

The Hyksos, Egypt, and Our Future..

Before I begin, I believe that for (you) the reader, to truly gauge and understand this book and the context of this book written by the authors, I felt it was important to present some historical information as a foundation. History, as we have learned long ago, is always written by the victors. Thus, to understand our present time, we must go back to the past. I will also note at the end of this portion why I chose to painstakingly translate this book from Hebrew, Aramaic, and Yiddish.

The story begins in the time of the Hyksos and their control over upper Egypt for a time, but more specifically their reign over lower Egypt. The tribe(s) I speak of have gone by many names over thousands of years, and in our time of now 2024, they are predominately referred to as jews. Many disagree with this notion, even they do for obvious reasons, however with all the data that has been put together by so many professionals over a long-time span, conjoined with nearly the same characteristics, modus operandi (M.O.), their plans, beliefs, tactics, and more have not changed. It is very clear who they really were then and who they are today... Without further commentary, let us begin.

The word Hyksos (where Hyc meant 'king' and Sos meant 'shepherd' wrote Flavius Josephus, a jewish historian. The context within which Manetho's account assessed them as Hyksos also. In the Egyptian language, they were referred to as the 'Heka Khasut or Heka Khasewet, meaning 'rulers of foreign lands/hill countries'.

Upper & Lower Egypt

Upper Egypt: It is not very clear on how the Hyksos came to control the Upper region of Egypt, but it has been determined they gained control around 2040 B.C. until they lost control around 1782 B.C. We do know that their colony was in the Port town of Avaris, East of the Delta, controlling the Egyptian mining and trade missions with the Levant, Cyprus and the Aegean Sea, and the Egyptian officials who supervised these activities were from the people of the Western Semitic languages. The Hyksos gained control of the eastern Delta commercially, making treaties and forging contracts with various monarchs (governors) of other regions in Lower Egypt and middle Egypt until they had taken a sizeable amount of the land and were able to exert political power. They controlled Lower Egypt which included the mouth of the Nile river also until they lost control.

Lower Egypt: Many misunderstand or believe the Hyksos took control over all of Egypt. That is from all the data collected, not true. They did rule over Lower and possibly Middle. When the Hyksos took over Lower Egypt, this initiated the era known as the Second Intermediate Period. Due to many conflicts between scientists and others, I am going to share 3 options for the Hyksos used for the takeover of Lower Egypt. I will share my personal opinion at the conclusion of this certain topic.

Option 1

Using Manetho (see below), who recorded what happened during the Hyksos invasion: "...invaders of obscure race marched in confidence of victory against our land. By main force they easily seized it without striking a blow; and having overpowered the rulers of the land they burned our cities ruthlessly, razed to the ground the temples of the gods and treated all the natives with cruel hostility, massacring some and leading into slavery the wives and children of others. Also, the Hyksos were able to attack Egypt successfully because of their skills in using bronze weapons, composite bows, and the use of the horse and chariot during the invasion, and Additionally, the Hyksos had stronger allies. The Egyptians did not have armor.

Option 2

Upon arriving, the Hyksos blended into Egyptian society at first; eventually they became very powerful, and finally, in a coup, they came to rule over Lower Egypt because they took advantage of a time when the dynasty of Pharaohs came to an end, Egypt was weak, and the Egyptian Pharaoh did not have a son to succeed him. Once the Hyksos took over, they had one of their people claim title as the legitimate Pharaoh.

Option 3- Most Recent

Analysis of chemicals in teeth spanning centuries revealed varying levels of isotopes of the element strontium, which paints a picture of the people's history. A total of 75 teeth were studied after being excavated from Tell El-Dab'a, the ancient capital city of the Hyksos land. The strontium levels prove that the people who took over the fertile lands near the Nile did not arrive in one wave, but via a constant trickle over time. By this, the scientists from Bournemouth University now claim the Hyksos could not have invaded.

Here is my opinion, which I base on all that I know about these particular tribes of people, regardless of the name they switch to. I believe that both option 1 and 2 are plausible. When you read this book, you will see they go about achieving their goal by both means. Slaughter, murdering, killing, etc. and also be deception, blackmail, theft, and so on. When you look at the situation of today, they more or less utilized option 2, especially after both WWI and WWII. Let us move on now...

Whichever option they used to achieve their goal; it was accomplished. These semitic tribal people ruled most of ancient Egypt in the Second Intermediate period during the 15th/16/17th Dynasties, which was founded by Salatis, the first Hyksos Pharaoh, who was later followed in succession by Beon, Apachnas, Apophis, Jannas and Asses.

According to Manetho, (an ancient Egyptian historian and priest) (also whom Flavius quotes from Manetho's *Aegyptiaca*) called the invaders 'Hyksos' from the deformation of the Egyptian word Heka Khasut, and in Egyptian literature they are called 'Amu'. The Hyksos were known as 'Asiatic' or 'Aamu' from the Eastern Mediterranean, Western Asia, to include Canaan, Syria, the Levant, and possibly the Turkish region, (which is still being debated). It must be noted that due to their nomadic tendencies, it has been greatly difficult to determine factually where these tribes came. However, many have determined by several means from the regions I mentioned previously. The Hyksos were known to be violent people, semitic, believed in one god (contrary to the Egyptians) they used non-Egyptian burial methods to include having a pair of donkeys buried just outside their tomb as if awaiting to pull a chariot. As I typed the word chariot, I wanted to mention also that the Hyksos Also, they were nomadic, their Hyksos personal names are west-Semitic, in the same language group as Amorite, Canaanite, and Aramaic dialects. and were known for their usurious tactics, preferred not to work or bend the knee, and were the creators of the Abrahamic ideologies (religions). There is much more, but this ought to give a general overview.

As I mentioned above, their names changed over time for varying reasons, to include wars, and consolidation purposes, or as fugitives. I will try to keep their names as close as possible to the order of use throughout time, beginning with. from being known as Israelites, Hebrew, Judean, Canaanites, Amorites, Amar or AMW, Hyksos, Amalekites, and Phoenicians. I may be missing a few more, my apology. The Hyksos broke into factions: the Hebrews, Mitanni, Kassites, Mukarribs, and Chaldeans, who were all of Amorite nomadic descent. They again changed their names after the Battle of Carchemish in 605 B.C. and became known as the Jews, Kurd, Babylonians, and the Sabaeans.

A Great Historian and Author who uses the pseudonym; 'Silas Speaks' recounted to me, which I am sharing now with you regarding the Hyksosian Amorites: "However, the Amorites ceased to be a people group referred to by the 16th century BC. That said, the Battle of Carchemish marked the point in which the Assyrian Empire was truly annihilated, with its capital of Harran (an important Amorite city) being captured

by Babylon and its Persian allies in 609 BC. Egypt was also entirely destroyed at this point, hence freeing up Syria to be subsumed into the burgeoning Neo-Babylonian Empire and later Persian Achaemenid Empire 150 years later or so. However, as they always do, they assist these empires to grow and thus "free them" from the previous empire they assisted, now infirmed due to the parasitical nature of the clique. The previous empire always eventually grows wise to the machinations of this clique and inevitably tax them or seek to route them out, to which at that point such an empire has signed its death warrant. Although, this is the cyclical nature of their modus operandi, that they maintain their camouflage through the inducement of chaos and strife; to hide in the rubble of the empires they raise up, parasitically pillage, and then demolish them through a controlled proxy upon the outskirts that replaces the former host".

With Flavius and Manetho mentioned, it would be improper of me to not share Josephus Flavius quoted passage concerning the Hyksos from Manetho's *Aegyptiaca*. Josephus identified the Hyksos as the patriarchal jews, equating their appearance in Egypt with the Joseph story in Genesis and their subsequent expulsion with the biblical tale of Exodus.

Josephus Flavius: *Against Apion* ~ Book 1, section 73

Under a king of ours named Timaus (Tutimaheus) God became angry with us, I know not how, and there came, after a surprising manner, men of obscure birth from the east, and had the temerity to invade our country, and easily conquered it by force, as we did not do battle against them. After they had subdued our rulers, they burnt down our cities, and destroyed the temples of the gods, and treated the inhabitants most cruelly, killing some and enslaving their wives and their children. Then they made one of their own king. His name was Salatis. I am including a weblink to a site I happened across while researching. I must note I am not familiar with the organization "Christian Classics Ethereal Library" notated on this weblink. However, what is provided is very important if you so choose to research further.

<https://www.ccel.org/ccel/j/josephus/complete/cache/complete.pdf>

Manetho, *Aegyptiaca*., frag. 42, 1.75-79.2

Tutimaheus. In his reign, for what cause I know not, a blast of God smote us; and unexpectedly, from the regions of the East, invaders of obscure race marched in confidence of victory against our land. By main force they easily overpowered the rulers of the land, they then burned our cities ruthlessly, razed to the ground the temples of the gods, and treated all the natives with a cruel hostility, massacring some and leading into slavery the wives and children of others. Finally, they appointed as king one of their number whose name was Salitis. He had his seat at Memphis, levying tribute from Upper and Lower Egypt, and leaving garrisons behind in the most advantageous positions. Above all, he fortified the district to the east, foreseeing that the Assyrians, as they grew stronger, would one day covet, and attack his kingdom.

The evidence shows that these people, although 'Egyptianized' in some of their behaviors and appearance more or less to blend in, much like a chameleon, did not see themselves as Egyptians.

The Hyksos were much like a predator, who purposefully comes upon their next victim, seeking their next conquest out. Thus, upon the Hyksos's arrival in the area of their new conquest, their tactic was to always start out small and slow, testing the waters so to speak. Slowly gaining control and power over time. Time is essential as to not attempt their take over all at once, causing the alarm to sound off. They begin by inserting themselves into positions that really matter to a country. (Look at your own country now, take a close look at those who are in positions within your government and other areas that are important).

Once they are 'in', they start pushing the agenda. Freedom. Justice. Sound familiar? That is just the beginning. The ultimate goal for the Hyksos is to pillage, take all that they can, and destroy the country in nearly all manners, especially when the masses figured things out and expulsion or death was looming. So, you understand, Egypt fell right into their hands by means of trickery; by being something they were not, much like a shape shifter or a Chameleon that changes its skin to appear as if it belongs.

Before political power was attained, the Hyksos monopolized major trade routes between Egypt and the trans Jordan region. This gave them the control of trade and money in varying forms. They then start promoting to throw out the current leaders/kings/Pharaohs, and politicians under the guise of 'Needed Change'. Over time, they are in positions that matter or puts them close to the leaders. When there appears to economic issues within the realm of the king, or Pharaoh et al they make their way to the highest of leader and share with them, "We understand economics and are good at it, let me help you". Next thing you know, they are in power as a politician, King, or even Pharaoh. What you have to understand is that they have nearly perfected deception, in nearly all its forms and they will do whatever it takes to get their foot in the door. Look at the history, and then look to our time. Who monopolizes the currency, food, gas, electricity, and so much more? Droughts? Oh yes... did you know they dammed up the lower portion of the Nile which caused the seven-year drought? Causing the deaths of so so many. That would definitely make Lower Egypt easy for the taking.

Over time, the Egyptians began to resent the Hyksos due to their corrupt business practices whether political or otherwise.

When looking at the story in the Bible, it was said that the pharaoh ordered all the Hebrew babies to be killed. If you are following one of the 3 Abrahamic religions; Islam, Christianity, Judaism then you should know this story. This is exactly as it is titled, a story, which actually did not take place. Now what you do have to understand is, yes, the Egyptians did want to kill, but they wanted to kill the adults, oh yes, very much. But not the children. Now, I am sure some children were killed during the removal of the Hyksos, it was war after all, and the Egyptians did kill a lot of Hyksosians, but as we see today, many got away also.

What you have to understand is this is their Zionist propaganda, so they look like victims but all the while the true victims were the Egyptians who were made out to look like the victimizers. Sound familiar? This very thing is playing out in our time, in real time.

Let us look at Exodus 1:8-10; Then a new king, to whom Josephus meant nothing, came to power in Egypt. 9: "Look," he said to his people, "the Israelites (aka Hyksos) have become far too numerous for us. 10: Come, we must deal shrewdly with them, or they will become even more numerous and, if war breaks out, will join our enemies, fight against us and leave the country."

This is true what the passage says, for they have done this time and time again, much like now in our time of 2024.. They even did this to the Nubians, whom they hire and pay to do their dirty work. They strike a deal, keep them on the payroll before and up to the time of war or any other deed they need carried out. Much like they do today; for instance, Hamas in Palestine, where it has been revealed by many sources that Israel had helped create Hamas and continue funding them up until the recent outbreak of war now in 2023. Just pointing things out for you. But of course, there are much grander things at play...

Let's start looking at patterns, shall we? The pattern with this is; once the current country catches on, they, the Hyksos, had been sucking their country nearly dry, from wealth to food, trade, and much more and were about to be ousted, the Hyksos would call upon another country to come and invade. (Of course, the other country was paid beforehand and right up to the time of invasion as I mentioned above). History repeating. Do you see a little? Even a little bit? They thinned the herd so to speak, (the population) before going to war generations before and up to war time by famine, by damming up the Nile and other tactics. Remember they had great monopoly over the trade routes, especially water ways. Yet, they always manage to get the Pharaoh blamed for what they, the Hyksos were actually doing themselves. Sneaky huh..

What you must digest and understand is that the Pharaoh just wanted them out, the Hyksos, to get out of Egypt! Much like Adolf wanted for his country of Germany, not killing them, but expelling them from the country much like what many European countries and many other countries did prior. I believe today, they have been expelled from over 110 countries over 1030 times!! But propaganda, much like in the Egyptian

times and now in our time, they cry and wail saying how victimized they were, their children were killed, they were slaves, and so on. Let me clarify something real quick. When they say slaves, they were not actual slaves. The view they have stems from many aspects drawing from the Torah, the Talmud, the Zohar, and Kabbalah. I do not wish to go into all of these areas, I will leave that to your due diligence.

When they were finally kicked out of Egypt, oh but wait, according to the biblical narrative, the Pharaoh didn't kick them out, Oh no no no.... 'God intervened!' God set them free from their slavery!! (False) And God cast wrath upon the Egyptians with Plagues, famines, and forced their hand to release these poor helpless people, the Hyksos (Jews), to go free. (It is amazing this story is believed by countless. Sorry I digressed.) They left alright, but not before desecrating it, burning, and plundering as much as possible on their way out.

I would like to divert from their now desert wandering to Jerusalem for a moment and fast forward to the 1920's in Germany.

I believe it is important to cover this part of history when discussing what the Zionist Hyksos did. I have a special love for Germany, for I am German by blood. Granted I do not live there, however my roots are of that land and people, and I have spent many years, if not close to decades researching, studying, and learning its history, especially topics that are incorrectly taught and put into educational materials. It is important that the German people know that what I am about to say is specifically to the German Volk, born and raised in Deutschland. I and millions of other people know that you and your families have suffered so greatly since May of 1945. What they have done emotionally, physically, culturally, and spiritually is abhorrent and unacceptable. It is important you really learn the true history, not what has been taught by previous friends, family, or educators. You must bypass the censorship and research. It is scary, like looking down into a deep watery abyss. But truth should not be illegal.

To the German People:

I need you to read these words carefully, and never forget them. You are from a long line of Germanic tribes (Deutsches Volk) You are brave, inspiring, courageous, brilliant minded, determined, caring, generous, cultured, helpful, stoic, and above all, you carry yourself with dignity and honour. Never let anyone, any group, political party, government person(s), or any other try to make you feel otherwise!!

With that said, it is quite disgusting what people say and write about the German people, even those who are quite 'knowledgeable' with the Jew, Zionism, etc. Even they fall into the trap of believing a narrative which is not true. Moving forward.

As the 1920's rolled on after WWI, the German Mark valuation dropped. It dropped so low that the Mark's worth became 1/20 Billionth that of the British Pound! If one word could describe Germany during the immediate aftermath of World War I, it would be 'starvation.' As close to 900,000 German men, women and children were starving to death and died. This was in direct effect from the 'Zionist Allies', the Treaty of Versailles, and Britain's post-war naval blockade of food to Germany (conducted by Zionists also.), and yes, many Jews who became quite powerful and still are to this day. What must be understood is that, if Germany did not sign the Treaty of Versailles, the 'Allies' were going to invade and occupy Germany. After a number of resignations, the German government at Weimar finally agreed to the 'unheard-of injustice' of the Treaty of Versailles.

At the signing of the Treaty, is when the Germans learned of the Balfour Declaration. If you are unaware of this declaration, I strongly suggest you do some good research and not take Google's word for it.

With the insane reparations, implementation of the Dawes and later the Young Plans, which were US based loans to help the Germans pay the insane reparations demanded by the Treaty. Those who controlled this arrangement applied extremely high interest rates (usury) which later, caused great devastation.

With all of the above, and a few other mitigating factors, the value of the German Mark literally dropped by the hour! It would take literal wheel-burrows and small carts full of cash to buy a few items at the Supermarket (grocery store). When one researches into who were behind nearly every aspect of this true holocaust/genocide, it would be the Zionist Hyksos, and other non-Hyksos Zionists. Who controls all of this? The banks, the stock markets, etc.

Here is something many do not know about but should. The Jewish Brigade. After World War II, the 'allies' allowed the Hyksos/jews to travel all across Germany, dressed as American and British soldiers. Why? Why the hell would they allow that? Well, there are many stories, but when you know about the Rhine Death Camps by Eisenhower, it is not hard to imagine. Anyhow these Hyksosian's which I will continue to refer to them to avoid saying the three lettered word to avoid censorship, Ha... would go to a German families house, knock on the peoples doors of their homes, where they were politely greeted by the German (could have been a child, grandparent, husband, wife – the owner or guest of the house clearly, who happened to open the front door) were welcomed into the German families home believing they were actual allied soldiers. They were not! No sooner are these imposter soldiers in the house, they would open fire on all the inhabitants of the house, killing them all. They did this to countless German homes. It was also said much of the belongings/property of value in the home were stolen also by these Hyksos soldiers.

This is the story about the plans to kill 'Six Million Germans'. Yes, Six Million!! Interesting number, isn't it? Been used a lot and well before WWII!!! This plan, created by a group of Bolshevik jews who were partisans, and were part of militia groups in Ukraine and Lithuania, concocted an evil, sociopathic, revenge filled plan to murder millions by way of large city water systems using a mixture of arsenic. This particular plan failed thank goodness. However, this was only learned years later, when ten audio tapes found in Israel where the leader of this group of 50 +/- jews called the 'Nakam'; Abba Kovner, made the tapes because he was dying of cancer. I feel no remorse for his woes. In the tapes it was also said by Abba Kovner, that the Israeli President Chaim Weizmann at the time, approved of the plans. Weizmann went a step further to even recommended a scientist who would make the poison for them, which did occur. The scientist worked at the Sieff Institute in Rehovot, central Israel just south of Tel Aviv. Their second plan did occur by brushing the poison onto loafs of bread intended for the German SS Officers who were jailed in 4 different locations. Luckily no one dies, but many, up to 2,000 soldiers were hospitalized. The group eventually split up, where some went to Israel to live out their lives happily and peacefully...

So, with what I have covered thus far, can you correlate a pattern yet? From the times of Egypt and well before Egypt to Germany and to our current times. Look at the whole covid hoax agenda, the vaxx, which now are shown to be dangerous, these supposed lifesaving chemicals, are indeed devastating and deadly to the human body. Let me say it this way since several of the main covid 'vaccine poisons' were from there along with their beloved CEO's: 'Create a drug with side effects, then create more drugs for the side effects.' The following quote is from the book you are about to read: "it is permissible for them to give them harmful medications in order to kill them, or to prevent them from receiving beneficial medications in order to kill them."

Nothing has changed with them, their tactics vary a little due to the time period and location, but in essence, their same devious mindset as was thousands of years ago to what they are doing to you, me, and everyone else now, is the same. Why? Because their plans have worked for thousands and thousands of years, and the masses are always fooled, they keep their secrets hidden from the Gentile, and those who know, well they have two choices... and usually they chose the option of lavish success in whatever arena 'they' control. There are other factors at play here, numbers, dates, calendars, etc. but I will not cover this.

To further detail as to what the Hyksos people did after being expelled from Egypt on their way out. What you have to understand, is that the Hyksos were enraged. Angry because they lost their control and power of this once beautiful region called Egypt. (there are other factors that deal with their beliefs etc. which again, I

am not going to cover). It still is beautiful, but at that time, it was nearly destroyed because of the Hyksos and their hired militant thugs.

You see, when they lose power that they held in any country it is, they will literally destroy it. Not only physically, but financially. They set homes afire, buildings afire, to the point cities were raging in flames. While things burned, they would begin pillaging gold, silver, gems, jewelry, linens, clothes, anything of value, especially high value. They desecrated the Egyptian Temples, they would mutilate the images of the Egyptian Gods, smash idols in the streets, deface anything sacred to the Egyptian people. They even went as far as to use the sanctuaries as kitchens to venerate the “live” sacred animals!! From birds to 4-legged animals, burning them to death! Why? It was to destroy the Egyptian religion and beliefs, to destroy their culture, to degrade, to dehumanize, to shock, and to ruin the people of Egypt.

Another point of their deviousness they perpetrated upon the true victims, the Hyksos would rob and destroy majority of the previous Pharaohs and Kings tombs on their way out. Oh yes.... Indeed, they did. They would enter the tombs and destroyed idols, statues, etc. They would steal anything of value in the tomb and if they could open the sarcophagus, they would steal the contents inside it which was normally adorned by the dead and placed around the body. Otherwise, whatever they could not steal due to being too big or too heavy, they would smash and destroy. This did this countless times throughout history.

Nefertiti wrote: “The river is blood; they were poisoning the river. For when one drinks from the river, the people shrank and died. The Hyksos dried out the trade route also. They set palaces and homes on fire, and stripped the land of gold, and anything of value, destroying on their way out.”

Horrible isn't it.

These are the things they did up until more current times that we know of, destroying whatever country they are in, which is pretty much worldwide currently. They accomplish this by means of morale, financially, politically (always political), distortion of truth, deception, and every other way you can think... Just look at your own country now... Oh but have hope my friend. They over did it this time. Instead of trying to master a country, they decided to try and master the world this go around. However, due to their greed, narcissistic nature, once the people of the countries are currently sucking the life force out of realize and wake up, there will be no wandering the desert in search of a place to lay low for while.. Ohh noooo. They chose to do this WORLD WIDE!! Leaving them nowhere to run and hide...

Can you imagine how much history we do not know due to lack of found written history? Makes you wonder doesn't it. Yet, those who follow one of these three Abrahamic religions, these believers just sit back, and let things happen. Why? They believe their God will come and fix everything; everyone's sins will be forgiven if they just believe, waiting for the end time, 'Armageddon'. However, if you read the book carefully, and really analyze it, you will see all the fallacies, lies, and an immense number of errors in this perfect book that can neither be added to or taken away, the groundwork so to speak from God. Yah, ok.

We are very familiar with psy-ops yes? Well, I hate to break it to you, but this is one of their most deadliest, most dangerous, and most influential, and longest lasting creations they ever created and they love and laugh at how they pawned it to the Goyim/Gentiles, and this applies to both the Bible and the Quran, for they both follow the Judaic Torah. (if this offends you, even rattles your view and perceptions, I feel bad, however what I say is true. There are countless rabbi's over a very long period that love to brag about it).

Even Josephus's defense of the antiquity of his (for he was a Hyksos also) people with regard to the Hyksos expulsion leaves much to be desired when it comes to relative chronology of their movements, reigns, etc. It serves the chronological pattern of Josephus's argument to have the Hyksos (kings) establishing Jerusalem following their expulsion from Egypt. However, we have the letters from the Amarna period (14th century BCE) mention a King of Jerusalem with a Hurrian name; Abdi-Heba, a king clearly subordinate to Egyptian

rule. If it was the Hurrian expansion into, and dominance of Syria-Palestine regions that had initially created these Hyksos in forcing some of their people southward into Egypt, then it is highly unlikely that the Hyksos are to be equated with the progenitors of Israel in terms of their establishing Jerusalem if we encounter a Hurrian king. For no ancient source refers and to which archaeology bears no witness. There are also some hints in Josephus's 'Manethonian' quotations that the latter's historical retrospective was chronologically askew. Notably also, the Bible 'claims' that the 'Judites' lived along-side the Jebusites in Jerusalem, because the Judites could not remove the former inhabitants from the city (Josh 15:63). This would not correspond to the descendants of Jacob (Hyksos) leaving Egypt and attacking Jerusalem or with the Hyksos establishing Jerusalem.

The one thing that I must point out concerning the 'exodus' is that Josephus identified the Israelite aka Hyksosian Exodus with the 'first exodus' mentioned by Manetho, when some 480,000 Hyksos left Egypt for Jerusalem. Apion identified a 'second exodus' mentioned by Manetho when a renegade Egyptian priest called Osarseph led 80,000 'lepers' to rebel against Egypt. Apion equated this with the Biblical Exodus, and contrary to Manetho, even alleged that this heretic priest changed his name to Moses...

In looking at how Exodus records this in the biblical record we shall go to Exodus 3:21 & 22- 'And I will make the Egyptians favorably disposed toward this people, so that when you leave you will not go empty-handed. Every woman is to ask her neighbor and any woman living in her house for articles of silver and gold and for clothing, which you will put on your sons and daughters. And so, you will plunder the Egyptians.' Their Lord, God, Yahweh, commanded it.

This is how the bible portrays it, that they simply asked the neighbors gold, silver, and clothing, etc. and the Egyptians so happily and willingly gave them everything. Are we seriously to believe that? No! That is false. Why do people believe this? Because it's written in the bible? Just because it is written in this story, does not make it all true and real. It is written in Hieroglyphs along with the information passed down to the world in the Papyrus's found and deciphered that these Godly people known as the Hyksos raped, pillaged, plundered, destroyed, stole, and burned nearly everything as they were being expelled. Those were very tumultuous years for the Egyptians.

Let us look at Exodus 11:2- 'Tell the people that men and women alike are to ask their neighbors for articles of silver and gold.' Said by their Lord, God, Yahweh. And also, Exodus 12:36- 'The Lord caused the Egyptians to look favorably on the Israelites, and they gave the Israelites whatever they asked for. So, they stripped the Egyptians of their wealth!'

Thus, as history tells and shows, the Israelites (Hyksos/jews) nearly completely plundered Egypt. Granted there are variations of this depending the version of the Bible, but they all convey the same message in the end. Since we are covering a few Bible verses, let us look at another.

Genesis 15:13-14 – "And he said unto Abram, Know of a surety that thy seed shall be a stranger in a land that is not theirs, and shall serve them; and they shall afflict them four hundred years; 14: And also, that nation, whom they shall serve, will I judge: and afterward shall they come out with great substance." In essence this means the Egyptians will be serving them for expelling them, these so-called chosen ones. And as history shows, they (the Egyptians) were destroyed by the Hyksos. Their (the Hyksos) prophecy which they created was fulfilled, not as slaves, but as conquerors, rapists, murderers, pillagers of everything, everywhere.

I will close this now with passages written by Silas Speaks' which correlates what I have shared above.

“The jews... waged war on the inhabitants throughout Libya in the most savage fashion, and to such an extent was the country wasted that, its cultivators having been slain, its land would have remained utterly depopulated (they induced a famine; it makes one wonder of the origins of the 22nd-century BC famine now), had not the Emperor Hadrian gathered settlers from other places and sent them thither, for the inhabitants had been wiped out.”

~ Orosius, Seven Books of History Against the Pagans, 7.12.6.

Dio Cassius states of jewish insurrectionaries:

“Meanwhile the jews in the region of Cyrene had put one Andreas (Lukuas) at their head and were destroying both the Romans and the Greeks. They would cook their flesh, make belts for themselves of their entrails, anoint themselves with their blood, and wear their skins for clothing. Many they sawed in two (Like George Hodel and his Dahlia Murders, along with the Ripper cases). Others they would give to wild beasts and force still others to fight as gladiators. In all, consequently, two hundred and twenty thousand perished. In Egypt, also, they performed many similar deeds, and in Cyprus under the leadership of Artemio. There, likewise, two hundred and forty thousand perished. For this reason, no jew may set foot in that land, but even if one of them is driven upon the island by force of the wind, he is put to death. Various persons took part in subduing these jews, one being Lusius, who was sent by Trajan.”

~ Cassius, D. Dio's Rome, Volume V., Book 68, paragraph 32

In the beginning, I stated I would share with you why I chose to translate this book. First and foremost, my decision came about 5-6 weeks before Israel began their war with Palestine. I am referring to the October 7th 'Hamas' attack. However, the contents of this book their view and beliefs in regard to war tactics, killing those who intend to harm them, which includes the innocents.

My originating reason is to show you just how they really view us, their ideology, and what they hope to achieve. There is so much hidden from us, lied about, exaggerated, censored, and misrepresented, and heavily manipulated in their favor. I am of the belief that if we are to secure our existence for our future, we must have a basic understanding of whom we are dealing with and the magnitude of the situation we are all in, if we are to have a future, our children's future, and their children's future. I am speaking directly to you, the reader. I speak to 'all' persons who are considered Gentiles or Goys, Goyim, Amalek, and any other derogatory name other they call us by over the millennia.

I do this because I care. I cannot express more than I am attempting now, that you must learn who they really are, what they believe, and their plans for us. They truly wish the death of every Gentile, and if not death, enslavement. They wish this on every single person who is not of their tribe. Let that sink in and perhaps it will shine a light on the magnitude of it all. Lastly, this is not propaganda, hate this or that, or being 'racist' or any other term you or they may come up with. If you think I am lying, simply find their Torah, Talmud, Zohar, or the Kabballah teachings. They cover everything I speak of and the contents of this book.

I will end this now. I ask you to read this book in a way that allows you to comprehend and digest what is written. Research anything that is not familiar to you. You will note a few (?) I put in, that is due to my not being able to confirm the translation after much searching. This is not an easy reading. You will find some of the content disturbing which may cause a fluctuation of emotions, along with a change of view or perception. It had these effects on me which is why I bring it up.

I also want to leave this link for any Christian who is considering becoming a Noahide. See below. There are not just Seven Commandments. Each commandment has many commandments attached the originating commandment, 620 in total. This book covers a very wide range when dealing with Gentiles and Noahides that cover some of the laws/commandments.

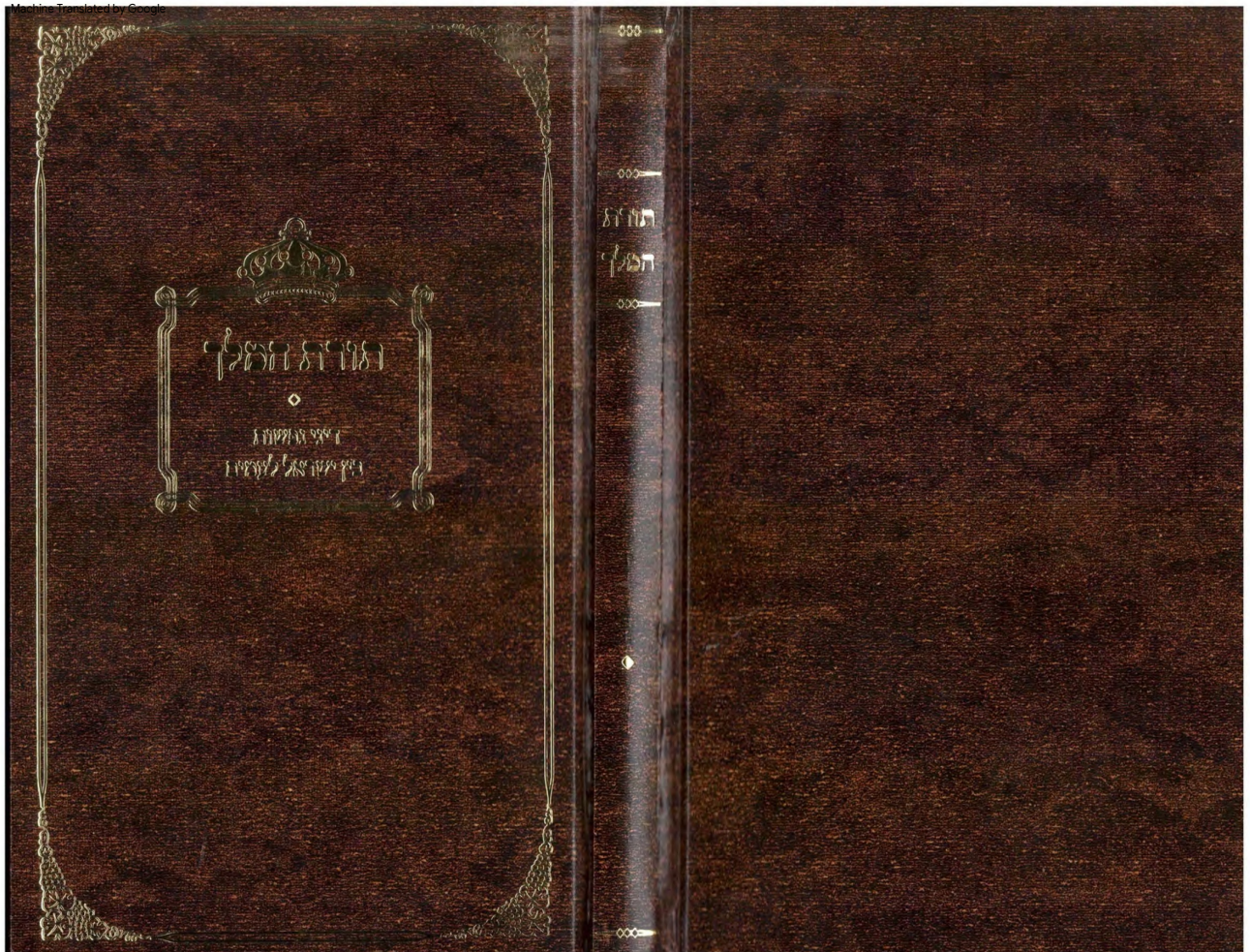
http://www.hasidicuniversity.org/index.php?page=hu_theocracy/th_toc.htm

Find your strength and courage, and to never let them go!!

Respectfully yours,

A Random Gentile

The King's Torah



With G-d's Help

The King's Torah

Volume One: Laws of Lives Between Israel and the Nations
By rabbi's Yitzhak Shapira and Yosef Elitzur

Clarifications of Halakha (jewish Law) regarding matters of Kingship
and Wars elucidated by the Torah Institute affiliated
with the 'Od Yosef Chai' Yeshiva.

בעזרת ה'

תורת המלך

חלק ראשון:
דיני נפשות בין ישראל לעמים

יצחק שפירא יוסף אליצור

בירורי הלכה בענייני מלכות ומלחמות
שנתבררו במכון התורני שעל יד
'שיבת 'עוד יוסף ח'

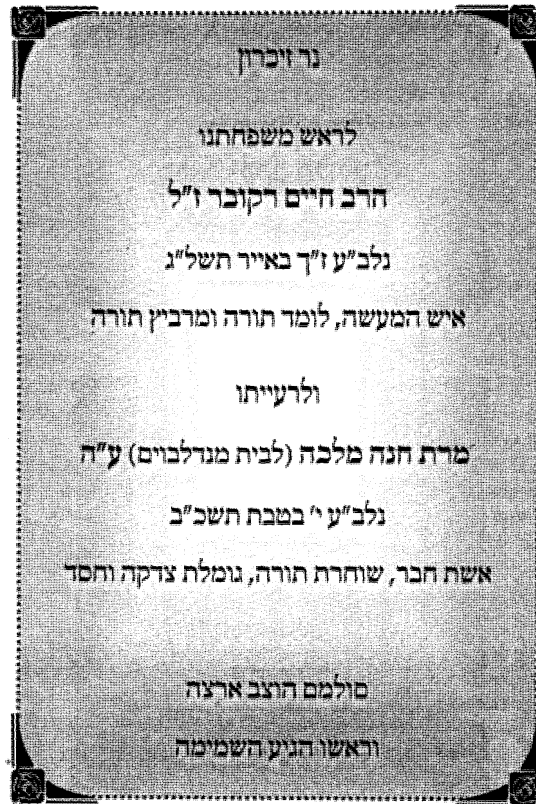
- **Halakhah**, (Hebrew: 'the Way') also spelled Halakha, Halakah, or Halachah, plural Halakhahs, Halakhot, Halakhoth, or Halachot, in Judaism, the totality of Laws and ordinances that have evolved since biblical times to regulate religious observances and the daily life and conduct of the Jewish people.
- **Side note to reader:** The Word 'Israel' is interchangeable to mean 'Jew' or the current 'state of Israel' also 'nation' is used to represent a race of people and also interchangeable with Gentile, Goy, Amalek, etc.

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ד.נ. לב השומרון, 44831

לפניות בענייני הספר: yosie@odyosefchai.org.il

עיצוב והפקה: **שיקו** שירותי הוצאה לאור

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For inquiries regarding the book: yosie@odyosefchai.org.il
Design and production: Shiko Publishing Services



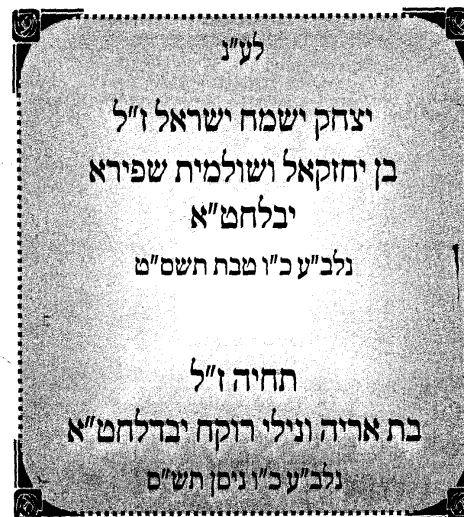
Candle of Memory

At the head of our family, Rabbi Chaim Reuven Rakover, of blessed memory, Died on the 27th day of the month of Iyar, 5733 (May 5, 1973), A man of action, a Torah scholar, and a Torah disseminator. And to his wife, Mrs. Chana Malka (of the Mendelboim family), May she live long, Died on the 10th day of the month of Tevet, 5742 (December 18, 1981), A woman of valor, a Torah observer, a charitable and kind individual. Their ladder stands on the earth, and their head has reached the heavens.

Memorial Candle

For the head of our family

Rabbi Haim Reuven Rakover, of blessed memory. Who passed away on the 22nd of Iyar, 5770. A man of action, a speaker of Torah, and a teacher of Torah. And also for his wife. Mrs. Hanna Malka (nee Mendelbaum), of blessed memory who passed away on the 2nd of Tevet, 5722. A woman of friendship, a student of Torah, a giver of charity, and a wise woman. Their souls are enshrined in the land, and their heads are enshrined in heaven.



A memorial candle for Rabbi Haim Reuven Rakover, of blessed memory, and for his wife, Mrs. Hanna Malka (of the Mendelboim family), may her soul rest in peace.

Memorial candle for the head of our family, Rabbi Haim Rakover, of blessed memory, who passed away on the 22nd of Iyar, (which is the second month of the Jewish calendar.) 5770

הסכמות

(ההסכמות נדפסו לפי סדר קבלתן)

גַּל עֵינֵי

ב	ל	ע	י	נִי
ו	א	כִּי	שֶׁ	
נ	פ	ל	א	וֹת
ס	ת	וֹרֶת		

הרב יצחק גינזבורג

בע"ה, חדש הרחמים תשס"ט

לתלמידי החביבים והיקרים, הרבנים יצחק שפירא ויוסף ירמיהו אליצור ה' עליהם יחיו.

שמחתי לראות את ספרכם תורת המלך ח"א, פרי עמל ממושך במכון המחקר התורני שעל יד ישיבתנו הק' "עוד יוסף חי", העוסק בסוגיות חשובות בענייני ההבדלה בין ישראל לעמים. סוגיות אלו נוגעות מאד למצבנו היום בארץ ישראל, כאשר עלינו לכבוש אותה מיד אויבינו. על מנת לפעול כדבעי, מתוך רוחה של תורה, וכדי לחזק את רוח העם וחיליו יש לברר בירור עמוק של דעת תורה בכגון דא. כמובן, כמבואר אצלנו במאמר "קבלה, הלכה, מציאות" (מלכות ישראל ח"א), הדרך האמיתית לתקן את המציאות על פי ההלכה תלויה בהשראת פנימיות התורה – דרך הקבלה והחסידות – על המציאות כולה, שאזי 'מתרככת' המציאות ונכונה לקבל את הוראות ההלכה ה'נוקשות'. וכן, ידוע כי אין אדם יכול לכוון לאמיתתה של הלכה ללא שיהיה בקי גם בחכמת האמת, וכי השליחות העיקרית של דורנו היא חיבור כל רבדי התורה יחד, עד שבדורנו "אין נגלה בלי נסתר ואין נסתר בלי נגלה", כמבואר במ"א. בע"ה תמשיכו אתם, ויחד עמכם כל תלמידי הישיבה ואברכי המכון התורני, ללון בעומקה של הלכה מתוך חיבור עמוק לפנימיות התורה, והדברים יתבררו ויתלבנו, שמחים כנתינתם מסיני, ויתנו את פרים הטוב במציאות, עד להבאת הגאולה האמיתית והשלמה.

"אין כבוד אלא תורה", ולכבוד הספר נתבונן במבנה סוגיות הש"ס העוסקות בכלל שנתבאר בארוכה בפרק א כמקור לאיסור הריגת גוי בידי ישראל (וכבר הארכנו בנידון גם בדברים שבע"פ, ועוד לאלוה מילין בע"ה):

הכלל "ליכא מידי וכו'" מופיע ד פעמים בש"ס, ולפי דרכנו יש לכוונן כנגד הספירות העליונות (המקבילות לכחות נפש האדם ודרכי עבודתו את בוראו יתברך). * ונראה דיש לכוונן כנגד נהי"מ דוקא, שדוקא בספירות נהי"מ, חלק המוטבע שבנפש (והספירות הדורות על קרקע המציאות החיצונית על מנת לבררה ולתקנה בפועל)

ממש), יתכן דמיון כל שהוא בין ישראל לעמים – "מי איכא מידי דלישראל שרי ולב"נ אסור" (מה שאין כן בספירות שמעליהן, במורגש וכ"ש במושכל, שאין שום צד דמיון בין ישראל לעמים):

הסוגיה דסנהדרין נט, א מביאה את הכלל של ליכא מידי וכו' כדי להצדיק את הכלל של רבי יוסי ברבי חנינא (לדחות הו"א של הגמרא המקשה עליו) שכל מצוה שנאמרה לבני נח ולא נשנית בסיני לישראל נאמרה ולא לבני נח. הנה כלל זה הוא בסוד "וגם נצח ישראל לא ישקר ולא ינחם כי לא אדם הוא להנחם". המצות שניתנו לכללות האנושות לפני מתן תורה ניתנו על מנת לברר את הטוב שבאדם, ובפנימיות ניתנו כדי לברר את שרש נשמות ישראל ולקיים "מי יתן טהור מטמא לא אחד" – "אברהם מתרח", וד"ל. "ואנו אין לנו אלא גיד הנשה [ואליכא דרבי יהודה]", וידוע שמצות גיד הנשה באה לתקן את הפגם בספירת הנצח שנעשה על ידי נגיעת שרו של עשו בכף ירך יעקב אבינו, כאשר שלמות התיקון נעשה על ידי שמואל הנביא באומרו "וגם נצח ישראל לא ישקר ולא ינחם וגו'", וכידוע ששמואל = גיד הנשה. מצוה שנאמרה לבני נח ולא נשנית בסיני היא מצוה הבאה לגלות את נצחיות עם ישראל בעולם, ולגלות את שרש ישראל שהיה קיים מעולם גם לפני מתן תורה (וגם לפני בריאת העולם בכלל, ואף לפני עליית הרצון לברוא את העולם, דישראל עלו במחשבה תחלה, סוף מעשה במחשבה תחלה, כמבואר ברא"ח בסוד שרש דעת בית הלל ד"א רץ קדמה", דהיינו "מחשבתן של ישראל קדמה לכל דבר" אפילו לתורה הקדומה, ועל כן מדרגה זו באה לידי גילוי דוקא במצוה שנאמרה לפני מתן תורה ולא נשנית בסיני, אף שקיומנו את המצוה היום הוא מתוקף גילוי העצמות דסיני – "אנכי מי שאנכי" – וכמו שכתב הרמב"ם, ועוד יתבאר לקמן אי"ה, וד"ל) איך שהוא "קדמון נצחי" (= משיח).

הסוגיה דסנהדרין נה, א דנה בחילוק שבין בהמה הנרבעת לבהמה הנעבדת וקובעת, מטעם "ליכא מידי וכו'", שלא יתכן שבהמת גוי הנעבדת תיהרג מפני שאין דין הריגת בהמה הנעבדת בישראל. סוגיה זו היא כנגד ספירת ההוד, עליה נאמר "הודי נהפך עלי למשחית". מדת ההוד היינו ההודיה בהוי' ועבודתו יתברך, ההפך ממי שעובד בהמה (שבפנימיות היינו הנפש הבהמית של עצמו, כלומר שמשחחיה ונכנע – מדת ההוד היא מדת ההכנעה בנפש – לטבע הבהמי שלו, וקובע אותו כאלקים, העיוות הגמור ממה שידוע שאלהים בגימטריא הטבע). רב ששת מביא בסוגיא זו את הברייתא "מה אילנות שאין אוכלין ואין שותין ואין מריחין אמרה תורה השחת שרוף וכלה הואיל וכל לאדם תקלה על ידן וכו'", והיינו ממש "הודי נהפך עלי למשחית". והוא גם סוד "כל היום דוה" – דוה אותיות הוד הפוך ("הודי נהפך

עליי"). בסוד מאמרו של רבי עקיבא במשנה (שבת ט, א): "אמר רבי עקיבא מניין לעבודה זרה שמתמאה במשא כנדה. שנאמר תזרם כמו דוה צא תאמר לו מה נדה מטמאה במשא אף עבודה זרה מטמאה במשא". דוה היינו לשון "נדת דותה". באיסור הנדה נאמר בתורה "ואיש אשר ישכב את אשה דוה וגו'". יש כאן גם קשר בין נרבעת לנעבדת, הכל פגם בספירת ההוד, ודוק.

הסוגיה דחולין לג, א דנה באיסור אבר מן החי, המכוון כנגד ספירת היסוד, האבר חי של הקדושה, כמבואר בכ"ד. דוקא בסוגיה זו מתברר שיש מי דלכאורה לא סבירא ליה הכלל של ליכא מידי (ולפי הרמב"ם נראה שהלכה כמותו). הרי כאן המקום של גילוי קדושת ישראל בעצם – ספירת היסוד היא סוד המוחין, המושכל, שבמוטבע (כמבואר באריכות במ"א), ששם "המבדיל בין ישראל לעמים" בגלוי. ושם מקום האות ברית קדש הבא להבדיל גם בגוף בין ישראל לעמים – כל ישראל מהולים וקדושים בעוד ש"כל הגוים ערלים". וממילא אין כאן המקום לדמות בין ישראל לעמים ולומר מי איכא מידי דלישראל שרי ולגוי אסור, דאדבריה, במקום האות ברית קדש רואים איך שהישראל בעצם מותר בכל ואילו הגוי בעצם אסור בכל, כמבואר במ"א (כינוי היסוד הוא "כל", כאן הכל טוב או הכל רע, ודוק).

הסוגיה דסנהדרין נח, ב דנה בביאה שלא כדרכה ובמדת ההנאה שיש לאשה בביאה זו. דיון זה שייך לחיקון ספירת המלכות, פרצוף הנוקבא, שלא תעמוד בצד האחור של ז"א בעלה אלא שתחזור להיות פנים בפנים אתו. כאן רואים את הבדל הגישות בין חכמי ארץ ישראל לחכמי בבל (בהפרש בין שיטת הירושלמי לשיטת הבבלי בזה, וראה בפנים הספר בהערה בתחילת נספח ב לפרק א), גם בסוד עמידת המלכות פנים (ארץ ישראל) או אחור (בבל), וד"ל. העיקר כאן הוא "ודבק באשתו", דבקות יסוד הרכורא ביסוד הנוקבא, שבקדושה היינו באותו מקום קדוש וטהור, מקום השראת השכינה, כנסת ישראל (שכונסת את ישראל בעלה, כנודע) בטהרתה. גם כאן נראה דלא סבירא להו לרבי אלעזר ורבי חנינא, חכמי ארץ ישראל, הכלל של "מי איכא מידי וכו'". הרי אין כלל זה מתאים לאוירא דארץ ישראל מחכים, ל"ארץ אשר הוי' אלהיך דורש אותה תמיד עיני הוי' אלהיך בה מרשית השנה ועד אחרית שנה". עיקר ההשגחה של השי"ת, כפי שמתגלה בארץ ישראל, היא על עם ישראל קדושים דוקא (ומהם ודרכם לשאר אומות העולם, אך דוקא בהודע לכל באי עולם את הנבדלות העצמית של עם ישראל, עם הנבחר, ואיך שאין להשוותם לשאר גווי הארצות כלל ועיקר).

בברכת התורה,

הרב יצחק גינזבורג

*** Translation of the 3 (three) paged letter above begins on the next page

In the month of mercy, 5769

To my beloved and dear students, Rabbis Yitzchak Shapira and Yosef Yirmeyahu Elizur, may G-d bless them.

I was happy to see your book 'Torah HaMelech,' volume 1, the fruit of many years of labor at the Torah Research Institute at our yeshiva, "Yad Yosef Chai," which deals with important issues of separation between Israel and the nations. These issues are very relevant to our situation today in the Land of Israel, as we are required to conquer it from our enemies. In order to act appropriately, from the spirit of Torah, and in order to strengthen the spirit of the people and its army, it is necessary to clarify in depth the opinion of Torah in such matters.

Of course, as explained in our article 'Kabbalah, Halakha, and Reality' (Malchut Yisrael, volume 1), the true way to repair reality in accordance with halakha depends on the inspiration of the inner dimension of Torah, through the path of Kabbalah and Hasidism, on all of reality. Then, reality 'softens' and becomes ready to accept the instructions of the 'harsh' halakha.

It is also known that no person can aim for the truth of halakha without being proficient in the wisdom of truth, and that the main mission of our generation is to connect all the layers of Torah together, until in our generation "there is no revealed without the hidden and no hidden without the revealed," as explained in the Maharal.

May G-d grant that you, together with all the students of the yeshiva and the members of the Torah Research Institute, will continue to delve into the depths of halakha from a deep connection to the inner dimension of Torah. The matters will be clarified and purified, joyful as they were given at Sinai, and will bring forth good fruit in reality, until the bringing of the true and complete redemption.

In honor of the book, we will look at the structure of the Talmudic discussions that deal with the principle that was explained at length in chapter 1 as the source of the prohibition against killing a Gentile by a Jew (and we have already discussed the matter at length in oral discussions, and more to come, G-d willing): The principle 'There is no thing etc.' appears four times in the Talmud, and according to our way, it should be directed against the upper sefirot (which are analogous to the powers of the human soul and the ways of his service to his Creator, blessed be He).

It seems that it should be directed against NHYM specifically, because only in the NHYM sefirot, the imprinted part of the soul (and the sefirot that tread on the ground of external reality in order to refine and repair it in practice), is the main honor of G-d revealed.

***Note to Reader: NHYM (pronounced ('neh-heem')) is an acronym in Hebrew for three Sephirot (divine emanations) in Kabbalah:

- Netzach: Victory, endurance, and stability
- Hod: Splendor, majesty, and receptivity
- Yesod: Foundation, the realm of connection and unit

In actuality, there is no similarity at all between Israel and the Gentiles – Is there anything that is permissible for a Jew but forbidden for the Gentiles? (This is not the case in the higher sefirot, in the

revealed realm, and certainly not in the intellectual realm, where there is no similarity at all between Israel and the Gentiles.)

The Gemara in Sanhedrin 90a brings the general principle of 'There is nothing' etc. to justify the general principle of Rabbi Yossi bar Hanina (to refute the objection of the Gemara that challenges him) that any mitzvah that was given to the children of Noah and was not repeated at Sinai was given to a Jew and not to the children of Noah.

This principle is the secret of 'And also the eternity of Israel will not lie, nor will it disappoint, for He is not a man that He should disappoint.'

The mitzvot that were given to all of humanity before the giving of the Torah were given in order to refine the good within man, and inwardly they were given in order to refine the root of the souls of Israel and to fulfill 'Who would that the pure and the impure were not one', 'They were lost from Terah,' etc.

'And we have nothing but the sinew of the hip' (and according to Rabbi Yehuda, 'and the sinew of the hip'). And it is known that the mitzvah of the sinew of the hip comes to repair the flaw in the sefira of eternity that was caused by the touch of Esau's soul on the thigh of our father Jacob, when the perfection of the repair was done by the prophet Samuel when he said, 'And also the eternity of Israel will not lie nor will it disappoint, etc.' And it is known that Samuel (sinew of the hip).

A mitzvah that was given to the children of Noah and was not repeated at Sinai is a mitzvah that comes to reveal the eternity of the people of Israel in the world, and to reveal the root of a Jew that existed from the world to come even before the giving of the Torah (and also before the creation of the world in general, and even before the ascent of the desire to create the world, for Israel ascended in thought first, the end of the deed is in thought first, as explained by the Ra'ah in the secret of the root of the opinion of Beit Hillel of the land of Karmeh, that is, the thought of Israel preceded everything, even the ancient Torah, and therefore this level comes to light only in a mitzvah that was given before the giving of thanks and was not repeated at Sinai, even though our existence of the mitzvah today is by virtue of the revelation of the essence of Sinai, 'I am who I am'. as written by the Rambam, and it will be explained further below, G-d willing, etc.) in any way 'ancient eternal' (Messiah).

The Gemara in Sanhedrin 91a discusses the difference between an animal that is bred and an animal that is worshiped, and determines, based on the principle of 'there is nothing,' that it is impossible for a Gentile's animal that is worshiped to be killed because there is no law of killing an animal that is worshiped in Israel.

This Gemara is against the sefira of hod, about which it is said, "My hod has turned against me to destroy." The measure of hod is the thanksgiving to G-d and His service, the opposite of one who worships an animal (which inwardly is the animalistic soul of himself, that is, one who bows down and submits, the measure of hod is the measure of submission in the soul, to his animal nature, and establishes it as G-d, the complete distortion of what is known that G-d is in gematria of nature).

Rabbi Shmuel brings in this Gemara the Baraita "What are trees that are not eaten and do not drink and do not smell, the Torah said, destroy, burn, and destroy, because a person comes to harm by their hand," etc., and this was literally "My hod has turned against me to destroy." And it is also the secret of "All day long I groan" - groaning is the letters of hod reversed ("My hod has turned against me to destroy").

The secret of Rabbi Akiva's statement in the Mishnah (Shabbat 9:1):

Rabbi Akiva said: "How do we know that an idol is defiled by carrying like a menstruant woman? As it is said: 'Like a dove that wanders, go and tell him. What does a menstruant woman defile by carrying? So too, an idol defiles by carrying.'" "Doh" is the language of "gadddothah." In the prohibition of the menstruant woman, it is said in the Torah: "And a man who lies with a woman doh, etc." There is also a connection here between narbat and na'abed, all of which are Laws in the sefirah of Hod, and it is important to note this. The sugya of Chullin 33:1 discusses the prohibition of a limb from a living animal, which is directed against the sefirah of Yesod, the living organ of holiness, as explained in the Zohar. However, in the sugya of Zoreh, it becomes clear that there are those who, apparently, do not accept the general rule of "li' Hami' di" (there is nothing to worry about). (According to Rambam, it seems that the halakha follows their opinion.)

Indeed, here is the place of the revelation of the holiness of Israel in essence, the sefirah of Yesod is the secret of the intellectual, the intelligible, in the engraved (as explained at length in the Zohar), where 'the one who distinguishes between Israel and the nations' is revealed openly. And there is the place of the sign of the holy covenant, which comes to distinguish also in the body between Israel and the nations - all Israel are circumcised and holy, while 'all the Gentiles are uncircumcised.'

And therefore, there is no place here to compare Israel to the nations and say that there is something that is permitted for Israel but forbidden for the Gentile. On the contrary, in the place of the sign of the holy covenant, we see how the Yisrael in essence is permitted in everything, while the goy in essence is forbidden in everything, as explained in the Zohar (the name of Yesod is all, here everything is good or everything is bad, and it is important to note this).

The sugya of Sanhedrin 90:2 discusses intercourse not in the normal way and the measure of pleasure that a woman has in this intercourse. This discussion is relevant to the repair of the sefirah of Malchut, the face of Nukvah, so that it will not stand on the back side of the Z'a husband, but rather that it will return to being face to face with him. Here we see the difference in approaches between the Sages of Eretz Yisrael and the Sages of Babylonia (in the difference between the method of the Talmud and the method of the Babylonian Talmud in this matter, and see in the book itself in the note at the beginning of appendix B to chapter 1), also in the secret of the standing of Malchut face (Eretz Yisrael) or back (Babylonia), etc.

The main thing here is 'and he shall cleave to his wife' the attachment of the foundation of the Da'at in the foundation of the Nukvah, in holiness, that is, in that same holy and pure place, the place of the Shechinah's dwelling, Knesset Yisrael (which gathers Israel her husband, as is known) in her purity. Here too, it seems that Rabbi Elazar and Rabbi Chanina, the Sages of Eretz Yisrael; do not accept the general rule of 'there is nothing to worry about' etc.?

Indeed, this general rule is not appropriate for the air of Eretz Yisrael, the land which the Lord your G-d searches for always, the eyes of the Lord your G-d are upon it from the beginning of the year to the end of the year. The main focus of the Divine providence, as it is revealed in Eretz Yisrael, is on the holy people of Israel specifically (and their way to the other nations of the world, but specifically by informing all the inhabitants of the world of the self-distinction of the people of Israel, the chosen people, and how they should not be compared to the rest of the nations of the earth in any way).

In the blessing of the Torah,

Rabbi Yitzchak Ginzburg

* * * End of 3 (three) page letter



"חזון יעקב"

אגודה לתורה וחסד ולקירוב לבבות
בנשיאות הרב יג יעקב יוסף שליט"א

ד"ר ה' אלו תשס"ו

כחציה ואלו חקא, כז
אל מוצא חסד ה'.

וקצור צב. שרדים יחזק
המורה חסדים את היצ
להכח אלו. קי ספק
שספר צב יצבה את
הרדים.

ואקצר את המחדרים;
שצב חבדיו תורה
ואציה. תורה שדמס.

ומורה שדלס. אלו.

דברת המורה

יחזק יוסף

[Handwritten signature]

מסרות האגודה:

כולל לאברים

*

פעילות ושיעורים

לנוער

*

שיעורים והרצאות

לסבוגים

כולל לפנסיונרים

*

שיעורים והרצאות

לנשים

*

גמ"ח

*

ספריה קלטות

דיסקים של כל השיעורים

*

חלוקת ספרים

כחגים

למשפחות ברוכות

ילדים

כתובת משרד האגודה - שמואל הנביא 34 ירושלים, טל. 02-5813815
כתובת מרכז האגודה - רח' דוד 21 ירושלים, טל. 050-7394205
טלפון להזמנת דיסקים או קלטות - 054-8072110

See Next Page for Translation

Letter #1

Chazon Yakov
Association for Torah, Good Deeds, and Drawing Hearts Closer
Under the Leadership of the Rabbi, His Excellency, Yakov Yosef, May He Live for Many Long and Good
Days
Blessed is G-d
8th of the month of Elul, year 5769

To all it may concern,

I am hereby joining to all that has been said above.

And in this generation, in which many of the Torah scholars are lacking knowledge of these Laws, it is without a doubt that this book will help out the population.

And I bless the authors: That they should merit to grow great in Torah and become mighty in the written Torah and the oral Torah, Amen.

With the blessing of the Torah,

Yakov Yosef

Right sidebar:

Goals of the association:

Kolel (learning community) for young married men
Activities and lessons for the young



Lessons and lectures for older adults
Kolel (learning community) for pensioners



Lessons and lectures for women



Acts of kindness



A library of tapes and disk recordings of all the lessons



Giving out needs for the holidays for families blessed with children

RABBI Z. N. GOLDBERG

Abbad Bies Horaa'h "Hayashar Vehatov"
Member Of Supreme Rabbinical Court

הרב זלמן נחמיה גולדברג

אב"ד בבית הדין לדיני ממונות "הישר והטוב"
חבר בית הדין הרבני הגדול

בית דין י"א אלול תשס"ט

הנני דבר בפני שבתן של תלמידי חכמים
היינו הרב ד' ולמן שפיטא שליטא ורבי יוסף אליעזר שליטא
אשר מצונו יושבים דואלי תורה ומצוה כחם
דגא' וספסא וצב דגא' בשנים שלמשו ודמיו להלכה
דיני נפשו בין ישראל לזמיר ומדמו כמה ספרים
דשם מורה הלך ודפס פסיון האור מקנה ומפנים
האשונה ואחרונה ופסיון דפס וצב חפלות צמח להם
לפני דצומת הפס הפסיון
ולאו נפיקא אלו נדכחם מהקצב יעלה נפיקא לאור
הלך האשון ואצ"כ שנה תלמוד למחזיק צמח ופסיון

הפסיון הפסיון והפסיון והפסיון

צלמן נחמיה גולדברג

See Next Page for Translation

Letter 2:

Rabbi Zalman Nechemya Goldberg

Head of the Rabbinical Court in the House of Guidance for Financial Laws “Hayasher Vehatov”

Member of the Supreme Rabbinical Court

Blessed is G-d
11th of the month of Elul, year 5679

I am hereby giving praise to the Talmudic scholars; they are Rabbi Yitzchok Shapiro, may he live for many long and good days, and Rabbi Yosef Elitzur, may he live for many long and good days, who sit in the halls of Torah and are full of knowledge of the Talmud and scriptures. For many years, they have studied and clarified the Laws pertaining to the Laws of life between the nation of Israel and other nations, and they have authored many books in the name of the Torah of the King [meaning G-d]; and in them, they have brought to light the Laws of the Talmud and the early and later commentators, and they have debated in them, and also their wisdom has stood for them to help them clarify the depths of this knowledge.

And nothing is necessary, other than to bless them that The Holy One, Blessed Be He, should grant them success to bring to light the first part [of their work]; and after that, the other parts for the sake of helping the nation of Israel.

The one who is writing to honor the Torah and its learners and people who follow its Laws,

Zalman Nechemya Goldberg

הרב דוב ליאור רב העיר

קרית ארבע - חברון ת"ו

אלול תשס"ט

כתב הסכמה

הובא לפני הקונטרס הגדול שחברו הרבנים **הרב יצחק שפירא** ו**הרב יוסף אליצור**, בשם תורת המלך, הדן בסוגית דיני נפשות בין ישראל לעמים.


דומני שאין עוד חיבור שמאסף את כל הנושאים השייכים לתחום זה בספר אחד.

ראיתי ושמח לבי בראותי יצירה נפלאה מלאה וגדושה בהבאת המקורות ובהסברת הנושאים החל מהתלמוד דרך רבותינו הראשונים עד גדולי הפוסקים בדורות האחרונים. מבין השיטין ניכר גודל ההשקעה והעמל שהשקיעו הרבנים בלמידת הנושאים, במיונם ובעריכתם, נעשתה כאן מלאכת קודש שראויה לכל הערכה וציון.

זה תחום שהוא די אקטואלי בייחוד בזמן שיבת עם ישראל לארצו, יש לדעת מה היא עמדת ההלכה היהודית האמיתית בהתייחסות לכל המצב הלא נורמלי שאנו שרויים בתוכו, זה נותן את הכיוון הנכון וההסתכלות האמיתית על האירועים וההתמודדות איתם, ראוי החיבור הזה לעלות על שלחנם של מלכים מאן מלכי רבנן וכל שוחרי תורה ואוהביה שיראו איך שתורת ישראל מדריכה את האדם בין בחיים אזרחיים הרגילים והן בזמן מלחמה.

שיזכו הני תרי צורבא מרבנן להוציא עוד ספרים בנושאים דומים ויפוצו מעינותיהם חוצה לזכות את הרבים ולקרב את ישראל לאביהם שבשמים.

