

Foreword -- Daat Emet

For a long time we have been considering the necessity of informing our readers about Halacha's real attitude towards non-Jews. Many untrue things are publicized on this issue and the facts should be made clear. But recently, we were presented with a diligently written article on the subject, authored by a scholar from the Merkaz HaRav yeshiva -- so our job was done by others (though we have already discussed some aspects of this issue in the weekly portions of [Balak](#) and [Matot](#); see there). Since there is almost no disagreement between us and the author of the article on this issue, we have chosen to bring the article "Jews Are Called 'Men'" by R' David Bar-Chayim (in [Hebrew](#)) so that the reader will be able to study and understand the attitude of the Halacha towards non-Jews.

In this article R' Bar-Chayim discusses the attitude towards "Gentiles" in the Torah and in the Halacha and comes to an unambiguous conclusion: "The Torah of Israel makes a clear distinction between a Jew, who is defined as 'man,' and a Gentile." That is to say, any notion of equality between human beings is irrelevant to the Halacha. R' Bar-Chayim's work is comprehensive, written with intellectual honesty, and deals with almost all the aspects of Halachic treatment of non-Jews. It also refutes the statements of those rabbis who speak out of wishful thinking and, influenced by concepts of modern society, claim that Judaism does not discriminate against people on religious grounds. R' Bar-Chayim shows that all these people base their constructs not on the Torah but solely on the inclinations of their own hearts. He also shows that there are even rabbis who intentionally distort the Halachic attitude to Gentiles, misleading both themselves and the general public.

For the English readers' convenience we will briefly mention the topics dealt with in R' Bar-Chayim's article:

1. [Laws in regard to murder, which clearly state that there is Halachic difference between murder of a Jew and of a Gentile \(the latter is considered a far less severe crime\).](#)
2. [A ban on desecrating the Sabbath to save the life of a Gentile.](#)
3. [A Jew's exemption from liability if his property \(e. g. ox\) causes damage to a Gentile's property. But if a Gentile's property causes damage to a Jew's property, the Gentile is liable.](#)
4. [The question of whether robbery of a Gentile is forbidden by the Torah's law or only by a Rabbinic decree.](#)
5. [A ban on returning a lost item to a Gentile if the reason for returning it is one's sympathy towards the Gentile and compassion for him.](#)
6. [The sum which a Gentile overpays in a business transaction due to his own error is forfeit; whether a Jew is permitted to intentionally deceive a Gentile is also discussed.](#)
7. [One who kidnaps a Jew is liable to death, but one who kidnaps a Gentile is exempt.](#)
8. [A Jew who hurts or injures a Gentile is not liable for compensation of damage, but a](#)

Gentile who hurts a Jew is liable to death.

9. One who overcharges a Gentile ought not return him the sum that the Gentile overpaid.
10. A Gentile -- or even a convert to Judaism -- may not be appointed king or public official of any sort (e. g. a cabinet minister).
11. One who defames a female proselyte (claiming that she was not virgin at the time of her marriage) is liable to neither lashes nor fine.
12. The prohibition to hate applies only to Jews; one may hate a Gentile.
13. One may take revenge against or bear a grudge towards Gentiles; likewise, the commandment "love your neighbor" applies only to Jews, not to Gentiles.
14. One who sees Gentile graveyards should curse: "Your mother shall be greatly ashamed..."
15. Gentiles are likened to animals.
16. If an ox damaged a Gentile maidservant, it should be considered as though the ox damaged a she-ass.
17. The dead body of a Gentile does not bear ritual impurity, nor does a Gentile who touches the dead body of a Jew become impure -- he is considered like an animal who touched a dead body.
18. One is forbidden to pour anointing oil on a Jew, but there is no ban on pouring that oil on a Gentile because Gentiles are likened to animals.
19. An animal slaughtered by a Gentile is forbidden, even if the ritual slaughter performed was technically correct, because Gentiles are deemed like animals. (Daat Emet does not agree that this is the Halachic reason for invalidating a Gentile's ritual slaughter -- but this is not the place to delve into the subject).
20. Their members are like those of asses" -- Gentiles are likened to animals.
21. Between the Jews and the Gentiles -- In the Aggadah, the Kabbalah, and in Jewish Thought

R' Bar-Chayim's arguments and conclusions are clear, Halachically accurate, and supported by almost all the existent major Halachic works. It would be superfluous to say that R' Bar-Chayim fully embraces this racist Halachic outlook as the word of the Living G-d, as he himself pointed out in the "Conclusion" of his article: "It is clear to every Jew who accepts the Torah as G-d's word from Sinai, obligatory and valid for all generations, that it is impossible to introduce 'compromises' or 'renovations' into it."

On the other hand, we want to make it clear that Daat Emet -- as well as any reasonable people who do not embrace Halachic laws as the word of the Living G-d -- are repulsed by such evil, racist discrimination.

In the Hebrew text we have abridged the second part of R' Bar-Chayim's article, "Between Jews and Gentiles -- In the Aggadah, the Kabbalah, and in Jewish Thought," because, in our view, the Halacha is the law which obligates every religious Jew while concepts of the Aggadah, the

Kabbalah, and Jewish thought are not binding on anyone, as our rabbis have already written: "And so the Aggadic constructs of the disciples of disciples, such as Rav Tanchuma and Rabbi Oshaya and their like -- most are incorrect, and therefore we do not rely on the words of Aggadah" (Sefer HaEshkol, Laws of a Torah Scroll, p. 60a); we have expanded on this issue in the portion of [Vayeshev](#).

[To the article.](#)

"Just then one of the Israelites came and brought a Midianite woman over to his brethren, in the sight of Moses and in the sight of the whole Israelite community, who were weeping at the entrance of the Tent of Meeting. When Phineas, son of Eleazar son of Aaron the priest...he took a spear in his hand...and he stabbed both of them, the Israelite man and the woman, through the belly" (Numbers 25:6).

In the portion of [Shelach](#) we showed that a person who accepts the Torah's laws is forbidden to investigate and clarify for himself if our Torah is indeed G-d's. In the portion of [Korach](#) we showed that one is permitted to kill people consecrated to G-d with no court of law or witnesses. In the portion of [Chukat](#) we showed that even acts of idolatry are permitted if the Torah allowed them. In this portion we shall show that according to the Torah what is written in Genesis 9:6, "In His image did G-d make man," are not said of every man on earth. And it is known already of Rabbi Simeon bar Yochai's statement in Yevamot 61a, "Thus did Rabbi Simeon bar Yochai say...you are called 'man' and idolaters are not called 'man'." Zimri the son of Salu desired a Midianite woman and took her before all of Israel. Phineas the son of Eleazar took a spear and killed both of them without law or judgement, and even received a reward. "The Lord spoke to Moses, saying, 'Phineas, son of Eleazar son of Aaron the priest, has turned back My wrath from the Israelites...therefore I grant him My covenant of peace.'" It is true that one should not commit acts of passion in public, but the death penalty? For what? Whom did those two hurt? Woe to a society which makes such laws for its citizens, cruelty for its own sake. More than that: In the wake of that past evil, let us see what Rabbi Hertzog, Chief Rabbi of Israel, wrote when asked about a cohen who married a gentile woman in a civil ceremony--should she be converted? While discussing the issue he wrote in Responsa "Heichal Yitzchak," Even HaEzer 1, section 19: "In this issue, it is in public, and therefore the zealous may harm him, for an overseas civil marriage is considered in public." In our enlightened days, in a country of law, the chief rabbi writes and invites an act of murder. This is exactly what he decrees, based on our holy Torah, that if a Jew marries a gentile woman they both may be killed on the street, just so, with no trial, no witnesses, and no warning. We have not seen religious Jews carrying this out every single day, everywhere, because we do not have amongst us those as zealous as Phineas, but who's to say whether someone as zealous will not come along and kill them? We have already seen zealots killing in the recent past. Not only do zealots harm the man for a gentile woman, but even for a Jewish woman who has turned apostate. She is considered like a gentile, and the law is that the zealous may harm her husband! As Rabbi Ovadiah Yosef wrote in his book "Yabiyah Omer," part three, Even HaEzer, section 21: "And more than this, I say that even if we clarify through witnesses that the husband and wife, at the time they married, were both irreligious, and some time afterwards the spirit of G-d began to move him, and he repented and demands of his wife that she should no longer disobey the laws of Moses and women's customs in Judaism...she is divorced without paying off the sum stated in her marriage contract...Anyway, the matter is clear...if she violates the Sabbath in public or eats non-kosher meat simply to anger, there is no greater violation of the religion than this, she is like an idolater in everything, and according to several halachic arbiters he [her husband] is as one who has wed a gentile, whom the zealous may harm"! This is what

one who was a chief rabbi of Israel wrote, one whose salary was paid from the taxes of those women who violate the Sabbath and whom he sentences, along with their husbands, to death and the loss of the money due to them according to their marriage contract. Happy is he who grasped this and did not lose that either; not only he drank from the well, but also spitted therein.

You should know that the rule "the zealous may harm him" without a trial or judgement is valid only during the act itself, and applies only to who wed a gentile or convert away from Judaism, but according to a convert away from Judaism himself, one may kill him at any time and any place, as Maimonides wrote in *The Laws of a Murderer*, chapter four, halacha 10: "Heretics, which are those among Jews who deny the Torah and prophecy--it is a commandment to kill them, and if he has strength to kill them with a foil he does so in public, and if not, he should act against them with cunning, until he causes them to be killed. If he sees one fall into a well and the ladder is in the well, first he should remove the ladder and say, 'I must take my son down off the roof, I'll bring it back' or some such thing." Not only may he kill with the Torah's permission, but he may defraud and trap innocent people to kill them. What is the other's fault? That he thinks differently? That he does not believe in a Divine Torah? So what?! Let him believe what he will. Does anyone think that another can be forced to believe by death threats? Is this how one defends the faith?

In recent generations the arbiters' and rabbis' fear, that these laws would actually be carried out, had risen, and therefore the Chazon Ish wrote on *Yoreh Deah*, *The Laws of Ritual Slaughter*, section two, paragraph 16: "And it seems that this law applies only in those times when His supervision is clear, like in the time when there were miracles and a Heavenly voice and the righteous of the generation were under clear personal supervision. Heretics were then especially perverse in swaying the impulses towards lust and lawlessness, and at that time clearing out the evildoers was protection of the world, for all knew that the pushing the generation away [from the ways of the Torah] bring punishment to the world and causes pestilence, war, and hunger to come upon the world. But when Divine supervision is hidden and faith has been uprooted from the doorways of the nation, such acts do not build a fence against lawlessness but add to the lawlessness, for they will see it as an act of destruction and violence, G-d forbid. Since we are supposed to fix things, we should not apply this law when it does not lead to correction. But we must return them through ties of love and put them in the rays of light as much as we can." We should say several things about the words of the Chazon Ish. First, that in the time of the prophets People of Israel did really do what was evil in the sight of G-d, in the time of King Manasseh they forgot the Torah, and in the time of Ezra they violated the Sabbath and married non-Jewish women, but that is not a "special perverseness," different essentially from what happened in other generations. Another thing we should note is that the Chazon Ish saw it would be inappropriate to permit killing in our days, so he went and changed the halacha, for the preferences of people had changed. This is what we've said often--the sages determine what will be practiced in their generations. Sometimes they will say that reality had changed and halacha had not, sometimes they will say that reality had changed and the halacha had, too. See what we wrote about this in [Pamphlet 8](#). But what is especially difficult is that the Chazon Ish

did not take his "ties of love" to the logical conclusion and only permitted not killing those who violate Shabbat. On matters of ritual slaughter and wine, their fate remained as those who worship stars and the zodiac. Who can explain why in these laws the Chazon Ish did not think it worthwhile to bring closer those who destroy the fences, using "ties of love"? Love which does not allow one to raise a glass of wine in toast with a Jew is definitely love dependent on something.

Not only are apostates and idolaters sentenced to death, but so is a gentile, even a Noahide. Their blood is permitted according to the Torah; the Shulchan Aruch in The Laws of Sabbath, section 330, subsection two, wrote quite explicitly: "One does not help a gentile woman give birth on the Sabbath." The reason is that saving a life overrides the Sabbath only for those who observe Sabbath in the first place. And the others? Let them die! The Mishnah Brurah in that section screams about the actions of doctors: "Know that the doctors in our time, even the most religious, are not careful about this at all, for every Sabbath they travel beyond the allowed limits to heal those who worship stars and the zodiac...and G-d save us, they are completely in violation of the Sabbath." Certainly they, too, are sentenced to death, for to save a Jew is permitted and even required, but a non-Jew? Such a one is not even called a person. (Note that it is not spoken of people who actually worship stars, the sun and the moon, for there were no such idolaters in Chafetz Chayim's milieu. He meant all non-Jews. Why did he call them "worshippers of stars and the zodiac"? Only because he was afraid of gentile authorities and their anger with the Jews.)

Come see how far the matters go. In "Yabiyah Omer," part eight, Orach Chaim, section 38: "About an outstanding non-Jewish doctor who loves Jews, and who had saved several Jewish souls from death and habitually treats poor Jews for free and who has become dangerously ill and calls a Jewish physician to come and let his blood--if he does not come it will be an act of great animosity and will turn the non-Jew's heart, so that he joins our enemies. He will give only bad and will stop treating Jewish patients," and the rabbi permitted curing the non-Jewish doctor "because the Jewish doctor is not doing it for the non-Jew's benefit but to save himself and Jewish patients from danger...There is no Torah prohibition, and one should rule to permit." All the non-Jewish physician's merits and good deeds, the fact that he is one of the righteous among the nations, are worth nothing; if it is permissible to save him it is only for selfish, utilitarian, and petty reasons. A Jewish physician will not say to himself, "I am lucky to be able to return good for the good done by this worthy man," but according to the Halacha must have the intention "only to save himself and Jewish patients." What can we say of this? Not only is this the law for righteous among the nations, but also for those who publicly violate the Sabbath. One may not violate the Sabbath to save them, as is written in the Mishnah Brura, The Laws of Sabbath, section 329, paragraph four: "A Jew who sins...but if he does it only to anger others it is forbidden to save him, even during the weekdays, and it is certainly forbidden to violate the Sabbath for him." One may ask about religious doctors, perhaps even Charedi ones, who work in the hospitals, even on Sabbath, and save non-Jewish patients, and non-religious patients who publicly violate the Sabbath, but Rabbi Ovadiah Yosef was already asked about this in Respona "Yabiyah Omer," part eight, Orach Chaim, section 38: "I was asked by

G-d-fearing physicians who work in public hospitals, even on Sabbath, whether they are allowed to treat gentile patients who are dangerously ill and are hospitalized in public institutions, even if it would mean violating Torah prohibitions." And the rabbi answered: "We learn that in our times, when there is fear of greater animosity in the world, if Jewish doctors forbore from treating non-Jew on the Sabbath and left them to die, even this issue is one of saving Jewish lives, for if non-Jewish doctors heard this they would stop treating Jewish patients." No morality, no human decency, and no compassion. Only calculations of utility and benefit. It is as though he said, "A non-Jew? Save him? No, he ought to die. But his death might harm Jews, so we are permitted to treat him."

Rabbi Eliezer Waldenberg (b. 1917, served as head of the religious court in Jerusalem) added his own personal touch in "Reponsa Tzitz Eliezer," part eight, section 15, essay *Meshivat Nafesh*, chapter six: "And therefore we have a clever idea for physicians who must treat, according to universal law accepted by all, dangerously ill idolaters, for whom one has necessarily to violate even the Torah prohibitions on Shabbat: he should intend not to save the idolater, but himself, so that he not be punished, and through himself all the Jewry...in this way he will not violate the Torah prohibitions by his actions, but only the Rabbinical ones." For that reason he allowed also saving a non-religious Jew, "From what was said, we have a general permit to consider the time and situation in which we find ourselves, because of our many sins, that medical treatment involving the violation of Torah prohibitions is required to be given to heretics who publicly violate the Sabbath...for if a religious doctor did not give this treatment, non-religious doctors would withhold treatment as payback...and from this they would be in danger."

Why is one allowed to save a secular Jew from death on Sabbath? Only to prevent payback by non-religious doctors! The author of "Tzitz Eliezer" can rest easy; non-religious doctors are truly moral and decent and would not neglect any patient for any reason. The followers of "Tzitz Eliezer" can continue to decide that religious doctors should not treat the seculars on Sabbath, and nothing bad will happen to their public, though they will have to battle their own consciences.

Thus the Torah given by God, who "created man in His image" is turned on its head. According to halacha a "man" is only a Sabbath observant Jew. Is this the Jewish viewpoint? Of the billions of people on earth, only a million and a half or so are men and all the rest are as beasts of the field? Are all the interpersonal commandments in the Torah only between Sabbath observant Jews? In place of an answer we will bring here what "*Hagahot Maimoniyot*" wrote in the Laws of Opinions, chapter six, halacha three: "Every person is commanded to love each and every Jew (and not gentile) as himself, for it is said, 'Love your fellow-man as yourself.' It is because he is your fellow-man in fulfilling the Torah and the commandments, but an evil man who does not accept admonition, him it is a commandment to hate, as it says, 'the fear of G-d is the hating of evil,' and it is written, 'I hate those who hate You, O Lord...!'" Simply thus: it is a commandment to hate! Did not the hands of he who wrote this shake?

"And G-d spoke to Moses saying, 'Avenge the Israelite people on the Midianites'...'Let man be picked out from among you for a campaign and let them fall upon Midian to wreck the Lord's vengeance on Midian'" (Number 31:1-3).

In the portion of [Balak](#) we wrote of the license to kill a Jew who has intercourse with a gentile woman in public, that one is permitted to kill him without a court of law and without witnesses and warning. We also wrote that one may not violate the Sabbath to save a non-Jew from death. In this portion we will deal with the laws of killing a gentile--not one who leaves a gentile to die on the Sabbath nor one who kills a gentile woman sleeping with a Jew, but the law of one who just out and out and kills a gentile.

This is the revenge Moses took on the Midianites: they killed all the male Midianites, even the babies, and even the women they killed, except for the small girls not yet ready to have intercourse with a man, those under three years of age, as written, "Now, therefore, slay every male among the children and also slay every woman who has known a man carnally [Rashi: one who is fit for carnal relations]" (Numbers 31:17).

And why was revenge taken against the Midianites? Because they tempted the people of Israel to acts of debauchery and to the worship of Baal Peor. [Baal is one of the Canaanite gods and Baal Peor is also a god: according to Rashi on Numbers 25:3, it is called so "because they would uncover before it the end of the rectum and bring forth excrement; this is its worship."] It is clear that the Midianites did not force the people of Israel to worship this god and did not force them to sleep with Midianite women, but this is why G-d's anger was aroused and why Moses commanded them to an orgy of killing, to the murder of women and children and infants (who certainly were not amongst those who did the tempting). Within the bloodbath they did not forget the Midianite girls, the young virgins whom they took captive, as written in Numbers 31:18, "But spare every young woman who had not had carnal relations with a man," and they made certain to give the priests and Levites a share of this miserable group of female and infant captives as a "levy for the Lord," as written: "And the number of human beings was 16,000, from which the Lord's levy was 32," Numbers 31:40. Were these things not written explicitly, it would be difficult to say them. We also do not know what the priests and Levites did with the young Midianite females.

