea, one should not rescue him, for it is stated: "You shall not stand idly by the blood of your fellow" (*Vayikra* 19:16), and he is not your fellow. (*Hilkhot Rotze'ach u-Shemirat ha-Nefesh* 4:11)

Here, too, the Rambam emphasizes that the non-Jews in question are not fighting against us, but his reasoning against aiding them is different: because the prohibition of "You shall not stand idly by the blood of your fellow" does not apply to them.

We see then that the Rambam explains the law that gentiles are "neither brought up nor cast down" in different ways in different places: In *Hilkhot Avoda Zara*,he explains that the law is based on the prohibition of "*lo techanem*," whereas in *Hilkhot Rotze'ach u-Shemirat ha-Nefesh*, he explains that it stems from the fact that the prohibition not to “idly stand by the blood of your fellow” does not apply to gentiles. Rabbi Chayyim Benveniste, author of *Keneset ha-Gedola*, noted a practical difference between these explanations:

And further, according to the reason that he gives in *Hilkhot Avoda Zara*, it follows that one is **forbidden** to bring a gentile up from a pit, and that one who does so violates the prohibition of *lo techanem*, whereas according to the reason that he gives in *Hilkhot Rotze'ach*, it follows that we are **not commanded** to save him, because it is written "You shall not idly stand by the blood of your fellow" and he is not your fellow, **but if one wishes to save him, he is not barred from doing so.**

The words of the Rambam were written with precision. In *Hilkhot Avoda Zara*, where he speaks of gentiles and not of shepherds of small cattle, he writes that the prohibition is because of *lo techanem*, but in *Hilkhot Rotze'ach*, where he speaks in general, both of gentiles and of shepherds of small cattle, he states as the reason that it is written: "You shall not idly stand by the blood of your fellow" and he is not your fellow. (*Keneset ha-Gedola*, *Haggahot Beit Yosef*, *Choshen Mishpat*, 425, 12)

Thus, when it comes to gentiles, not only is there no *mitzva* to assist them, but there is also a prohibition of *lo techanem.*

There is no doubt that this halakhic conclusion, which emerges from the plain meaning of the words of *Chazal*, the *Tosafot*, and the Rambam, seriously undermines the fabric of life between Israel and the nations. As noted above, offering assistance to a person in medical or other distress is a simple moral and human imperative. Is there any practical possibility for the Jewish people to shirk it?!

**2. The Allowance – Enmity and the Ways of Peace**

Indeed, it is explicitly stated already in that same Talmudic passage that this law may give rise to "enmity" (*eiva*):

They raised a contradiction [based on the following *beraita*]: A Jewish woman may act as midwife to a gentile woman for payment, but not gratuitously. Rav Yosef answered: It is permitted for payment, to prevent enmity. (*Avoda Zara* 26a)

Rav Yosef explains that a professional midwife cannot refuse assistance to a gentile woman in labor because it might provoke significant animosity between Israel and the nations of the world.

In the continuation of the passage, Rav Yosef tries to base other allowances on the concern about enmity, including helping a gentile who had fallen into a pit or nursing a non-Jewish baby in exchange for payment. Abaye disagrees with Rav Yosef and explains that various excuses may be invented to placate the gentiles seeking help, thereby preventing the "enmity" that would otherwise be aroused against the Jews.

The Rambam accepts Rav Yosef's position in principle, and rules accordingly:

From the above, we can infer that it is forbidden to offer medical treatment to idolaters even when offered a wage. If, however, one is afraid of them, or concerned about enmity, one may treat them for a wage, but to treat them for free is forbidden. (*Hilkhot Avoda Zara* 10:2; and similarly, ibid. 9:16 regarding a midwife)

Thus, the Rambam maintains that wherever help is requested gratis, without pay, it is not "obligatory," and therefore the prohibition against providing aid to gentiles stands in full force.