החותם לפיכך התורה ולומדיה


הרב דוב ליאור

See Next Page For Translation

Rabbi Dov Lior,

Chief Rabbi of the City of Kiryat Arba-Hebron

1st of Tishrei, 5769 (September 30, 2008)

Letter of Approval

I have been presented with the great treatise written by Rabbis Yitzchak Shapira and Yosef Elizur, entitled "Torah of the King," which discusses the issue of Laws of the soul between Israel and the nations. I believe that there is no other work that collects all of the topics related to this area in one book. I saw and my heart rejoiced when I saw this wonderful creation, full and rich in the presentation of the sources and the explanation of the topics, from the Talmud through our early rabbis to the great decisors of recent generations. It is clear from the lines the great effort and labor that the rabbis invested in studying the topics, sorting them, and editing them. A sacred work has been done here that is worthy of all appreciation and praise.

This is a field that is quite topical, especially in the time of the return of the people of Israel to their land. It is important to know what the true position of Jewish law in relation to all of the abnormal situation in which we find ourselves. This gives the right direction and the true perspective on the events and how to deal with them. This work deserves to be placed on the tables of kings, men of the king's council, and all Torah seekers and lovers, so that they can see how the Torah of Israel guides the person both in ordinary civil life and in times of war. May these two tzaddikim, Yitzchak and Yosef, merit to publish more books on similar topics, and may their wellsprings spread abroad to benefit many and to bring Israel closer to their Father in heaven.

Sealed in honor of the Torah and its students,

Rabbi Dov Lior

Rabbi of Kiryat Arba-Hebron

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Introduction

On the 28th of Nisan, 5752 (Fri, 1 May 1992) the Rebbe of Lubavitch said:

The only thing I can do is to pass on this message to you: Do everything in your power to bring about the imminent arrival of our righteous Messiah, through actions that are 'lights of chaos' but in a way that uses 'tools of repair.'

When there are strong and intense desires, 'lights of chaos', we must learn how to bring them into reality using tools of repair. Tools that can exist within the frameworks and limitations of reality.

An example of 'lights of chaos' that require many tools of repair can be found in the Laws of the public and what lies between Israel and the nations. There is a holy and strong desire of the part of all Jews for a true and complete redemption and the dominion of G-d in the world. This desire gives birth to many important and holy deeds.

However, this desire requires 'tools of repair', the clarification of the particulars of the Laws that bring the penetration of the light of the desire in a corrected manner into the tools.

Then the actions are directed, and the desire is brought into reality.

At the Torah Institute of the Yeshiva "Yetev Yosef Chai," we have been engaged for many years in the clarification of the details of the Laws related to the Laws of the public and the relationship between Israel and the nations. We have done this by clarifying the details of the Laws in the way of Torah and by comparing them to other sources.

We owe a great debt of gratitude to our teacher, the honorable Rabbi Yitzchak Ginzburg, who has been our source of inspiration since the day we began studying. The rabbi went over large parts of the book and made many comments to us (both in the revealed and hidden sense). Many of these comments were corrected in the body of the book without indicating that they were written differently before. Others were included in the book with the rabbi's name. And many more were not included in the book due to lack of space.

We would also like to thank Rabbi Yosef Falai, who edited the material in a preliminary manner before writing and has been engaged for many years in clarifying these issues.

[Signatures]

Yitzchak Shapira
Yosef Yirmeyahu
Elizur (Harshkovsky)

Brief Overview

In the book before us, we will discuss the prohibition of killing a Gentile, both in times of peace and in times of war.

In the first chapter, we will discuss the source of the prohibition of killing a Gentile who does not violate the Seven Noachide Laws.

The second chapter will clarify the judgment of a Gentile who violates the Seven Noachide Laws.

In the third chapter, we will address a Gentile who is in mortal danger, and the only way for him to be saved is by killing another Gentile.

In the fourth chapter, we will discuss the prohibition of a Jew to sacrifice his life in order not to kill a Gentile.

In the fifth chapter, we will discuss war according to what we have learned in the previous chapters, and we will see the different opinions that exist in different situations in war.

In the sixth chapter, we will discuss the need to harm those who are innocent in certain cases, and the reason for the permission to do so.

At the end of the book, the conclusions of each chapter are presented in brief. The conclusions are built in accordance with the order of the chapters (and therefore also help to understand the course of the book and its order).

It should be emphasized that in dealing with war in the book, we are referring to war against enemies who harm us ('help of Israel from the hand of the enemy') only. We will not clarify the following:

- The obligation to kill every Gentile (which is said in a simple manner in a situation where we conquer a place and rule over it)
- The killing of the Seven nations and Amalek
- A call for peace
- The obligation to leave a fourth wall open
- The permission to go to a discretionary war (both from the side of the danger to the Jews fighting and from the side of the permission to start a war against Gentiles) and more.

These Laws need further clarification (which is built to a large extent on top of the things that are written in the book), and they will be clarified if G-d wills in the future.

Chapter One

Prohibition of Killing a Gentile

In this chapter, we will discuss the fact that the prohibition of "Thou shalt not kill" does not apply to the killing of a Gentile, and the prohibition for a Jew to kill a Gentile is learned from the prohibition of the Children of Noah to kill one another. In the appendices to the chapter, we will also discuss the principle that Jews are obligated in the Commandments that were given to the Children of Noah.

The Prohibition of Bloodshed as it Applies to Gentiles

One of the Seven Noachide Laws is the prohibition of bloodshed. This is the wording of Rambam in the Laws of Kings, Chapter 9:

(1) Six things were commanded to Adam, on idolatry, the blessing of the Lord, bloodshed, sexual immorality, the dew, and the judgments. He added to Noah the eating of flesh from a living animal.

(2) A son of Noah who kills a person, even a fetus in the womb of his mother, is put to death for it.

The words of Rambam refer to a Gentile who kills a Gentile. Here, we will clarify the Halakhah regarding a Jew who kills a Gentile: is there an prohibition in this, and if so, what is the prohibition?

The Prohibition of "Thou Shalt Not Kill"

Rambam wrote in the Laws of Murder, Chapter 1, Halakha 1:

- Whoever kills a person of Israel transgresses a negative commandment as it is said "Thou shalt not kill," and if he murders with malice in the presence of witnesses, his death is by the sword...
- This prohibition is learned from what was said to the first man: "The Lord G-d was angry with the man" (Genesis 2:16), or from what was said to Noah and his sons: "He who sheds the blood of man, by man shall his blood be shed" (Genesis 9:6). See in the Gemara, Sanhedrin 50b-51a.
- All of the quotations from the words of Rambam are according to the new, accurate editions that we have been privileged to see, such as the Frankel edition and the edition of Rabbi Kafah. See in the accurate editions (it was omitted in some editions due to censorship).

And in the Book of Commandments, positive commandment 613, Rambam wrote:

'Not to kill one another' (or 'each other')

The Prohibition of Killing a Gentile in the Torah

As we have seen, the Torah prohibits the killing of a person, but it is not clear whether this prohibition applies to the killing of a Gentile. The text of the commandment "Thou shalt not kill" (Exodus 20:13) does not specify whether it applies to Gentiles.

The Prohibition of Killing a Gentile in the Talmud

The Talmud discusses this question at length. The Gemara in Sanhedrin 50b-51a concludes that the prohibition of killing a Gentile is not derived from the commandment 'Thou shalt not kill.' Rather, it is a separate prohibition that is derived from the Noachide Laws.

The Noachide Laws are a set of Seven Laws that were given to Noah and his descendants. These Laws are binding on all of humanity, including Gentiles. One of the Noachide Laws is the prohibition of bloodshed.

The Gemara in Sanhedrin 50b-51a states that the punishment for a Jew who kills a Gentile is exile. This punishment is based on the verse "He who sheds the blood of man, by man shall his blood be shed" (Genesis 9:6).

The Prohibition of Killing a Gentile in the Halakhah

The Halakhah, or Jewish law, follows the conclusion of the Talmud. The prohibition of killing a Gentile is not derived from the commandment 'Thou shalt not kill.' Rather, it is a separate prohibition that is derived from the Noachide Laws. The punishment for a Jew who kills a Gentile is exile.

Indeed, it is possible to interpret that all of these prohibitions are in the same verse, together with "Do not bear false witness against your neighbor"; and what is written there teaches that all of the statements in this verse are forbidden only towards 'your neighbor,' and in particular, this is proven in the Ten Commandments in the Book of Va'ethanan, where there is the connection between these Commandments (as we heard from Rabbi Givotzborg Shlita).

In another way, it is possible to interpret that what is not written in 'Do not kill', 'Do not commit adultery', and 'Do not steal' that this is only towards 'your neighbor' will be explained according to the Midrash (Mekhilta of Rabbi Yishmael Yitro, Tractate 'Dovchodesh' Parsha 5) that G-d returned to the nations to offer them the Torah, and offered them these three Commandments; and for this reason, they are not written with "your neighbor", because of G-d's desire to give them to the nations as well.

And furthermore: In these three Commandments, the nations are obligated by virtue of the Seven Noachide Law, and the matter is in accordance with the Gemara in Baba Kama (8a): He stood and measured the land, he saw and gave up on the nations, what did he see? He saw Seven Commandments that the children of Noah had accepted upon themselves and did not fulfill them. Is it possible that the guilty one is rewarded? If so, we found that a sinner is rewarded! Mar Beria d' Rabbi Nahman said: "To say, that even if they fulfill them, they do not receive reward upon them... as one who is commanded and does but as one who is not commanded and does."

See also Rambam (Makkot 9) who explains that the result of the fact that they became such that they are not commanded and do is that their lives are also not dear to us, and therefore a non-resident Gentile who killed by accident is killed and is not exiled, because we do not bother to save one such by means of the cities of refuge.

Rashi on the Gemara (Mafaran) explains that the stage at which G-d 'gave up' on the fact that they would fulfill these Commandments was at the time of the giving of the Torah, when G-d turned to the nations and

offered them the Torah and they did not accept it. Even though the Gentiles did not say 'We will do and we will listen', and by this they already lost the chance to merit the Torah as it was given to the Jews as is explained in Shemot Rabbah 30:9: "Thus said G-d to Israel: Until I created this world, I established the Torah. I did not give it to one of the idolaters, but only to a Jew, because when a Jew stood and said 'All that G-d has spoken, we will do and we will listen', immediately it was given to them", still, G-d offered them the Seven Commandments.

But even in this they despised, and on this it is said 'He saw and gave up on the nations'. If they had accepted the Commandments after they asked "What is written in it", they would have fulfilled the Seven Commandments as commanded and doers (and it is also possible that then they would have been obligated to martyrdom for murder, as Jews are obligated (see the beginning of chapter three)); they lost and their lives are not dear to us because they did not want to be governed by the Torah and there is no need to object to our words from what they are obligated in idolatry, and it seems that even this commandment was supposed to be written in a language that is also appropriate for the nations; because the obligation in idolatry is different between Jews and the Gentiles (as there are opinions that Gentiles are not warned about partnership, see Shulchan Aruch, Orach Chayim 259, Rambam, and Shach, Yoreh De'ah 259, sec. 7; and see also in Pnei Teshuvah there, sec. 259, sec. 2). Therefore, a Gentile who served idolatry and who converted is not liable to death, in contrast to a Gentile who murdered an Israelite (a Jew) or committed adultery with a daughter of a Jew; and as we explained at length in another place in the commentary on the Gemara in Sanhedrin 31b.

Chapter One: Prohibition of Killing a Gentile

In this chapter, we delve into the concept that the prohibition of 'You shall not kill' (Lo Tirtzach) only applies to a Jew who kills another Jew, but not to a Jew who kills a Gentile, even if that Gentile is a righteous individual among the nations. This perspective is supported in the Sefer Yere'im (Siman 248) which also states that the prohibition of killing does not apply to a Gentile. The Mitzvah Chinuch (beginning of Mitzvah Lamed) similarly explains:

"Not to commit murder, as it is stated: 'You shall not kill' But one who kills a Gentile, even a resident Ger Toshav who has accepted the Seven Noachide Laws, is neither executed nor subject to lashes. "It is clear from the verse "You shall not kill" that the prohibition cannot be applied to the killing of Gentiles.

The Sefer Mitzvot Gadol (Semag) brings a version where it is clear that even he (the Semag) brings the words of the Rambam (the same ones mentioned above: 'Anyone who kills a soul from Israel').

This version is also supported by the continuation of the Halacha, which explains that if he (a Jew) murdered (a Jew), he is executed by sword. This certainly refers only to someone who killed a Jew, as elucidated by the Rambam there (2:11), and as will be further discussed.

Where did Rambam learn that killing a Gentile is not included in 'Thou shalt not kill'? There is some proof of this from the words of the Sages: a. This is evident from the Mekhilta that we will bring to Kamen, who were required to learn the prohibition against killing a Gentile with stick and substance. B. In the Makhilta and Gemara (Sanhedrin 6:1 and Rashi on the Torah) they said that 'Thou shalt not steal' speaks of stealing souls, because it is a prohibition that includes a death obligation such as 'Thou shalt not kill' and 'Thou shalt not commit adultery.' And according to this, because

That the person who kills a Gentile does not have to die, is not included in 'Thou shalt not kill.'

And where did our sages learn that 'Thou shalt not kill' speaks only in favor of death? It can be said that this is learned from what the Torah has repeatedly interpreted in Parshat Mishpat that the murderer must die, and there it is emphasized that this is specifically a Jew (He shall speak of one another, Exodus 21:12), and the portion of Judgments as a whole reinterprets the Ten Commandments; And if so, the Ten Commandments refer specifically to such a murderer who must die (whereas a Gentile does not Must die as the Makhilta learns from the verse.)

It can also be said that it is simply that a mere prohibition applies specifically to a Jew, as if it were said, "A Jew shall not murder." And this is what the Maharshal wrote in Yeshash B. K. P.Y. Mark 20, but the HaHam-Tzvi in Teshuva 26 disagrees, see there, 'That the one who kills a Gentile is not obliged to die', this is not included in 'thou shalt not kill'.

The King's Law Section Three

Chapter 2: Punishment

Mishnah Torah, Laws of Murder

1. A Gentile who murders a jew or murders a Canaanite slave is liable to be put to death.
2. A jew who kills a resident Ger Toshav (resident alien (Ger Toshav)) is not put to death by the court. The Torah says, 'If a man strikes his neighbor, and he dies, he shall surely be put to death.' This means that the prohibition against murder only applies to the killing of a fellow jew. A resident alien (Ger Toshav) (Ger Toshav) is not considered a fellow jew, and therefore a jew who kills a resident alien (Ger Toshav) is not put to death by the court.

Therefore, a jew who kills a Gentile, even a Gentile who is a resident alien (Ger Toshav), is not liable to the death penalty by the court. A resident alien (Ger Toshav) is a Gentile who has accepted upon himself before a jewish court to observe the Seven Noachide Laws, and he is considered among the 'righteous Gentiles.' As the Rambam wrote in the Laws of Forbidden Relations (14:7)

This refers to a jew who kills a Gentile, even a Gentile who is a resident Ger Toshav. Such a Gentile is not liable to execution by a court. A resident Ger Toshav is a Gentile who has accepted upon himself in front of a court of jewish law to keep the Seven Noachide Commandments. This is the statement of the Rambam in the Laws of Forbidden Relations (14:7) It is clear from the words of the Abarbanel on Deuteronomy (Response IV) that it seems from him that 'You shall not kill' also applies to Gentiles.

And it is known that the words of Deuteronomy, chapter 33 (The Fourth Answer), seem to indicate that 'Thou shalt not murder' applies even to Gentiles; but one who examines all of his words there will see that they contain things that are certainly not according to the halakhic method, but rather in the way of interpretation and so forth (for example, in the first two answers it appears that the permission to lend money at interest is only for the Seven nations and not for the rest of the Gentiles! Examine it carefully there and compare it to the Shulchan Aruch, Yoreh De'ah 259. And even more so, there is indeed a Torah prohibition against killing a Gentile, but it is not the prohibition of 'Thou shalt not murder,' as will be explained below in the chapter; and if so, it is possible to interpret his intention to mean that there is a Torah prohibition in this even though it is not 'Thou shalt not murder,' and in this he did not interpret correctly; and see also his words about the Ten Commandments, where one must also say that)

Refer to the book 'Ibn HaEzer' of the Rambam, (Rabbeinu Nissim (Ran)) who wrote on Baba Kama 113b:

'You shall not steal' is similar to 'You shall not kill' and 'You shall not commit adultery,' both of which apply to jews and Gentiles.'

His words require careful consideration, for in the Mekhilta and in the Gemara it is clear that 'Thou shalt not steal' as stated in the Ten Commandments, refers to the stealing of souls, which carries the penalty of death, which this only applies to jews.

Likewise, 'You shall not commit adultery' is not found to be applicable to Gentiles, and someone who comes upon the wife of a Gentile is not liable to death! (Rambam, Mishnah, Forbidden Relations).

Similarly, we have not found anyone who would say that 'Thou shalt not commit adultery' applies to Gentiles, and someone who comes upon the wife of a Gentile is not liable to death! (See Rambam, Laws of Forbidden sexual relations). Perhaps his intention is to say that 'Thou shalt not steal' is similar to 'Thou shalt not kill' and 'Thou shalt not commit adultery' in that in all of these matters there is a prohibition even towards Gentiles, although it is not the prohibition 'Thou shalt not kill' and 'Thou shalt not commit adultery' themselves for which they are liable to death.

However, it is similar to their derivatives, as will be explained later regarding the source of the biblical prohibition for killing a Gentile. The Rambam; Laws of Repentance 3, that righteous Gentiles have a share in the world to come.

Chapter 1: Prohibition of Killing a Gentile

Nevertheless, Rambam (Rambam) only speaks here of the punishment, but it is certainly forbidden to kill a resident stranger, and not only is it forbidden to kill him, but there is also a commandment to sustain him (as will be mentioned later). This is also precisely stated in Rambam's wording: 'He is not executed by the court'—implying that such an action is prohibited.

The Kesef Mishnah specifically explains there that there is also a divine punishment: 'And this is what our teacher [Rambam] wrote, 'He is not executed by the court,' meaning: but he is liable according to divine judgment. 'Rambam's words in the Laws of Idolatry, Chapter 10.

(a) One does not make a covenant with idol worshippers in order to establish peace with them and leave them to their service, as it is said: 'You shall not make a covenant with them.' Instead, they must return from their worship or be killed. It is forbidden to have mercy on them, as it is said: 'And you shall not spare.' Therefore, if one sees a Gentile worshipping idols and he is in danger of death or drowning in a river, he should not save him. If one sees him [fallen into] a well or similar places, he should not save him. But if one is able to destroy him with his own hand, he should do so, so he does not wage war against us.

(b) From here, we learn that it is forbidden to heal idol worshippers, even for payment. However, regarding a resident alien (Ger Toshav), since you are commanded to sustain him, you should heal him for free. We can deduce from here that there are three categories of Gentiles: The children of Israel are the inheritance of G-d, as in 2 Samuel 21:3: 'And bless the inheritance of G-d. 'In general, the term 'Akum' in the Talmud or in Rabbinic literature raises suspicion that it is a substitution for censorship or that the publishers themselves changed it from the original wording, perhaps it was originally written 'Goy' or 'Nokhri.' Many Poskim (Rabbinic authorities) have already preferred to use the term 'Akum' as to avoid confusion. However, Rambam is very precise in his language in the Laws of Idolatry, and we know the original text today with a relatively high degree of accuracy, based on many manuscripts. Therefore, it is possible to be precise in his language in accurate editions.

The Law of the King

- Ger Toshav (resident alien) - it is a mitzvah (commandment) to protect him and it is certainly forbidden to kill him.
- A Gentile who is not at war with us - it is forbidden to save him from death and it is forbidden to kill him.
- A Gentile who is at war with us.

Ger Toshav - there is a mitzvah to protect him - as the Rambam writes in the halakha (jewish law) 13 - and if so, we have a clear source to prohibit the killing of goy. But we need to clarify what is the prohibition to kill a Gentile who is not a Ger Toshav.

The definition of the prohibition is found in the Mekhilta on the verse in Exodus 21:14: "And if a man rise up against his neighbor and murder him treacherously, you shall take him from my altar, that he may die." - raeahu, to exclude others.

Rabbi Akiva says, before the giving of the Torah we were warned against shedding innocent blood, after the giving of the Torah, instead of being stricter, they were lenient. In truth, they said he is exempt from the Laws of basar and ram and his judgment is entrusted to heaven.

The definition of the prohibition

The Mekhilta on Exodus 21:14 states:

‘But if a man willfully attacks another to kill him by cunning, you shall take him from my altar, that he may die’.

Isi ben Akiva says, before the giving of the Torah we were warned against shedding innocent blood; after the giving of the Torah, instead of being made more severe, the law was made more lenient.

1.- In truth, they said, he is exempt from the Laws of the flesh and the spirit, and his judgment is left to heaven.

- It is possible to divide the Gentiles into further categories, such as:
- A "son of Noah" who keeps the Seven Noachide Commandments but has not converted in front of three jews.
- A Gentile who we know is violating the Seven Commandments versus a Gentile about whom we do not know but who is presumed to be one.
- A Gentile who worships idols versus one who violates other Commandments from the Seven but does not worship idols.

However, we will not elaborate on this here because we are discussing the question of why it is forbidden to kill a Gentile regardless of whether they keep the Seven Commandments; and in the second chapter, we will discuss the Gentile who violates the Seven Commandments.

2. It should be noted that the simple meaning of the commandment to save a life applies only to a full resident alien - who is not accepted except during the Jubilee year. However, Pesach wrote (in his

commentary on the Laws of Arachin, chapter 8, Halakhah 8, and in his responsa, Laws of idolatry, chapter 1, Halakhah 6) that even one who is not a full resident alien (such as during a time when the Jubilee year is not in effect), but in fact keeps the Seven Noachide Commandments, it is a commandment to save his life. His proof is from the words of Rambam in the Laws of kings, chapter 1, Halakhah 11, see there (and in the Kesef Mishnah there).

See also the Gemara in Avodah Zarah 60a and Menachot 38b (at the end of his words), and Rabbenu Tam in the Laws of forbidden relations, chapter 4, Halakhah 8, who holds that there is no commandment to save a resident alien during a time when the Jubilee year is not in effect, and so on.

3. On the matter of the commandment to save a resident alien, see also the Sefer Ha-Mitzvot of Rambam, Aseh, 209; and the Radbaz's responsa, additional Commandments, 16.

4. And there is a view that a Jew who kills a resident alien by mistake is liable to exile as atonement, see Rambam, Laws of Murder, chapter 5, Halakhah 3 (and the alternate versions there); Ritva, Makkot 9a; Sefer Ha-Chinuch, mitzvah 90.

5. This teaching, that 'neighbor' refers to someone who is not liable to death, is brought by Rashi on the Torah (Exodus 20:13; it was omitted in some editions due to fear of censorship).

In other words: From the word 'reah' (neighbor), we learn that the one who kills a Gentile (others) is not obligated to death. Afterwards, the words of Rabbi Akiva are cited, dividing between "before the giving of the Torah" when we were in the category of 'Bnei Noah' and 'after the giving of the Torah.' And it is explained in the Mekhilta on the midrash: 'Instead of being made more stringent, they were made more lenient? - In wonder,' that is to say: Can it be that at the giving of the Torah, when the Torah and Commandments were given to us, G-d reduced the Commandments in which we were already obligated, and the prohibitions that we had become permissible to us?

Therefore, even now we are warned against the shedding of the blood of a Gentile. According to this, the continuation of the words of the midrash 'In truth, they said...' is also understood: Even though it is forbidden for a Jew to kill a Gentile, as it is forbidden for a Gentile to kill a Gentile and as it was already before the giving of the Torah, there is a difference between a Jew and a Gentile:

A Gentile is obligated to death for killing a Gentile, but a Jew is not killed for this; because after the giving of the Torah, a Jew is already obligated in the 613 Commandments, and in order to kill someone who is obligated in the 613 Commandments, a transgression with special severity is required, and the source in the Seven Commandments of the children of Noah and the punishment for them is not sufficient, and therefore a Jew who kills a Gentile is not obligated to death by man, and 'his judgment is entrusted to heaven'?

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- See the Kesef Mishnah (chapter 2 of the Laws of murder) which brings the Mekhilta as a source for the words of the Rambam which we saw above.
 - The Mekhilta can also be explained in slightly different ways (although in a simple way there is no difference in halakha between them and what we wrote)

First Section

It is possible to say that the words of Isi also refer to the matter of punishment (and not to the matter of prohibition), and he comes to say that even though there is no death sentence, it is still not possible that the punishment was so lenient that there is no punishment at all. Therefore, 'they actually said' that he is liable in the heavenly court.

This is also evident from the version that is brought in the Midrash 'Mishnah of Rabbi Eliezer' (a midrash that Rambam brings in his responsa), Chapter 9:

'But the one who kills the Gentile before the giving of the Torah, behold he is killed by the court, as it is said, 'He who sheds the blood of man, by man shall his blood be shed.' After the Torah was given, it is said, 'And if a man attacks his friend to kill him with treachery, not on the Gentile.'

Isi ben Yehuda says, not that the one who kills the Gentile is exempt, but he is exempt from the court of man and liable in the heavenly court, and even if we were in our land, we would not kill him, but his judgment is in the heavenly court" (brought in the Tosefta, Mishpatim, 57b). It seems that this is the same interpretation as the Mekhilta (and Isi ben Yehuda is Isi ben Akiva, as it is said in Yoma 22b).

Indeed, even according to this interpretation, it implies that there is certainly a prohibition in the matter, but it was not discussed explicitly.

Second Section

It is also possible to interpret 'instead of being hardened, they were eased' in a relaxed manner, meaning that the reason why a Jew is not killed for killing a Gentile is because since the Jews were hardened in the giving of the Torah, they were therefore "eased" in this matter, and they are not punished with the death sentence for everything.

This is also how the Me'iri explained (Shemot 21:14, see there. And see the interpretation of Be'er Avraham to the Mechilta). Even according to this interpretation, it is implied that since the punishment by human court is reduced, it means that there is a prohibition in the matter in any case. If so, we learned from the words of Isi in the Mekhilta that it is forbidden for a Jew to kill a Gentile by virtue of the same prohibition of the children of Noah not to kill each other, which we are also obligated to do. However, the special prohibition.

We have brought above the words of the Rambam that the one who kills a resident alien 'is not killed by the court,' and from this we see, like the Mekhilta, that even though he is not killed by the court, there is a punishment for this in the heavenly court (as we brought from the Kesef Mishnah).

Indeed, in the Rambam, it could be understood that this is true only for the one who kills a resident alien, and not for the one who kills a 'Gentile' about whom the Rambam writes there:

'And it is not necessary to say that he is not killed for the Gentile' (and see in Minchat Chinuch at the beginning of mitzvah 4).

However, from the Mekhilta, it seems that 'his judgment is in heaven' is said in general about killing a Gentile, and not only in the killing of a resident alien, and therefore it seems that this is also the intention of the

Rambam (and so it is also implied in the Kesef Mishnah there, which says that a resident alien is also included in the general 'others' of the Tosefta, see there).

However, when the Gentile does not keep the Seven Commandments, there is a way to kill him from the side of his judgment as one who violates the Seven Commandments, and we will discuss this in chapter two, see there.

It should be noted that from the words of the Rambam, it is clear that 'his judgment is in heaven' does not refer to death by the heavens, because in all cases of one who kills unintentionally. The Rambam stated that there is a requirement of death by the court (see Laws of Murder 2:2).

But here he did not write explicitly, and only specified that he is not killed 'by the court,' and it is proven that in his opinion 'his judgment is in heaven' is a general law and not a requirement of death by the court.

It is possible that the concept of 'his judgment is in heaven' is interpreted here as follows:

Sometimes the act is worthy of a severe punishment, sometimes a light punishment, and sometimes not at all; and the matter depends on the context of the killing and also on the intention of the doer, as will be explained below in the explanation of the method of the Rambam and the Beit Yosef on the matter of killing a Gentile who violates the Seven Commandments in chapter two, see there.

It is also possible to interpret that his intention is to say that he is not killed by the court, but the matter is left to the judgment of the king, who can kill such murderers if the time requires it (see Laws of Murder 2:4) (we heard this interpretation from our teacher, Rabbi Ginzburg, shlita).

Third Section

We have already discussed the words of Rambam, who stated that one who kills a resident alien 'is not killed by the court.' From this, we observe, similar to the Mekhilta, that even though the court does not administer the death penalty, there is divine punishment for this act (as previously cited from the Kesef Mishnah).

However, in the Rambam's text, it might be inferred that this is applicable only to someone who kills a resident alien and not to someone who kills a Gentile. Concerning the latter, the Rambam writes:

'And it goes without saying that he is not killed for the Gentile' (see also Minchat Chinuch at the beginning of mitzvah 4).

Yet, based on the Mekhilta, it appears that the phrase 'his judgment is in heaven' is a general statement about killing a Gentile, not restricted to the case of a resident alien. Therefore, it seems that the Rambam's intention aligns with this understanding (as also hinted in the Kesef Mishnah, which includes a resident alien among the 'others' mentioned in the Tosefta).

Nevertheless, when the Gentile fails to adhere to the Seven Commandments, there is justification for his killing from the perspective of violating the Seven Commandments. This will be further elaborated in Chapter 2.

It is essential to note that according to the Rambam, 'his judgment is in heaven' does not imply a death penalty administered by divine forces. In all instances of unintentional killing and similar scenarios, the Rambam explicitly mentions that the court is responsible for applying the death penalty (refer to Hilchot

Rotzeach 2:2). However, in this context, he does not explicitly state such a scenario, specifying only that the individual is not killed 'by the court.' This implies that, in his view, "his judgment is in heaven. The commandment 'You shall not murder' refers only to the murder of a Jew, and there is a reduction in the punishment.

There is nothing permitted to a Jew that is also prohibited to a Gentile.

This principle, that Jews are obligated also by the Seven Commandments of the children of Noah, is also found in the Talmud. The principle that Jews are also obligated by the Seven Noachide Laws is also found in the Sanhedrin 59a:

'There is nothing permitted to a Jew that is also prohibited to a Gentile' Rabbi Shlomo Yitzchaki (Rashi) explains: 'There is nothing that is permitted to a Jew that is forbidden to a Gentile, because when they left the general category of the children of Noah to become sanctified, they left in order to be elevated, not to be made easier for them.

And this is exactly what the Mekhilta says, 'Instead of being made more difficult, they were made easier!'

The Rambam emphasized this principle, that the Jewish people are still obligated by the Seven Noachide Laws, (beginning of chapter 9 of Hilchot Melachim):

Adam was commanded on six things: Idolatry (acknowledging that there is only one G-d), Cursing G-d (Blasphemy), Murder, Adultery (forbidden relations), Theft, and Courts of Judgment. Although all of these are received by us from Moses our teacher, and the intellect inclines towards us, from the general statements of the Torah, it appears that he was commanded on these things. Noah added the commandment against eating flesh from a living animal, as it is said, 'But flesh with its life, its blood, you shall not eat. Thus, the Seven Commandments were found. Abraham was commanded in addition to these on circumcision, as he prayed in the morning. Isaac separated tithes and added another prayer at noon. Jacob added the sinew of the hip and prayed in the evening. In Egypt, Amram was commanded additional Commandments, until Moses our teacher came and the Torah was completed by him.

This principle applies to all Seven Noachide Laws: a Gentile who eats meat with its blood is liable to death, while a Jew is not liable to death for this. The reason is that eating meat with its blood is not a sin so serious as to warrant the death of a Jew for eating it.

This principle is also true for the other six Noachide Laws. For example, a Gentile who commits idolatry is liable to death, while a Jew is not. The reason is that idolatry is a very serious sin, and it is appropriate to punish a Gentile for it with death. However, it is not appropriate to punish a Jew with death for idolatry, because Jews are obligated to follow a higher moral code.

It is clear from the Gemara that the meaning is that whatever a Gentile is forbidden to do to a Gentile is certainly forbidden for a Jew to do to a Gentile, as Rashi says in Sanhedrin 90a. See also Orach Chayim, chapter 1, which connects the Mekhilta to Li' kha M'idi" (is a rule: translates from Hebrew as 'for my sake, nothing' or 'there is nothing.' It refers to the principle that anything forbidden for Gentiles is automatically forbidden for Jews as well). And we expanded more on the explanation of the sources that deal with 'Li' kha M'idi' in the appendix at the end of the chapter.

The sources cited in this paragraph support the principle that jews are also obligated to follow the Seven Noachide Laws. For example, the Gemara in Hullin 33a states that a jew who eats meat with its blood is not liable to death. This implies that jews are not exempt from the Noachide Laws that prohibit eating meat with its blood.

And this does not contradict what the Rambam explained in his commentary on the Mishnah, Hullin 7:6, that the obligation in the Commandments is by virtue of the fact that they are from G-d.

The Rambam's statement that the obligation in the Commandments is by virtue of the fact that they are from G-d does not contradict the principle that jews are also obligated to follow the Seven Noachide Laws. The Rambam is simply saying that the Commandments are binding because they are from G-d. He is not saying that only jews are obligated to follow them.

Additional Note

The Rambam explains in his commentary on the Mishnah, Hullin 7:6, that the obligation in the Commandments is by virtue of the fact that they are from G-d. He says that this does not contradict the principle that jews are also obligated to follow the Seven Noachide Laws, because the Seven Noachide Laws were given before the giving of the Torah.

In the Gemara in Sanhedrin 90a, it is said that anything that was said before the giving of the Torah and was not repeated in the Torah is only forbidden for jews and not for Gentiles. This includes, for example, the prohibition of eating meat with its blood (the sinew of the hip). On the other hand, anything that was said before the giving of the Torah and was repeated in the Torah is said both to jews and to Gentiles.

We have seen that the prohibition of 'you shall not murder' is only said with regard to the murderer of a jew. This suggests that the prohibition of killing a Gentile was not repeated in the giving of the Torah. If this is the case, then only jews are forbidden to kill Gentiles, and Gentiles have no prohibition!

Similarly, the prohibition of killing an unborn child, which is derived from the verse of the Children of Noah (see appendix one to the chapter), is supposed to be forbidden only for jews and not for Gentiles. This is contrary to the Gemara in Sanhedrin 92b, which states that a son of Noah is killed for the unborn (and as ruled by the Rambam in Hilchot Melachim 10:4!)

But the later authorities (Maharatz Chayes (Zvi Hirsch Chajes) in Torah Nevi'im, end of chapter 11; have already written that since the root of the prohibition of murder in general was repeated in the giving of the Torah, this is considered for this matter as being said and repeated, and therefore all the details of the Laws that were said before the giving of the Torah remain binding on both jews and the Gentiles, and this includes the prohibition of killing a Gentile and an unborn child (and this is in accordance with the words of the Rambam in the Seventh root in the introduction to the Book of Commandments, where he explains that in the count of 613, the roots of the Commandments are counted and not all the judgments and details therein; and according to this, his words mentioned above on the Mishnah in Chullin will be understood, where he emphasizes that 613 Commandments were said to Moses from Sinai, and we are obligated in what was said before the giving of the Torah only because in the giving of the Torah, G-d commanded Moses that we remain obligated in this. And now we see that the main thing is that the 613 roots were given at Sinai, and

this already teaches us also about the obligation of the details included in them. And therefore, it is implied for our matter that if the root is repeated, this already includes the details, as mentioned above)

He did not do this for every nation, except for whom? For Jacob, whom He chose from all the nations of the world. And He gave them only a part. He gave Six Commandments to Adam, He added one to Noah, Eight to Abraham, and Nine to Jacob. But to jews, He gave them everything. Rabbi Shimon said in the name of Rabbi Hanina: It is like a king who had four sons. He would give a part of the kingdom to each son, and to another son he would give a part of the kingdom, and to another son he would give a part of the kingdom. But to the fourth son, he gave him everything.

Additional Considerations

In addition to the Torah prohibition against killing a Gentile because he is a "shedder of blood," it is appropriate to mention the words of the Sages in Tanhuma (also called Yelammedenu) (edition of Ish-Shalom, chapter 26) on the severity of the prohibition against killing a Gentile because of the desecration of G-d's name involved, and also that the one who kills a Gentile will eventually kill a jew.

The one who sheds the blood of a Gentile will eventually shed the blood of a jew, and the Torah was not given for this purpose, but only to sanctify His great name.

In addition to this, there are several Laws that require jews not to harm Gentiles (even those who violate the Seven Commandments and are simply liable to death, as will be explained in chapter 2), in order to prevent desecration of the name. Similarly, several Laws were said in order to prevent enmity and for the sake of ways of peace. It is certain that in the issue of killing a Gentile, one must also take into account these reasons in accordance with reality.

Summary

- According to Halakha, it is forbidden for a Gentile to kill another person. If they do so, they are liable to the death penalty.
- The prohibition of "Thou shalt not kill" applies specifically to a jew who kills another jew.
- A jew who kills a Gentile is not liable to the death penalty.
- The prohibition for a jew to kill a Gentile stems from the fact that it is also forbidden for a Gentile to kill a Gentile. This is based on the verse 'Whoever sheds the blood of a human being, by a human being shall that person's blood be shed' (Genesis 9:6). This verse is a commandment that applies to all people, regardless of their religion or nationality.

The Shulchan Arukh was laden with various dishes. A servant entered and the man gave him a piece. A second entered and he received an egg. A third came in and was offered a vegetable, and so on, each receiving one item. Then, his son entered. The man placed the entire Shulchan Arukh before him, saying, 'To them I gave individually, but to you I offer everything at your disposal. Similarly, G-d gave the idolaters only a few Commandments, but when Israel arose, He declared, "Behold, the entire Torah is yours," as it is written, 'He has not done so with any other nation.' (Psalms 147:20)

For example, regarding the matter of returning lost property, Maimonides, Laws of Robbery and Lost Property, 1:3, Shulchan Aruch, Choshen Mishpat 260:1. Regarding the matter of a Gentile's error, Maimonides (Rambam), ibid. 1:5. In the Tosefta, Bava Kamma 1:1: The theft of a Gentile is more severe than

the theft of a Jew, because of the desecration of G-d's name. In Gittin 50a, regarding the Gibeonites. However, in the Talmud, Bava Kamma 4:3, it is implied that only in matters of money was a decree issued due to desecration of G-d's name, and they did not say this regarding the prohibition of giving birth and nursing, see there.

Like in the matter of healing and saving from death, Maimonides, Laws of Idolatry, 4:2, Shulchan Aruch, Yoreh De'ah 290:1. Like in the matter of giving charity to the poor of Gentiles, Maimonides, Laws of Idolatry, 4:5, Laws of Kings, 11:12

Appendix A:

There is nothing that is permitted for a Jew and forbidden for a Gentile

In the body of the chapter, we explained that the prohibition against killing a Gentile stems from the prohibition against Gentiles killing each other, because "there is nothing that is permitted for a Jew and forbidden for a Gentile." In this appendix, we will elaborate on the sources and additional things that are learned from this law.

Rabbi Yosei ben Rabbi Hanina said:

“Every commandment that was given to the Children of Noah and was repeated at Sinai was given to both of them. Those that were given to the Children of Noah but were not repeated at Sinai were given to Israel and not to the Children of Noah.”

Rav said:

“Every commandment that was given to the Children of Noah and was repeated at Sinai was given to both of them. On the contrary, since it was repeated at Sinai, it was given to the Jews and not to the Children of Noah!”

Rabbi Yosei replied:

“This is because the Commandment of Idolatry was given at Sinai, and we find that a Gentile is punished for it. Therefore, we can infer that it was given to both of them”.

Rav continued:

“Those that were given to the Children of Noah but were not repeated at Sinai were given to Jews and not to the Children of Noah. On the contrary, since it was not repeated at Sinai, it was given to the Children of Noah and not to Jews!”

Rabbi Yosei replied:

“This is because there is nothing that is permitted for a Jew and forbidden for a Gentile.”

Rabbi Yosei's opponent objected:

“But what about the prohibition against looking at a beautiful woman?”

Rabbi Yosei replied:

“This is because the Children of Israel are not conquerors, so they are obligated to preserve their modesty.”

Rabbi Yosei's opponent continued:

“But what about the prohibition against taking something worth less than a penny?”

Rabbi Yosei replied:

“This is because the Children of Israel are merciful, so they are obligated to compensate even for a small loss.”

Rabbi Yosei concludes his argument by asserting that there is nothing that is permitted for a Jew and forbidden for a Gentile. This principle is based on the idea that all human beings are created in the image of G-d, and therefore deserve to be treated with respect and dignity.

The Talmud says that all Commandments that were given to the Gentiles before the giving of the Torah and were repeated at Mount Sinai are also binding on Jews. This is because it is impossible to say that these Commandments were given only to the Gentiles, as there is no other instance of a Commandment being given only to the Gentiles. Jews are always obligated in what the Gentiles are obligated.

The Talmud then raises two objections to this statement. The first objection is that the Commandment against looking at a beautiful woman was given to the Gentiles before the giving of the Torah, but it was not repeated at Mount Sinai. The Talmud answers this objection by saying that this Commandment is binding only on Jews, as it is based on the Jews' unique status as conquerors. The second objection is that the Commandment against stealing something worth less than a penny was given to the Gentiles before the giving of the Torah, but it was not repeated at Mount Sinai. The Talmud answers this objection by saying that this Commandment is binding only on Jews, as it is based on the Jews' unique status as merciful people.

The Talmud concludes by saying that the principle ‘there is nothing from which we can infer that something is permitted for a Jew and forbidden for a Gentile’ is a simple principle that the Talmud uses to interpret the verses. This principle is mentioned in two other places in the tractate Sanhedrin.

In the presence of Rabbi Shmuel bar Nachman

What is the law regarding a Gentile who has sexual relations with an animal?

Answer: Rabbi Shmuel bar Nachman cites a Mishnah:

“What about trees that are not edible, do not provide drink, and offer no fragrance? The Torah says, “Uproot them, burn them, and destroy them entirely.” Why? Because they can lead a person to sin. If trees, which are inanimate objects, are punished for causing someone to stray from the path of life,

then how much more so should a human who deliberately misleads another from the path of life to the path of death be punished!"

Objection:

But if a Gentile were to bow down to his own animal, would he be prohibited from doing so and even killed for it? Is there anything that is forbidden for a Jew but not for a Gentile?

Answer:

No, a Jew himself would not be prohibited from such an act, because the only punishment for it would be a monetary fine.

Statement:

There is a difference between the disgrace of a Jew who commits such an act and the disgrace of a Gentile. The disgrace of a Jew is far greater.

But isn't it true that the disgrace of trees, which are nothing but wood, is not particularly great? Yet, the Torah explicitly commands that they be uprooted, burned, and destroyed!"

Answer:

We must consider that G-d is merciful to living creatures, and therefore, we cannot apply the same rule to animals as we do to inanimate objects.

Alternative perspective:

The Torah states that an animal that enjoys wrongdoing must be put to death. But what about trees? They do not enjoy wrongdoing, yet the Torah commands that they be destroyed!"

Answer:

Once again, we must remember that G-d is merciful to living creatures, and therefore, even though trees may lead people to sin, they are not killed because they do not have the capacity to understand or enjoy wrongdoing.

Conclusion:

The question of whether a Gentile who has sexual relations with an animal is liable to punishment remains a matter of dispute among the rabbis, with various arguments presented and considered.

The Gemara wants to learn from trees that were used for idolatry and that the Torah said should be destroyed that even an animal that was used by a Gentile for idolatry should be killed. However, the Gemara says that this is not possible, since we know that an animal owned by a Jew that was used for idolatry is not killed. It is not possible that there is something that is permissible for a Jew (to continue to keep an animal that was used for idolatry) and forbidden for a Gentile. Therefore, Abaye and Rava - each in their own way - explain why there is a difference between trees and animals, and the animal is not killed either is the Jew or among Gentiles. Here, the Gemara learns a Halakha from the fact that it is not possible that there is something that is forbidden for a Gentile and permissible for a Jew.

In the Page of Noah

Rabbi Eliezer said to Rabbi Chanina:

“The son of Noah who comes upon his wife not in the proper way - is liable, as it is said: "And cling and not in the proper way."

Rava said:

“Is there anything that an Israelite is not liable for and a Gentile is liable for?”

But Rava said:

- “The son of Noah who comes upon his friend's wife not in the proper way - is exempt. Why is that? He came upon his wife and not upon his friend's wife, and "cling" - and not in the proper way.
- Because there is a verse that prohibits it as a sacrifice, and we see that it is only forbidden for a sacrifice (as explained by Rashi).
- However, see in the Aruch LaNer there, which explains that this is not the usual "li-cha-mi-di" [literally, "there is nothing"], but rather a law of Kal v'chomer from Israelites to Gentiles (based on the words of the Ran and Rambam there); but in any case, from the Gemara's use of this language, it seems that this principle is accepted.
- See in the tradition of the Shem that brings a precise version: ‘mi-yechi-mi-di de-li-sra-el sha-rive-li-goy a-sur’ (literally, ‘is there anything that for a Jew is permitted and for a Gentile is forbidden’) (because it is simple that there are things that a Jew is not liable for death for and a Gentile is so liable (such as an organ from a living animal and theft)).

In other words, the case of the entrails according to ‘Rav’ Nachman bar Yaakov is similar to the law of Yefat To’ar, in which there is a special rationale that distinguishes between Jews and Gentiles and from which the permission for Jews follows. This is because Jews have the law of *Shechita, and since that is the case, they measure the death of the animal according to the time of shechita and not according to the time of death. Therefore, the entrails are not considered a limb of a living creature. And there is no simple thing that is permitted for Jews and forbidden for Gentiles.

*Note to Reader: Law of Shechita is a Jewish Method of Slaughter. ‘Religious Slaughter’. The method used is cutting the throat from ear to ear without previous stunning and letting the animal bleed to death. Before the throat-cutting can be done, the Ox (or other split hooved animal) has to be thrown to the floor, or cast as it is called. Various methods of doing this are used, the usual procedure being to rope the feet together, pass the end of the rope through a ring in the wall, and pull the rope until the animal falls. Naturally, on the hard floor of the slaughter-house, this is rough treatment, and when, as sometimes happens, the animal’s horns are broken in the fall, it causes acute suffering, for a broken horn means a broken bone in the case of cattle, the horn having a bony core.

*This is ‘Religious Slaughter’ is extremely similar to the Islamic Slaughtering called Halal.

In any case, it seems from the conclusion of the Gemara that the opinion of ‘Rav’ Nachman bar Yaakov was not accepted as Halakha, and the meat is permitted for Gentiles as well. Therefore, in practice, this is not a

case where there is something that is forbidden for Gentiles and permitted for jews. Is this also the case in other instances in the Gemara?

And if so, we also see in this Gemara that there is no disagreement with the principle that "there is nothing that is permitted for jews and forbidden for Gentiles."

In addition to this, we see in the Gemara that the verses that were said regarding the shedding of blood for Gentiles are also true for Israel. Thus, the Gemara says in Sanhedrin 72b, which deals with the laws of a pursuer among jews:

‘A pursuer who was pursuing his friend to kill him, said to him: "See that he is an Israelite, and a son of the covenant, and the Torah said: 'He who sheds the blood of man, by man shall his blood be shed.'”

This means that this verse is also true for jews, and the acceptance of the Torah did not exempt them from the Laws of Noah.

And similarly, in the Midrash (Bereishit Rabbah, Parsha 34), they learned the prohibition against suicide from the verses that refer to the children of Noah. It is implied there that this also applies to jews, and this is the language of the Midrash.

The Tosefta on Bava Kamma 14a: if something is permitted for jews, it is a sign that it is also permitted for Gentiles, since there is a general rule of ‘li-chah mi-di’ (there is nothing to worry about). In their opinion, this is what obligates the opinion that Gentiles are also permitted in the (meat of) internal organs. However, it is also clear to them that when there is a reason to distinguish between jews and Gentiles, it is impossible to learn from what is permitted for jews that it will also be permitted for Gentiles. Therefore, they remained in ‘tanna’ on the Gemara in this matter, because here, there is a simple reason to distinguish between jews, who are obligated in shechita, and Gentiles, who are not involved in shechita. However, it appears that Maimonides ruled like of ‘Rav’ Nachman bar Yaakov; see below.

But your blood I will require for your lives' - to bring the one who strangles himself. Can it be like Saul? The Talmud says 'but'. Can it be like Hananiah, Mishael, and Azariah? The Talmud says 'but'.

It is implied in the Midrash that the prohibition on suicide also applies to Saul and Hananiah, Mishael, and Azariah, if there is no special reason to permit it. In other words, the verse applies to jews as well, even though it is comparable to the children of Noah.

The Midrash was brought as law in the book of Av Ha-RaHamim (chapter 4, laws of love of G-d, letter 1) and by Rashi (Moed Katan 3:30). It is clear in their words that the Midrash teaches a prohibition even for Israel. This is how the Beit Yosef (Yoreh De'ah 429, Bedek HaBayit) brought this Midrash (and even brought differences of opinion on the question of whether Saul acted properly and how to understand the Midrash, see there). It is also so in the Shulchan Aruch (Yoreh De'ah 429, Seder Ha-Korbanot 1).

Maimonides also clearly states in his Mishnah Torah that the verses that prohibit murder in Noachide law are also true for jews, as he wrote (Laws of Murder 2:2-3):

But the one who hires a murderer to kill his friend, or who sends his servants to kill him, or who ties up his friend and puts him before a lion or the like and the animal kills him, and also the one who kills himself, all of

these are shedders of blood and the sin of murder is in their hands, and they are liable to death from heaven and there is no death penalty by a court for them.

And how do we know that this is the law? For He says, 'He who sheds the blood of man, by man shall his blood be shed', this is the one who kills himself without a messenger, 'But your blood I will require for your lives', this is the one who kills himself, 'From every beast I will require it', this is the one who delivers his friend to a beast to devour him, 'From the hand of man, from the hand of a man's brother, I will require the life of man', this is the one who hires others to kill his friend; and in the interpretation, it is said in all three of them the language of demand, therefore their judgment is entrusted to heaven.

Therefore, we see that Maimonides learned some details of the prohibition of murder from what is forbidden to the Children of Noah and understood that it is simply that if it is forbidden to them, it is forbidden to Israel as well. And indeed, the Children of Noah are also killed when they cause death, since they are liable to death for what is considered a prohibition of murder among them (as will be explained in chapter three).

Rabbi Aha bar Jacob (or R. Aha bar Ya'akov) said that it was written in the Yalkut book of the school of Rabbi: A Noachide is killed by a single judge, and on the testimony of one witness, without warning, from the mouth of a man and not from the mouth of a woman, even if he is a relative.

Rabbi Ishmael said:

“Rebuke! Even for the fetus. How do we know these things?”

Rabbi Judah said:

“Because the verse says: ‘But your blood for your lives I will demand’, even with one judge, ‘from the hand of every living creature’, even without warning, ‘I will demand it’, even with one witness, ‘from the hand of man’, and not from the hand of a woman, ‘his brother’, even if he is a relative.”

On behalf of Rabbi Ishmael, they said even for the fetus. What is the reason of Rabbi Ishmael? - Because it is written: ‘Whoever sheds the blood of man, through man shall his blood be shed’ - which man is it that is within man, it must mean this is the fetus in the womb of its mother.

The Tosefta, medieval Jewish scholars who wrote commentaries on the Talmud, explain in their writings (Sanhedrin 39a, under the heading) that while Jewish law does not prescribe capital punishment for causing the death of a fetus, the act itself remains forbidden. This implies that the prohibition originates from the broader principle that forbids harming others, which applies to all individuals regardless of their religious affiliation. This interpretation is further supported by numerous later authorities, as summarized by Rabbi Abraham Danzig in his 17th-century legal code, the Avraham (Choshen Mishpat, beginning of section 225)

According to the majority of early and later authorities, it is forbidden by Torah law to kill a fetus when there is no danger to the mother. Rabbi Shlomo Zalman Auerbach, zt”l, wrote to me that "since a Noachide is put to death for killing a fetus, and there is nothing that a Jew is permitted to do that a Noachide is put to death for, then it is forbidden for a Jew to do so as well." We also find many other places in the writings of the early and later authorities that state the principle that "there is nothing that a Jew is permitted to do that is forbidden to a Gentile" as a matter of course, and they also derive halachic implications from this.

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1. Sources for the prohibition against killing a fetus include: Ahiezer 3, 65 (letter Yod), Aruch LaNerYevamot 42a (s.v. "Hakhnan Ham Aleha"), Chavot Yair Siman 31, Shu"tToratChesed Even HaEzer, 42, MaHaram Shick Yoreh De'ah, 150, KachShurSiman 20, Or Samayach Hilchot IssureiBi'ah 3, 2, SederiTaharotAhiLot 7, 6, Iggerot Moshe ChoshenMishpat 2, 69, and Yabia Omer Part 4, Even HaEzer, 1. However, the Tzitz Eliezer (9, 51, 3) disagrees with this source for the prohibition against killing a fetus, and we will address this further below.
 2. Example sources that directly cite the biblical prohibition include: Sha'iltotParshatNoach, Question 6, Sefer Halachot GedolotSiman 68, Toseftafot Kiddushin 21b (s.v. "Ishet"), Avodah Zara 5b (s.v. "M'ayin" - second explanation), and Chullin 23a (s.v. "Temut").
 3. Example sources that cite the principle "Li Me'idahDeliShrael Shari U'I'Goy Asura" ("There is nothing that a Jew is permitted to do that is forbidden to a Gentile") include: Lechem Mishnah Hilchot Melachim 10, 9, Shach Yoreh De'ahSiman 62, S"K 3, P'tachi Teshuva Yoreh De'ahSiman 150, S"K 4 (in the name of the "Tevat Gama"), P'nei Yehoshua Kiddushin 37a (s.v. "Zot Ve'od"), Annotations on the SfatEmet (written by his son-in-law) Rosh Hashanah 10a, Shu"tGinatVradim Even HaEzer 3, 12 (in the paragraph starting with the words "Ve'mahShe'katavL'chalekBeinUma'danaL'uma'dana"), Shu"t Beit Yehuda Yoreh De'ah, end of Siman 17, Shu"tM'oray Ezekiel Siman 129, Shu"tYehudahYa'aleh Part 1, Yoreh De'ahSiman 550, Shu"tYehudahYa'aleh Part 2, ChoshenMishpat 43, and Shu"tShoelU'Meishiv Edition 1, 1, 242, Edition 2, 8, and Siman 78.

Explanation of the Paragraph 3 next page

- Lechem Mishnah, Hilchot Melachim, 10:9
- Shach, Yoreh De'ah, 62:3
- P'tachi Teshuva, Yoreh De'ah, 150:4 (in the name of the Gemara)
- P'nei Yehoshua, Kiddushin, 37a, s.v. "Zot Ve'od"
- Notes on the SfatEmet (written by his son-in-law), Rosh Hashanah, 10a
- Shu"tGinatVradim, Even HaEzer, 3:12 (in the paragraph starting with the words "Ve'mahShe'katavL'chalekBeinUma'danaL'uma'dana")
- Shu"t Beit Yehuda, Yoreh De'ah, end of 17
- Shu"tM'oray Ezekiel, 129
- Shu"tYehudahYa'aleh, Part 1, Yoreh De'ah, 550
- Shu"tYehudahYa'aleh, Part 2, ChoshenMishpat, 43
- Shu"tShoelU'Meishiv, Edition 1, 1:242, Edition 2, 8, and 78
- This is a list of sources that cite the principle "Li Me'idahDeliShrael Shari U'I'Goy Asura" ("There is nothing that a Jew is permitted to do that is forbidden to a Gentile"). The list is formatted as follows:
 - The first word, "למשל," means "for example."
 - The rest of the text is a list of sources, each followed by the relevant page or paragraph number.
 - The sources are as follows:
 - Lechem Mishnah, Hilchot Melachim, 10:9: A commentary on the Mishnah by Rabbi Yosef Caro.
 - Shach, Yoreh De'ah, 62:3: A commentary on the Shulchan Aruch by Rabbi Shabbetai HaKohen.
 - P'tachi Teshuva, Yoreh De'ah, 150:4: A collection of responsa by Rabbi Moses Isserles.
 - P'nei Yehoshua, Kiddushin, 37a, s.v. "Zot Ve'od": A commentary on the Talmud by Rabbi Joshua Falk.

- Notes on the SfatEmet (written by his son-in-law), Rosh Hashanah, 10a: A commentary on the Talmud by Rabbi Meir Simcha of Dvinsk.
- Shu'tGinatVradim, Even HaEzer, 3:12: A collection of responsa by Rabbi David Tzvi Hoffman.
- Shu't Beit Yehuda, Yoreh De'ah, end of 17: A collection of responsa by Rabbi Yehuda LeibHaLevi Alter.
- Shu'tM'oray Ezekiel, 129: A collection of responsa by Rabbi Ezekiel Landau.
- Shu'tYehudahYa'aleh, Part 1, Yoreh De'ah, 550: A collection of responsa by Rabbi YehudahYa'aleh.
- Shu'tYehudahYa'aleh, Part 2, ChoshenMishpat, 43: A collection of responsa by Rabbi YehudahYa'aleh.
- Shu'tShoelU'Meishiv, Edition 1, 1:242, Edition 2, 8, and 78: A collection of responsa by Rabbi Moshe Sofer.

Although it should be noted that we have found places where it seems that the general rule "Li Me'idahDeliShrael Shari U'I'Goy Asura" (There is nothing that is permitted to a Jew that is forbidden to a Gentile) is not completely correct. For example, in the words of the Sifre on the verse "And you shall not eat the life with the flesh" (Deuteronomy 12:23):

‘Only be sure that thou eat not the blood: for the blood is the life; and thou mayest not eat the life with the flesh.’ And is it not a law that what is permitted to the children of Noah is forbidden to a Jew? Is it not a law that a limb of a living being that is forbidden to the children of Noah is forbidden to a Jew? The prohibition of a beautiful woman and all those like her prove that it is forbidden to the children of Noah and permitted to a Jew. So do not be surprised that a limb of a living being, even though it is forbidden to the children of Noah, should be permitted to a Jew. It is taught to say: 'And you shall not eat the life with the flesh,' this is a limb of a living being.

It seems that we do not say that everything that is forbidden to a Gentile is also forbidden to a Jew. Therefore, a clear verse is required to prohibit a limb of a living being for a Jew.

We also found in the Tosefta in Hullin 33a, end of 'echad': The Tosefta raise an objection to 'Li Me'idahDeliShrael Shari U'I'Goy Asura' (There is nothing that is permitted to a Jew that is forbidden to a Gentile) from the opinion of R. Eliezer who holds that half a Shiur (a unit of measure) is permitted by Torah law. According to his opinion, it would follow that it is permitted for Jews to eat half a Shiur of a limb of a living being (half the quantity), while it is forbidden for Gentiles to do so. This is because the laws of Shiur are only applicable to Jews.

And they resolve there that in truth, according to R. Eliezer, the principle 'Li Me'idahDeliShrael Shari U'I'Goy Asura' (There is nothing that is permitted to a Jew that is forbidden to a Gentile) is not correct. According to this, it would seem that the general rule 'Li Me'idahDeliShrael Shari U'I'Goy Asura' (There is nothing that is permitted to a Jew that is forbidden to a Gentile) is subject to dispute.

On the side that it does not exist, there is no Torah prohibition against killing a Gentile or a fetus, and there is also no Torah prohibition against suicide. However, it is more likely that the Sifre and R. Eliezer do not completely disagree with the Gemara in the Sanhedrin that we brought above: R. Yose b. R. Hanina said:

“Every mitzvah that was said to the Children of Noah and repeated at Sinai was said to both of them. To the Children of Noah and not repeated at Sinai was said to the Jews and not to the Children of Noah.”

And as we saw in the Gemara there, the things are based on the general rule 'Li Me'idahDeliShrael Shari U'I'Goy Asura.' (There is nothing that is permitted to a Jew that is forbidden to a Gentile). But they believe that there are exceptions to this rule.

(At the end of the paragraph that begins with 'And behold, from our words in the Talmud'; Yaavetz, Yoreh De'ah 3, 50; Yitzhak, Even HaEzer 2, 54, 4; see there also in Shaar HaMelech, Even HaEzer 30; Igrot Moshe, Yoreh De'ah 3, 57, in the paragraph "And what the Achiyahzer wrote"; Minhag Shlomo, 1, 29, in the paragraph "And in this matter"; ibid., Even HaEzer 44; see in this also in Shevet Ha'Levi, 2, 20; in Mishnah Berurah, 12, 433; and there, 13, 22); Mishnah Berurah, 12, 480.)

(See Maimonides, Laws of Kings 9:10 and the sources on the subject of vessels there.) (However, see Sefer Torah Shlomo, Exodus 20)

As we will explain:

The Tosefta explained that the general rule of "there is nothing" is not correct in a matter that there is a mitzvah for a Jew to do. And there is no need to object to that which the Gemara said in the chapter of the Midot (Sanhedrin 58b), 'A Gentile who observes Shabbat is liable; and so is the one who engages in Torah study.' For in a matter that is a mitzvah for a Jew to do, it is not appropriate to say, 'Who is there that a Jew is permitted in it?'

In other words:

Although the general rule of 'there is nothing' is correct, and in general a Jew is obligated in everything that Gentiles are commanded, if the Torah explicitly wrote that we need to do something that Gentiles are forbidden to do, then there is something that is permissible for Israel and forbidden for Gentiles.

It is possible to explain that the words of the Midrash and Rash Lakish are similar to the words of the Tosefta. They also agree that it is impossible that from the fact that they were made more stringent they were made more lenient, and a Jew remained obligated in what they were obligated in before the giving of the Torah. But this is true in things in which we did not find an exception or a clear change; when the Torah explicitly established a different law for a Jew, this law nullifies the obligation that was before the giving of the Torah and creates a situation of something that is permissible for Israel and forbidden for Gentiles (as in a matter of mitzvah, such a reality exists for everyone).

According to this, the intention of the Midrash is as follows: Although a Jew remained obligated in the Commandments that were given to them before the giving of the Torah, we found a case in which they were permitted to eat a limb of a living animal. For the Torah decreed that it is permissible for them to eat meat after shechitah, and therefore it is permissible to eat meat even if it was cut from an animal that is still convulsing; and this is despite the fact that it is forbidden for Gentiles. And therefore, in light of this, the general rule of "there is nothing" is not correct. Therefore, a clear verse is needed to prohibit such a limb of a living animal to a Jew.

1. The Arukh explains that the Tosefta's difficulty regarding a Gentile who engages in Torah study is not clear, because the reason for the prohibition is not because it is forbidden for Gentiles to do so, but because it is considered a form of theft or adultery against the Jewish people. Therefore, there is no contradiction with the general rule of 'there is nothing,' which states that a Jew is obligated in everything that Gentiles are obligated in.

The Arukh also notes that the Tosefta in Sanhedrin only raise an objection from the prohibition for Gentiles to observe Shabbat, and not from the prohibition for them to engage in Torah study. This suggests that the Tosefta Chullin were comparing the two cases and saying that just as there is no place for the argument of 'there is nothing' in the case of Torah study, so it is in any place where there is a commandment for a Jew.

2. According to this explanation, the Midrash innovates that it is forbidden for a Jew to eat meat that was cut from a live animal. This is a significant innovation, as the Halakhic method according to the Talmud of that place holds that it is only forbidden to eat a regular limb of a living animal.

The general rule of 'there is nothing' states that a Jew is obligated in everything that Gentiles are obligated in. However, the Torah explicitly states that a Jew is not obligated on half-Shemitah. Therefore, in this specific case, it is not correct to say the general rule of 'there is nothing'.

Since the animal was not slaughtered, how is it possible that the Midrash says that it is permitted? (And it is impossible to say that a verse is required for there to be a prohibition that is punishable by lashes, because if that were the case, then how is it possible that the Midrash says that 'there is nothing' is sufficient? After all, 'there is nothing' is not sufficient to obligate lashes, because the rule is correct regarding the prohibition, not the punishment.)