We have seen that the abuse which the organization "Yad L'Achim" heaps upon missionary groups is nothing compared to what the Torah itself permits. Shivering should grip all who consider how those people would have acted had they not feared the police.

Yet not only the Midianites were they commanded to kill, but also all the seven nations living in the Land of Canaan at that time. As written in *Sefer HaChinuch*, commandment 528: "That we are adjured by a negative precept that we are not to allow [any] of the seven nations to live, in any location where we may find them and are able to kill them without any danger to ourselves. The seven nations are the Canaanites, Perizzites, Hivites, Jebusites, Hittites, Girgashites and Amorites...Now, although the truth is that King David killed out large numbers of them, until he almost eradicated them and made their memory perish, there yet remained some of them who

became assimilated among the nations. Then whoever finds any of them is duty-bound to destroy them wherever they are." It would be enough for one religious arbiter or another to come and determine that this or that group of gentiles are descendants of the seven nations and he would not only give license to kill them, but it would be forbidden by Biblical prohibition to allow them to live! Whoever does not kill them, any time, any place, is violating a Biblical prohibition!

And if the questioner asks how this is possible--it is explicitly written in Deuteronomy 20:10, "When you approach a town to attack it, you shall offer it terms of peace." There are two answers given: one, if they want peace the city becomes slaves and serve, as is written, "If it responds peaceably and lets you in, all the people present there shall serve you at forced labor." The other answer is that the peace demanded of these seven nations is to accept upon themselves the seven Noahide laws, as Nachmanides wrote on Deuteronomy 20:10, "If they repent, these seven nations should not be killed, and repentance is accepting upon themselves the seven laws about which the children of Noah are commanded."

According to these words it is already clear how the verse "Its ways are ways of pleasantness and all its paths are peace" is interpreted: accept the demands of the Torah and live as we will force you to, or we will kill, subjugate, and enslave you.

After all this it is no wonder that our rabbis, the halachic arbiters, explicitly write that what is written in the ten commandments, "Do not kill," applies only to a Jew and not to a gentile. This is brought by Maimonides in *The Laws of a Murderer*, chapter one, halacha one: "One who kills a person is violating a prohibition, for it says 'Do not kill.' If he kills before witnesses, he is killed with a sword." But this statement is restricted in chapter two, halacha 11, "First, one who kills a resident stranger [*ger toshav*] is not killed by the courts, as it says, 'And if a man deliberately kills his fellow.' [The *Kesef Mishneh* brings what the *Mechiltah* midrash says: 'his fellow, to exclude others.'] And there is no need to say that he is not killed for an idolater"! The Tur in *Yoreh Deah* 158 wrote, "When the Jews are on their land, a non-Jew who falls into a hole or a dangerous place--one who sees him does not have to help him up...in any case, they do not put him down the hole on their own." About this the Beit Yosef wrote: "It doesn't mean that it is forbidden to put him down, but it means that we are not commanded to put him down, even though he violates the seven Noahide laws. One who fulfills the seven laws, it is forbidden to put down." We learn from the laws that we wrote here that there are three levels of killing one who is not a Jew: One, if he is a Noahide gentile, fulfilling the seven laws--a Jew who kills him is not liable to death by the courts as he would be had he killed a Jew, but he is liable to death by the hands of Heaven. The second is a gentile who does not keep the seven Noahide laws (and we know of no gentile who keeps the seven Noahide laws)--this one may be killed, but the Jews are not commanded to kill him. The third is an actual idolatrous gentile (as halacha considers all Christians): it is a commandment to kill him. The Rama, in *Yoreh Deah* 158, section one, writes: "And therefore one is allowed to try medicines on gentiles to see if they help." This is an explicit halachic license to perform medical experimentation by force on gentile slaves bought by Jews.

And even the chief rabbi of Israel, who gets his salary from the non-religious public (a public certainly shocked to read what we have written here) states his opinion explicitly and does not hide it. He publishes his responsa and is not ashamed to publicize it. Rabbi Ovadiah Yosef, in

his book *Yichaveh Daat*, part two, section 14, deals with the question of a *cohen* who killed and therefore does not bless the congregation, but what of one who kills a gentile? During the discussion he unabashedly states: "It seems to me that what is said of a *cohen* who killed and therefore may not bless the congregation speaks of a *cohen* who has killed a Jew...to exclude the *cohen* who kills a gentile...and even though it is written that one should not cause gentiles to be killed...it does not mean that it is forbidden to kill them, only that it is not a commandment to cause them to be killed. And since, according to law, one is allowed to kill them, it is simple that one is not disqualified from blessing the congregation..."

And should you wonder how G-d fearing people write things like this, the answer is that it is precisely because they are G-d fearing they write this. One who believes that he is part of the Chosen People also believes that the whole world which G-d created was only created for the fulfillment of the Torah and commandments. He also believes that unless this is so the world will be destroyed, as written in *Sefer HaEshkol*, Rabbinical Laws: "The holy One, blessed be He, did not create his world except for His Torah and His nation Israel which occupies itself with the Torah, and the Torah is called truth and is the seal of the holy One, blessed be He, and any who occupies himself with it is upholding the world itself. For without the Torah the heavens and the earth would not be upheld, as is written, 'Were it not for My covenant, day and night, I would not have made the laws of heaven and earth'." It is no wonder that anyone who believes so also believes that the other creations, those who do not recognize Him who spoke and the world came to be and He who gave the Torah to the people of Israel, are not to be considered at all. Gentiles (and Jewish heretics), they and their existence and their happiness and their actions and their creations and their lives are worth nothing, "they are considered as animals." And if they do not fulfill our commandments, their judgment is all the same: to be removed from the world.

And the moral justification for all this? Let us see what is written in our portion: "to wreck the Lord's vengeance on Midian." Rashi comments: "one who stands against Israel is as one who stands against the Lord." There is no greater authorization than this to behave as a wild person and then claim that one is wrecking the Lord's vengeance.

Words of True Knowledge

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1. Between Jews and Gentiles -- In Halacha

A. Killing a Gentile

It is written in the Torah (Leviticus 24:17): "He who kills any man shall surely be put to death," and it is also stated in the portion of Mishpatim (Exodus 21:14): "But if a man comes upon his neighbor with intent, to slay him with guile, you shall take him from my altar that he may die." On the latter verse it is stated in Mechilta (Masechta D'Nezikin *parasha* 4): "'But if a man comes with intent' -- Why was this stated? Since it is stated 'And he that kills any man...,' perhaps this also speaks of one who kills on purpose, in error, and others: a healer who killed [his patient], one who inflicts [deadly] blows with permission of Beit Din, a father who tyrannizes his son or student [to death] -- is this what it implies? It is taught: 'But if a man comes with intent' -- to exclude [one who kills in] error, 'man' to exclude the minor, '**man**' -- **to include the others**, 'his neighbor' -- to include the minor, '**his neighbor**' -- **to exclude the others**." Isi the son of Akiva says: "Before the giving of the Torah we were warned concerning the spilling of blood. After the giving of the Torah, instead of being more severe, they were more lenient. In truth they said he is exempt from the rule of man, and his judgement is the hands of Heaven."

We learn from the Mechilta **that a Jew who killed a Gentile with intent is not put to death by the Beit Din, as he would be had he killed a Jew. The halacha is the same concerning a *ger toshav***, as is explicitly stated in the Mechilta of Rabbi Shimon bar Yochai on the above mentioned verse: "'Upon his neighbor' -- with the exception of others, 'his neighbor' -- with the exception of the *ger toshav*. Perhaps I ought to exclude the others, for they do not have commandments similar to the Jews, yet I ought not exclude the *ger toshav* who has commandments similar to the Jews. It is taught: 'his neighbor' -- with the exception of the *ger toshav*." Likewise it is written in Sifri on the portion of Masaei, paragraph 160, see there, and in Sifri Zuta on the portion of Masaei, 23: "Upon his neighbor -- with the exception of the *ger toshav*."⁴

Similarly we learn in the Mishnah, Sanhedrin chapter 9, mishnah 2: "One who intended to kill an animal [and instead] killed a man, [intended] to kill a Gentile [and instead] killed a Jew, [intended to kill] a fetus [and instead] killed a child who is able to exist outside the womb, [he is] exempt." These, too, are the words of Maimonides in The Laws of a Murderer and Saving Life, chapter 2, halachas 10 and 11 (in manuscripts it appears as a single halacha): "One who kills a Jew or kills a Cannanite slave is put to death for this. And if he killed unintentionally, [he is] exiled. **A Jew who kills a *ger toshav* is not put to death for this by a Beit Din, as it is said: 'But if a man comes upon his neighbor with intent.' And it need not be said that he is not put to death for [the killing of] a Gentile.** The same for one who kills the slave of another, or kills his own slave -- he is put to death for this, for the slave has already accepted upon himself commandments and is [therefore] included in the inheritance of G-d," and so the

Tosaphot has written in the Talmud, Tractate Makkot 9a, s.v. *k'savur*.

In contrast, a *ger toshav* (and all the more so a Gentile) who killed a Jew, even unintentionally, is put to death, as we learned in chapter 2 of Tractate Makkot, mishnah 3, and in the Gemara there (9a), and as Maimonides wrote in chapter 5 of The Laws of a Murderer and Protecting Life, halacha 4: "A *ger toshav* who killed a Jew without intent -- even though he did it unintentionally, he is put to death."

However, it must be emphasized that one cannot take this as permission to kill a Gentile. In the aforementioned Mechilta it clearly states the opposite -- "his [one who kills a Gentile] judgement is in the hands of Heaven" -- so it is forbidden. See further in Tosephta, Avodah Zarah chapter 8, halacha 5 (Zukermantel edition, in the Vilna edition it is chapter 9, halacha 4): "On the spilling of blood, how? ...a Jew [who killed a] Gentile is exempt," for one who kills is exempt [from punishment by Beit Din], however [this action is] prohibited, and in Sanhedrin 57a on this beraitha it is stated: "There, how should we learn the beraitha, prohibited [for a Gentile to kill a Gentile or a Jew] and permitted [for a Jew to kill a Gentile]? Yet we have learned in a beraitha that Gentiles and shepherds of small cattle are not raised [from the pit] nor lowered [into it]?" -- so there is a prohibition against the killing of a Gentile. However, we have not found in the words of Chazal a definition of the prohibition, and the Rishonim are in dispute on this matter.

The opinion of HaRa'aban is that one who kills a Gentile transgresses the negative commandment of "You shall not murder" and these are his words in the commentary on Bava Kama paragraph 22 (page 74d)⁵: "...'You shall not steal' is similar to 'You shall not murder' and 'You shall not commit adultery'⁶ in that it refers both to Jew and Gentile."

This is not the opinion of Maimonides in the beginning of The Laws of a Murderer and Protecting Life: "**One who kills a Jew transgresses a negative commandment** as it is stated: 'You shall not murder'."⁷ Maimonides also wrote something similar in Sefer HaMitzvot, negative commandment 289, and **Rabbi David HaKochavi** restated it in his Sefer HaMitzvot, negative commandment 289. Likewise, it is written in **Yere'im** paragraph 175 (Schiff edition, in other editions paragraph 248): "...and it is called murder only concerning a Jew, as it is written: 'who murders his neighbor' -- the murder of one's neighbor is called murder, but the murder of a Gentile it is not called murder." And in the continuation of his statement: "Subsidiary [prohibition] of murder: not to kill a Gentile, as we learned in the beraitha in Avodah Zarah chapter 2 (page 26a): The Gentiles and shepherds of small cattle are not raised [from the pit] nor lowered [into it]."⁸ According to Maimonides, the Yere'im, and Rabbi David HaKochavi, one who kills a Gentile does not transgress the negative commandment 'you shall not murder.'⁹

Summary

1. One who kills a Gentile, and even a *ger toshav*, is not put to death for this by the Beit Din, even if he kills him with intent. This is clearly stated in the Torah and in the words of Chazal.
2. In the opinion of HaRa'aban, one who kills a Gentile transgresses the negative commandment of "You shall not murder," and in the opinion of Maimonides, the Yeare'im, and Rabbi David HaKochavi, the murder of a Gentile is not included in this negative commandment. However, according to all opinions there exists a prohibition in this matter, as is clear from the words of Chazal.

So the Torah differentiates between a Jew and a Gentile with regards to the killing of a man.

B. Saving of Life

Regarding the subject of saving a life, too, the Torah differentiates between a Jew and a Gentile. We learn in chapter 8 of Tractate Kippurim (Yoma) mishnah 45 (in the Vilna edition mishnah 47): "One upon whom the ruins of a building collapsed and there is doubt whether he is there or not, whether he is alive or dead, whether he is a Jew or a Gentile, we clear off [the rubble]. If they found him alive, they clear off [the rubble], if dead, they leave him there." The Talmud explains on page 85a: "It is needless to say 'there is doubt whether he is alive or dead' if he is a Jew, but even if we are uncertain whether he is a Gentile or a Jew we clear off [the rubble]," and thus wrote Maimonides in chapter 2 of The Laws of the Sabbath, halacha 21 (in the Vilna edition, halacha 20): "If there was a courtyard with both Gentiles and Jews, even one Jew and a thousand Gentiles, and the ruins of a building collapsed upon them, **we clear off the rubble from everyone for the sake of the Jew**. If one of them moved to another courtyard and it collapsed upon him, we clear [the rubble] off him, for perhaps the one who moved [to the other courtyard] is the Jew and the ones who remained are the Gentiles." Likewise in the Tur and the Shulchan Aruch, Orach Chaim, paragraph 329, section 3.¹⁰

It must be pointed out that a Jew who wanted to engage himself in the saving of the life of a Gentile which involved a transgression of the Sabbath, and did so in front of witnesses and after being warned, is put to death by the Beit Din -- this is self evident.

C. Death by a Beit Din

It is written in the Torah (Deuteronomy 19:15): "One witness shall not rise up against a man for any iniquity, or for any guilt, in any sin that he may commit: at the word of two witnesses, or at the word of three witnesses, shall the matter be established." And in the Sifri (Shoftim, paragraph 188) it is written: "Thus far we [learn] it with regards to the capital laws; from where do we learn it concerning monetary laws? It is written, 'for any iniquity.' From where do we learn it concerning [transgression for which one must bring] sacrificial offerings? It is written, 'or for any guilt.' Where do we learn it concerning [transgressions punishable by] lashes [by a Beit Din]? It is written, 'in any sin that he may commit'..." Maimonides wrote similarly in the beginning of chapter 5 of The Laws of Testimony: "No verdict of judgement may be made based on the testimony of one individual, **neither in monetary laws nor in capital laws, as is**

written: 'One witness shall not rise up against a man for an iniquity, or for any guilt'..."

Likewise, one is not put to death by a Beit Din, even if there were several witnesses to his transgression, **without forewarning**, as we learn in the beginning of chapter 5 of Tractate Sanhedrin: "They [a Beit Din] would investigate them [the witnesses] with seven interrogations: Which week? Which year?...Do you recognize him? Did you warn him?..." and there in the Talmud (Sanhedrin 40b): "Ula said: From where [do we learn] forewarning from the Torah? As it is said: 'And if a man shall take his sister, his father's daughter, or his mother's daughter, and sees her nakedness.' Is this matter contingent on 'seeing?' Rather, until it is made perfectly clear to him [that sexual relations with her are forbidden to him -- Rashi]...In the school of Hizkiya they learn it thus: 'But if a man comes upon his neighbor with intent to slay him with guile' -- [this speaks of a case] when he was forewarned, yet he still came with intent. In the school of Rabbi Ishmael they learn it thus: '...those who find him gathering sticks,' [it is mentioned in the present tense to teach us that] they forewarned him, yet he continued to gather sticks" (see there; in the Jerusalem Talmud there are other ways of learning the requirement of forewarning). Thus Maimonides wrote in the beginning of chapter 12 of The Laws of Sanhedrin: "How are capital cases judged? When witnesses come to the Beit Din...the judges say to them: 'Do you recognize him? Did you forewarn him?' If they say¹¹ 'We do not recognize him,' or 'We are not sure,' or they did not forewarn him, behold, [he] is exempt."

This is the way concerning a Jew. With regards to a Gentile, however, it is taught in Sanhedrin 57b: "Rabbi Jacob bar Acha found it written in an Aggadic book from the school of Rav: **a Gentile is put to death by one judge and by one witness, even if he was not forewarned**, by testimony of a man and not of a woman, and even of a family member. In the name of Rabbi Ishmael they said: Even for [the killing of] a fetus." Thus Maimonides wrote in chapter 9 of The Laws of Kings and Wars¹² halachas 4 and 14 -- these laws were stated concerning a Gentile, in contrast to the laws concerning a Jew. (A Jew is not put to death for killing a fetus as it is stated in chapter 5 of Tractate Niddah, mishnah 3: "A one-day old baby becomes impure by discharge...and one who kills him is liable..." and see the reason for this in Rashi on Sanhedrin there, s.v. *af al ha'ubarin*, and in the Gemara, Tractate Niddah there. Similarly, verdicts on capital cases where a Jew is accused may be made only by a Beit Din of twenty three members, as we have learned in Sanhedrin chapter 1, mishnah 4. Likewise regarding the laws of testimony: the testimony of a family member is invalid for a Jew, as it says in Sifri, paragraph 280, on the verse: "Fathers shall not be put to death for children": "...fathers shall not be put to death by the testimony of children, and children shall not be put to death by fathers. When it says 'and children,' it includes family members...").

We clearly see that the Torah is much stricter about the procedures of judgement when dealing with the life of a Jew than it is when dealing with that of a Gentile.

D. Damage by a Gentile

It is written in the Torah: (Exodus 21:35): "If a man's ox injures his neighbor's ox and it dies,

they shall sell the live ox and divide the money received for it; they shall also divide the dead animal." In the Mechilta (Tractate Nezikin section 12) it is said: "'A man's ox' -- to exclude the ox of a minor, '**a man's ox' -- to include the ox of others.**' His neighbor's ox,' to include [the ox of] a minor, '**his neighbor's' to exclude [the ox] of a Gentile, the ox of a Samaritan, the ox of a *ger toshav*.**" And in the Mechilta of Rabbi Shimon bar Yochai it is stated: "'His neighbor's,' -- to exclude others, to exclude the *ger toshav*. Is it possible no payment will be made to a Gentile or that a Gentile will not pay him? It is taught: 'He shall surely pay,' to include [the payment of] a Gentile and of a *ger toshav*. Is it possible that they pay for an innocent [ox] half the damage, and for a notorious [ox] full damage? It is taught: 'His neighbors' ox,' the ox of his neighbor is dealt with in such a manner, and not [the ox] of others, concerning whom it is stated: 'He appeared from Mount Paran' (Deuteronomy 33:2), -- [G-d] appeared disfavoring all the inhabitants of the world [in contrast to the Jews]."