In contrast to the Rambam, the Ramban extends the allowance "because of enmity" much further. He relies primarily on a passage in tractate *Gittin*:

Our Rabbis have taught: We support the poor of the gentiles along with the poor of Israel, and visit the sick of the gentiles along with the sick of Israel, and bury the poor of the gentiles along with the dead of Israel, because of the ways of peace (*darkhei shalom*). (*Gittin* 61a)

The Ramban explains this as follows:

From the fact that we visit the sick of the gentiles along with the sick of Israel, and visiting the sick is a great remedy for the ill person, the implication is that we do offer medical treatment to the sick of the gentiles along with the sick of Israel, because of the ways of peace. Even though it is stated there that "non-Jews and [Jewish] shepherds of small cattle are not brought up [from a pit], though they must not be cast down [into it]" … that is where they can find an excuse, but otherwise it is definitely permitted… but where there is a certainty of enmity, it is permitted. (Ramban, *Torat ha-Adam*, *sha'ar ha-sof*, *inyan ha-kevura*, 33)

In the course of his discussion, the Ramban emphasizes that the excuses and evasions offered in the Gemara are rather forced, and therefore, "the ways of peace" and concern about "enmity" would generally permit providing aid to gentiles.

The Ramban goes on to emphasize that a distinction must be made between different levels of "enmity":

And when there is no excuse, as in the case of a physician who heals the sick of Israel, and it is a gentile who knows him, where there is concern about **great enmity**, he must certainly heal the sick of the gentiles along with the sick of Israel, whether for pay or gratis, because of the ways of peace. Know that this is so, for it is taught in the latter clause: "We sustain the poor of the gentiles along with the poor of Israel," and sustenance is to keep him alive; this implies that we help them live and rescue them because of the ways of peace. (ibid.)

The Ramban clarifies that there is "enmity" and there is "great enmity," which permits providing all necessary medical aid to a gentile. In the continuation, the Ramban cites examples from across the Talmud of *Amoraim* who engaged in medicine and treated gentiles as well.

It is well known that the Rambam engaged in medicine, including in the court of the ruler of Egypt, and there is no doubt that he treated gentiles. The Ramban was also a great physician, and his leading student, the Rashba – in response to the question: "A Jewish physician, what is the law regarding offering treatment to a gentile woman, so that she may conceive?" – rules that this is permitted and attests:

And I saw that Rabbi Moshe ben Nachman *z"l* engaged in this occupation with a gentile woman in exchange for payment. (*Responsa ha-Rashba*, vol. 1, no. 120)

We have here significant testimony that one of the Ramban's areas of expertise was infertility, and that he provided assistance even to gentile women.

The *Shulchan Arukh* (*Yoreh De'a* 158:1) merely copies the wording of the Rambam, but in his *Beit Yosef*,he also mentions the words of the Ramban. The Rema comments:

Where there is concern about enmity – in which case it is permitted even for free, if he cannot avoid it even for free. (Rema, *Yoreh De'a* 158:1).

The Vilna Gaon summarizes in his commentary:

But the Rambam wrote that it is specifically in exchange for payment that it is permitted because of concern about enmity, and so is it implied there in the Gemara. Everything is in accordance with the circumstances.(*Bei'urei ha-Gra,* ad loc., no. 4)

Thus, we see that *Chazal* established that there is no obligation, and there is even a prohibition, to offer medical treatment and other assistance to gentiles – and yet, it is often permitted in practice, in accordance with the circumstances and in consideration of the ways of peace and concern about enmity.

**IV. Additional Allowances Because of "Enmity"**

The halakhic pattern before us is very common throughout the first two chapters of tractate *Avoda Zara*, which deal with various prohibitions governing the relations between Israel and the nations. Throughout these discussions, many examples are given of prohibitions that *Chazal* established which were ultimately permitted – in the Gemara itself and by the *Rishonim* – "because of enmity."

Thus, already in the first *mishna* of tractate *Avoda Zara*, which deals with the prohibition of conducting business with gentiles on the days preceding idolatrous festivities, the *Tosafot* write:

It is difficult to understand on what the world relies to conduct business with gentiles on the days of their festivities… Therefore, it seems that it is permitted because of enmity. (*Tosafot*, *Avoda Zara* 2a, s.v. *asur la-seit*)

The prohibition of conducting business is stated explicitly, and therefore "it is difficult to understand on what the world relies" to do so; it stands to reason that the *Rishonim* permitted it in order to prevent enmity. As stated, this is repeated in many places in the words of *Tosafot* throughout the first two chapters of tractate *Avoda Zara.*