We must therefore say that the Midrash is referring to the case of meat that was cut from the carcass, for which there is no prohibition from the perspective of slaughter to eat it, and the Midrash innovates that it is forbidden by the law of 'limb from a living being.' (It should be noted that according to this interpretation, it would appear that in the opinion of the Midrash, it is forbidden for a Jew to eat the intestines of a slaughtered animal, because they were cut from the animal before it died completely. However, it is possible that the intestines are lighter than meat that was cut from the carcass, because they are part of the slaughtering process, and therefore, even though they are 'menahi bedikula' (not like myself) and do not prohibit the animal from being considered kosher, they are not considered "limb from a living being." (See in this regard the difficulty of the MaHaram there (in the commentary "in the Gemara and there is no appointment") and the words of the MaHaram Schiff, in his words we see that the intestines are not like regular meat that was cut from the carcass, and so forth.) It is also possible that the Midrash held that the intestines are not considered 'like menahi bedikula' (not like myself) after the slaughtering of the animal, unlike Rash Lakish.)

According to this, we can also say that the Midrash does not disagree with the Gemara in Sanhedrin, which says that there is a reason why a captive woman is permitted for a Jew but forbidden for Gentiles. Rather, he says that there is also a reason to differentiate in this case, because we are talking about an animal after slaughter and Gentiles are 'not children of slaughter,' and therefore 'there is nothing' cannot serve as a source of prohibition for a Jew in this case. However, in the words of the Midrash 'Rav' and the words of the Neziv in his commentary to the Midrash, we see that they understood that the language 'a captive woman and all those similar to her will prove' teaches that according to the Midrash, in any place where there is a permission for a Jew, the general rule of "there is nothing" does not exist, and there is no need to explain a special reason for the distinction between Jews and Gentiles; and this is not like the Gemara in Sanhedrin (and see what we will write in the note after the presentation of the words of Meshech Chochmah (the Book) on this verse).

In addition, the Midrash can be explained in another way: It is possible to interpret that the Midrash's intention in 'limb from a living being' is eating the meat of an animal while it is still twitching after slaughter, and according to the Midrash, this is forbidden from this verse (while in the Talmud of that place, the matter is learned from the verse 'You shall not eat on the blood' as explained in Orlah 31; see also Rambam, Laws of Shechita 1:2 and Lechem Mishnah there; and Mikeitz on Rashi in Chullin 43b). However, this possibility is difficult to reconcile with the words "limb from a living being" in the Midrash. (See also in the Sefer Yereim in paragraph 400 (paragraph 41 in the edition of the Toefet Ra'am) who wrote explicitly that the prohibition of limb from a living being is learned from what is forbidden to Gentiles, and "all are included in the general of the children of Noah.

The matter is similar to what we brought above from the Seventh root in the opening of the Rambam to the Book of Commandments, which enumerates only the 'roots of the Commandments,' and not the 'judgments of the Commandments,' which are the details that branch out in each commandment. And so it is here:

According to Rash Lakish, we remain obligated in all the roots of the Commandments in which we obligated ourselves.

Before the giving of the Torah, Jews were obligated in the same Commandments as the Gentiles. However, since we were given additional boundaries, it turns out that there are certain details in which a Gentile is forbidden and a Jew is permitted.

Incidentally, it should be noted that in The Chachmah (book) on Chullin, he explains the difficulty of the Tosafos in a different way and explains why there is no contradiction in the fact that 'half-shemitah is permitted by the Torah' in a Jew and forbidden in Gentiles, to the general rule of 'there is nothing' as it appears in the Gemara in Sanhedrin. And see also in the second edition of the Chidushei Harim there, who comments on the conclusion of the Tosafos.

And it is possible to explain the difficulty of the Tosafos in another way: It is possible to interpret that this is exactly the difficulty of the Gemara in Sanhedrin 95a, which raises a difficulty for 'there is nothing' from the fact that a Gentile is liable for theft of less than the value of a Prutah, and this is different from a Jew. And see in the Yad Ramah there who is difficult in explaining the difficulty of the Gemara, since it would seem that even for a Jew it is forbidden to steal less than the value of a Prutah, and if so, there is no 'something' that a Jew is permitted and a Gentile is forbidden. And it is possible to interpret that the difficulty is only according to Rash Lakish, according to whom half a Shiur is permitted by the Torah, and therefore according to his opinion it is permitted to steal less than the value of a Prutah. And according to this, it is possible to understand that the answer that 'Gentiles are not children of forgiveness' is correct not only in the matter of theft, but in any matter of measurements: 'not children of forgiveness' means that they are not children of discernment and precision in measurements, and therefore there is no place for measurements both in the Commandments between man and man and in the Commandments between man and G-d; and this is the reason for the difference from a Jew (and see also in Lev Aryeh on Chullin). And according to this, the Gemara in Sanhedrin is understood only according to Rash Lakish, who also agrees with the opinion of 'there is nothing' even though in this point according to his opinion there is a reason for a difference between Israel and Gentiles. But in the words of the Tosafos it seems not so, and in particular as it is proven in the words of the Rambam on the book of Mishpatim (21:12 'and a man if he strikes') in explaining the words of the Tosafos, see there.

Mig. Rambam wrote (at the end of chapter 9 of the laws of kings) that it is forbidden for a Gentile to eat meat that was cut from an animal after slaughter as long as it is still twitching, because it is a limb from a living being even though this is permissible for a Jew. This is simply consistent with the opinion of Rav Aha bar Ya'akov in Chullin, who argues that because 'Gentiles are not children of shechita,' there is a special case here in which there is a reason for something that is forbidden for a Jew and permissible for a Gentile.

It is indeed difficult for Rambam to explain why he ruled like Rav Aha bar Ya'akov, while it seems there that the conclusion of the Gemara is that his opinion is not correct, but rather that the matter is permissible even for Gentiles; and many later authorities have dealt with this difficulty (see the book of the key of the Frankel edition and the like; and see the sweet words of Maharam Schiff on the sugya in Chullin); and the vast majority of them explained Rambam without saying that there is any contradiction to the understanding of the Gemara in Sanhedrin that the general rule of "there is nothing" is correct in every detail.

But we found some later authorities who wrote in the opinion of Rambam that the general rule of "there is nothing" is subject to the dispute of the Sugyot and was not decided as halakhah, and thus they explained the

ruling of Rambam. For example, the Arukh LaNer wrote in the Sanhedrin 'there is nothing from anyone'. But on the other hand - in Yevamot 41a the Arukh LaNer wrote that the prohibition of killing a fetus is learned from 'there is nothing,' and it seems that there is no dispute about this. And if so, it is proven in his words that in his opinion the opinion of Rambam is like what we brought in the commentary of the Midrash and Tosafos: in general, we remain obligated.

- The HaHamah on the above-mentioned Sefer Ha Midrash wrote that the Mekhilta, which wonders, 'From the fact that they were made stricter, they were made lenient?' is only according to the opinion that the general rule of 'there is nothing' was accepted as halakhah, and Rambam rules contrary to this opinion. And if so, it turns out that the Mekhilta is not halakhah and there is no prohibition for a Jew to kill a Gentile.

But he remains in need of further study on these words, because they are difficult for several reasons:

- First, Rambam brought the prohibition of killing a Gentile, as we saw, and its source is simply from this Mekhilta, as wrote the Kesef Mishnah (and we also explained above that the precision of Rambam's language is appropriate to the Mekhilta).

Moreover, according to his words, it is not clear how Rambam learns the prohibition of a Jew from taking his own life from the verse 'He who sheds the blood of man, by man shall his blood be shed' that is said to Gentiles; and how will Rambam be explained in the laws of kings (beginning of chapter 9) that we brought in the body of the chapter about how Moses completed the Torah on top of the Seven Noachide Commandments, and their obligation did not cease from us at the giving of the Torah!

- And it seems that this is what the HaHamah meant in what he concluded his words with "further study is still needed," and he wrote the things only in a possible way.

And in fact, the HaHamah himself, in his book Or Shemesh on Rambam (Issurei Biah 3:2), brings this Mekhilta and deduces a halakhic law from the fact that we remained obligated in the Commandments in which the Children of Noah were obligated before the giving of the Torah, see there (and in the HaHamah to Shemot 21:14 he refers to this Or Shemesh; and there he also explains this Mekhilta and does not mention that it is rejected from halakhah).

In addition, see in Tzitzit Eliezer (9:53, part 3, mainly in chapter 2) who wanted to say that according to halakhah we do not say 'there is nothing' and therefore there is no prohibition for a Jew to kill a fetus in a Torah manner; but it is difficult because he brings with certainty the prohibition of taking one's own life (see, for example, in part 7, 49:1) and its source from "and your blood for your lives I will demand", and also he discusses (part 14, 35) the lifting of hands of a priest who killed a Gentile, brings the words of the side to the way and the peri megadim (work of R. Yosef b. Meir Te'omim) based on the Mekhilta (brought in note 21 above), and does not notice that there is a side to reject them because the Mekhilta is rejected from halakhah. And see also in the Responsa of Maharash Engel 5:49 (which brings a possibility that there is no prohibition from the Torah to kill a fetus, but in the conclusion he says not to rely on this for halakhah); and in the Responsa of Emunat Shmuel at the end of section 10 (which seems in his words that the prohibition is only rabbinical, but it is difficult to understand how he explains this in the words of Tosafos that he brings there that say that 'there is nothing', and perhaps it should be that his intention is specifically for the case of killing a fetus of a Gentile woman who is afraid that she will be harmed if the pregnancy continues and will testify that she committed adultery, then there is a possibility in Tosafos that it is permissible for Gentiles)

I agree. In conclusion, there is no source in halakhah that there is no prohibition from the Torah to kill a Gentile (who does not fulfill the Seven Noachide Commandments).

Killing a fetus to save the mother is forbidden, but there might be no prohibition for a Jew to assist in such an act. This needs further investigation.

Beit Yehuda states the prohibition is rabbinical, but only for cases where the mother takes an abortion drug. He explicitly forbids hand-killing based on the "there is nothing" principle, making it a biblical prohibition.

Beit Yehuda's distinction between methods and his contradiction need clarification. Possibly, he views the fetus as non-human until birth, making it harm rather than murder. Alternatively, he might be referring specifically to drug-induced abortion, keeping the biblical prohibition but classifying it as rabbinical.

Appendix B

The concept of 'Li'kha M'idi' (there is nothing) in Jewish law

In this appendix, we discuss the internal explanation of the principle of 'Li'kha M'idi' (there is nothing). This information was received from Rabbi Ginsburg, Shlita.

Why is 'Li'kha M'idi' (there is nothing) so simple?

The principle of 'Li'kha M'idi' (there is nothing) states that everything that is forbidden to a Gentile is also forbidden to a Jew. This principle is stated in the Talmud and the Midrash as a simple axiom: how could something that is forbidden to a Gentile be allowed to a Jew?

This simple axiom is not so simple after all. Who said that something that is forbidden to a Gentile is also forbidden to a Jew? After all, the Jews have received the Torah, and they have different laws and obligations than Gentiles. How can it be so simple that the Gentileish prohibitions are also forbidden to them? Perhaps these prohibitions apply only to those who are still at a lower level?

Moreover, in the esoteric teachings of Torah, it is explained that in this world there is a work of clarification, and when a Jew eats or uses something, he clarifies and elevates it to holiness (for this reason, it is important not to prohibit the permissible, because the permissible is waiting for clarification, and if we prohibit it, we will lose the ability to clarify and elevate it).

If so, it is possible that it is even required that only Jews, who are capable of the work of clarification, be allowed in things that Gentiles are forbidden in; because Jews have the ability to clarify and elevate these things, unlike Gentiles who, if they engage in these things, will not clarify them but will fall with them.

And how does the Gemara simply determine that it is impossible for something that is forbidden to a Gentile to be permissible for a Jew?

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1. There is a supplement to the things written here in the appendix to chapter 4, see there.
 2. And similarly to what is explained in the book "Me'ah She'arim," the Baal Shem Tov used to be more lenient with himself than with his students, because he was able to clarify and correct the things in which he was lenient, which is not the case with his students.
 3. It should be noted that in fact, the principle of 'Li'kha M'idi' (there is nothing) is not found anywhere in the Talmud. Moreover: while in the Babylonian Talmud (Sanhedrin 90a) it is said that it is impossible to say that a Gentile who has sex with his wife in an unnatural way is obligated, because this is permitted in Israel and 'Li'kha M'idi' (there is nothing) (this Gemara was brought in the first appendix to our chapter) - here in the Talmud (Kedushin 1a) it is said in plain terms that a Gentile who has sex with his wife in an unnatural way is obligated.

It is possible to add a new dimension to the question: The Tosafot (Sanhedrin 53a 'Li'kha M'idi') (there is nothing) explain that we do not say 'there is no such thing' in place of a mitzvah for a Jew, and that in any matter in which there is a mitzvah for a Jew, we do not forbid him what is forbidden to Gentiles. As explained there in the Tosafot, even though it is forbidden for a Gentile to rest on any day of the week, there is no such prohibition for a Jew, because they have the mitzvah of rest on Shabbat, and this nullifies the prohibition for Israel even on other days of the week.

Now, for a Jew, it is necessary to be 'in all your ways know Him,' so that in essence all of his actions should be for the sake of Heaven, and then all of his actions are mitzvot (as explained at length in the book 'Duties of the Heart,' Gate of the Service of G-d, chapter 4). And according to the interpretation of the Baal Shem Tov on the verse 'A guardian of a mitzvah will not know evil,' for a guardian of a mitzvah, all of his actions are in the category of mitzvot, and therefore he does not belong to 'evil', which is something mundane that is distant from G-d. And so, if a Jew does something for the sake of Heaven and he needs to do something that is forbidden in the Seven Noahide Commandments to do so, then ostensibly this is a place of mitzvah, and it should be permitted.

The Talmud states that a Gentile is obligated to avoid sexual intercourse with his wife in an unnatural way. The text reads as follows:

Rabbi Eliezer in the name of Rabbi Hanina:

"How do we know that the children of Noah are warned about incest like the Jews? The Torah says: 'And he shall cleave to his wife, and not to the wife of his friend, and he shall cleave to his wife, and not to a male, and not to a beast.'

Rabbi Samuel, Rabbi Abbahu, Rabbi Eliezer in the name of Rabbi Hanina:

"Thus Noah, who came upon his wife in an unnatural way, was killed. What is the reason? 'And he shall cleave to his wife, and they shall be one flesh, from the place where they both make one flesh.'

In addition to the conclusion that a Gentile is obligated for unnatural intercourse with his wife, it is also necessary to be precise in the language of the Talmud that the third prohibition, a son of Noah who comes upon his wife in an unnatural way, is distinguished from the first two prohibitions (the wife of his friend and a male-beast), on which it is said 'How do we know that the children of Noah are warned about incest like the Jews?', which implies that regarding unnatural intercourse, the Jews are not warned and even though a son of Noah is killed for it.

However, without the precision, it is possible to say that the Talmud holds like the opinion that even a Jew, unnatural intercourse is forbidden (see in this regard Nedarim 20a) and does not disagree with the general principle "There is no such thing", and so on.

9. According to this, it is possible to explain the words of Balaam: "For a people that dwells apart shall dwell, and shall not be reckoned among the nations," meaning: that this people is completely separated from the Gentiles, and therefore does not do their calculations and is not obligated to what they are obligated to. Balaam, who knows the knowledge of the Most High, feels well that the Jews are not obligated to the obligations of the Gentiles. This indeed angers him, but together with this in this he blesses us involuntarily. And according to the secret, behold it is brought in the Tree of Life (Gate 12, chapter 4) that 'apart' is a sign

of double doubts in the Daleth in the crown, and the matter is explained at length in the book Hasadi David-
'The Faithful', part 6), that is, to the place of simple faith in the essence of the soul. In his book by Rabbi
Menachem Mendel of Rimanov it is told

And the great Baal Shem Tov related that when he was a young boy, his distinguished teacher, the prophet
Elijah the Shilonite, taught him all the uses of the names (the holy names) to understand and teach. And
because he was young, he was curious to see if the names would work in his own daughter.

****Note to reader:** every effort was used to translate the name of Rabbi Rimanov's book, whereas it may not
be fully accurate in title.

Here we will explain three possible explanations for this statement, in the order of 'humility, differentiation,
unification,' taken from the teachings of the Baal Shem Tov ('Crown of the Baal Shem Tov,' letter 28).

First Explanation

Will Not Be Totally Separated from the Generality of Converts

As we have shown above, the argument 'there is nothing' is only correct in the matter of forbidden things.
The existence of a situation in which a Jew has authority over a situation in which there is still room for the
shell in the world, because the boundary between holiness and the shell is still blurred.

In the inner dimensions of Torah, it is explained that the animal soul of a Jew is from the shell of Nogah,
which is an intermediate shell between holiness and the three impure shells. This shell can be clarified and rise
to holiness. When a Jew fulfills Commandments and good deeds in their body, then the shell of Nogah that is
clothed in the body is included in holiness. But a mundane occupation with the things of free will when it is
not connected to G-d, leaves the shell of Nogah in its filth, and therefore it continues to nourish the three
impure shells.

****Note to reader:** Nogah generally refers to a celestial radiance or light associated with divine splendor. In
some interpretations, Nogah is considered a spiritual level or realm, representing a stage of ascent in mystical
experiences. It's often described as a radiant, dazzling light that emanates from higher spiritual realms.

A Rabbi wished to cross the Negev River. He placed a piece of cloth on the water and walked across, uttering
G-d's name (meaning, with the help of the Holy One). He felt terrible for saying G-d's name in vain and
dedicated his entire life to repentance and fasting to rectify this mistake.

Eventually, he found himself in a situation where he had to cross the river again, this time due to the danger
of Ishmaelites. He placed his belt on the water and crossed without saying anything, relying solely on his
strong faith in G-d. (More about this story can be found in the book 'Or Yisrael', part 2, pages 54-57).

Those who attain the level of the Ba'al Shem Tov's simple and true faith, where he crossed the river without
mentioning G-d's name, stand outside the realm of 'there is nothing'.

Within this context, the meaning of the verse 'He who observes the Commandments does not know evil' is
as follows: 'Evil' refers to any semblance to a Gentile. 'There is nothing that is permitted to a Jew and
forbidden to a Gentile' refers to the 'evil' that one who observes the Commandments is completely unaware
of. (This is hinted at by the fact that 'there is nothing' 'li'cha me'idi' (there is nothing) equals 613, the sum

total of all the Commandments of the Torah. This implies that everything a Jew does is considered a commandment in itself.

The state in which the words of authority still exist for a Jew and he does not live in the awareness that all his actions are mitzvot because they are actions related to G-d - is the situation during the exile. This state of existence of 'the words of authority' is what feeds the Gentiles, whose souls are from the three impure shells. Therefore, the general rule 'there is nothing' is only true because of our sins, there is still room and nourishment for the three impure shells from the unrefined husk of light that is with us.

In a simple way, there is a prohibition against killing a Gentile, even if he is not a Ger Toshav, because of 'there is nothing.' The prohibition against killing a Ger Toshav is a clear Torah prohibition since there is a mitzvah to save his life. The prohibition that stems from 'there is nothing' only adds the prohibition against killing a Gentile who is not a Ger Toshav, that is: a Gentile who is not refined and purified. And behold, the existence of such a Gentile is not legitimate, since 'Moses our teacher commanded from the strength of the might to force all the inhabitants of the world to accept the Commandments that the children of Noah were commanded.' A situation in which we do not fulfill this command is a situation of exile, of b'diavad (in retrospect), in which we are forced to come to terms with the existence of Gentiles who are not refined, and we do not have the ability to force them to be Ger Toshav. In the inner dimension, the situation in which they have life and existence stems from the fact that in our midst, the husk of light still occupies a place for itself, we have 'words of authority'.

In other words, the appearance and existence of non-observant Gentiles stems from the fact that we give them existence by taking the disconnected world from G-d seriously, and giving a place to the words of authority that are not connected to holiness. In this way, we give a place to Gentiles who are not connected to G-d (are not resident aliens), and a 'smattering of Gentiles' sticks to us.

Chapter 10, Halakha 10

- And it is known that the world is mostly evil, meaning that it is mostly Gentile, disconnected from G-d
- And we have not yet merited the fulfillment of the verse "Behold, a people shall dwell alone, and shall not be reckoned among the nations" (Numbers 23:9). In the note to the aforementioned halakha, it is explained that the Exodus from Egypt is called "a nation from among a nation" (Exodus 12:38), meaning that Egypt represents the "jewel" of the Gentiles (two triangles of 19). The angels also argued at the sea that Israel was also a nation of idolaters, as explained in the Midrash (Mekhilta Beshalach, Parasha, meaning that we were still considered Gentiles at that time. Only at the giving of the Torah was there a proper conversion (we traveled, distanced ourselves sufficiently, counted fifty days, etc.), but the reality of the convert remains connected to the kingdom (Malchut) that descends to the worlds below, and is not entirely separated from the other worlds. Consequently, there is an aspect in which we are still attached to the Gentile world and therefore obligated to observe the Seven Noachide Laws, as explained in the text.

Because of this 'trace of Gentileness' that we have not yet been able to shake off, the Gemara simply states that we are prohibited from everything that is prohibited to Gentiles. Therefore, we still do not have the ability to claim that we have no connection to the prohibitions that apply to Gentiles only.

This understanding is an understanding of 'humility', we are forced to admit that, unfortunately, the world still remains mostly evil, and we have not been able to change that - to the extent that it affects us and we cannot ignore it and claim that we have no connection to Gentile lifestyle.

The Second Barrier: Desecration of G-d's Name (Chillul Hashem)

We find in several places that we change the simple law of the Torah in order for things to be accepted by the Gentiles. For example:

- A Gentile who donated something to a mitzvah cannot have it changed to a different mitzvah, even though it is permitted in Israel, because the Gentile will claim that he was cheated (Shulchan Aruch, Yoreh De'ah 257:3).
- A person who swore under duress is forbidden to break his oath, even though it has no legal force, if the matter becomes known to the Gentiles and they will suspect him of breaking an oath (ibid. 321:14, Rama).
- A single witness who knows testimony against a Jew to a Gentile is required to testify for the Gentile if the Gentile specifically designated him to be a witness, and there is a desecration of G-d's name in not testifying, even though in Israel they do not convict on the basis of a single witness and the Gentiles will convict him here (Choshen Mishpat 28:3).
- Even though 'lost property of a Gentile is permitted and the one who returns it is transgressing, because he is supporting the hands of criminals,' 'if he returns it to sanctify the name so that the Gentiles will glorify Israel and know that they are people of faith, then it is praiseworthy. And in a place where there is desecration of G-d's name, his lost property is forbidden, and he is obligated to return it' (ibid. 320:1)
- 2b. For our purposes, the interpretation of the word 'forbidden' as 'bound' is very appropriate, along the lines of the Hasidic interpretation of the words of the Sages "An Am Haaretz is forbidden to eat meat," meaning he is forbidden and bound by his desire to eat meat.
- 2c. The submission is only from the side of the body, because externally there is no distinction between the body of the Gentile and that of the Jew (only that G-d chooses the Jewish body by free choice, as explained in the Daas Torah, while the Jew, in his submission to G-d and knowing well how much he resembles a Gentile, fulfills in himself the explanation of 'There is nothing that is permissible for a Jew and forbidden to a Gentile).
- 2d. See there in Tosafot, which bring the words of the Rash in a responsum that only in a Gentile is there desecration of G-d's name in this, but not in a Jew even if he objects.
- 2e. 'And the Midrash there wrote, or that they feel that the Jew knows about it and there is reason to suspect the annulment of the existence of Jews, he testifies initially' (Shach there, sec. 7).
- 2f. We have also found more stringent examples, in which they transgress the words of the Torah so that the Gentiles will not think that there is an inappropriate act here: 'David killed some of Saul's sons to appease the Gibeonites, even though he transgressed in this the second commandment', 'You shall not kill.'

According to this logic, it is possible to interpret the argument of 'Li'kha M'idi'

(Li' kha M'idi.) (This phrase translates to 'for my sake, nothing' or 'there is nothing,' and it refers to the principle in Jewish law that anything forbidden to Gentiles is also forbidden to Jews.) In fact, from the point of view of the matter itself, there is no reason to forbid us what is forbidden to Gentiles, because we have indeed left the category of Gentiles, as explained above. However, the Gemara simply states that we are forbidden in what is forbidden to Gentiles, because it is desecration of G-d's name to say otherwise. It is true that we understand the reason why Jews are permitted in what Gentiles are forbidden, but the Gentile world does not understand this, and as a result, desecration of G-d's name is created, which seems as if because we are close to G-d, we do not care about the corruption and corruption of the world.

This explanation is an explanation of Havdalah: in fact, there is no real connection between us and the Gentiles, and we are completely different from them. It is precisely this difference that causes us to be careful even in what is forbidden to Gentiles, because we understand that because of the great gap and distance between us and them, the matter will be perceived by them incorrectly," and because of our sensitivity to the difference and holiness of a Jew, we are careful to ensure that the name is not desecrated by us.

The Third Barrier: For the sake of the repair of the Gentiles

In another way, it is possible to explain that we are forbidden by the prohibitions of the Gentiles in order to create a connection between us and them (and in this way, the purpose of 'one people in the land' will be fulfilled). In other words, from our own perspective, we are distinguished from the Gentiles by a thousand distinctions, and there is no reason why we should be forbidden in what they are forbidden. But in the end, we are commanded to repair the entire world, including the Gentiles, and to be a light to the Gentiles. In order to raise them up, we need to be connected to them in some way (as explained in Hasidism that "the refiner needs to dress in the clothes of the refiner" and thus resemble the refiner). Therefore, we are also forbidden by the prohibitions of the Gentiles, so that we identify with their situation and work at the moment, and from within this we will be able to repair and raise them up.

- violations of Torah law, and his reasoning was, 'It is better that one letter of the Torah be uprooted than that the name of Heaven be desecrated in public.' (Yevamot 79a, see there; Bava Kamma 79a); the Israelites spared the Gibeonites (Joshua 9) even though it was against the law of the Torah (at least according to some of the early authorities, see Rambam to Deuteronomy 20:11; see also Malchut Yisrael, Part 3, pp. 63, 67-69).
- 57. For the enormous difference between a Jew and a Gentile lies primarily in the subtle aspect of the divine soul within the Jew, which the Gentiles have no grasp of at all. They only understand that we claim to be "the people of G-d," and therefore, if we do not do what they see as the duty of all humanity, we are thereby desecrating the name of G-d that we carry.
- 58. See the words of the Rambam at the end of Chapter 8 of Mishnah Torah, Hilchot Melachim.

This explanation is a 'sweetening' of the words of the Gemara: In truth, a Jew is completely different, and even the fear of 'what the Gentiles will say' is not present here. In free choice, which is the essence of the Jew, as is well known, we 'dress up' in the Commandments of the Gentiles so that we can engage in the clarification of the Gentile world and its repair.

Nafka Minnah: Punishment of a Jew who transgresses

There are three possible explanations for the prohibition against harming Gentiles that originates from *li' kha M'idi* (*Li' kha M'idi*) This phrase translates to 'for my sake, nothing' or 'there is nothing,' and it refers to the principle in Jewish law that anything forbidden to Gentiles is also forbidden. It also seems that there is a difference between the forms of reference to the prohibition, and that is: the punishment for those who violate it.

If we are still flawed by 'slander', then whoever violates this, harms and damages. Although according to halakha he is not liable for harming a Gentile, but we found that the king strikes, and punishment is not out of the question the Torah to take care of the order of the state. When the king sees who is clinging to the slander of the Gentile and he is allowing himself to transgress what is forbidden to Gentiles, he is asked to be punished in order to prevent the damage he creates in the nation.

In the perception of differentiation, although there is no flaw in a Jew in this act, since we are differentiated from the affiliation to these offenses as explained. But nevertheless - there is a crime of blasphemy, which is one of the most serious offenses and is punished for it by Heaven, with severity. But in a situation where only the reason of *Muktzeh* (separation) exists, the punishment for those who violate it is similar to someone who violates a positive commandment, whose punishment is much less. In other words: In the perception of differentiation, G-d claims that the punishment for harming a Gentile is less severe than the punishment for violating a positive commandment.

9. We have already said above that the first explanation, that of humility, belongs to our perception of ourselves as Gentiles, who belong to the *Malchut* of *Atziluth* that descends to the world and therefore still has a connection and similarity to Gentiles. These things are consistent with what is explained here that only the king, who clings to the *Malchut*, is responsible for the repair of this aspect. And these things are also related to what is explained by the *Mitteler Rebbe* (in the commentary '*HaShem Simcha*' in the *Mitteler Rebbe's* articles on the Torah) that one must be humble even towards a Gentile because everything I have as a Jew is not mine but from what we received as a gift and inheritance from our ancestors to merit faith (and in this itself it is possible to distinguish between humility, what from my side I am worse than a Gentile, differentiation, from the side of G-d who gave us a gift and differentiated us from the Gentiles, and the erasure, in that this awareness that we are Gentiles brings us to the level of a penitent, who is in the category of 'And the children of man (penitents) in the holy of Israel will rejoice', which is higher than 'And the humble (righteous) will increase in HaShem joy', as explained in the book '*Lev LeDa'as*' in the '*HaShem*' (commentary 8), see there).

10. And only death atones for this, as explained in *Yoma* 54a; and this is because death is to be empty without life, and it is measure for measure against the desecration of the name, emptiness against emptiness.

In contrast to you that you harmed his name, 'and you shall not profane my holy name'; but in the erasure, he says: you were not sensitive enough to the purpose of my intention in the creation of the world. In addition, it seems that the distinction between the different understandings of li-khe-midi (Li' kha M'idi.) (This phrase translates to 'for my sake, nothing' or 'there is nothing,' and it refers to the principle in Jewish law that anything forbidden to Gentiles is also forbidden) is related to the period in which we are: in the time of exile, we are sensitive to the explanation of humility, because indeed, unfortunately, we are actually subordinate to the Gentiles, and of course still attached to the slander of a Gentile. At the beginning of the redemption, when there is no yoke of Gentiles on our neck, we are in a state of 'a people dwelling alone and not reckoning with the nations', and then in fact our main affiliation is to the explanation of differentiation. In the future, when we move on to spread the word of G-d to all the inhabitants of the world, the explanation of the erasure is the main one.

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- 51: As explained in the previous note, "desecration of G-d's name" derives from the phrase meaning 'killed with a sword.' When someone desecrates G-d's name, it is as if they have killed G-d, prompting Him to lament, 'You have killed me!'
 - 52: The author clarifies this concept further. He states that the question of whether actions exist beyond Commandments and transgressions depends on the nature of "kelipat nogah" (the husk of brilliance), which bridges the holy and the impure.
 - According to the Arizal, the "kelipat nogah" animating a Jew's body differs fundamentally from that of a Gentile. Every Jew, regardless of their righteousness, possesses two souls. One soul, originating from "kelipat nogah," animates the physical body. The other, stemming from the holy side, grants the Jew their spiritual essence.
 - However, the "kelipat nogah" of a Jew differs from that of a Gentile. A Jew's "kelipat nogah" contains some good, as it originates from the tree of knowledge of good and evil. This explains why Jews possess kindness and compassion, even though these traits also stem from the "kelipat nogah."
 - Conversely, the "kelipat nogah" of a Gentile is entirely impure, devoid of any good, and serves as the source of all evil in the world. This explains why Gentiles are often labeled "servants of the evil inclination."
 - The author then distinguishes between a regular Gentile and a "Ger Toshav" (resident alien). A "Ger Toshav" is a converted Gentile who has undergone a formal process involving a Beit Din of three Jews. This conversion fundamentally alters the "Ger Toshav's" essence, allowing them to belong to the "kelipat nogah."
 - Despite this change, a fundamental difference remains between the intellectual soul of a Jew and that of a "Ger Toshav." This difference explains why "Ger Toshav" cannot study Torah like a Jew. Similarly, they are prohibited from observing Shabbat, as this commandment is specifically reserved for the Jewish people.
 - Finally, the author concludes by stating that the "kelipat nogah" of a "Ger Toshav" lacks the three positive traits of compassion, kindness, and humility. These qualities are exclusive to the "kelipat nogah" of a Jew.

Compassionate, Humble, and Kind

This is because it belongs to the jews due to their soul being from the 'kelipat nogah' (the husk of brilliance), the secret of the tree of knowledge of good and evil, meaning from the good within it. This clarifies what is mentioned in the 'Iggeret ha-Kodesh' (chapter 12) where we see from the words of the Baal Shem Tov that these qualities are from the divine soul: 'For it is known that when a jew has a divine soul with the three attributes, the fathers, from Atziluth (the highest emanation),' Atziluth is also here' in his world, in his very animal soul, to the extent that the three attributes directly relate to his animal soul. This is not the case with a Gentile, even a Ger Toshav (resident alien), who has no element of Atziluth at all, as he is not descended from the Israelites.'

Only in the Realm of Choice

The novelty here is that because his soul is from the 'kelipat nogah', it is possible for him to do a good deed not in order to boast, etc. Pay close attention to this.

What emerges from the above is that the principle of 'le'hakel' (sweetening) only applies in the realm of choice. In other words, the entire existence of choice is to create a meeting place, so to speak, between the jew and, by contrast, the Gentile, so that we, the jews, can be a light to the nations and rectify them as much as possible, similar to the process of 'sweetening' that has been explained.

In the Messianic Era

In the future, with the arrival of the righteous redeemer (and we must already live with the Messiah), the barrier of choice will be removed. This is the promise of natural awareness. We will return to the state of 'not being commanded and doing' at a level higher than the 'being commanded and doing' of today, as explained well in the book 'Natural Awareness.' This is a step towards the resurrection of the dead, when Commandments are nullified (according to the ruling of the Baal Shem Tov in Tanya, 'Iggeret ha-Kodesh', end of chapter 26).

This means that in the days of the Messiah, there will be no more choice versus commandment, everything will be choice, not commanded and doing, and everything will be commandment, meaning the ultimate will of G-d, simultaneously (choice and commandment together = Hear O Israel the Lord our G-d, the Lord is One!).

From this, it is understandable why converts are not accepted at that time, as it would create a gap and empty space, so to speak, between the holy and the mundane, as is known in the secret of the Shabbat boundary. And then there will truly be no place for 'there is nothing' to apply, as mentioned above.

And behold, it is precisely about that time that it is said, 'For then I will turn to the nations a clear language, that they may all call on the name of the Lord, to serve Him with one accord. However, this will be an act of 'overturning' from above only (as the light that we shine on the nations skips over the gap between us and them, in the manner of the secret of the letter Yud, which has a space between the roof and the left leg, and it is the secret of the divine 'nothingness' itself that is revealed in us, and that is enough).

This aligns with the words of Maimonides (in the accurate editions) in chapter 11 of Mishnah Torah, Kings, where it is clear that the rectification of the entire world is not the task of the Messiah, but rather it is from

the thoughts of the Creator of the world, which no human has the power to grasp, for our ways are not His ways, nor our thoughts His thoughts. All these things are only to prepare the way for the Messiah and to rectify the entire world to serve G-d together, as it is said, 'For then I will turn to the nations, a clear language, that they may all call on the name of the Lord and serve Him with one accord.'

Chapter 2

Killing a Gentile Who Violates the Seven Noachide Laws The Seven Divine Commandments

This chapter deals with the killing of a Gentile who violates the Seven Noachide Laws, which carry the death penalty. However, the Gemara states that a Gentile (presumably violating the Seven Noachide Laws) is 'not executed,' meaning they are not killed.

This means we do not put him to death. From these two sources, we find four interpretations:

1. Rambam and ShaCh: They interpret 'not executed' as referring to cases where we lack certainty about the Gentile's violation of the Seven Noachide Laws.
2. Ritva: He interprets 'we do not execute' as referring to situations motivated by hatred or involving enmity. Jews might be tempted to kill the Gentile out of revenge or anger rather than justice.

Therefore, the Sages prohibited killing Gentiles in such instances.

3. Rav Yona and Tur: They understood that the Sages forbade judging Gentiles altogether. This is because Gentiles are not subject to the same laws as Jews. Thus, Jews are prohibited from judging Gentiles, including determining their guilt in violating the Seven Noachide Laws.
4. Beit Yosef and Followers (Following Rambam): They interpreted killing them without a trial as forbidden. The death penalty's seriousness necessitates a fair trial before its application.

This is explained in the Talmud (Sanhedrin 57b): Rabbi Ya'akov bar Acha found a statement in the book 'Aggadot in the study hall of Rav': Contrary to the halakha with regard to a Jew, a descendant of Noah or a Benai Noah (Gentile) is executed on the basis of:

- the verdict of even one judge, and
- by the testimony of even one witness, and
- without being given forewarning before committing the transgression.
- He can be judged or testified against only by the mouth of a man and not by the mouth of a woman
- but even a relative may judge his case or testify against him.

The Sages said in the name of Rabbi Yishmael that a descendant of Noah is executed even for

- killing fetuses

As the Rambam states in "Hilchot Melachim" (Chapter 9, Halacha 9):

Adam was commanded six things:

- idolatry, blessing G-d, bloodshed, immorality, theft, and the court system.

Noachides were also commanded in six things:

- prohibitions against idolatry, blasphemy, bloodshed, immorality, theft, and the command to establish courts.

A Noachide who transgresses one of these Commandments is executed by the sword.

For example:

- one who worships idols, or blesses G-d inappropriately, or
- sheds blood, or
- engages in one of the forbidden sexual relationships, or
- steals, or
- consumes the flesh of a living animal, and
- one who saw another who transgressed

A Gentile who transgresses these Seven commands shall be executed by decapitation.

For this reason, all the inhabitants of Shechem were obligated to die, as they stole, saw, knew, and did not judge.

- And a Noachide is killed based on the testimony of one and one judge without warning.
- Until a judge is appointed with Noachides, the witness himself can also be a judge,
- meaning if one sees the other committing a transgression - he can judge and kill him for it, since he is the witness and the judge.

The Halachic Ruling

Halacha dictates that a Gentile violating one of the Seven Noachide Laws is subject to the death penalty, but only after a trial conducted by a qualified court with the opportunity for defense.

Practical Implications

Proving a Gentile's violation of the Seven Noachide Laws is very difficult in practice. Therefore, executing a Gentile for such a violation is highly unlikely.

A crime, after all, he can judge him, kill him for it, and since he is the witness, he is the judge. This is how it is explained in the Gemara in the Sanhedrin, which learns from the act of Moses who killed the Egyptian. And the son of Noah is killed by one witness and one judge without warning.

The Rule - A Witness Becomes a Judge

The witness himself can be a judge among the Children of Noah. In other words, if one person sees another person committing a transgression, he can judge him and kill him for it, because he is both the witness and the judge. This is explained in the Talmud in the tractate Sanhedrin, which draws a lesson from the act of Moses our teacher who killed the Egyptian.

Rabbi Chanina said:

"A Gentile who struck a Jew is liable to death, as it is said: And he turned this way and that and saw that there was no man, and he struck the Egyptian and hid him in the sand."

And Moses our teacher saw the Egyptian striking the Israelite, and on that basis, he killed him. Behold, Moses is the witness, and he is the judge, and this does not hinder the execution of justice in Egypt.

This is also explained by Rashi in the tractate Yevamot 47a, who explains why a convert is taught the Commandments of gleanings, forgotten sheaves, and corners of the field:

"And they inform him of the sin of gleanings, forgotten sheaves, and corners of the field, lest these poor people who are gleaning the corners of the field be considered thieves and stand up against them and kill them in their judgement, since the Children of Noah were warned about theft in the Sanhedrin and their warning is their death without warning. In other words, Rashi understands that a Gentile who sees another Gentile stealing from his field can kill him, 'and he is killed in their laws.'

This is because he is both the witness and the judge, and he judges the Gentile who violates the commandment of theft. Therefore, it is necessary to warn the convert who converts that these who are gleaning from his field are doing so legally, so that he will not rise up against them and kill them out of the habits of his behavior when he was a righteous Gentile.

*Gleaning is the act of collecting leftover crops from farmers' fields after they have been harvested),

*Forgotten sheaves (Leviticus 19:10) When you reap your harvest in your field and forget a sheaf in the field, you are not to go back to get it; it shall belong to the stranger, the orphan, and to the widow, in order that the Lord your G-d may bless you in all the work of your hand, and

*Corners of the field (Leviticus 19:9-11) Grain and produce that were left or forgotten during the harvest were available for the poor to glean. The corners of the fields (pe'ah) were also designated for the poor.

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- And see the Ran (in Sanhedrin ibid.) who brings an opinion that the obligation to death is from the law of theft; indeed, in practice, Maimonides ruled in the Laws of Kings that he is not obligated to death (10:5), and compared it to his words in the Laws of Injury and Harm (5:3), and there is no place to elaborate on all this (explained well in the book "The Kingdom of Israel" Part III in the article "The Beginning of the Way of the Redeemer of Israel"); in any case, the scholars who discussed the matter (the Ran ibid.; Lechem Yehuda on Maimonides in the Laws of Kings; beginning of the parashah of Shemot; Part of Yosef, Siman 13) understood simply that Moses could have judged the Egyptian and there is no problem with him being both a witness and a judge at the same time, and what is not killed according to Maimonides (Rambam) is for other reasons.

In Maimonides (Rambam), we see this, since he explains the act of Shimon and Levi by saying that they killed the men of Shechem for violating the mitzvah of din (judgement).

We did not find that Shimon testified before Levi or vice versa, and the simple meaning of Maimonides is that Shimon and Levi were both the witnesses and the judges: they saw the men of Shechem committing a transgressions, and therefore they judged them for their actions. From his language we see that a Gentile who sees another committing an offense, is supposed to judge and kill him (and according to the opinion of Maimonides, if he could have killed and did not kill, he is also liable to death because he canceled the mitzvah of din). This law is also proven from the Talmud, which teaches that when a judge sees something, then he does not need witnesses, but he can judge directly based on what he saw, and in the language of the Talmud:

‘There shall not be hearing greater than sight.’ This is written in the Talmud in Rosh Hashanah 25a on the laws of the sanctification of the month:

Mishna: ‘If the court saw it [the new moon] only, two will stand and testify before them, and they will say Consecrated, consecrated. If three saw it and they are a court, the two will stand, and they will seat one of their colleagues next to the single one, and they will testify before them, and they will say ‘Consecrated, consecrated, because the single one is not trustworthy by himself.’

Gemara: If the court saw it, two will stand and testify before them, and why? Because there shall not be hearing greater than sight? - Said Rabbi Zeira: Because they saw it at night.

In other words: If three judges saw the moon in its renewal, and this was in the daytime, they sanctify the month based on their vision, because ‘they may act as Judges and may hold a judicial session concerning that incident’. But if they saw at night, they cannot judge. But if they were originally ordered to act as witnesses in a certain matter, then even on the strength of evidence given by others, they may not act as Judges. Some say, however, that even if they were [originally] ordered to act as witnesses (in a certain matter), they may act as Judges on the strength of evidence given by others. This law is also ruled in the Shulchan Arukh (Choshen Mishpat 7:5).

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- And also, the Rambam (in the portion of Vayechi) says that the sons of Jacob could judge the sons of Shechem for Seven Commandments they violated, as he says: ‘And what does the rabbi seek in them guilt? And is it not that the men of Shechem and all Seven nations were idolaters, fornicators, and did all the abominations of the Lord? ‘And so on, as the Ran wrote in Sanhedrin 50b, and commanded.’ (We will address the words of the Rambam and the Rambam on this matter in more detail at the end of the chapter.) And see also in the words of the Chatam Sofer in the book ‘Torat Moshe’ to the portion of Vayechi (‘The sons of Jacob came upon the corpses’)

If three judges saw an act, even if they intended their vision as testimony, if they saw it during the day, they become judges and judge the act; but if they saw it at night, they do not judge on their own.

We did not find among the Gentiles the restriction that there is no judgment at night; and there is also no need for three judges or for judges who are experts. Therefore, among the Gentiles, anyone who sees a transgression is considered to be able to be a judge over it, and therefore the principle of 'No hearing should be greater than sight' is upheld.

However, there are opinions that among the Jews, in matters of capital punishment, this principle is not said. For example, the Mishna Torah; Mitzvot 292 writes:

'To not kill a destroyer before he stands in judgment.'

We were forbidden from killing the sinner when we see him committing the sin that he is liable to death for, before we bring him before a court, but we were obligated to bring him before a court and bring witnesses against him before them, and they will judge him for what he is liable for, as it is said: 'And the murderer shall not be put to death until he stands before the congregation for judgment' Numbers 35:12. The Torah teaches:

'And the killer shall not be put to death until he stands trial.'

Even if the Great Court saw him that he killed, they will all be witnesses and they will bear their testimony before one court that will judge him. And as they interpreted, of blessed memory, Rosh Hashanah 26a. And the congregation shall judge...and the congregation shall save' (Numbers 35:24-25), meaning that they need to turn in his favor, and if he has a right they will save him, and if not, he will be killed. And therefore, we were warned that the case should come before a court in any case, and the witnesses who saw the matter with their own eyes should not judge him forever, because perhaps from their seeing the matter they will not be able to turn in his favor, because their hearts will be aroused to his liability in any case.

According to his opinion, the things are true only for a Jew, for whom the verses 'And the court(congregation) will save' and 'And the murderer shall not be put to death until he stands before the congregation for judgment', but among the Gentiles.

That it originates from verses that were said only to Israel ('On the day he endowed his sons' or 'On their mouth will be all strife and all plague, strife is inferred to the plagues', see Sanhedrin 44b (also 23b of Baba Batra))

And a Gentile is also obligated to be a judge over it from the commandment of judges (as is explained in the words of the Rambam on the Shechem).

See there in the Ha-Chinuch that understands that according to the Rambam, even in Israel, in matters of capital punishment, we say 'No hearing should be greater than sight,' and see the sources he brings there. We will not be able to enter into this broad issue here.

The original rule remains that 'hearing should not be greater than sight.' And in the words of Rosh Hashanah 25b:

These laws do not apply to the children of Noah, for as soon as they see that one is transgressing a prohibition, it is permissible to kill him, for this law is written for a Jew. And even there, in the case of the children of Noah, the one who sees, and even the one who testifies becomes a judge, because there is no suspicion, and one is killed on the basis of the testimony of one judge and on the basis of relatives, as explained by Maimonides.

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- And see in the Chazon Ish on Sanhedrin (section 21, paragraph 5) that he wrote that in the case of a Mesites, for whom there are no reversals in his favor, even in Israel, if a court sees him, he is killed by the shadow of their mouths, and they do not need to judge him in another court according to all opinions.
 - In the Menorah Education, commandment 170, paragraph 9, it is also explained that, according to the law, if a Noachide who keeps the Seven Commandments kills a Gentile, that is, one who worships idolatry or does not keep one of the Seven Commandments, he is certainly exempt even if it was intentional. For it is a mitzvah to kill him and he is the witness, and he is the judge, as explained by Maimonides in chapter 9 of Kings, 14. And see in Maimonides there that the tribes killed the people of Shechem because they transgressed the laws, and Rambam on the Torah wrote that they did not hold the Seven Commandments and worshiped idolatry, etc.
 - And there is a need to study the Chaim Sofer 2, 23; the things were also brought in the book Yeshiva Sofer (written by his son) on Sanhedrin 3:3) that wrote that "there is no witness who becomes a judge" among the children of Noah, how does this fit with the general rule of 'there should be no hearing greater than sight' as mentioned above. And behold, the Chaim Sofer objected that if we say the general rule of 'there should be no hearing greater than sight' it comes out that 'there is no life for every creature' because everyone will kill his friend on the grounds that he transgressed the Seven Commandments.
 - And it is necessary to understand what he is objecting about: If it is about Gentiles who are corrupt in the Seven Commandments, then in any case the situation is a state of chaos because they transgress the Seven Commandments; And in any case they will not listen to us if we tell them to kill or not to kill their friends. And if it is about Gentiles who keep the Seven Commandments, why will one man kill his friend? After all, they keep the Seven Commandments. And if his intention is for Gentiles who keep the Seven Commandments and the fear is that one will come and kill people on the grounds that they transgressed the Seven Commandments and we will not be able to judge him for murder, behold, in a corrected state the kingdom can determine that they do not judge alone but judge on the basis of the existing correct courts (so that there is no nullification of the mitzvah of courts, and similarly to what will be explained in the opinion of the Beit Yosef and Maimonides later in the chapter), and then whoever judges not according to these courts, the kingdom can kill him (see Laws of Kings 3, 10) but this is not a reason to change the simple law of 'there should be no hearing greater than sight.' (It should also be noted that such a murderer will certainly also steal and commit other offenses, so that in any case he will be caught committing offenses and will be killed for them even without the decree of the kingdom.)

It was also written in the Melachim u'MilHamot - Chapter 9

A Noachide who sees his friend transgress one of the Seven Commandments for which he is killed is permitted to kill him, since he is both the witness and the judge.

And in the Mishnah Torah 9:14

'With one witness and one judge' he means that the judge himself will be the witness, and in our law the witness does not become a judge, but in the case of the children of Noah, as it is written 'the one who sheds the blood of man, by man shall his blood be shed,' one witness and one judge, 'his blood shall be shed'.

In other words: 'one man' they learned that one person is sufficient, he is both the witness and the judge - to shed the blood of the offender (and see there how he explains on this basis well the words of the Midrash).

Summary of the Rambam's opinion on the killing of the Egyptian by Moses:

(Perhaps the intention of the Rambam is that 'a witness does not become a judge' when such a system has been established according to the good of the city or kingdom, and then as part of the judicial procedures it turns out to behave in such a way that 'a witness does not become a judge'; but not to say that from the simple law the rule 'there should be no hearing greater than sight' does not exist.) And see also the appendix on the words of the Chazon Ish at the end of the chapter.

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- The Chachmei Tzav brings these words in the context of a dispute with the Bach (in his responsa, Yoreh De'ah 157), who held that an animal slaughtered for a Gentile is forbidden to be enjoyed (and in any case, there is no dispute between them in the case at hand, see there).
 - And see in the glosses of the Talmud to the Maharsha on Avodah Zarah 34b, where he commented on the Chachmei Tzav that according to his words, and in conjunction with the words of the Talmud at the beginning of Kiddushin that a Gentile is killed by himself, it turns out that a Gentile who has committed a transgression is obligated to kill himself due to the commandment of din. His difficulty is on the words of the Chachmei Tzav, who held that there is a herem of death that causes the prohibition of enjoyment to the animal (if an animal is judged according to the laws of Gentiles), and if there is such a herem, the Gentile is indeed obligated to kill himself.
 - But the Tosafot in Avodah Zarah there prove from the existence of a Ger Toshav that it is possible to forgive a Gentile for offenses he has committed, and if so, there is no herem of death, and this also explains why an animal slaughtered by a Gentile is not forbidden to be enjoyed (in contrast to an animal slaughtered by an Israelite, which is forbidden to be enjoyed because there is a herem of death to kill both the slaughterer and the animal, and there is no possibility of forgiveness for this).
 - Indeed, it seems that the Chachmei Tzav and the Bach held that even though it is possible to forgive a Gentile who has committed an offense and not kill him - this is because we hope for his rectification; but in an animal, this reason is not relevant, and therefore as soon as an offense is committed in it (and there is a defect to a person because of it, see in the sugya in Sanhedrin 54a-b) - there is a herem of death on it, and so be it.
 - And see also in the words of the Maharsha (on the Sefer Ha'mitzvot of the Ra'avad) to Laws of the Torah 44, Baruch Dayam emet.

There is no need for a warning regarding a Gentile, and not two witnesses... If he would have accused him without any witness, he would have had to kill him, lest hearing be greater than sight, as it is stated in Rosh Hashanah, chapter 'Rou'hu'... And therefore, regarding the city of Shechem, which was liable to be killed because they did not judge Shechem for the theft he stole and transgressed the laws that the children of Noah were commanded, they stood and killed them, etc.

Unmeasurable and Immeasurable

The Talmud in the tractate of Avodah Zarah 26a and 26b

Rabbi Abbahu taught before Rabbi Yochanan: We neither raise nor lower Gentiles and shepherds of small cattle.

It is simple that 'not to raise' means that it is forbidden to raise, that is, to save or heal, the Gentiles as it is explained in the Gemara there that even for payment it is forbidden to raise them from the pit when it is possible to avoid hostility with various excuses.

As it is stated in the Shulchan Aruch (Yoreh De'ah 158):

Gentiles with whom we are not at war... it is forbidden to save them if they tend to die, such as if one of them saw that he had fallen into the sea, he does not raise him even if he will give him a reward. Therefore, it is forbidden to heal them, even for payment, unless it is where there is suspicion of hostility.

The words of the Rambam are censored in some editions; see also the Gur Aryeh, which brings the words and agrees with them.

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- 12. It is further explained that even the Ritba and Rambam on Makkot 9:1; Rabbi Jonah on Sanhedrin 57a (ad. loc. ha-Khotim); and in Beit Yosef, Derech Moshe, Shulchan Aruch, Yoreh De'ah 158 it is proven that one who sees a Gentile who violates the Seven Commandments can judge him and kill him (but according to the Tur there is a rabbinical prohibition to judge a Gentile in our time as explained in his words)
 - 13. It should be noted that what is said in this chapter refers to men, since women do not judge or testify to the descendants of Noah (Laws of Kings 9:14). However, 'Even a woman who does not testify to them and does not judge as explained by the Rambam there, nevertheless, if she knows that he violated a commandment, it is also incumbent upon her to kill him, but she is not trustworthy that he passed, but if it is known even to a witness, it is certainly a mitzvah upon all the inhabitants of the world to kill him.'
 - These words are new, and especially according to what is explained below in the opinion of the Beit Yosef that there is no absolute obligation to die among the descendants of Noah who are Baruch dayan ha'emet (worthy of death) except after they are judged and decide to kill them without giving them the opportunity to repent according to the rabbinic commentary on the Mishnah Torah, written by Rabbi Menahem Hameiri in the 13th century. His commentary is known for its ethical and moral teachings, often offering practical guidance on applying Jewish law in everyday life.)
 - weakens his position in the continuation of his words there that he believes that even a Gentile who violates the Seven Commandments who killed another Gentile like him is exempt because the killed was Baruch dayan ha'emet; (This is a Hebrew term meaning 'worthy of death' or 'fit for execution'. It is used in the context of discussing capital punishment for violating certain laws, particularly the Seven Noahide Laws applicable to all humans.) But this is apparently hidden from the words of the Gemara and the Rishonim, as will be explained in the note below).

According to this, it seems simple that even 'we do not lower' means that it is forbidden to lower them into the pit, meaning it is forbidden to kill them.

This is also proven by the Gemara in Sanhedrin (57a), which brings the same Baraita:

And is a Gentile liable for theft? And the Baraita states: 'For theft, robbery, and the like, a Gentile to a Gentile and a Gentile to a Jew is forbidden, and a Jew to a Gentile is permitted.' And if so, why not state 'liable?' Because it is established to state 'a Jew to a Gentile is permitted,' the first Tana states 'forbidden.' And behold, wherever there is an obligation, the Tana states 'liable,' as it states at the beginning: 'For bloodshed, a Gentile to a Gentile and a Gentile to a Jew is liable, a Jew to a Gentile is exempt. There, how could it not state it, it should state 'forbidden and permitted.' And the Baraita states: "Gentiles and shepherds of small cattle do not bring up or bring down."

This sugya proves that 'not lowering' or 'do not lower' means that it is forbidden to lower them into the pit. In other words, it is forbidden to kill them. This is because the Gemara brings this Baraita to explain why the other Baraita could not use the language of 'forbidden' and 'permitted' and write 'on bloodshed... a Jew to a Gentile is permitted', because it is forbidden! And as Rashi explains there: There it is not possible to use the language of prohibition, because it is necessary to say that a Jew to a Gentile is permitted, and it is not possible to teach it. It was also taught in a Baraita, 'The Gentiles and the shepherds of small cattle, we neither save nor do we lower.'

The Question

Since a typical Gentile transgresses the Seven Noachide Laws, why does the Gemara state that it is forbidden to kill him? After all, it was previously established that anyone who witnesses a Gentile violating the Seven Noachide Laws has the authority to judge and execute him. Why then, do we say 'not lowering'?

We find four possible solutions to this question in the writings of the Rishonim (first ones) and Acharonim (last ones).

The Shi'tat Ha-Damk'an: (is a Jewish legal position that opposes capital punishment for Gentiles who violate the Seven Noachide Laws. It emphasizes the universal right to life, regardless of religion or ethnicity and translation of The Shi'tat Ha-Damk'an is (The Silent Opinion or The Implicit Position.)

Shi'tat Ha-Damk'an forbids killing Gentiles who violate the Seven Noachide Laws. Every person has a right to life, Jew or Gentile.

So wrote Maimonides (Mishnah Makkot 9:1):

'And know that the son of Noah mentioned everywhere is not a resident alien (Ger Toshav), but that a son of Noah is one who observes their Commandments as they should with his friends, and a resident alien is one who came before a court of Israel and accepted upon himself the Seven Noachide laws.'

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- D. In the words "who diligently practices their Commandments with their companions," it appears that Rambam intended to say that the concept of "son of Noah" is associated with a whole society that observes the Seven Commandments, and in such a case, we will treat each member of that society as a son of Noah (who is allowed to be brought up, in contrast to a Gentile who is not allowed to be brought up), even if we do not know this man privately.

A Gentile who has accepted the Seven Noachide laws before a Jewish court is considered to be a resident alien (*Ger Toshav*). Since he has accepted the laws before us, the Torah has given them more protection than other Gentiles who have not accepted them. This is because he is more careful to observe them, and also because it is said (*Bava Kamma* 82a): 'The Seven Commandments that were given to the children of Noah, and they did not observe them, G-d stood up and released them so that they would not receive a reward for them, but as one who is not commanded and does.' And one who has accepted them upon himself before a Jewish court is one who is commanded and does. This is how the Gemara interprets the verse in the chapter of the worker (*Avodah Zarah* 84b). And the "son of Noah" mentioned everywhere is a Gentile who has not been proven whether he observes their Commandments or not, and most of them are not assumed to observe them. Therefore, they are judged as a doubt, and G-d does not insist on them, but rather 'neither raises nor lowers' (*Avodah Zarah* 26a)

In other words: The Rambam understood that in fact, a Gentile whom we know and know that he is transgressing the Seven Commandments can be judged and killed. The reason the Gemara says that 'not lowering' is because it is a matter of a Gentile that we do not know him, and since we do not know him, we cannot decide that he has transgressed the Seven Commandments and judge him, and therefore it is forbidden to kill him. This is how the Gemara in *Sanhedrin* is reconciled, which says that it is impossible to write that it is permissible to kill a Gentile: When the Gemara speaks of a simple Gentile, it is referring to one that we do not know, and therefore we do not know for certain that he transgresses the Seven Commandments. It is impossible to write that it is permissible to kill such a Gentile.

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- It seems from Maimonides' language that his intention is not to say that it is forbidden to kill a Gentile from the Torah as long as we have not seen with our own eyes that he has transgressed the Seven Commandments, even if it is clear because he is in a place where everyone is assumed to transgress the Commandments. In particular, Maimonides explains that the people of Shechem were killed by Shimon and Levi because they were transgressors (as will be explained at the end of the chapter), and Shimon and Levi did not see each and every one of the people of Shechem transgressing the Seven Commandments, but assumed that this was their assumption, as Maimonides writes there. Maimonides' intention in his words "we judge them as doubt" is that the rabbis ruled that if there is no war between us and them and there is no reason to harm them, we will not harm them according to the assumption, and we will only judge them when we come to deal with a specific case that we saw (and these things are appropriate to the previous note in which we explained that Maimonides explains here how to relate to individuals who belong to a specific society and we do not know and know exactly who they are). See also note 60 below.
 - 16. The *Shulchan Aruch* also wrote the opinion of Maimonides that there is a difference between a Gentile who is known to be transgressing the Seven Commandments, and a Gentile who is assumed to be such, but we do not have certainty in the matter. As the *Shulchan Aruch* wrote (*Yoreh De'ah* 422, sec. 2): "Gentiles with whom we are not at war... we do not cause them death - that is, there is no commandment to kill them even if they are transgressing the Seven Noachide Commandments, and yet, where they are maintaining the Seven Noachide Commandments, it seems that it is forbidden to lower them...". And the *Turei Zahav* challenged the *Shulchan Aruch* based on the words of the *Tosafot* in the tractate *Avodah Zarah*, page 10, column 2.

The Ritva's opinion

The Ritva wrote: There are three terms that are used for Gentiles: Ger Toshav, Ben Noah, and Cuthean.

A 'resident alien' is someone who has accepted before a Jewish court to keep the Seven Commandments that were commanded to the children of Noah, as it is said in Avodah Zarah (64b). Such a person is permitted to settle among us, and this is why he is called a 'Ger Toshav' (resident).

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- The Gemara there tells that Antoninus used to secretly visit Rabbi Yehuda HaNasi, and he would take two slaves with him as escorts and kill them at the end of the visit so that they would not betray him. Tosafot raises a difficulty on this: "And if you say: But bloodshed is one of the Seven Commandments and is forbidden even for Jews, as it is taught (hereinafter 26, a), 'Gentiles and shepherds of fine cattle do not raise or lower'! And there is to say that he was afraid that they would report the matter to the ministers and would cause him to be killed, and we say: 'If he comes to kill you, get up early to kill him'; There is also to say that he was choosing the heretics and the informers, for even though there are no heretics among the nations in the matter of accepting an offering from them, there is a matter of lowering, as he asks in the first chapter of Chullin (page 13, b): 'Now that a Jew lowers the fish of Gentiles, is it necessary?'"
 - From the difficulty of Tosafot, the Taz proves that 'not lowering' is a prohibition to lower, and how does the Shach say that 'there is no commandment to kill them' but it can be done if they want? The Shach answers this question (in the silver points there):
 - From what Tosafot wrote in the first chapter of Avodah Zarah, there is no proof. There, who did Antoninus know who did not observe the Seven Noachide Commandments? But he knew clearly who was a heretic or informer. When Tosafot explained that he was selecting the heretics and informers - from this we learn that heretics and informers are those whom it is permissible to kill, and certainly all who do not observe the Seven Noachide Commandments are considered to be heretics and informers.
 - The Shach explains that Tosafot raise a difficulty on Antoninus' actions because, simply put, he did not know what his slaves were doing and what transgressions they were committing. And even though it is likely that they were transgressing the Seven Noachide Commandments and therefore it is forbidden to bring them up, this is not a reason to allow their killing as long as there is no knowledge of it. However, if he knew that they were transgressing the Seven Noachide Commandments, it was permissible for him to judge and kill them.
 - The Shach offers two explanations for Antoninus' actions. First, he argues that Antoninus was simply taking precautions against any possible threat to his safety. As a Roman emperor, he was constantly under threat of assassination, and he was therefore justified in taking any steps necessary to protect himself.
 - Second, the Shach argues that it is possible that Antoninus had some reason to believe that his slaves were heretics or informers, even if he did not have absolute certainty. If this was the case, then his actions would have been justified under Jewish law.
 - The Shach's explanation is the most likely one. It is clear that Antoninus was taking precautions against any possible threat to his safety. He was not motivated by a desire to punish Gentiles who did not observe the Seven Noachide Commandments.

And since he accepted them in a court, he is called in these Seven Commandments as commanded and doing, and behold we are commanded to keep him alive as it is written 'And live (your brother) with you' (Leviticus 25:36), and it is not necessary to say that it is forbidden for us to cause him any killing, and even more so to bring him down to the pit.

And a son of Noah is one who did not accept them in the court, but we know that he keeps them on his own, and he is judged in them as one who is not commanded and doing, as it is written 'He stood and measured the earth, saw and counted the nations' (Isaiah 51:12), as it is stated in Baba Kama (82a) and Avodah Zarah (68b), and behold we are not commanded to keep him alive, and we also do not have to bring him down by hand or cause any killing in him, since in the end he does them, even though he is not commanded and doing, there is some reward for him, as it is stated there. And a regular Cuthean is one who is not careful to keep the Seven Commandments, and behold it is permissible to bring him down to the pit in a place where there is no enmity, or to cause him death wherever he takes any cause, as it is stated in Avodah Zarah (62b), and as we explained there regarding 'The Cutheans are not brought up or brought down', that is, in a place of enmity.