Furthermore, there is an explicit mishnah in Tractate Baba Kama 4:3: "An ox of a Jew who injured an ox which was dedicated [to the Temple] or a dedicated ox which injured an ox of a Jew is exempt, as it is written: 'his neighbor's ox' -- and not a dedicated ox. **An ox of a Jew who hurt an ox of a Gentile¹³ is exempt. An ox of a Gentile who hurt the ox of a Jew -- whether it is an ox who was harmless before or an ox which has been proven dangerous, [the owner] must pay the full damage.**" A Jew who causes damage to a Gentile is always exempt, however a Gentile who causes damage to a Jew must pay the full damage in every case. And thus it is in Maimonides, chapter 8 of The Laws of Property Damage, halacha 5, and in the Tur and Shulchan Aruch Choshen Mishpat, beginning of paragraph 406. The distinction between a Jew and a Gentile is clear.¹⁴

It is appropriate to cite the words of Maimonides in his explanation of the mishnah in Bava Kama there: "If there was a legal case between a Jew and a Gentile, then the manner of judging between them is as I will explain: if we [i.e., a Jew] will win under their laws, we judge them according to their laws and say to them: this is your law! If it is better that we judge according to our laws, we judge them according to our laws and say to them: this is our law!¹⁵ **And do not find it difficult**, and don't be surprised by it, **just as one is not surprised about the slaughter of animals** even though they have done no harm, for one in whom human characteristics are not complete is not truly a man, and his end purpose is only for 'man' [that is to say, the entire *raison d'être* of the Gentiles is only for the benefit of the complete man -- comment by Rabbi Y. Kapach *shlita* in his edition of Maimonides's Commentary on the Mishnah], and the discussion on this matter requires a separate book."

[more](#)

⁴See *Birkat HaNatziv* on Mechilta on the aforementioned section, who proves from the Mechilta Mishpatim *parasha* 12 that a *ger toshav* is never included in the term "his neighbor." [back to text](#)

⁵Thus it is in the edition of Rabbi S. Albek OBM. In the edition of Rabbi S.Z. Eirenreich HYD it is in 194d. [back to text](#)

⁶See *ibid.* in the commentary "Even Shlomo" by Rabbi S.Z. Eirenreich (page 195 section 93), for a discussion of his question that "you shall not commit adultery" is inconceivable concerning the wife of a Gentile. [back to text](#)

⁷Thus is the text in the Rome edition of 5240, and in the edition of Rabbi Shabtai Frankel. See *ibid.* in Yalkut Shinuei Nuschaot, that it is the wording of all manuscripts and printed editions except for the Vilna-Warsaw edition which was distorted by the Christian censor: "One who kills the soul of a man transgresses a negative commandment as it is stated 'You shall not murder'." This is the source of Rabbi Lichtenstein and Rabbi Amital's mistake when they wrote that according to the so-called opinion of Maimonides one who kills a Gentile transgresses a negative commandment. How surprising it is that well known rabbis rely on sources known for their inaccuracies, and make Halachic decisions according to distortions of a censor. [back to text](#)

⁸It must be noted here that the Halachic arbiters disagree on the meaning of the beriatha in Avodah Zarah which the Yere'im brought here. In the opinion of the Beit Yosef, there is no commandment to lower Gentiles who do not fulfill the seven Noachide commandments into a pit, but if he wants to, he may lower them. This view was restated by the Darkei Moshe and the Shach -- see Yoreh Deah, beginning of paragraph 158. However the Bach and the Taz there, and the Maharshal in his commentary on the SM'G (negative commandment 48), wrote that the phrase "nor lower them" means that it is forbidden to do so, and this view is upheld by the Yere'im here, who brought the beriatha as a proof that it is forbidden to kill a Gentile. This view was also expressed by Maimonides in the beginning of chapter 10 of The Laws of Idolatry: "We do not make a covenant with idol worshippers...and it is forbidden to have mercy on them, as it is stated 'nor show mercy to them.' Therefore, if one sees an idol worshipper perishing or drowning in the river, he should not raise him up. If he sees him being taken to die, he should not save him. **However, to actually kill him or to push him into a pit, or some such, is forbidden, for he is not at war with us.**" Similarly he wrote in The Laws of a Murderer and Protecting Life, chapter 4, halacha 11. This is also the opinion of Rabbeinu Yona in his novellae on Sanhedrin 57a, and in the Meiri there, 57b. (See there in Rabbeinu Yona, that the prohibition of lowering a Gentile who does not fulfill the seven Noachide commandments into a pit is Rabbinic. The Taz wrote similarly in Yoreh Deah 158). However, it is possible that the Beit Yosef and the Rama changed their opinions, for in the Shulchan Aruch none of this is mentioned. [back to text](#)

⁹From what the Yere'im we can imply that he learned from the language of the verse he mentioned. In regard to Maimonides, it is possible that he learned from the Mechilta on the verse "You shall not murder": "'You shall not murder' -- why is this stated? Because it says 'One who spills the blood of his fellow man,' -- there it speaks of the punishment; where does it speak of a warning? It is written, 'You shall not murder'." It follows that only by committing a murder punishable by death does one transgress the commandment "you shall not murder." [back to text](#)

¹⁰In the wording of the Shulchan Aruch printed in the Mishnah Berurah, this section concerning the Gentile is omitted, however in the regular editions of the Shulchan Aruch the section

remains, but in an erroneous fashion. [back to text](#)

¹¹Thus it appears in the Rome edition. In the Vilna edition: "If he says." [back to text](#)

¹²Thus this section is called in the manuscripts and in the Rome edition, and not "and Their Wars," as it appears in the Vilna edition. [back to text](#)

¹³As an example of what was written in the first footnote, I will point out that in the Vilna edition of the Talmud this mishnah is corrupted -- "Cannanite" is written instead of "Gentile," and in the Vilna edition of the Mishnah the wording is "idolater." [back to text](#)

¹⁴It must be pointed out that the Meiri there (page 37b of the Gemara) wrote on that issue: "And according to what is said in the Talmud, this law applies only to nations which are not bound by religious ways and ethics, as is said about them in the Talmud 'He [G-d] saw that the Seven Commandments the sons of Noah [Gentiles] accepted upon themselves were not being fulfilled, [therefore] He permitted [not compensating the damage to] their property' wherever the Law would obligate it. As long as they [the Gentiles] fulfill the Seven Commandments they are judged by us as we are judged by them, and we don't show favor to ourselves in legal matters. Consequently, it is needless to say that such is the case regarding nations that are bound by religious ways and ethics." And somewhat similarly, the Maharal wrote in the seventh be'er of the book "Be'er HaGolah" (page 145) that as long as a Gentile is not an idol worshipper the law stated in the mishnah does not apply to him. Likewise it is written in Mirkevot Hamishneh. Rabbi Kook OBM wrote in Igrot Ra'ayah part one, page 99, that the Halacha in essence follows the Meiri. However, these matters are very bewildering, for in the aforementioned Mechilta it is stated explicitly: "'His neighbor's,' to exclude the ox of... ger toshav," and there is no Gentile who refrains more from idol worship and more strictly fulfills the seven Noahide commandments than a ger toshav. And these are the words of aforementioned halachic arbiters who learned from the Talmud there (page 38a): "They said: 'which ever way you turn -- if 'his neighbor' [is meant] specifically [i.e. a Jew], then a Gentile whose ox injures a Jew's ox is also exempt. And if 'his neighbor' is not [meant] specifically, even a Jew whose ox injures an ox of a Gentile is punishable. Rabbi Abahu answered: 'the Scripture says: 'He stood and measured the earth: He beheld, and made the nations tremble' -- He [G-d] saw that the sons of Noah [Gentiles] did not fulfill the seven commandments they accepted upon themselves, so He permitted their property to the Jews. Rabbi Yochanan said from here [this law is learned]: 'He appeared from Mount Paran,' -- from Paran [the giving of the Torah] was the property of the Gentiles permitted to Israel." However, in the Mechilta and in the aforementioned Mechilta of Rabbi Shimon bar Yochai this law is described as a Scriptural decree, and therefore the verses of "and made the nations tremble" and "He appeared" are only parables which are brought to explain why the Torah fined the Gentiles even though they are not included in 'his neighbor,' so that the law could have been that a Gentile does not pay, just as he is not paid, similar to the case of the dedicated ox. Thus the Ran wrote on this matter (page 19 of the pages of the Rif, s.v. *V'shel nochri sh'nagach*): "According to the Law, the Gentile should also be exempt, however it is a **fine that G-d fined them**, as it says in the Talmud." Thus we should also understand the above mentioned words of Maimonides. (See the explanation of Rabbi Yonatan of Lunel on the Rif, who at the start of his comment on this issue wrote, "And this is a fine applied by the Sages" -- that is to say, it is a Rabbinic law -- while at the end of his comment he wrote "And G-

d knows the hidden matters and the hearts of man, and he punished the Gentiles according to their cruelty and exempted the Jews according to their innocence," signifying that this is the Torah's law. It seems to me it is a copyist's error, that is, at first it had been written *v'knas hoo d'kansam hach* [*hey-kaf* which is an abbreviation for *hakatoov*, or the Scripture] and a copyist erred and wrote *chach* [*chet-kaf*, which is an abbreviation for *chachamim* -- the Sages] and subsequently changed *kansam* [it -- the Scripture -- fined] to *kansu* [they -- the Sages -- fined]. Thus it is proven from his comment on the explanation of this issue in the Talmud [not by the Rif] which appears in *Shitah Mekubetzet* there, s.v. *amad v'hetir*, and these are his words: "...therefore, the Scripture fines them in order to make them guard their property [so that it causes no damage] -- Rabbi Jonathan OBM." So in his opinion this is the Torah's law.) It is not as some Achronim understood, that this law is Rabbinic, and that according to the Torah the law concerning the Gentiles is the same as the law concerning dedicated objects. Similarly, we find it written in the Meiri on a different matter (on Sanhedrin 57b)... "concerning the spilling of blood... if a Jew kills a Gentile, if the Gentile did not fulfill the Seven Commandments the Jew is exempt...but if they keep the Seven Commandments, they are considered religious people," meaning that if a Jew kills a Gentile who strictly kept the Seven Commandments, he is put to death. This is the opposite of the explanation in the Mechilta of Rabbi Shimon bar Yochai and in the aforementioned Sifri Zuta in regards to the killing of a Gentile, that even if a Jew killed a *ger toshav* he is not put to death. Therefore we learn that the view of the Meiri and who agree with him is puzzling. [back to text](#)

¹⁵The source of this is in Bava Kama 113a. [back to text](#)

E. Robbery and Theft of a Gentile

With regards to robbery and theft from a Gentile, the Tanna'im disagreed, and subsequently so did the Rishonim, whether the prohibition is from the Torah or only Rabbinic.

It is explained in the Jerusalem Talmud, chapter 4 of Bava Kama, halacha 3: "It happened that the [Roman] kingdom sent two officials to learn Torah from Rabban Gamliel. They learned from him Scripture, Mishnah, Talmud, Halacha, and Aggadah. In the end they said: your entire Torah is fine and praiseworthy, except for these two matters which you say -- a Jewish woman should not be a midwife for a Gentile woman, but a Gentile woman can be a mid-wife for a Jewish woman, and a Jewish woman cannot breastfeed the son of a Gentile woman, but a Gentile woman can breastfeed [the child of] a Jewish woman with her permission; robbery of a Jew is forbidden, but robbery of a Gentile is permitted. At that moment **Rabban Gamliel issued an edict that what is stolen from a Gentile is forbidden** because of the desecration of G-d's name." According to the Jerusalem Talmud, that which is stolen from a Gentile is forbidden because of Rabban Gamliel's edict and it is only a Rabbinic prohibition. Likewise it is written in Sifri on the portion of V'zot HaBracha, section 344, except that the edict of Rabban Gamliel is not mentioned there.

This is also what is written in the Tosephta, Avodah Zarah chapter 8, halacha 5 (in the Zuckerman edition; in the Vilna edition it is chapter 9, halacha 4): "...Regarding theft -- a thief, a robber, one who takes a [captive] beautiful woman, and the like -- these are things it is forbidden for a Gentile [to perpetrate] against a Gentile, or [against] a Jew, **but it is permissible for a Jew [to perpetrate] against a Gentile.**"

Thus Rashi wrote on the aforementioned beraitha which appears in Sanhedrin 57a, s.v. *yisrael b'goy mutar*: "For 'You shall not exploit your neighbor' is written, and it is not written 'a Gentile,' but there is a Rabbinic prohibition, according to the one who says that robbery of a Gentile is forbidden because of desecration of G-d's name in the last chapter 'HaGozel' [chapter 10 of Bava Batra]." Thus it also appears in Bava Metzia 111b: "And since the first Tanna learned the law from the phrase 'his brother,' what does he do with the phrase 'his neighbor'? That phrase comes to teach something in his view also, as stated in the beraitha: 'his neighbor' -- and not a Gentile. But isn't it appropriate to learn that a Gentile is excluded from the phrase 'his brother'? One [phrase] comes to permit exploiting him [a Gentile] and the other comes **to permit robbing him**, as he holds **that robbery of a Gentile is permitted.**"¹⁶ And so it is determined in the commentary attributed to the Ran on Tractate Sanhedrin 57a. Thus, too, ruled the Rama in Even HaEzer, paragraph 28, section 1, and also the Maharshal in Yam shel Shlomo on Bava Kama, paragraph 20.¹⁷

In contrast, it is explained in Torat Cohanim on the portion of Behar Sinai, beginning of chapter 9 (and it appears in Bava Kama 113a with differences): "Rabbi Shimon says: from where do we learn that stealing from a Gentile is forbidden? It is written: 'after he [a Jew] is sold

[to Gentiles]. Perhaps one can take him by force and leave? [Take the Jew by force from the Gentile's house without paying, to steal him from the Gentile -- commentary attributed to Rabbi Simon Sens]. It is taught: 'He shall be redeemed.' Perhaps one can deceive him? [Fool the Gentile and treat him like an imbecile in order to buy his slave cheaply -- *ibid.*] It is taught: 'He shall reckon with the one who bought him' -- to be precise with him... **If the Torah is so strict in [forbidding] robbery of a Gentile, how much more so concerning robbery of a Jew.**" It is explained that robbery of Gentiles is prohibited, and the plain meaning of the beraitha is that this prohibition is from the Torah, as the GRA wrote in his commentary on Choshen Mishpat, paragraph 348, section 8, and as the Radbaz wrote in his Responsa, part 2 paragraph 1276.¹⁸

Thus it also appears in Sifri on the portion of Ki Teze, section 266: "'When you come into your neighbor's vineyard' -- 'your neighbor's,' to exclude others, 'your neighbor's,' to exclude a vineyard dedicated to the Temple..." ('To exclude others' -- that is to say, the vineyard of Gentiles, for concerning 'your neighbor's' it is written: 'But you shall not put any in your vessel' -- so in the vineyard of a Gentile it is permitted, **and it is derived according to the one who says that view which states that generally robbery of a Gentile is forbidden...** -- commentary of Rabbeinu Hillel.) Thus it also appears in Tractate Bava Metzia 87b: "...in your neighbor's vineyard and not in the vineyard of a Gentile. **It is understandable according to the one who says robbery of a Gentile is forbidden**, that is to say, we need this verse to permit a robbery to a worker..." According to these Tanna'im, robbery of a Gentile is forbidden by the Torah. Likewise it is stated in Seder Eliyahu Rabba (Tanna d'vey Eliyahu) chapter 16 (in the Ish Shalom edition, in other editions it is chapter 15), see there. See further the Tosephta on Bava Kama, chapter 10 halacha 15 (in the Vilna edition, halacha 8).

Maimonides wrote at the beginning of The Laws of Theft: "Anyone who steals property worth the value of a *prutah* and above transgresses a negative commandment, as it says: 'You shall not steal'... no matter if he steals money from a Jew or the money of a Gentile idolater..." In The Laws of Robbery and Lost Items, chapter 1 halachas 1 and 2, he wrote: "Anyone who steals from a his fellow something worth a *prutah* transgresses a negative commandment, as it says: 'You shall not steal'...and it is forbidden to steal anything according to the ruling of the Torah. It is forbidden to rob or exploit even a Gentile idolater, and if one robs or exploits him, he must recompense him."¹⁹ This is also the opinion of the Tur and the Shulchan Aruch in Choshen Mishpat, paragraph 348, section 2, and in the beginning of paragraph 359. Thus also ruled the Gaon of Vilna there, paragraph 348, subsection 8, and in Even HaEzer, paragraph 28, subsection 5, and the Ridbaz in the aforementioned responsum. (It is appropriate to note what the Ridbaz wrote: even though stealing from a Gentile is forbidden by the Torah, one does not transgress a negative commandment by doing it; it is also explained so in Likutei HaGRA on Maimonides, and according to this, once again there is no equality between a Jew and a Gentile). See Chidushei Rabbi Akiva Eiger, paragraph 359, where he proved that according to the view which holds that stealing from a Gentile is prohibited, the prohibition stems from the Torah.

However, even according to Maimonides's opinion that stealing from a Gentile is forbidden

from the Torah and that consequently one transgresses a negative commandment by doing it, we find nevertheless found in his words a distinction between a Jew and a Gentile, for thus he wrote in The Laws of Robbery, chapter 6, halacha 7: "The Sages prohibited many things on account of robbery, and one who transgresses these matters is a robber according to their words -- for example, pigeon racers and dice rollers," and there in halacha 11: "**one who plays dice with a Gentile does not transgress the prohibition of robbery**, but he transgresses the prohibition of engaging in idleness, for it is not worthy of man to engage himself all the days of his life in matters other than words of wisdom and cultivation of the world." That is, in this issue also a Gentile is not completely equal with a Jew. See in the Tur and Shulchan Aruch, Choshen Mishpat, paragraph 370 who brought the words of Maimonides and did not dispute him on this matter, and the SM'A in subsection 4 and in the *Prisha* in subsection 7. The GRA, in subsection 7, agreed with him.