In this manner, it was permitted in practice to participate in a family celebration in a gentile's home because of the fear of enmity (see *Taz*, *Yoreh* *De'a* 152, no. 1), and it was even permitted to affix a *mezuza* on the doorpost of a gentile's home because of the fear of enmity (see Rema, *Yoreh De'a* 191:2). Rav Kook, in a responsum dealing with the sale of holy books to gentiles, summed up the matter and wrote:

For there are many things that were permitted because of enmity… In matters of Rabbinic law, they said [in the first place that the matter is prohibited] and they [i.e., the same authorities] said to permit where there is concern about enmity. (*Responsa Da'at Kohen*, *Yoreh De'a*, no. 176)

Rabbi Kook emphasizes that the allowance is limited to Rabbinic prohibitions, and as stated, the emphasis is on those prohibitions that deal at the outset with the relationship between Israel and the nations.

**V. *Lo Techanem* and *Pikuach Nefesh***

In light of the above, we can return to our subject of providing medical aid to non-Jews, and ask: How did *Chazal* permit a clear-cut Torah prohibition – *lo techanem*, "do not be gracious to them" – based only on the considerations of "because of enmity" or because of "the ways of peace"? Aren’t the allowances that were issued because of "the ways of peace" limited to Rabbinic prohibitions?!

Two answers may be suggested. The first is that the prohibition of *lo techanem* is different from other Torah prohibitions, in that its very essence and meaning is not to show special favor to gentiles. There is no doubt that one who acts because of the ways of peace or out of fear of enmity is not motivated by a sense of "grace and favor," but by other considerations. This is how the *Tosafot* explain the matter in the passage dealing with *lo techanem* in tractate *Avoda Zara*:

And if you ask, according to the one who forbids, does he not agree that we sustain the poor of the gentiles along with the poor of Israel because of the ways of peace? It may be suggested that [actions taken because of] the ways of peace are not gratuitous gifts. (*Tosafot*, *Avoda Zara* 20a, s.v. *Rabbi Yehuda*)[[6]](#footnote-6)

If so, in the scenarios described by the Ramban and codified in the *Shulchan Arukh* and the Rema, the prohibition of *lo techanem* is not applicable.

At the same time, there is room for a second answer, according to which even in those situations where there is a full-fledged Torah prohibition, the concern about enmity will permit it. This is because we are dealing with a serious concern that may escalate to the point of *pikuach nefesh.* Severe and acute hostility between Israel and the nations will ultimately lead to bloodshed, as the Jewish people have unfortunately experienced throughout the ages. Therefore, the allowance based on the concern about enmity is essentially an allowance on account of *pikuach nefesh*, and it has the power to permit even Torah prohibitions.

If we accept this answer, we can also resolve our main issue – the question of violating Shabbat to save non-Jews. We will expand on this in the next *shiur.*

(Translated by David Strauss; edited by Sarah Rudolph)

1. Editor’s note: This *shiur* was originally published in Hebrew in March, 2023. [↑](#footnote-ref-1)
2. Several contemporary authors have dealt with this question: Rabbi Prof. Abraham Steinberg, "*Pe'ilut be-Chazit ha-Oref – Hebetim Hilkhatiyim*," in *ASIA*, vol. 81-82, 5768); Rabbi Dov Lior, *Responsa Devar Chevron* (vol. 3, no. 422; Adar 5770); Rabbi Avishai Ben David, "*Siyyu'a le-Nokhrim be-Mikrei Ason*," in *Emunat Itekha* 124, 5779. Our discussion will relate to their words. [↑](#footnote-ref-2)
3. Editor’s note: Such shepherds were typically suspected of grazing their flocks on others' property. See *Sanhedrin* 25b and *Shulchan Arukh* CM 34:13. [↑](#footnote-ref-3)
4. It should be noted that this is also stated explicitly in tractate *Soferim* (15:7), according to the version we have today. [↑](#footnote-ref-4)
5. The Rambam repeats this point in his responsa, in answer to a practical question that has arisen over the centuries and in our own day, concerning the circumstances in which it is permissible or forbidden to perform circumcision on a gentile (*Responsa ha-Rambam* [Blau], no. 148). [↑](#footnote-ref-5)
6. See also *Minchat Chinukh* (426, letter 1), who expands on the matter. [↑](#footnote-ref-6)