The Ritva understood that it is permissible to kill a Gentile because he does not keep the Seven Commandments. He brings the Gemara in Avodah Zarah from which we see that it is forbidden, and he explains that what is written there is forbidden because it is a place of enmity, as it is implied in the Gemara Shemaiah. In order to understand his words, we will explain the course of the Gemara in Avodah Zarah according to the Ritva. Initially, the Gemara brings a Baraita that says:

Gentiles and shepherds of small livestock - do not elevate or lower, but the Minim, the Mesartim, and the converts - lower but do not elevate.

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- 18. It should be noted that it is proven in the Ritva that one does not kill a Gentile, even though he is assumed to violate the Seven Commandments, until we know of a specific offense he has committed (as we wrote in the opinion of the Rambam above). This can be proven from the words of the Ritva on the same page "And this is what was explained in this Baraita that in general, their warning is this: their death is what is required of them. One must kill them even for unintentional violation, in the case of an ordinary Gentile. But as for a complete Noachide, it is possible that it is considered intentional in our eyes."
 - In other words: a Gentile is liable for offenses he commits, even if he does so unintentionally, but a Noachide - it is possible that he is killed only for intentional offenses. Now, if the Ritva holds that it is permissible to kill a Gentile because he is presumed to have violated the Seven Commandments even without our knowing that he has committed a specific offense - there is no need to say that he is killed even unintentionally, since he is killed even without our knowing of his offense at all. We must necessarily say that even according to the Ritva, we need to know of a specific offense (and indeed, such a Gentile is killed even if he violated unintentionally and not intentionally).

In this stage of the Gemara, the Gemara simply understands that *Lo Me'alin Be'lomoridin* (one should not add to the Commandments) means to be in *Shevve'Alte'aseh* (Positive Commandments). In other words, one should not add or subtract from the commandments that the Torah has given us, Rabbi said:

We lower but do not rise. Now that my sister is getting married, do I need to bring her down? Rabbi Yosef bar Hama said Rabbi Sheshet: This law is only necessary if there was a ladder in the well. He took it up and said: So that no animals climb up on it. Rava and Rabbi Yosef, who both say the same thing: This law is only necessary if there was a stone covering the mouth of the well. He said: So that animals can pass over it. Ravina said: If there was a ladder that he pulled out, he said: I want my sister to come down from the mountain.

The Gemara answers that there are situations where it is impossible to lower the person into the pit because of hatred. In such situations, people might still try to kill the person, but in a way that allows them to avoid the problem of hatred. For example, if there is a wall in front of the pit, people might say 'we are not lowering him into the pit, but simply taking away the ladder so he cannot climb out'. This allows them to claim that they are not actually killing the person, but simply making it impossible for him to save himself.

And the correct view in my opinion is that the Tanna is saying two types of things, that they are lowered down in a real way in a place that is not one of hatred, and that they are not raised up in a place where people see that there is hatred. And we ask a question, because if they are lowered down in a place where people do not see, it is clear that they are not raised up by hand in a place where people see. And we ask a question, that it was not necessary to say only that even in a place where people see, they prevent him from not going up, as it is explained and goes on as mentioned above.

And from this, it was renewed for us that 'not raised up' means that it is permissible to take by hand a ladder or a way of saving someone who is in a pit, and this is possible even in a place of hatred because it is possible to find a pretext that saves from the hatred. And the 'they are lowered' that is said about heretics is actually dealing with a different case, a case where there is no hatred. It appears that the Baraita introduces a new ruling about minnim in two cases. In the first case, when there is no enmity, it is permissible and also necessary to kill minnim. In the second case, when there is enmity, we do not kill minnim with our hands, but we do an act of killing by preventing their rescue. This is because preventing their rescue is a way to evade the enmity.

From this we understand (do not enter into a covenant with them.) but also 'doing with your hands of killing by preventing rescue.' In other words, we are not required to kill minnim with our hands, even when it is permissible or necessary to kill them. We can also prevent their rescue, which is a form of killing, but not with our hands.

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- 19. Ritba disagrees with other commentators who interpreted that the Gemara's intent is that the permission is only when the ladder is removed, but there is no permission to lower heretics into a pit by hand, see there
 - 20. See below in paragraph 8 ("The dispute between the Baḥ and the Taz"), where it is explained that the Taz also understood that the "lo malin" in the beginning is the same as the one in the end, and therefore ruled that it is permissible to kill Gentiles by preventing rescue. And Ritba in his explanation:

Because there is enmity, and this is a case where it is not possible to lower by hand into the pit. And this is the intention of Ritva in Makkot, as we saw above, who says:

So is it permitted to lower him into the pit in a place where there is no enmity, or to cause him death whenever he takes any pretext, as it is stated in Avodah Zarah (20b) and in the gloss there regarding 'do not lift up or lower', meaning in a place of enmity.

According to the halakha, the Baraita says that it is forbidden to kill Gentiles in a place of hostility, but it is permissible to do so by taking a ladder because then there are reasons to avoid hostility. Similarly, it is a mitzvah to kill minnim (heretics) outside of a place of hostility, and in a place of hostility, they must be killed by taking a ladder with a reason. The Chazon Ish raised a difficulty on the Ritva, who says that according to his words, it turns out that both minnim and Gentiles are killed outside of a place of hostility, and they are killed by taking a ladder in a place of hostility. If so, their laws are identical, so why was the same wording not written in the Baraita about both of them?

According to our explanation above, it is understandable that the wording for minnim is different. The Baraita writes there 'moridin'.

- which deals with the case where there is no hostility as explained (and on which the Baraita did not speak until now)
- because it was important for the Baraita to emphasize and renew the need and mitzvah to kill minnim (in contrast to Gentiles who we do not have a mitzvah to kill them (at least for now, as long as they are not under our control), and there is also no innovation in the simple halakha that a Gentile is killed if he violated his Commandments)

The Yona Approach

Rabbi in his commentary to the Talmud Avodah Zarah 13b answers the question in a different way:

The idolaters and the Jewish shepherds of small cattle. It seems that the reason that we do not lower (the ladder) with regard to Gentiles is rabbinic. It is certainly not referring to a Ger Toshav, because we certainly do not say that we do not raise [the ladder] with regard to him, because we certainly raise it, since it is a mitzvah to save his life. Rather, the verse refers to other Gentiles who do not fulfill the Seven Commandments, and we are commanded to kill them, because we say that a son of Noah is killed by one witness and one judge, etc. And since that is his law, it seems that rabbinically it is forbidden to kill them.

Rabbi Rishonim's methods (such as Rambam below) according to which it turns out that the 'not above' is not the same in the beginning and in the end. Rav Yona understood that although the Torah permits judging and killing a Gentile who violates the Seven Noachide laws, the rabbis prohibited doing so, and therefore it was ruled that 'not below.' This is also explained in the Sefer HaYirah (section 558), which writes:

The Origin of the Prohibition of Killing Gentiles (Even Idol Worshipers).

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- The introduction to the book clarifies that shevut refers to a rabbinic prohibition. Therefore, the Sefer HaYirah asserts that killing Gentiles incurs a rabbinic prohibition.
 - In simpler terms, this implies that according to Torah law, killing Gentiles who are idolaters and violate the Seven Noachide laws is permissible. However, despite being allowed by Torah law, the rabbis, as explained by Rav Yona, forbade it.

Additionally, the Shulchan Aruch (Yoreh De'ah 451) understood the Sefer HaYirah and Rav Yona in the same way: "This signifies that the Torah does not mandate their extermination, but the rabbis decreed a prohibition against it.

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- 22. Siman 451 in the edition of Tosafut Ram.
 - 23. The words in parentheses appear in the edition with the interpretation of "around his fears."
 - 24. Even without the version that explicitly states that this is about "idolaters," and even without the precision in the word "goy" that is closed to dealing with someone who violates the Seven Commandments - it is impossible to say that this is about someone who keeps the Seven Commandments: If it is about a resident alien - it is simply that this is not only a rabbinic prohibition, but a cancellation of a Torah commandment to bring him to life; And even if it is about a Gentile who is not a resident alien but does not violate the Seven Commandments ("Ben Noah") - it is impossible to say that there is no Torah prohibition to kill him, since "there is nothing that is permitted for a Jew and forbidden for a Gentile," and it is forbidden for a Gentile from the Torah to kill such a Gentile (as explained at length in chapter one).
 - 25. As the opinion of Rabbi Yona is also implied in the words of Rashi in Avoda Zara 5:5.
 - 26. It should be noted that the Tzemach Tzedek may have understood that even Rambam agrees with this opinion, and his intention that "they were judged on suspicion" is that the rabbis decreed not to judge them in any case even though they suspected that they violated the Seven Commandments (and even when we know for sure that they are violating). This is indeed forced in his language, and it is more plausible as we explained it above, see there.
 - 27. And it seems that the rabbis did not decree to prohibit in the case where we are in control and by virtue of this we judge on the Seven Commandments, and in particular according to Rambam who believes that there is a duty to judge them in such a situation, see Hilchot Melachim end of chapter 8; And according to his opinion it is implied in the words of Rabbi Yona who says that we are "commanded" to judge them, and this is not only a permission (and compare to the opinion of Rambam in his commentary on the Torah in Deuteronomy 20:10, and so on); And it does not seem that the sages decreed to completely cancel this commandment (because then these early ones would have mentioned it), but that they decreed it only at a time when our hands are not attacking the Gentiles, where there are great fears of hostility and that it will not be useful, etc.

The Dispute Between the Bach and the Tzemach Tzedek

Continuation of his words, the Tzemach Tzedek also innovates that since this is a rabbinic prohibition - the prohibition is only in direct killing, but it is permissible to kill by preventing rescue:

Specifically, the rabbis prohibited killing Gentiles with their own hands, as there is a capital punishment for this in Jewish law. However, turning a Gentile's death around, such as taking away the ladder, and the like, which is exempt from capital punishment in Jewish law, is permissible in principle for Gentiles, as long as there is no ill will involved.

However, on this point, the Tzemach Tzedek disagrees with the Beit Ha'Ne'ew (his father-in-law), who wrote here (Yoreh De'ah 451):

Even if he fell into a pit at first, it is forbidden to turn their death around with his hands by removing the ladder. Because he causes him death with his hands, by removing the ladder, we consider it as if he killed him with his hands. However, the Tzemach Tzedek believed that even though the rabbis decreed not to judge Gentiles, as we explained, they decreed this only in the case of killing with their hands, and not in the case of taking away a means of rescue.

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- 28. How did the Taz learn this law that it is permissible to cause the death of a Gentile? He infers it from the Rambam, who wrote in Hilchot Rotze'ach (4, 11): "Heretics and epicureans... it is a commandment to kill them, if one has the power to kill them... But the Gentiles with whom we are not at war, and the shepherds of small cattle of a Jew and the like, we do not cause their death, and it is forbidden to save them if they tend to die, such as if one sees one of them fall into the sea, he does not raise him up, for it says, 'You shall not stand idly by while your neighbor's blood is shed', and this one is not your neighbor.' Behold, the Rambam changed his language here and wrote 'we do not cause their death' instead of 'it is forbidden to save them', and from this it is implied that in the first part there is no prohibition as there is in the second part. Therefore, the Taz understood that it is in fact permissible to cause death, which is killing by way of taking a ladder and the like, and the Rambam only wrote that 'we do not cause death' to say that there is no obligation to do so (unlike heretics and epicureans who are known before, whom it is a duty to kill if possible).
 - The Taz explains that the Rambam learned this from the Gemara that we brought above in the explanation of the Ritva's words. The Gemara there asks why it needs to be written about epicureans "we bring them down and do not bring them up," since if we bring them down, it is a *kal v'chomer* (All the more so; surely, used to indicate if an earlier premise is true, the second will certainly be that we do not bring them up.) The Gemara answers that the novelty is that even when it is not possible to actually bring them down, one must still try to cause death by removing a ladder and the like, since in this there are grounds to avoid enmity. In other words, the words "we do not bring them up" are not a *shevv'alta'aseh* (a negative commandment), but an *aseh* (a positive commandment) to cause death indirectly. Since in our generation, as in the second part, regarding epicureans, "we do not bring them up" is a *kumaseh*, this is how we will explain those same words exactly in the first part; and according to this, "we do not bring them up" said about Gentiles also has the same meaning: not only do we not save them and remain in *shevv'alta'aseh*, but it is also permissible to take the ladder in a *kumaseh*.

Summary of the Intermediate Discussion

Up to now, we have learned three methods of resolving the contradiction between the permission to judge and kill a Gentile who transgresses the Seven Noahide Laws and the words of the Gemara about ordinary Gentiles who 'are not brought down':

Not killed	Killed- one witness, one judge	Source
We saw crime being committed	Known to have committed the crime	Rambam / Maimonides
Not of enmity	No enmity	Ritva / alternative / Beit Yosef
Out of enmity	From the Torah	Rambam / Ran

The Words of Maimonides and the Beit Yosef

Maimonides referred to the killing of a Gentile in two places. In the Laws of Idolatry (beginning of chapter 10), Maimonides wrote:

It is forbidden to make a covenant with idolaters in order to make peace with them and allow them to continue their worship, as it is written, "You shall not make a covenant with them" (Deuteronomy 7:2). Rather, they must either return from their worship or be killed. It is also forbidden to show mercy to them, as it is written, 'And you shall not spare them' (Deuteronomy 7:2). Therefore, if a Jew sees an idolator drowning, he is not allowed to save him.

In a straightforward way, one might object to the Tzemach Tzedek from the Gemara in Avodah Zarah (3:2), which says that it is forbidden to kill a slave who was bought in the market of idolatry: Why does the Gemara not say to kill him in a manner of grama (indirect causation)?

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- However, it seems that there is really no objection because the Tzemach Tzedek does not permit causing death, but only taking a path of rescue; and there is no permission to bring the slave to a situation where we can prevent his rescue. (And what the Tzemach Tzedek wrote there, "And only in the hands themselves, for which there is a capital punishment for a Jew, did the rabbis forbid it to a Gentile, but a turning of death, such as taking a ladder, and the like - in which a Jew is exempt from the death penalty of the court - for a Gentile it is permitted from the outset" - his intention is not that any killing by grama that a Jew is not liable to death for is permitted to a Gentile; but that preventing rescue is not considered killing by the hands, contrary to the words of the Ba'al Ha-Tosafot, who wrote that the Tur calls this "killing by the hands" because a deed is done here.) And see also in note 125.
 - According to the Tzemach Tzedek, it would appear that it is permissible to kill a shepherd of small cattle by preventing rescue, since their law in this matter is the same as that of Gentiles. And this is a great innovation: It is understandable with regard to Gentiles - there is permission to kill them because they violate the Seven Commandments; however, it is an innovation to say that the Sages permitted killing a shepherd of small cattle by grama, and not only decreed not to save them. (And see also in the Arukh Hashulchan on Yoreh De'ah 429 and his words.

One should not save a Gentile who is drowning in a river, or one who is about to die, but it is forbidden to kill him with one's own hand or to push him into a pit and so on, because he is not waging war against us. When do these words apply? To a Gentile, but it is a commandment to destroy the informers of Israel and the heretics and the apostates, and to bring them down to the pit of destruction, because they afflict Israel and lead the people away from the Lord, like Jesus the Nazarene and his disciples, Tzadok and Baithus and their disciples, the name of the wicked shall rot.

And in the laws of the one who wants (end of chapter 4):

The heretics, who are idolaters from Israel, or the one who commits sins to spite, even if he ate carrion or wore wool and linen to spite, is a heretic, and the apostates, who are those who deny the Torah and prophecy, from Israel, it is a commandment to kill, if one has the power to kill with a sword in public, he kills, and if not, he comes upon them with schemes until he causes their death. How so? He saw one of them fall into a well, and the ladder is in the well, he first removes the ladder and says to him, I am busy bringing my son down from the roof and I will return it to you, and so on with these things. But the Gentiles with whom we have no war and the Jewish shepherds of small cattle and the like, one should not cause their death as it is forbidden to save them if they are about to die, such as if he saw one of them fall into the sea, he lifts him up, as it is said, 'Do not stand idly by the blood of your neighbor, and this one is not your neighbor.'

Now, in the Rambam's Hilchot Avoda Zara, it is stated that it is forbidden to kill a 'Gentile who worships idols,' that is, one who violates the Seven Commandments, so it is impossible to reconcile the Rambam's words. According to the Rambam, if it is known to us that he is an idolater, it is permissible to kill him: And it is also difficult to reconcile it with the Ritva's explanation, because the Rambam wrote simply "it is forbidden," and did not explain the prohibition except in the case where there is enmity.

The Turei Zahav wanted to interpret the Rambam's words as conforming to those of Rabbeinu Yonah. In his opinion, the prohibition is a rabbinical prohibition, and according to him it is also clear why the Rambam wrote in Hilchot Rotzeach 'one should not cause their death and it is forbidden to save them. (The Turei Zahav distinguishes between the riisha and the shifra: in the riisha it is written 'not' and in the shifra 'forbidden,' and in his opinion the reason is that there is really no prohibition against endangering the Gentiles, but the Rambam added the word "forbidden" in the shifra to warn against doing so in the case where there is enmity.)

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- No. It is a great stretch to interpret 'a Gentile who worships idols' as meaning one who is suspected of worshiping idols, but we are not sure. (And even if that is the interpretation, why did Maimonides bother to add the words 'worships idols'?)

oraHaMelekh (The King's Torah)

The Beit Yosef, Darkei Moshe, and Drisha (in Yoreh De'ah 158) had difficulty with this understanding of the Rambam. It seems that their main reason is that the Rambam wrote plainly in Hilchot Melakhim that Sanhedrin (the Jewish Supreme Court) used to kill even on the testimony of one witness and in the presence of one judge (as we brought at the beginning of the chapter), and he did not write there any limitation of a rabbinical prohibition to judge them in this time.

Therefore, the Beit Yosef and his like wrote that the intention of the words 'lo moridin' (do not bring down) is really that there is no obligation to bring down, but if one wants to judge and kill the Gentile for transgressing the Seven Commandments, then it is permitted.

This is allowed:

And it is implied from the words of the Tosafot that it is not to say that it is forbidden to bring them down, but rather to say that it is not a commandment to bring them down even though they transgress the Seven Commandments. However, where they observe the Seven Commandments, it seems that it is forbidden to bring them down. And what we say in Sofrim (15:10) that the kosher among them must be killed is during times of war. And this is also evident from the words of the Rambam in chapter 4 of Hilchot Rotzeach (halakha 11).

They rely on the words of the Tosafot, who wrote on 'lo moridin' (we do not let down):

And even though most Gentiles are idolaters and transgress the Seven Commandments, nevertheless, we do not bring them down, because the Torah permitted them, as it is written, 'all the people present there shall serve you at forced labor.' (Deuteronomy 20:10).

And behold, the plain meaning of the words of the Tosafot is that the intention of the Gemara in saying 'lo moridin' (we do not let down) is that it is permitted not to bring them down, but there is no prohibition in doing so. Similar things are also implied in the Sefer Chinuch in mitzvah 93 (as is the precise understanding of the Minchat Chinuch in his words):

But there is a difference between the Seven nations and the other nations who worship idols, because the other nations, if they are not fighting us, we have no commandment to kill them, but only not to let them dwell in our land.

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- And their words also imply this in the Levush there; and see also the book Ma'amar Mordechai on Orach Chaim 128, paragraph 40.
 - It should also be noted that above we mentioned that it is difficult to understand the opinion of the Taz, because according to him it turns out that it is permitted to kill shepherds of small cattle by indirect means, and this is a great novelty. And if we disagree with him in this, we must hold like the Avodah Zarah that it is rabbinically forbidden to kill a Gentile even indirectly - and we must explain the language of the Rambam who wrote regarding Gentiles, 'We do not bring about death for them and it is forbidden to save them' (and did not write "forbidden" in both places, as we brought there that the Taz is precise to point out to you).
 - However, the Taz explained that the Tosafot are saying that it is permitted not to kill him, and since this is permitted, the Sages decreed that it is forbidden to kill him at all. But this is a bit far-fetched, because there is no hint of this in the words of the Tosafot.

Until they abandon idolatry, but the Seven nations we were commanded to kill wherever we can find them, unless they abandon idolatry.

Thus, this is how the contradiction between 'lo moridin' (we do not let down) and the permission to judge a Gentile who violates his Commandments is explained: 'lo moridin' (we do not let down) means that there is no obligation to let down, even if the Gentile violates the Seven Commandments. However, if a Jew wants to judge him for violating the Seven Commandments and kill him, then it is permitted. According to this, the words of Rambam in Hilchot (Laws of Murder) are understood: 'We do not cause them death', that is, it is permitted to kill them if we want to judge them, but there is no obligation to do so; 'and it is forbidden to save them', this is already a clear prohibition, not just a permission.

However, this explanation apparently contradicts the Gemara in the Sanhedrin that we brought above, from which it is proven that 'lo moridin' (we do not let down) is a clear prohibition, not just a permission! Moreover, this explanation contradicts the words of Rambam himself in Avoda Zara (Laws of Idolatry), who explicitly wrote: 'However, to lose him by his hand or to push him into a pit and the like is forbidden'! And as Menachem Meiri wondered in Mishnah Torah:

'And behold, Rambam wrote here: 'However, to lose him by his hand or to push him into a pit is forbidden' when he is not at war with us... It is clearly explained that Rambam holds that there is a prohibition to let them down by hand... And see Beit Yosef... And I wonder how the clear words of Rambam here escaped his eye, as it is clear from his mouth that there is a prohibition.'

To summarize so far:

Based on the words of the Tosafists, Sefer Chinuch, and Rambam, Beit Yosef and his colleagues understood that 'lo moridin' (we do not let down) is a permission: We are not obligated to judge and kill a Gentile who violates the Seven Commandments, but it is permitted. However, this is difficult from the Gemara in Sanhedrin, where we see that 'lo moridin' (we do not let down) is a prohibition; and also, from the words of Rambam himself at the beginning of Chapter 10 of Avoda Zara.

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- In the words of the Shach in Siman 29 (which have already been mentioned in Note 16 above), we see that he understood Rambam and Beit Yosef to agree with Rambam in halakha, but to disagree with him in his interpretation of the Gemara. We will explain: Rambam explained that 'lo moridin' (we do not let down) is an issur because it refers only to a Gentile whose observance of the Seven Noahide laws is unknown to us. However, this explanation in the Gemara was not accepted by Rambam and Beit Yosef (probably because they thought it was difficult to make a logical inference that it refers only to a Gentile we do not know; and in particular, since most Gentiles are considered to be those who violate the Seven Commandments, why should we not rely on the assumption?); and therefore they explained that "lo moridin"(we do not let down) is heter, meaning: it refers to all Gentiles, and the Gemara says that there is no obligation.

11. Explanation of the Beit Yosef and his colleagues

In order to reconcile the opinion of the Beit Yosef with the Gemara in Sanhedrin, from which we see clearly that it is forbidden to kill a Gentile, we must first note that a Gentile is indeed liable to death for violating the Seven Commandments, but there is no obligation to kill him. It is possible to forgive him for what he has done so far and allow him to accept the Seven Commandments.

However, now it is difficult to understand why the Gemara in Sanhedrin cannot simply write that it is 'permitted' to kill a Gentile, if 'lo moridin' (we do not let down) is a heter.

The Shach understood that Rambam and the Beit Yosef believed that this is because it also applies to Gentiles whose observance of the Seven Commandments is unknown to us. It is impossible to simply write that it is permitted to kill Gentiles when this includes the possibility that they are innocent.

This is proven in the words of the Shach, who explains the Tosafists commentary on the slaves of Antoninus (Avodah Zarah 10b; cited in the note above dealing with the Shach's words) in that Antoninus could not kill the slaves if he did not know that they were transgressors of the Seven Commandments, and this is the intention of the Tosafists in their difficulty from 'lo moridin'. (we do not let down)

*lo moridin (potential meanings)

- Avoiding unnecessary harm or burdens: The concept can be interpreted as a general principle against imposing additional hardships or diminishing someone's status or well-being.
- Maintaining fairness and equality: It can also be seen as a call for fair and equal treatment, regardless of someone's religion or background.
- Upholding due process: Some interpretations emphasize the importance of justification and proper procedures before taking action that could negatively impact some one

This also reconciles the words of Rambam in Hilchot Ro'eh (literal meaning: seer, prophet (prophetic) vision), who wrote 'we do not cause them death and it is forbidden to save them'. Rambam took care not to write 'permitted' or 'forbidden' about killing Gentiles, because the matter depends on what kind of Gentile is involved: if it is known that he is transgressing the Seven Commandments, it is permitted to kill him; but without this, it is forbidden. Both types of these Gentiles, it is forbidden to save. Therefore, Rambam took care to write 'we do not cause' which means, there is no obligation to kill them (in contrast to the Epicureans mentioned earlier, whom it is obligatory to kill if possible); without discussing the question of whether it is permissible (which depends on the question of whether it is known to us that he passed or he is only considered as such).

However, the Shach's explanation of Rambam's opinion is not possible according to the exact version of Rambam that we have, because Rambam wrote at the beginning of chapter 10 of Avodah Zarah: 'Therefore, if a Gentile idolater is lost or drowned in a river, we will not raise him, he saw him leaning to die, we will not save him, but to lose him by his hand or to push him into a pit and the like is forbidden.'

In other words: even someone we know who is transgressing the Seven Commandments is forbidden to kill, contrary to the words of the Shach. And what the Shach did not feel in this. It is likely that before him was the censored version of Rambam, in which it is said 'Therefore, if he saw one of them lost or drowned in a

river, not to raise him' etc. From this version, it is difficult to conclude that in the original text it was explicitly.

stated that it is forbidden to kill a 'Gentile' even one who 'worships idols', and therefore it was impossible to know that Rambam did not fit with this explanation.

The conclusion from the above is that the Shach interpreted the words 'lo moridin' like the Beit Yosef, but halakhically agreed with Rambam and explained like him the Gemara in Sanhedrin, which says that it is impossible to say 'permitted' about killing a Gentile; and in this explanation, he actually disagreed with Rambam (and the Beit Yosef who followed in his footsteps) who said that even a Gentile who is known to transgress the Seven Commandments is forbidden to kill

The Commandments from here on show there is a difference between the obligation to be put to death for Jews and the obligation to be put to death for Gentiles.

The proof of this is in the existence of the resident alien, who we see in the Gemara (Avodah Zarah 64b) is one who 'accepted upon himself' the Seven Noahide Commandments. This implies that we are talking about a Gentile who has not kept the Commandments until now and yet we forgive him for what he has done and accept his repentance.

And as the Tosafists wrote there:

What is a resident alien (Ger Toshav)? Anyone who has accepted upon himself the Seven Commandments. In the conclusion he says that this is to give him life. And if you say, 'And behold, immediately after he transgressed the Seven Commandments, he is put to death, for the warning of the Noahide law is to put them to death without witnesses and warning!' There is to say that until the court has judged him, he is not put to death. Know that this is because we say that idolaters are not 'raised or lowered'.

We see in the words of Maimonides in the Laws of Kings, chapter 8:

- A beautiful woman who refuses to abandon idolatry after twelve months is put to death.
- The inhabitants of a city that is not subject to the king are not granted a treaty until they repent of idolatry, destroy all of its places of worship, and accept the remaining Commandments that were commanded to the Children of Noah.
- Any Gentile who does not accept the Commandments that were commanded to the Children of Noah is put to death if he is under our authority..
- Moses our teacher commanded with divine authority to force all the inhabitants of the world to accept all the Commandments that Noah was commanded, and anyone who does not accept them is called a resident alien in every place...

As we have seen in the Laws of Idolatry (beginning of chapter 10, as mentioned above),

We do not make a covenant with idolaters in order to make peace with them and let them continue to worship idols, as it is said, 'Do not make a covenant with them, but rather make them desist from their worship or slay them.

Maimonides explicitly speaks about idolaters who have the opportunity to desist from idolatry, and there is no obligation to kill them for the fact that they have worshiped idols until now.

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- 20. For the difference between the obligation of laws for Israel and the obligation for Gentiles, see also in Part of Joab (Second Edition, 14) and in the Midrash of Wisdom for Deuteronomy 22:22 (paragraph 'And you will eradicate the evil from Israel').
 - 21. See there that there are several opinions, but according to the halakhah it was ruled as the opinion that it is necessary to accept the Seven Commandments.

According to Maimonides, when a Gentile is under our authority, we must force him to accept the Seven Commandments, 'and whoever does not accept will be killed!'; we clearly see that even if it is known that the Gentile has transgressed the Seven Commandments until now, we do not have to judge him for it, and we can ignore what was.

Even in our time, when there is no resident alien, there is no difference in the matter that if he took upon himself Commandments from now on, he should not be killed for what he has passed until now. And it is also reasonable that it does not matter if he repented between himself or in the presence of three Jews, because in any case he is now keeping the Seven Commandments.

The conclusion from this is that when we judge a Gentile for offenses he has committed, we must also consider the question of whether he has repented, and if so, it is forbidden to kill him (and the one who kills him transgresses 'the one who sheds the blood of man!'); and further: it is preferable that the Gentile repent, and not that we kill him. If we come to a Gentile who does not keep the Seven Commandments and there is a possibility to explain to him the importance of their existence so that he will repent, we will prefer to choose this way, and not to judge and kill him.

This is also proven by the words of the Gemara in Makkot 9a which says that a Gentile who killed 'bar minyanu' (deserving of capital punishment; the term appears in Talmudic discussions, often concerning interactions with Gentiles and the application of the Seven Noahide laws.) That is, another Gentile, is killed.

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- Compare to the words of Rambam on the Torah (Deuteronomy 20:10) and Rabbeinu Tam on Rashi to Leviticus 18:26
 - See the words of Rambam and Rabbeinu Tam in the Laws of Forbidden Intercourse 14:8; we did not go into their dispute there because there is no practical difference for our matter as explained above.
 - So also it is understood at the end of chapter 8 of the Laws of Kings: 'Everyone who accepts the Seven Commandments and is careful to adhere to them, this one is from the pious of the nations of the world, and there is a portion for him in the world to come, and it is that he should accept them and do them because the Lord commanded them in the Torah and informed us through Moses our teacher that the children of Noah were previously commanded in them, but if he did them because of the judgment of the mind, this is not a resident alien and he is not from the pious of the nations of the world but from their wise men.' Rambam compares here between one who accepted because of the judgment of the mind, which of course did not do so in the presence of three Jews, to one who accepted because he believes in the Torah. And if so, it implies that in both cases it was not done in the presence of three Jews.
 - This is strengthened according to the method of Rambam who believes that the commandment of calling for peace includes a call to the Gentiles to repent and to begin to keep the Seven Commandments from now on, and it is forbidden to fight them and kill them without this (see at the beginning of chapter 6 of the Laws of Kings) (we did not go into the matter of calling for peace here, because the things are long and not here is their place).

Even though a 'bar minya' (literally means 'son of the number' or 'one counted amongst the number'. In Jewish law, it refers to a Gentile individual born to a Jewish mother. In the Talmud, 'bar minya' are considered to be part of the Jewish people, and they are subject to certain Jewish laws, such as the prohibitions against murder, incest, and idolatry. However, they are not considered to be full members of the Jewish community, and they are not required to follow all of the commandments of the Torah) does not keep the Seven Commandments, the fact that he does not keep the Seven Commandments does not make him a 'bar katla' (a person whose killing is permissible). Similarly, it can be proven from the Gemara in Sanhedrin 57a, which explicitly states that a Gentile who murders another Gentile is liable to death (and a 'simple' Gentile is someone who does not keep the Seven Commandments, as stated above).

From the Gemara, we see that a Gentile who kills another Gentile who is transgressing the Seven Commandments is killed, because he did so as a murder and not in the name of justice. It follows that killing for the Seven Commandments depends on the circumstances and context: if it is done in a way of rectification, then we have here a part of the mitzvah of 'din' (justice). However, if it could have been rectified and ensured that the Seven Commandments would be kept from now on through teshuva, for example, then there is no fulfillment of the mitzvah of din, but rather murder and the corruption of the world, and there is no permission for this killing.

From here, we must also discuss the case in which we do not have the power to rectify, neither through teshuva nor through killing. This is the simple situation during the exile, when we do not have the power to force Gentiles to keep the Seven Commandments. Carrying out justice against individual Gentiles who transgress the Seven Commandments is not interpreted as justice, because the world is completely open in this matter, and this killing is not part of true preservation of the fulfillment of the Seven Commandments in general.

An example of these things is found in the Gemara in Avodah Zarah 13b, which discusses a slave who was bought in a marketplace of idolatry:

From here they said: One who buys and sells in the marketplace of idolatry, an animal will be uprooted, fruits, clothing, and utensils will rot, coins and metal utensils will be taken to the Dead Sea... Rabbi Yonah found Rabbi Ailai standing at the entrance of a cave, and he said to him: You said that an animal will be uprooted, but what about a slave? A slave...

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- As is explicitly explained in the words of the Ritva and Rambam there [that were cited above in the explanation of their methods], 'goy' in the Gemara is someone who does not keep the Seven Commandments.
 - In contrast to people who are liable to death in Israel, whose killer is exempt [from punishment] (Midrash Numbers, piska 61 [on Numbers 35:20]; see Torah Temimah on the verse there, and also in Arakhin 6b).
 - Indeed, the Menorah Chanuch [a halakhic work by Rabbi Samson Raphael Hirsch] (10:9) wrote that a Gentile who kills another Gentile who transgresses the Seven Commandments is not killed for this because he killed a "bar katla." [a person whose killing is permissible]. However, his words are very difficult in light of the Gemara that we have brought above; and in any case, it seems that even the Menorah Chanuch admits that initially it is not permitted for a Gentile to kill another Gentile if he is not doing so in the name of justice but rather for the sake of murder, and his words are only in retrospect after the act has been committed.

A Jew does not bother me, but what bothers me is a Gentileish slave. What should I do?

Whoever buys things in the marketplace of idolatry is punished by not being allowed to enjoy them but must destroy what he bought. The Gemara asks what should be done by someone who bought a slave in the marketplace of idolatry, should he kill him? The Gemara answers that he is forbidden to kill him, because we have learned that 'the Gentiles are not brought up or brought down.' From this Gemara we see that the intention of the Baraita is that it is forbidden to kill a Gentile, and this is the meaning of the words 'not brought down.' For if 'not brought down' only means that it is permitted not to bring down, then what evidence do we bring from the Baraita to the case of this slave? It is possible that here, because he was bought in the marketplace of idolatry, there is a duty to kill him; and the words of the Baraita speak about the general situation, in which it is a matter of discretion!

However, if we say that it is only permissible to judge a Gentile when it is part of the rectification of the Seven Commandments, the words of the Gemara are clear: The purpose of killing the slave is not to address the Seven Commandments, but to address the problem of the Jew's enjoyment of the marketplace of idolatry. If we kill the slave on the pretext that he violated the Seven Commandments, then we will create a situation where we are 'exploiting' the permission to kill someone who violates the Seven Commandments in order to deal with the problem of the Jew who bought him.

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- 9. Rashi there: "And we do not lower them, to the pit to kill them with their hands, meaning that it is forbidden to kill a Gentile slave with their hands."
 - 10. This Gemara was brought in the book "Orach Mishor" on the Rambam, Hilchot Y'ora De'ah 269, as evidence for the opinion of the T'za that "we do not lower them" is a prohibition. However - in addition to what we have explained here according to the Rambam and his colleagues (and we will explain below that even according to the Rambam it is reasonable to explain this way in this case) - it is possible to explain the Gemara in other ways
 - According to the Rambam, it is possible to explain that since we do not kill a Gentile unless we know that they have violated the Seven Noahide Laws, we did not establish a law to kill a slave who was bought in a pagan market. This is because it is possible that we will not know that they have violated the Seven Noahide Laws, and we did not establish a law to "wait for them around the corner" and kill them when they violate the Seven Noahide Laws in front of us (and therefore we did not establish a law at all, even if we know that they have violated the Seven Noahide Laws).
 - According to the Ritva, it is possible to explain that we did not establish a law to kill a Gentile slave, even if they violate the Seven Noahide Laws, because there is a fear of enmity. This is as explained in his approach in explaining "we do not lower them".
 - In addition, it seems that there is no difficulty for the majority of the world, since the slave can repent from now on (and everyone agrees with this, not only the Rambam and his colleagues). Therefore, it is impossible to establish a law that in all cases such a slave is killed.

In other words, when we kill the slave, we will tell him: 'We are killing you because you are violating the Seven Noahide Laws!' The slave will argue: 'But all the Gentiles around me also violate the Seven Noahide Laws, so why did you choose to kill me?' What is the answer to this? Is it because he was bought in a pagan market? How does that relate to the Seven Noahide Laws?

However, when we approach a Gentile who violates the Seven Commandments and kill him out of concern for the observance of the Seven Commandments, there is no prohibition in this matter, and it is said that they are killed by one witness and one judge. According to this, the intent of the Beit Yosef in saying that there is no prohibition is now understood: there is no prohibition to kill Gentiles for their Seven Commandments if the killing is indeed intended to protect the Seven Commandments and punishing them for not having them.

A similar principle, that the intention of the doer is significant, also exists among Jews. Indeed, we have found that it is permissible to hit and injure his friend in order to remove him from an obligation/prohibition, and he does not need to be brought to a court of law.) (Rambam, Mishpat, end of sec. 389:

He who is under his authority, and who sees him as doing a crime, is entitled to beat him and chastise him in order to remove him from prohibition, and he should not be brought to a court of law.

There is a question to be discussed: One beats someone who is under his authority, and it is clear from his actions and behavior that his purpose is not to remove him from the prohibition, but rather to harm the one who is beaten. Indeed, after the act, when the one who is beaten sues him in court, the one who beats him claims that even though he did not intend to remove him from the prohibition, in fact, it turned out that he removed the one who is beaten from the prohibition, and therefore he must be acquitted because he beat permissible blows. Will the one who beats be acquitted?

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- (It should also be noted that it is possible that even the Taz agrees with the Beit Yosef on this matter, and it is simple for him that there is a Torah prohibition to kill a Gentile if it is not in order to judge him. If we say this, it will be understood why the Taz does not object to the Gemara on page 13, since there it is clear that the killing is not for the sake of judgment, and therefore there is no objection to the Beit Yosef from it. The objection is only from the Gemara in Sanhedrin, which says that it is impossible to write 'permitted' about the killing of a Gentile, and if there is no rabbinic prohibition to judge the Gentiles - it would apparently be possible to write 'permitted'.)
 - According to this interpretation, it is easy to understand the difficulty of the Tosafot on page 10b, who asked how Antoninus killed his slaves who accompanied him, and why it is written 'not to lower': Antoninus did not kill the slaves out of a desire to judge the slave before him who was violating the Seven Commandments, but rather out of considerations of danger to himself. If so - what place is there to kill him? After all, this is not killing for the sake of judgment, but killing for other reasons! Therefore, the Tosafot pose a difficulty and explain what they explain. Above (in note 16) we brought the words of these Tosafot and saw how the Shach explains them; he explains differently because he follows Rambam, as we explained there.

It seems simple that the one who beats is obligated in this case. The permission to beat in order to remove from the prohibition is only when the one who beats does so for the sake of Heaven; but if the one who beats wants to beat his friend and the salvation from the prohibition is only an excuse' to get rid of payments, there is no permission in the matter, and there is no exemption from payments in such a situation.

Let us return to the words of the Baraita 'not to lower': according to the Rambam and the Beit Yosef, the meaning of this is that there is no mitzvah to kill a Gentile even if it is known that he is violating the Seven Commandments, and therefore it depends on the intention of the killer: if he kills the Gentile because the Gentile is violating the Seven Commandments, there is no prohibition (since a witness becomes a judge, etc.), but if he intends to simply corrupt and spoil, it is forbidden. And therefore, the Gemara in Sanhedrin says that it is impossible to say that the shedding of the blood of Israel is permitted.

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- (72. See the words of the Sh'ma there (in s.k. 25) who wrote similarly to our words above that even if Reuben hit Shimon and saved Levi who was being beaten by Shimon, Reuben is obligated if we know him and know that he did not do this for the sake of saving Levi but rather out of a desire to harm and injure Shimon.
 - And see also in the Taz there who disagrees with the Sh'ma and says that Reuben is exempt from paying because at least he did what is right in that he saved Levi. But he said his words only in the case where there is a harmed victim, and then Reuben helped him even if he did not intend to, and towards him the actions are desired even without their good intention. But in the case of 'laparush' ('to remove from protection.') maisurah' regular (of between man and place) - the one who hits must come precisely by the power of a court that does his actions in order to remove from the prohibition, and without this his actions are not desired from any point of view; and therefore in this it is certainly that the Taz will agree with the Sh'ma that the one who hits is obligated to pay. The case of making judgment on a Gentile who violates the Seven Commandments is similar to the case of 'laparush maisurah' ('to remove from protection.') regular, since we come to judge by the power of a court and to fulfill the mitzvah of judgments; what's more that there is need for discretion whether to allow the sinful Gentile to repent as we saw.)
 - (73. As the Chatam Sofer (laws of lashon hara 10, 3) brings another illustration that the intention of the act determines whether it is permissible: Jehu was punished for the killing of the house of Ahab (Hosea 1, 4) even though he was commanded by G-d to kill them (Kings 2 9, 7); because after the deed it was revealed that he did not do this for the sake of G-d - since he himself sinned in idolatry (see the commentators in Hosea ibid; and similarly see Kings 1 16, 1-7 and Rashi there).
 - (74. It should be noted that with regard to a shepherd of a spotted animal, it is clearly understood that 'not to lower' is a prohibition, and this is now consistent with our words that there is no permission to kill either Gentiles or shepherds of spotted animals - unless someone judges them (and with shepherds of spotted animals, who are Jews, there is no place to judge them to death). (And to note from here about the Ritba who according to his words 'not to lower' in Gentiles is only because of hatred, which is not the case with regard to shepherds of spotted animals that there is no permission to kill them; and it is necessary to say according to his method that in fact 'not to lower' is interpreted in a slightly different way for Gentiles and for shepherds of spotted animals.)

Chapter 2

Killing a Gentile Who Violates the Seven Noachide Laws, continued

A Gentile is permitted, since there is no clear permission here, and therefore even the Rambam wrote that in general it is forbidden to lower him.

Now the language of the Rambam is also well settled in the laws of idolatry:

The Rambam addressed the status of a Gentile, and there he writes that a Gentile, even if he is an idolater, is forbidden to be killed just like that (according to the law of 'shedding the blood of a man'). But in the laws of murder, the Rambam refers to different degrees of wickedness: heretics and Epicureans, Gentiles, shepherds of small cattle, etc. There he writes about heretics who are killed without trial, and about Gentiles who 'are not caused to die and it is forbidden to save them.' When we refer to their wickedness, it is impossible to write that it is forbidden to kill them, since they can be judged and killed for transgressing the Seven Commandments. Therefore, the Rambam wrote the language of 'there is not', which means that it is not done unless there is a good reason, such as doing justice. This is in contrast to 'it is forbidden to save them,' which is an absolute prohibition.

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- The Maharsha in his commentary to the Sefer Mitzvot Gadol (Laws of Idolatry 6:11) objected to the Beit Yosef from the distinction we brought above in the body of the chapter, that since "one does not bring up" is forbidden as explicitly stated in the Gemara, then it must be understood that "one does not lower" is also forbidden and not just that there is no mitzvah to lower. According to what we have written now, the matter is also settled according to the opinion of the Beit Yosef: Indeed, "one does not lower" is that there is no permission to do so if not for the sake of justice, and if so, then there is room to compare it to "one does not bring up" which is forbidden because sometimes it is forbidden.
 - (In the matter of shepherds of small cattle, it should be noted further about the Ma'orei Or (by Rabbi Yitzchak Isaac Shor) in paragraph 572 that he wrote: "Pagans who are not at war with us and shepherds of small cattle from Israel in the Land of Israel at the time when most of the fields were of Jews and the like - there is no mitzvah to kill them, and if they are about to die it is forbidden to save them." And behold, from his words it seems that even shepherds of small cattle "there is no mitzvah to kill them," but the matter is permitted, and it is strange! And it should be said that he meant as we wrote here: "there is no mitzvah to kill them," and therefore it is necessary to check in each one whether there is a place to kill him: A Gentile who transgresses the Seven Commandments - it is possible to kill him since he is judged as one witness and one judge, which is not the case here with a shepherd of small cattle who has no reason to permit killing him and therefore it is forbidden in any case. (And see in this also in the note to 572 above at the end of the paragraph dealing with the dispute between the Bach and the Taz.)
 - 2. According to this, the formulation of the Mekhilta of Rabbi Yishmael in the Book of Mishpatim (Tractate Nezikin, chapter 4, on the verse "And if a man commits a crime against his neighbor") about one who kills a Gentile: "And his judgment is given to heaven." It is not written "he is guilty in the judgment of heaven," because the meaning is that the attitude to the act depends on the context and the intention of the doer, and "given to heaven" to examine "kidneys and heart" and to check whether the act is like murder, or it is a rectification and judgment in the world.
 - 3. Indeed, according to the Rambam, in certain situations there is a duty to kill the Gentiles, and not just permission, as the Rambam says at the end of chapter 8 of the Laws of Kings: "That every Gentile who did not accept the Commandments that the children of Noah were commanded, we kill him if he is under our authority" (quoted above; and explained in several places in the Rambam). And therefore, the Rambam wrote in the laws of murder that "it is forbidden to save them," since this is a case where there is a duty to kill them.

The People of Nablus

The Rambam's Opinion regarding the Killing of Nablus by Shimon and Levi- (The Rambam letter)

The end of chapter Ten of the King's Reign, 'Brought above':

And because of this, all the men of Shechem were obligated to be killed, because Shechem committed theft, and they saw and knew and did not judge him.

The Rambam, Rabbi Moses ben Nachman, was a Spanish jewish commentator on the Bible who lived in the 12th century. In his commentary on the Torah, he disagrees with the Rambam (Rabbi Moses ben Maimon) on the matter of the law that applies to a Gentile who has not accepted the Seven Noahide Commandments; Bereishit 4:13. The Rambam continued to disagree on this for various reasons, among other things he wrote:

The Seven Noahide Commandments are not simply a requirement to establish courts of law in every province. Rather, they also require Gentiles to follow the same laws of justice as jews. This includes laws against theft, fraud, extortion, wage theft, assault, battery, and murder. The Rambam supports this view by pointing out that the Torah does not explicitly state that the Seven Noahide Commandments are only punishable by death if they are violated by a Gentile who is under jewish rule. Rather, the Torah simply states that they are punishable by death. The Rambam also argues that the Seven Noahide Commandments include the requirement to establish courts of law in every city, just as jews do...

However, if Gentiles fail to do this, they are not liable to death. Rather, they have simply failed to fulfill a positive commandment. The Rambam then asks why the Rambam would argue that Gentiles are liable to death for violating the Seven Noahide Commandments. He points out that the people of Shechem and the other Seven nations were all idolaters and adulterers, and that they committed all sorts of abominations in the sight of G-d. The Torah itself condemns these nations in several places. The Rambam's answer is that the death penalty for Gentiles who violate the Seven Noahide Commandments is not within the authority of Jacob and his sons. Rather, it is a matter for the courts of the Gentile nations themselves.

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- At the beginning of the first halakha in chapter 10 of the Laws of Kings (which was also quoted above), it states: "We do not make a covenant with idolaters in order to make peace with them and leave them to their idolatry, as it is said, 'You shall not make a covenant with them, but you shall surely break down their altars.'" Here, we are speaking of Gentiles who are under our authority, and for this reason, we are obligated to judge them on their Seven Commandments. (While later in the halakha, we are speaking of Gentiles who are not under our authority, and therefore there, it is forbidden for us to kill them unless we wish to judge them, as we explained in the Rambam's opinion.) (See on this matter in the Lechem Mishnah there, as well as in the Kiryat Sefer, in the Knesset HaGedolah (men of the great assembly – jewish leaders) on the end of Choshen Mishpat, end of section 430 (note 13), and in the Shoshanim Ledavid on the Mishnah of Avodah Zarah 1:8.)

But the matter of Shechem is as follows: The sons of Jacob because the people of Shechem were wicked and their blood was important to them, like water, they wanted to avenge themselves on them with a vengeful sword. They killed the king and all the people of his city because they were his servants, and they obeyed him. The covenant that they swore was not considered by them to be anything, because it was to flatter their master. Jacob said to them here that they brought him into danger, as it is said, "You have made me odious to the inhabitants of the land," and there he cursed their anger, because they did harm to the people of the city. They said to them in his presence, 'We will dwell with you and we will be one people,' and they chose them and rejected their words, and perhaps they would return to G-d and kill them for nothing, because they had not harmed them at all. This is what he said, 'The tools of their anger are in their nostrils' (below, 49:5).

Why should we say that the people of Shechem were killed because they violated the commandment of justice? Is there a commandment that the people of Shechem did not violate? Indeed, they violated all Seven Commandments!

The Rambam's objection is based on what we explained about the Rambam's view. The Rambam holds that in order to kill a Gentile who violates the Seven Commandments, there must be a trial, not an abuse of the law for the purpose of "settling scores" for other reasons.

The fact that the people of Canaan violate the Seven Commandments is a known and old fact, which the sons of Jacob did not address until now in their journey in the Land of Israel. If they have any problem with one of the Gentiles and to solve it, they get up and kill him under the pretext that he is violating the Seven Commandments, this is not a 'trial,' and according to what we explained in the Rambam, it is forbidden.

To illustrate with a case: The sons of Jacob pass by the house of a very wealthy Gentile with no heirs, and if he dies, they will be able to take all of his property. Is it permissible for them to judge and kill him for eating a limb of a living animal (and then use his money for charitable purposes)? This is not justice; it is a desire to make money that uses justice as a pretext.

Therefore, the Rambam understands that the obligation of death for the people of Shechem was not related to all of the 'ordinary' offenses they committed, because we did not find any trial of the sons of Jacob against anyone for these offenses, and there is no reason to wake up and suddenly decide to judge them because of a side reason.

But in Shechem, the sons of Jacob do not exploit the ability to judge, rather, they deal with offenses that concern them and which they would not ignore anyway. This is not exploitation but rather a response to an offense that 'came to our borders.' Because of this situation, the sons of Jacob judged the people of Shechem.

In other words, when Gentiles commit offenses that are far from us, it is understandable why we do not need to deal with judging them (just as a Gentile is not liable to death if he does not judge Gentiles who are far from him who violate the Seven Noahide Commandments). However, when a Gentile commits an offense in a way that affects us, then ignoring the offense can be seen as acceptance of it.

Therefore, here it is clear where the place of judgment is. In this way, the Rambam is also interpreted in the laws of forbidden relations (Chapter 12, paragraph 9):

A Gentile who has sexual relations with a Jewish woman.

if she is a married woman, she is put to death for it. At first glance, one might question why a Gentile is already someone who violates the Seven Commandments and can be put to death for any of them.

(Therefore, in any place where the Rambam writes that someone is obligated for a specific offense of the Seven Commandments, he is talking about a 'son of Noah,' who is someone who does not generally violate the Commandments.) Furthermore, why only a Gentile who has sexual relations with an Israelite woman? After all, even if he has sexual relations with a Gentile, he is still obligated! According to our understanding, the Rambam is saying that when there was an offense that affects the Jewish people, we are obligated to judge it and not ignore it.

The Men of Shechem - The Opinion of the Rambam

Now we will clarify the opinion of the Rambam regarding the men of Shechem. On the one hand, he writes that they are wicked, and their blood is important as water. This implies that it is because of what he wrote above that they are idolaters, fornicators, and do all the abominations of the world.

However, on the other hand, he later qualifies this by saying: 'But it is not up to Jacob and his sons to judge them.' And further on: 'And the king killed all the men of his city because they were his servants, and they obeyed his command.' At first glance, these things are not understood. If it is permissible to kill them, what does the Rambam mean by saying that 'it is not up to Jacob and his sons'? And if the reason for the killing is the violation of the Seven Commandments, why is it necessary to explain that the men of the city were killed because they were the king's servants?

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- 46. For only the men of Shechem were obligated to death, and not all the Gentiles in the land who heard of Shechem's deed.
 - 47. It appears from the words of the Rambam that in the case of a Gentile who killed a Jew or had relations with a Jewish woman, the Gentile cannot repent from this point on, and even cannot convert to Judaism. In the article "A Sinful Gentile Who Converted" (which will be published soon elsewhere), we have discussed this further.
 - 48. And according to the words of Or HaChaim on the Parshat: "And the Rambam... gave the reason for the killing of Shechem on the side that they were obligated to death for being idolaters, etc."

In the Chidushim of the Rosh on Sanhedrin 50b, he brought the words of the Rambam, and from his words there, it is clear that he understood, that according to the Rambam it is permissible to kill a Gentile who violates the Seven Commandments if we have some need for it. This is his language:

In any case, it is possible to say regarding the killing of the sons of Shechem that they were already liable to death because they were idolaters. However, their judgment was not handed over to the Canaanites, because there was no doubt about their guilt. This judgment would not have been carried out without the providence of G-d, who gave permission to the inhabitants of the land. This is what Jacob said: "You have made me odious to the inhabitants of the land."

In other words, it was permissible for the sons of Jacob to kill the men of Shechem because they were wicked and violated the Seven Commandments. Jacob thought that even though it was permissible, it should not be done, because the small number of the sons of Jacob would not be able to cope with the consequences of the act, which would incite all the inhabitants of the land against them.

The conclusion of these statements is that according to the Rambam, it is permissible to harm any Gentile who violates the Seven Commandments if there is some need for a Jew to do so.

However, it should be noted that even according to the Rambam, if it becomes clear that this Gentile has repented of his sins and from now on will keep the Seven Commandments, he should not be killed. This is explicitly stated in the continuation of the Rambam's words that Jacob was also angry with Shimon and Levi at the end of his days because he believed that the men of Shechem had really intended to repent (as we will write below.)

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- In Section 70, the author notes that the language of the text is very similar to that of the Rambam, and that it is likely that the author is simply explaining the Rambam's view.
 - In Section 71, the author argues that the Rambam's view is consistent with the fact that the Gemara in Sanhedrin does not agree that it is permissible to kill a Gentile. The Gemara gives two reasons for this: either because of hatred, or because we are not sure that we know that the Gentile has violated the Seven Commandments. In the case of the men of Shechem, there was no hatred, and it was clear that they violated the Seven Commandments. The author also notes that the Rambam's view is consistent with the view of Rabbi Jonah, who says that the Gemara in Sanhedrin forbids, by rabbinical decree, to judge a Gentile. At the time of Shimon and Levi, the rabbinical decree had not yet been enacted.
 - In Section 72, the author raises a potential inconsistency in the Rambam's view. The Rambam argues that it is permissible to harm Gentiles who violate the Seven Commandments, but it is also forbidden to steal from them. The author argues that this is inconsistent, because it suggests that the property of a Gentile is more important than his life.

It is indeed possible to interpret Rambam's words differently:

One could argue that Rambam also agrees in general with the principle explained in Rambam's opinion, that one should not kill a Gentile who violates the Seven Commandments when the killing is not for the purpose of judgment but for other peripheral needs. According to this, Rambam's words are well explained when he says that the matter is not entrusted to Jacob and his sons: he means to say that Jacob and his sons are forbidden to harm the nations who lived in the land of Canaan at that time, even though they are violating the Seven Commandments if there is no intention here to judge the transgressors.

While this may seem difficult: Why is it permitted to kill the people of Shechem? After all, here too there is an exploitation of a secondary need, the anger over the abduction of Dinah, and as a result, harming all the people of the city who did not do anything towards the sons of Jacob that would warrant death (according to Rambam's approach that no one is liable to death for violating religious laws!).

It seems that we can explain the matter as follows: if the Gentiles had violated the Seven Commandments without any connection to us, we would not have judged them. Instead, we would have tried to call them to repentance and guide them towards correcting their actions. However, in the case of Shechem, the presence of these Gentiles created a reality where Shechem posed a threat to the children of Jacob. In such a situation, the path to rectification lies in judging them and not ignoring their actions. We killed them because they were deserving of death. This clarifies the words of Rambam, who justifies the killing of the sons of Shechem based on their obedience to their evil king.

However, in the case of a specific Gentile who is not interfering with the rectification and fulfillment of the Commandments, but rather, we want to kill him in order to exploit this killing for our benefit, then this is forbidden. Let us return to the example we brought above about the rich Gentile who eats forbidden meat, and we kill him in order to take his money and do charity with it: According to what we are explaining now in the words of Rambam, this is forbidden. In such a case, "the matter is not entrusted to us to do justice to him," as Rambam says.

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- According to this opinion, the Torah permitted killing a Gentile even for personal gain because, in any case, justice is done to those who violate the Seven Commandments, but there is no existence of laws in theft, and therefore there is no place to permit it.
 - Section 6. The words of the Shulchan Aruch in the opinion of the Tosafos can also be explained in this way: Above (in note 16), we brought the Shulchan Aruch explaining that it was permitted for Antoninus to kill his slaves because they were transgressors of the Seven Commandments. Is this a case of exploiting the Seven Commandments for other purposes?
 - The matter is similar to what we explained in the opinion of the Rambam on the people of Shechem: Although there is no direct reference to the Seven Commandments that these slaves transgressed, these slaves pose a danger by their presence because they are part of a public of Gentiles who could harm Antoninus if it became known that he was studying Torah. In a situation where they pose a danger, it is permitted to kill them.

Summary Table

Why were the people of Nablus killed?	Opinion
They were sentenced for offences relating to the sons of Jacob	Rambam
They were condemned for their actions because in order to correct it is better not to expect them to repent	Rambam / Alternative Option
They are liable to death because of their crimes, and it is permissible to kill such Gentiles whenever the need arises (since they will probably not repent)	Rambam / Ran

Killing Those who witnessed Repentance

In the previous section, we established that a Gentile resident is not subject to absolute capital punishment. They can repent for their sins and be absolved of their past transgressions. The Rambam initially explains that Jacob was angry with his sons because their actions put him at risk. However, later in his commentary, he clarifies why Jacob remained angry even towards the end of his life, when the threat from the Gentiles no longer existed and no harm had come to Jacob's household as a result of the incident. Here's his explanation:

And there (in the Parsha of Vayechi) he cursed their anger, because they burned with anger at the men of the city, who said to them in the covenant, 'Let us dwell with you and be one people,' and they chose them and trampled on their words, and perhaps they will return to G-d and they killed them in vain, because they did them no harm at all.

In other words: there was a chance that the men of Shechem truly intended to keep the Seven Commandments from now on, and in that situation, it is clear that it is better not to kill them but to allow them to repent; and on this point Jacob protested sharply in his words to Shimon and Levi at the end of his days; 'it seems that there is no one who would disagree that if it is possible to take this path - it is preferable.'

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- To their other deeds and to say that because they are already liable to death, it is possible to kill them (even if it is not said that the suspicion is great to the extent of "the one who comes to kill you, kill him" like the second excuse in the Tosafot there); and it is not similar to killing a Gentile in order to take his money.
 - 61. However, it is very possible that if someone is already a resident alien, we will not forgive them for their transgressions, because they have entered into a binding position.
 - 62. However, see further in "Torat Moshe" (by the Chatam Sofer) on the Parsha of Vayechi, in the sections titled "Rambam, end of chapter 9 of Laws of Kings" and "The Sons of Jacob Came Upon the Slain," where it is said that Jacob might have thought they were righteous converts (and see also the Radbaz at the end of chapter 9 of Laws of Kings)

A Proper Gentile Kingdom

When there exists a proper Gentile kingdom, they establish a system of courts to judge those who transgress their Commandments, as explained by the Rambam (end of chapter 9 of Laws of Kings):

‘And how are they commanded concerning the courts? They are obligated to appoint judges and magistrates in every district to judge in these six Commandments, and to warn the people.’

When such a kingdom exists, it is very reasonable that it will establish a rule that, since there is a proper system that judges and deals with those who transgress the Seven Commandments, from now on this will not be done by private individuals but will be left to the care of this system. This regulation is very reasonable from the perspective of the existence and order of the proper public.

This is especially true in light of what we have learned about the need to consider in each case whether to kill the sinner or whether it is better to allow him to repent. When there is a proper kingdom, there is room for this consideration, and it is reasonable to leave this consideration in the hands of the judges and magistrates in every district.

It is important to emphasize that there is no nullification of the commandment of judgment by one who sees the transgressor of an offense and does not judge him, because he can deliver his judgment to the judges and magistrates who will judge him; and on the contrary, in this way the commandment of judgment will be fulfilled properly.

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- 63. According to Rambam, even a Jew (and perhaps primarily a Jew) are obligated to ensure that the Gentiles do justice. As he states in Chapter 10, Halakha 11: 'The Jewish court is obligated to appoint judges for these resident aliens, to judge them according to these laws, so that the world will not be corrupted. If the court saw that they should appoint their judges from among them, they should appoint them; and if the court saw that they should appoint them from Israel, they should appoint them.'
 - 64. If the only consideration for why private individuals are not allowed to judge is because of public order - then retroactively, if someone killed another Gentile who transgressed the Seven Commandments, he will not be liable to death, because according to the law it is permissible for him to kill him (unless the kingdom decides to kill those who do so as a killing by the kingdom's law). But because there is also a consideration of repentance - the one who killed will be liable to death, because in the opinion of the judges and the judges in this case, he was asked to go towards repentance, and the killing was unnecessary (although it is possible that as long as the sinner did not actually repent - it is impossible to convict of death the one who judged and killed him).
 - 65. To what is this similar? There is a building that needs to build a fence for the shared roof. When the homeowners' association builds a fence properly - there is no place for one of the neighbors to decide that since the commandment is also placed on him, he will get up and build it himself. It seems that everyone agrees that when there is a just kingdom, individuals will not judge, but will leave the judgment in the hands of the judges and the judges.
 - We will complete the table below according to this:

Rambam / Ran	Rambam / Alternative Option	Blood	Case
Allowed	Allowed	Allowed	Discuss to remedy
Allowed	Allowed	Forbidden	Discuss dealing with wickedness
Allowed	Forbidden	Forbidden	Discuss other matters
Forbidden	Forbidden	Forbidden	Discuss repentance / Discuss when there is a kingdom

The Words of the Great Assembly

The author of "Knesset HaGedolah" in his book 'Sheyarei Knesset HaGedolah' (Yoreh De'ah 429) derives a practical halakha on the matter of killing a Gentile who violates the Seven Commandments:

'I was asked about doctors who treat Ishmaelites and uncircumcised people, if it is permissible for them to give them harmful medications in order to kill them, or to prevent them from receiving beneficial medications in order to kill them.'

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- And he will build a railing so as not to violate the commandment. And even if he claims to the homeowners association that he will build a railing on a certain side and that railing will be built faster than they will build it, they will answer him that even though that side will be built faster, the result will be that every resident will do as he understands, and in the end the railing of the roof will not be built well.
 - On the Tannaitic view that it is forbidden to judge Gentiles rabbinically, there is a difficulty. According to Rambam, there is a duty to judge Gentiles who violate the Seven Commandments. How did the Sages nullify this commandment? (And it is a bit difficult to say that this is an exceptional case of uprooting something from the Torah in a negative command.)

I respond that according to the author (Beit Yosef), it is not to say that it is forbidden to remove them, but rather that one is not obligated to remove them. This is simple, for even giving them negative medicines in order to make them die, there is here neither prohibition nor commandment, and the choice is in one's hand to do as one's heart desires. And according to Ba'al Ha'Tanya who ruled that it is not only forbidden to remove them by hand but also that even causing their death is forbidden, not only is it forbidden to make negative medicines but even withholding beneficial medicines from them is forbidden. However, according to Taz who holds that removing them by hand is forbidden but causing their death is permitted, here too withholding beneficial medicines from them would be like causing their death.

And it is permitted but giving them negative medicines is like removing them by hand and is forbidden. And as for the practical matter, since according to Rabbi Nossan (the author of Beit Yosef), there is no mitzvah but rather permission, if one wants to transgress, and according to Ba'al Ha'Tanya, there is a prohibition 'do not do' is preferable. Even to withhold from them the beneficial medicines, since according to Ba'al Ha'Tanya, there is a prohibition, 'do not do' is preferable.

However, if he is a Gentile who is harming a Jew, one can rely on the words of the author (Beit Yosef) that there is no prohibition, even against a simple Gentile, all the more so in this case that he is harming a Jew to remove him by hand, to make him negative medicines, all the more so to withhold from him beneficial medicines.