F. The Lost Item of a Gentile

It is written in the Torah (Deuteronomy 22:2): "You shall not see your brother's ox or sheep going astray and hide yourself from them. You shall surely bring them back to your brother." It is also stated (Exodus 23:4): "If you meet your enemy's ox or his ass going astray, you shall surely bring it back to him." In the Mechilta of Rabbi Shimon bar Yochai on the latter verse it is written: "'Your brother's ox' -- I only have [learned about] my brother, from where [do I learn about] my enemy? It is written: 'your enemy's ox' anyway. Perhaps this is also the case concerning others? It is written: 'your brother,' as your brother is your partner, so too, **any man who is your partner.**" And in Tractate Bava Kama 113b: "Rabbi Bibi bar Gozla said in the name of Rabbi Shimon Chasida: **robbery of a Gentile is forbidden... his lost item is permitted**, similar to what Rav Chama bar Guryeh said in the name of Rav: from where do we know that the lost item of a Gentile is permitted? As it says: 'In like manner shall you do with his ass; and so shall you do with his garment; and with every lost thing of your brother's' -- every lost thing of your brother's and not every lost thing of a Gentile. It was taught in a beraitha: Rabbi Pinchas ben Yair said, in any instance where there is a desecration of G-d's name, even his [a Gentile's] lost item is forbidden..."²⁰

We learn in Tractate Machshirin, chapter 2 mishnah 8: "One who finds a lost item -- if the majority [in the surrounding area] are Gentiles, he does not have to publicly announce his finding; if the majority are Jews, he must publicly announce it; if half are Gentiles and half are Jews, he must publicly announce." Thus wrote Maimonides in the beginning of chapter 11 of The Laws of Robbery and Lost Items: "**One who returns a lost item to a Jew fulfills a positive commandment**, as it says: 'You shall surely bring them back to your brother.' One who sees a lost item of a Jew and ignores it and leaves it there transgresses a negative commandment, as it says: 'You shall not see your brother's ox and hide yourself from them,' and he also abandons a positive commandment. And if he returns it, he fulfills a positive command." But in halacha 3 he wrote: "A lost item of a Gentile is permitted, as it says: 'Every lost thing of your brother's'." Thus it is explained in the Tur and Shulchan Aruch Choshen Mishpat, paragraph 266, section 1.

In addition, it is explained in Sanhedrin 76b: "Rabbi Yehuda said in the name of Rav: one who marries his daughter to an elderly man, and one who marries his son of minor age to a woman, and **one who returns a lost item to a Gentile**, concerning him the verse says, 'To add drunkenness to thirst: the Lord will not spare him'." These are the words of Maimonides there, halacha 3: "If one returns a lost item [to a Gentile] to sanctify G-d's name, in order that the Gentiles glorify the Jews, and know that they [the Jews] are a faithful people -- this is praiseworthy. In a case where there is a desecration of G-d's name, his [a Gentile's] lost item is forbidden, and he [the Jew] is obligated to return it...". The Tur and the Shulchan Aruch wrote similarly there. (In regards to what Maimonides wrote "If he returned the lost item to sanctify...", this is according to the Jerusalem Talmud, chapter 2 of Tractate Bava Metzia, halacha 5 -- but it is important to emphasize that one cannot learn general permission from this, as the Maharshah wrote in Yam shel Sholomo, chapter 10 of Bava Kama, section 20: "G-d desires a man's heart [aspiration to worship Him], therefore [one may do it] if this is his intention [to sanctify G-d's name], however **if his intention is that he, and not the faith of Israel, should be praised, or because he loves the Gentile and has mercy on him, it is forbidden** [to return the Gentile's lost item].")

G. The Error of a Gentile

The error of a Gentile [i.e., property of which he deprived himself due to an error] is permitted, similar to the case of his lost item.²¹ Thus it is explained in Bava Kama 113b: "Shmuel said: **and his error is permitted.**" However, the Rishonim disagree about whether it speaks of a case where a Gentile erred in his calculation on his own or if it is permitted to deceive him. **In the opinion of Rashi**, there (s.v. *v'ivla lei zuza*) **it is permitted to deceive him**, in accordance with Rashi's opinion which was clarified above, that stealing from a Gentile is permitted. **The Tosaphot** also wrote there, s.v. *ya'chol*, that it is permitted to deceive a Gentile, however only if he cannot discover it and it won't cause a desecration of G-d's name. **This is also the opinion of the Tur** in Choshen Mishpat, paragraph 348, section 3: "However, his error -- that is, to deceive him in calculations or to raise his loan -- is permitted, but only if it will not become evident to him -- for in such a situation there is no desecration of G-d's name."²²

But this is not the opinion of Maimonides, who wrote in chapter 11 of The Laws of Robbery and Lost Items, halacha 4: "The error of a Gentile is similar to his lost item and is permitted -- that is, if he erred on his own, but to deceive him is forbidden." Likewise he wrote in the beginning of chapter 18 of The Laws of Transactions. This is also the opinion of Rabbeinu Chananel (brought in Shita Mikubetzet; in Aruch, entry *plez*, it is brought without attribution) of **the Rif, of HaRaviyah** (brought in the Mordechai, paragraph 158, and in Or Zarua there on Bava Kama), of **the Mordechai, and of the Nimukei Yosef**.

The Rama in Choshen Mishpat, paragraph 348, section 2, brought both opinions **and did not determine** in this matter; however, the **Maharshah ruled** in Yam shel Sholomo (chapter 11 of

Bava Kama, paragraph 20) **that it is forbidden** to deceive a Gentile, and this is the intent of the Gaon of Vilna there, subsection 13.

In any case, the entire essence of this dispute is **specifically concerning a Gentile**, for with regards to **the error of a Jew, everything must be recompensed**, as it appears in a number of places, including Kiddushin 42b: "Rava said: anything concerning [faulty] measurements, weights or calculations, even if they are of minimal value, is also recompensed," and so wrote Maimonides in the beginning of chapter 15 of The Laws of Transactions, and the Tur, and the Shulchan Aruch in Choshen Mishpat, paragraph 232.

H. Abduction

It is written in the Ten Commandments (Exodus 20:13): "You shall not steal," and also there (21:16): "Whoever steals a man and sells him -- if he is found in his hand, he shall be put to death." In Mechilta, Yitro section 8 it is explained: "'You shall not steal' -- why is this stated? Since it says 'And he that steals a man, and sells him' -- his punishment is stated, from where do we learn a warning? It is written: 'You shall not steal,' this is a warning with concerning abduction." In Deuteronomy 24:7 it says: "If a man is found stealing **any of his brethren of the children of Israel** and maltreating or selling him, that thief will die: and you shall eliminate evil from within you" -- so it is clearly stated in the Torah that only for abduction of a Jew is one punished by death.

In Sifri on the portion of Ki Teze, paragraph 273: "Stealing any of his brethren -- and not others" (that is, Gentiles -- commentary of Rabbeinu Hillel). Thus we also learn in the beginning of chapter 11 of Sanhedrin: "These are the ones who are [put to death by] strangulation: one who hits his father and mother, and one who abducts a Jew..." And this is the wording of Maimonides in The Laws of Theft, chapter 9, halacha 1: "Anyone who steals a Jewish person transgresses a negative commandment, as it says: 'You shall not steal.' And there in halacha 6: "No matter whether he abducted [one born] a Jew or a convert or a manumitted slave, as it says: 'Any of his brethren,' and these are considered our brothers in Torah and commandments. However, one who steals a slave or a man who is half-slave/half-free is exempt" -- in any case, we learn that one who abducts a Gentile is exempt.

I. One Who Injures His Fellow

It is written in the Torah (Deuteronomy 25:2-3): "And it shall be, if the wicked man is worthy to be beaten, the judge shall make him lie down, and he shall be beaten before him, according to his fault, by a certain number. Forty lashes he shall give him and not exceed, lest, if he exceeds and beats him with more lashes than these, your brother shall be made vile before you."

In the Mechilta, Mishpatim section 5 on the verse "And he that smites his father or his mother shall surely be put to death," it is explained: "We have heard the punishment, but a warning we

have not heard. It is as written, 'Forty lashes he shall give him, and not exceed,' and the matter is an *a fortiori* inference: if one who is commanded to beat is warned not to [over]beat, one who is commanded not to beat is obviously warned not to beat."

All this is regarding a Jew, as Maimonides wrote in Sefer HaMitzvot, negative commandment 300 (in Rav Kapach's edition): "And from this negative commandment stems **the warning not to beat any Jew**: if concerning this sinner we are warned not to beat him, all the more so regarding any other man." Likewise, he wrote in The Laws of Monetary Damages in the beginning of chapter 5: "It is forbidden for one to injure himself or his fellow. And not only the one who causes injury, but **anyone who strikes a kosher Jewish person**, whether a minor or an adult, whether a man or a woman, in any manner like fighting, transgresses a negative commandment, as it is written: 'He shall not exceed to beat him'." See further in The Laws of the Rebellious, chapter 5, halacha 8, and in chapter 16 of The Laws of Sanhedrin, halacha 12. Thus it is also written in Sefer HaChinuch, commandment 600 (in other editions, commandment 595).

Furthermore, one who injures his fellow is obligated to recompense him, as we learn in the beginning of chapter 8 of Bava Kama: "One who injures his fellow is obligated in five categories: damage, pain, healing, rest, and embarrassment." However, the obligation of compensation applies specifically to one who hit a Jew, as Maimonides wrote there, halacha 3: "One who hits his fellow a blow which does not have the value of a *prutah* is given lashes, for there are no payments appropriate to enable the paying off of this negative commandment. Even if he hits a slave of his fellow, giving him a blow which does not have the value of a *prutah*, he is given lashes, for he [the slave] is obligated in some commandments" -- but **one who hits a Gentile is not liable for any punishment**.

In contrast, it says in Sanhedrin 58b: "Rabbi Chanina said: **a Gentile who hits a Jew is punishable by death**, as it says: 'And he looked this way and that, and when he saw that there was no man, he slew the Egyptian'" (because [the Egyptian] had hit a Jewish man -- Rashi, s.v. *v'yach*). Thus wrote Maimonides at the end of halacha 3: "And a Gentile who hit a Jew is punished by death, as it says, 'And he looked this way and that...he slew the Egyptian'." (However, in The Laws of Kings, chapter 10, halacha 6 he wrote: "And a Gentile who hits a Jew, even if he injured him slightly -- even though he is punishable by death, he is not killed." See there, in the Kesef Mishneh and the Ridbaz, for an explanation of why he is not put to death).

J. Fraud

It is written in the Torah (Leviticus 25:14): "And if you sell anything to your neighbor, or buy anything from your neighbor's hands, you shall not defraud one another." In Sifra on the portion of Behar Sinai, section 3, halacha 4 it is written: "'You shall not defraud one another' -- this is monetary fraud." Maimonides wrote in The Laws of Transactions, in the beginning of chapter 12: "It is forbidden for either the seller or purchaser to defraud his fellow, as it says: 'And if you

sell anything to your neighbor, you shall not defraud one another.' Even though one [who does that] transgresses a negative commandment, he is not given lashes, for it can be recompensed. Whether he defrauded with intent or he did not know that the transaction was fraudulent, he is obligated to recompense."

However, regarding a Gentile the law is different. In Tractate Bechorot 13b it is explained: "They said: **to your partner you return [something gained by] fraud, and you don't return it to a Gentile.**" Maimonides wrote in chapter 13, halacha 7: "A Gentile has not [been included in the transgression of] fraud as it says: 'one another' [literally, 'each **his brother**']. But a Gentile who defrauded a Jew must recompense him according to our laws -- it should not be more severe than it is with a Jew." Thus also wrote the Tur and the Shulchan Aruch in Choshen Mishpat, paragraph 227 (in the Tur, section 30 and in the Shulchan Aruch section 26). In this matter also the inequality of a Gentile is obvious.

[more](#)

¹⁶Here, too, it is appropriate to point out the printed version: "That phrase comes to teach something in his view also, as stated in the beraitha: 'his neighbor' -- and not **an Amalekite**. But isn't it appropriate to learn that an Amalekite is excluded from the phrase 'his brother'? One [phrase] comes to permit exploiting him [a Gentile] and another comes to permit robbing him"!! That is to say, they replaced "Gentile" with "Amalekite" and the words "and as he holds, that robbery of a Gentile is permitted" were removed. No doubt average students, and even many Torah scholars, are not aware that the Talmud they have before them has been corrupted and distorted by malicious hands. I have copied the wording from Dikdukei Sofrim, see there sections 40 and 50, and the quotations in the novellae of Nachmanides, the Ran, and Tosaphot HaRosh. [back to text](#)

¹⁷Concerning what is written there by the Maharshal to critique Rashi, that the reason for prohibition is not because of desecration of G-d's name -- in the Jerusalem Talmud it is clearly as Rashi wrote. [back to text](#)

¹⁸However, from the aforementioned words of Rashi in Sanhedrin it is clear that he meant this prohibition to be Rabbinic prohibition, and so the aforementioned Yam Shel Shlomo clearly states. [back to text](#)

¹⁹In the commentary attributed to the Ran on Sanhedrin 57a, it is specifically learned from what Maimonides wrote in the beginning of The Laws of Robbery, "Anyone who steals from his fellow...", that in Maimonides's opinion, stealing from a Gentile is permitted by the Torah. But this is very difficult to accept, for in a number of places Maimonides uses the term 'his fellow' even though the same halacha applies to a Gentile. See, for example, the beginning of chapter 7 of The Laws of Theft: "One who weighs for his fellow using weights which are less than those customarily used or those which have been agreed upon transgresses a negative commandment, as it says: 'You shall do no unrighteousness in judgement, in surveying, in weight, or in measure,'" and there in halacha 8: "One who has dealings with a Jew or with a Gentile idolater -- if he measures or weighs falsely, he transgresses a negative commandment and is obligated to

recompense..." The wording 'his fellow' includes Gentiles. The Kesef Mishneh also wrote in the beginning of his comment on The Laws of Robbery that in Maimonides's opinion, the prohibition against robbing a Gentile is not from the Torah, and the Shach, in the beginning of paragraph 359, had already critiqued him and wrote that judging from the wording of Maimonides in the beginning of The Laws of Theft, this is not the case. And in the beginning of paragraph 348 he wrote that it is seemingly so, judging from the wording of the Shulchan Aruch itself. [back to text](#)

²⁰The wording of the Gemara is according to Dikdukei Sofrim 8, Rif, and The Rulings of the Rid. In other editions it appears differently. [back to text](#)

²¹This is the wording of Maimonides's ruling which will follow, and see Tzafnat Pa'aneach on Bava Kama 113b, where it is explained that if a Gentile erred on his own, it is similar to a lost item. [back to text](#)

²²Thus appears in older editions, however in our editions the wording is: "However, the error **of a Samaritan** was permitted, but only..." and it is difficult to know whether to laugh or to cry regarding such 'corrections' of the censor. [back to text](#)

K. Appointing a King and Other Authorities

It is written in the Torah (Deuteronomy 17:15): "Then you shall appoint a king over you, whom the Lord your G-d will choose: one from among your brethren shall you set as king over you, but you shall not set over you a stranger who is not your brother." In Sifri, Shoftim, paragraph 157 it says: "**Your brother, and not from others**" (that is to say, Gentiles, for a Gentile king may not be appointed over Jews -- Rabbeinu Hillel). And not just a Gentile, but also a righteous convert, considered a Jew in every matter, is disqualified for kingship, as is explained in Midrash HaGadol: "'You shall not set over you a stranger ' -- **to exclude the convert...** from here they said it is forbidden to appoint a king from the converts, even after a number of generations, until his mother is [one born] Jewish."

This is also the law concerning any position of authority, as explained in Kiddushin 76b: "We have learned: 'Then you shall²³ appoint a king over you from among your brethren,' all appointments of authority that you make should not be [made]²⁴ except from among your brethren." Thus wrote Maimonides in chapter 1 of The Laws of Kings, halacha 4: "We do not appoint a king from amongst the converts, even after several generations, until his mother is [one born] Jewish, as it is written, 'You will not set over you a stranger who is not your brother.' **Not only for kingship, but also for any position of authority in Israel**, neither a general nor chief over fifty people, nor chief over ten people, nor even a person appointed to verify that the water is distributed to the fields. It is superfluous to talk about a judge or a *nasi*, who may not be other than [one born] a Jew, as is written, 'one from among your brethren shall you set as king over you'--all the people whom you give positions of authority shall not be from other than your brethren."

However, regarding the possibility of appointing a convert to judge over Jews, the Rishonim are in disagreement. In the opinion of Rashi on Tractate Yevamot 102a, s.v. *ger dan et chaveiro*, a convert is allowed to judge a Jew on property matters, but not concerning capital laws (see also on Kiddushin 76b, s.v. *kol mesimot*.) However, in the opinion of the Rif at the end of chapter 4 of Sanhedrin, the Tosaphot on Yevamot 45b s.v. *keivan* and in Sanhedrin 36b s.v. *chada*, the Nimukei Yosef at the beginning of chapter 12 of Yevamot, the Ran on the Rif, end of chapter 4 of Sanhedrin, and the Meiri on Kiddushin there, a convert cannot judge a Jew, even on property matters, until his mother is [one born] Jewish. Thus Maimonides also ruled in The Laws of Sanhedrin, chapter 2 halacha 9: "**A Beit Din of three [judges], one of them being a convert, is disqualified until his mother is [one born] Jewish.**" Nevertheless, a convert may judge his fellow convert, as it is explained in Yevamot 102 and as Maimonides wrote in chapter 11, halacha 11. Also the Tur and Shulchan Aruch in Choshen Mishpat, paragraph 7, wrote similarly.

It is appropriate to mention the words of the Sefer HaChinuch, commandment 509 (in other editions 498) on this subject: "The root of this commandment is well known... one appointed to authority... must be, at the very least, from the seed of Israel, for they are merciful [people] the

sons of merciful [people], in order that they have mercy on the nation and not oppress them in any matter. He must love truth, righteousness, and integrity; as is known, anyone from the family of Abraham possess all these good qualities..."

It must be emphasized that this is an example of **the distinction between one who comes from the seed of Israel and a righteous Gentile who converts to Judaism**. Even though there may not be many such examples, this is not an exceptional case, as will be further clarified.

L. Defamation

It is written in the Torah (Deuteronomy 22:19-21) regarding defamation of one's wife: "And they shall fine him a hundred shekels of silver, and give them to the father of the girl, because he has defamed a virgin of Israel. And she shall remain his wife; he may not divorce her all his life." In Sifri on the portion of Ki Teze, section 238 it is written: "'And give them to the father of the girl' -- **with the exception of a female convert**²⁵ whose mother became pregnant before she converted, but gave birth after she converted; for [defaming] her daughter one does not pay a hundred shekels of silver."

Thus we learn in Ketubot, chapter 4, mishnah 3: "A woman who converted with her daughter and [the daughter, while engaged] had illicit sexual relations -- she is put to death by strangulation [and not by stoning, for stoning is only in the case of a woman born Jewish]. She need not be taken out of her father's door [as is the law for an engaged woman born Jewish] and [her husband does not have to pay a fine] of one hundred shekels [if he defamed her, for this is only the law concerning a woman born Jewish]. If the mother became pregnant before she converted and gave birth after her conversion, she [the engaged daughter who had illicit sexual relations] is put to death by stoning, but [the law concerning] her father's door does not apply to her, nor [the law concerning] one hundred shekels. **If the mother both became pregnant and gave birth after her conversion, her daughter is considered a born Jew in all matters.**"

Thus Maimonides also wrote in The Laws of a Virgin Girl, chapter 3, halacha 8: "For any woman whose rape or seduction does not carry a fine, one who defames her is exempt from lashes and payments. So it is regarding a Gentile woman who converted and a maidservant who was manumitted under the age of three years; even if she was conceived before her mother converted and was born after she converted, one who defames her is exempt from lashes, as it says: 'Because he has defamed a virgin of Israel' -- [this does not apply] until her conception and birth are in holiness."

M. You Shall Not Hate

It is written in the Torah (Leviticus 19:17): "You shall not hate **your brother** in your heart. You shall certainly rebuke your neighbor, and not suffer sin on his account" -- so it is clearly stated in the Torah that this prohibition specifically regards Jews. And so Maimonides wrote in The Laws of Mental States, chapter 6, halacha 6 (in the printed edition, halacha 5): "**Anyone who**

hates a Jew in his heart transgresses a negative commandment, as it says: 'You shall not hate your brother in your heart.'" Thus he also wrote in Sefer HaMitzvot, negative commandment 302, and likewise it appears in Sefer HaChinuch, commandment 245 (in other editions 238).

N. You Shall not Avenge or Bear a Grudge -- And You Shall Love Your Neighbor as Yourself

It is written in the Torah (Leviticus 19:18): "You shall not avenge, nor bear any grudge against **the children of your people**, but you shall love your neighbor as yourself: I am the Lord" -- here also the verse yells out "the children of your people." In Torat Cohanim on the portion of Kedoshim, chapter 4, halacha 12: "You shall not avenge nor bear a grudge against the children of your people -- **but you can avenge and bear a grudge against others**" (that is, against Gentiles -- explanation of the Ra'avad). In the words of Maimonides in The Laws of Mental States, chapter 7, halacha 10 (in the printed edition, halacha 7): "One who avenges against his fellow transgresses a negative commandment, as it says: 'You shall not avenge'." And there in halacha 11 (in the printed edition, the continuation of halacha 7): "What is considered vengeance? If one's fellow said to him 'lend me your ax' and he answered 'I will not lend it to you.' The next day he needed to borrow an ax from his friend. He said to him 'lend me your ax' and the other answered, 'I will not lend it to you, as you did not lend it to me when I requested.' This is vengeance." And there, halacha 12 (in the printed edition, halacha 8): "**Also, anyone who bears a grudge against a Jew transgresses a negative commandment**, as it says: 'You shall not bear a grudge against the children of your people.' How is this? Reuven said to Shimon 'rent me this house' or 'lend me this ox' and Shimon refused. Later, Shimon needed to borrow or to rent and Reuven said: 'See? I will lend it to you, for I am not like you and I will not pay you back for your actions.' One who does so transgresses the commandment 'You shall not bear a grudge'..."

With regards to the second half of the verse, Maimonides wrote in Sefer HaMitzvot positive commandment 206 (according to Rav Kapach's edition): "We were commanded to love one another...and my compassion and love to my brother in faith and religion shall be as my love and compassion to myself..." In chapter 6 of The Laws of Mental States, halacha 4 (in the printed edition, halacha 3): "**It is a commandment** for every person to love **each and every Jew** as he loves himself, as it says: 'You shall love your neighbor as yourself'."

O. One Who Sees Jewish Houses/Jewish Graveyards -- Gentile Houses/Gentile Graveyards

In Berachot 58b this beraitha appears: "The rabbis learned: one who sees inhabited Jewish houses says: 'Blessed is He who establishes the border of the widow,' [if he sees them] in their destruction he says: 'Blessed is the true judge.' **On Gentile inhabited houses** he says '**The Lord will pluck up the house of the proud, but He will establish the border of the widow,**'

in their destruction --he says, 'O Lord G-d of vengeance; O G-d of vengeance, appear!'" Furthermore there: "The rabbis taught: one who sees Jewish cemeteries says: 'Blessed be He who created you in judgement, and maintained you in judgement, and gathered you in judgement and in the future will raise you up in judgement.' The son of Ravina concluded in the name of Rav Nachman the son of Isaac: 'and knows all of your numbers, and in the future He will give you life and establish you in judgement; blessed is the reviver of the dead.' **On cemeteries of the Gentiles** he says: '**Your mother shall be greatly ashamed; she that bore you shall be disgraced: behold the end of the nations is a wilderness, dry land, and desert**.'"²⁶ The exact words of the Talmud appear in Maimonides, chapter 10 of The Laws of Blessings, halacha 11 (in printed editions, halacha 10) and in halacha 22 (in printed editions, halacha 19), and also in the Tur and Shulchan Aruch, Orach Chaim, end of paragraph 224.²⁷

P. 'You [Jews] Are Called Man' -- The Comparison of Gentiles to Animals

In Ezekiel 23:20 it says: "There she lusted upon her paramours, whose members were like those of asses, and whose issue was like that of horses" ('whose members were like those of asses' -- their sexual organs, 'and whose issue was like that of horses' -- means excessive sexual relations, for horses engage in copulation more than any other male animals, 'whose issue' -- spouting of semen like a stream of passing water -- Rashi). This verse is **a parable to the Gentiles**, as is explained there, **and the verse compares them to animals**. This comparison is not by chance, as we will see further on, and it represents the foundation for a number of Halachic laws.

Q. An Ox who Damages a Maidservant

It is written in the Torah (Exodus 21:22): "If men fight and hurt a woman with child so that her fetus departs from her, and yet no further harm ensue, he shall surely be punished, as the woman's husband will lay upon him, and he shall pay as the judges determine." In Mechilta of Rabbi Shimon bar Yochai and in the Midrash HaGadol it is stated: "If men fight -- from here I only have [learned concerning] men, from where do I know that this includes two women or a woman and a man? It is stated: '...shall surely be punished' -- whether a man or a woman. What is taught by 'men'? -- men and not oxen. From here they said: if one's ox injures a woman, [the owner] is exempt from payments for her offspring." And in the Mishnah (Bava Kama, chapter 5, mishnah 5): "An ox which attempted to injure his fellow [ox] and [instead] hit a [pregnant] woman and she aborted her child -- [the owner of the ox is] exempt from payment for her offspring." And there in the Talmud (49a): "Rav Papa said: an ox who injured a pregnant maidservant and she had a miscarriage -- [the owner of the ox] must pay her for her offspring. What is the reason? **For he [the ox] has merely injured a pregnant she-ass**, as the Scripture says: 'Stay here with the ass,' -- **the people who are like asses**." And in the words of Maimonides in chapter 1 of The Laws of Monetary Damage, halacha 4: "[Ones' ox] that injured a pregnant maidservant and she miscarried -- [the owner of the ox] must pay for her offspring charges, for this is similar to injuring a pregnant she-ass." Likewise it appears in the Tur and

Shulchan Aruch, Choshen Mishpat, paragraph 405, section 3. (This exegesis, "A people who are like asses," appears in a number of places in the Talmud; only this example has been presented in order not to prolong the discussion).

R. The Impurity of a Gentile

Concerning the matter of impurity caused by a dead person, it is written (Numbers 19:14): "This is the law: when a man dies in a tent, all that comes into the tent, and all that is in the tent, shall be unclean seven days." In Yevamot 61a, and also in Tractate Bava Metzia 114b, this beraitha appears: "Rabbi Shimon ben Yochai says: Gentile cemeteries do not defile as it says, 'But you My flock, the flock of My pasture, are men.' **You are called men, but the nations of the world [Gentiles] are not called men**" ('do not defile' -- that which overshadows them -- Rashi in Yevamot). This is the wording of Maimonides, chapter 1 of The Laws of The Impurity of the Dead, halacha 13: "And a Gentile does not defile [objects within] a tent. This law is received from tradition. Behold, it says concerning the wars with Midian: 'And whoever has touched any slain' -- and it does not mention there a tent. Also, a Gentile cannot become impurified by the dead. If a Gentile touched, carried, or overshadowed a dead body, he is considered as one who had not come in contact with it. Behold, **to what is this similar? -- To an animal who touched or overshadowed a dead body**. Not only the impurity of the dead alone, but all impurities -- Gentiles and animals are not defiled by them." (The source for this law, that a Gentile does not become impurified, is in Tractate Nazir 61b and in Tosephta on Ohalot, chapter 1, halacha 4 [in the Vilna edition, halacha 2]: "A Gentile, an animal, a child born after eight months of gestation, clay vessels, food and liquids which came in contact with a dead body -- utensils that touched them are pure.") So agreed Nachmanides and the Rashba in their novellae on Yevamot, as did the Yere'im in paragraph 322, and the Raviyah in Hilchot Azharot HaCohanim M'tum'atan page 249 (explained also in Haga'ot Mimoniot Hilchot Evel, chapter 3 halacha 3 section 2, see there, where he states that this is also the opinion of Ritzba), and the Eshkol, end of Hilchot Tumat Cohaim. This is also the opinion of the Gaon of Vilna in Aderet Eliyahu on Chukat 19:18, and also of the Meiri in Yevamot and Bava Metzia there. However, Rabbeinu Tam determined that the Halacha does not follow Rabbi Shimon's opinion regarding the impurity of the tent as the Tosaphot has written on Yevamot there, s.v. *m'maga*, and in Bava Metzia there (page a), s.v. *mahoo*, and so the Rosh wrote in Bava Metzia, and the SM"G in negative commandment 235 -- but for our purposes this does not matter, for even according to the opinion of those who disagree, this foundation is a general one and determines the Halacha in other cases, as will be clarified further on.

S. Gentiles and the Anointing Oil

It is written in the Torah (Exodus 30:22) with regards to the prohibition of pouring the anointing oil: "Upon man's flesh shall it not be poured, neither shall you make any other like it...or he who puts any of it upon a stranger shall be cut off from his people." In the Midrash HaGadol it is stated: "One who pours it on himself or on others is guilty. Is it possible that even if he **poured**

it on an **animal and utensils, and upon Gentiles who are like animals**, or poured it on the dead, he is guilty? It is written: 'upon man's flesh it shall not be poured,' **this excludes those whom I cannot call men.**" In Kritot 6b it is written: "The rabbis taught: one who pours the anointing oil on an animal or utensils is exempt, on Gentiles and the dead, exempt. It is all right about animals and utensils, as it is written: 'Upon man's flesh shall it not be poured'; animals and utensils are not men. [One who pours on the] dead is also exempt, for once one has died, he is called 'dead' and not 'man.' However, [one who pours on] Gentiles, why is he exempt? Aren't they men? It is true, as it is written: 'But you My flock, the flock of My pasture, are men' -- you are called 'men' and the nations of the world [Gentiles] are not called 'men'."²⁸ In the words of Maimonides in The Laws of Holy Temple Utensils and Their Users chapter 1 halacha 6: "One who pours on utensils or on animals **and Gentiles who are similar to them**, or pours it on the dead, is exempt, as it says: 'upon man's flesh shall it not be poured'." We have not found anyone who disputes this halacha.

T. Animal Slaughter by a Gentile

Another example: we learn in the beginning of Mishnah Chulin: "An animal slaughtered animal by a Gentile is considered a carcass and defiles one who carries it." (Even if it was slaughtered according to the Halacha and others observe him, Rashi, Chulin 13a, s.v. *shchitat nocri*.) In the Tosephta there: "All are acceptable to slaughter, even a Samaritan, even an uncircumcised person, and even a man forcefully converted from Judaism. An animal slaughtered by a heretic is like an idol, **an animal slaughtered by a Gentile is unfit, and an animal slaughtered by a monkey is unfit**, as it says: 'And you shall slaughter and eat' -- not the slaughter of a Gentile, not the slaughter of a monkey, and not an animal that was slaughtered by accident." So the slaughter of a Gentile is not kosher because the Halacha considers him similar to an animal, and so it is explained in the words of Tosaphot, Chulin 3b s.v. *k'savar*: "...and their slaughter is disqualified as is that of the Gentiles from 'And you shall slaughter' -- what you slaughter you may eat. And it is you who is permitted to slaughter -- to exclude a Gentile..." Likewise wrote the Rosh in the beginning of Chulin.

However, in chapter 2 of The Laws of Other Principal Categories of Impurity, halacha 10, Maimonides brought a different reason for this law: "A Gentile's slaughter is considered a carcass... it seems to me that even this is²⁹ from the words of the Sages, for the impurity of idol worship and the impurity of its offerings is Rabbinic, as will be explained. And because of idol worship, the Gentiles were distanced and their slaughter was forbidden." But the Ra'avad criticized him and wrote: "Abraham says: this is one of his opinions, and there is none inferior to it, **for the Gentiles are like animals, they don't become impure and cannot defile, 'a people who are like asses,' 'behold, the nations are as a drop of a bucket,'³⁰ and the wind will blow them all away, and one who thinks of them as something [worthwhile] will gather the wind in his fist.**"³¹ (See further the words of Maimonides in chapter 4 of The Laws of Slaughtering halachot 11-12).³²

The matters are, therefore, very clear: in the Tosephta it is plainly stated that an animal slaughtered by a Gentile is unfit for there is no difference between what he has slaughtered and what a monkey has slaughtered, and thus wrote the Rosh and the Ra'avad. Even though Maimonides wrote a different reason for this halacha, we have already clarified similar matters from the words of Maimonides in other halachot, like his reasoning concerning the abovementioned case of pouring oil of anointing. From here we see there is no discrepancy regarding the status of a Gentile in Halacha, just a difference in reasoning for this specific law.

U. Whose Members Are Like Those of Asses

Similarly, we have found in Berachot 25b: "Rav Yehuda said: it is forbidden to recite the *Shema* in front of a **naked Gentile**. But why mention a Gentile? Even in front of a naked Jew it is forbidden. [And it answers]: it is necessary to speak of 'a naked Gentile,' **for one might have thought** that since it is written 'Whose members are like those of asses' **a Gentile is like an ass**. So this statement comes to tell us that 'nakedness' is mentioned in relation to the Gentiles: "'And they saw not their father's nakedness'."³³ And these are the words of Maimonides in chapter 3 of The Laws of Reciting the *Shema*, halacha 16: "As it is forbidden to read in front of feces and urine until one distances himself from them, so is it forbidden to read in front of nakedness until he turns aside. Even a Gentile or a minor -- it is forbidden to read in front of them while they are naked." So wrote the Tur and Shulchan Aruch in Orach Chaim, paragraph 74, section 4. These words speak for themselves.

And in Berachot 58a it is stated: "Rav Shila saw a Jew who had sexual relations with a Gentile woman,³⁴ and he gave him lashes. The Jew went to inform to the king. He said to them: 'There is one Jew who judges without the permission of the king.' The king sent for him and they said: 'Why did you act in such a manner?' Rav Shila answered: 'He had relations with a she-ass.' They asked: 'Do you have a witness?' He answered: 'Yes!' Elijah appeared as a human being and testified. They said: 'If so, his punishment is death.' Rav Shila said: 'From the day we [Jews] were expelled from our land we don't have permission to enact the death penalty. You, however, whatever you wish to do with him, do.' As they were consulting on the matter, Rav Shila said: 'Yours, O Lord, is the greatness, and the power, and the glory, and the victory, and the majesty.' They asked him: 'What did you say?' He answered: 'This is what I said: blessed is the Merciful One who places kingdoms on earth similar to the kingdom of heaven, and has given you governing powers and mercy in your rulings [that you love justice -- Rashi]. They said to him: 'Since you think so highly of us, we will allow you the permission to judge.' [They gave him a stick to give lashes -- Rashi.] When he was about to leave, that Jew asked him: 'Does G-d perform miracles for liars?' Rav Shila answered: "Wicked one! Didn't I tell the truth? **Aren't they called asses?** As it is written: '**whose members are like those of asses**'."

And the Jerusalem Talmud, Berachot chapter 3 halacha 4, states: "It happened once that a man attempted to have sexual relations with the maid-servant of Rabbi [a Gentile maidservant -- Toldot Yitzhak]. She said to him: "if my mistress does not immerse [in the mikveh], I do not

immerse" [for I go together with my mistress to immerse, and she has not yet gone and therefore I am a niddah -- *ibid.*]. He said to her: **aren't you similar to an animal?** ['a nation who are like asses' -- why must you immerse -- *ibid.*] She said to him: haven't you heard that one who has relations with an animal is stoned to death? As it says: 'Anyone who lies with an animal shall surely be put to death'."

Summary

What arises from all the aforementioned is that in the words of the Prophets, and also in the words of our Sages OBM, the Gentiles are thought of as animals. Even so, it clearly does not mean that they are actually treated as animals, and there are distinctions between Gentiles and animals, for we have already seen that the Halacha deems stealing from a Gentile to be forbidden by the Torah's law, while it is clear that stealing from a beast is not considered stealing. Likewise the Mechilta says that judgement of one who intentionally kills a Gentile is given to Heaven and, of course, this is not the case regarding an animal. Also, the Gentiles were commanded to fulfill the Seven Commandments of the sons of Noah -- in contrast, of course, to animals. Nevertheless, we have seen that the status of the Gentiles in Halacha is similar to that of animals in many respects, and generally speaking, there is no real distinctions made between them (further on we will expand slightly this on deep concept).

[2. Between the Jews and the Gentiles -- In the Aggadah, the Kabbalah, and in Jewish Thought](#)

²³See the glosses of the Gaon of Vilna here and the glosses of the Bach on Yevamot 45b; however in The Rulings of the Rid it appears as in the printed edition.[back to text](#)

²⁴So does it appear in the Rid there, and in chapter 1 of The Laws of Kings halacha 4, thus it even appears in the printed edition of Tractate Yevamot 45b; however here it mistakenly appears in the printed edition as "it will not be."[back to text](#)

²⁵So it appears in the manuscripts and in Midrash HaGadol. In printed editions "and not to the father of the woman convert" appears, having the same connotation.[back to text](#)

²⁶Thus is the wording in the precise manuscripts, see Dikdukei Sofrim; in printed editions it appears with slight changes, mostly abridgements of the verses.[back to text](#)

²⁷In the common printed editions of the Tur, the matter of the houses of Gentiles appears with errors, while the matter of their cemeteries is deleted. In the common printed editions of the Shulchan Aruch both laws appear, but 'the nations of the world' is changed to 'worshippers of the stars and zodiac,' as usual. In the version of the Shulchan Aruch that appears in the Mishnah Berurah these laws are deleted completely.[back to text](#)

²⁸See the discussion in the Gemara where some questions are asked on this explanation, and after the questions are answered, the Gemara adds: "It may also be learned according to the Tanna who learned it before Rabbi Elazar: anyone who is included in 'pour[ing]' is included in the prohibition of pouring, and anyone who is not included in 'pour[ing]' is not included in the prohibition of pouring." It is clear that this additional answer is just that, an additional answer,

and the first explanation stands. [back to text](#)

²⁹In the Rome edition: "...that this principal category is from the words of the Sages..." [back to text](#)

³⁰Isaiah 40:15. See there in the commentaries. [back to text](#)

³¹One who searches for these words in the Vilna edition will search in vain, for they were completely deleted by the censor; however a 'remembrance of the destruction' of the Ra'avad's glosses are to be found in the Kesef Mishneh, see there. I have the glosses which appear in the Alumot edition of Mishneh Torah, which recently was re-printed by Eshkol Publications. [back to text](#)

³²Different explanations were written to clarify Maimonides opinion, but this is not the place to discuss them. [back to text](#)

³³This is the wording in The Rulings of the Rid, in the precise manuscripts and in other versions. See Dikdukei Sofrim; in the printed versions it appears with slight differences. [back to text](#)

³⁴In the printed version 'an Egyptian woman' -- and in this entire section many changes were made. [back to text](#)

2. Between the Jews and the Gentiles -- In the Aggadah, the Kabbalah, and in Jewish Thought

Until now we have dealt with differing Halachic sources, scattered throughout the Written and Oral Torah, which ridicule the aforementioned words of Professor Shaki: "For all human beings are born equal according to the viewpoint of Judaism...the equality of man... is primary and one of the foremost foundations of the Torah of Israel..."(!) (It must be emphasized that in the aforementioned list, not all of the halachot that make clear distinctions between the Jews and Gentiles were mentioned. There are dozens, if not more, of Halachic laws of this kind.) We will now deal with the spiritual aspect of the subject -- but first, a brief introduction.