What is a Gentile who troubles Israel whom the Sheyarei Knesset HaGedolah permits to kill?

If he endangers the lives of Jews, surely, he must be killed according to the law of the pursuer, and this is beyond any doubt for everyone. Therefore, it should be said that this is referring to a Gentile who robs Israel, etc. And in such a case, the Beit Yosef and his associates and the Taz and his associates disagreed: According to the Beit Yosef, it is permissible for Israel to judge a Gentile, and therefore it is possible to judge this Gentile for robbing us and kill him; but according to the Taz, the Rabbis have forbidden us to judge the Gentiles, and therefore there is no permission to kill him.

If we compare this case to the different cases that we brought in the table, it is similar to the first case where we judge in order to rectify, because the transgression concerns us; and in this it is permitted to judge even according to the Ritva, even according to the Rambam, and even according to the Beit Yosef and the Rambam.

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- 76. Ishmaelites are Muslims. And uncircumcised are Christians. And from here it is proven that according to the opinion of the Knesset HaGedolah, even Muslims are included in the category of Gentiles who do not keep the Seven Commandments, even though they are not considered idolaters. See Maimonides, Laws of Forbidden Foods, Chapter 11, Halakha 7, and the Nosah Ha Kelalim there.
 - 77. A Gentile who fornicates with a ewess; or a judge who perverts justice to the detriment of the Jews; etc.
 - 78. Indeed, according to Maimonides and the Beit Yosef, it is permissible to judge and kill even a Gentile who does not harm the Jews if we do so in the name of justice and rectification and not in a way of corruption; but in this case the Knesset HaGedolah did not decide in practice.

Summary

The Talmud presents two contradictory statements about the status of Gentiles who violate the Seven Noahide laws. On the one hand, it is ruled that a Gentile can be judged by one witness and as one judge. This apparently means that if a Gentile violates one of the Seven Commandments, he can be killed by anyone who sees him. On the other hand, it is written about Gentiles that 'do not lower' This apparently means that even if they violate the Seven Commandments, they should not be killed.

The Talmud does not resolve this contradiction, and it has been the subject of much debate among Jewish scholars.

The following are four methods that have been proposed to resolve the contradiction:

- The Rambam and the Shulchan Arukh hold that the prohibition against killing a Gentile applies only to a Gentile whose violation of the Seven Commandments is not certain. In other words, if there is a strong suspicion that the Gentile has violated the Seven Commandments, he may be killed, but only if he is first given a fair trial.
- The Ritva holds that the prohibition against killing a Gentile applies only in cases of hatred or animosity. If there is no hatred or animosity, then it is permissible to kill a Gentile who violates the Seven Commandments.
- Rav Yona and the Tur hold that the prohibition against killing a Gentile is a rabbinical decree.
- The Beit Yosef, the Derech Moshe, and the Darchei Teshuvah hold that it is permissible to kill a Gentile who violates the Seven Commandments. However, the prohibition against killing a Gentile in the Talmud is not meant to prohibit killing a Gentile in the context of a fair trial. Instead, it is meant to prohibit killing a Gentile for reasons other than justice.

We explained that even those who disagree with the last method agree that a Gentile who violates the Seven Noahide laws should not be killed if the act is corrupting (corruption or degradation). This includes cases where the Gentile has repented or where a proper legal system exists to handle the situation. We also discussed cases that are not considered complete corruption, but where the primary motivation is not justice. There are different options in these situations.

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- To be lenient according to their method against the opinion of the Taz (and to point out that other poskim ruled simply according to the opinion of the Beit Yosef and Shulchan Arukh, as is the case with the Levush, and as was ruled in Me'or Ha , and they did not consider it necessary to worry about the opinion of the Bach and the Taz).

Appendix: The Words of the Visionary Man

There are several places in the words of the Chazon Ish that are related to the things we have written in the body of the chapter, where his words require clarification. Although there is some reference here to several topics in the chapter, the words of the Chazon Ish stand on their own and we have chosen to address them separately. The main points of his words are:

- The Torah has decreed in the Laws of Noahide (after all the nations do not keep them, as the Tosafot wrote in Avodah Zarah 26b), that we are not obligated to judge them, not even one of them. And therefore, even though they do not keep them, we do not put them to death, for as long as we have not judged them it is forbidden to put them to death, and this 'we do not put them to death' is a prohibition' (Yoreh De'ah end of Siman 68; Choshen Mishpat Baba Kamma 10, 16). According to this, it turns out that we should not testify against a Gentile murderer because the Gentiles who will kill him will do so unlawfully, but he says that in the Commandments in which the Gentiles are fenced in, it is possible to judge them even now, and therefore it is possible to testify against a Gentile murderer in front of their courts (Baba Kamma 10, 15).
- The judgment against the Gentiles - A Jew does not judge a Gentile on the testimony of a Gentile, but rather requires two Jewish/kosher witnesses for testimony in Israel (Yoreh De'ah and Baba Kamma there); A witness cannot be a judge even in the laws of Gentiles.
- He elaborates on his difficulties with the Ritva that we brought above, and his main difficulty is that if the prohibition against killing a Gentile is because of fear of hatred, then a Gentile is identical to a man who is also killed unless there is hatred, and if so, it is not clear why the Baraita distinguishes between Gentiles and converts (Baba Kamma 10, 15)."

Now, let us come one by one to find an explanation:

The Visionary Man explains that there is no obligation to judge Gentiles, and therefore the matter is forbidden. Why is it **forbidden**? The Visionary Man did not explain what the prohibition is.

It is possible to explain in his words that the reason is that there is a rabbinical prohibition in this. This also corresponds to the fact that he relies on the Taz, who explicitly states that this is a rabbinical prohibition. (However, it is a bit difficult for the Visionary Man to definitively determine that this is the explanation, as he is going against the opinions of Rambam, Ritva, and the Rambam.)

Beit Yosef:

The Beit Yosef agrees with the Chazon Ish and rules that the prohibition against judging Gentiles is a rabbinical injunction. He relies on the words of the Rama, who writes that "there is no justice except in Israel" (Mishna Sanhedrin 4:7) and "we do not bring a Gentile to trial" (ibid.).

It is worth noting that he [the Shach] adds a new insight to the Taz's explanation. He says that the rabbinical prohibition applies to Gentiles as well, making it problematic to testify before a Gentile court judging another Gentile. He further innovates that the rabbinical prohibition does not apply to Gentiles convicted of a specific offense. In such cases, according to the Shach, judging and punishing them for the offense is permissible. Therefore, it is permissible to judge and kill a Gentile who steals, for example.

However, his words require further examination, because in another place he says that two reliable witnesses are required to judge a Gentile, and that we do not say in this case "a hearing is not greater than a sight". According to this, the killing of a Gentile is a Torah prohibition, as long as two reliable witnesses have not testified against him (and perhaps if two reliable witnesses are required, then a court of twenty-three nearby judges is also required!). In addition to the fact that the Chazon Ish's words themselves are a novelty whose source is not clear, they contradict his words that agree with the Taz that the prohibition against killing a Gentile is only rabbinical (and it is compelling to say that what the rabbis prohibited is to kill a Gentile even when there are two witnesses, because the plain meaning of the Gemara "we do not bring" is without two witnesses, and this is what the Taz says is only a rabbinical prohibition)

In addition, his words contradict the words of the Rishonim and Acharonim, because in the words of the Rambam, the Ritva, Rabbeinu Yona, the Beit Yosef, the Bach, the Derech Moshe, the Shach, the Taz, the Tiferet Moshe and the Ma'ori Or, it is seen that it is permissible to kill a Gentile from the Torah, and there is no hint that this is only permissible when there are two reliable witnesses. Therefore, it is simple in their words that two witnesses are not required, and a witness becomes a judge. This is also explained in the Gemara in Sanhedrin, Rashi, Rambam, Minachat Chinuch, Yad Moshe and the Rambam that were brought at the beginning of the chapter (in the paragraph 'a witness becomes a judge'), and this is consistent with the fact that the Gemara assumes as a simple matter that 'a hearing is not greater than a sight' as we brought there.

The Chazon Ish's difficulties with the Ritva are also resolved. As we explained well in the Ritva's opinion in the body of the chapter - the Baraita did not write the same formulation in the case of the minim and the Gentiles because it wanted to emphasize the commandment and the need to kill the minim, as opposed to Gentiles who we do not need to kill (at least for now) and there is also no novelty in the fact that they are killed for their Commandments.

Chapter 3

The Life of a Jew versus the Life of a Gentile

Matters of the Soul for Murder - Between the Children of Noah

In this chapter, we will discuss the laws of self-sacrifice for murder between Noah's descendants. We will discuss three cases: 'Kill so-and-so or we will kill you;' healing by killing another to save oneself (for example, taking organs for transplant); and killing a hostage to save oneself from a murderer who is using the hostage's presence to be able to kill without being killed himself. As we will explain, in the last case we mentioned, it is permissible for Noah's descendants to kill the hostage to save themselves.

The Obligation to Sacrifice One's Life to Prevent Murder

In Israel and among Gentiles, a Jew is obligated to sacrifice his life to prevent three of the most serious offenses, including the prohibition of murder. This is stated in the Gemara (Sanhedrin 80a; Yoma 82b; Pesachim 25b).

There was a case that came before Rava where a man came to him and said: "My lord has said to me: 'Go and kill so-and-so, or else I will kill you.'" Rava said to him: "Let them kill you rather than you kill! Who is to say that your blood is redder? Perhaps the blood of that man is redder!"

This is the ruling of the Rambam (Yesodei haTorah 5:6-7) and the Shulchan Aruch (Yoreh De'ah) Siman Kana.

And one transgresses all the prohibitions of the Torah in a place of danger, except for idolatry, incest, and bloodshed, which one does not transgress even in a place of danger.

The killing of a Jewish soul to save another soul or to rescue a captive from the hands of his captor is something that the intellect inclines towards, which is that one does not lose a life for the sake of a life.

On the other hand, Gentiles are not obligated to sacrifice their lives for the Seven Commandments, even in Commandments and situations in which Jews are obligated, as stated by the Rambam in Hilchot Melachim (10:2).

A Gentile who is forced to violate one of the Seven Laws of Noah is permitted to do so, even if he is forced to worship an idol. This is because Gentiles are not commanded to sanctify G-d's name. However, there is a dispute regarding the prohibition of murder. Some authorities have limited the permission of a Gentile to violate this prohibition in the case of force. In the book 'Parashat Derakhim' (Crossroads), a dispute is presented regarding the obligation of Gentiles to sacrifice their lives for the prohibition of murder.

Know that it seems to me that the statement that a Gentile is not commanded to sanctify G-d's name refers only to idolatry and sexual immorality, but in the case of murder, he should kill and not be killed. The reason for this is that in the case of idolatry and sexual immorality, the reason that Jews are warned is because the Torah explicitly prohibits them. And if so, there is a possibility that in the case of a Gentile, who is not explicitly prohibited, it is possible to say that he is not warned about sanctifying G-d's name. But murder, which is not derived from the Torah but from the reasoning of 'If you see that your blood is redder than his blood, say that his blood is redder than yours', in this reasoning, from where does it come that there is a difference between a Jew and a Gentile?

It is true that Rabbi Yishai of Paris wrote the following: "Even though the reasoning is derived from 'If you see that your blood is redder than his blood', since the sons of Noah were not commanded to sacrifice themselves for idolatry and sexual immorality, because this was renewed for the Jews in the Torah, it is possible that they were not commanded to sacrifice themselves for murder either."

And already, the Maharal in Gur Aryeh (Genesis 22, 8) has already criticized the book Parashat Derakhim, which forbids a Gentile from killing his friend even in a case of pikuachnefesh:

And one should not say that 'he was afraid that he would kill others,' namely those that Esau brought with him, and even though they came to kill him, and we say, 'the one who comes to kill you, kill him quickly,' as I am the one who comes to kill him.

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- This is also proven in the Talmud (Shevi'it 4:2). It is also ruled by the Tosafot (Sanhedrin 7a s.v. Umah), Rambam (ibid.), and the Sefer Hasidim (17). In a simple way, the explanation for this is that the Commandments of the Gentiles are for the settlement of the world, as opposed to the Commandments of Israel which are a connection with G-d. As the Midrash says (Shemot Rabbah 30:9): "Rabbi Elazar said: A parable to a king who went out to war and his legions were with him, and he was slaughtering an animal and was dividing to each one a portion so that it would reach, the legionnaire looked at him and said to him: What are you giving me? He said to him: From what I have prepared for myself, therefore G-d gave the idolaters coarse Commandments that they touched and did not distinguish between impurity and purity, Israel came and explained to them the Commandments, each one and every one, its punishment and its reward, as it is said 'Kiss me with the kisses of his mouth', therefore it is said 'His laws and His judgments for Israel'.
 - It was also brought in abbreviated form in his book Mishnah LeMelech Hilchot Melachim 10:2.
 - In the order Lech Lecha, Parasha 14, sign 5 s.v. 'Sheh' (in the book 'YafehToar')

The statement that the Danites were forced to come with Rahab by force is not possible! This is because we learn in the Mishnah, in the chapter 6: 'A person should commit all the transgressions of the Torah rather than kill, except for idolatry, sexual immorality, and murder, for which he should be killed rather than transgress. If they say to him, 'Kill so-and-so or we will kill you,' he should be killed rather than transgress. And we say that the reason for this is, 'If you see that your blood is redder than his blood, perhaps his blood is redder than yours.' Therefore, it is not appropriate to say that Rahab forced them against their will, because they would have been killed.

The book "Parashat Derakhim" states that even though a Gentile is not obligated to sacrifice his life for his Commandments, he is still forbidden to kill a Gentile who forces him to kill. This is because there is a reason to prohibit such a murder, just as the Gemara cites this reason as the source of the obligation to sacrifice one's life to prevent a murder of a Jew.

On the other hand, the Maharash; Jacob Emden (aka Ya'aveyz 1697-1776) understands simply that a Gentile is not required to sacrifice his life for any of his Commandments, and therefore if they say to him, 'Kill so-and-so or we will kill you,' it is permissible for him to kill the other Gentile to save his own life. It is also simple according to his opinion that it is forbidden for a third Gentile to intervene and kill the Gentile whom the murderer is demanding to kill, in order to save the victim. The permission is only for the Gentile who is being forced, because he is not obligated to self-sacrifice, but there is no permission for a third Gentile to intervene and kill one person in order to save another. In his future edition of the Shulchan Aruch, the Maharash Jacob Emden wrote.

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- In his responsa, 'Yad Efraim,' Rabbi Yosef Haim Sonnenfeld (1882-1962) cites the words of Maimonides in 'Milkhemet Mitzvah' (Sanhedrin 18a in the Rif's edition) that he wrote: 'But a resident alien of any city - even in idolatry and incest - should pass over and not kill, and the Torah did not make idolatry and incest more severe for them than the rest of their Commandments for which there is no biblical reference to this.' Sonnenfeld then argues that Maimonides's words imply that the shedding of Gentile blood is indeed more severe than other offenses, as the 'PerishatDerekh' and others have said (he also makes this argument in his responsa 'Bnei Banim,' Siman 33, and apparently did not see Rabbi Kook and therefore did not cite him).
 - It is true that one could say that this interpretation is not necessary, because Maimonides brings up these things in the context of a discussion with the Ba'al on the boundaries of idolatry and incest, but there is no discussion between them about bloodshed (as explained in the Ba'al, see there). According to this, it is possible that the reason Maimonides only deals with these two offenses is because he is discussing them with the Ba'al. But in any case, it seems from Maimonides's language there as the words of Rabbi Kook, see there.
 - In the case where the person who is killed is not the pursuer, then it is also permissible for others to kill him (see the beginning of chapter five, where it will be explained that even among Gentiles it is permissible to kill the pursuer). Halakhot Melakhim 5:4. This is also written in 'Mishlei David (Pardo) on the verse 'And Jacob was very afraid and was distressed,' see there where he elaborates on this; and it also seems in the responsa of Maharal Diskin, final tractate (Siman 44).

And there are those who say that there is a commandment to sacrifice one's life for the sake of not shedding blood (pikuachnefesh), because there is also a reason for this in the name (of G-d). Likewise: 'Why did you see that your blood is redder than their blood?' etc. (Mishnah LeMelech). And from the words of Maimonides, it does not seem so, because he wrote 'even for idolatry' etc., which implies that even more so for revealing testimonies and bloodshed. And the reason for this can be said that even though there is a reason for this, and he himself brought this reason in chapter 5 of the Torah, nevertheless, if he did not want to sacrifice his life, we do not force him.

Killing a Person Blocking the Way According to Maharash Yaakov Emden

Let us clarify the reason why Maharash Yaakov Emden permits killing in order to save oneself, with the help of another case: A Gentile is fleeing from mortal danger and another Gentile is blocking his way (a "blocker"); the only way for him to escape from the danger is to kill the one blocking his way. According to Maharash Yaakov Emden, it is permissible to run over the blocker.

Maharash Yaakov Emden says that it is permissible for a Gentile to kill others if this is the only way for him not to die. The reason for the permission in the case of 'Kill Soloni' is not that the one who is killing received an order from someone else and is only carrying it out. Receiving orders is not a reason for exemption, since 'whose words are heard, the words of the rabbi or the words of the student?' The reason for the exemption is that in the case of pikuachnefesh, a Gentile is not obligated in any mitzvah, and therefore he does not have a prohibition against killing. This is true both when the killer is commanded to do so, and when the reality is such that murder is the only way to escape.

(In addition, in the case where someone is blocking the way, there is a greater reason to permit his killing, because he is actually harming the one who wants to escape; this is not the case in the case of 'Kill so-and-so,' where so-and-so did nothing to the one who kills him, and the connection between them was born only from the threat of the rapist.)

Talmud - Evidence for the Book of Deuteronomy

It is said in the Talmud, Tractate Avoda Zara (Chapter 2, Halakha 2)

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- Anyone who holds a person who needs to be saved and does not allow him to save himself, that person is a pursuer.
 - Halakha 7, which was mentioned earlier
 - Because if he is intentionally blocking the road, then that person is a pursuer.
 - A person who stands on a road and holds another person and does not allow them to walk on the road is considered a pursuer under Jewish law

Rabbi Hanina said: "This means that we do not condone bloodshed. It is taught there: If the majority of his body has come out, we do not touch him." (Mishnah Shabbat 14:4), because we are afraid that he will die, and we do not push one life away from another. It is not enough that he told him to kill so-and-so, but even if he told him to hurt so-and-so. A Gentile (Gentile) against a Gentile, a Gentile against a Jew - liable; a Jew against a Gentile - exempt.

The last sentence in the Talmud deals precisely with the issue on which the Maharash Yafeh (Ashkenazi) and the Parashat D'rakhim disagreed. After the Talmud wrote the law for a Jew – 'We do not condone bloodshed,' and it is forbidden to kill the other even when a robber tells him to do so – 'he told him to kill so-and-so' - it writes the law for Gentiles and their relationship to Jews in these laws. And behold - from this issue there is apparently a decisive proof for the Parashat D'rakhim, since it is explicitly stated in the Talmud that not only is it forbidden for a Gentile to kill another when a robber tells him to do so - but if he did so he is 'liable' - a capital punishment! These things are exactly like the words of the Parashat D'rakhim.

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- The last sentence is a quote from a Baraita that appears in the tractate Sanhedrin (57a) regarding the obligation of punishment for murder. In fact, in the Babylonian Talmud, the Baraita is cited in reference to simple murder, not murder committed during adultery. However, the Talmud did not cite the Baraita, but only quoted the words 'a Gentile by a Gentile, a Gentile by a Jew' and so on. It is clear from the context in the Talmud that these words were cited in reference to the law of killing a Gentile during adultery. (In the Talmud at the end of chapter 14 of Shabbat, a parallel, Gemara, there it is written 'a Gentile by a Gentile, a Gentile by a Jew is forbidden, a Jew by a Gentile is permitted.' In other words: the language of the Baraita is presented in the same structure but with a change in language (in order to renew a permission, as explained at the beginning of chapter four regarding this Talmud, see there)
 - Maimonides' Code of Jewish Law in the Laws of Kings (11:1) states: 'A Ben Noach who inadvertently violates one of his Commandments is exempt from any punishment.' At first glance, one might argue that when he transgresses due to threats of coercion, he should be considered as having erred inadvertently and should be exempt. However, in the Talmud, it is written that if a Gentile wrongfully harms his fellow due to threats of coercion, he is liable to punishment. It must be said that there is a difference between inadvertent actions and the coercion we are discussing here. Inadvertence involves performing an act without intent, so it cannot be stated that inadvertent actions are prohibited. However, the coercion in question is an act carried out with full knowledge and intent by the doer, but external factors, such as fear of death, compelled him to commit the act. The Talmud asserts that he is liable in such a situation.
 - It should be noted that if indeed Gentiles are liable for acts committed under coercion, they differ from Jews in this regard. For regarding Jews, Maimonides writes in the Laws of the Foundations of the Torah (5:4): 'And anyone about whom it is said, 'He shall be killed, and he transgressed and was not killed,' he profanes the name... Nevertheless, because he transgressed under coercion, he is not lashed, and needless to say, he is not executed by the court. Even if he killed under coercion, he is neither lashed nor executed, but only if he transgresses willingly with witnesses and warning....'
 - The distinction between Jews and Gentiles in this matter seems to be accurately expressed in Maimonides' wording, stating that the exemption for a Jew is due to 'not lashing and not executing except for one who transgresses willingly with witnesses and warning.' A Gentile is punished for having transgressed.

Rejection of the evidence according to the explanation of the Talmud

It is possible to reject the evidence from the Talmud according to the explanation. The author is troubled by the words of the Talmud, which say: 'It is not enough that he told him to kill a certain man, but he also told him to steal from a certain man.' In other words, it is forbidden to steal from one's friend, even if the thief is saving his own life by doing so.

At first glance, the words of the Talmud are puzzling, because there is a requirement to sacrifice one's life for the three most serious offenses, but we have not found that there is a requirement to sacrifice one's life in order not to steal from another person! And why is it explained here that whether he told him 'Kill a certain man' or 'Rob a certain man,' he must sacrifice his life and not do it?

The Talmud explains this according to the Gemara in Ketubot (19a), where it is said:

Rav Hisda said, Rabbi Meir holds that witnesses who are told to sign a false document and not to be killed should allow themselves to be killed rather than sign a false document.

Rava said to him: Now, if they come down to the Gentiles, should we tell them, Go and sign, and do not kill yourselves?' For our rabbi said: There is nothing that stands in the way of pikuachnefesh - only idolatry, sexual immorality, and bloodshed!

Here we found that Rav Hisda says that one must give up his life in order not to testify falsely, which would cause another person to lose money. In other words, one must die rather than cause another person financial harm. Rambam and Rashi, in the name of the Tosefta, cite a similar opinion.

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- A Gentile is put to death for committing a transgression, even if he did so without witnesses or warning. (See Maimonides, Laws of Kings 9:14; 10:1.) However, a Jew is put to death only if he gave himself up to death in the presence of witnesses after being warned. The mere act of transgression does not require death, but also the severe form in which he committed it, that is, with witnesses and warning. Therefore, in the case of adultery, a Jew is not put to death, because the conditions for putting a Jew to death are not met. However, a Gentile is liable if he did something that he is forbidden to do, even without witnesses or warning, and therefore even if he committed adultery when his punishment is 'he shall be put to death and shall not pass'.
 - However, all that has been said here about the difference between Jews and Gentiles in this matter is not in accordance with the words of the Or Samech, which will be brought up later, because he understood that the Rambam learned the law from this halakhah that is written in the Talmud, in the case of a Jew who heals himself with a transgression that he is obligated to, as follows.
 - They also bring other explanations for the Gemara according to which everyone agrees that there is no obligation to sacrifice oneself for theft, see there; but here we have brought the explanation of the Gemara that is relevant to our matter.

The three things that do not stand before the preservation of life are: idolatry, revealing testimony, and bloodshed.

Rabbi Meir says even theft. And if so, it is possible to explain that the words of the Talmud here are according to the opinion of Rav Hisda (according to Rabbi Meir) and not according to Rava. This is the language of the Talmud:

It is not enough that he told him 'Kill so-and-so,' but he told him 'Burn so-and-so.' This is the opinion of Rav Hisda in the Babylonian Talmud, Ketubot 19a, where he says, 'Rabbi Meir holds that witnesses who are told to sign a false document and not kill are to be killed rather than sign a false document.' But Rava disagrees with him there explicitly and says, 'Now, if we were to bring it down to the king's ministers, would we say to them, 'Go and sign and do not kill yourselves,' since our teacher said, 'There is nothing that stands in the face of pikuachnefesh except idolatry, forbidden sexual relations, and bloodshed alone.'

According to halakha, it is not permissible to sacrifice one's life for theft, as explained by Rambam and Shulchan Aruch. According to this, the words of the Talmud that even in the case of "rob so-and-so" one must be killed are the opinion of a lone individual that was not codified into halakha.

According to this explanation, it is possible to explain that the words of the Talmud that Gentiles are obligated to sacrifice their lives for murder are also only according to the opinion of Rav Hisda, while according to Rava - and halakha follows him - even this law is not true.

Indeed, at first glance, the opinion of Rav Hisda is difficult to understand: After all, we have found only three transgressions for which one must sacrifice one's life, as Rava challenges him. It is necessary to say that the opinion of Rav Hisda is that, although all transgressions are set aside for pikuachnefesh, this is only with regard to Heaven. G-d forgives His Commandments for the sake of the lives of Israel. But to harm someone else - there is no permission even in a place of pikuachnefesh: The other person is not obligated to save your life to the point of harming himself. Therefore, it is forbidden to steal from a friend in a place of pikuachnefesh according to Rav Hisda. And it is possible to understand this also in the case of murder.

13. Laws of Basic Principles of the Torah, Chapter 5.

14. Yoreh De'ah 259; Mishpat 407, 427; 474, 4.

15. However, in the Korban Hisda wrote to explain the Talmud in an sarcastic way: 'It is not only when he tells him 'Kill so-and-so, if not I will kill you,' that it is forbidden to kill his friend, but even if he tells him 'Rob so-and-so, if not I will kill you,' it is forbidden to rob him, because it is a strong assumption that a person does not stand up for his property and comes to bloodshed, and therefore he chose robbery and did not choose theft, because robbery is with the knowledge of the owner and we are afraid [that there will be bloodshed here], which is not the case in theft.'

Thus: The prohibition against murder does not stem only from the severity of the prohibition - but also from the fact that it is not permissible to harm another person in order to save oneself, even though other Commandments are set aside for pikuachnefesh.

From this we can draw a conclusion about the matter of self-sacrifice for Gentiles: Gentiles do not have any severe Commandments for which they must sacrifice their lives. Even idolatry is not as severe for them as it is for a Jew. Therefore, from the perspective of the severity of the transgressions, they are not obligated to self-sacrifice. However, if there is a reason for self-sacrifice from the perspective of harming another person - as we understood from the words of Rav Hisda - in this there is no difference between Israel and Gentiles, and even Gentiles are forbidden to harm another Gentile in order to save their lives. According to this, it is clear why it is written in the Talmud that Gentiles are forbidden to harm each other even in a place of pikuachnefesh: This sugya is according to the opinion of Rav Hisda, and according to his opinion, just as it is forbidden to steal in a place of pikuachnefesh, so it is forbidden to murder, both among Gentiles and among Israel, as explained.

But according to Rava, who says that there is no problem with harming a friend in a place of pikuachnefesh, and theft is set aside for pikuachnefesh, it is not clear what is the law of Gentiles in the case of murder. Harming another person is not a reason to prohibit in a place of pikuachnefesh according to his opinion, and there is no severity of transgressions for them like there is for a Jew. According to his opinion, it is possible that Gentiles are permitted to murder in a place of pikuachnefesh, because they do not have an obligation of self-sacrifice for any transgression from the perspective of its severity.

According to this, there is no proof from the words of Rabbi Hanina against the Maharash, because his words are according to Rav Hisda, and the halakha was decided according to Rava.

The Rejection of the Evidence Based on the Distinction Between Healing and Rescue - Or Samayach

Another solution to the difficulty of the separation of paths can be found in the words of Or Samayach (on Chapter 5 of the laws of the foundations of the Torah). Or Samayach refers there to the contradiction in the words of the Rambam, who deals with the laws related to the mitzvah of Kiddush Hashem for self-sacrifice for the Commandments. In halakha 4, the Rambam wrote.

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- 16. The author refers to his previous article on 'A Gentile sinner who converted,' where he discussed this topic in more detail.
 - 17. This opinion is more understandable in the case of Gentiles because Gentiles are not obligated to save each other, and there is no connection between the pikuachnefesh of one person and the property and life of the other. This is not the case with Jews, who are obligated by the commandment 'Do not stand idly by while your neighbor's blood is shed.'
 - 18. According to this explanation, we can also understand why the Talmud brings up the laws of Gentiles here, which seem to be unrelated to the sugya. According to our opinion, the Talmud brings up the opinion of Rabbi Hanina, who agrees with Rav Hisda, and the laws of Gentiles in the Talmud are a result of their approach. Therefore, these laws of Gentiles are brought up immediately after the words of Rabbi Hanina as a continuation of his words.

Anyone who is told, 'Die, but do not violate (a certain prohibition),' and he violates it and does not die, is guilty of profaning the name of G-d... 'Even though he passed [the prohibition] under duress, he is not flogged, and it is unnecessary to say that the court does not put him to death, even if he killed under duress, because they are not flogged or put to death except for one who passes [the prohibition] of his own free will, in the presence of witnesses and a warning.'

In Halakhah 6 it is compared:

the same is applied in all prohibitions of the Torah in a place of danger, except for idolatry, forbidden sexual relations, and bloodshed, for even in a place of danger they are not treated in this manner, and if he did so and was healed, the court punishes him with the punishment that is fitting for him.

And it seems that this is a complete contradiction: In Halakhah 4 it is written that those who break mitzvot because of danger is not punished (even if the thing is forbidden), while in Halakhah 6 it is said that one who is healed by prohibition are punished 'with the punishment that is fitting for him.' And as it was written in the *Arba'ah Turim there:

In the village of Kushya, the book Or Zarua writes that there is a distinction between someone who saved themselves by breaking a prohibition, and someone who was healed by breaking a prohibition.

* Arba'ah Turim (aka Tur), is an important Halakhic code composed by Yaakov ben Asher (Cologne, 1270 – Toledo, Spain c. 1340, also referred to as Ba'al Ha-Turim). The four-part structure of the Tur and its division into chapters (simanim) were adopted by the later code Shulchan Aruch.

And apparently, this is a complete contradiction: In halakha 4, it is written that someone who transgressed a commandment due to danger is not punished (even if the thing is forbidden), while in halakha 6 it is said that someone who was healed by a prohibition is punished 'with the punishment that is fitting for him.' And as it was written in the Four Columns of Stone there:

I am surprised that he began by writing that as they said about forced actions, so they said about illnesses. And above, regarding forced actions in halakha 4, he wrote that if someone transgresses due to force, they are not punished, as he proved there. So why does he write here that if someone is healed by a prohibition, they are punished? After all, they also acted out of the force of illness! Where does he get the idea to distinguish between them? And I am surprised by all the commentators on his words who did not pay attention to this, and it requires much thought.

In the village of Kushya, the book Or Zarua; writes that there is a distinction between someone who saved themselves by breaking a prohibition, and someone who was healed by breaking a prohibition.

However, it is clear that this is not similar to what he ruled in halakha 4. In the case of forced actions, even in situations where one should die rather than transgress, if someone transgresses under force, they are not punished, as 'force excuses them. This is logical: it applies only when someone is forced to either kill someone else or commit incest (in a way that they are already predisposed to do so), because they are not acting of their own free will but rather according to the will of others who want them to kill someone or else be killed for something they did not do. So, whose fault is it if they kill someone else under force? It is the fault of the one who forced them, not the person who did not want to kill. Here, the illness that comes to them is not caused by anything, and they can only save

themselves through the blood of someone else or through a specific act of idolatry. So, this is considered a clear case of them desiring their life with their own free will. It is like any murderer who wants to shed their anger and see revenge. Therefore, they are liable to all the punishments of the court if they are healed by breaking a prohibition.

The Or Samayach explains that someone who initiates a prohibition is punished, even if he initiated the prohibition in order to save himself from death. In this case, the offender is interested in committing the offense in order to save himself, and he cannot claim that the danger to his life ‘forced’ him to commit the offense. However, when the danger of death arises from the prohibition itself, the person who is forced is not interested in committing the offense, and it is not considered that he is doing it of his own free will. In this case, he is not punished, because ‘there is no flogging or killing except for someone who transgresses of his own free will,’ as the Rambam said. This is also the case in Even Ha’ezer 15:19:

And in this way, the words of the Rambam, chapter 5 of the laws of the foundations of the Torah, will be reconciled... For there is no force except that from it comes death, like they forced him to worship idolatry; But the illness is not due to the prevention of treatment, and the illness is in itself, and he wants it so that he will be healed, and it is a will, and it is similar to one who they want to kill him and he does it to save himself, and it is a will.

And so wrote Rabbi Shimon in his commentaries on the Ketubot:

And it is said that the main difference between being forced to do something and saving oneself is that in the case of being forced, the person does not want the thing to happen at all, and what they do is done by force, but there is no pleasure for them in the thing at all, because if the thing did not exist, they would not have been forced to do anything. But whoever saves themselves, they have good from the thing, without which they would lack salvation, and they find pleasure from the existence of this salvation, and therefore it is considered as intention for the matter of transgression?

But the Or Zarua is Book of Nebuchadnezzar: How did the Rambam know that in the case of healing, the forced person is considered to have transgressed of his own free will and is liable to punishment? He explains that the Rambam's source is the Talmud, which we have quoted above. And these are his words.

But how did our rabbi (the Rambam) come up with this law? It appears that its source is the Talmud, chapter ‘There Is No One Who Establishes: ‘And there is no pushing of one life before another, and no end of the matter, and so on. A Gentile against a Gentile, a Gentile against a Jew is liable; a Jew against a Gentile is exempt.’ And it appears that this is referring to what he said nearby that one does not heal oneself by shedding blood, and on this he says that a Gentile against a Gentile is liable, even if he killed a man to heal himself.

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- 9. And so it is written in Yoreh De’ah 244:2. Similarly, the following have written: Shulchan Aruch Orach Chayim 604:3; Menachem Tzedek 60:2; Shevet Yaakov 2:107; Ketubot 19; Ketubot 8-9; Menachem Shlomo 18:5; *ibid.* 2:51:11; Avodat ha-Melech in Hilchot Yesodei ha-Torah 5 (though see P’ri Chadash in Hilchot Yesodei ha-Torah 5 who offers a different explanation (cited in Sefer Ha-Likutim in the Frankel edition)). We have also expanded on the explanation of this distinction in the appendix at the end of the chapter, see there.

A Gentile who kills a Gentile in order to heal himself is exempt, like a woman. But if a Jew kills another Jew in order to heal himself, he is also liable. This teaches us that even a Gentile is liable, even though he is not commanded to sanctify G-d's name. Or perhaps because a Noahide is killed even if he says that it is permitted to heal oneself by murder, according to his law. In any case, it is explicit that if he is not healed, he will be punished with the appropriate punishment.

The Or Samayach understood that the words of the Talmud about 'a Gentile to a Gentile' and so on are not dealing with the case before them, in the case of a Gentile who was told (by an attacker) to kill someone, but rather with the words of Rabbi Hanina: "One does not recover from bloodshed." On this law it is written that a Gentile is liable if he violated a prohibition and harmed his friend in order to save himself. In the case of the Talmud's healing, it writes that a Gentile is liable, and so is the law, even in Israel. Thus, the Rambam learned from here that even though one who is forced is exempt, one who is healed is liable, and there is no distinction in this between an Israelite and a Gentile.

Indeed, according to this we need to understand why the Talmud wrote the law about Gentiles and not Israelites. After all, we have been speaking about Israel up to now! What is the new information that exists among Gentiles that causes us to prefer to write this halakha about them? Or Samayach answers two answers to this:

We have learned from the rabbis that even a Gentile is liable (to punishment for murder), even though he is not commanded to observe the laws of Kiddush Hashem. Or, because a descendant of Noah is killed even if he says it is permissible to be healed by murder like ours.

In other words,

There is a new innovation regarding Gentiles, because they are not obligated to sacrifice themselves, but in the case of healing, they are obligated to sacrifice themselves, and even if they transgressed and healed themselves through murder (in other words: compared to Jews, for whom there is a transition from exemption (in saving) to obligation (in healing), for Gentiles this is a greater innovation, because they go from being permitted (in saving) to being obligated (in healing)).

Gentiles are also obligated in the case of someone who says that it is permitted, because they should have learned (the law). And I would think that in the case of pikuach nefesh, where there is a great reason to think that it is permitted, we would not obligate the Gentile, because there is room for error in this. Therefore, the Talmud came to teach us that Gentiles are obligated even in a case of someone who says that it is permitted, and even despite the great reason to permit.

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- In the printed version, it says mitzvah, but it seems to be a mistake.
 - And there is cause for wonder.
 - See the end of the first halakha in chapter ten of Hilchot Melachim.

From the first answer, we clearly see that the Or Samayach understands that in the case of saving a life, Gentiles are also obligated to sacrifice themselves, and it is also permissible for them to kill their friends in order to be saved. Therefore, he understands, like the Maharsha, that it is permissible for Gentiles to kill their friends in the case of 'kill so-and-so or I will kill you.' However, this is only in the case of saving a life. In the case of healing, they are obligated to sacrifice themselves, and they are even obligated to punishment if they transgress and kill in order to be saved. From this, the Rambam also learned for a Jew, that they are obligated in the case of healing (since Jews are more stringent than Gentiles, for whom there is a prohibition even in the case of saving a life; and if so, it is all the more so that they will be obligated in the case of healing).

The conclusion is that the Talmud does not contradict the Maharsha. The Talmud deals with healing, and when the killer is interested in the existence of the victim. In that case, even Gentiles are forbidden to kill in order to heal (and they are even obligated if they killed); and the Maharsha deals with saving, when the killer is not interested in the existence of the victim, and the existence of the victim is what causes the problem. In that case, it is permissible for Gentiles to kill another in order to be saved.

According to this, the Maharsha agrees with the Talmud that there is a reason not to kill another in order to be saved, but in his opinion, this reason only exists in the case of healing. In the case where the presence of one Gentile endangers another Gentile, the latter can ask him: Why should I die because of your dangerous presence? And according to this, it is permissible for him to kill him and be saved. But in healing, there is no opposite argument, as the killer is interested in the existence of the victim in order to be saved.

Summary

According to the Maharsha, a Gentile who is told 'Kill this other Gentile or we will kill you' is allowed to kill the other Gentile. The rationale is that the Gentile is not commanded to sanctify G-d's name (Kiddush Hashem), and therefore he is permitted to transgress the prohibition against bloodshed in order to save his own life.

The Or Samayach understood that even though it is permissible to kill another Gentile in a case of 'kill this other Gentile or we will kill you' (or in the case of a Gentile who blocks the escape route of another, even if under duress), there is no permission to use another person and kill them in order to heal oneself. The rationale is that the Gentile is not obligated to heal himself, but only to refrain from killing himself.

Verse 24. See below, in note 4, where we explained that there is also an argument in the Be'er Ha-Golah that is similar to the words of the Or Samayach here.

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- 25. In contrast to the words of Or Samayach, it seems from the words of Minchat Chinuch that according to Maharsha, it is even permissible to heal oneself through bloodshed, not just to save oneself from death. His language is: 'But a Noahide... all the Commandments are set aside for the sake of saving his life because he is not commanded to sanctify G-d's name and he can also heal himself with a sin, and according to Maharsha, bloodshed is also included (Minchat Chinuch 396, 5).
 - However, in Minchat Chinuch there is another reason to forbid healing: 'If so, it seems to my humble opinion that a new law is established with the help of G-d, blessed be He, that... only if a force forced him to transgress one of His Commandments and if he is not killed - then it is permissible for him to transgress and not be killed. But if he is seized by a disease that is dangerous, and if he does not heal himself through transgression, but only through bloodshed - it is forbidden, because it is considered as if he kills himself.' (Minchat Chinuch 396, 3)

Summary table for the letter Vav

Heal another	Kill so and so or I will kill you	Blocking the way to salvation	Intentionally blank
permitted	permitted	permitted	Maharsha
forbidden	permitted	permitted	Hand of G-d (?)
forbidden	forbidden	forbidden	Crossroads (between worlds)

Faction

It is taught in the Talmud (end of chapter 8 of Terumot)

A group of people were walking along the road and were met by Gentiles who said to them, "Give us one of you and we will kill him, and if not, we will kill all of you." Even if all of them are killed, they should not hand over a single Jewish life. If they single out one person for them, such as Sheva ben Bichri, they should hand him over and not be killed. Rabbi Shimon ben Lakish said: And this is if he is liable to death like Sheva ben Bichri. And Rabbi Yochanan said: Even if he is not liable to death like Sheva ben Bichri.

And it is ruled by the Rambam (Yoreh De'ah 405, 1):

A Goyim who says to Jew: "A group of people who were walking on the road, and a group of Gentiles bumped into them and said, "Give us one of you and we will kill him, and if not, we'll kill all of you." Even if all of them will be killed, do not give over a single Jewish life. If they single him out like Sheva Ben Bichri, give him, and do not all be killed.

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- If he would die by committing one of the Seven Commandments of his, he is certainly not allowed, according to reason, to save himself by committing that commandment... and this is correct and clear. But the Mishnah LeMelech disagrees with him in this, as he mentions there.
 - 26. This law applies even when the group of people is in danger that does not come from evil, in which case there is no issue of sanctifying G-d by not sacrificing the individual for the sake of everyone. For example, if a group of people is trapped under the rubble of a building in an earthquake, and the only way for them to escape is by killing one person, the act is forbidden for the same reason. This is evident from the words of the Rambam and the Kesef Mishnah that will be cited below, which discuss the matter from the perspective of the principle of 'What you see,' and do not mention an additional reason to forbid it because of sanctifying G-d (and therefore, this is also seen in many later authorities who have elaborated on the words of the Kesef Mishnah, see the following note). In addition, this is proven from the words of the Tiferet Yisrael (7, 14b, on Boaz) who innovates that when a mother and child are about to die and the only way to save the mother is to kill the child (when otherwise they will both die), it is permissible to kill the child. The Tiferet Yisrael understands that this law must be reconciled with the prohibition against sacrificing in a group and does not distinguish between the two cases.

However, (הדמ"ך הקשה אמונם) challenged (in the laws of the fundamentals 5, 5; it was also brought in the Kesef Mishnah there):

Even though it is found in the Tosefta as he says, I do not know the reason, because it is concluded in Pesachim 52 that because of this, we say in bloodshed 'kill and do not pass by' because of reason: 'What did you see blood? Your blood is redder?' And here there is no this reason because they will kill all of them and himself, and it is better that he should kill himself and not all of them!

The Kesef Mishnah writes there that the reason given in the Talmud for the rule kill and do not pass by' in cases of bloodshed is not the main reason. The main reason is that it is a received tradition. The Talmud simply gave a reason based on logic to explain the tradition in cases where it applies. However, the Kesef Mishnah argues that this reason does not apply in cases where it does not apply. In these cases, the rule is still 'kill and do not pass by.'

Difference Between jews and Gentiles: Logic vs. Mitzvot of Self-Sacrifice

Now, let's discuss the group of Gentiles:

According to Maharash, it is simply permissible to sacrifice one individual to save everyone, in any case where preserving life allows a Gentile to kill others to save themselves.

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- In the case of a siege, what is forbidden is the surrender of an individual for the sake of many, even if it will prevent the death of the many. This is the ruling of the Maharam Schick (Yoreh De'ah 428) and the Beit Yitzchak (Yoreh De'ah 2, 466). This is also proven by the Chazon Ish, who compares the law of surrender in a siege to the story of Jonah being thrown into the sea due to the storm. In both cases, it is an act aimed at saving lives, but it involves the death of another person. However, the difference between the two cases is that the storm is not caused by malice, and therefore throwing Jonah into the sea is permissible. The Chazon Ish's statement that it is permissible to deflect an arrow from many to one does not apply in the case of a siege. This is because the permission to deflect an arrow is based on the principle that we are not responsible for the actions of others. In the case of a siege, however, the surrender of an individual is an act of Kiddush Hashem, which is a positive obligation. Therefore, it is not permissible to deflect the arrow from the many to the individual. The Havot (?) (53) writes that laws of pecuniary applies only in cases where Gentiles want to convert jews, and not in cases where this is the reality. According to him, in cases where there is no immediate danger of death, there is no obligation of Kiddush Hashem, and therefore there is no prohibition on surrendering an individual for the sake of many. The legal rulings regarding the siege are a complex issue that has been discussed by many rabbis throughout history. The passages you have provided are only a part of the various opinions on the subject.
 - 27. And see in the later authorities (for example: Merkavat HaMishnah there; Responsa of the Ba'al Ha-Ma'or 51; Responsa of Solomon, 84; Yoreh De'ah 16, 5; Chiddushim of Rabbi Shimon, Ketubot 3; Mishpat ha-Cohen 403) who strengthened and explained the words of the Kesef Mishnah.

Even according to Parashat Derakhim, which says that Gentiles are obligated to martyrdom for murder, they are obligated according to reason. In the case of a siege in which one person is singled out for execution, there is no reason not to kill him in order to save everyone, since it is clear that the blood of all of them (including him) is worth more than his blood alone. Indeed, the Menachem Tzedek wrote Piskei Dinim & Sheelot U'Teshuvot, that among Gentiles, they simply hand over the one who is singled out and save everyone by doing so.

And it seems simple according to the words of the Kesef Mishnah that it is a tradition in our hands, but that in the Shulchan Aruch they gave a reason for this. So, in the case of a Gentile, according to what the Rambam ruled (Chapter 10 of Kings, Halacha 2) that he does not need to sacrifice himself even for idolatry, they are not commanded at all on Kiddush Hashem, but in the case of bloodshed, the Mishnah LeMelech wrote there that since it is from the side of reason, he is also obligated, because the life of his friend is lost, it is forbidden for him to pass because of 'Mai Chazit' (what makes you think that your blood is redder than your fellow's? Perhaps his blood is redder than yours!), see there ...

So, in the case of a Gentile in this way, if they did not single out one of them, even though he is not liable to death, in any case, since he and they are killed, the reason does not apply, and it is forbidden to sacrifice their lives. So, in the case where one is singled out, among Gentiles it is certainly permissible; and with a Jew, the matter is a matter of controversy.

(Amoraim, and a dispute among the Poskim).

*Amoraim-‘those who say’ or ‘those who speak over the people’, or ‘spokesmen,’ refers to Jewish scholars of the period from about 200 to 500 CE, who said or told over the teachings of the Oral Torah.

Is there a practical difference even in the case where they did not single one out? The answer depends on the question of why it is forbidden to surrender one of the members of the siege in order to save everyone in the case where they did not single one out. The Kesef Mishnah understood that in this case reason forbids the surrender:

In the beginning, when they did not single him out, and they did not say anything except ‘Give us one of you and we will kill him,’ in any one of them that they want to surrender him, it is possible to say to them: "What do you see that you are surrendering this one? Surrender one of you and save this one! What do you see that the blood of this one is redder, or maybe the blood of this one is redder? According to this claim, it is impossible for them to surrender any one of them.

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- It appears, at first glance, that according to both opinions of Maharash, sacrificing one individual in a desperate situation is permissible. Let's break it down:
 - 1. When One Person is Singled Out: In this case, sacrificing the singled-out individual is undoubtedly allowed. It is considered a form of rescue since their presence poses a direct threat to the person who would otherwise have to kill them.
 - 2. When No One is Singled Out: Things become more complex here. Sacrificing one individual can, in some circumstances, be seen as beneficial. For example, if a group is stranded in the desert and needs to offer someone to predators to distract them and allow the others to escape. However, as mentioned earlier, according to Maharash, exploiting the presence of the deceased for personal gain might not always be permissible. Despite this, it seems reasonable to believe that even those who hold this view would agree that sacrificing one individual to ensure the survival of the rest in a group situation is permissible. Without such action, everyone would perish, making the sacrifice a necessary act of self-preservation with no valid reason for prohibition.

According to him, it is also forbidden to hand over someone to the Gentiles in the case of a group when they have not been singled out, because each one who wants to hand them over claims to the others: 'What is it that your blood is redder than mine? Hand yourselves over and not me!'

However, the educational leader believes that even if they have not been singled out, there is no reason to forbid the transfer, because they say to the one who was transferred: 'What do you care? You will die with everyone anyway.'

The law of 'kill and do not pass by' is based on the reasoning of 'what you saw.' This means that only if your friend is saved by your self-sacrifice do you need to sacrifice yourself to save your friend. But the next person, even if he sacrifices himself, his friend will be killed because the attacker wants to kill everyone. So why should he die?... In any case, since his friend is not saved, then everyone can save themselves from pikuachnefesh and it would be appropriate to be "kolra'alimgvar," (?) why should anyone sacrifice himself for nothing without saving his friend?

According to his opinion, even when they do not unite, the prohibition among Jews is not based on reasoning but on the severity of murder, as derived from the Kesef Mishnah. Among Gentiles, there is no severity regarding murder, so it is permissible to kill one person to save everyone, even if they are not united, because there is no 'what did you see' rationale in a case where everyone would be killed anyway.'

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- 29. As explained by the Kesef Mishnah, this is also explained in Seder Taharah, Halotot 7:6. This is also evident from the words of the Taz in Yoreh De'ah 473, s.k. 9, who discusses the case of women who are told: 'Give us one and we will defile her, and if not, we will defile all of you.' He explains: "If one of them is united with them and they say: 'If you do not give her to us to defile her, then we will kill all of you,' then it is clear that this is a valid unification, and we can hand her over. For there is no act here on the part of the woman, and it is not included in the category of incest. And if so, she herself is not included in the category of 'you shall kill and you shall not pass over.' Therefore, we can hand her over if they unify her, as it seems to me." The Taz emphasizes that only if they unify can one be handed over, but when they do not unify, each woman can say to her friends: "I do not want to go, and if you think that one of you should be handed over, then hand yourselves over," as explained in the Kesef Mishnah. However, according to the view of the Melachim uMilHamot, there is no place for a distinction between 'they unify' and "they do not unify," because in any case, one must be handed over for the sake of all of them. Therefore, the law should be "whoever is stronger is stronger" (or, more precisely: whoever is stronger prevails), or to require them to cast lots and determine who will be handed over.
 - 30. It is possible that even the Kesef Mishnah agrees that the reason not to kill each other in the case where they did not unify is correct, but only in Israel, where the reason leaves an existing prohibition. The one who wants to allow killing is the "one who leads out," and therefore his friends argue against him: "Surrender yourself and do not kill others." But among Gentiles, who in principle do not have self-sacrifice for the Commandments and the reason creates a new prohibition, perhaps even the Kesef Mishnah agrees.

Lottery is mentioned in the book of Sefer Tefilah le-Mosheh (Yoreh De'ah 420):

It seems that in any case, it is permissible to give one person according to the lottery that will divide them, as in the case of Dinah, and this is also explained in the case of the Gibeonites, who said, "Give us six people and we will dedicate them to the Lord," and they gave them according to the casting of the ark, even though they did not specify...

According to the opinion of Tiferet Moshe, if it is permissible to surrender one person when the enemy has singled him out, it is also permissible to surrender one person even if the enemy has not singled him out, if they draw lots, because we always want to save as many people as possible.

The Chazon Ish (Sanhedrin 52a) disagrees with Tiferet Moshe on this point:

In Perek Teshuvah, it is brought in the name of Tiferet Moshe that it is permissible to surrender the individual according to the lot, as we find in the case of Jonah and the sons of Saul (Yevamot 74a). However, this is strange, because the Tosefta and the Talmud both say they will kill them all.' It would have been more logical to say, they will cast lots and surrender the one who comes out in the lot.' In the case of Jonah, the lot caused them to know who was responsible for the storm, and Jonah himself told them to throw him into the sea. And in the case of the sons of Saul, David did it on the basis of a prophecy. But ordinary Arameans do not have the authority to decide according to the lot...

We will not enter into the dispute between Tiferet Moshe and the Chazon Ish regarding jews. However, it is clear that according to all opinions, it is permissible for Gentiles to cast lots and decide according to that who will be surrendered, and thus save everyone. The prohibition for Gentiles stems only from reason. In a case where everyone will die anyway, reason dictates that it is better for them to cast lots and choose one person than for everyone to die.

It is not forbidden to kill even if the enemy has not singled anyone out. The difference between the opinions of jews and Gentiles is explained well later in the chapter, see there.

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- No. It is possible that there will be differences of opinion on the question of whether some members of a group can force the others to draw lots or 'the strong one prevails,' even if the others prefer the second option. The Sefer HaChinuch says that in a situation where they must surrender one person, they do 'the strong one prevails,' as we have seen, and it is impossible to argue against this with 'what do you see'; but in the opinion of Tiferet Moshe, we see that he understood that 'the strong one prevails' is an unacceptable solution, and drawing lots is a good solution; and if so, it is clear that even among Gentiles, one can force others to draw lots and not decide by 'the strong one prevails.' The Kessef Mishneh also understood that the argument of 'what do you see' rejects the possibility of 'the strong one prevails,' and according to his opinion, it is clear that drawing lots will be the desired solution among Gentiles.
 - It is possible to disagree with this and say that among jews, everyone is responsible to each other to solve the problem, and therefore drawing lots is preferable to 'the strong one prevails.' But among Gentiles, in a situation of self-sacrifice that has fallen upon them, there are no mutual obligations, and everyone is responsible only for themselves

The Difference in Reasoning Between jews and Gentiles

Above, we have presented a practical difference between jews and Gentiles in self-sacrifice on the commandment of murder according to the method of Pirchat Darchei Eretz. Now we will see that there is also a difference in the reasoning of 'What do you see' itself between jews and Gentiles. In other words: even according to Pirchat Darchei Eretz, which claims that there is 'What do you see' among Gentiles, this is not the same reasoning as that which is said among jews. The reasoning of 'What do you see' in jews is explained by Rashi as follows (Sanhedrin 52a, s.v. 'What do you see'):

What do you see that your blood is redder? Who knows that your blood will be more beloved and pleasing to your Creator than the blood of your friend? Therefore, there is no reason to say here: 'Live by them and not die by them,' because the verse permitted this only because of the belovedness of the souls of jews to the Lord, and here, where there is the loss of the life of his friend, the word of the king cannot be rejected that he commanded to kill.

In other words: In principle, jews are obligated to give their lives for all the Commandments, except that there is a special verse that permits them to transgress when this will save the life of a jew: 'Live by them.' When one life is saved and another is killed, we have gained nothing, and the prohibition to transgress Commandments even in place of self-sacrifice returns to its place.

Isn't the main reason for what he says, 'Why did you see that your blood was redder than all the rest?' and so on, only as I have explained? That since a sin was committed and a jew was also killed, it is better that you be killed instead of the sin being committed. Otherwise, why does he say, 'Why did you see that your blood was redder than all the rest?' and so on? On the contrary, it is this that gives us the principle that 'Your life takes precedence.' Just as Rabbi Akiva derives in the chapter 'What is a Snake?' that if two people are drinking from a jug of water and if both of them drink, they will both die, we say, 'Why did you see that your life takes precedence?' Rather, it is necessarily the case that the main reason is because...

He takes care of himself, and therefore makes everything for everyone 'every man for himself.

- Note: This is also [the opinion] in Rashi in other sources of 'from the front' in the Talmud (as brought at the beginning of the chapter)
- tractate Bava Metzia, page 62a, line 1

'If there is a Jew here being killed and the commandment is annulled' appears in the Mishnah in Tractate Shabbat (151b) (?). The Mishnah discusses the question of whether it is permissible to save a Jew from death on Shabbat, even if this involves violating a rabbinic prohibition.

Gentiles, on the other hand, are not commanded at all to sanctify G-d's name: 'Even if he is forced to worship an idol, he worships, because they are not commanded to sanctify G-d's name.' Among them, there is no enslavement, just as there are no transgressions among Gentiles in the place of *pikuachnefesh*, and the prohibition is only because of the claim of the one who was killed against the killer.' Here, the explanation is said to create a prohibition, and not to leave an existing prohibition in its place. The meaning is that in Israel, it is forbidden to violate the prohibition of murder in any case because in this way another Jew will be harmed and the basis for permission is therefore nullified. But in a Gentile, there must be a reason explaining why it is forbidden to kill the second Gentile, and this reason, which is estimated by the one who was killed, is the one that creates the prohibition, because in principle, Gentiles are not obligated in their Commandments in the place of *pikuachnefesh*.

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- It is necessary to further expand on the understanding of these words of the Bach: The Bach cites from the Gemara in Bava Metzia that when two people are walking in the desert and one of them has a jug of water, the owner of the water claims 'life comes first', and therefore it is permissible for him to keep the water for himself in order to live and not give it to his companion as well. From this, the Bach learns for the case of a person under duress who says 'kill so-and-so or I will kill you' that, according to reason, it is permissible for the person under duress to kill in order to save himself, since he claims 'life comes first' (and what is forbidden for a Jew is only because we will lose a soul here anyway, and therefore there is no reason to permit transgression). However, at first glance, it seems difficult to learn this from the other case: After all, when two people are walking in the desert and one of them has a jug of water, the one who keeps the water for himself and claims 'life comes first' is not harming the other in any way (see the Chatam Sofer there, who says that if the other person has water in his possession, I must give it to him, because he is the one who claims 'life comes first' by virtue of his ownership of the water; and a fortiori it is forbidden to take water from the other person by force). So how can we learn from the permission of the Gemara in that case to the case where I murder and kill another person?
 - It seems to explain the opinion of the Ba'al Ha'Tosafot in that there is a difference between the case of water in the desert and the case of 'kill so-and-so': In the case of the water in the desert, the presence of the other person does not cause me any harm, and if I take his water from him, then I am using his presence and being healed by it. In this, the Ba'al Ha'Tosafot understood that there is no place for the argument of 'previous lives' because the owner of the water claims 'what do you see?' that you are involving me in your problem with the water and using my presence to save yourself? But in the case of 'kill so-and-so,' the presence of the other person does cause me harm, because if I kill him, I am taking his life. The presence of a specific person (who has tangled with the perpetrator) causes me harm and forces me to choose between my life and his life. In such a situation, he cannot argue using 'from the front' because I can tell him, 'from the front' that I should suffer due to your presence?' and this argument weakens his position since my life takes precedence.
 - It follows from the above that if the Beit Yosef would believe that the "Mai Chazit" argument is sufficient to obligate Gentiles to self-sacrifice for murder, it would be in his opinion only in the case of healing and not saving (as we wrote about the opinion of the Or Samayach)

The Gentile who is killed cannot argue that he should not be killed by the force of 'from the front', there is no prohibition against killing him. There are cases in which reason gives that it will be permissible for one to kill the other, since there is a claim of 'previous lives', and the argument of 'from the front' is not always correct (as explained in the Be'er Hagolah. In such cases, it will be permissible for Gentiles to kill the other for this reason, even if it is forbidden for jews. It follows from this as to jews and Gentiles.

Nafka – Appointed jews to Gentiles

Reuben sinned and did not beware, and injured Simeon who was injured with human wounds. Simeon cannot live, unless a healthy liver is transplanted into his body. He is interested in killing Reuben and taking a liver from him in order to be saved. For jews, it seems that it is forbidden. Indeed, Reuben sinned, but he is not liable to death for it. A jew must give up his soul so as not to violate bloodshed, since if a transgression is committed here, we will not 'profit' the lives of Israel.

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- 60. A similar formulation is also found in the responsa of She'elot uTeshuvot I 1, 22: 'It is clear that one cannot push away one life for the sake of another, but a person himself is allowed to push away the lives of others for the sake of his own life, 'push away that which is before you' (see there).
 - 61. In the case of someone who harmed his friend unintentionally, it is possible that even for jews there is a reason to allow him to be killed in order to take his liver and save the dying person. This is based on the words of the Rashi, Baba Kama 22b. The Gemara there discusses the dispute between Rabbi Yochanan and Resh Lakish as to whether fire is considered to be his property or his weapon, and it brings a proof for Rabbi Yochanan: Hear this: One who lights a stack, and there was a goat tied to it and a slave nearby, and it burned with him, liable; a slave tied to it and a goat nearby, and it burned with him - exempt; if it were only that he killed the slave's cow, then also he is not liable? Rabbi Shimon ben Lakish said to you: Here, what are we dealing with - when he set fire to the slave's body, because he rose up against him with force. In Tosafot and Rashba, it is explained that there is "he stands up against him with force" because the one who lit the fire is considered a pursuer, and because of his obligation to death as a pursuer, he is exempt from paying for the damage he caused. However, Rashba says: "But still, it is difficult for me: For Resh Lakish, that he would have to be liable for his life at the time of setting fire to the slave's body, and after the slave died, the stack burned, and why is he exempt for the stack? And it is possible to say that the stack burned before the slave died, for as long as he has strength and time, we consider him a pursuer until the slave dies, but if the stack burned after the slave died, he is liable, as it is taught in the chapter of the rebellious son and teacher (Sanhedrin 33a) "Those who gave themselves to be saved at the cost of their lives, a transgression was committed against them, they are not saved at the cost of their lives,' as above, and I still need to learn."
 - In other words: Rashba raises a difficulty that according to Resh Lakish, the case here is about someone who sets fire to the slave's body, and if so, it is clear that the stack burned after the slave died. In this case, why is he considered a pursuer? After all, the pursuit is over? Therefore, he suggests that even though he set fire to the slave's body, the slave died after the stack burned, and as long as the slave did not die, the one who set fire to the slave's body is still considered a pursuer.

However, in the case of a wounded Gentile, it is impossible to prohibit the Gentile from harming the one who wounded him. Among them, the argument of Mai Chazit is an argument between a person and his friend, which the victim claims against the murderer. Here, the one who inflicts the injury cannot ask Mai Chazit, because the entire disaster happened through his fault! The question that is asked here to him is: Mai Chazit that you could harm another person carelessly without bearing the consequences of your actions?

Rescue From Robbers - In Property and in Persons

The argument of Mai Chazit without the severity of the prohibition of 'Do not murder' can also be said in property: 'Why did you think that your blood is redder than my blood?'

Even in property, when the choice is to give the money of so-and-so or that your money will be harmed - it is forbidden to give the money of the friend, and the one who takes the money of his friend in this case is liable, as explained in the Shulchan Arukh.

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- It is certainly possible to conclude from the passages you cited that a pursuer who is allowed to be killed in order to save the pursued, even if he is exempt from what he harmed at this time. This is because he still has the law of a pursuer, and this law requires that the pursued be saved at all costs.
 - However, according to the Tosafos, who did not raise this comment, it seems that they believed that even according to the opinion that "his fire is because of his property," if he set fire to the body of the slave, he will be exempt from all that he caused, because everything is a result of this act of arson, and one act is said to be "firmly established in his favor" even if the chase is over (even though it is not one act with regard to monetary law, it is considered one act with regard to pursuit). According to their approach, there is no need for the innovation of the Rashba, and it seems that they believe that it is forbidden to kill a pursuer after he has done his deed (even if the pursued will be saved by this), because the innovation is in "firmly established in his favor" and not in the pursuit. Even according to the opinion of Rashba, it is possible that the only time it is permitted to kill the pursuer after he has already committed the act of pursuit if the victim will be saved by doing so is when his presence is causing danger (for example, he is blocking the way to extinguish the fire, etc.), in which case I view him as continuing to pursue me. However, there is no permission to heal and take advantage of his presence in order to be saved, because in this case he is not continuing to pursue me.
 - Also, see Achi Ezer, Even HaEzer 19: And there is more to elaborate on the explanation of these words of the Rashba, as is well known.
 - In the case of a eunuch, there is no room to permit it among Jews. As for Gentiles (if it is said that they are commanded regarding the prohibition of shedding blood), there is a seemingly debatable issue based on the opinions of the Rishonim and the Shulchan Aruch's dispute with the Taz regarding a case where one was coerced into showing his friend's money under the threat of loss of life (Choshen Mishpat, Seif 4, and Shach, Note 24).
 - See also the first appendix to the chapter and in the second appendix). There is a disagreement about who is considered the victim of the coercion: the one who actually dies or the one who caused this death.