It is well known to all that the essence of the Torah is its inner aspect. This inner aspect is found in all parts of the Torah that are not Halachic: in the Aggadah, in Jewish thought, and in the Kabbalah. **The Halacha represents the practical expression of this inner aspect,** bringing it to action, but behind these Halachic laws stands a spiritual world whose result are these laws themselves. There is not one commandment from the Torah that stands on its own, without foundation or background in the spiritual level. In this section of the essay we will attempt to point out the inner/essential background of the Halachic laws we have previously dealt with.

Below is an anthology of writings by great Jewish scholars, Rishonim, and Achronim which deal with and expand upon the difference between the Jews and the rest of the nations. Here too, we will concentrate only on **the distinction the Torah makes between a Jew and a Gentile,** and we will not deal with everything mentioned on this matter in these parts of the Torah.

'You Are Called Men' -- The Image of G-d in Man

A. The Ra'avad

We have already mentioned the words of the Ra'avad with regards to an animal slaughtered by a Gentile: "**for the Gentiles are like animals...and one who thinks of them as something [worthwhile] will gather the wind in his fist.**" It is clear that this is not a simple Halachic argument merely explaining why he disagrees with Maimonides on matters of Halacha, but rather the expresof an entire outlook concerning the Gentiles. As far as an explanation is concerned, his words speak for themselves.

B. Rabbi Yehuda HaLevi

In the first part of his book The Kuzari, Rabbi Yehuda HaLevi explains at length the nation of Israel's exceptional nature and the difference between them and the other nations. To the Kuzari

king's question (paragraph 102): "Why was the Torah not given to all mankind? Would it not have been better or more commensurate with Divine wisdom?" the Rabbi answers (paragraph 103): "Would it not have been best if all the animals could speak? You have apparently forgotten what I said earlier concerning the genealogy of Adam's progeny: that at first the spirit of Divine prophecy rested on one person, who was chosen from his brethren, and inherited the merit of his father. It was he in whom the Divine light was concentrated. He was the kernel, while the others were as shells which had no share in that light. Thus it was **until the sons of Jacob came**, who all were the meritorious kernel, **distinguished from all the other people** by G-dly qualities, which made them, so to speak, **an different genus** -- an angelic one. Each of them, Divine endeavored to attain the degree of prophecy, most of them succeeded in so doing; even those who were not successful were close to that degree in their pious acts, sanctity, purity, and interaction with the prophets."

So we see that the Jews, because of their special spiritual level, are considered to be a genus different from all the other people.

C. The Maharal

The Maharal of Prague OBM, explains the saying of Rabbi Shimon bar Yochai, "You are called men" in a number of places. In the book *Gevurot HaShem* chapter 44 (page 167) he wrote: "...for even if all human beings have a common shape, there still is a distinction...there are nations who have more of a tendency towards the physical and their actions testify to this, for they are inclined towards lust and abominable things. This is evidence of their materialistic nature...**and as we find animals, which are like an intermediary between man and the rest of the animal world, such as the monkey...likewise there exist men -- who are not completely men.** Therefore he [Rashbi] spoke of, the **complete man** who doesn't gravitate towards materialism too much -- these are **the Jews**, for they possess the complete form without a tendency towards materialism. However, as for the other nations, their form is nullified by their material aspect, until they, so to speak, cease to be 'men,' because their material aspect is primary and their form is secondary -- and in everything which has both a primary and a secondary aspect, the secondary aspect is always nullified by the primary aspect. With the Jews, however, the opposite is true, for their form is primary and their material aspect is secondary, and is therefore nullified."

In chapter 67 (*ibid.*, page 311-312) he wrote: "For even though all human beings were created in the image of G-d, said it is written: 'You are called men and the nations of the world are not called men,' for the G-dly form that was placed in man should not be nullified. In the Gentiles, who are extremely materialistic, this form is nullified by the materialistic aspect until the form itself becomes materialistic. Concerning the Jews, however, the material aspect is nullified compared to the form, and since the material aspect is nullified by the form, they are considered men."

Regarding what is written in Avot, chapter 3, mishnah 17 (in the Vilna edition, mishnah 14), "He used to say, **'beloved is man for he is created in [G-d's] image,'** a greater love spreads upon him because he was created in [G-d's] image, as it is written: 'For with G-d's image He made man;' beloved are Israel, for they are called G-d's children. A greater love spreads upon them, for they are called G-d's children, as is written, 'You are the children of the Lord, your G-d.'" The Maharal wrote in his commentary on Avot, "Derech Chaim," (Hanig edition, page 146; in R' Chaim Pardes's edition, page 354): "Even though it says 'Beloved is man,' **this does not include all human beings,** for Chazal said: **'You are called men and the nations are not called men'** -- as though the completeness of the Creation, which is given to man in particular, is given to the Jews and not to the other nations...And even though this advantage is only possessed by Israel, he said on this matter 'beloved is man' and not 'beloved are Israel,' because there is a great difference [between the two]. Even though this advantage is also possessed by Israel in particular, nevertheless, there does exist the form of man in the nations also. However, **the principal form of man does not appear in the nations. In any case, this image does exist amongst the rest of the nations, but it is worthless,** and therefore he did not say 'beloved are Israel who were created in G-d's image.' Additionally, when man was created, this advantage was only possessed by Adam and Noah, even though they are not called 'Israel.' Though after G-d chose Israel this Image was lessened amongst the nations, nevertheless His image belongs to man in essence, and this matter is clear" (see also "Netzach Yisrael," page 73).

In "Netzach Yisrael" chapter 14 (page 83) it is written: "...Israel is special and separate from all the Gentiles, for the Gentiles are on a materialistic level, whereas Israel is on the 'form' level...as Chazal said: **'You are called men and the nations are not called men,' as though it were an ordinary thing for them, that the comparison between Israel and the Gentiles is similar to the comparison between man and animals who cannot speak,** and this is because man is distinct from animals in that he is not materialistic and physical like the rest of the animal world; man is intelligent. This is the level of Israel, for they are distinguished from the material and are not immersed in it. Likewise with regards to Israel, the material is nullified compared to the soul; the material aspect is merely a transporter with the soul riding upon it, and the material is nullified, just like an ass is nullified and secondary with regards to one who rides on it. So is the matter with Israel, when they fulfil the will of G-d they alone are considered a transcendent form. However, in regards to the nations it is the exact opposite, as though their soul is nullified compared to the body, and as though they are only body and material."

In "Tif'eret Yisrael," at the end of the first chapter, the Maharal wrote: "...what Chazal said: 'You are called men and the nations are not called men'...for the special difference between man and the animals is that man possess a Heavenly soul. Behold, those who possess this Heavenly soul are prepared for Heavenly matters such as prophecy and the Divine spirit, and this matter can only be found in the nation that G-d has chosen. Therefore they in particular are called 'man,' in completeness, in that they possess everything worthy of being called 'man'... Therefore, 'you are called men.' Subsequently, the commandments as Heavenly actions, are particularly related to Israel in their entirety..."

Also in "Gur Aryeh" on the portion of Matot (page 164 s.v. *v'ein ha'goyim*) it is written: "...and this is what they said 'You are called men and the nations are not called men,' **for the difference that exists between the animal world and man exists within you exceedingly**, but the nations are not 'men,' for their souls are immersed in the material, associated with the materialistic animal world, and this matter is clear."

D. The Ramchal

In the book "Derech Hashem," part 2, section 4, the Ramchal explained at length the difference between Israel and the nations of the world:

One of the deepest concepts of G-d's providence involves Israel and the other nations. **With regards to their basic human characteristics, the two appear exactly alike. From the Torah's viewpoint, however, the two are completely different, and are treated as ones belonging to completely different genera...**

Before Adam sinned, he was on a level much higher than contemporary man... In that state, man was on a very lofty level, fit for a high degree of eternal excellence...He would have then sired future generations while still in that state of excellence. Their number would be accurately determined by G-d's wisdom, depending on how those enjoying His good should best be perfected...

G-d had also determined and decreed that all these generations that would have been born of Adam should exist on various pre-determined levels. Some generations would thus be primary, while others would be secondary, like roots and branches. Later generations would stem from the earlier ones [and share their characteristics], like branches stemming from a tree...

However, when Adam sinned, he fell from his original high level, and brought upon himself a great degree of darkness and insensitivity....Mankind in general also fell from its original height, and remained on a degraded level...He was thus only prepared and receptive to a much lower level, and it was in this state that his children were born...they were all born into this degraded state...

Nevertheless, even in the time of his downfall, the elevated aspect that existed in man as a result of his true root was not completely extinguished. Adam was therefore not cast aside completely, and could still return to the higher level. But he was actually on a lower plane with only the potential for the higher level.

Behold, G-d gave Adam's descendants the choice, at that time, to strengthen themselves and strive to elevate themselves from this lower state and regain the higher level. The Highest Wisdom, however, determined the length of time best suited for such an effort...

The Highest Wisdom deemed it fitting that this effort be divided into a period for the roots and another for the branches. The original effort would thus be that of the founding generations, while what would come later would involve the following generations. The whole human race still needed its state to be properly determined and the spiritual damage that had been done to be rectified gradually. The proper procedure...the roots and chiefs of Adam's descendants would first elevate themselves to the rectified level -- once this had been accomplished, both the roots and their branches would remain in this state forever, since the branches always follow the roots.

The time provided for generations to function as roots, however, was limited, so one...who prepared himself properly would permanently become a good and worthy root. He would then be prepared for a **high degree of excellence, appropriate for man in his original state...** He

would also attain the opportunity to produce offspring...on the level and state already attained by him as their root.

The period during which this was possible extended from the time of Adam until the generation of the Tower of Babel. During this period there never ceased to be some righteous people who preached the truth to the multitudes, such as Enoch, Methuselah, Shem and Eber...Man's measure was filled, however, in the generation of the Tower of Babel. G-d's attribute of justice then decreed that the time when men could be considered roots should come to a close. Until this time, things could become a permanent part of these roots, depending on...until this period came to a close.

G-d then scrutinized all mankind, perceiving the levels that should be made permanent in that generation's people according to their deeds. **These things then became a permanent part of their nature in their aspect as roots...**It was thus determined that **they should bear future generations, all possessing the qualities** that were deemed appropriate for their root [ancestor]. **So all human beings were thus divided into permanent genera**, each with its own characteristics and limitations, just as all other genera in Creation...

According to the Highest Judgment, it turned out that none of them deserved to rise above the degraded level...not even a little bit. **But Abraham, being the only exception, succeeded in elevating himself through his deeds, which led to him being chosen by G-d.** Abraham was therefore permanently made into a superior and excellent tree, conforming to man's highest level. It was further provided that he would be able to produce branches [and father a nation] based on his characteristics. The world was then divided into **seventy nations**, each on its own particular level in the general scheme. **All of them, however, remained on the level of man in his fallen state, while only Israel became men in the elevated state.**

After this, the gate was closed on the era of roots. Things would then be directed and brought about on the level of branches, each one according to his nature.... When this period ended, things were judged and made permanent, and a new era began. This is the era of branches, which is still ongoing...

The verdict, however, was not that the other nations should be destroyed. It only meant that they would have to remain on the lower level that we have discussed. This lower state **of man should never have existed**, had Adam not sinned... **These nations still have the human aspect, blemished though it may be**, so G-d desired that they should at least have a part of what was **actually appropriate for the true mankind**. He therefore granted them a divine soul somewhat like that of the Jew, even though it is not on the same level as Jewish souls are, but on a much lower level. They were likewise given commandments through which they could attain both material and spiritual advantages appropriate to their nature -- the Seven Commandments given to the children of Noah.

In the World to Come, however, there will be no nation other than Israel. The souls of righteous Gentiles will be allowed to exist in the Future World, but only as an addition and attachment to Israel. They will therefore be secondary to the Jews, just as a garment is secondary to the one who wears it. All that they attain of the ultimate good will have to be attained in this manner, since by virtue of their nature they can receive no more.

Jews, therefore, are the "true humanity," whereas the Gentiles are only "on a low level of humanity"; Jews "are true humanity from its authentic roots," whereas the other nations are "all on the level of Man in his fallen state" -- and therefore "are treated as ones belonging to completely different genera."

One who reads the words of the Ramchal will notice how precisely he chose them and how

accurately they represent the words of Rabbi Shimon bar Yochai, "You are called men."

E. Rabbi Abraham Issac HaCohen Kook

In the book "Orot," Orot Yisrael chapter 5, article 10 (page 156), Rabbi Kook wrote: "**The difference between the Jewish soul**, in all its independence, inner desires, longings, character and standing, **and the soul of all the Gentiles**, on all of their levels, **is greater** and deeper **than the difference between the soul of a man and the soul of an animal**, for the difference in the latter case is one of quantity, while the difference in the first case is one of essential quality."

F. Rabbi Charlap

In the book "Mei Marom" on Tractate Avot, Rabbi Charlap wrote on the aforementioned mishnah (page 174): "And it is well known that the argument of the nations is that they will say, 'Come, let us go to the mountain of the Lord, to the house of the G-d of Jacob; He will teach us of His ways, and we will walk in His paths' (Isaiah 2)...from this aspect they also possess the level of 'man' -- however, this aspect is not theirs. It is only latent and concealed within them through by virtue of the Jews, and this virtue is called 'man.' This is what is meant by 'beloved is man who was created in [G-d's] image.' However, **a greater love spreads upon Israel, for upon them appears the light of G-d's image in all its holy shining**...Therefore only Israel cling to the Living G-d, 'And you who cling to the Lord your G-d are all living today' -- you, the Jews, and not the nations of the world..."

G. Rabbi Tzadok HaCohen of Lublin

In the book "Poked Akarim" page 19, column 3, he wrote: "Concerning what is explained in Yevamot, 'You are called men,' and not the other nations, [the meaning is] that the Gentiles were deprived of the title 'men' only where Israel were called 'men,' **because in comparison to I, who are the primary form of man in the Divine Chariot, it is irrelevant to call any of the Gentiles 'men'; at most, they are like animals in the form of men. Taken as themselves, however, all the children of Noah are considered men**...and when the Messiah comes...they too will recognize and admit that there are none called 'man' except Israel...anyway, in comparison to Israel even now they are in the category of animals..."

In "Pri Tzadik" part 1, page 30, column 3, he wrote: "...before the Giving of the Torah, the souls of the nations and of Israel were all at one level, for good and evil and the filth of the snake were all combined. When Israel received the Torah and were chosen to be a special nation, the filth ceased to exist in them and consequently, **the roots of their souls were separated** [from those of the Gentiles]...And all the good was rooted and set aside for the souls of Israel, and all the evil found root in the souls of the other nations, for they all are part of the evil and Satan's camp..."

He wrote similarly in "Pri Tzadik," part 5, page 76, column 2: "...for **the nations, whose inner essence lacks any root of holiness**, can easily be caused to falter...which is not the case concerning the holiness of Israel, who in their inner roots are clinging to G-d..."

In "Takanat HaShavin," page 31, column 1 he wrote: "...for the source of the souls of Israel is from a different chamber than the souls of the other nations...and this soul has no connection whatsoever with the soul of the nations. Therefore, even if one converted to idolatry he is still considered a Jew with regards to the laws of marriage and divorce..."

H. The Arizal and Rabbi Chaim Vital

On the difference between souls of the Jews and Gentiles it is written in the book "Etz Chaim" (Heichal Abi'a, Sha'ar HaKlipot, chapter 2):

"So we find that **Israel possesses the three levels of soul (*nefesh, ruach, neshama*) from holiness... The Gentiles, however, possess only the level of *nefesh* from the feminine side of the *klipot*...**for the souls of the nations, which come from the *klipot*, are called 'evil' and not 'good,' are created without the *da'at* [knowledge], and therefore they also lack the *ruach* and *neshama*."³⁵

In Sha'ar Klipat Noga, chapter 3, it is written: "Now you will understand what the animalistic soul of man is; it is the good and evil inclination in man. **The soul of the Gentiles comes from the three *klipot*: wind, cloud, and fire, all of them evil.** So is the case with impure animals, beasts, and birds. However, the animalistic soul of Israel and the animalistic soul of pure animals, beasts, and birds all come from [*klipat*] *noga*."

In "Midrash Shmuel" on Tractate Avot (written by Rabbi Shmuel Di Osida OBM -- one of the Kabbalists from Safad, who learned Kabbalah from the Arizal) on the aforementioned mishnah it is explained as follows:

Afterwards, I asked the magnificent and G-dly sage Rabbi Chaim of Vital to explain...if the sons of Noah are included in 'beloved is man who was created in [G-d's] image' or not. He answered that definitely the wicked [perhaps this is a distortion of the censor and it should state 'the Gentiles'] are not included in this statement, and the reason the term 'man' was used is because it is a more important title than 'Israel'...additionally, the quarry from which the soul of Adam was taken is higher than that of Jacob our forefather...**and since Adam was created in G-d's image so all men follow him**, that is to say, **the holy and pure amongst them and the entire Jewish nation.** Regarding the reason why the mishnah brings an argument from the verse 'For in G-d's image He made man,' which seemingly alludes to the Seven Commandments of the sons of Noah, he answered that it would have been sufficient for the verse to have said, 'Whoever sheds a man's blood, his own blood shall be shed,' so why is it written 'man's'?... It comes to tell us the reason why G-d decreed that one Gentile who kills another is punishable by death, for in reality **who cares if a Gentile is killed, and punishment**

by payment would have been sufficient. Perhaps, however, a righteous man is destined to come out of his lineage...therefore G-d was stringent concerning the killing of a Gentile for, in effect, one who kills a Gentile is actually killing that potential righteous man, and therefore it is written 'Whoever sheds a man's blood by man shall his blood be shed,' he spills the blood of that potential righteous person...and because of this aspect of holiness within a Gentile he is called 'man,' for if not, behold it is stated 'you are called men,' etc...

I further asked him whether from every Gentile righteous people are destined to emanate. If only there were one righteous Gentile from a city and two from a family!...yet 'his blood shall be shed' is part of a general verdict...He answered that a Gentile who murders is put to death only if there are witnesses, as the Targum Onkelos there translated the word *b'sahadia* [according to the witnesses], and if there aren't witnesses, he is exempt. Therefore G-d, Who knows the future, arranges that there would be no witnesses to the killing of a Gentile who does not have the potential of producing a righteous person from his lineage...

I. The Tanya

In the Tanya chapter 1 (page 5b) it is written: "The explanation of this matter is according to what the Rabbi Chaim Vital OBM wrote...**that every Jew**, whether he is righteous or wicked, **has two souls**, as it says, 'And the souls I have made' -- that is, two souls: one soul **from the side of the *klipa* and Satan's camp**... also naturally good character traits that are found in every Jew, such as mercifulness and charitable deeds, stem from it, for in the Jew, the soul of this *klipa* comes from *klipat noga* **which also contains good**...**But it is not the case** concerning Gentile souls, **for they stem from other impure *klipot* which contain no good**...**and the second soul of the Jew is surely part of G-d on high**..."

In the end of chapter 6 it is written: "The *klipot* are divided into two levels...the lower level consists of three impure and completely evil *klipot* which contain no good whatsoever...from there the souls of the Gentiles are influenced and drawn, as are the bodies and the souls of all impure animals which are forbidden to eat...However, the vital animalistic soul in the Jews, which stems from the *klipa*...and the souls of pure animals, beasts, birds, and fish which are permitted to eat...are influenced and drawn from the second level of the *klipot*...which is called *klipat noga*...and the majority of it is evil, combined with a slight amount of good..."

It is evident that what Ra'avad, Rabbi Yehuda HaLevi, the Maharal, the Ramchal, Rav Kook, Rav Charlap, and Rav Tzadok wrote in the language of the Revealed Teaching, each in his own style, has been said by the Ari, Rabbi Chaim Vital, the "Midrash Shmuel," and the Tanya in the language of the Secret Teaching -- and the intention is the same.

J. The "Tosephot Yom Tov"

We have found, however, slight differences in the "Tosephot Yom Tov" commentary on the aforementioned mishnah: "'Beloved is man for he is created in [G-d's] image'... **Rabbi Akiva spoke of all men**...and Rabbi Akiva's intention was all men including the Gentiles. Maimonides stated explicitly in chapter 8 of The Laws of Kings (halacha 10): 'Moses our teacher was

commanded by the Mighty One to force the Gentiles to accept the commandments of the sons of Noah...Anyone who accepts the Seven Commandments and is careful to fulfill them is considered a righteous Gentile and receives a portion in the World to Come. **This depends upon him accepting and fulfilling them because G-d had so commanded in the Torah...** And for Rabbi Akiva came to communicate to the entire world what we have been commanded by Moses our teacher as Maimonides stated...And it is appropriate to say that they were created 'in an Image' -- however, [the mishnah] did not mention whose image it is -- namely "G-d's" -- as it is mentioned in the verse. These are also words of rebuke, to reprove and inform them that they are created in an image -- but in what type of image? In the image of G-d...**however, since they do not fulfill His commandments**, and even if they do, it is not out of knowledge that G-d commanded them -- **behold, they are lacking the designation of G-d's image...**"

K. The "Tif'eret Yisrael"

On the aforementioned mishnah he wrote: "...since the mishnah ends with the words 'Beloved are Israel,' we understand that the beginning is speaking about all mankind, that is to say, even Gentiles. Another consideration is that the Tanna derives his statement from the verse '[G-d] made man' which includes Gentiles, too, for this was said to the sons of Noah...from this we understand that **the Gentiles also possess G-d's image of G-d...**"

And in his commentary on this mishnah in "Boaz," he interpreted the saying "You are called men" in a very surprising fashion:

...therefore, Israel and the other nations each have their own unique levels. **The advantage the nations have over Israel is that they have actually made themselves through their own free will and their own might**, and **this is certainly an advantage over Israel** who were completed only through Heavenly intervention...that G-d did wonders to complete them...Nevertheless, Israel also possess a unique level, for the Gentiles have reached their levels only through their own human intellect. Therefore, there are many commandments in the Torah which are above and beyond the human intellect, as are all the decrees [*chukim*, that is, laws which have no rationale behind them] of the Torah. The Gentiles do not observe these commandments, since they do not understand them.... Therefore, any of them who is ignorant...is still wallowing in the abominable filth of the earlier generations, as the majority of the inhabitants of Africa do...

Correspondingly, the completion of the level of Israel is similar to that of Adam, for all people are created without knowledge at birth, and with time and learning the intellect develops...but this was not true in the case of Adam, who was created at his full height and stature...with knowledge and intellect, and the realization of all his responsibilities. Therefore he was judged similarly to Israel in that he too was the handiwork of G-d, as Israel were... Therefore, every place in the Torah where it says 'man,' the sole intention is Israel...for the term 'man' is not fit for them [the nations], for they gained their status only through difficult efforts and do not resemble Adam at all. However, every place where it is written 'the sons of man' includes the Gentiles also.... In conclusion, therefore, **the fact that only Jews are called 'man' is not particularly praise for them**, it only testifies that not they themselves peeled the thick layer from over their closed hearts, but rather it was the result of their being G-d's handiwork.

The approach presented here is, undoubtedly, entirely different from what we have previously seen. (Attention should be paid to the large differences between the "Tif'eret Yisrael" and "Tosephot Yom Tov").

L. Rabbi Tzvi Chiut

Rabbi Tzvi Chiut has an opinion similar to that of the "Tif'eret Yisrael." Thus he wrote in his novellae on Yevamot 61a (printed at the end of the Vilna edition of that tractate): "Incidentally, **the intention of Chazal here is not to exclude the other nations from the term 'man,'** but rather to explain that wherever the word 'man' is used on its own in the Torah or Holy Writ, the intention is only the Jews, as in the religious literature and customs of any particular nation wherever it is stated 'All men are warned or obligated to do such and such,' the intention is only to those to whom it pertains. Similarly in the Torah and in the Prophets, wherever the term 'man' is used on its own, it pertains only to the Jews, for it is only they who are addressed, with the obvious exception of prophecies explicitly directed to the other nations; and the matter is simple."

M. The Zohar

The opinion of the Zohar on this subject is crystal-clear, unlike the words of the "Tif'eret Yisrael" and Rabbi Tzvi Chiut. In "Raya Mehemna" on the portion of Pinchas, page 238b it is written: "'And G-d said: let us make man'...that is, 'let us make mankind in our image, after our likeness,' **and the rabbis established that there is no 'man' except for the Jews,** as it states: 'But you My flock, the flock of My pasture, you are men' -- You are men and not the other nations, and because of this 'let Israel rejoice in Him who made them'."³⁶

On the portion of Yitro (page 86a) it is written: "Rabbi Shimon taught: Israel merited that G-d called them 'men,' as it is written 'But you My flock, the flock of My pasture, you are men,' 'If any man of you brings an offering.' Why are they called 'men'? For it is written '**And you who cling to the Lord your G-d' -- you and not the other nations,** and because of this 'you are men' -- you are called men..." And the Ramak OBM wrote on this in his commentary "Or Yakar" (volume 8, page 214): "...G-d testified for the Jews that they cling to the secret of nobility and the supreme form which is called 'man,' as it is said, "If any man of you bring an offering," which shows that you [the Jews] are 'men' and the nations are not 'men,' and this explanation is necessarily derived from the verse, 'But you My flock, the flock of My pasture, you are men,' the explanation of which apparently is: you are called 'men' and not the nations of the world. From there we learn what 'if any man of you bring an offering' means -- and this is what these two verses teach us. So he testified that **this level cannot be achieved by any human being except the Jews alone...**"

On the portion of Breishit (page 20b) the Zohar says:

These lights sketch the lower figure to fix the figure of all those who are included in the term "man," an inner figure -- [which is called the "face of man" -- the Sulam commentary]. **For all figures are called "men,"** and all figures which are included in this expansion are called "men," **as the verse says "you are men," you are called "men."** You and all the spirits are called "men." [For all inner figures are thus called -- "the face of man"... for all figures included in this expansion...are called by the name 'men'...and this is what is written "You are 'men'...**the souls are also called by the name "men,"** as they interpret the verse, "You are called men"... and all the spirits are also called by the name "men," that is to say, only an aspect of the light of the spirit, whose dress is the body, is called by this name, "men" -- the Sulam.] The spirit of the holy side, his body is only a dress of the 'man,' and this is what is written, "You dressed me in skin and flesh, and covered me with bones and sinews"...The flesh is only the dress of "man," as is written, "flesh of man" -- **the "man" is inside, and the flesh is only the dressing of the "man"** -- his body. **The lower aspects,** which were blended from this spirit [the "face of man" -- the Sulam], became an essence from which figures were sketched -- figures which were covered by different dresses [and not by the dress of "man" -- the Sulam], that is, the figures of **pure animals:** "The bovine, the sheep and the goat; The gazelle, the deer and the fallow deer; and the ibex and the addax; and the wild ox and the wild sheep" -- and these could be covered by the dress of the "man" [the "face of man" -- the Sulam], that is, by the body of the "man."

The Ramak wrote in his commentary "Or Yakar," (volume 2, page 31): "'His body is only a dress of the "man," etc.' -- this means that **although one may find that the bodily features of the Gentiles and the Jews are the same, the meaning of the word 'man' is not the body.** For were it so, their saying "'You are called man' would not be just. **But rather the body is only a dress of what is within him -- namely the spirit,** and the body is only a dress for the spirit, that is the 'flesh of man': 'man' -- the spirit, 'flesh of man' -- the garment of man. **And for this reason the Jews, who are holy, are called 'men.'** 'The lower aspects, which were blended, etc.', they are holy and not impure, but not at the level of man; however they are blended from the holy spirit, which expands increasingly, and reaches the final levels of holiness..."

In continuation of the Zohar there it is written:

...in a similar fashion [as it is with the holy spirit of "man" apure animals -- the Sulam] it is concerning Satan's camp, which is impure. **The spirit which spreads to the other nations stems from the impure side,** and is not the aspect of "man" -- and therefore it is not called by this name and does not have a share in it. [As was mentioned previously, "You are called men, etc." -- the Sulam]... Its body is the dress of "impure" [the spirit whose name is "impure," and it is not called by the name "man" and has no share in it -- the Sulam], the impure flesh in which the impure spirit is dressed... **The lower aspects,** which were blended from this spirit, became an essence from which figures were sketched -- figures, which were covered by different dresses, that is, the figures of **impure animals,** and the Torah started describing them with the words, "And these are impure for you" -- such as the pig, birds, and animals of Satan's camp. The spirit which permeates them is called impure, and their bodies are the dress of that spirit, therefore it says, "flesh of pig" -- pig is it inside, and the flesh is only the dressing of the "pig."

Therefore **these two sides separated one from another: one is included in the secret of "man"** ["the face of man," -- the Sulam], **and the other is included in the secret of**

"impure." And every genus takes the side of the genera similar to it, and clings to them. [That is, the spirit of "man" represents the general aspect of the side of holiness, and the spirits of pure animals, beasts, and birds represent its particular aspects, derived from the general one. On the other hand, the spirit of a "wicked man" represents the general aspect of the impure (side), and the spirits of the impure animals, beasts, and birds represent particular aspects derived from it. These are two opposite orders. Animals of every species are attracted to their specific species, without mixing with the opposite side; even if they did mix at one point, finally they will return to their species -- the 'Sulam'.]

These are the the Zohar's words.

Behold, before us lies the inner, deep explanation of the words of Rashbi, "You are called men," and also an exalted and faithful source for the aforementioned words of Rabbi Chaim Vital and the Tanya.

Furthermore, in the portion of Bereishit (page 47a) on the verse "Let the waters teem with swarms of creatures that have a living soul" the Zohar writes: "Rabbi Aba said: the verse 'creatures that have a living soul,' pertains **to the Jews**, for they are the **sons of G-d, and from Him come their holy souls... And the souls of the other nations**, where do they come from? Rabbi Elazar said: they have souls **from the impure left side**, and therefore they are all impure, defiling anyone who comes near them."

In the continuation there it is written: Rabbi Elazar said: it supports what we said above, **'that have a living soul' -- these are the Jews**, for they have the high and holy living soul. And the verse, **'Animals, creeping things, and beasts of the earth, each to its kind,' refers to the Gentiles**, for they have no living soul, but only the prepuce, as we said above [that they stem from powers of the left side which defile them -- the Sulam]."

In the end of the portion of Vayikra (page 25b) the Zohar says: "Come and see the difference between Israel and the rest of the nations. Even though a man from Israel merited only a *nefesh*, he remains on his level; [and the higher levels are also open before him -- the Sulam] if he wants to merit *ruach* or if he wants to merit a *neshamah*...[in the printed editions it is added: 'he can obtain and merit it' and thus also explains the Sulam]. The Gentiles, however, can **never obtain more** [than their impure *nefesh*, -- the Sulam] except if one of them is circumcised, for then he merits '*nefesh for nefesh*' -- a *nefesh* from a different source [from the holy side-- the Sulam]. In 'Or Yakar' (volume 12, page 100) it is explained: "Can never obtain more; **even the righteous Gentiles** do not merit holiness, except only from superficial levels..."

The Zohar's words are very clear, and most definitely cannot conform to the words of the "Tif'eret Yisrael" and Rabbi Tzvi Chiut.

Summary

We have seen two opinions concerning the question of whether or not the Gentiles possess G-d's image and the interpretation of the saying "You are called men.":

1. The Ra'avad and the Kuzari, the Maharal and the Ramchal, Rav Kook and Rav Charlap, the Ari and the Ramak, Rav Chaim Vital, the Tanya, Rav Tzadok HaCohen and the Midrash Shmuel all stated in the same manner -- the Gentiles are considered similar to beasts, lacking the complete G-dly image, and [the grounds for] their words are explicated in countless places in the Zohar. (The quotes from the Zohar previously brought are just a few examples of statements which appear throughout the Zohar and Tikunim).

2. In contrast, we have seen the opinions of the "**Tif'eret Yisrael**" and **Rabbi Tzvi Chiut** (who apparently never saw the words of the Zohar and the aforementioned great Torah scholars) that the Gentiles are also considered "men" and also possess G-d's image.³⁷

If we had to choose between the two opinions, undoubtedly **the weight** of the Zohar and the giants of Kabbalistic wisdom and Jewish thought **is beyond any comparison greater than of the 'Tiferet Yisrael' and Rabbi Tzvi Chiut**. Moreover, **even the Halachic sources presented in this essay, express a view totally different** from that of these two Torah scholars. How, for example, would they consider the words of Midrash HaGadol concerning pouring of the anointing oil: "...if it was poured on an animal or utensils, or on Gentiles who are like animals...?" Or the words of the Tosephta in the beginning of Chulin: "...an animal slaughtered by a Gentile is unfit, and an animal slaughtered by a monkey is unfit...?" Or the words of the Talmud in Bava Kama 49a, that a pregnant maidservant is like a "pregnant ass"? Or the statement of Rav Shila in Berachot 58a: "Are they not called asses"? Furthermore, in the words of the prophet Ezekiel the son of Buzi the Gentiles are also likened to animals.

Additionally, all **those Halachic laws** that we mentioned, like the ones concerning murder of a Gentile or saving of his life, causing damage to his property and returning his lost item, seem unjust **and incomprehensible according to approach of these two scholars**. **If a Gentile also possess G-d's image, why isn't a Jew who murders him for no just reason put to death**, as it is written (Genesis 9:6), "Whoever sheds a man's blood, through man shall his blood be shed, for in G-d's image he made the man"? According to the words of the prophet, the sayings of Chazal and almost all of the great Torah scholars, that the Gentiles in truth are not called "men" it is understood; only one who murders a "man" in the full sense of the word is put to death by a Beit Din. However, according to the "Tif'eret Yisrael" and Rabbi Tzvi Chiut, if Gentiles are also "men," what is there to say?³⁸ (In an attempt to rationalize and understand how they could have written words so far removed from the words of Chazal, it can be said that the "Tif'eret Yisrael" and Rabbi Tzvi Chiut wrote what they wrote words in the atmosphere of blood libels and pogroms against the Jews. They saw fit, therefore, to explain the matters in a way that would put the minds of the slanderers and censors at rest. The truth, in any case, remains the same.)

Another example -- how can one explain the fact that there were Tanna'im who held that it is

permitted to steal from and rob a Gentile according to the Torah's law? What place is there for such an opinion if indeed G-d's image is present in Gentiles? **How can stealing from another person be permitted?** However, according to the view that G-d's image is present in Gentiles only in an insignificant measure, and that their souls come from an impure source similar to that of unclean animals, the difficulty disappears -- just as there is no prohibition against stealing from an animal, so too is it permitted to steal from a Gentile, for the difference is merely quantitative and not qualitative, as is explained in the aforementioned words of Rav Kook. While the view which maintains that stealing from a Gentile is prohibited by the Torah -- the view which Halacha follows -- is based on the consideration that the difference existing between Gentiles and the beasts is sufficient to prohibit stealing from Gentiles.³⁹

Conclusion

From all that mentioned above it is clear that views presented by certain personalities, including [former] Knesset member Professor A. Shaki, Rabbi Lichtenstein and Rabbi Amital, and Mr. Yochanan Ben-Ya'akov, do not represent the truth of the Torah. Simple and clear Halachic laws, whose foundations are in the words of the Living G-d, clearly state the difference "between the two bloods" (in the words of Ms. Huberman) -- between Jew and Gentile.

There is no escaping the facts: the Torah of Israel makes a clear distinction between a Jew, who is defined as "man," and a Gentile. This distinction is expressed in a long list of Halachic laws, be they monetary laws, the laws of the Temple, capital laws or others. Even one who is not an erudite Torah scholar is obligated to recognize this simple fact; it cannot be erased or obscured.

It is clear to every Jew who accepts the Torah as G-d's word from Sinai, obligatory and valid for all generations, that it is impossible to introduce "compromises" or "renovations" into it. Any attempt to bypass or ignore certain things will not succeed. Perhaps one may view the aforementioned Halachic laws as an expression of racism; another may see in them baseless hate towards any Gentile. However, for the Jew who is devoted to the Torah as it is, this is the reality and the living path which has been set for the Jewish nation by the word of G-d.

One who carefully studies the sources cited previously will realize the abysmal difference between the concepts "Jew" and "Gentile" -- and consequently, he will understand why Halacha differentiates between them.

The Torah of Israel is a set of instructions for life, and about those who cling to it as it is, the verse says: "And you who cling to the Lord your G-d, you are all living today."

In conclusion, there is nothing more appropriate and fitting than the words of Rav Kook in "Orot" (Orot Yisrael 8, paragraph 5, page 169): "The expansiveness of heart which occasionally attempts to consume the entire world, all humanity, into the special love which spreads over Israel, calls for examination. When the recognition of the special, holy excellence of Israel

endures in its distinction, and through this clarification, love and affection spreads with good cheer to every nation and person as one, this is the character trait of Abraham our forefather, the father of many nations, [of whom it is said,] 'And in you shall all of the families of the earth be blessed -- and in your seed.' Sometimes, though, the foundation of this expansion of affection stems from a dullness of emotions and a dimming of the holy light of recognition of the supreme Jewish uniqueness, **and then it is poisonous**, and the content of its activation is full of **awesome destruction**, from which one must distance himself as he would from an ox which has been proven dangerous, [as it is said,] 'And the gate is battered to ruins,' 'I myself have seen it gore as an ox'."