Although in cases where his property is harming me, it is permitted for me to harm his property, and he cannot come with the claim of 'Mai Chazit,' because I can claim 'face the front' (since I can claim), and why should I have to suffer your damage without being able to defend myself? As it is taught in the Gemara (Bava Kamma 28a).

With regard to an Ox that climbed on the back of another Ox to kill it, and the owner of the Ox on the bottom came and removed his Ox, and the Ox on top consequently fell and died, the owner of the Ox on the bottom is exempt from paying for the dead Ox.

When a person sees an Ox causing harm with its horn, they do not need to determine whether it is the fault of the owner or if the Ox's owner properly maintained its behavior, and the Ox causes harm against the will of the owner. In any case, one is allowed to defend oneself against the Ox causing harm, particularly since the Talmud explicitly establishes this principle even regarding a harmless Ox, for which it was decided that 'ordinary Ox's are governed by the law of conservation in existence.' In other words, even when the owner is exempt from paying damages, one is allowed to intervene with the harmful animal to defend oneself from harm.

As summarized in the Shulchan Aruch (laws of damages, chapter 1):

'If one's fellow's property causes damage, and the only way to save one's own property is by causing damage to the property of one's fellow, it is permissible, and there is no need to be harmed by one's fellow.'

It is in our hands to understand that when someone else's property causes harm to my property, even if it is due to the compulsion of the owner of the harmful property, it is permissible to defend oneself and to damage the harmful property in order to be compensated for the harm caused. The owner of the harmful property cannot argue with 'What difference does it make to you? The blood of your property is no redder than the blood of mine.'

The opinion of the Shulchan Aruch is that even though it is simple that if he takes it in his hands, he is liable, as we wrote in the body of the chapter, in the case that he only gave it and did not take it in his hands, he is exempt, because a giver is only liable on account of his ownership, because it is actually a גרמא (indirect cause), and in this penalty they did not obligate when it was done by force, even if it is force of money. But even according to the Shulchan Aruch, there is no permission to give money by force of money initially, as explained by the Gra (there, paragraph 28), because in this case the reason of (what did you see) applies, as explained within.

- Shulchan Aruch, Choshen Mishpat 305:2 summarizes the explanation of Bava Kama 15a.
- In Bava Kama 15a, the Gemara discusses the case of someone who grabs a life-saving object from his fellow to save himself. This scenario is also addressed in Shulchan Aruch, Choshen Mishpat 292:1.

The Significance for the Law of the Lives of Gentiles

We have seen that even according to the view of the Perishath Derakhim (a minority opinion), which holds that the rationale of Mishnah (the principle that one is not allowed to do something that would cause another person to do something that is forbidden) applies to the law of the lives of Gentiles, it is not stronger than in the law of property. For Gentiles, there is no severity of murder, but only a rationale. If in the law of property it is permitted to harm the injurer even if there is no Mishnah, then in the law of the lives, it should also be permitted to harm the injurer by the principle of 'Life of the Past.'

In Israel, in addition to this, the rationale of Mishnah strengthens an existing prohibition, and there is no rationale of 'Life of the Past' because a Jew is obligated to give up his life if there will be no benefit to the lives of Israel.

According to this, in the case where a Gentile harms his friend in the laws of the soul, even if he does so by force, it is permissible for the victim to harm him even according to the laws of separation of paths, as in the laws of property. For example: Gaddi climbs a high ladder. Suddenly, his ladder strap falls from under him, and it is a ladder strap that was strong and secure and fell or hung... that is a blow from heaven. He falls on another Gentile who is standing below, and this causes the death of the lower one. The lower one can defend himself by pushing him over the railing - and then the falling one will die.

Additional example:

A Gentile has an epileptic seizure, and this seizure causes him to push the person next to him off the roof. The only way for the second person to survive is to push the patient himself. Here, too, the separation of paths will admit that it is permissible for the victim to throw the patient, because he is harming him, and the victim can claim against him 'previous lives.' This law is identical to the 'ox that rose on his friend' in property, as mentioned above.

In Judaism, on the other hand, there is a duty to give one's life for the Torah. Indeed, when the life of a Jew can be saved, the Torah permits most prohibitions: And live by them. But when a Jew will die anyway, it is necessary to give one's life in order not to commit a sin; and if so, it is simply forbidden to kill in the case of 'Kill so-and-so or we will kill you,' as we explained above according to Rashi. This reasoning is also correct in the case of a Jew who murders another Jew in cold blood, that it is forbidden to die in order to harm the murderer in order to escape, since we will not gain a Jewish life here.

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- Mishna Avot 7:6 -
 - Commentary on the One Who Hardens a Child
 - Rule 14: One Who Enters Another's Field Without Permission and Plants or Builds

The woman who is having difficulty giving birth, they cut the fetus in the womb and remove it piece by piece, because of the danger to her life. If the head has come out, they do not touch it, because they do not push out one soul in front of another soul.

What will be the law in the case parallel to it in monetary law? Someone sold the fetus of his cow to someone else. Now the cow is having difficulty giving birth and the only way to save her is to cut the fetus. If the fetus is not cut, the cow will die, and the fetus will live.

It is possible to understand that the fetus is harming the cow, and therefore it is permissible for the owner of the cow to kill it in accordance with the law of an Ox that mounts its companion. Even though the harm is perpetrated by force, it is permissible to harm a perpetrator by force in order to defend oneself from his harm, as we have explained.

Indeed, it is possible to understand that the cow is also harming the fetus, since she does not allow it to exit her womb. In this case, there are two people who are harming each other by force, as Ibn Hazil said (Laws of Murder and Preservation of Life 1, 9): "Since this is the nature of the world, they are both chasing each other. The woman, in that she blocks the fetus from exiting, is constricting him, which is also murder." In this situation, it is not clear who is the harmer and who is the harmed, and therefore there is no permission for one to harm the other. To illustrate the matter: if my property falls by force on the horns of an Ox and the horns will harm it, it is certainly not permissible to harm the Ox, since he is not harming me but I am being harmed by him. Similarly: if the Ox of Reuven fell by force on the Ox of Shimon and in this way, he strangles his Ox, and the strangled Ox harms the Ox of Reuven in order to save himself from strangulation, it is forbidden for Reuven to harm the Ox of Shimon since his Ox is the harmer here. In the case of a woman and a fetus, it is impossible to know who is considered the one who started the harm and is guilty of it, and therefore it is impossible to determine who is harming whom. No one can say that the other is harming, and no one can harm the other.

If we understand the second option as the mother and the fetus harming each other, it is clear why it is forbidden to kill the fetus in a case of a woman who is causing difficulty for the child, like in the case of civil law. But if we understand that the fetus is harming the mother and she is not harming it, why is it forbidden for the woman to kill the fetus in her womb after it has emerged with its head? After all, according to the principle of 'prior life,' it is permissible for her to defend herself, like in the case of civil law where it is permissible for the owner of a cow to kill a fetus that is harming it!

• 12. See Shulchan Aruch Choshen Mishpat 224:4 for how a sale must be made in order to be valid. (Incidentally, see also Ketzos HaChoshen there 224:4, which brings a financial consequence to the opinions that were said regarding the prohibitions of killing a fetus.)

The things are consistent with what we wrote that among jews, there is no permission to kill unless we will gain here jewish lives. Here one of them will die anyway, and therefore the woman needs to remain in 'shev ve'al ta'aseh' (sit and do nothing) and it is forbidden for her to kill in order to save herself. There is stringency in souls more than in regular monetary law, and it is forbidden to kill a pursuer in adultery even though it is permissible to harm the property of the one who is harming in adultery.

In the words of Rabbi Israel (Amud Ha-Yemini, 16:4, 5):

“Even though in a fetus whose head has come out they do not touch it, this is only among Israel because of the severity of bloodshed that exists among jews.”

In monetary matters, on the other hand, there is no obligation to sacrifice oneself or to abstain from doing something, and it is necessary to examine in each case who is the one causing harm, as explained above. In the case of Gentiles, the law is the same as in monetary matters, since for them self-sacrifice is only a matter of the principle of from the front of 'between a man and his fellow' and not on the basis of the obligation of self-sacrifice for Commandments. If it is permissible in monetary matters for the owner of a cow to kill the fetus that is harming him, then it is also permissible for a Gentileish woman giving birth to kill the fetus that is endangering her on the grounds of 'previous lives.'

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- 61. However, the Maimonides (Sanhedrin 8b) brought a view that it is permitted for a woman to kill the fetus: The sages of the generations before us wrote so, meaning that the woman herself can cut it because she is being pursued, and a pursued person, wherever there are no others holding back the one pursuing him, the pursuer himself is allowed.

But we did not find another source in the Rishonim for this opinion, and on the contrary - from the words of the Rishonim we see that they believe that even for the woman herself it is forbidden to harm the fetus: This is implied from the language of Maimonides in bringing this opinion;

This is proved by Rashi (Sanhedrin 8b) who wonders why it is forbidden to kill a fetus that has brought out its head, even though it was permitted to deliver, and if he had understood like the words of the sages of the generations, there would not have been such a difficulty, because it was delivered by the victims themselves and not by a third party, and the victims themselves are allowed to kill the harmer in our case; And so it is implied by Maimonides and the Shulchan Aruch, which did not mention a distinction between a midwife and the woman herself.

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- 62. There is a need to elaborate on how this is connected to the disagreement between Maimonides and Rashi at the end of the laws of harm and damage, but there is no room for that here.
 - 63. And from what the Tosafot wrote (Sanhedrin 59a)(to injure) that it is also forbidden for a midwife to harm a newborn among Gentiles (and they are uncertain what the law is when it has not yet brought out its head), there is no proof, because they are talking about the midwife, who is a third party, and it is possible that the Tosafot believe that it is forbidden for a third party to intervene on behalf of one of the parties, even though they are allowed to save themselves.

Disagreement Between the Babylonian Talmud and the Jerusalem Talmud

The Gemara in Sanhedrin (8b) says: Rabbi Huna said:

A small child who is pursuing can be saved with his own life. He holds that a pursuer does not need a warning, neither a great hatred nor a small hatred."

Rabbi Hisda objected to Rabbi Huna: "He who has brought out his head is not touched because one does not push one life away for another life." And why? He is a pursuer! "Because there, it is from heaven that he is pursuing."

He is a pursuer!

Because there, [the pursuer] is from heaven chasing her. It seems that the Gemara understood that although the child is endangering the mother even though she is not endangering him, it is forbidden for her to kill him because he is endangering her by force, as the Tiferet Yisrael (Ahalot 7) said.

And the fact that we do not judge him as a pursuer who can be saved with his own life - because there, the child did not intend to kill her.

According to this understanding, there is more severity in the souls of Jews than of Gentiles, as stated below. However, in the Talmud, Sanhedrin 8:9, there is a different meaning.

What is it to save the great one at the cost of the life of the small one? Rabbi Jeremiah said: And the Torah says, "If the head of the crocodile has come out, and most of it is not visible, you shall not touch it, for you may not push away a life for the sake of a life." And Rabbi Yosei bar Bava in the name of Rav Hisda: This is only so if you do not know who killed whom.

The Talmud states that there is no evidence from the Mishnah that it is forbidden to kill a pursuing infant. The reason for this is that in the case of a difficult birth, both the mother and the fetus are in danger of death. The mother is in danger because the birth is difficult, and the fetus is in danger because it may die in the womb if it is not born.

After her.

According to this, if only one side is pursuing the other, even if he is doing so by force, it is permissible to kill him, like the laws of property in which it is permissible to harm the property of the one who is harming, even if he is harming by force.

The conclusion is that the question of whether it is permissible for a Jew to kill another Jew who murders by force is a Babylonian-Jerusalemite dispute: According to the Babylonian Talmud, it is forbidden to kill him even though he is harmful because there is severity in the prohibition of murder; but according to the Jerusalem Talmud, it is permissible to kill him, and what the Gemara of the Babylonian Talmud objects to is the fact that it is forbidden to kill a pursuer, even if he is pursuing by force.

• And he is of help with Cohen

The child is forbidden to kill the calf because the event began unexpectedly, and there is no way to determine who is at fault. Therefore, even if the calf harmed the child's sister, it is not justified to kill it.

However, it is understandable that there is no disagreement on this matter:

- In the Midrash of Moses (Yehuda Da'at 2, 7), it is written that it is possible to understand the words of the Talmud to mean that the intention is to say that even though the fetus harms the woman and not her - because 'there is no intention to pursue only that from heaven it happened that it is impossible for him to exist both... they were confused as chasing each other even though he is the reason for this because it is without intention.' That is: Even the Talmud agrees that the fetus is the one harming the mother. But the Talmud also agrees that since he is doing this by force Section 7: It is not permitted to kill the fetus, because in Jewish law, one does not kill a person who is harming another person by force. In this situation, both the mother and the fetus are in danger, and neither one has the right to harm the other. The Talmud calls this situation 'you do not know who killed whom.' This is because, even though the fetus is the one harming the mother, it cannot be called a murderer because it is acting under duress. In Jewish law, it is forbidden to kill someone who is acting under duress. It is possible to say that even the Talmud agrees that one does not kill a pursuer in adultery, and that what it preferred was to reject the proof from the Mishnah on the grounds that they both harm each other. This does not mean that it was not possible to reject it on the grounds that here he is pursuing in adultery, but rather that he believed that the fact that they are both pursuing each other is a distinction that is more appropriate to mention, even though even without this it is forbidden to kill the minor because he is pursuing in adultery. (And it is possible to add that it was important to argue in this way in order to learn from this for the laws of property that even there it is forbidden to harm a minor even though there is no severity of souls).
- According to this, there is no disagreement between the *Babylonian and *Jerusalem Talmuds on the matter of not killing a pursuer in adultery, but there is a disagreement between them on how to view the reality in the case of a miscarriage. Therefore, in the case of a cow and a fetus, and the cow is blocking the child, is it permissible for the owner of the cow to defend himself against the fetus? To this option, the Bavli acknowledges the Yerushalmi and indeed, a pursuer in adultery is considered a pursuer in any case, even if he did not actually chase the victim. According to this option, the intention of the Bavli in the words "Torah min Ha-shamayim" is that the pursuer in adultery is like a pursuer from heaven, meaning that he is considered a pursuer even if he did not actually chase the victim, but only held the intention of chasing him. According to this understanding of the Talmud, it also follows that a third party (the midwife) is allowed to harm the pursuer of adultery (and not only the pursued himself). It is true that it is possible to say that the Talmud wrote that 'you do not know who kills whom' to explain why it is forbidden for the woman herself, but for a third party it is simply forbidden even without this explanation, because the child is born by force.
- According to this possibility, there is no difference between Jews and Gentiles in the laws of property, and it is permissible to kill a pursuer by force, both in the case of souls and in the case of property.

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- According to this understanding in Yerushalmi, it follows that even the third party (the midwife) is allowed to harm the pursuer with rape (and not only to be persecuted himself.) Although it can be said that the Yerushalmi wrote that 'you don't know who kills whom' to explain. Why is it forbidden for the woman herself, but for a simple third party that is also forbidden without this explanation, since the child was illegitimate. Why is it forbidden for the woman herself, but for a simple third party that is also forbidden without this explanation, since the child was illegitimate.

*Jerusalem Talmud- is also known as Talmud Yerushalmi or Palestinian Talmud, also known as the Talmud of the Land of Israel, is a collection of rabbinic notes on the second-century Jewish oral tradition known as the Mishnah. Babylonian Talmud is aka Talmud Bavli.

Here it is not possible to determine that the fetus is persecuting the woman but there is a situation here in which both sides are guilty, in any case, it is 'from heaven' and there is no permit to harm the fetus 8h. According to this possibility, there is no difference between Jews and the laws of finance and Gentiles, and it is permissible to kill a persecutor by adultery whether in person or in authority.

The laws of devotion to the soul of Gentiles are no more severe than the laws of appointed, and therefore it is not disputed that a Gentile is allowed to kill a Gentile who falls upon him from the roof in Adultery and is about to kill him.

אפשרות ההסבר	מחלוקת בבלי ירושלמי (ההסבר הפשוט בגוף הפרק)	הירושלמי מודה לבבלי (הסבר 1)	יש מחלוקת רק בדיני ממונות (הסבר 2)	הבבלי מודה לירושלמי (הסבר 3)
הדין בעובר פרה (ובעובר גוי)	בבלי: מותר לבעל הפרה להזיק לעובר ירושלמי: אסור להתערב	מותר לבעל הפרה להזיק לעובר	בבלי: מותר לבעל הפרה להזיק לעובר ירושלמי: אסור להתערב	אסור להתערב
הדין בעובר	אסור לפגוע	אסור לפגוע	אסור לפגוע	אסור לפגוע

Babylon admits to Jerusalem (explanation 3)	Dispute in the Law of Finance (explanation 2)	Jerusalem, admitted in Babylon (explanation 1)	Disagreement in all (simple answer In the body of the chapter)	Explanation Method
Do not interfere	Babylon: allowed to the owner of the cow, harm the fetus, Yerushalmi: forbidden to intervene	Husband is allowed, violation to harm the fetus	Babylon allowed: to the owner of the cow, harm the fetus. Yerushalmi: Forbidden to intervene	Law of embryo (Gentile embryo)
Do not hurt	Do not hurt	Do not hurt	Do not hurt	The same applies

This is explained in the book 'Shevet mi Yehuda' by Rabbi Unterman (Sha'ar Rishon, letter 11) in the opinion of the Rambam. (However, it is necessary to ask whether even the pursuing madman himself, who is sane, is obligated to kill himself, since all of Israel are commanded to save the pursued at the expense of the pursuer. And it is still necessary to be investigated.)

It should be noted that in Rashi's opinion, it is difficult to understand why it is permissible to kill a pursuing madman: Rashi objects to the prohibition of killing a fetus from the permission to kill Sheva ben Bichri. And apparently his difficulty is because he holds that the fetus is a pursuer and what does not die is because he is forced, and he wonders why Sheva ben Bichri was killed for the fact that he was inciting the group he was in, even though he was forced. And we see from his words that in his opinion, the fetus is pursuing the mother, and the reason for the abortion is his being forced.

In addition, it is possible to be precise in this way from Rashi's words that he estimates 'from heaven it was sanctified to her, to the mother,' and it seems that he wants to say in this that in fact the mother is the pursued from her fetus, but this is 'from heaven' (and not as the words of the Talmud that both of them are pursuing each other). Similarly, Tiferet Yisrael on the Mishnah in Avodah Zarah explicitly states that the fetus is considered to be a pursuer of the mother, and the exemption is only his being forced.

And see also in the Shulchan Aruch HaRav, Yoreh De'ah 12, 103; also, there.

ישראל	בעובר	בעובר	בעובר	בעובר
הדין בישראל הנופל מן הגג על חברו	כבלי: אסור לפגוע בו	אסור (אפילו) לניזק לפגוע בו	אסור (אפילו) לניזק לפגוע בו	מותר לניזק לפגוע בו
הדין בגוי הנופל מן הגג על חברו	מותר לנפגע לפגוע בנופל	מותר לנפגע לפגוע בנופל	מותר לנפגע לפגוע בנופל	מותר לנפגע לפגוע בנופל

Israel	In the Fetus	In the Fetus	In the Fetus	In the Fetus
The law in Israel falling from the roof about his friend	Babylon: Forbidden To hurt him Yerushalmi: Allowed to harm him	Forbidden (even) to harm him	Forbidden (even) to harm him	Damage, is allowed to hurt him
The judgment on the fallen Gentile, from the roof on his friend	The victim is allowed to hit the faller	The victim is allowed to hit the faller	The victim is allowed to hit the faller	The victim is allowed to hit the faller

Summary

In the case of 'kill so-and-so or we will kill you' among Gentiles, there is a dispute. According to the Maharash, it is permissible for a Gentile in a state of compulsion to kill in order to save himself, while according to the 'persuasion of ways,' it is prohibited due to logical reasoning. The permission according to the Maharash applies in any case where the presence of the other person poses a danger, allowing the Gentile to kill the one blocking his way in order to save himself.

There is a question of whether, according to the Maharash, it is permissible for a Gentile to kill another Gentile when the presence of the other person is not threatening him but rather, he wants to exploit the other person to save his own life.

According to the 'persuasion of ways,' a Gentile is not obligated to self-sacrifice for murder, as Jews are, since among Jews, it stems from the obligation of self-sacrifice for Commandments, while among Gentiles, the obligation arises only from logical reasoning.

The 'persuasion of ways' acknowledges that in a case where one person is pursuing and endangering the other, even if it is under compulsion, it is permissible for the victimized Gentile to kill the aggressor, even though the aggressor is committing the act under compulsion. This is comparable to laws of self-defense, where it is allowed to harm someone who is causing harm through compulsion in order to protect oneself. However, it's noted that this allowance may differ in Israeli law.

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- However, this has no bearing on our case because we are dealing with the laws of Gentiles, which are generally considered permissible.

להתרפא באחד	י'הרוג את פלוני או שאהרוג אותך	מזיק כאונס	חוסם דרך הצלה מרוצח	
מותר	מותר	מותר	מותר	מהר"ש יפה (בפשוט)
אסור	מותר	מותר	מותר	אור שמח (אולי מהר"ש יפה)
אסור	אסור	מותר	(מותר, יתבאר בהמשך)	שיטת הפרשת דרכים

To heal by the other	Kill so and so or I will kill you	Kill so and so or I will kill you	Blocking the way to salvation	Intentionally blank
Permitted	Permitted	Permitted	Permitted	Maharash
Forbidden	Permitted	Permitted	Permitted	Hand of G-d (?)
Forbidden	Forbidden	Permitted	Permitted later, Allowed	Crossroads (between worlds)

Unintentional Damage and Blocking a Private Path

Previously, we brought the discussion at the beginning of the third chapter of Bava Kama, where it is explained that it is permissible to harm a danger to escape its harm, even if it causes unintentional damage. Now we will deal with another example of a danger brought in the Gemara there:

He who fills his friend's yard with jars of wine and oil, the owner of the yard breaks [the jars] and goes out, breaks [the jars] and comes in.

In the Talmud, it is stated that if the owner of a courtyard is losing money due to the presence of pots in his courtyard, he is allowed to damage them in order to save himself from the loss. Does the Gemara there only talk about a case where the owner of the pots placed them deliberately in the possession of his friend or is the law also the same in the case of force, for example, if the pots were placed there by the wind or by someone else. According to Jewish law, the owner of the courtyard is permitted to remove the property from his courtyard, even if it will damage it. This is because the property that has entered his courtyard is considered his property, and he is free to do with it as he pleases.

According to what we have mentioned above, even when someone's belongings are placed in my possession against my will, I am allowed to damage them if they block my property and cause me financial loss. In this case, the owner of the objects is considered a harmer because his objects are in the possession of someone else. It is permitted to harm a harmer in self-defense in order to escape from his harm as explained above.

Another example: Reuven throws dishes from the roof onto pillows and blankets, which are placed in the public domain (in a place where it is permitted to place them). Shimon falls asleep and is about to push the pillows and blankets during his fall, as a result, the dishes falling from the roof will break. In plain language, Reuven is permitted to push Shimon and prevent him from falling and pushing the pillows and blankets, even if this will cause financial damage to Shimon. Shimon is harming Reuven's property with his fall, and Reuven is permitted to defend himself.

Duty to Pay for Damages Caused by Removing Obstacles in the Way

The Gemara in Bava Kamma (60b) states that someone who damages sheaves of grain blocking their escape route must pay for the damage, as they are considered to be saving themselves with another's property, even if they did so in a life-threatening situation.

Sheaves of wheat belonging to jews were used by the Philistines as a hiding place.

A man was unsure whether he was permitted to save himself by moving the sheaves, which were another person's property.

He inquired, and the response was that it is forbidden to save oneself with another person's property.

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- If the pillows and blankets are abandoned - it is apparently permissible for anyone who wants to move them, subject to the laws of 'a poor man turning over his basket' (Shulchan Aruch, Mishpat 231, 1, see there), even if this will cause damage to the owner of the vessels; and certainly it is forbidden for the owner of the vessels to harm the one who takes them. However, when he can leave them until after the vessels fall and there is no financial loss to him - there is no doubt that he must wait and not take them on the grounds of returning lost property. See in this matter in Sheyarei Kneset HaGedolah, Bava Kamma, end of chapter 2; B'H, Mishpat 236, 4; Chazon Ish, Bava Kamma 2, 16. It is amazing that it seems that they all wrote the same thing and did not mention each other.
 - Indeed, Rashi explains that the question was whether it was permissible or forbidden to burn the sheaves, and not only for the purpose of determining liability for payment. Many have objected to him that there is nothing that stands in the face of pikuachnesh. However, it has already been explained in the letters of Moshe (Yoreh De'ah 1, 77) in the opinion of Rashi that in his opinion, there was no certain death for jews if they did not burn the sheaves, but only a risk. And behold, it is permissible for the owner of the sheaves himself to take a risk in order to save his property (just as it is permissible to take a risk in work, see Bava Metzia 121a and Neveh Yaakov Tanna'im Yoreh De'ah, 10). Therefore, it seems that Rashi understood that even David and his warriors could not harm the sheaves in a situation where if they were the owners of the sheaves they would not have done so. And this is proven from the fact that David did not agree to use his permission to burn the sheaves as king, and if there was a certain danger to the jews, there is a measure of piety at the expense of the lives of the jews if he does not do it! (However, see also in Shu't BinyanTzion (?) 57 (Questions and Answers); but how can this be reconciled with the opinion of Rashi?

Plain Text of the Gemara

The plain text of the Gemara is that the sheaves blocked the ability to harm the Philistines, and yet David is still liable if he hit them because it is considered saving himself with another person's property. This is also the ruling regarding a pursued person who broke the vessels:

A pursuer who was pursuing another person to kill him... if the pursued person broke vessels... of another person, he is liable, because one who saves himself with another person's property is liable.

This implies that this law is also true when the vessels blocked the path of the pursued person. Despite the fact that they blocked the path, the pursued person is liable if he broke them in accordance with the law of saving himself with another person's property.

In other words, even though it is permissible for the pursued person to harm the property blocking his path because his life is in danger, he is still liable to pay. In terms of monetary law, the blocking property is not considered a harmful object, and it is impossible to harm it without paying.

(In another way of explaining, if there was not a danger to life here, but only financial damage that the Philistines or the pursuer wanted to cause, it would have been forbidden to harm the blocking property, and therefore, when it is permissible to harm it because of pikuachnefesh, the one who harms it is liable.)

The Distinction Between a Biting Eagle and a Blocking Eagle

The Talmud in the tractate Bava Kamma (page 42b) discusses the question of whether it is permissible for a person to harm the property of another person in order to save himself. The Talmud distinguishes between two cases:

Explanation of David's Waiver

The Talmud in Bava Kamma (42b) discusses the question of whether it is permissible for a person to harm the property of another person in order to save himself. The Talmud rules that this is permissible, but the person is required to pay the owner for the damage that was caused. In the case of David, he was fleeing from the Philistines, and they threw sheaves at him. David knew that the sheaves would hurt him, so he ordered his warriors to burn them.

The Talmud rules that David is required to pay the owners of the sheaves for the damage that was caused. This is because David was not required to harm the sheaves in order to save himself. He could have continued running, even if the sheaves had fallen on him.

- David waived his right to payment for the damage that was caused to the sheaves. He did this because he believed that it was the right thing to do. He did not want to profit at the expense of someone else, even if he was entitled to do so. Explanation of the waiver based on David's own words, David himself wrote in the book of Psalms (Psalm 103): "I will not set my soul as my glory, and I will not bow down to your judgments." This verse says that David will not take his life for himself, even if he is in danger of death. He will remain faithful to his values, even if it is difficult. David believed that human life is sacred, and that he could not give it up easily. He also believed that it is important to uphold the law, even if it means sometimes paying a price for it. Possible additional explanation for David's waiver It is also possible to explain David's waiver on the basis of a different assumption. It is possible to say that David believed that the sheaves were replaceable, but his life was not. He was willing to give up the sheaves in order to save his life, because he believed that this was the more important thing. This possibility is consistent with David's words in the book of Psalms (Psalm 3:6): 'Yahweh of Hosts, if I faint and if I ride on four legs, which I will tread on you.' This verse says that David was willing to sacrifice his life for the sake of G-d. He was willing to give up anything else, in order to be faithful to his beliefs.

To save myself, I have to pay him. Why? After all, this money is blocking my way and endangering my life, so it is permissible for me to harm it in order to save myself. And why is it different from money that is harming me? The distinction between the cases is that if it was originally permissible for the harmer to do his deeds (in the case where he is trying to save himself from monetary damage), it is forbidden for the second person to harm him. This is the reason why the owner of the goats is not defined as a harmer according to the laws of property and must be paid. It is permissible for a person to place his property in his possession and even in the possession of the public domain, even if this will cause monetary damage to another. For example, if someone's cart is rolling down (without passengers inside) and the only way to save it is through a place where I am walking (and I have permission to walk in this place), It is impossible to hold me liable for not stopping and making way for the cart, even if I did so intentionally, because the place is assigned to me and my use at the moment (and the only reason to force me to leave it is the mitzvah of returning lost property, as follows). Even if I do this intentionally, it is forbidden for the owner of the property to harm me and take the law into his own hands for not returning his lost property. This law is similar to the fact that it is not permissible to steal a small amount of money from someone else in order to make a lot of profit." Therefore, in the case of the goats, David is considered 'saving himself with the property of his friend': the owner of the goats is doing a permissible act in the laws of property, and it is permissible for him to do so even initially in order to save himself from monetary loss. Even though it is permissible to harm the goats in terms of the laws of the soul because life is prior to property, in terms of the laws of property, it is impossible to call the owner of the goats a harmer, and therefore there is no reason not to pay him for the goats.

Thus, if a harmful person comes and demands that someone block the escape route of another person in an unclaimed area so that the other person cannot escape from the financial damage of the attacker, and he threatens the person blocking the road with financial damage, it is permissible to block the road. Although one must lose money in order not to harm others, as explained in the Shulchan Aruch, here he is not harming (but rather refraining from returning lost property, and there is no obligation to spend money on returning lost property, as follows). However, in the case of an Ox that has gone berserk, it is forbidden to send the Ox to harm another Ox. Therefore, the owner of the Ox is considered harmful even if he is forced, and it is permissible to defend oneself against the damage.

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- 8. It is true that there is a decree of Joshua that in certain cases it is permissible to harm a little in order to profit a lot ('the decree of wine and honey,' see Mishpat 264, 5). However, it is clear in any case that one must pay the one who is harmed by me, as explained there.

Also is in the case of one who blocks the courtyard of his friend by force: An unclaimed area is acquired by the one who seizes it first in order to escape from harm; but the courtyard of the other is not acquired by me, and if a rapist threatens to harm my property if I do not block the courtyard of the other, the thing is forbidden, even if I will lose property as a result.

According to halakha, a Jew who has seized an unclaimed area for his own use is obligated to remove his belongings if another person needs the area to escape financial harm. This is because the law of lost property *(hefker) (Hefker: property that is declared ownerless and is available for anyone to take. Property becomes hefker by the owner declaring it so, or if it is a found object that cannot be identified by its markings.) requires a person who has found lost property to return it to its owner. In this case, the person who needs the area is considered the owner of the lost property, and the person who has seized the area is considered the finder.

The Shulchan Aruch (Choshen Mishpat 264:5) states that this obligation applies even if the person who has seized the area did so in good faith, and even if the person who needs the area is not a Jew.

A Jew who finds lost property is obligated to take care of it and return it to its owner. This is based on the biblical verse, 'You shall return it to him.'

Lost land is also considered lost property. If a Jew sees water coming to flood his neighbor's field, he is obligated to build a wall to prevent the flooding. This is because lost property includes even intangible property, such as land.

However, this obligation is limited to cases where the person who finds the lost property does not suffer a financial loss as a result of returning it. In other words, a person is not obligated to lose money in order to return lost property.

For example, if a person loses his own property and also damages his neighbor's property, he is only obligated to return his own property. This is because his own property is considered to be lost, and he is therefore obligated to return it.

A person is also not allowed to demand payment for returning lost property. This is because the obligation to return lost property is a mitzvah, and mitzvot are not supposed to be done for financial gain.

In addition to these halakhic principles, there are also practical considerations that should be taken into account when returning lost property. For example, it is important to try to find the owner of the property before returning it. If the owner cannot be found, the property should be turned over to the authorities.

It is also important to take care not to damage the property while returning it. If the property is damaged, the person who returns it may be liable for damages.

However, there is no mitzvah of returning lost property to Gentiles. When a Gentile occupies a piece of land, he has no obligation to vacate it, even if he can do so without suffering any harm. He has the right to remain in the place, and he also has the right to claim to the other person: 'Pay me if you want me to clear the way for you.'

Based on this, we can imagine another scenario: A Gentile's cow runs away. The owner of the cow chases after it in an abandoned area with a narrow path. The owner's enemy wants to stand in the middle of the narrow path and block the way, thus causing loss to the owner of the cow. From a legal perspective, it seems that it is impossible to forbid him from doing so. He has the right to use the abandoned area as he sees fit, even if such use causes financial damage to another.

Blocking a Path to Save Property - Due to a Violent Person (in Israel)

We have explained that it is forbidden for a Jew to block the path to saving the property of another Jew because of the mitzvah of returning lost property. What is the law when a violent person threatens and causes such a situation? For example: a violent person set fire to Reuben's house. The news reached Reuben, and he rushed to save his burning house. The violent person turns to Shimon and says: 'Stand in the abandoned area where Reuben is supposed to pass, and do not give way to him. This way he will be late and will not be able to save anything from the fire. If you do not do this, I will take money from you.' Shimon stands and blocks the way. Reuben arrives and asks Shimon to move the way. Is Shimon obliged to do so?

According to the general rule we have mentioned above, 'His loss comes first,' it is permissible for Shimon to block Reuben's way. Although the Torah instituted that there is a mitzvah to save the property of another, the Torah limited this innovation to physical effort and not to financial loss. There is no distinction in this regard in the case of a violent person's coercion. If a violent person forces someone to block the way to saving the property of his friend, the blocker will lose money if he does not block. Therefore, the Torah's obligation does not apply to him at this time.

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- We are assuming here that there is no law that requires someone to move in such a case, and the matter is left as in complete abandonment. If there is a law that states that one must move the way in such a case, then the one who does not move is considered a harmer, because the kingdom, which is the owner of the land (see Shulchan Aruch HaRav at the beginning of the laws of abandonment and the acquisition of a boundary), requires one to move the way.

Blocking a Path to Save Lives - In the Case of Gentiles

From here we will move on to discuss blocking a path to save lives in the case of Gentiles. A car with a person who has suffered a heart attack is driving on an abandoned road. If the patient does not arrive at the hospital quickly, he will die. One person wants to take possession of the abandoned land for his needs, but by standing there he will block the car's path.

Gentiles are not obligated in 'Do not stand on the blood of your neighbor,' and therefore, if a Gentile sees another Gentile in danger, he is not obligated to save him. However, in the case we are dealing with, we have seen that there is not only the law of 'Do not stand on the blood of your neighbor,' but also the blocking of the path of rescue of the Gentile in danger.

The one who blocks the road is harming the rescue of the other and is harmful and a murderer in a roundabout way. It is certainly clear that he cannot argue to the one who kills him 'What did you see' and 'My life comes first': He can get up and solve the problem in this way.

This law is also true in the case of 'Stand by and do nothing': If a Gentile is sitting in the way of rescue of another Gentile and refuses to get up, it is permissible for the second Gentile to kill him, since there is no reason that obliges him to give his life in order not to kill the one who is blocking the path of rescue (The Gentile who is blocking cannot argue 'What did you see that your blood is redder?', because the one who needs the road tells him: Get up and clear the way and so we will both be saved!)

However, if Simeon's financial loss is smaller than Reuben's loss - in some cases it is possible that he is required to clear the way when Reuben pays him for his loss, as in the enactment of wine and honey mentioned above.

A Gentile who blocks the way in 'Stand and do', it is very possible that he is also liable to death, since Gentiles are also killed for murder in a roundabout way, as will be brought below in the body of the chapter. However, if he does so in 'Stand by and do nothing', there is a discussion whether he is liable to death.

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- According to the Rambam (Laws of Murder, end of chapter 1 and Shu'A at the end of Choshen Mishpat, and even though he loses money, he is obligated to tis, as explained in the Sanhedrin in the aforementioned sources.), who says that the people of Shechem were not obligated to death for not judging Shechem and Hamor because there is no obligation to death in 'Stand by and do nothing,' it is seen that there is no obligation to death; but according to the Rambam, it is apparently liable to death even in 'Stand by and do nothing,' and it is necessary to investigate.
 - Noah For example: two are standing by a river, they see one drowning in it and they don't save him. The drowning can kill one - and so the other will panic and rush to save him. He must not do this, because even though they pass on 'You shall not stand on your neighbor's blood - they do not persecute.
 - And even though it's in the Grama - a pursuer in the Grama is also killed, just as a moralist is killed if there is a fear that he will give more (Shulchan Aruch Choshen Mishpat Shefah, 11), even though it is harmful in Gramma. It is also explained in Shu'A, Rabbi Shimon Raichik (first edition); and Or Same'ach Laws of the Murderer of PA 88; Hoot Galia Tractate Yod
 - C. H.; 2 Samuel 19:3; tribe of Judah p. to

The throwing of the cargo will not be equal between them. The one whose body weight is fifty and the weight of his cargo is one hundred will have to throw twice as much as the one whose body weight is one hundred and the weight of his cargo is fifty, even though with the weight of the body, they both weigh the same on the ship. In such a picture of a pursuer, it is clear to us that the money is considered to be pursuing the people, not vice versa. In the words of the Aben Ezra in the laws of torts (8:15):

This is itself proven from the fact that it was not mentioned that the people will pay, because it does not seem that the people will also pay according to their weight, because they were not called cargo, and it was said: They calculate according to the load. And of necessity, this is itself the main principle, that when a ship sinks because of its weight, it does not matter who came first or last, because any weight, whatever it is, is the cause of the sinking of the ship, and therefore it is the law that they throw the cargo to save the people, and this implies that with regard to people, the law of the pursuer is on the cargo.

We see here that human life takes precedence over property, and therefore when property and life harm each other, the cargo is considered to be harming the lives, and therefore they calculate according to the weight of the cargo and throw it.

The conclusion of the matter: The prohibition of blocking the path of rescue of someone fleeing danger exists even without the law of 'Do not stand on the blood of your neighbor,' and it stems from the legal priority of the escapee from danger over the one who holds the road. For the same reason, if one is in his own territory and another wants to save his life by passing through that territory, the owner of the territory is forbidden to interfere with passing through there; and if he interferes, he is a pursuer, and it is permissible to kill him.

However, if the owner of the road has a financial loss, the passerby is obligated to pay him, according to the law of 'saving himself with the property of his friend,' as we brought above that a pursuer who broke the utensils of every person must pay for them.

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- And even if he is blocking the road in 'Stand by and do nothing,' he is a pursuer (see in the old responsa of the Be'er Heitev in section 40, which says that someone who does not pay his debts and thereby causes damage to all Jews is considered a pursuer, even though it is only in "Stand by and do nothing").
 - In the case of cargo on a ship, there is no obligation to pay the owner of the cargo who threw his cargo; but this is because there the cargo is harmful and sinks the ship, and this is not similar to our case, in which one only prevents rescue by his presence; and with regard to money, he is first and therefore he must pay him (as the distinction we brought above between a case in which it is permissible to defend oneself against a harmer with violence, and a case in which there is no permission for this). Despite the distinction between the two cases, the basic principle is that the right to life is always primary, and therefore the person who blocks the path of rescue is considered a pursuer, even if he is not the one who caused the danger.

המקרה	דיני רודף	הדין בגויים
'לא תעמוד על דם רעך' – הימנעות מלהציל	אין היתר להרוג מי שנמנע מלהציל	אינם חייבים ב'לא תעמוד על דם רעך'
קדימות של חיים לממונות – חסימת הדרך	מותר להרוג את חוסם הדרך	גם גויים אסורים לרדוף את חבריהם

Law among the Gentiles	Legal Pursuit	The Case
You don't have to stand On your way	There is no permission to kill anyone who avoided saving	"You shall not stand on your neighbor's blood" - Avoiding saving
Gentiles are also forbidden to persecute their friends	It is permissible to kill blocking the way	Precedence of life For funds – Blocking the road

And in conclusion, both in Israel and among Gentiles, it is forbidden to block the path of rescue of another, and it is permissible to kill the one who does so intentionally because he is a pursuer.

Blocking a Path to Rescue - Lives Against Lives – 'Life Comes First'

Until now, we have written that someone standing in the path of rescue must give up property rights for the sake of the other's life: the danger to the life of one takes precedence over the property rights of the other. But all of this is true when it comes to property versus lives. Now we will discuss a situation of lives versus lives. For example: Two people are caught in a rockslide - and there is only one way to escape. One wants to take the path to escape, even though in doing so he is taking the path of rescue, and his friend will die. The Gemara in Baba Metzia (56a) says:

Two people who were walking along the way and one of them had a bottle of water, if they both drink, they die, and if one of them drinks, he reaches the settlement, Ben Petora interpreted: It is better that they both drink and die, and that one of them not see the death of his friend. Until Rabbi Akiva came and taught: 'And your brother shall live with you' - your life comes before the life of your friend.

The Gemara here is talking about a case where the water belongs to one person – 'and in the hand of one of them was a bottle of water' - and Rabbi Akiva ruled that he is not obligated to give the water to the other.

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- This is proved from the case of the ship that from the law, lives come before property, as we see from the form of calculation and the determination of who is pursuing whom.

The financial ownership of one over the water when he needs it to save his life takes precedence over the life of his friend. The Chatam Sofer (in his commentary on Baba Metzia 56a) emphasizes that it is the financial ownership that determines whose life will be saved:

One who has in his hand a bottle of water belonging to his friend, it is clear that he must give it to his friend even if he will die because it belongs to his friend.

Another example of such financial ownership is: Reuben has a house with a shelter. And Shimon has no shelter. Now, shells start falling on the place where they live, and the shelter has room for only one of them. Even if Shimon arrived at the shelter first, Reuben can demand him to leave. The shelter belongs to Reuben, and Reuben's financial ownership makes him a priority over Shimon in the use of the shelter. It seems that this law of 'Life Comes First' is also true in the case of abandoned property. When two people are about to die of thirst, and there is abandoned water that is enough for one of them and is close to both of them - it is permissible for one of them to take the water and drink it to save his life, even though in doing so he is actually killing the second person in a roundabout way (because he is preventing him from getting the water that will save his life).

Just as the owner of the water can claim 'Life Comes First', so can the one who catches the water first claim 'Life Comes First.'

For the same reason, it is permissible to take the only escape route when two people are fleeing from a rockslide. Each one claims 'Life Comes First' and there is no reason why the second one should give way to me. Why do you see that the second person's blood is redder than mine and he will prevent me from being saved? Therefore, it is permissible for each of the two to hurry and take the road even if in doing so the road will be blocked in front of the second one.

For example: Reuben and Shimon are rushing to catch the abandoned water they saw in the distance. Reuben sees that Shimon is about to reach the water first, but he can push a rock that will block Shimon's path, and then Reuben will catch the water. In plain terms, it seems that this is forbidden. Here, Reuben is not saving himself, but rather harming Shimon in order to save himself, and this is forbidden. Even though he did not harm Shimon's property, but only the way of the public, this is not considered an act of self-preservation, but rather an act intended to harm Shimon. He created here a death for Shimon that would not have existed without him; it turns out that he killed Shimon to save himself.

Example 2:

The Gemara in Bava Batra 9a discusses the sons of Saul who were killed by the Gibeonites: "And the king killed the two sons of Rizpah the daughter of Aiah, whom Saul had begotten, Armoni and Mephibosheth, and the five sons of Michal the daughter of Saul, whom she had borne to Adriel the son of Barzillai the Meholathite (Adriel). Why was it different? Said Rav Huna: They were placed before the Lord, whoever the Ark would catch, to death, and whoever the Ark would not catch, to life. Rav Hanina bar Katina raised an objection: 'And the king had compassion on Mephibosheth the son of Jonathan the son of Saul, because he had not transferred him. And why did he raise an objection? Because he had transferred him and the Ark caught him, and he prayed for him, and he was released. And even so, there is still favoritism in the matter! Rather, he prayed that the Ark would not catch him.'" In the Gemara, we see that if the Ark had already caught Mephibosheth, it is forbidden for David to pray for him that the Ark will release him, because in this way he is causing another person to be taken in his place. However, if the Ark had not yet caught Mephibosheth, it is permissible for him to pray that the Ark will not catch him, even if in this way he is causing someone else to be taken.

Conclusion:

It seems clear that what was permitted to avoid harm before it reached you is only when you are taking care of yourself; but avoiding harm that is caused by harming others is forbidden. For example, it is forbidden for David the king to pray that the Ark will catch someone else, so that it will not catch Mephibosheth. Although as long as the Ark has not caught him, it is permissible to pray that the Ark will not catch him, it is not permissible to pray for harm to others.

In Jewish law, the principle of "Life Comes First" is one of the most important principles. This principle states that the preservation of human life takes precedence over all other considerations. However, this principle is limited to cases where the person is saving himself and does not apply to cases where the person is harming another person. The two examples provided in the text illustrate this principle. In the first example, Reuben is not saving himself, but rather harming Shimon in order to save himself. This is forbidden because it violates the principle of "Life Comes First." In the second example, David is not harming Mephibosheth, but he is praying for the harm of another person, namely the person who will be taken in Mephibosheth's place if the Ark catches him. This is also forbidden because it violates the principle of "Life Comes First."

In summary, the principle of "Life Comes First" is a fundamental principle in Jewish law. However, this principle is limited to cases where the person is saving himself and does not apply to cases where the person is harming another person.

Blocking the Means of Salvation - As a Measure

The claim of 'prior lives' is only correct when you are in danger. When your life is not in danger, there is no permission to take water or to take the other person's way of salvation, and this is murder (indirectly). A Jew who does this to another Jew is not indeed obligated to death, but it is said about him in the Rambam (in chapter 2 of the laws of the murderer):

"The one who hires a murderer to kill his friend, or who sent his servants, and they killed him, or who bound his friend and threw him to the jaws of the lion, and so on, and the animal killed him ... Each of these is shedding blood, and the sin of murder is in his hand, and he is obligated to death to heaven, and there is no death in them of the court ... And all these murderers and the like that are not obligated to the death of the court - if the king of Israel wanted to kill them in the judgment of the kingdom and the establishment of the world, the authority is in his hand. And so, if the court saw to kill them in the instruction of the hour if the hour needed it - behold they have the right according to what they will see.'

If we return to the example of the Gemara in Bava Metzia, there is no dispute that if one is about to die of thirst and there is a pitcher of water before him, it is forbidden for someone who does not need water to take the pitcher from him, and this is murder in or, in the example of the shelter: if Reuben prevents Shimon from entering the shelter even though there is room for both of them, he is murdering him in (he 'bound his friend and put him before the shells').

A Gentile who does this is obligated to death, as it is written in the Midrash Rabbah (Genesis 34:5):

"מידכלחיהאדרשנו" - this is the one who gives his friend to an animal to kill him. "מידאישאחיו" - this is the one who hires others to kill his friend.

And the Rambam ruled (in the laws of kings 9:4):

"The son of Noah who killed ... bound him and gave him to the lion or left him hungry until he died, because he killed, everywhere he is killed."

The Rambam speaks explicitly about the case of 'left him hungry until he died', in which the murderer did not touch the murdered person but only locked the door in front of him and caused him to die of hunger. Even in this case, a Gentileish murderer is obligated to death.

As the author of the responsa Achiezer (3:70) writes:

It is clear from this that Rabbi Nachum is liable for manslaughter. The conclusion of all that has been said is that a Gentile who blocks the path of his friend and prevents him from escaping from a murderer who comes to kill him - if he does so intentionally - is liable to death.

6. The Beit Yosef also ruled that a mistaken person is liable for germa (indirect damage). This is because the Tur (Yoreh De'ah, beginning of section 125) writes: "Even though a Gentile's touching our wine is forbidden for enjoyment, it is permissible to take his blood from that Gentile who made it forbidden." The Beit Yosef writes about this: "These are the words of Maimonides at the end of chapter 13 (halakha 28). It appears from his words that it is only in the case of a Gentile who intended to harm him and make his wine forbidden that it is permissible to weigh his blood from him, but if he did

not intend to do so, it is forbidden to weigh his blood from him. It seems that his reason is that if he did not intend to harm him and make it forbidden for him, he is not liable to pay, and since he is not liable to pay him, he is weighing the blood of poured-out wine. And if you say: Since he did not intend, why is he not liable to pay? Doesn't it say (Bava Kamma 26a): 'A person is liable to pay damages both for negligence and for intent'? There is to say that this applies to things that are known to the entire world to be damages. In those cases, we say that the claim of negligence or not being intentional does not release him. But touching wine in general - for everyone in the world, there is no damage at all except for a Jew or someone who knows their nature - anyone who did not intend to harm is not to be required to pay." And behold, about damage that is not apparent to a Jew, it is said (Shulchan Aruch, Choshen Mishpat 55a): "The one who harms his friend with damage that is not apparent, such as mixing poured-out wine with his wine, is exempt from the Torah, but the Sages fined him to pay full damage from the best of his possessions, like the law of all those who cause damage.. (And) if he was negligent or forced, he is exempt, because he did not fine but a deliberate person." According to this, the words of the Tur and Maimonides, who say that a Gentile is exempt from liability in such a case, are clear. So why does the Beit Yosef challenge him? After all, what is said about a person who is liable "between negligent and deliberate" is in a normal case, not in a case of damage that is not apparent! We see that the Beit Yosef assumes simply that a Gentile is liable for damage that is not apparent, as a Jew is liable for normal damage, and therefore a negligent person should be liable like any other person who causes damage. He needs to explain that here he is exempt because it is a special case (that it is not known to everyone), and it is considered as coercion. His words are well explained from the comparison to the laws of the body. In the laws of the body, we saw that a Gentile is liable in germa, and it is difficult to say that in the body he is liable to death and in property he is exempt from paying. Therefore, it was clear to the Beit Yosef that a Gentile is liable for damage that is not apparent from the Torah, because it is no less than germa. As Rabbi Yosef Shlomo Kahaneman, known as the Ponevezher Rav, wrote in his commentary on the Tur: "According to this, if we say that a Gentile is liable for germa from the Torah, he is also liable for damage that is not apparent from the Torah, because it is no less than germa, and since he is liable from the Torah, there is no distinction between negligent and deliberate. And if so, in a Gentile, even if he poured it out unintentionally, he is also worthy to be obligated from the Torah, like in other cases of damage." (However, in the Tzedek (18th century), the Sha'ar Yitzchak (19th century), and the Avne Neizer (20th century), they disagreed with the Beit Yosef and believed that a Gentile is exempt from payment for damage that is not apparent in negligence, but they said their words were also according to the opinion of Maimonides, so it is clear that they did not disagree with Maimonides on the matter of the liability of Gentiles in germa in the laws of the body. It seems that they believed that damage that is not apparent is less than germa for the one who says that "it is not called damage" (and see more in the Achad Ha'am there, who discussed this at length).)

7. However, the obligation of a Gentile who sends his friend to kill is a matter of dispute. In the Midrash cited above, we brought that a Gentile is obligated for this. However, the Rambam did not mention this, even though he ruled on other cases of Gemara for which a Gentile is obligated, as we have seen. Some people understand that the Rambam also holds that a Gentile is obligated in this case, and that it is similar to the cases of Gemara that he mentioned.

Blocking the Path of Rescue - Lives at Stake under Duress - Among Jews

After explaining that it is permissible to block the means of escape of another person in order to save oneself but forbidden to do so without such a reason, there is a need to discuss the following case: A murderer compels you to block someone else's escape route so that he can murder that person, and the murderer threatens that if you do not comply, he will kill you. Now, here is what the author of Sefer ha-Chinnuch wrote (Mitzvah 25):

In the matter of the shedding of blood, it is generally believed by all that one should be killed rather than commit murder. And in their explanation, it is considered acceptable to force someone to place their friend before them to be killed, as clarified in Sanhedrin 78a, and in Rabbi Tzaak (RT) Chapter 2 regarding the murderer of the second type, in such a case, the murderer is not executed. Nevertheless, the individual is obligated to sacrifice their own life due to the reasoning that it is not permitted for them to transgress any sin except in a situation of saving their own life. However, in a situation where there would be a loss of life, why would one transgress for the sake of their own life? What do you see? Perhaps the blood of their fellow is redder, and it is straightforward.

And so, it is written in the Chatam Sofer (Ketubot 19:32):

In any case, it is clear from what I have written that there is no difference between causing death by testimony or killing with one's hands.

It is important to note that the Menachem Tzedek refers to the Gemara in Sanhedrin, which discusses (among other things) someone who takes a shield that is protecting his friend from an arrow and says that he is exempt from death. Even in this case, the Menachem Tzedek says that one must sacrifice one's life, as is clear from his words that he refers to all the cases in the Gemara, to leave one's friend before a lion, etc.

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- (For example, see AHer there (Mishnah Avot 1:2). Similarly, it is implied in Maimonides' commentary on the Mishnah, Sanhedrin 50a, s.v. and also for Gentiles, bloodshed is forbidden. This is based on Maimonides' ruling in the Laws of Murder 2:3. See also Kerem Hemed Hochmat Israel in the tractate 'The Seven Noahide Laws,' section 8.
 - However, some have understood that Maimonides exempts one who sends [another to kill]. See, for example, Menachem "Tzemach Tzedek" Mendel Schneerson in the commandment L (Lech-Lecha). According to this approach, it is necessary to understand why Maimonides only cited part of the relevant rabbinic passage. See also the responsa of Maharil Diskin (Last Collection, 44), Binyamin Ze'ev (Yoreh De'ah 13), and 'Amud Ha-Yamin (beginning of section 16), and so on.

In any case, we have not found anyone who disagrees that a Gentile is obligated if he kills his friend by negligence.

Also noted in his responsa in Havot Yair (Volume III, Section 1, Set), the Sefer ha-Chinnuch defers to the Rambam in the laws of murder, even in the case of someone who hires others to kill his fellow. Even in such a scenario, the Sefer ha-Chinnuch insists on sacrificing one's life, despite the gravity of such a case.

The Menachem Tzedek said: It is not permitted for him to commit any transgression.

Blocking the path of rescue is considered a transgression, as explained above, and for this act as well, one must be prepared to sacrifice their life according to this principle.

It is very clear that this is forbidden: even here someone is killed only because of a wicked murderer. Although it is permissible to block the way if you are saving your life from a rockslide or the like, as explained above, - just as it is a mitzvah to kill a rapist, this is not called rescue but murder, and it is forbidden to block the way in such a situation. Here you are simply harming another, and not saving yourself.

And thus, it was written explicitly in the 'Igros Moshe' (Yoreh De'ah 1, 440):

Therefore, it is simple in my humble opinion that if someone is forced to do an act that will prevent him from being saved, such as if someone fell into a pit and there is a ladder there and they force him to remove the ladder, the law is that he should be killed rather than do it, for even though it is not a prohibition of murder in itself, it is still causing death

In comparison to the Gemara in Bava Metzia:

If a murderer tells Reuben to drink freely available water to cause Simeon's death by thirst because he won't have water - Reuben must choose to be killed and not drink the water. In this case, Reuben cannot claim 'preserving his own life' because he doesn't need water due to a naturally dangerous situation. Instead, the murderer creates such a reality, and it is forbidden to assist a murderer even if one is killed in the process.

Indeed, if two people are fleeing from a murderer who wants to kill both of them or one of them and it does not matter to him which one, it is permitted for each one to take the only escape route, even if this will cause the other to die by the murderer. Each one can claim, 'previous lives,' because he is not helping the murderer but rather doing an act that is necessary to save his own life.

Less than blocking a means of escape, as we have seen in hiring others to murder, the Chinnuch opinion holds that Gentiles are exempt according to Maimonides, while in explicitly blocking a means of escape, Maimonides states that they are obligated, as mentioned earlier.

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- This is also proven in Maimonides in Sanhedrin 30a, where he writes (on the verse "The land is mine"): "And so, in the case of a murderer who has done nothing, if they were to detain him and throw a baby at him and the baby is crushed, he is not obligated to throw himself down, since they are threatening him with death if he does not throw himself down. And similarly, if a Jew was thrown into a pit and a robber said to him, 'Beware not to raise him up, for if you raise him up I will kill you,' he is not obligated to raise him up." From his words we see that he permits not to save because it is a refrain from doing; but if they demand of him to prevent rescue by doing, for example, they say to him, 'Take the ladder and by this you will prevent the ascent of another Jew from the pit,' the act is forbidden (the proof was brought in the book "B'kol Nafsheh" (In All Your Soul] 8:7).

Prevents him from fulfilling his intention. But in the case where the murderer can kill someone- and instead of killing him he commands him to stand in the way of the other- the thing is forbidden to him, because here it is evident that the murderer wants to kill the other and not him, because if he wanted to kill him he would have killed him immediately and not commanded him to go to the other path.

Blocking the Escape Route - Souls for Souls in the Lake - Among Gentiles

Now let us discuss the same case among Gentiles: Ham orders Japheth to block the escape route of Shem, so that he can kill him.

According to the rabbi Maharash, Gentiles are allowed to kill one person accidentally or intentionally in order to save themselves. Therefore, it is permitted for Japheth to do so. However, according to the Halakha of Separation of Ways, it is forbidden for a Gentile to kill another person in order to save himself. Even killing accidentally or by blocking the escape route would be forbidden, just as it is forbidden among Jews. Additionally, we have already said that Gentiles are liable to death for killing by blocking the way accidentally. If it is forbidden

for jews to kill accidentally in such a situation, it is even more so forbidden among Gentiles to make a distinction and say that such killing is permitted while killing intentionally is forbidden.

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- (27) In a case where there is doubt about whether the murderer intends to commit murder, or if he is not aware at all that what he is attempting to do may result in killing – in the context of jews, there is a need to consider the legal aspects of uncertainty in severe transgressions that carry the obligation of sacrificing one's life. See this discussed in "Respona Tuv Ta'am Va-da'at" (from Maharash Kluger), Volume 1, Chapter 128. In the case of Gentiles, there is no doubt that it is permissible. For them, the prohibition against murder in a situation of potential harm to life arises from the principle of "between man and his fellow," and it is essentially a claim of "one person against another." Therefore, the judgment should be based on the concept of "who extracts from his fellow." The one prohibiting the blocking of the path is "who extracts from his fellow," and he must prove his words. In a case of uncertainty, his words are not proven, and therefore it is permissible for the other party to block the path for self-preservation.
 - (28) It should be noted that if one is saved from a natural disaster and a murderer takes advantage of this to kill someone, this does not make the act of the one who was saved forbidden, and it is permissible for him to take the path of salvation by claiming "previous lives." For example: Reuben is chasing Shimon to kill him. Shimon has only one way to escape from Reuven the murderer. At the same time, a rockslide occurs naturally, endangering Levi. Levi's only way to escape from the rockslide is the same path that Shimon can use to escape from Reuven, but after one of them passes through it, the path will be destroyed and blocked and the other will no longer be able to pass through it. In this case, Levi is not helping the murderer, but rather saving his own life. Therefore, it is permissible for him to claim "previous lives." What we have forbidden him from doing is helping the murderer only when his own life is saved as a result of helping the murderer, but not when his own life is not saved as a result of helping the murderer.

In summary, what we have permitted, taking water or blocking the way to save yourself, is only when you are rescuing yourself from danger and not when you are causing harm to another person. If a murderer has created a situation in which you have to kill inadvertently to save yourself, this constitutes harm to another person, and it is forbidden for you to do so, both among jews and among Gentiles according to the law of the crossroads.

A Comparison of Murder among Gentiles to Sabbath Violation in Israel

In Israel, we understand why it is forbidden to block the road in case of danger to lives: they require self-sacrifice in order not to kill. Therefore, any transgression, even unintentional, in which a Jew's life is not saved, is forbidden.

However, at first glance, what we wrote about Gentiles is difficult: above we learned that it is permissible for a Gentile to kill another Gentile who has harmed him through adultery, because he can argue 'previous lives'; and we learned this from secular states where it is permissible to argue 'previous property; and harm the offender in their property (because all prohibition is from a logical perspective and not from a material perspective in murder)

When we discussed blocking the road at a financial loss, we wrote that if Simon has a financial loss if he does not block the road, it is allowed for him to block it. We explained that this law is also true if Levi the wicked threatens Simon that if he does not block the road, he will harm him, and in this way, he blocks the road of Reuben whom Levi wants to harm.

If so, we must ask in monetary matters, we see that Shimon is allowed to block 'the path' when he has a financial interest, even if the interest arises from the wicked coercion. However, concerning the lives of Gentiles, it is forbidden to block the path when there is wicked coercion, even when there is an interest in saving lives (if he does not block the path, he will be killed by the wicked). His interest does not precede the interest of the one being blocked. Why, in monetary matters, does the interest of the blocker take precedence, while in matters of life, the interest of the one being blocked takes precedence? In other words: why in monetary matters do we follow the interest of the one coerced who is losing money, and not the interest of the one coercing the prohibition to block the path, while in matters of life, we follow the interest of the one coercing the prohibition and not the interest of the one being coerced who is saving himself?

To understand this, we need to compare the prohibition of blocking the path in a case where there is no financial loss in the context of Jews and in matters of life regarding Gentiles. While it is indeed forbidden to block the path in both cases, the reasons are different.

In financial matters, the reason for the prohibition is the mitzvah of Shabbat [observance], and this mitzvah is nullified when there is a financial loss for the one observing it.

But in the case of Gentiles, the reason is that blocking the path is considered murder. It is forbidden to cause death, and undoubtedly, someone who does so cannot claim 'prior existence.'

From here, we return to the case where someone is coerced and forced to block the path:

In the financial matters of the Jews - in such a situation, the commandment of Shabbat as a lost object is annulled. Therefore, there, it is permissible to act according to the will of the coerced individual.

However, in matters of life and death, it is a prohibited act, not just a violation of a commandment. According to the law of waylaying, it is forbidden to harm the life of another person who is arguing against 'mai chatzit' (?) (a person who is being threatened with death). In other words, helping a murderer by blocking a road is joining

in the act of murder; while helping a rapist in a financial matter by blocking a road is a violation of a commandment that I am not obligated to keep if I will suffer a loss.

המקרה	ממונות של ישראל	נפשות של גויים
חסימת דרך השני ללא סיבה	אסור, השבת אכידה	אסור, רציחה כגרמא
חסימת דרך השני בגלל הפסד ממון / נפשות	מותר, אכידתי קודמת	מותר, "חיי קודמים"
חסימת דרך השני בגלל איום של אנס	מותר, ממוני קודם	אסור, עזרה לרוצח מוגדרת כרציחה, ואי אפשר לומר "חיי קודמים" כאשר משתתפים ברציחה.

The Case	Appointed by Israel	Souls of Gentiles
Blocking the other way without anointing	Forbidden, Shabbat, loss	Forbidden, murder in Grama
Blocking the other way because Loss of money / lives	It's allowed, loss, previous	allowed, "past life"
Blocking the other dead because Threat from rapist	Allowed, from me, previous	It is forbidden, helping a murderer is defined as murder, And you can't say 'my past life' when participating in the murder.

It is impossible to block a pin in two ways. It is forbidden to pick up lost objects on Shabbat. Causing intentional harm is forbidden. The second way is blocking lives/financial loss. My lost property is permitted, it takes precedence. Life is more important than anything else because Irma blocked the path of another person to prevent them from passing. Monogamy is allowed, exists In a murder, it is forbidden to help the murderer, when it is possible to say stop and prevent the murder. Participants in a murder are considered murderers.

Comparing killing as Gentiles to killing as Israelis

After defining well that joining the act of murder is participation in the act of murder even if it takes place in a public domain, we have reached another conclusion in the 'what if' argument between jews and Gentiles: In Israel, the 'what if' argument means 'return and do not do'. It is better not to commit a transgression, as long as we do not benefit from this act, the souls of jews. Therefore, in any case where a jew is about to be killed, it is better not to do anything.

However, among Gentiles, as already explained, the argument of 'what did you see' is a claim between two people. When one claims to the other, one must check whether he is indeed in a place where it is permissible for him to be, and the second is the one who wants to harm him in order to live. We have already seen that when one falls on another, he cannot claim 'what did you see'. He is the one causing harm, and it is permissible to defend oneself against his harm. This reasoning is also correct in the case where someone is in a place where he is helping the deeds of a murderer. When a Gentile helps the deeds of a murderer, he cannot claim 'my past life' and therefore cannot claim 'what did you see'. For example: Ham ties up Japheth and blocks the road with him in order to kill Shem. The only way for Shem to be saved is if he kills Japheth and thus the road will not be blocked. Among jews, this is forbidden: we will not gain a jewish life, and therefore 'sit and do nothing'. But

among Gentiles, Japheth cannot claim 'what did you see' towards Shem, because Shem answers him: you are harming me, you are in a place where you are helping a murderer, and there is no claim of 'my past life' when your presence is harming and harming the responsible one.

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- Above, we presented the words of the 'Shevet Mi-Yehuda' (Rabbi Isser Yehuda Unterman), who permits a Jew to kill another Jew who falls on him by force, because the fallen person is considered a pursuer even though he is forced. It is difficult to say that according to his words it is permissible to kill the one who blocks the road, etc., because there is a reason to prohibit this among Jews, since a life will be taken anyway, so why should we violate a prohibition? (As explained above in the explanation of the rationale of 'Mai Chazit' among Jews.) Therefore, it seems that his intention is that when a person's weight causes something, it is considered a matter of damages and murder as an act. See about this at length in the book *Ma'aseh u-gerama ba-halakhah* (by Rabbi Levi Yitzchak Halperin) in part Seven (and also in his book *Ma'aluyot be-Shabat* in chapter Seven). If so, in that case, indeed, a person is considered a pursuer. But when he only blocks the road, he is not doing an act, and therefore it is possible that he cannot be called a pursuer when he is forced, because both sides are forced and endanger each other, and there is no one who is doing an act that is worse than the other. In any case, even according to his words, among Gentiles there is no place for this distinction, and among them it is permissible to kill a person who blocks the road even if he is not doing an act, as explained in the body of the chapter.
 - This is because among Gentiles, it is not important whether the Gentileish person who is forced is doing an act. Among Gentiles, the question is the result. Therefore, among them, it is necessary that if it is forbidden to block the road in order to escape from an attacker, it is also permissible to kill the person blocking the road; because this proves that he is considered harmful to others (just as in the laws of property, there is no place for a distinction between someone who is doing an act and someone who is not doing an act for the purpose of permission to defend oneself against the damage). This is in contrast to Jews, among whom the question is whether the person who is forced is doing an act, and when his weight is harmful, if his weight is considered an act, it turns out that he is doing a prohibition and is considered a pursuer. It is possible to multiply examples with different details, but in all of them there will be the same principle: when Yiftach's presence incites the murderer to kill Shimon, it is permissible for Shimon to kill Yiftach and survive. In this matter, it does not matter that Yiftach is being forced and does not do anything: if he is in a place that creates murder, he cannot claim 'previous lives' and 'what did you see. No. Like a pledge for their issue.

You can multiply examples with different details, but in all of them there will be one principle: when Yafet's presence urges the murderer to murder Shem, it is allowed there to kill Yafet and be saved. For this matter, it doesn't matter if Anos speaks and doesn't do an act: if he is in the place he creates Murder, he cannot claim 'my previous life' and 'what did you see', since that name claims against him: 'If you weren't here, you wouldn't have died, and when your presence helps the murderer you can't claim 'My life Predecessors'. Therefore, it is permissible to kill him there in order to be saved.

I Am a Hostage to Them

Examples can be given:

Ham holds Yafeh as a hostage and shoots towards Shem. Shem is allowed to shoot towards him, even if in doing so Yafeh will be harmed as well. Yafeh is in a position where he assists the murderer and cannot claim 'previous life'.

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- Philistines saw him, and he asked her what it was to save himself with his friend's money. They sent to him: 'It is forbidden to save oneself with the money of one's friend.' And Tosafot explained there: 'He asked if one is obligated to pay when saving oneself from potential danger.' Now, one needs to understand in what David was uncertain. Did he also doubt the law of 'a pursuer who broke vessels...that every person is obligated to save oneself with the money of one's friend'? (Bava Kama 18b; Sanhedrin 78a). And it seems to explain that in the law of 'a pursuer who broke vessels,' it was straightforward for King David that the pursuer is obligated because he saved himself with the money of his friend, and there is no reason not to pay. However, in the case where David was uncertain, the Philistines exploited the fences to harm and kill with their help. In such a case, David considered that the Philistines turned the fences into a part of the harm. Therefore, the pursuer acted here against the harmful entity, and he is not obligated to pay for it. Similar to the explanation in the case of clearing the path, allowing the killing of an aider to murder even if he does it involuntarily. Although the answer David received was that even though there is such reasoning concerning the lives of Gentiles, we do not apply it concerning payments. In money matters, the owners determine, and since the owner of the fences did not place his fences in a prohibited place, the one causing harm to the fences to save himself is obligated to pay. (As clarified above regarding the distinction between the loss of property in Israel and the laws of life concerning Gentiles). Even though it is evident that it is permissible to harm them to save oneself since life takes precedence over money, afterward, one must pay the owners. (See our comment on this Gemara above in paragraph 18). Example: Ham holds Yafeh as a hostage and shoots towards Shem. Shem is allowed to shoot towards him, even if in doing so Yafeh will be harmed as well. Yafeh is in a position where he assists the murderer and cannot claim 'previous life'.
 - Ham is shooting towards Shem amid a gathering of many people. Shem struggles to identify the source of the shooting and return fire to defend himself. Shem is allowed to shoot and kill the additional people in order to harm Ham. These people are aiding Ham in committing murder, and they cannot claim 'previous life' against Shem. Ham needs a rifle to kill Shem. He cannot reach the rifle alone, so he asks Yafeh to bring him 'the package.' Yafeh doesn't know that by giving Ham the package, he is handing him a rifle to kill Shem. The only way for Shem to defend himself is to kill Yafeh so that he does not pass the rifle. Shem is allowed to do this because Yafeh is aiding the murderer. Even though he is unaware and innocent in this, in a situation of aiding a murderer, the defense of 'what was in front' cannot be claimed. Therefore, Shem is allowed to kill him.

The Perek Shira forbids a Gentile from killing his friend if someone else is threatening to kill him if he doesn't kill his friend. This law also applies if someone is killed by accident, such as if someone blocks a road or takes possession of a public space. On the other hand, it was explained that if there is no murderer, but there is a normal danger to two people and only one way to escape, it is permissible to take that way, even if it means killing the other person. This is called the law of 'past lives.'

We explained in the opinion of 'crossroads' that someone who helps a murderer cannot claim that he was acting in self-defense. This law applies even if the person who helps the murderer does not intend to help the murderer but is only trying to save himself. Also, someone who helps a murderer by force, such as if he is threatened with violence if he doesn't help, cannot claim that he was acting in self-defense. For this reason, it is permissible to kill the person who helps the murderer in order to survive.

Summary of the Opinion of 'Crossroads'

A parting of the ways forbids a Gentile to kill his friend in the case of 'Kill so-and-so or I will kill you.' We explained that this law is also true in the case of culpable homicide by seizure. No man's place and roadblock and the like. On the other hand, it became clear that when there is no murderer but danger. Accustomed to years and only one way of salvation, it is allowed to take the way from the 'past life' state. We explained in a crossroads opinion that those who help a murderer cannot claim a 'past life' law. This is true even though he does not intend to help the murderer but only to save himself. One who helps a murderer, such as he did not know and sit back and do not do, cannot claim 'my past life' and 'what did you see'. For this reason, it is permissible to kill the killer's helper in order to be saved.

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- Despite Yafeh being coerced by not knowing - in practice, his lack of knowledge contributes to the murder. Therefore, his lack of knowledge is considered aiding the murderer, and he cannot claim 'previous life' (similar to someone who ties and binds a person on the road, who, even though is unaware, aids the murderer and therefore cannot claim 'previous life'). This is in contrast to someone who does not know that the place where he is 'blocks the path' of another person, preventing him

from escaping a natural danger. In that case, it is forbidden to kill him since he claims, 'previous life.' Therefore, I am also coerced since I do not know, and it is no different from your coercion.

להתרפא באחר (בין גויים)	הדג את פלוגי או שאהדג אותך (בין גויים)	מזיק באונס	חוסם באונס דרך הצלה מרוצח (בין גויים)	חלצה
מותר, אין מסירות נפש בגויים	מותר, אין מסירות נפש בגויים	מותר, אין מסירות נפש בגויים	מותר, אין מסירות נפש בגויים	מהר"ש יפה (בפשטות)
אסור, בזה יש סברא לאסור	מותר, אין מסירות נפש בגויים	מותר, אין מסירות נפש בגויים	מותר, אין מסירות נפש בגויים	אור שמח (אולי מהר"ש יפה)
אסור, סברת "מאי חזית"	אסור, סברת "מאי חזית"	מותר, מזיק אינו יכול לטעון "מאי חזית"	מותר, עוזר לרוצח אינו יכול לטעון "מאי חזית"	שיטת הפרשת דרכים

Healing among Gentiles	Kill so and so or I will kill you (between Gentiles)	Harmful to Mankind	Preventing through saving from a murderer (between Gentiles)	The Opinion
Permitted, there are no acts of self- sacrifice among Gentiles	Permitted, there are no acts of self- sacrifice among Gentiles	Permitted, there are no acts of self- sacrifice among Gentiles	Permitted, there are no acts of self- sacrifice among Gentiles	Maharash (as simplicity)
Forbidden, Sabra forbid	Permitted, there are no acts of self- sacrifice among Gentiles	Permitted, there are no acts of self- sacrifice among Gentiles	Permitted, there are no acts of self- sacrifice among Gentiles	Light of the Torah
Forbidden, the claim of 'what did I witness	Forbidden, the claim of 'what did I witness	Permissible, harmless Can you say "I did not see"	Permissible, helper to the murderer Can't argue "I did not know"	Method of Separating the Ways (Parshat)

Summary

Rabbi Yosef Yitzchak and the Sefer ha-Eshkol agree that it is permissible for Gentiles to harm those who are being used or hidden by murderers if that is the only way to escape from the murderers. Rabbi Yosef permits Gentiles to kill another person in order to save themselves, so according to his opinion, this is permissible. The Sefer ha-Eshkol does indeed forbid Gentiles to kill in the case of 'Kill so-and-so or I will kill you,' but even according to his opinion, this is a prohibition based on the defense of 'I did not see,' and one who helps a murderer cannot claim 'I did not see' because they are an accomplice to the murder. Appendix A: The Distinction between Saving a Life and Healing in Various Tractates. In the explanation provided by Ohr Somayach at the beginning of the next chapter, we discussed the distinction between someone who is healed through a transgression and someone who is coerced into committing a transgression.

This division between healing and compulsion was presented in various scenarios: the obligation of self-sacrifice in murder for the sake of Ohr Somayach' among Gentiles; the punishment for someone who committed three severe transgressions under coercion; a blessing for eating during Yom Kippur or non-kosher food; and the sale during, with the condition 'Talyuhu Tavin' (suspended until you understand). Additionally, a similar division was mentioned regarding financial compensation in cases of rape. However, the terminology used for the division in these cases is not identical, as will be explained.

Appendix A

Obligation of Self-Sacrifice Among Gentiles on Various Issues

The positive obligation of self-sacrifice in the case of murder is lighter among Gentiles, according to Ohr Somayach.

It was explained (in Section B of this chapter) that, according to Ohr Somayach, Gentiles are obligated to sacrifice themselves to prevent the killing of others for healing purposes, but they are not obligated in a case of self-sacrifice for the sake of salvation. The rationale is that in the case of healing, the one killed argues, 'Why should you be allowed to kill me to benefit yourself?' However, in the case of salvation, this argument does not hold because the killer can say to the one being killed, 'Your presence causes me harm, and in such a situation, you cannot argue against my right to kill you.' This rationale permits killing for the purpose of self-preservation.

Obligation of Self-Sacrifice- Easy Murder Among Gentiles

This reasoning allowing for killing after proper notification is also applicable in the case of 'kill Ploni or I will kill you,' as clarified in Ohr Somayach. It is even more applicable in a case where someone blocks the route of escape from danger for another person. Although there is no explicit threat or command to kill the one blocking the path, their presence causes harm to the one in danger. In such a case, the one in danger can kill the blocker, as the blocker cannot argue 'why should I die because of your presence?' In summary, the permission to kill after notification is valid in the case of 'kill Ploni or I will kill you' and is even more applicable in cases where someone hinders another person's escape route from danger. Despite the absence of direct threats or commands, the harm caused by the presence of the blocker justifies the killing.

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- Ohr Somayach also addresses the argument that we cannot claim that only when a victim of rape explicitly states to harm a specific individual is there permission to harm that person. This is because there is no rationale to argue that the words of the victim of rape serve as permission. We adhere to the principle of 'The words of the teacher and the words of the student, whose words do we follow?' Thus, if a wicked person says, 'He told me to do this,' it does not provide justification for permitting the prohibition.

Punishment for Those Who Commits Three Transgressions under Duress

In the graph of the chapter, we presented the contradiction in the words of the Rambam, we brought the contradiction in the Rambam's words, see the excerpt from it, in his opinion: who was healed after committing three transgressions is punished, but those who committed three transgressions due to the coercion of threatening to kill him is not liable to the death penalty.

The explanation for this distinction lies in examining whether the individual intended the transgression or not. In the case of healing, the person desires the action of the transgression; without the transgression, he would have died from his illness. However, in the case of saving a life, the person does not desire the action of the transgression, and he would have preferred that the action had not occurred.

The same principle applies to someone whose circumstances forced them to commit a transgression, but they would have preferred that the circumstances leading to the transgression did not exist. For example, a Jew who killed another Jew after blocking his way during an act of malice meant to save his own life. The one who killed would have preferred that the victim not be present, so this act of killing is considered a result of coercion, and he is exempt, even though he committed a prohibited act.

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- On the right-hand page (mark 16:4,9), we see that the author understands that someone who harms someone standing in their way to safety will be punished, even though they will not be punished if they kill another person at the command of another.

However, it is very difficult to say, based on logic, that the other's will and command are a reason for exemption, since it is forbidden to listen to him:

"The words of the rabbi and the words of the student, whose words do we hear?" (as explained in the previous note).

In addition, according to this understanding, there needs to be clarification in the following case: in the case of a patient whose parents and doctors are pressuring him very much to do a certain treatment, and after he agrees with their opinion, he discovers that it is idolatrous, and they continue to pressure him to do it - is this his initiative and he is guilty, or is it the initiative of others (even though they are not rapists in the usual sense) and he is exempt?

To all appearances, even if it's difficult, it is possible to accept his opinion regarding the punishment of one who committed three offenses through coercion, undoubtedly, we cannot say the same about the permission for a Gentile to kill another in a case of danger to life. Certainly, according to the Or Sameach, it is permissible to harm someone who is blocking the way to rescue, because concerning punishment, we might say that what interests me are the intentions behind the act, and there is no objective measurement of danger here. Therefore, we must consider the question of who initiated the act, and by default, the act of the offense. However, in the case of Gentiles sacrificing their lives, the question is whether it is permissible to kill another in order to compensate. In this issue, the debate is not about who initiated the killing, but rather who poses a threat to whom, and for this matter, there is no place to mention the division of Rabbi Yisraeli, as it is simply evident that the one blocking the way to rescue is more of a danger to the fugitive than someone, let's call him Ploni, who threatened to kill you.

(Admittedly, simplifying Rabbi Yisraeli's words seems like he understood that this division is also applicable to the act itself, but this requires further investigation, as explained in note 12 in Chapter Four.)

Blessing on Food Consumed Under Coercion

is addressed in Shulchan Aruch, Orach Chayim, Chapter 204, paragraphs 8-9:

‘All foods and drinks that a person eats and drinks for healing, if their taste is good and the palate enjoys them, one blesses over them both before and after. Note: If he was forced to eat or drink, even though the palate enjoys it, he does not bless over it since he was forced to do so.’

If one ate forbidden food or drank forbidden drink due to danger, he blesses over them both before and after. The Rema says that one who is forced to eat, or drink does not recite a blessing. However, he does not reject the words of the Shulchan Aruch, stating that one must bless over food and drink for healing and due to danger. Similarly, a sick person who eats on Yom Kippur or someone who eats a forbidden food because of danger, since he derives benefit from it, must recite blessings at the beginning and end, even though he does not derive benefit from it voluntarily at all, but only due to the compulsion of his illness.

However, some say that a healthy person who is forced by robbers does not recite blessings over his eating and drinking, even though it is impossible for him not to recite a blessing, because how can he recite 'G-d who created this food or drink' when he has no desire for it at all at this time? This is not the case with a sick person, because since he is already sick and desires to heal with this food or drink, it is all the more so that he is obligated to thank G-d who created them. And even though for the sake of the benefit of healing alone he does not have to recite the blessing of benefit, nevertheless, he must recite a blessing for the sake of the eating and drinking that he desires in order to heal, since he is already sick. But in the case of compulsion by robbers, even though robbers have already come upon him, if food had not been created, they would not have forced him to eat it.

In other words: When there was no danger without the food, according to the Rema (Rabbi Moshe Isserles), one does not recite a blessing, since he truly does not desire the consumption of this food, which poses a threat. However, when he is ill, and the food serves as a remedy for the illness, the danger without the food was greater, and he desires the consumption of the food. Therefore, he recites a blessing over it.

Now let's discuss an intermediate case: A Jew holds in his pocket food that the king prohibits him from holding. Suddenly, the king's officers arrive, and the only way to get rid of the food is to eat it quickly. If he doesn't eat the food immediately, the Jew will be executed. According to the explanation we provided, he does not recite a blessing over the food because, at that moment, he does not desire the consumption of this food, which poses a threat.

Sale Under Duress

The Shulchan Aruch (Choshen Mishpat, end of section 22) rules that a sale under duress is invalid.

Duress that comes to a person from others, such as someone who is forced to sell his property because he is threatened, invalidates the sale. However, duress that comes to a person from himself, such as someone who sells his property because he is in financial need, does not invalidate the sale. Even in duress that comes to a person from others, the sale is only invalid if the person was forced to sell his property. If the person was only forced to pay money, and he was willing to sell his property because he did not have the money, the sale is valid.

That is: there are cases where, if it is known that someone sold an item due to coercion, when they were forced to sell, the transaction is nullified. However, the Shulchan Aruch emphasizes that this specifically applies when the individual is compelled to sell the item. It does not apply in cases where the owner of the item is forced to sell it as.

Even here, we encounter the above reasoning: the question before us is whether the seller desires the ability to transfer ownership of the object or not. In the case where he is forced to sell - he does not desire the ability to transfer ownership; without this ability, he would be better off. But in the case where he desires to sell the object in order to receive money or a benefit from the one who receives it - he desires the existence of the ability to transfer the object, and therefore we understand that he is interested in this transfer of ownership, and it exists.

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- Another case: A person holds an illegal object, and he is afraid of being caught by the king, who will punish him with death. The only way for him to escape is to sell the object to someone else. The sale is valid, because he is interested in the ability to transfer ownership of the object, and without this ability, he would be in danger. (It should be noted that, in contrast to the previous example, in which what interests us is whether the eater is interested in the existence of the food and we said that if he is not interested in the existence of the food, it is like rape and is exempt from blessing - here the question is whether he is interested in the ability to transfer ownership, in that the object will not remain with him but will pass to another ownership; and therefore when he is not interested in the object - this actually makes him interested in transferring ownership to him, and therefore it is similar to healing and not to rape, and so on.) In this case, of sale under duress, it is impossible to find an intermediate case, in which the person being forced does not want the existence of the ability to transfer ownership but is forced to do so by reality. This is because the transfer of ownership is human in nature, and only duress caused by human coercion can cause me to do this even though I do not desire the existence of an intentional act.

Summary of the Distinction

In the issues we have seen so far, the distinction between healing and rescue is a distinction between a situation in which the person who does a certain act desires the ability to do it, and a case in which without the ability to do this act, it would be better for him.

הנושא	סבדא לחילוק בין ריפוי להצלה	הדין בריפוי	הדין באונס	הדין במציאות אונסת
מסירות נפש על רציחה אצל גויים	האם האנוס מעוניין בקיומו של הנהרג	אסור	מותר	מותר
ענישת ישראל שעבר באונס	האם האנוס מעוניין בקיומה של העבירה	חייב	פטור	פטור
ברכה לאוכל באונס	האם האנוס מעוניין בקיומו של האוכל	מברך	לא מברך	לא מברך
מכירה באונס	האם האנוס מעוניין בקיומה של העברת בעלות	מכור	אינו מכור	(אין מקרה כזה)

The law in reality	The law is in their own right	The law in healing	Agreed to divide between healing and salvation	Subject
Permitted	Permitted	Forbidden	Does the victim want the existence of the murdered?	Self-sacrifice on murder with Gentiles
Exempt	Exempt	Obligated	Does the victim want the crime to exist	The punishment for a jew who transgressed under duress
Not Blessed	Not Blessed	Blessed	Ant is interested in the existence of food	Blessing for food eaten by force
No such case	Not Addicted	Addicted	Is the victim interested in the existence of a transfer of ownership?	Unattended Sale

Financial

As stated in the Shulchan Aruch, Choshen Mishpat (Code of jewish Law), section Shevach (2:4):

If Gentiles or jews force him... and he gives and receives money willingly – even though he is coerced, he is obligated to pay. If one saves himself with another's money, he is obligated...

If he takes another's money willingly and gives it to a coerced individual, the coerced person is obligated to pay, even if the king coerced him to bring it. If a coerced person says to someone, 'Bring me the money of so-and-

so, or I will kill you', it is permissible for the coerced person to bring the money. The Shulchan Aruch says that even though it would have been permissible for him to bring it, because 'there is nothing that stands in the way of saving a life,' he is obligated to pay afterward to the owner. The money, because 'it is forbidden to save oneself with another's money.' The Shulchan Aruch there (in subsection 24) discusses the matter and writes:

Ita in the Shulchan Aruch the judgment of Shaf (b, d):

He is a Gentile or a Jew... and he carries and gives a covenant - even though he is obligated to pay, the rescuer himself in the money of his friend must... Take his friend's money and let him pay, even if the king brings us. If someone said to someone, 'Bring me the wealth of so-and-so or I will kill you', it is permissible for him to bring Hammon. The Shulchan Aruch says that it is permissible for Yahweh to bring (after all, 'in your word, which is in front of the supervision of the soul'), he must pay the master afterwards.

Specifically, if they coerce him for random money, even though they force him to bring it, he is obligated when he has already taken a significant amount in hand. This is a case of 'saving oneself with another's money,' similar to the example of a pursued person who breaks vessels above (see Shulchan Aruch, Choshen Mishpat, Chapter 347). However, it is not the same when they coerce him to bring the money of a specific individual - in such a case, if the coercion begins with that specific person, it is not called 'saving oneself with another's money' but rather being compelled to do as the coercer demands. If he does not comply, he finds himself saving his own life with another's money, and there is nothing that stands in the way of saving a life.

That is to say: Everyone agrees that it is permissible to harm the property of another in place of pikuach nefesh (saving a life), since 'there is nothing that stands in the face of pikuach nefesh.' We saw in the Shulchan Aruch that one is always obligated to pay when one saves oneself with the property of one's friend, but the Shachah holds that one is not always obligated to pay after harming another in order to save oneself; when the assailant intended and designated a specific property, and the victim was forced to take it due to pikuach nefesh, it is impossible to obligate the victim to compensate the assailant. Let us try to understand the words of the Shachah: What is the difference between someone who takes a random sum of money because an assailant tells him to bring him a random sum of money and if not, he will kill him, and someone who the assailant told to take from a specific person?

Money

Because 'it is forbidden to save oneself with another's money.' The Shulchan Aruch there (in subsection 24) discusses the matter and writes:

Specifically, if they coerce him for random money - then even though they force him to bring it, he is obligated when he has already taken a significant amount in hand. This is a case of 'saving oneself with another's money,' similar to the example of a pursued person who breaks vessels above (see Shulchan Aruch, Choshen Mishpat, Chapter 347). However, it is not the same when they coerce him to bring the money of a specific individual - in such a case, if the coercion begins with that specific person, it is not called 'saving oneself with another's money' but rather being compelled to do as the coercer demands. If he does not comply, he finds himself saving his own life with another's money, and there is nothing that stands in the way of saving a life.

The same reasoning is also correct in the words of the Shulchan Aruch there, in subsection 22, exempting from moral responsibility (not taking and giving willingly) if one does it because they were coerced, even in the case

of coerced money. The rationale there is that the obligation of moral responsibility is only due to causation, and causation in the case of coercion exempts (even though it would have been forbidden for him to give willingly coerced money in the first place; see the explanation of the Gra there at the end of subsection 28). However, it is clear that the exemption applies only when the coercion involves a specific sum of money belonging to someone else, as then he can argue that the misfortune of that person caused it, and therefore the coercion exempts him from paying. When they do not specify a particular sum for him and it is coerced, he is still obligated.

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- As explained at the end of the previous comment.

The money, because 'it is forbidden to save oneself with the money of one's friend'. The section there (in section 24) part on the table was prepared and written (chart above):

This principle will teach us what the law is in the case of property that blocks the path of escape and someone fleeing from a murderer is forced to harm it in order to be saved: In such a case, the force majeure fell on the fleeing person, not on the owner of the property, since the force majeure intended to harm and injure the fleeing person; Therefore, the fleeing person will have to pay the owner of the property, as any 'saving himself with his friend's property' is required to pay. This is also the interpretation of the words of the Shulchan Aruch in the same chapter, 3.

The pursued person who broke the pursuer's vessels is exempt, so that his property will not be heavier than his body. And if they were of another person, he is obligated, because he who saves himself with his friend's property is obligated. What emerges from the discussion is that in the case of coerced moral responsibility, the question is not whether the coerced person desires the fulfillment of the monetary obligation. Even when they are not interested in fulfilling the monetary obligation, they are obligated to pay because 'it is forbidden to save oneself with another's money.'

The disagreement between the Shulchan Aruch and the Shulchan Aruch HaRav is only in a case where the coerced person was allowed to do what he did, but we need to decide who should bear the consequences of the coercion. In this regard, the Shulchan Aruch holds that the intention of the coerced person, who intended to harm someone specific, prevents that person from making claims against the coerced person. The coerced person can say to them:

'What I did, I did under coercion, and the coercion belongs to you, not to me.' On the other hand, the Shulchan Aruch HaRav holds that since, in the end, the coercion led to the money being taken by the coerced person, the coercion is considered as if it fell on the coerced person, and it is they who should bear the consequences.

This reasoning will teach us what the law is in the case of money blocking the way of rescue and someone who escapes from a murderer must harm him to be saved: in that case the murder fell on the escapee, not the financier, since the financier intended to harm and harm the escapee; and therefore, the escapee would have to pay the financier as much as 'saving himself with the money of his friend who must pay. And so, they stripped the words of the table laid out in the sign of the name:

A pursuer who was pursuing his friend to kill him... The persecutor broke the tools of the pursuer, exempt, that his fortune shall not be more severe than his body. And if there were another person's, must, that the rescuer himself and in the money of his friend, must.

The question of morality whether the one is interested in the existence of money. Even when he is not interested in the existence of money, he must pay if he has harmed him, since 'it is forbidden to save himself with the money of his friend.' The dispute between the Shach and the Aruch table is only about a case in which the transgressor was allowed to do what he did, but it must be decided who should bear the consequences of the rape. In this, the Shach believes that the intention of the rapist who intended to harm and makes it impossible to come forward with claims, since the pursuer can say to him: What I did - I did lawfully, and the murder belongs to you and not to me. The murder is considered a murder that fell on the friend, and it is the one who must bear the consequences.

Summary

Unlike the four previous cases we discussed, the discussion surrounding coerced moral responsibility involves a different rationale. The argument in distinguishing between healing and coercion in the case of moral responsibility relates to the intention behind the actions of the coerced person. According to the Shulchan Aruch, it is the intention of the coerced person that causes the owner of the money to be unable to make claims against the one who saved himself, as the misfortune of the owner caused the coercion.

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- He caused damage to the money of his friend to prevent financial harm to himself - he cannot exempt himself with a claim of coercion; the coercion fell upon him, and he must bear the consequences.
 - Paragraph B. And to note the words of the great light in Chapter Aleph, page 20, and so may it be His will.

הנשוא	סבדא לחילוק בין ריפוי להצלה	הדין בריפוי	הדין באונס	הדין במציאות אונסת
המקרים הראשונים	האם האגוס מעוניין במעשה	אסור לגוי להרוג אחר	מותר לגוי להרוג אחר כדי להינצל	מותר
		מי שעבר ונתרפא חייב	אנוס פטור מעונש	פטור
		מי שאוכל איסור לצורך ריפוי מברך עליו	מי שנאנס לאכול אינו מברך	אינו מברך
לקיחת כסף באונס	על מי נפל האונס	חייב לשלם	פטור מלשלם	חייב לשלם

Topic	Explanation for the distinction between healing and saving	The law of healing	The law in coerced action	The Law in Reality
The First Cases	Is the victim willing to engage in the act	It is forbidden for a Gentile to kill another Other	It is permitted for a Gentile to kill another in order to apologize	Allowed
		One who transgressed and was healed, obligated	A coerced person is exempt from punishment	Exempt
		One who consumes a prohibited item for the purpose of healing recites a blessing over it	One who is coerced to eat does not recite a blessing	Does not recite a blessing
Who fell victim	Upon who did the transgression occur	Obligated to pay	Exempt from paying	Obligated to pay

Appendix B

Explanation of the Rambam's Ruling on a Donkey Jumping in a Ship

In the Talmud (Bava Kamma 56b), it is stated:

“The Gemara stated: A caravan that was traveling in the desert and a lion stood before it to attack it - they calculate according to property and do not calculate according to lives. And if they hired a guide who was walking in front of them, they calculate even according to lives, and they do not change from the custom of the caravan drivers...

The Gemara stated: A ship that was sailing on the sea, a wave stood before it to sink it and they unloaded some of its cargo, they calculate according to its cargo and do not calculate according to property, and they do not change from the custom of the sailors.

And so ruled Maimonides (Laws of Theft and Loss, 12:11; 14) and the Shulchan Aruch (Choshen Mishpat, end of section 267):

A caravan that camped in the desert and a lion stood before it to attack it, and they made a deal with the lion and gave him money, they calculate according to their money and do not calculate according to lives. And if they hired a guide before them to show them the way, they calculate his wage according to money and according to lives, and they do not change from the custom of the caravan drivers.

A ship that was sailing on the sea, and a wave stood before it to sink it, and they unloaded some of its cargo, they calculate according to its cargo and do not calculate according to money, and they do not change from the custom of the sailors.

In the continuation of the Gemara, the following story is told:

There was a man who went ahead and tied a donkey to a bridge before people had crossed the bridge. He wanted to drown himself. Another man came and untied the donkey of the first man and threw it into the river and it drowned. He came to the Rav (the rabbi), and he acquitted him. Abaye said to him: ‘And he is saving himself with his friend's property!’ He said to him: “This one was originally a pursuer.”

There is a case in the Talmud where a donkey is thrown into the sea to save a whole ship. Rava rules that the owner of the donkey is not required to pay for the donkey.

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- In the responsa of Maimonides, which are found at the end of the Baba Kama Chapter 10, it is explained that this is a case where the owner of the donkey committed a crime.

Chapter of the Thief, Part Two:

The man who went ahead and tied a donkey to a bridge... Rabbi Abaye said to him: 'This one was originally a pursuer,' etc. This is the case where there was initially a danger to bring a donkey on a ship, but they were accustomed to bringing them like they do now, and afterwards it became like this that the donkey was kicking and wanted to sink the ship - if they threw it into the river, they are liable, because the owner of the donkey is not a pursuer, and because his donkey is kicking, he is forced, and one who saves himself with the property of his friend is liable. It seems that one who saves himself with the property of his friend is liable even if he saved himself in danger of life...

In the Beit Yosef (at the end of section 251), he brought the words of the Teshuvot; Maimonides and disagreed with him:

And the words of Rabbi Teima are, that if someone has a bad dog or a harmful thing, he is obligated to kill it and remove the harmful thing so that others will not be harmed. If others came before and killed it, who is obligated to pay?!

The Beit Yosef maintains that even if the owner of the donkey did not commit a transgression, there is no obligation to compensate him for his donkey that was thrown into the water. This is because the donkey poses a threat to all passengers on the ship. Since it is permissible to defend oneself against it and prevent its damage (as demonstrated above in the body of the chapter, in Piske Teshuvot, from the Gemara that it is allowed to harm the harmful entity to save oneself even if it causes harm involuntarily) ...

The Rambam (in his responsa, volume 25, page 354) was asked about the words of the Beit Yosef. The following are the words of the questioner:

"I, a layman, am very surprised by his words. There, with regard to a bad dog or a harmful thing, if the owner was supposed to remove the harmful thing and kill it, and he does not fear it and leaves it and does not remove it, he is a pursuer. Therefore, anyone who kills him is exempt and it is a commandment that is incumbent upon him. But this one who brought the donkey onto the ship and did not know about the evil of his deeds and was accustomed to bringing it, and now it turned into an enemy and was jumping and leaping and was about to sink the ship, and they threw it into the river, they are obligated to pay according to the law of one who saves himself with the property of his friend."

The questioner understood from the words of the responsa of Maimonides that it is forbidden to harm a pest if the damage is caused by the owner's negligence. The Rambam in his responsum (Hilchot Nezkei Mamon 12:3) did not accept this claim.

In this case, I do not see any argument at all, and this is because what does it matter that the owners did not know, in any case, the dog or the donkey are chasing, and who is more important than their owners who said "the one who comes to kill you, kill him quickly and there is no difference between the first time and the second." Didn't they say: "All the bulls are presumed to be alive?"

44. This is the question that the answers to are given in sign T'za (and it should be noted about in the laws of damages (chapter 12, s.k. 13) that it brought the words of the questioner in sign Keg as the opinion of the Rambam, and not the responsum of the Rambam that was printed in sign T'za.

Therefore, the halakha was decided: "Plaga Neka Knasa" (half-damage is a penalty, also Bava Kamma 15a:12). However, a tame (harmless) bull that kills a person is liable to death, as we learned in a complete Mishnah in the chapter 'A Bull That Gored Four and Five.' And if the gored person came to save himself and killed the bull, who is obligated to pay? Therefore, your words do not constitute an argument against the Karaite in this matter.

The Rambam agrees with the Beit Yosef that it is permissible to defend oneself from a bull that is harming us, even if it is due to the owner's negligence. He brings evidence for this: we have a general principle that "all bulls are presumed to be alive. Therefore, there is no obligation to take special care of a tame bull, and the half-damage that he is liable for his damages is a penalty, and from a legal standpoint the owner is not at fault for the damage.

However, a tame bull that kills a person is liable to death. If he is liable to death once he has killed a person - it is simple that a person can defend himself and kill him, and the owner cannot demand payment, for if we had not killed him to save ourselves from him - he would have been killed in court.

The conclusion of the matter is that it is simply permissible to defend oneself from a bull that is harming and causing the death of people, and there is no obligation to pay the owners for the damage that is caused to them from this defense - even if the damage did not happen through their fault.

And behold, after the Rambam rejects the words of the questioner and agrees with the principle that we found in the Beit Yosef - he qualifies his words and says that this case is different from the general rule that it is permissible to defend oneself from a pest due to the owner's negligence.

But know that in my book that I wrote on the Tur, with the help of G-d, as you know when you were with me, I wrote that there is no truth in the words of the Karaites in this matter, but not for your reason, only because there is no change at all from the fact that the donkey jumps and jumps on the ship, since it is their way to do so to enter the donkeys, the owner of the donkey is not guilty, and therefore they are liable to pay, similar to a ship that killed its cargo as explained there.

His words are not clear: on the one hand, he wrote above that it is permissible to defend oneself from a bull that is harming, even if it is due to the owner's negligence - but at the end of his words he says that in the ship this law is not true because the owner did not change and is not guilty. So, what if the owner is not guilty? After all, at the beginning of the answer, the Rambam (and proved) wrote that even when the owner is not guilty, it is permissible to defend oneself from the damage of his bull!

Another difficulty with the Rambam: The Rambam writes that everyone must pay to the owner of the donkey that was thrown into the water. How is the payment divided on the ship? According to weight. Well - let's check what is the weight that weighs on the ship in this case: the only weight that weighs is the donkey, meaning that all the burden of the loss should fall on the donkey's owner alone, whose load is now harming the ship, and no other load.

And if so, whether this way or that, the donkey's owner alone bears the burden of the loss, so how does the Rambam write that they need to pay to the other passengers on the ship?

To answer these two difficulties, we will need to delve deeper into the division of payment on the ship. The division on the ship is different from the divisions mentioned in sheirah. In sheirah, we divide according to money or according to souls, meaning: according to what each person gained from the rescue; but the division according to weight is not related to profit, because it is possible that the weight that one person will throw will be much more expensive than the same weight that another person will throw, as in the words of Rashi (Rabbi Shlomo ben Itzhak):

The division is based on weight - if one person threw one hundred liters of gold, another person will throw one hundred liters of iron.

As was noted in the responsa of Rabbi Meir of Rothenburg (Choshen Mishpat):

And indeed, it seems that there is a difficulty: Why is the law so? For the payment should be in the value of the loss if there was no rescue. And this is proof that in cases of human lives - even if they saved themselves with money, we do not go according to the end of the case, and the calculation will be according to money, but we go according to the beginning of the case if they were not saving themselves ... And why is it not said also in the case of a ship that we go according to the beginning of the case? If they did not lighten the weight, the loss of the owner of the gold would be greater, and he would give in this value as a rescue also more in the easing of the weight, as this will be called a rescue.

Why is there this difference between a ship and a rescue? It seems that one could answer that the reason is that when one person harms, it is permissible to defend oneself from his harm; even if he harms by force. Here, the weight is the cause of harm, and therefore everyone is allowed to throw the excess weight of the other, in proportion to how much that weight harms (so that in practice, everyone throws from the ship their part according to the proportional part of the weight they have).

This is how we can understand the words of Rabbi Moses of Rothenburg in his responsa there, who answered, 'but the difference is explained because here it is different because the loss is due to the weight, and there is no difference if the weight is gold or iron, which is not the case with people.' And in the words of the Maharashdam (Choshen Mishpat, sign 455), this can also be understood as follows:

The case of the flood that Maimonides wrote about in chapter 12 of the laws of theft and robbery is about a ship on which many merchants put many goods, each according to their value.

There, the reason for this is because the cargo is chasing, like here. Proof of this is that we obligate everyone according to their cargo, not according to the money or the lives. As it is written: 'And if they lightened the load, they calculate according to weight, not according to money.' And Rashi explained: 'If one had a thousand liters of gold and the other had a thousand liters of iron, this one throws a hundred liters of iron and this one throws a hundred liters of gold.' They are equal to each other to lighten the load. And why was this? Only because we see that the cargo is the pursuer, what does a pound of gold matter to me and what does a pound of iron matter to me?

• And also refer to Ibn Hazel, Laws of Habul and Mazik 8, 15.

In chapter 8 of the laws of injury and damage, the rabbi did not come down to explain only the laws of injury and damage, including the pursuer. Therefore, his words are general, for it is clear that he is talking about a case where we know who the pursuer is. This is exactly the aforementioned case of the cow that was not mentioned in the words of Maimonides, except that the rabbi changed the language to teach us that it is not necessarily a cow that is like a real harmer (it is possible that this is what the Rambam pointed to in his commentary), but Maimonides holds that even the cargo is called a pursuer. According to this understanding, there is a law of torts here: just as a bull that climbed on the back of his friend, it is permissible for the victim to defend himself by causing damage to the harmer; so a load that causes the ship to sink, it is permissible to throw it into the sea without taking into account the damage caused to its owner, even if he is forced. The Baraita says that we follow the custom of the sailors. And if this is a law of civil torts, why write such a thing? After all, this is a complete law (and if the custom does indeed change the law of the agreement of the townspeople and their regulations, then it should be written about all the laws in tractate Baba Kama). According to this explanation, the division according to the cargo is only when the cargo is harmful.

However, we found explicitly in the Jerusalem Talmud that the division according to the cargo is not only when the cargo is harmful, but also when a difficulty arises as a result of the cargo even though it is not harmful. Thus, it is written in the Jerusalem Talmud (Baba Metzia 6:4): 'The one who rents a wagon or a ship from his friend, they calculate according to the cargo and according to the souls and not according to the money.' That is: If a group of people are stuck in the desert because their wagon or ship broke down, and they need to rent a wagon or a ship from someone else, then they will divide the cost of renting the wagon or the ship according to the weight of the cargo and the number of people, and not according to the amount of money.

This passage from the Jerusalem Talmud suggests that the division of payment on a ship is not based on the law of torts, but rather on a different principle. This principle is the principle of fairness. According to this principle, it is fair to divide the cost of renting a wagon or a ship according to the weight of the cargo and the number of people, regardless of whether the cargo is harmful or not.

This interpretation is supported by the fact that the Mishnah does not mention the law of torts in the context of the division of payment on a ship. The Mishnah simply states that the division is based on the weight of the cargo. This suggests that the Mishnah is not concerned with the legal responsibility of the owner of the cargo, but rather with the fairness of the division of payment. The author of the text concludes by arguing that the division of payment on a ship is based on the principle of fairness, regardless of whether the cargo is harmful or not.

• Baba Kamma 2

Or if a group of people rent a wagon or a ship from someone else to carry themselves and their belongings, they calculate according to the number of people and according to the cargo that these people carry. Here, the danger exists, and the cargo is not what causes it. The discussion is how to divide up the way to solve the problem, and in this calculation, it is according to the cargo. We see from this that the calculation according to the cargo is not related to the laws of torts - but rather to the estimation of opinion of the division of the burden in the case of solving a common problem (as will be explained further below).

- When the property of one person harms others against their will, the owner of the harmful property is not obligated to damage his own property in order to stop the harm. However, in the case of a ship, it means that everyone must throw off their cargo according to their share, and they cannot say to others, 'If you want, you throw it out.' In the case of a ship, there is not one harmer, but everyone harms each other. And it is a novelty to say that in such a situation, each person is allowed to defend himself against the other only according to the ratio of the damage that the other causes him (and according to this, it turns out that two bulls that harm each other - the owners are allowed to defend themselves against each other only in a proportional way to the damage they cause each other; and it is a novelty).
- From all of these laws, we learn that the division according to the cargo is not a matter of tort law. The obligation to participate with each other stems from the need of everyone for what was done (and we have explained this in another place), and the form of the division is determined according to the opinion of people.

The opinion of people is that, in general, the burden of saving from damage is divided in such a way that everyone pays according to what he enjoys, that is, according to the part of him that was saved thanks to the act of saving (according to souls/according to property). But in the case where the property also causes some damage - even though this is not a complete damage according to tort law, but rather it is burdensome and difficult to save even if only indirectly - the opinion of people is to divide this according to the difficulty that the property causes, and not according to the enjoyment that comes from the act of saving.

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- Additional note: If the division is due to the permission to defend oneself against a harmer - then it is necessary to understand why if one person threw his cargo, others have to participate and pay him. He decided to throw and now there is no damage. It was permissible for him to throw the cargo of others, but he did not do so. The others did not actually harm him, * and from where does the obligation of their payment to him come? It is true that it can be argued that they owe him according to the law of enjoyment, but then it is necessary to discuss this within the bounds of 'driving away a lion from the property of his friend,' see Choshen Mishpat 278 and the following. This is also the intention of the responsa that we brought above: Their intention is not to say that we pay according to the cargo because of tort law, but rather that since we must share the payment anyway, the simple view is to say that whoever causes the damage will pay more, even though it is not damage in the ordinary tort law.
 - An example of this explanation is in the explanation of the Radbaz aka (rabbi David Ben Solomon Ibn Zimra) to the division 'according to the proximity of houses' on page 8, b in Baba Batra. The Radbaz explains there that when building a wall, those who are close to it must pay more than those who live in the center of the city, because those who live near the wall cause the wall to be longer in order to surround their houses as well. It is simply impossible to say that they are 'harmers', but causing the length of the wall that comes from their houses causes us to look at them as more responsible for building the wall of such a length, and therefore they pay more.)

Scenario: The sea is stormy and threatens to sink the ship, regardless of its weight capacity. The only way to save it is to call for help from another ship, but the cost of this call for assistance is high. How should the payment be divided? Here, it is clear that the distribution should be based on individuals, as the cargo does not cause harm; rather, it is the sea that poses the danger. We return to the examination of what each party gained in order to distribute the burden. Similar to a scenario where pirates engage in warfare with the ship's crew, dividing the cost based on individuals, as the danger is to the lives of the people; there is no connection to the cargo, which does not cause the peril.

Now, let's discuss the case where the pirates succeeded in intentionally causing one of the donkeys on the ship to start jumping in order to sink the ship, and they are forced to throw it overboard to save everyone. In this case, it turns out that everyone has to pay the owner of the donkey. The donkey jumps here as a result of the war with the pirates, and not as a result of a problem with the donkey. The war with the pirates is a problem that all the people on the ship are dealing with together and are divided by number of people, and therefore they also have to share in the damage of this donkey.

In other words, when assessing how to allocate the damage, it is necessary to examine its primary cause. If the cause is property-related (such as a cargo ship, for example), the allocation is done based on what each contributor can cause, i.e., according to their property. However, when the cause of the damage is a different peril, even if it leads to some of the funds becoming harmful, everyone continues to deal with it together, and they may even participate with the owner of the property causing harm, as they are all affected by a shared peril.

The Rambam says that in the case of a donkey jumping in a ship, it is impossible to claim that the owner of the donkey is the one harming, because the damage is caused by the sea. The donkey's jump is due to the journey at sea, and if so, there is damage here caused by the sea; similar to the pirates who caused the donkey to jump, and we regard it as damage caused by the pirates. Therefore, the division will be by number of people, like all the needs of the war with the pirates. For this reason, in this case, they divide by number of people (as explained in the Yam Shel Shlomo on Baba Kama (Chapter Ten, Siman 14; and there 15) and the Tur (at the end of Siman 180) in explaining the Rambam's method).

It turns out that the disagreement between the Rambam and the Beit Yosef is how to look at a donkey jumping in a ship - is it called the cause of the loss or is it a victim of circumstances that all passengers must deal with together. If it is the cause of the loss, it is logical to divide so that the cause will be removed (and this is actually the division by cargo); but if it is a victim of the journey at sea - everyone shares in it, like any common danger.

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- In the matter of these borderline cases in which one must discuss who is considered the cause of the loss, see also in the Responsa Jachin & Boaz 2, 4; and in the Responsa Maharit Ha-Yachid 43.

Chapter Four

jewish Life versus Gentile Life

In this chapter, we delve into a scenario where the lives of jews are in danger, and the only way to save them is by harming a Gentiles. It will be explained that in such a case, it is necessary to kill the Gentiles in order to save the jews.

In the third chapter, we saw the source of the obligation to sacrifice one's life for the killing of a jew:

All transgressions in the Torah, if one is told, 'Transgress and do not kill,' they should transgress and not kill, except for idolatry, forbidden sexual relationships, and murder... From where do we derive the obligation for the killer? It is a logical deduction. The case is when someone comes before Rava and says, 'My lord, the governor, told me to go and kill so-and-so, and if not, I will be killed.' He told him, "Go and kill him, and if not, I will kill you." What do you see in the color of the blood of your comrade? Perhaps the blood of that man is redder?

Therefore, the simple rule is that if someone tells Reuben, 'Kill Shimon or we will kill you,' he is forbidden to kill Shimon in order to save himself.

In Chapter 3, we learned about a disagreement among the Poskim (jewish legal scholars) in the case of a Gentile who is threatened and told to kill his friend, or else he will be killed: According to the opinion of the rebbe Maharash, it is permissible for a Gentile to kill his friend in order to save himself from death, because he is now completely coerced, and there is no obligation of self-sacrifice for a Gentile at all. However, according to the opinion of Derech, even among Gentiles, it is forbidden for a Gentile to kill his friend in order to save his own life.

Now we will clarify what the law is in the case of a jew who is told, 'Kill that Gentile or we will kill you.'

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- Sanhedrin 80a; Yoma 72b; Pesachim 25b. According to the rebbe Maharash, there is no need to ask this question, because the prohibition for a jew to kill a Gentile is derived from the prohibition for a Gentile to kill a Gentile. If it is permissible for a Gentile to kill a Gentile in this situation, then there is no source to prohibit it for a jew. See below.
 - This is about Israel, refer to Lakman (?) (Lachmann)

The Words of Jerusalem

The law as it is explained in the Jerusalem Talmud on Tractate Shabbat (end of chapter 14), where it says:

Rabbi Hanina ben Dosa said: The Mishnah said so because there is no atonement for bloodshed. For it is taught there: "If most of him has come out, they do not touch him, because one life is not pushed aside for another life." Not only when he says to him, 'Kill so-and-so, but even if he says to him, 'Burn so-and-so.'

It is explicitly stated in the Jerusalem Talmud that a Jew who is in danger of death because he is told to 'Kill so-and-so Gentile or you will be killed' is allowed to kill the Gentile in order to save himself. However, there is a question as to whether the Jerusalem Talmud is referring to a Ger Toshav as well, or only to a Gentile. For it is possible to say that what the Jerusalem Talmud permitted is to kill a Gentile, who is not obligated to be saved, and even forbidden to be saved from death (as explained in chapter 1); but a Ger Toshav, who is obligated to be saved, it is possible that there is a prohibition in this matter. Let us explain further..

A simple matter is that the Jewish people reject the entire Torah, and controlling the soul of a Gentile does not reject the prohibitions of the Torah. As for the control of the soul of a Jew, so Rabbi Maimonides writes in the Basic Laws of the Torah Chapter 5, Halacha 1:

When Gentiles and Jonah make Israel transgress one of the commandments of the Amorites
In the Torah, let them kill us, and let them not be killed, as it is said in the commandment, 'Whatever man does to them and live in them and live in them and do not perish in them.'

And also in the laws of Shabbat, chapter 2 of Halacha 1:

'Shabbat is postponed for those who are in danger of suffering like all other unleavened bread, therefore there is a disease in it danger they do all his needs on Shabbat...'

And regarding the supervision of the soul of a resident, the Rambam writes later in the same chapter of the Laws of Shabbat, in Halacha 12:

'From childhood you are the daughter of a resident because we are commanded to revive him and they do not curse her the Sabbath.'

In other words, even a resident, who has a mitzvah to live, is not allowed to desecrate Shabbat and another example later in the chapter.

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- And so are the words of the Light of Life: because G-d has commanded that the Sabbath be profaned for the sake of the soul in keeping, rather, about the Jews, but about the rest of them, for the revival of acumen, even though there will be a resident he who observes Seven mitzvas and runs the risk of death, Jews will not desecrate the Sabbath for him.

We have found proof that the prohibition of 'He who sheds the blood of man' is not considered an accessory of murder. In chapter 3, we brought the Mishnah (Ohalot 7:6) that permits killing a fetus that endangers its mother as long as the fetus has not yet emerged from the womb. The killing of a fetus is forbidden by the law of 'He who sheds the blood of man' because 'there is nothing that is permitted for a Jew and forbidden for a Gentile' (see appendix 1 to chapter 1). If it were necessary to sacrifice one's life for 'He who sheds the blood of man' by the law of an accessory of murder, it is not clear why it is permitted to kill the fetus to save the mother.

And if so, we have a clear proof that 'He who sheds the blood of man' is not considered an accessory of murder, and it is not necessary to sacrifice one's life for it; and therefore, when they say to a Jew 'Kill a Ger Toshav or you will be killed,' he is permitted to kill the Ger Toshav in order to save himself.

In chapter 3 above, we brought the Jerusalem Talmud in Tractate Avodah Zarah (2:2), which is similar in content to this Jerusalem Talmud but the version there is slightly different. And see also Azzut Panim on the Jerusalem Talmud there, from which it is clear that even the second version does not disagree with this version but rather adds to it.

Proof from the words of Rashi and Rambam

Rava and Rambam also see that the law of the obligation of self-sacrifice is only true in the case of a Jew versus a Jew and not in the case of a Jew versus a Ger Toshav.

In the three places in the Talmud where this law and the story of the man who came before Rava are mentioned in Sanhedrin(74a:20), Pesachim(25b:4), and Yoma(82b:1) - Rava explains the matter at length, with slight differences in style; and it is clear from his words that this law is true only because it is a matter of killing a Jew.

For example, Rava explains in the Gemara in Yoma:

'Why do you see that your blood is redder?' - that is, what do you think to violate the matter because and 'live in them and not die in them,' the reason for the matter is that the souls of Israel are dearer before the place than the commandments, the Holy One, blessed be He, said to cancel the commandment and let this one live. But now that there is a Jew here who is killed and the commandment is nullified, why will it be good in the eyes of the place to transgress His commandment, to be more than his blood is dear to him?

Rava explains that since in any case there is a loss of life from a Jew, therefore we say to the questioner that it is forbidden for him to kill his friend to save himself, because 'why will your blood be more dear to him (to the Holy One, blessed be He) than the blood of your friend?'

And it is clear from these words that when the choice is between the loss of life of a Ger Toshav and the loss of life of a Jew, the decision is simple to permit.

(Here we brought Rava's words in Yoma, which are the most explicit on this point, especially in the concluding sentence. However, the exact wording of his words in Pesachim and Sanhedrin also leads to the same conclusion.) And so, the Rabbi Shaul Yisraeli deduced from Rava's words in his book 'Amud HaYemini' (section (Simon 16 4:8): " And the conclusion is that if a Jew is threatened with death and told to kill a Ger Toshav or he will be killed, he is permitted to kill the Ger Toshav to save himself."

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- However, it should be noted that there is no proof from the permission to kill a fetus of a child who is difficult for the mother according to the words of Rabbi Unterman that we brought in the note (1) in the previous chapter that the fetus is killed because he is persecuting and harming the mother. But in any case, even according to this method, in the case of 'Kill a Ger Toshav or we will kill you,' there is no obligation to sacrifice oneself as is proven in the words of Rashi and Rambam that we will bring below; and killing a fetus is more severe than killing a Gentile, as we will explain in more detail at the end of the chapter.

Kill the Gentiles, and if not he will kill us; In such a case is he allowed to kill? Rashi felt that the matter concerns the souls of jew's and because of their love before G-d. But in the soul of the stranger, we did not find this love, and it is like all the other commandments that are set aside for pikuach nefesh.

Rambam in Yesodei HaTorah, chapter 5, Halakhah 7, writes: "And the killing of a jewish soul to heal another soul or to save a person from the hand of an enemy, it is a matter that the mind tends to it that there is no loss of life for the sake of life..."

Rambam emphasizes 'the killing of a jewish soul,' and does not suffice with the words 'the killing of a soul.' Rambam also takes care in his language in Halakhah 5: 'If gentiles said to a group of men: 'Give us one of your number so that we can kill him; if you do not, we will kill all of you,' they should all be killed rather than hand over a jewish soul...'

Also in Peri Megadim, it is explicitly stated that only in the case of bloodshed of a jew by a jew, the law is 'he shall kill and not pass over,' but in the case of a jew by a Ger Toshav, it is permissible for Reuben to kill Yiftach in order to save himself. Thus wrote Peri Megadim in Orach Chayim 59, 1 (in the golden squares):

"There is still a doubt if a ruler said, kill so-and-so, and if not, I will kill you, and so-and-so is a doubtful infant found in a city that is half jewish and half Gentile, if it is said that there is no relevance to 'why did you see,' because he and the ruler and his friend are doubtful. Or perhaps not. And the question remains for now.'

Peri Megadim is hesitant about the law when a Gentile (a ruler) threatens a jew to kill someone who is a doubtful jew or Gentile - like a baby who is found in a city where half of the residents are jews.

And to note that according to Rebbe Maharash, apparently it is simple that there is no obligation to sacrifice one's life for the murder of a Gentile, since according to his opinion there is no obligation to sacrifice one's life for Gentiles, and if so it is permissible for a Gentile to kill another in order to be saved, and it is also permissible for a jew to kill a Gentile since the entire prohibition stems from what is forbidden for Gentiles, and when they are allowed, we are also allowed.

And half of them are jew, and if not, he will kill him; is it permissible for him to kill in this case, since the second is only a doubtful jew. In any case, it is clear to the Peri Megadim that if he is a Gentile, then it is certainly permissible for a jew to kill him in order to save himself. This is a case of someone who, due to his doubtful jewishness, is required to keep the entire Torah, and if so, it is impossible to say that his status is lower than that of a Ger Toshav (a resident Gentile) (since he keeps 613 commandments, not just Seven). Nevertheless, it is clear to the Peri Megadim that it is permissible to kill him in place of a pikuach nefesh (saving a life) of a jew if he is indeed a Gentile.

Proof from the law of pikuach nefesh

It is a simple matter in the Talmud and the poskim that pikuach nefesh of a Jew overrides the entire Torah, while pikuach nefesh of a Gentile does not override Torah prohibitions. Regarding pikuach nefesh of a Jew, the Rambam writes in the Hilchot Issurei Torah, chapter 5, halakha 1:

When a Gentile stands and forces a Jew to violate one of all the commandments mentioned in the Torah or he will kill him, he should violate and not kill, as it is said in the commandments which a man will do and live by them and live by them and not die by them.

And also in the Hilchot Shabbat, chapter 2, halakha 1: Shabbat is overridden at the risk of lives like the rest of the mitzvot, therefore a sick person who is in danger, we do for him all his needs on Shabbat...

Regarding pikuach nefesh of a Ger Toshav, the Rambam writes later in that same chapter in the Hilchot Shabbat, in halakha 12: 'We circumcise the son of a Ger Toshav because we are commanded to keep him alive and we do not violate Shabbat for him.'

In other words, even for a Ger Toshav, for whom there is a commandment to keep him alive, it is forbidden to violate Shabbat. And another example later in the chapter in halakha 20: 'And a Gentile who is in danger of death, we do not violate Shabbat for him.'

And these are the words of the Or HaHayim (Exodus 20:16): He will also want according to what we have already said in the verse, but my Sabbaths that the Lord commanded to violate Shabbat for pikuach nefesh, here the verse explained that Shabbat was not diminished in its observance except with regard to the children of Israel, but with regard to others to keep the Gentiles alive, even if he is a Ger Toshav who keeps Seven commandments and is in danger of death, a Jew will not violate Shabbat for him.

Moreover, a court in which there are Gentiles and jews, even one jew and a thousand Gentiles, and fell upon them, an avalanche from overseeing everything from Israel, one of them interpreted to another yard and fell on him. The same court is monitored to see if the one who left was Israel and the rest were recruited.

That is, only in the event that there is a concern for the supervision of a jew's soul can the Shabbat be violated. However, the poskim discussed whether it is permissible to violate a rabbinical prohibition in order to save the life of a Ger Toshav (who we are commanded from the Torah to keep alive); as is mentioned in the Biur Halacha on Shulchan Aruch Orach Chayim 247:2:

A resident alien (Ger Toshav) is circumcised because we are commanded to preserve his life. But only in matters that do not violate the Sabbath, and it is possible that even a rabbinical prohibition is waived, because in such a case, in which we are commanded to preserve his life, they did not enact a prohibition [see P.M.G.]. In any case, there is no dispute that a biblical prohibition is not waived due to the life-threatening situation of a resident alien.

Based on this, there is another proof for what we have proven from the words of Rashi and Rambam: If the Sabbath is waived due to the life of an Israelite, and the life of a resident alien is waived due to the Sabbath, then in simple terms, the life of a resident alien is waived due to the life of a jew, and it is permissible to kill a resident alien to save a jew. This opinion is strengthened based on the explanation of the opinion of "Ma'aseh" in jews (which has already been explained in paragraph 10 of chapter 3). This is what Rashi wrote in Yoma:

In other words, what is your justification for doing such a thing because of "and live by them and not die by them"? The reason for the matter is that the souls of Israel are dearer to the Holy One, blessed be He, than the commandments, as the Holy One, blessed be He, said, "Cancel the commandment and let this one live."

But now that there is a jew who is killed and the commandment is nullified, why would it be pleasing in the eyes of the Holy One, blessed be He, to transgress His commandment? Why would your blood be dearer to Him than the blood of your friend, a jew?

Rashi explains that the reason for the "Mai Chazit" argument is to contend with another argument, according to which we should ostensibly be allowed to permit that jew to kill his friend in order to save himself from death - since all transgressions of the Torah are waived in the place of pikuach nefesh, as we learned.

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- It should be noted that all of this is with regard to the actual law of waiving prohibitions in order to heal a Gentiles, but in addition to that, there is the consideration of fear of hatred that will lead to danger, and in halakha lema'ase, there is still much consideration given to these considerations, which are still found in our generation, for our many sins (although it does not exist with a resident alien, of course). See the summary of this matter in the Halachic Medical Encyclopedia, entry "Goy," p. 127."

‘And he shall live in them’ – ‘and he shall not die in them,’ and therefore the prohibition of bloodshed should have been rejected on the grounds of the lifesaving of Reuben who is threatened with death if he does not kill Shimon.

And to this Rav Ashi said: “It is true that pikuach nefesh (saving a life) waives all the mitzvot, ‘for the souls of Israel are dearer to the Holy One, blessed be He, than the mitzvot,’ but this is only when the transgression really saves the life of a jew. Whereas in this case, because one jew will die and there is no gain of saving a jewish life, therefore it is forbidden for one jew to kill the other.

If so, all this is true only when it is a matter of two jews, then the permission of pikuach nefesh does not exist because in the end one jew will die. But when it comes to the life of a Gentile versus the life of a jew, the original reasoning returns that it is permissible for a jew to commit a transgression in order to save himself, since there is here pikuach nefesh of a jew, which waives the entire Torah, versus pikuach nefesh of a resident alien, which does not waive even one Torah prohibition (as we saw above).

In other words: pikuach nefesh of a jew permits to transgress all the prohibitions in the Torah. However, in the prohibition of bloodshed, because the possibility of saving Reuben is at the expense of Shimon's life, therefore the permission of pikuach nefesh does not apply again. But when saving Reuben is at the expense of the life of Japheth the resident alien, then the permission of pikuach nefesh stands in its place, since in the end there is here the saving of one jewish life, which waives the entire Torah. The words of the Tosafists (ba'ale ha-tosafot) in Sanhedrin 90a.

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- Another argument can be brought for the law that we have explained so far, that it is permissible for a Jew to kill a resident alien in order to save his own life. We have already mentioned above that the prohibition for a jew to kill a Gentile stem from the principle of ‘Mí-yechi-mí-di de-li-sra-el sha-rive-li-goy a-sur’ (is there anything that for a jew is permitted and for a Gentile is forbidden) as explained in the first chapter. And behold, the Tosafists in Sanhedrin 90a discussed the principle of ‘lichá midí’ (for my sake, nothing" or "there is nothing”).

And if you say: It seems that we find that the lives of jews are worth less, since a jew is killed for transgressions that a Gentiles is not killed for; and a jew is obligated in self-sacrifice for three mitzvot (and for all of them in the time of destruction), and a Gentile is not obligated in this!

The answer is that one should not learn from this that the lives of Israel are worth less, but rather that when a jew commits a transgression, there is a much more serious violation than a transgression of a Gentiles, and therefore for transgressions of a jew there are severe punishments and a requirement of self-sacrifice (and there is need to elaborate on this further in the context of explaining the Sugya of a sinful Gentiles who converted in Sanhedrin 91b; and the end of the matter is there is nothing that is permitted for a Gentiles that is not permitted for a jew. In a matter that is a mitzvah for a jew, we do not say this. Gentiles who desecrate the Sabbath is liable to death, and for a jew, it is a mitzvah, and on the transgressions that a Gentile is liable for and a jew is exempt, even though he is exempt, he is still not permitted.