³⁵And in the continuation there: "This is also the secret of what Chazal said: 'It is forbidden to have mercy on one who lacks *da'at*,' for one who lacks *da'at* comes from the *klipot* lacking *da'at*, and therefore one who has mercy on him causes the spreading of the supreme mercy to the *klipot* as well..." According to this it is possible to understand the Gemara which I mentioned above regarding the lost item of a Gentile (Sanhedrin 76b): "...one who returns a lost item to a Gentile, of him the verse says: 'To add drunkenness to thirst; the Lord will not spare him'." [back to text](#)

³⁶All citations from the Zohar are according to the version in which the commentary "Or Yakar" by Rabbi Moshe Cordovero appears, printed according to a manuscript 400 years old (excluding parts that have yet to be published in this edition). Rabbi Eliyahu Di Vidas OBM, a student of Rabbi Moshe Cordovero, wrote in the end of his introduction to the well known book of the Ramak, "Reshit Chochma": "In most passages of the Zohar one may find many differences between the printed edition and ours. However, our version was proofread according to the hand-written manuscripts here in Safad, which are highly accurate." [back to text](#)

³⁷It must be pointed out that in the aforementioned booklet, "Chaviv Adam Shenivra B'tzelem" by Yochanan Ben-Ya'akov, Director-General of B'nei Akiva, the author, dealing with the aforementioned mishnah in Avot (beginning on page 5 in the booklet), quotes only the commentary of the "Tif'eret Yisrael." He similarly treated the statement of Rashbi, "you are called men" (page 13 in the booklet). Mr. Ben-Yaakov knew well to quote Rabbi Adin Steinzaltz on this subject, and even went as far as to quote the heretical words of Dr. Yehezkel Cohen, which one is forbidden to bring into the *beit midrash*. But the words of the majority of Torah scholars, both quantitatively and qualitatively, he apparently never heard. These two points exemplify how little effort the author made to deeply understand the subjects he dealt with; instead he merely wrote things that fitted his own outlook. [back to text](#)

³⁸And indeed, the holders of this outlook recognize this difficulty and therefore they had to appeal to strange dialectics. Rabbi A.A. Kaplan found himself in a difficult position concerning this subject and presented the answer that while the prohibition of killing a Gentile has the same severity as that of killing a Jew, the Beit Din may pass a death sentence only in a case where the soul of the one being put to death is equal to the soul of the murdered, and since the soul of a Jew is higher than that of a Gentile, he is not put to death. Rabbi Aharon Lichtenstein also adopted this idea (a synopsis of his lecture is brought in the aforementioned booklet, page 72). However, they forgot an explicit mishnah in Bava Kama, 4:6, and an explicit Gemara, *ibid.* 41a,

that an ox which kills a man is punished by death, yet if he kills a Gentile, he is acquitted.

According to their explanation, why isn't the ox killed? [back to text](#)

³⁹Here, too, Rabbi Lichtenstein is mistaken. In the synopsis of his lecture, which was mentioned in the previous footnote, he wrote (page 73 of the booklet): "If we are speaking of injury, robbery, fraud, or the like, things which can be reproached according to any universal standard we might use -- behold, they must be prohibited also in regards to the Gentile." According to what we have clarified above regarding robbery of a Gentile, the approach of the Jerusalem Talmud, the Tosephta in Avodah Zarah and the Sifri on the portion of V'zot HaBracha is that robbery of a Gentile is permitted by the Torah. This is also the opinion of some Rishonim and Achronim, and there seems to be no reason as compelling as Rabbi Lichtenstein thinks. True, Halacha states that robbery of a Gentile is forbidden by the Torah, but a clear-cut and simple view of the kind of 'there is no need to say...' does not exist here. [back to text](#)

"These are the generations of Jacob. Joseph was 17 years old" (Genesis 37:2).

For this portion we will bring the opinion of our rabbis, the greatest of the *Rishonim*, about the words of *Aggadah* and the *Midrashim* said by Chazal.

We will begin with Rashi. "And these are the generations of Jacob (that is, after the Scriptures detailed the chronicles of Esau), these are their dwelling places and their turns of fortune until they came to a permanent habitation... Joseph was 17 years old, etc. Through this they had to turn around and go down to Egypt. This is according to the plain meaning of the text, **that each word is stated in its proper way.**" Rashi goes on and continues from the *Aggadic* medrashim, "**But the *Aggadah* interprets:** The Biblical text ascribes the generations of Jacob to Joseph...the former was hated and the latter was hated, etc.,"

About this the Rashbam, his grandson, writes words which enlighten and are worthy of quoting in full, despite their length. "**And those who love wisdom will be wise and understand;** that which our rabbis taught us, that the Scripture does not come out of the plain meaning of the text, even though the essential nature of the Torah comes to teach us and inform us through hints of the plain text, the *haggadot*, halachot, and the laws, by lengthening its words, by the 32 methods of Rabbi Eliezer, the son of Rabbi Yossi the Galilite, and through the 13 methods of Rabbi Ishmael. The *Rishonim*, in their piety, tended to follow the interpretations which are the essence **and therefore were not accustomed to the depth of the plain Biblical text.** As the sages said (Brachot 28b), "So not overly ply your sons with logic," and they also said (Baba Metzia 36a), "One who deals in Scriptures has a certain measure, one who deals with the Talmud knows no greater measure." Therefore they had not been made used to the plain meaning of the Scriptures. As is said in the tractate Shabbat 63a, "I had been studying for 18 years, and I had learnt the whole Talmud, yet I did not know that a verse cannot depart from its plain meaning." And Rabbeynu Shlomo, the father of my mother, he who enlightened the eyes of exile, who interpreted the Torah, Prophets, and Writings, sought to interpret the plain meaning of the Bible, and even I, Shmuel the son of Meir his son-in-law OBM, argued with and before him. **He admitted to me that had he the leisure he would have given different interpretations according to the plain meaning which renews itself each day.** Now the educated ones will see what the *Rishonim* interpreted: "These are the generations of Jacob: These are the events and happenings which happened to Jacob, etc. [the generations of Jacob are ascribed to Joseph, etc.]", **and all this is a nonsense.**"

See, student, that the Rashbam relates to the words of the *midrashim* as a nonsense; not only that, but he claims the scholars do not deal at depth with the plain meaning of the text. Even his grandfather Rashi admitted this to him, and therefore Ibn Ezra is not the only one who held that opinion. To show that there are many others like him, we will cite the Radak on I Kings 18:26, "**And in the *Aggadah* there are things far from the intellect.**"

And in conclusion we will copy the words of the Eshkol in "Laws of a Torah Scroll," page 60a,

"And Rav Shrira said, 'All this is said about the matters learnt from the verses themselves, but the matters read from *midrash* and *aggadah* are speculations, and there are those which are so, such as the words of R. Yehuda about the matter of "and this for Judah," etc., **and there are many not so, like what Rabbi Akiva said, that the man who gathered wood [in Numbers 15] was ZELOFCHAD, and what Rabbi Shimon said, that the fast of the tenth is the tenth of Tevet,** and they recalled the opinion of each and every one, and we, according to his wisdom a person will praise. And so the *aggadot* that the students of the students said, such as Rav Tanchuma and Rabbi Oshaya and their like, are mainly not so; therefore **we do not rely on the words of Aggadah.** But those of them which are true are those approved by the intellect and from the Scriptures. There is no beginning nor end to the *aggadot*, etc., and Rav Hai OBM, etc., for our principle is that one does not rely on the *aggadah*, etc."

From all of these you who seek knowledge see how exact were the truly great men, Rashi, the Rashbam, Ibn Ezra and others, not to mention Rambam and his son and all the wise and honest scholars. They all stood fast and said that only the intellect determines which of the scholars' words should be brought close and which rejected, that the plain meaning of the texts is the start of a true explanation of the words. It is specifically in the plain meaning of the words that their truth is found and not in the words of *aggadot* and *midrashim* and all sorts of stories which have nothing to rely upon. Remember and observe that the *aggadot* will not guide you; only common sense and pure logic will show you the way to go.

Words of true knowledge.

The Jews Are Called 'Man'

Tzfi'a 3

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5749

The Distinction between Jews and Gentiles in Torah

Rabbi David Bar Chaim

Yeshivat Mercaz HaRav

Introduction

Over the past few years, there has been a recognizable trend amongst different circles in the religious community -- a humanistic/universal inclination. There are many who have written in praise of love, "for all men who were created in the image of G-d." We have even been "graced" with a pamphlet of this name, Chaviv Adam Sh'nivra B'tzelem, composed and edited by Mr. Yochanan Ben Ya'acov, the Director General of the Bnei Akiva Youth Movement. The explicit goal of those who share this outlook is to prove that all men are equal, that it is forbidden to discriminate against any man on the basis of his race, and that anyone who claims the opposite is nothing but a racist, distorting the words of the Torah in order to fit them to his "dreadful" opinions.

Here are two examples:

1. A statement by Ms. R. Huberman:

"...I never imagined that the Torah discriminates between one man and the next on the basis of faith, nationality, or race...on the contrary, it is our Torah which teaches that the blood of man is holy simply because he is man: 'Whoever sheds man's blood by man shall his blood be shed, for in the image of G-d made He man' (Genesis 9)...in the Ten Commandments it is

written: **'You shall not murder'! There is no hint of a restriction, no hint that the prohibition applies to a Jew and not to a Gentile..'**

("Between Blood and Blood," Amudim, a monthly magazine of the Religious Kibbutz Movement, Tamuz 5745, pg.352).

2. [Former] Member of Knesset (National Religious Party) Professor Avner Shaki:

"The Jews of the State of Israel who received the Torah of Moses on Mount Sinai, where it was established that man was created in the image of G-d, have no need for any...law to teach us **this fundamental basic of the Torah, that all men are born equal** according to Judaism...man's equality, man's status before G-d and before his fellow man, is a primary and fundamental principle in the Jewish Torah...of course, **we will not assist any type of racism which discriminates against man because of his color, religion, or nationality...**"

(an excerpt from his speech during a discussion in the Knesset on an amendment to the Basic Law of the Knesset and the Penal Law)

We have something very clear before us: all human beings, Jew and Gentile, are equal. As will be further clarified, **this outlook completely contradicts the Torah of Moses, and stems from an absolute lack of knowledge, permeated with foreign Western "values."** There would not be any need to respond were it not for the many who are mistaken and lead astray by it.

This outlook has even been expressed by some rabbis whose goal is to show how great and important the stature of the Gentile is in our Torah, and who thereby violate the truth by taking things out of context and inaccurately interpreting the words of Chazal and the Rishonim. A large part of their efforts are centered (due to the "Underground" affair, of course) on an attempt to prove that the prohibition "You shall not murder" also applies to the killing of a Gentile. Here is an excerpt from Rabbi Yehuda Amital, *shlita*:

"See the Ra'aban on the Gemara Tractate Bava Kama 113a, that the prohibition of **'You shall not murder'** also applies to a Gentile, as is explicitly stated by Maimonides in The Laws of a Murderer, chapter 1, halacha 1. See Yere'im, paragraph 175, that the killing of a Gentile is a subsidiary to the prohibition against murder."

(From a letter published in Alon Shvut (Yeshiva Har Etzion), issue number 100. His words are cited in the pamphlet previously mentioned, Chaviv Adam Sh'nivra B'tzelem, in an experimental edition, pg.64)

Rabbi Aaron Lichtenstein *shlita* writes:

"From Maimonides's words (Mishna Torah, The Laws of a Murderer, chapter 2, halacha 11) **it is clear that the prohibition 'You shall not murder' applies to a Gentile who fulfills the seven Noahide commandments,** and the murderer is punished by death from the Heavens. So on one hand there is no difference in the prohibition of murder between a Jew and a Gentile..."

(From a synopsis of a lecture published in Keshet B'Anan number 32, Geshet, and cited in the above mentioned pamphlet, pg.72.)

The followers of these rabbis continue their path:

"...'You shall not kill'! This is an absolute prohibition, an unambiguous command that does not distinguish between Jew and Gentile..'

(Mr. Yochanan Ben Ya'acov's words in his introduction to the above mentioned pamphlet, pg.1)

Later on it will become clear how misleading and deceptive these matters are.

Not only about this halacha are things written which are liable to mislead the public. For example, Rabbi Lichtenstein writes:

"The field of the Torah...is also relevant to the world of the Noahide, but there is no doubt that as far as the extent is concerned...the study of Torah is much less in the world of the Gentile than in our world.

Rabbi Meir's words in Tractate Sanhedrin 59a and the beraitha in Torat Cohanim are well known: even a Gentile who sits and learns Torah receives reward...**an additional emphasis on the great and exalted study of Torah being relevant to the world of the Gentile.**" (From his essay, Bnei Adam, in the monthly publication Emda, Number 3, pg.16, and in the previously mentioned pamphlet, pg.74.)

It is amazing that he forgot to point out everything said there on this matter, particularly the conclusion. How could he not mention that Rabbi Meir's words were brought in order to disagree with Rabbi Yochanan who said: "**A Gentile who studies Torah is punishable by death,**¹ as it is said: 'Moses commanded us the Torah as an inheritance,' for us it is an inheritance, and not for them"? The conclusion is most important -- in order to settle the conflicting statements the Talmud answers, "In this case, he is engaged in the seven Noahide commandments" (He is engaged in the halachas of those seven commandments to be skilled in them -- Rashi). He is permitted to study those specific seven Noahide commandments -- and if he learned more than this, he is punishable by death. So the Tosaphot wrote in Tractate Avodah Zara 3a, s.v. *sh'afilu*, and Maimonides in The Laws of Kings, chapter 10, halacha 9, writes: "**A Gentile who engaged in Torah is punishable by death.**² **He should not engage in anything other than their seven commandments alone.**" The distance between what was said in the Talmud and Rabbi Lichtenstein's words is great.

In the previously mentioned essay Rabbi Lichtenstein writes further:

"The field of prayer also exists as a universal value...this has been said in connection to the Holy Temple at its inception (I Kings 8:41-43); this is part of the prophecy of the end of days: 'For my house will be called a house of prayer for all the nations.' **There is also room for the Gentile to come and pray in the Holy Temple!**"

How is it possible to say such things? Indeed, we have learned a complete Mishna (Kalim, chapter 1, mishna 8): "...Inside the walls of the Temple Mount is holier, and therefore Gentiles and one who has been defiled by the dead cannot enter there..." thus Maimonides ruled in The Laws of the Holy Temple, chapter 7, halacha 16. There is no way for a Gentile "to come and pray in the Holy Temple"! The matter is clear: a Gentile can pray, even on the Temple Mount, but not in the Holy Temple.

An additional proof of the Gentile's stature, according to Rabbi Lichtenstein:

"Animal sacrifices are conceived by us as being of authentic Jewish character, but they definitely belong, in the pure sense of the halacha, also to the world of the Gentile: **a Gentile offers animal sacrifices not just on any altar...but in the Holy Temple**" (from the above mentioned essay).

Aside from what has been previously clarified, **that there is absolutely no possibility of a**

Gentile entering the Holy Temple, much less of offering sacrifices there, this statement, like the one beit, does not reflect the position of "pure halacha" on this topic. There is a discrepancy between Rabbi Akiva and Rabbi Yosi the Galilean in the Sifra on the portion of Emor, *parsha* 7, halacha 1, and in the Tosephta, Shekalim, chapter 1, halacha 7 (Zukermandel and Leiberman editions, in the Vilna printing, halacha 3), and brought in Tractate Menachot 73b, concerning which sacrifices can be accepted from a Gentile. Maimonides ruled based on Rabbi Akiva³ (The Laws of Sacrifices, chapter 3, halacha 2): "Men or women or slaves can bring sacrifices. **But from the Gentiles we only accept burnt offerings** as it is said: 'From the hand of a Gentile do not offer the bread of your Lord'...but we do not accept from them peace-offerings, nor meal-offerings, nor sin-offerings or guilt-offerings..." In connection to this we must add that even if a Gentile volunteered to donate money in order to have a part in the public sacrifices, we do not accept it from him, as it is cited in the Sifra, chapter 7, halacha 12, and in Shekalim, chapter 1, mishna 5, and Maimonides wrote in The Laws of Shekalim, chapter 1, halacha 7: "Everyone is obliged to give half a shekel...**but from the Gentiles who gave a half shekel, we do not accept it.**" Generally speaking -- there is no equality of rights for a Gentile, not in their entrance to the Holy Temple nor in their offering of sacrifices there.

It seems that these examples are sufficient to clarify the reason for writing this essay. Now let us consider a long list of sources that clearly contradict the previously mentioned opinions. First we will focus on halachic matters, and afterwards on the spiritual realm. It must be noted that I plan to deal only with halachot that illustrate the vast distinction the Torah makes between Jews and Gentiles. I do not intend to examine the topic of the status of Gentiles in the Torah in its entirety. For example, how and to what extent can the Gentile serve G-d according to the Torah, and what is his reward for this? What possibilities are open for Gentiles residing in the land of Israel? What is the law for Gentiles who are at war with us or hostile towards us? I will not deal with these and similar matters -- for this is not my purpose. (These matters are connected to specific situations and details, whereas the purpose of this essay is the overall, consistent distinction between Jew and Gentile.) The same is true concerning the second part of the essay, which will deal with the spiritual realm.

[part 2 -- Between Jews and Gentiles -- In Halacha](#)

¹In general, Chazal used two terms when they spoke of a non-Jew: goy [Gentile] and nochi [foreigner]. (Occasionally the term acharim [others] also describes Gentiles, primarily in the halachic Midrash. Concerning halachas or specific circumstances, the terms ger toshav and Noahide also appear - see novellae of Nachmanides on Tractate Makkot 9a, and in the novellae of the Ritba there, but the matters have been distorted in the Ritba.) Thus it appears in all the ancient manuscripts and old printings. All of the variants on the term "worshippers of stars and the zodiac" that appear in the majority of the printings are distortions, meant to deceive the Christian censor into thinking that specifically idolatrous Gentiles were meant. In certain

printings they went even further, and in many places changed the terms goy and nochri: occasionally they used Samaritan, other times Cannanite and even Amalekite! Of course, in this essay I use the exact and original version of the matters. **How sad it is that even though it is now possible to ascertain the accurate version, many Torah scholars continue to cite the distortions of the censor.**[back to text](#)

²There, in the end of the halacha: "He is given blows and punished and told that he may be punished by death for this, but he is not killed," see *ibid.* in the Kesef Mishna and in the Ridbaz for why he is not killed.[back to text](#)

³Thus according to the Babylonian version and the Tosephta, but in the version of the Sifra the opinions are switched, and Maimonides rules similar to Rabbi Yosi the Galilean. In some manuscripts of the Tosephta the version is as in the Sifra.[back to text](#)