However, it is difficult because we say in the chapter of the fetus and the mother: 'If the head has come out, we do not touch it because we do not push a life away for a life,' but before the head comes out, the doctor enters the mother by way of tools and cuts into the limbs of the fetus and takes it out in order to save its mother, and in this matter too, a Gentiles is forbidden because he was warned about the fetuses! This too is like a jew, who is commanded to save, and it is possible that even if a Gentile it is permitted.

The Tosafists formulate the conclusion at the beginning of their words: 'In a matter that is a mitzvah for a jew, we do not say this,' and they prove this from the law that a Gentiles who desecrates the Sabbath is liable to death (as it is written in the Gemara Sanhedrin 90b) and for a jew there is no such prohibition in general, and it seems that this contradicts the general rule 'There is nothing that is permitted for a Gentiles that is not permitted for a jew!' But since there is a mitzvah for a jew in the matter, that is, a jew has the mitzvah of Shabbat in general, therefore there is no difficulty in saying that there will be a detail that is forbidden for a Gentiles and permitted for a jew.

And the Tosafists continue and ask how it is possible that it is permitted for Israel to kill a fetus in order to save the mother, and for a Gentiles it is forbidden! And the Tosafists explain that even here 'in Israel there is a mitzvah to save,' and since there is a mitzvah here for a jew, a situation can arise where for a Gentiles the thing is forbidden and for a jew it is not. But in the end, the Tosafists write that it is possible that even in a Gentiles it is permitted to kill the fetus in order to save the mother."

In any case, we learned from the words of the Tosafists that when there is a matter of mitzvah for a jew, it is not forbidden due to 'li-chah mi-di.' And it is clear that in our case, when Reuben the jew is forced to kill Japheth the Gentile in order to save himself, since Reuben is doing this as a mitzvah of saving the life of a jew from death, we do not apply here the prohibition to kill a Gentile, which all stems from the reason of 'li-chah mi-di.' Although in general it is forbidden for a jew to kill a Gentile, but in the place of a mitzvah this is not the case.

And from this reasoning of the Tosafists, it is clear that the prohibition to kill a Gentile was permitted completely and not only waived because of the pikuach nefesh of a jew (regarding the difference between 'was permitted' and 'was waived', see Yoma 6b; Pesachim 77a; Shulchan Aruch Orach Chayim beginning of section 832; Shulchan Aruch there, section 14; and so on)."

In summary of the chapter, we have reached a clear conclusion that wherever the presence of a Gentiles threatens the life of a Jew, it is permissible to kill him, even if he is a righteous individual from the nations of the world and is not at all guilty of the situation that has arisen.

Healing a Fetus Compared to Healing a Gentile

Regarding the dispute in the field of healing and its comparison to a Gentiles, we found that it is permissible to kill a fetus in order to save a Jew, as stated in the Mishnah in Ohalot (7:6):

If the woman is having difficulties giving birth, they sever the valad (embryo) in her insides and bring it out limb by limb, because [the mother's] life comes before the life (of the embryo). If much [of the child's body] came out, there is no injuring it; for there is no pushing away of one nefesh (soul/life) for the sake of another nefesh.

Sanhedrin 72b:14:1 explains:

This is about a woman who is having difficulty giving birth and is in danger, and the earlier part of the quoted source says that the midwife reaches inside, cuts up the fetus, and removes it limb by limb. For as long as it has not emerged into the air of the world, it is not a life [nefesh] and it is permitted to kill it and to save the mother. It is permissible to kill the fetus of a woman as long as its head has not emerged, if the woman is at risk of dying without it, because it is still not considered a 'soul,' and its 'life comes before its life.'

Therefore, in situations where the life of a Jew is at risk, it is permitted to take measures, even if it involves killing a Gentile or a fetus, in order to save the life of a Jew, according to the teachings of the Mishnah. The Mishnah discusses a case where the fetus endangering the mother is killed, and without the presence of this fetus, the mother would not be in danger. The question arises: What is the ruling in a case where the danger is not related to the fetus but it can be used to save a woman by killing it? Is it permissible to kill the fetus of one woman to save another woman (or another man)? For example, when it is possible to kill the fetus and use substances from its body to create a specific medicine for the sick.

Based on the words of Rashi mentioned above, it seems that there is no distinction in this matter. If there is no obligation to preserve the life of the fetus, then it is permissible in any circumstance for the sake of saving lives. Just as it is allowed to violate all the prohibitions in the Torah in a situation of saving lives, whether it is a violation in its presence or using the prohibition for healing (for example, eating forbidden foods for medicinal purposes).

The pregnant woman who is experiencing childbirth difficulties may have the fetus in her womb cut, either with poison or with an iron instrument, because the fetus is considered like a pursuer who is chasing her to kill her. However, if the fetus has already emerged from the womb, it is not touched, because one life is not pushed aside for another life, and this is the nature of the world.

From the words of the Rambam, we see that the permission to kill the fetus is because it is considered a pursuer who endangers the mother. This implies that the permission to kill the fetus is only when, without its presence, the danger would not have existed.

In his words, it is indeed permissible to kill a fetus in the case of 'Kill so-and-so's fetus or we will kill you,' because without the fetus, the danger would not have existed. However, there is no permission to kill a fetus of one woman to heal another, because here the danger exists without the fetus, and the killer is the one who decided to connect the fetus to the danger.

Indeed, RaDak in his Tosafot to the Mishnah in Avot (end of chapter 7) wondered about the Rambam: 'It is surprising, because we do not come to it because of the pursuer, because if most of it comes out, we do not touch it, but rather the reason is necessarily because the fetus is not called a soul.' And so wrote the Menorah Ha-Chinuch (mitzvah 62, 1): 'I did not understand, because ... what is permitted to cut the fetus is because it was not a soul, but it was not a pursuer.'

However, some later commentators wrote in their interpretation of the Rambam that indeed, according to his opinion, it is permissible to kill a fetus only when its presence causes danger, and without its being considered 'a pursuer' because of its presence, there is no permission to kill it. Thus wrote, for example, the rabbi Noda B'Yehuda (Taniya ((which in Gematria is a 551 Decode Cipher)), Choshen Mishpat, 92): "In any case, it would not have been permissible to kill it for the sake of saving its mother if it were not considered a pursuer at all.

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- 11. In a simple way, there is no need to distinguish between a case where the fetus is actually chasing and endangering the mother, and a case where its presence is dangerous even though it is not actually chasing her ('Kill the fetus or we will kill you'). For a pursuer in vain is not killed, and if the fetus is killed, it is not because of its being a pursuer, but because its presence poses a danger to others whose lives take precedence (as in the language of the Mishnah: Because her life takes precedence over his life). And thus, it was ruled in the section of Derech Eretz, Derasha 17, on the case of 'Kill the fetus or we will kill you', that it is permissible to kill it, see there (although see what we brought in the name of Rabbi Unterman in note 41 in chapter 10).

And so wrote also The Seder (Avot 7:6); the Aggadot Moshe (Choshen Mishpat 424:2); the Chiddushei Rabbeinu Chaim HaLevi Al-HaRambam (on the Rambam, *ibid.*); and the Chiddushei Maharam Schick (Sanhedrin 83:2).

However, it is important to note that even according to this opinion, that it is forbidden to heal with a fetus in order to save a Jew, it is permissible to heal with a Gentile in order to save a Jew, as we have concluded above in a simple way, and as is proven in the words of the Rambam, who says: 'And the killing of a Jewish soul to heal another soul or to save a person from the hand of an aggressor, a thing that the mind inclines to is that one does not forfeit a soul for a soul...'

We see that the Rambam emphasized that the prohibition is only against a Jew, and he writes this also in cases of healing with another person, not only saving from an aggressor.

And even though the prohibition of killing a fetus is learned from 'leika midi' like the prohibition of killing a Gentile, there is a great difference between them.

We have written that it is proven that the lives of Jews take precedence over the lives of Gentiles from the fact that Shabbat is violated to save a Jew and Shabbat is not violated to save a Gentile. But a fetus is not like a Gentile in this matter, since it has been ruled as law that Shabbat is violated to save a fetus, as explained in the Shulchan Aruch (Orach Chayim 246:5):

If a woman in labor dies, they bring a knife on Shabbat, even through a public domain, and tear open her belly and remove the fetus, lest it be found alive.

Similarly, the Tur wrote in the laws of Yom Kippur (Orach Chayim 523):

A pregnant woman who smells food and if they do not give her some of it, she or the fetus will be in danger. They whisper in her ear that today is Yom Kippur. If her mind settles, that is good. If not, they insert a spoon of broth into her mouth. If her stomach settles, that is good. If not, they give her some of the broth. If her mind does not settle even with this, they give her some of the forbidden food itself.

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- It also follows from the words of the 'Hokhmat Shlomo' on the Shulchan Aruch in Orach Chayim 527 (paragraph 1), which compares the permission to kill a Gentile in order to save oneself to the permission to steal in order to save oneself (see there at length for what is explained there), and it is implied in his words that the same is true for healing and for any type of Gentiles. However, on the right-hand page (164d, 9), he wrote that it is forbidden to do so for healing.
 - However, his words are difficult both from the words of Maimonides and from the words of the "Hokhmat Shlomo" mentioned above; this is in addition to what we remarked about his words in note 8 in the first appendix to the third chapter, see there. It is also explained more clearly in the words of the Bach there: 'Because legally, they would feed her even if only one of them is in danger, so he said, 'She will be in danger or the fetus.' We see that the life of a fetus is more important than the life of a Gentile, even a resident alien, because to save his life they violate Shabbat (and transgress all the commandments that are postponed because of pikuach nefesh). If so, it is clear why it is permissible to heal with the life of a Gentile; while there is no permission to heal with the life of a fetus: The life of a Gentile is not violated on Shabbat, and from this we see that his life is not like the life of an Israelite, and therefore it is permissible to exploit them for the sake of saving a Jew.'

A fetus, whose life is precious to the point of violating Shabbat, there is no permission to kill him to save others, except in the case where his presence causes danger, and then reality forces us to decide and weigh whose lives are preferable, and in such a case we decide that the lives of an adult are preferable to the lives of a fetus (for whom there is no capital punishment for killing him).

Based on this, we will also explain the additional reason that we wrote for the permission to kill a Gentile to save a Jew. We wrote that when there is a mitzvah for an Israelite, there is no rule of 'there is nothing,' and if so, when there is the mitzvah of saving an Israelite, the prohibition to kill a Gentile, which is based on "there is nothing," is nullified.

And it would seem that it should also be so in the case of a fetus, that when there is the possibility of saving the Jew by killing him, the prohibition to kill him, which also stems from 'there is nothing,' is nullified.

And why did the above-mentioned later authorities write that it is forbidden to heal with a fetus? After all, there is no "there is nothing" in place of a mitzvah!

And it must be explained as follows: Although there is no 'there is nothing' in place of a mitzvah, but when we have a discussion about the life of a fetus, we have conflicting commandments: On the one hand, there is the commandment to save the Israelite, but there is also the commandment to save the fetus, and they even violate Shabbat for this.

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- 13. We have written simply that Shabbat is violated to save a fetus. However, we found two opinions on this matter among the early authorities, see in Maimonides' "The Book of Man," Gate of Healing, the matter of danger: Rashi on the eighth chapter of Yoma (section 13) and Rambam there (3:2 in the Rif's edition, s.v. "and it is written"); Ritva on Nidda page 44a & 44b. However, according to halakha, it has been decided that the matter is permitted (and therefore a mitzvah), both in the words of the early authorities (and in particular in the words of Ritva), and in what we brought above from the words of the Tur and the Bach, and as was decided by Maharash Klouger in "Sefer" on Orach Chayim 523; and so it is in the Biur Halakha on section 527 s.v. "or doubt": and in Beit Meir on Orach Chayim section 527.
 - And in any case, even for one who says that Shabbat is not violated to save a fetus - there is still a distinction between it and a Gentile, because there is a mitzvah to save it (see also the following note) and the prohibition of killing it is more severe than the prohibition of killing a Gentile (see the note after the following).

However, for a Gentile, there is no commandment that overrides the Sabbath for their rescue. Therefore, the saving of a Jew takes precedence over the life of the Gentile and nullifies the prohibition of killing them, which does not apply in a situation where there is a commandment to save a Jew. (Tzitz Eliezer 16:4)

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- 14. It should be noted that it might have been said that there is a difference between a Gentile and a resident alien, in that a resident alien, for whom there is a commandment to keep him alive and save him, cannot be said that the prohibition of killing him is nullified in place of the commandment to save a Jew, because there is also a commandment to save him, and if so, what 'place of commandment' negates the other? But for a Gentile, for whom there is no commandment to save him, indeed in place of saving a Jew the prohibition to kill him is completely nullified and therefore the matter is permitted. But in the words of the Rambam we see that the commandment to save a resident alien is not like the commandment to save a Jew. For the Rambam in the Book of Commandments enumerated the commandment to revive a resident alien within the commandment of charity, and not as a commandment in itself (see the forgetfulness of charity to the Rambam, 16). In other words: in his opinion, there is no special commandment to save a resident alien, but rather a commandment of support and assistance to resident aliens (which naturally includes saving lives but is not its main purpose). In the commandment of charity there are laws of priorities, 'the poor of your city come first' (that is: the commandment is what I have to worry about others according to the level of connection to me), and therefore when there is the commandment to save a Jew and against it is the saving of a resident alien, simply that the commandment of charity here is to save the Jew, and there is no commandment to save the resident alien. It turns out that in a situation of saving a Jew by killing a resident alien, there is no prohibition to kill the resident alien because there is no 'there is no one in place of a commandment'. But the commandment to save a fetus is not only charity but the commandment to save lives, and therefore it is considered and checked its status against other commandments; therefore, there is here a 'place of commandment' both to save the fetus and to kill it, and the prohibition to kill it remains in place in a state of healing. This is in line with the words of the renowned in Judah (the above) in the commentary of the Rambam who explicitly says that even for the one who says that there is no violation of the Sabbath to save a fetus (see the previous note) there is no permission to be healed in it to save a Jew: 'And for the matter of fetuses, even though there is no violation of the Sabbath for the fetus if there is no danger to his mother, in any case, since it is forbidden to kill him in any case, if so, unless it is considered a persecutor a little more, it is preferable to be in Sabbath and do not do.'
 - 15. It follows from these things that there is a difference between the prohibition of killing a fetus and the prohibition of killing a Gentile, even though both are learned from the reasoning of 'likha midi'. We will explain: We saw in the Tosafot that the reasoning of 'li-cha mi-ti' does not exist in place of a commandment, meaning that it must be integrated with the other laws of the Torah. And if so, in every place we need to check exactly what we learn from the reasoning, and therefore how to act when the reasoning meets with other laws of the Torah. In the prohibition of killing a Gentile, we learn that just as a Gentile is forbidden to kill a Gentile, so a Jew is forbidden to kill a Gentile. The prohibition of a Gentile to kill a Gentile is related, like all the commandments of the Gentiles, to 'Derech Eretz' and the restoration of the world. When it is necessary to save the Jew, there is a commandment that is more important than Derech Eretz and the restoration of the world, and therefore the prohibition to kill a Gentile does not exist. The prohibition to kill a fetus teaches something a little different:
 - There we learn that just as a Gentile treats a fetus of a Gentile as if it were already born and therefore it is forbidden to kill it, so a Jew should treat a fetus of Jew as if it were already born, and therefore it is forbidden to kill it. In other words: the lesson is not only about the prohibition to kill a fetus, but in general about the fact that one must treat a fetus, at least in some things, as an adult.

When there is a commandment to save the jew, the prohibition to kill a fetus does not disappear. From the reasoning of 'li-cha mi-ri' we learned that one must treat the fetus as an adult, and if so, there is here a reference to the killing of a jew (and it is appropriate that there is also the reasoning of 'violate on him one Sabbath so that he will keep many Sabbaths' as we brought in the body of the chapter). Indeed, a fetus is not considered completely as an adult, and therefore if it has not yet brought out its head it is permissible to kill it to save its mother; but when it is not 'a persecutor' it is possible that it is forbidden to kill it as we saw. We will expand on this further in the appendix to the chapter, see there.

Even though, in simplicity, it is permitted to be healed by killing a Gentile as we explained - there is still room for further discussion: First, one must note that, apparently, it is permissible for a Gentile to defend himself against someone who rises up to kill him; Also, one must discuss whether the jew is obligated to get up and kill the Gentile in this situation, since the Poskim have discussed whether a person is obligated to spend all his money or suffer great torments to prolong his life (see, for example, in the Encyclopedia of Medical Halakhah, it is possible that the killing of a Gentile pious of the nations is sometimes similar to these situations;

And there is still room for discussion based on what is explained by the Poskim that one is not assumed to be obligated to cut off his hand to save the life of another jew (see Piskei Teshuvot & Yoreh De'ah 429, s.k. 15), and similarly, the Poskim have discussed when one jew is obligated to give all his money to save another jew (see in this in Menahem Shlomo (Tena'im ((additional clauses)) 50, 4; and in Chochmat Shlomo on the Shulchan Aruch Choshen Mishpat 320), and one must discuss whether the fact that one is not obligated to give all his money to save himself in some cases also weakens the obligation of others to give all their money to save him in some cases.

It is possible that there is room for a similar reasoning in some cases of ours as well; but there is room for discussion in explaining this reasoning and there is no place for it here.

In practice, there are opinions that prohibit the matter due to hatred that will lead to pikuach nefesh and the like.

However, in any case, it is simple that it is permissible for a Gentile to volunteer and give a heart or liver to save a jew (and see in Menahem Shlomo (ibid., 5) that he says that it is permissible to receive organs for transplantation in a Gentile hospital, even if in Israel the matter is forbidden).

Appendix

The Relationship Between the Seven Commandments and the 613 Commandments

The first man, Adam, was commanded with Seven commandments. Later, the children of Israel were commanded with 613 commandments at Mount Sinai. Now, after Mount Sinai, what is our relationship to the Seven commandments?

The Replacement of the Seven Commandments with the 613

The 613 commandments encompass what is implied in the Seven commandments. It is simple according to the Talmud that there is no commandment that was given to the Gentiles and not to the Jews. However, there are still details that were written in the Seven commandments and are not found in the 613 commandments. These details are divided into two groups:

Details that are forbidden to Gentiles, but for which there is an explicit reference in the 613 commandments that permits them to the Jews.

For example, it is permissible for a Jew to take a married beautiful woman, who was taken as a prisoner of war, to be his wife. For a Gentile to do so is forbidden. The Talmud (Sanhedrin 59a) explains that there is a reason the reason Gentiles are prohibited from doing so is because they are not authorized to conquer. It is not permitted for Gentiles to wage wars of conquest.

Another example: According to some authorities although a Jew is permitted to eat meat taken subsequent to the two *simanim* (signs) of *shechita* (slaughter) being severed, while it remains prohibited to a Noahide as long as the animal moves (Rambam in the *Mishneh Torah*, *Hilchos Melachim* 9:12,13, the footnote in the *Moznaim* English translation explains that the Rashba and others rule that a Gentile is not liable in the circumstance where a Jew isn't based on *Hullin* 121b). In other words, the Torah, which established new boundaries for a Jew, released us from a prohibition that exists for the children of Noah.

Another example (Tosafot cited in *Sanhedrin* 58b: 25-26 *ibid.*): And Rash Lakish says: A Gentile who observed Shabbat is liable to receive the death penalty, as it is stated: "And day and night shall not cease" (Genesis 8:23), which literally means: And day and night they shall not rest. This is interpreted homiletically to mean that the descendants of Noah may not take a day of rest. And the Master said (57a) that their prohibition is their death penalty, i.e., the punishment for any prohibition with regard to descendants of Noah is execution. Ravina says: If a descendant of Noah observes a day of rest on any day of the week, even one not set aside for religious worship, e.g., on a Monday, he is liable.

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- The Gemara teaches that Noah was commanded with Seven commandments, including the prohibition of eating meat from a carcass. The Rambam (beginning of *Hilchos Melachim*) teaches that Adam was commanded with six commandments, and that Noah was additionally commanded with the prohibition of eating meat from a carcass.
 - The author of the passage notes that he is writing in general terms, and that there are other commandments that were commanded to the Patriarchs, such as the prohibition of idolatry and the commandment to circumcise the male foreskin.
 - The author concludes by stating that it is clear that a commandment that was only given once (before the giving of the Torah) was given to Israel and not to the children of Noah.
 - we will not go into an explanation of what 'kiddush' is here.

Details mentioned in the Seven Commandments but not in the 613 Commandments

The Gemara (Sanhedrin 59a) states: 'There is no mitzvah that is permitted to a Jew and forbidden to a Gentile.' In other words, there is no commandment that is applicable to Israelites but not to Gentiles.

However, there are a few details that were mentioned in the Seven Commandments but not in the 613 Commandments. For instance:

- The prohibition against killing an unborn child
- The prohibition against suicide
- The prohibition against killing a Gentile

Explanation 1: Based on the straightforward interpretation of the Gemara's statement, these prohibitions also apply to Jews. This means there are certain aspects that the 613 Commandments did not address, and in those cases, the pre-Torah approach remains in effect.

Explanation 2: There are two types of details that are not mentioned in the 613 Commandments:

Suicide and killing an unborn child: These are instances where we are extending the behavior of a Gentile towards another Gentile to the obligation of a Jew towards another Jew. The reasoning here is straightforward: if a Gentile is forbidden to kill an unborn child of a Gentile or to commit suicide, it is logical that a Jew would also be forbidden to kill an unborn child of a Jew or to commit suicide. These commandments teach that one's life is not their own to take and that an unborn child is already the beginning of a soul and should therefore be treated as a living being and not be killed.

Killing a Gentile: In this case, the reasoning of Licha Midi ('there is no such thing/there is nothing') can be disregarded for these cases. After all, just as a Gentile is forbidden to kill a Gentile, so too is a Jew forbidden to kill a Jew; and one cannot infer from this that it is permissible for a Jew to harm a Gentile as there may be a justification or it be permissible for such an act due to their unequal status.

Opinions of the Poskim

The Ran (Rabbi Nissim ben Reuben) and the Maharash (Rabbi Meir Shmuel, Ashkenazi) in the Sanhedrin, maintain that the reasoning of Licha Midi is not valid in the case of killing a Gentile. They explain that only in instances where the halakha (Jewish law) for Gentiles is identical to the halakha for Jews can one infer that the halakha for Jews also applies. In the case of killing a Gentile, the halakha for Gentiles is not the same as the halakha for Jews, and therefore, one cannot infer from this that there is an Isur (prohibition) on a Jew killing a Gentile. One could also argue that there is no contradiction in stealing from a Gentile, given that stealing from a fellow Jew is prohibited just as stealing from a Gentile is prohibited, and thus the concept of Licha Midi (there is no difference) applies. And according to what is written in Sefer Yera'im as quoted in Magen Avraham #649, that even to one who says that it is permissible to steal from Gentiles, nonetheless one cannot fulfill the mitzvah of lulav and etrog with an etrog stolen from a Gentile for it is not 'yours' for the Torah did not make their property ownerless that anyone can come and take possession of it without the Gentile relinquishing ownership. Rather, whatever prohibition would pertain to the Jew from stealing is permitted by the Torah in the case of a Gentile, but it is still not possible to gain ownership of it against the will of the Gentile.

The scholar also comments on the explanation provided by the Maharshal (Rabbi Solomon Luria) on a Talmudic passage:

It is necessary to note that the prohibition against a Jew stealing from a Gentile is also applicable to a Jew. That is to say, the Maharshal understands that there is no need to challenge the permissibility of stealing from a Gentile because Jews are prohibited in this regard. If so, there is no challenge of *Licha Midi* from the fact that stealing from a Gentile is permitted.

Nevertheless, the scholar raises a question regarding the principle of *Licha Midi* and suggests that the Talmudic reasoning is stronger when discussing cases of suicide or killing a fetus, compared to the case of killing a Gentile, as there was a strong argument in the latter case that *Licha Midi* would not apply.

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- (21) The Ran argues that it is difficult to distinguish between the current Sugya and the Sugya two pages earlier, which explicitly states that stealing from a Gentile is permitted. This is because they are both part of a continuous discussion of the Noahide commandments.
 - (22) It is likely that the Maharshal was not aware of the Ran's novellae.
 - (23) It is worth noting that, without the Ran's and Maharshal's comments, and without the Mekhilta and the words of the poskim that there is a prohibition against killing a Gentile (as will be discussed below), it would have been possible, at least superficially, to explain the Gemara in a different way. It would have been possible to say that there really is no *Licha Midi* in the case of killing a Gentile or stealing from him, because one cannot learn from the prohibition of a Gentile against a Gentile to the prohibition of a Jew against a Gentile. And in explaining the Gemara's difficulty with a beautiful captive woman, one would have to explain it according to the words of Tosafot.

This distinction also has a halakhic significance, as we see that the prohibition against killing a fetus is more severe than the prohibition against killing a Gentile (even though both are learned from Licha Midi. This is because there is a dispute as to whether it is permissible to heal oneself with a fetus (i.e., to kill it in order to save oneself when the danger exists without its presence), but there is no prohibition against healing oneself with the life of a Gentile (as was mentioned in the body of chapter four).

There is no such thing as 'too much' when it comes to killing Gentiles. We will explain further the distinction in reasoning between the case of killing a Gentiles and the case of suicide and killing a fetus.

The Talmud in (Habakkuk 3:6) says:

'He stood and measured the land; He looked and dispersed the nations. R. Shimon b. Elazar said: If the sons of Noach could not abide by the Seven mitzvot commanded them, how much more so (could they not abide) by all the mitzvot of the Torah!' (What did he see? He saw that the Seven commandments that the children of Noah accepted upon themselves were not being kept) Is there any challenge to this? If so, present a sinner who is rewarded! Mar, the son of Ravina, said: To say that even if they keep them, they are not rewarded for them. But isn't it taught in a Baraita that Rabbi Meir says: From where do we know that even a Gentiles who engages in Torah study is like a High Priest? It is stated: 'Which a man shall do and live by them' (Leviticus 18:5). Only with regard to the priests, Levites, and Israelites is it stated, 'by them,' which teaches that even a Gentiles who engages in Torah study is like a High Priest! They say: They are not rewarded for them as one who is commanded and fulfills them, but rather as one who is not commanded and fulfills them, as Rabbi Hanina ben Dosa said: One who is commanded and fulfills is greater than one who is not commanded and fulfills.

In other words, at the time of the giving of the Torah, when G-d returned to the nations and was disappointed with their refusal to keep the Torah (even the Seven commandments, since He offered them only commandments that are included in the Seven commandments!). He released them and exempted them from keeping the Seven commandments. The Gemara says that the meaning is not that they were released from keeping the Seven commandments, because then the sinner would be rewarded; but rather that they are not in sanctification (Sanhedrin 82b).

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- There is a Torah prohibition (Leviticus 18:20) for a Jew to not have sexual relations with a married woman because he is also included in the verse 'and he shall cleave to his wife Gen. 2:24) and it is simply clear that this prohibition is not because of the woman's claim that it is forbidden, even with her consent and desire. The Gemara raises an objection to this prohibition from the permission of a Jew, and this is not 'Jew with Gentile' but rather a transgression between man and G-d. According to this, the Gemara's explanation is that Gentiles are not children of conquest, but Jews who are children of conquest - by their conquest they nullify the marriage bond that existed between the Gentile woman and her husband and therefore she is no longer a married woman and there is no prohibition in this (see also at the end of the words of the above-mentioned Rambam on page 50)

One receives reward for fulfilling the Seven commandments as if one is commanded and does them, rather than as if one is not commanded and does them.

In other words: after the giving of the Torah, G-d, as it were, gave up on the Gentiles as they were commanded in mitzvot's, and did not abide by them, therefore their lives became insignificant. They have become like those who are not commanded, similar to animals that live in this world without awareness and significance to their lives.

The source of the prohibition against killing a Gentile in the Seven commandments. Before Adam was commanded in the Seven commandments, it was not forbidden to kill one another. The Seven commandments are what make human life more precious than that of animals. When the Gentiles became those who are not commanded and do not do as commanded, they are no longer precious as they were before.

However, the Mekhilta (Exodus 21:14) clearly states that it is not forbidden to kill a Gentile,

‘However, if someone deliberately kills another person, then the slayer must be dragged even from my altar and be put to death.’ Rabbi Akiva says, before the giving of the Torah we were warned against bloodshed. After the giving of the Torah, instead of being made more severe, we were made more lenient. In truth, they said he is exempt from the laws of man and his judgment is left to Heaven. Isi says that a Jew cannot be allowed to kill a Gentile when it is forbidden for a Gentile.

However, it should still not be compared entirely to the prohibition against killing a fetus or suicide. In the killing of a fetus and suicide, we learn about the attitude towards the precious life of a Jew life out of the duty of a Gentile. To love the life of a Goy; but by killing a Gentile we learn that this is forbidden only because we are not.

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- Although they can partially fix this situation and become Ger Toshav's by accepting upon themselves Seven commandments before three Jews to observe the Seven mitzvot. Then they will become permanent residents, converted from Gentile rule. The world as a whole is annexed to the people of Israel. But in this they return to their first state only because of their dependence on us, and there is no, and they do not have the ability to return to their previous state on their own.
 - As for a resident alien (Ger Toshav), the Torah does command to sustain him, and in doing so, it refers to his life as meaningful and valuable. However, this is on the condition that he is dependent and connected to us and not living independently (as explained in the previous note). Therefore, he is not included in the prohibition of murder, we do not desecrate the Sabbath for his life, and there is no obligation to sacrifice one's life to prevent his killing.

Creating a situation of privilege for jews while it is forbidden for Gentiles, despite the argument that there is no comparison between a jew and a Gentiles in this matter.

It is also strengthened by the fact that according to the 613 commandments, there is no place for the existence of a Gentiles as he is. A Gentile is supposed to become a resident Ger Toshav, and as long as he has not become a resident Ger Toshav, he is in a state of 'not commanded and doing,' and according to the Rambam, there is no place in the world to leave such Gentiles (as explained at the end of Chapter 8 of the Laws of Kings). It is simple, then, that the words of Issi (and the Gemara and the Poskim) regarding the prohibition of killing a Gentiles do not stem from the inherent value of his life, which is not legitimate as they are.

In conclusion, the justification for obliging a jew in the prohibition of killing a fetus and suicide is much stronger than the argument to obligate them in the prohibition of killing a Gentile. And from this, there is also room to differentiate halachically between a fetus and a Gentiles in the case of using one's life to save a jew.

The explanation for this is that killing a fetus and suicide are not included in the 613 commandments.

However, despite the explanation for the prohibition of killing a fetus and suicide, they are still not completely identical to outright murder. For a jew, killing a fetus does not incur the death penalty, and it is also permissible to kill a fetus when it endangers its mother or others. This can be further explained:

In the words of our Sages (Shemot Rabbah 30:9), it is explained that the Seven Noahide Laws are 'fundamental' compared to the 613 commandments: G-d gave the Gentiles of the world fundamental commandments that they violated and did not distinguish between impurity and purity. jews came and explained to them the commandments, each one with its punishment and reward... Therefore, it is said, "His statutes and His judgments to Israel."

It was explained by the Maharal in the book Tiferet Yisrael (Chapter 17) that there is no difference between the nations of the world and the jewish nation, except in the quantity of commandments and not in the quality of the commandments - only in quality.

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- 26. And even according to those who disagree with Rambam on this matter (see, for example, the words of Rambam on Deuteronomy 20:10), it is clear that one who is not a resident alien remains in the category of 'not commanded and does not do' and therefore it is possible to use them for taxes and slavery as we please, and so forth.
 - 27. They were mentioned in the first and second chapters of the book.

The division is also reflected in the commandments, for the Gentiles of the world were not given the commandments but only in a crude form. He distinguished between impurity and purity, and this indicates that the Torah is not worthy of them in the clarity of wisdom and reason. Therefore, even if they were given commandments, the commandments would not be for them to distinguish between anything, which is the clarity of reason in the Torah when it distinguishes between one thing and another.

This is also in line with the words of the commentators that the main point of the Seven Noahide commandments is to preserve the existence of the world, so that the world will not be corrupted. Thus, we found that the Seven Noahide commandments are 'the correction of the world and its preservation,' and it is clear to every person that all of these commandments cannot be fulfilled. The state, all the kingdoms practice this and do not punish the transgressors. All Seven Noahide commandments and also Shabbat (Sabbath). Respect for father, mother and religion are the mitzvot of manners that the mind obliges. They are also the laws of the state that it is not possible for the world to exist without them and G-d.

And in the language of the Rebbe of Lubavitch (in the Purim gathering of 5752): "The Seven commandments of Noah, with their being a commandment of G-d (between man and place), and even if their existence must be because G-d commanded them, their content is the existence of the world in the way of 'to rest its creation.'"

In other words: the Seven commandments are the tool for the existence of the material world, the 'matter.' The existence of matter precedes the 'form,' the 613 commandments. And behold, the killing of a fetus is a reference to a crude form of life, which has not yet been realized in this world. A fetus is actually a potential for life. To this part of reality there is no reference in the 613 commandments, but rather in the Seven crude commandments.

~ ~ ~ Personal Note to the Reader from the Translator ~ ~ ~

**Note to reader from translator*:* The passage the authors provided discusses the relationship between the Seven Noahide commandments/laws and the 613 commandments. The authors argue that the Seven Noahide commandments are intended to preserve the basic order and structure of the world. They are not intended to address the more complex and nuanced aspects of human existence, such as the value of human life. The authors support this argument by citing a number of sources. They note that the Seven Noahide commandments do not distinguish between impurity and purity. This suggests that they are not intended to address the spiritual and moral dimensions of human life. The authors also cite the words of various commentators who argue that the Seven Noahide commandments are intended to preserve the existence of the world. He notes that these commandments are essential for the functioning of society and the maintenance of order. Finally, the authors argue that the killing of a fetus is simply a crude form of life that has not yet been realized. As such, it is not considered to be a violation of the 613 commandments, which are intended to protect the more fully developed forms of human life.

- 28. See also the words of Rambam in his objections to the book of commandments, root 14, and in the book of education, commandment 76.
- 29. And as we found that a Gentile who breaks Shabbat is liable to death, Sanhedrin 82b, and Rashi there. And it is stated in the book 'Ets hadar' by Rav Abraham Isaac Kook, sign 2, that the existence of the world is a commandment for the Noahides.
- 30. 'The Mabit'; in his book Sefer Beit Elokim, morals and faith, Shaar Hatefila, Shaar Hateshuva, and Shaar HaIkarim, by R. Moshe (Moses) di Trani - the Mabit (leader of the rabbis of Safed), chapter 4.
- 31. Aruch HaShulchan, Avodat HaMelech, chapter 100.
- 32. Maimonides, Mishneh Torah, Hilchot Melakhim, 11:4."

- 33. See also the explanation of the reason for allowing to violate Shabbat for him, 'violate for him one Shabbat so that he will keep, in the future, many Shabbats,' and the words of Shaarei Teshuva (1:46): "And the fact that it is permissible to violate Shabbat for him according to the Behag, one should say that the Torah permitted the violation of Shabbat for the growth of future life, as wrote also..."
- 34. Also the prohibition of suicide is a reference to the foundation of existence: the will to live. In the 613 commandments there is no reference to this, because the very existence is like matter without form, and the 613 commandments are a reference to form.

Prohibition of suicide is also a reference to the infrastructure of existence: the will to live. In the third year of mitzvah there is no reference to this, since the very existence is like matter without form, and the three commandments are reference to form.

Similarly, the commandment to live a married life and bear children is a great commandment, and therefore it overrides other commandments. For example, the Gemara (Baba Batra 13a) states that a rabbi is obligated to release a half-freed slave in order to fulfill the commandment of yibum, even though by doing so the rabbi transgresses the commandment to 'work with them forever.' However, Chatam Sofer (Baba Batra 13a) explains that this commandment is not absolute, and that it is permitted to transgress it if there is a good reason.

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- The Rambam (Mishneh Torah, Hilchot Melakhim 11:4) writes that even before the fortieth day (from the beginning of pregnancy) we can say: 'Hallel on him one Shabbat so that he will keep many Shabbats,' meaning that we can violate Shabbat for the sake of preserving the Shabbat that will come in the future after he is born and will live. See the book Taknat Hashavin (by Rabbi Tzadok HaKohen Rabinowitz of Lublin, section 15, s.v. 'Ve-nereh, my opinion') which brings the possibility that the prohibition of the Chatam Sofer, harming 'the growth of future life' is also learned from the prohibitions of the Noahides; and it is appropriate for our words.
 - In a similar way, the Gemara explains the obligation of the Seven commandments from the verses: And G-d the Lord commanded the man, saying: Of every tree of the garden, you may freely eat. And G-d, these are the laws, and so it says: 'For I have known him, in order that he may command his children and their children and their children to keep the way of the Lord to do righteousness and justice'. G-d, this is idolatry, and so it says: 'You shall have no other G-ds before Me'. On the man, this is bloodshed, and so it says: 'Whoever sheds the blood of man, by man shall his blood be shed.' To say, this is incest, and so it says: 'If a man puts away his wife, and she goes from him and becomes another man's wife, and the latter man hates her and sends her away, or if he dies, then her former husband, who sent her away, cannot take her again to be his wife, after she has been defiled; for that is an abomination before the Lord.' Of every tree of the garden, and not theft, eat you shall eat, and not an animal limb.' In this simplicity is the intention of the Gemara: 'And G-d, these are the laws', that is, since G-d considers the man and commands him with commandments, it is simply that we too should take His words seriously, and judge those who transgress them. 'G-d - this is idolatry' since G-d reveals Himself to us in His name, it is simply that we should honor Him and not belittle His name. And so, on this path, give to the wise and he will increase wisdom (and thus is explained also the way of learning the additional commandments that are mentioned in the Gemara, from other verses, where there are no - in most of the commandments, commands, and warnings, but the reality and existence teach that these things are forbidden, and see there). We see that the obligation of the Seven commandments stems from the very existence, and not from a clear command like the 613 commandments and see.

Similarly, in the case of killing a fetus, on the one hand, it is an act of harming life that is in the process of being created, and there is a serious prohibition against it. On the other hand, it is an attack on raw life that does not yet have form, and therefore it is not mentioned in the 613 commandments, and there is no punishment of death for it. When there is a conflict between the 613 commandments and rabbinic commandments, the 613 commandments take precedence, because the main thing is to relate to the existing form, and not to the raw material.

Therefore, it is permissible to kill a fetus whose presence is harmful in order to save the mother. Here, there is the commandment of saving, which comes from the 613 commandments (the 'form'), which overrides the prohibition against killing a fetus that is learned only from 'there is nothing' (the 'material').

Prohibition of suicide is also a reference to the infrastructure of existence: the will to live. In the third year of mitzvah there is no reference to this, since the very existence is like matter without form, and the three commandments are reference to form. Reference to the infrastructure of existence, it has a serious side and a light side: on the one hand this thing is the basis on which the general stands, but on the other hand, the main thing is not to deal with the basis, the raw rather than the form.

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- See 'Likkutei Sichos' (Hassidic teachings and talks by the Lubavitcher Rebbe, Rabbi Menachem M. Schneerson) 5, p. 159, note 63, which suggests that this commandment also applies to Gentiles, which is consistent with our discussion here.
 - Suicide is also an attack on a formless golem, because a body without the will to live is like matter without form.
 - In the Shulchan Aruch [Code of Jewish Law], it is written [YD 240:1]: "A person is obligated to honor his teacher and fear him more than his father."
 - Therefore, there is something about the commandment of honoring one's parents that is more demanding and concrete than honoring one's teacher. While the main focus of honoring one's teacher is distance and awe, and from this, the negation of the self and the use of the teacher, in honoring one's parents, one is forced to feed and water them, and even to spend his own money if he has it; and he must do this even at the expense of his work until he will have to beg at the doors [See all of this in YD 240, and in comparison to honoring one's teacher in YD 241]. This is consistent with what is explained there, that if one's father was wise, the loss of one's father takes precedence.

Submission, Distinction, Sweetening

After we have clarified the difference between the prohibition against killing a fetus or committing suicide and the prohibition against killing a Gentile, we will arrange a structure that will align and contrast the Jewish obligations of the Seven commandments as they have been explained so far. In fact, we have three types of relationships:

- Submission: We have already seen that we do, in fact, adopt the prohibition that exists among Gentiles, but the rationale is external and therefore, according to Halakha, the life of a Gentile will be set aside in any case in which his killing will save a Jew;
- Distinction: In the majority of the prohibitions of the Seven commandments, we have seen that the 613 commandments clarify and organize what is forbidden for Israel and what is permitted, and in this way distinguish Israel from the Gentiles and place them in an independent and different system;
- Sweetening: The prohibitions against killing a fetus and committing suicide are an example of sweetening; as they deal with the beginning of existence and only the Seven commandments refer to them because the Seven commandments deal with raw life, the very existence.

We will arrange the matter according to the structure of ‘submission, distinction, sweetening,’ as explained in Hasidism:

- Submission - Killing a Gentile: In a perfect world, there would be no place for the prohibition against killing a Gentile, as the reality of a Gentile who is not a resident alien is not legitimate, as Maimonides wrote: ‘Moses our teacher, commanded with force, to force all the inhabitants of the world to accept the commandments, that the sons of Noah were commanded, and whoever does not accept will be killed, and the one who accepts them is called a resident alien in every place.’ (Mishneh Torah, Laws of Kings 9:1) Thus, the very fact of dealing with the prohibition against killing a Gentile is already a great submission, teaching us that the world is not perfect, and we have not succeeded in clarifying reality with the help of the 613 commandments. We are forced to submit to this reality and understand that as long as we have not succeeded, we are preserving the current reality and not ‘breaking the vessels,’ and in the meantime there is validity to the prohibition against killing a Gentile even though he did not accept to be a resident alien.
- Distinction - The 613 commandments: In the details to which the 613 commandments refer, and therefore we are not connected to what is said in the Seven commandments, we learn about the distinction between Jews and Gentiles. When the Torah sets different rules for a Jew, it removes us from the general category of Gentiles, and we feel that we no longer have any part or inheritance with them. What the Gentiles were commanded does not apply to us, the children of G-d who have received a portion and inheritance of our own.

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- We explained in note 50 above that even according to the Rambam's opinion that there is no obligation to force all the inhabitants of the world to be resident Ger Toshav, this is because we do not care about them, and therefore if they did not accept the Seven commandments, it is permissible to conquer them and use them for any need of a Jew.
 - The sweetened relationship to the Seven commandments is expressed in the prohibitions against killing a fetus and committing suicide. Now we relate to them and are obligated to them, not by force of ‘there is no choice’ and a bad reality that has taken over us, but because the Seven commandments teach us about details that are ancient and raw, and therefore

they did not come to expression in the 613 commandments. In these details there is a high and ancient side to the 613 commandments (and it is appropriate for them to have been given to the first man before the sin).

- See in the Pesikta de-Rav Kahana, Piska 12:

Rabbi Judah bar Simon began: 'Many daughters have done valiantly, but you have excelled them all' - Adam HaRishon was commanded on six commandments, and these are: on idolatry, on blessing the name, on the laws, on bloodshed, on sexual immorality, and on theft, and all of them in one verse, this is what is written: 'And G-d the Lord commanded the man, saying: Of every tree of the garden you may freely eat', ... Noah was commanded on a limb from the animal, as it is said: 'But flesh with its soul, its blood you shall not eat'. Abraham was commanded on circumcision, as it is said: 'And you shall keep My covenant'. Isaac was trained for eight days, as it is said: 'And Abraham circumcised his son Isaac when he was eight days old'. Jacob on the sinew of the heel, as it is said: 'Therefore the children of Israel shall not eat the sinew of the hip'. Judah on the widow, as it is said: 'And Judah said to Onan: Go into your brother's wife, and marry her, and raise up seed to your brother'. But at Sinai we were commanded 613 commandments, 248 commandments of doing, and 365 commandments of not doing. 248 commandments of doing, corresponding to the 248 organs that are in man, every organ and organ says to man: Please, do this commandment in me. And 365 commandments of not doing, corresponding to the days of the sun, every day and day says to man: Please, do not do this transgression in me. 'Vanity of vanities' - the beauty of Noah was vanity, 'and vexation of spirit', the beauty of Adam HaRishon; the heel of Adam HaRishon was brighter than the sun's wheel. And do not be amazed, in the way of the world a man makes for himself two discs, one for himself and one for his household, whose is he makes beautiful, and not his own, so Adam HaRishon was created for the service of the Holy One, blessed be He, and the sun's wheel was created for the service of creatures, not to mention that the heel of Adam HaRishon should be brighter than the sun's wheel?! And if the heel of his heel was brighter than the sun's wheel, the face of his face on one level much more! And of them all - 'A woman who fears the Lord, she shall be praised', this is Moses.

Chapter Five

Killing Gentiles in War

After addressing the killing of a Gentiles during peacetime, we will now focus on killing Gentiles during wartime. Let's recap the principles we've learned so far regarding the life of a Gentiles:

The prohibition for Jews to kill Gentiles arises from the fact that, for Gentiles, it is forbidden to kill Gentiles, and 'there is no such thing as' it is permissible for a Jew but forbidden for a Gentiles.' Therefore, for this reason, it is permissible for an Israelite to kill a Gentiles in a case where it is permissible for the Gentiles to kill a Gentiles.

It is allowed to judge and kill a Gentiles who violates the Seven Noahide Laws. Some have written that this is prohibited in a place where there is enmity; some have written that it is prohibited in our time by Rabbinic law. There are also opinions that it is allowed only when done for legal purposes and not as 'exploitation' of the law to kill a Gentiles whose presence interferes with us for other reasons.

There is a dispute about whether Gentiles are obligated to give up their lives to avoid committing murder. In any case, where a Gentiles aids a murderer and causes the death of another, it is permissible to kill them, even if they cause a complete danger by coercion.

In any case where the presence of a Gentile poses a danger to Jews, it is permissible to kill the Gentiles (such as in the case of 'kill Gentile so-and-so, or I will kill you').

Now, let's delve into the killing of Gentiles in war. War is a complex situation where many practical and legal opinions intersect with each other. We will detail these opinions and cases, considering all these factors in practice.

Pursuer

The first and simplest explanation for the permissibility of killing an enemy in war is the principle of the pursuer. As the Shulchan Aruch writes in Choshen Mishpat 474(?) (and similarly in the Rambam, Hilchot Rotzeah Ve-Shmirat Ha-Nefesh 1:6):

"If a man pursues his fellow to kill him, and he warned him, and he is still pursuing him, even if the pursuer is a minor, all of Israel are commanded to save him by injuring one of the pursuer's limbs. And if they cannot aim and save him except by killing the pursuer, then they kill him even though he has not yet killed."

Here, we are discussing a Jew who is pursuing another Jew, who must save the pursued even at the cost of killing the pursuer. It is explained in halakha that the pursued is saved by killing the pursuer even when the pursuer is a minor, who is not liable to punishment. (However, there is a qualification to the law of saving from a pursuer, which is that if it is possible to save by injuring one of the pursuer's limbs, one must do so, and it is forbidden to kill him. As explained in the rest of the Rambam's words there.)

In the continuation of the Rambam's words in that chapter, the great obligation of the mitzvah to save the pursued, the severity of the prohibition to stand on the blood of the wicked, and the greatness of saving a Jewish soul are explained:

Anyone who is able to save and does not save transgresses the commandment 'You shall not stand idly by the blood of your fellow' (Leviticus 19:16). Similarly, one who sees his friend drowning in the sea or pirates coming upon him or a wild animal coming upon him and can save him either by himself or by hiring others to save him and does not save him, or who hears informers or conspirators plotting against him or setting a trap for him and does not reveal his friend's ear and inform him, or who knows that a Gentile or an oppressor is complaining about his friend and can appease him for the sake of his friend and remove what is in his heart and does not appease him, and all such things, whoever does them transgresses the commandment 'You shall not stand idly by the blood of your fellow' ...

Although there is no flogging for these prohibitions because they do not involve action, they are severe, for whoever destroys one Jewish soul is as if he destroyed the entire world, and whoever sustains one Jewish soul is as if he sustained the entire world.

And thus, the Or ha-Hayyim explained the killing of the men of Shechem by the sons of Jacob (Genesis 34:25): 'And they killed every male', it is difficult to understand why they would kill those who did not sin? And also: Why did they not start with the offender first? Indeed, the sons of Jacob did not intend to kill anyone but the offender.

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- The Decisors (rabbi who gives the decision (Halakhah) in Jewish law or practice) have extensively debated whether the pursued individual must also be meticulous in discerning the threat. Refer to the words of the Rabbeinu Yosef Caro (Caro) that were brought in the Mishneh LaMelech at the end of the laws of 'Chovel u-Mazik', (Injurer and Damager), in the book 'HaMaphteah' in the Frankel edition, and in the responsa 'Yabia Omer' in Choshen Mishpat, Volume 4, Section 5.
 - According to the order of the verses, the residents of the city were killed first, and only afterward Shechem (son of Hamor) and the transgressors of the sin.

But all the men of the city wanted to stand in the breach against them, lest they kill their king. Therefore, the men of Midian pursued them, as it is said, 'And they killed every male.

Those who assist the persecuted:

The law of the pursuer applies even when the pursuer does not threaten to kill directly, but indirectly, by a pit, as it is written in the responsa of the Ribash, section 180 (first edition).

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- In the source mentioned, it brings up another possibility that the people of the city were killed because they were accomplices in the murder of Dinah. We will discuss the explanation of the killing of the people of Shechem according to Maimonides and Rambam later. In any case, it is clear that they do not disagree with the laws of the pursuer, but that they believe that if it is a single act, there is no place to claim that the people of Shechem, who are defending themselves against the sons of Jacob, are pursuing, because there really is no justification for breaking through the walls of an entire city and changing all the arrangements there, and we must give the people of the city to deal with the act (even if they do it at a slightly different pace than we would). Only if this act is part of the fact that the entire society is corrupt and distorted (as in their explanations of Maimonides and Rambam), is it permissible for the sons of Jacob to deal with the matter themselves and harm all the people of the city, and we will elaborate later.
 - The laws of the pursuer are also valid among Gentiles, as we see in the Talmud (Bereshit Rabbah 34): 'The pursuer who was chasing his friend to kill him, says to him: See that he is a Jew, and a covenanted son, and the Torah said 'He who sheds the blood of man in man, his blood shall be shed', the Torah said: Avenge the blood of this one with the blood of that one.' The verse 'He who sheds the blood of man' speaks of the sons of Noah, and we see that the Talmud understands that it contains the laws of the pursuer, meaning that even among Gentiles it is permissible to kill the pursuer; This is also proven in the Talmud on page 83 (end of page 1 and beginning of page 2) which deals with the laws of the pursuer among Gentiles, see there. And in the words of Menachot 72:5: "After a while, the Lord enlightened my eyes that even with a son of Noah, there is a clear verse in the Torah that it is possible to save the hunted with his soul from the pursuer, even to another son of Noah, for it is explained there (Sanhedrin 83a) 'The pursuer who was chasing his friend and said to him that he is an Israelite and so on, and the Torah said: He who sheds the blood of man in man, his blood shall be shed, avenge the blood of this one with the blood of that one' ... and this verse is said to the sons of Noah that the pursuer is permitted to be killed.
 - This is also seen from Maimonides in the laws of kings 9:4; and so wrote also Rabbi Zevin in 'Lor ha-Halacha' in the article 'Milchemet'; and in Sdei Chemed (Rabbi Chaim Hezekiah Medini) system 3, in the field of the field, sign 6.

A pursuer who was pursuing another person to kill him, whether in person or by means of an agent, the pursued person may be saved at the pursuer's expense. In this way, a person who delivers the property of a Jew to Gentiles is killed, because the delivery of property leads to danger to life. As Maimonides (Mishneh Torah, Laws of Damages 8:10-11) states:

'It is permissible to kill the deliverer in any place, even in this time when there is no capital punishment, and it is permissible to kill him before he delivers, except when he says 'My lord is delivering so-and-so', either with his body or with his property, even if it is a small amount of property, he has given himself up to death.' And there are actions in every generation in the Western cities to kill the deliverers who were found to be delivering the property of Jews. Also, the deliverer of even a small amount of property of a Jew to the hands of Gentiles, if he was found to have delivered three times, his death is incumbent upon every person, because he is like a pursuer.

As the Ahi Ezer (1:19:3) explains:

'Even a pursuer by means of an agent is also subject to the law of a pursuer, for all the laws of delivery are due to an act of an agent...

An enemy soldier in intelligence, maintenance, and other units assists the army that is fighting against us. Even an enemy medical soldier is considered a pursuer, because without the medical corps, the army would be weaker, and the medical corps also encourages and strengthens the fighters and helps them kill us. Even a civilian who assists the fighters is considered a pursuer and is allowed to be killed. A civilian who works in a factory to produce weapons and supplies weapons to the army is no less than a soldier who serves in the intelligence corps and provides information. Anyone who assists the evil army in any way that strengthens murderers is considered a pursuer.

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- However, it is necessary to limit this explanation: A civilian who produces weapons for the kingdom in which he lives, and he does so even during peacetime because the kingdom needs weapons to survive against the wicked, can argue that he is not helping the war against the righteous, but rather helping his kingdom to survive against the wicked, and that he has the right to do so based on the explanation of 'previous lives.' The matter is similar to a person who is forced to occupy a place in order to escape the danger of a landslide, and a murderer takes advantage of this fact and pursues another person so that he will not be able to flee to that place because it is already taken. In this situation, we explained (in chapter three) that the one who took the place is not considered a pursuer in vain, because he has the right to occupy the place on the grounds of 'previous lives,' since he does so because of a danger threatening him without connection to the murderer. According to this, even here, such a civilian can argue that it is not his fault that the wicked king is exploiting his good deeds for evil deeds. And indeed, such a person is not considered a deliberate pursuer, and he must be attributed to the general population of the kingdom, which we will discuss below (although there are cases).

Support and Isolation

A civilian who encourages war gives power to the king and soldiers to continue it. Therefore, any citizen in a kingdom against us who encourages the fighters or expresses satisfaction with their actions is considered a pursuer and his killing is permitted. Anyone who weakens our kingdom by speech, or the like is also considered a pursuer.

Thus, the Maharal (in Gur Aryeh on the Parsha of Matot) explains the killing of Balaam in the war with Midian: 'He went out from Midian to meet them and gave them evil counsel, so now he was liable to death because he was a pursuer and sought to kill all Jews, for anyone who brings fear into the hearts of men in a war causes them to flee from the war and the one who flees will be killed, so they sentenced him to death for what he did now.'

Rabbi Shaul Yisrael, in his book 'Amod Hayemini' (sign 16, chapter 3), explained in the context of the reality described in his words:

'As reported, the population of the Arab border villages knowingly provides shelter to the murderous gangs, so that they can do their deeds without fear of punishment. Since it is clear that these gangs must be persecuted not only for their past actions as murderers, but also as pursuers because of their future intentions, then the population that assists them, helps them, and strengthens their hands in all sorts of ways, is in the category of those who help a pursuer to commit murder ... It is clear that providing this assistance gives a broader basis for their actions in the future, so that the number of actions will increase due to this encouragement given by the population ... Since according to the accepted estimate, the population encourages the gang's actions in all sorts of ways and this certainly helps to increase and expand their actions in the future, it turns out that the entire population is in this case in the category of a pursuer who can be killed to save their lives..

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- It should be noted that in reality, most of those who are part of the military complex also do things in war that help this war, and not only continue routine activities that are designed to help against other enemies.
 - Even against our own fighters, this reason is said, which is why it is permissible to kill our own soldier who flees from the battle, as explained in Sotah 44b; and as explained by the Netziv in He'mek She'eila, 229

Many Are My Pursuers and My Adversaries

With what we wrote in the previous paragraph, it is possible to argue as follows: The permission to kill a pursuer is when it helps, but here there are many pursuers, and killing one of them will not help. Therefore, every person who helps the war can say: Why are you killing me? The war is also taking place without me, and the danger to you continues!

It is clear that this argument is incorrect. It is permissible for us to save ourselves from our pursuers. It does not matter who we start with, as long as we are killing the pursuers and escaping from their danger.

And think for yourself: If you say that the presence of many people causes the question of who to start with, and this question is supposed to prevent us from saving ourselves, then it is the opposite: The presence of each person prevents rescue, and this is a reason to treat each person as a complete pursuer and kill him so that he does not cause this question of ‘endangering life’.

Forced to be Persecuted

A pursuer who is considered to be a pursuer. It is not permitted to kill a pursuer after he has stopped pursuing. However, this is true only if no further danger is expected from him in the future. In cases where there is a strong possibility that he will continue to pursue, he can be killed even if at this moment he is not actually pursuing.

This is how we found with regard to a traitor, whose killing is derived from the law of a pursuer, and it is ruled in the Shulchan Aruch, Choshen Mishpat, 420:18:

‘If the traitor who planned and betrayed, it is forbidden to kill him; but if he is considered to be a traitor, for he will kill or betray others.’

Similarly, in comparison to our case, if even in a Jew we say that since he is ‘considered to be a traitor’ he can be killed, all the more so in a population of Gentiles ‘who encourage in all sorts of ways the actions of the gangs’ (in the words of Rabbi Israeli). Whoever is in a situation where it is clear that he will pursue.

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- See also the commentary of the ShaCh on that page, section 6. Even according to the opinion of the Rash there, that someone who is suspected of being a traitor is not killed by hand but by indirect means, this is because according to his opinion, someone who is suspected of being a traitor is not considered a complete persecutor, because there is no certainty that he will betray again. Rather, the Sages instituted that he be killed indirectly in order to deter people from doing so. However, it is simple that even according to his opinion, someone who threatens to betray is permitted to be killed by hand, as is explained in the Talmud in Baba Kama (KiTz, 1), where Rav Kahana killed by hand someone who threatened to betray, and Rav justified him.

He will endanger us in the future - there is no need to be meticulous and examine whether at this very moment he is actually helping the persecution against us.

Suspicion of Bloodshed

A ruling has been made in Jewish law concerning Gentiles suspected of bloodshed, and one must exercise caution around them. Several laws have been established based on this, as stated by Maimonides in the laws of murder and the preservation of life, Chapter 12, and in the Shulchan Aruch, which is in Yoreh De'ah 151:

It is forbidden for a Jew to socialize with Gentiles because they are suspected of bloodshed. One should not travel with them on the road. If a Gentile encounters a Jew on the road, the Jew should move to the right. When ascending or descending a hill, the Jew should be on top, and the Gentiles below, to prevent the Gentiles from potentially causing harm. One should not bow down to a Gentile, as they might trample his skull. It is prohibited to seek medical treatment from a Gentile unless it is desperate and necessary for survival. It is forbidden to get a haircut from them unless one has the authority to execute them, to prevent them from potentially killing him.

Indeed, there are many details in these laws, such as, for example, if the Gentile is a 'specialist physician for the public,' then it is permissible to seek healing from him because there is no concern that he will harm his craft, and the like. We have found situations where it is not only necessary to be cautious of Gentiles, but it is also permissible to kill them, as they are strengthened to pursue and endanger us.

If Jews were walking along the road and were attacked by bandits who threatened them, and the Jews killed the bandits, and there were also Gentiles present who were afraid that the bandits would tell their children or relatives and they would be harmed, then the Jews are allowed to kill even those Gentiles, even though the Gentiles said that they would not tell. We should not believe Gentiles, as it is said of them: 'Their mouth spoke falsehood, and their right hand is a right hand of falsehood.' We also find in the case of David, as it is said: 'David did not leave alive any man or woman... lest they tell the Philistines.'

Passage from the Tosafot:

‘One killed Rabbi's donkey.’ And one might ask: Is not bloodshed one of the Seven commandments that even for a Jew is forbidden? After all, it is taught: The astrologers and the shepherds of the wilderness did not raise or lower.

It can be said that he was afraid that they would report the matter to the officials, and they would cause him to be killed. And we say: ‘If he comes to kill you, rise up and kill him first.’

Passage from the Responsa of the Yad Eliyahu:

Question: If one Gentile wants to kill one Jew, and there is another Gentile standing there who does not want to save the Jew, nor does he want to help the Gentile, and the persecuted Jew cries out to the aforementioned Gentile to save him from the other, and he replies that he does not want to help or assist, only to stand by and do nothing, and then, after the Jew overpowered the persecuting Gentile, is it permissible to kill the second Gentile for not wanting to save him from the attacker who wanted to kill him? He is also afraid that some danger will come to him when it is revealed what the Jew did to the persecutor he killed, that they will accuse him that he could have saved himself with one of his limbs, etc.

Answer: First, I will bring what the Rambam says in the Parashah Vayishlach, and it is as follows: ‘And many will ask how the sons of Jacob did to shed innocent blood.’... And I will give an answer in favor of the Rambam... Let us return to the subject of the question. In the matter of the Gentile not intervening, it depends on the dispute mentioned above, that from the Rambam, he is obligated if he can save him with one of his limbs, and for the Gentile he is not obligated unless he can save him without any danger to himself.

If he can save him with one of his limbs, and he does not intervene, then he is as one who killed him, and it is permissible to kill him. This is because he is obligated to save him, and he did not do so.

The Tosafot mentioned above where it was quoted by the Tur and the Shulchan Aruch in their disagreement that we discussed in Chapter 2.

However, we need to explain the words of these Tosafot further, because it seems that we could object: Why is it permissible for Antoninus to bring his slaves to a situation where they are suspected of endangering him and then kill them? Why doesn't he just not go to Rabbi's house, and thus avoid reaching this situation? The Tosafot understood that this is permissible because Antoninus's visits to Rabbi are a matter of existential need, both for him and for the world, so that the Roman emperor will repent. Therefore, it is permissible for him to continue doing this, and if they become persecutors, their blood is on their heads. (This is similar to what we explained in Chapter 2 regarding the killing of the men of Shechem according to Rambam, see there.) In the annotations of Rabbi Meir Erik to the Sefer Hassidim (Moed edition of the Rabbi Kook Institute), he indeed pointed to the Tosafot in Avodah Zarah.

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- This addition was brought up by the 16th and 18th centuries in the disputes we dealt with in chapter 2.
 - It is true that the words of these additions should be further clarified, because apparently it could have been made more difficult: Why is it allowed for Antoninus to bring his slaves into a situation where they are suspected of endangering him and then killing him? The Rabbi should not go to the house so he will not have to get into this situation! Tosafot understood that this is permissible because of his criticisms of Antoninus, and according to Rabbi, is an existential necessity, both for him and

for the world, he will be made righteous by doing what Caesar of Rome did for Repentance, so it is permissible for him to continue this act if they become persecutors.

- However, the Chavot Yair disagrees with this opinion. He argues that even in our time, there is a risk of bloodshed, as the Gentiles may still be hostile to jews. He also argues that it is important to protect the jewish child from the influence of Gentile culture.

According to the Talmud, it is forbidden to leave an animal in the care of Gentiles because they are suspected of bestiality. However, the Shulchan Aruch (YD 258:1) rules that it is permissible in places where Gentiles are not suspected of bestiality and, in fact, punish those who engage in it. (See Bet Yosef there in the name of Ran.)

Therefore, it seems from the Talmud and the poskim that there is a basic suspicion of Gentiles with regard to the fulfillment of the Seven Noahide Laws, as it is written in the Talmud that G-d saw that Gentiles do not fulfill the Seven Noahide Laws (Avodah Zarah 2:1). However, over the course of the generations, there can be progress among different Gentiles or groups, which generally accept to fulfill the Seven commandments or part of them, especially when this is done together with a system of punishment. Then, it can be defined that a certain Gentile or country is considered to be in the same category.

This is similar to what we find with regard to idolatry, where there is a different treatment in halakha between Gentiles who worship idols and Gentiles who are known not to worship idols, such as Muslims. (See, for example, Maimonides, Mishneh Torah, Laws of Forbidden Foods 11:7.)

We have mentioned here three transgressions: idolatry, adultery, and bloodshed. But it seems that we should divide them: idolatry stems more from ancestral customs and habits (see the Gemara in Chullin 13b:4), and therefore it is easier to reach a definition of a Gentile that does not practice idolatry, since there is no reasonable fear that an atheist Gentile will practice idolatry contrary to his religion and habit. In contrast, bloodshed and adultery are things that stem mainly from the evil inclination of the human heart, and therefore the fear of them is greater, but nevertheless the existence of a system of punishment changes this reality. And from a certain point of view, the suspicion of bloodshed is greater than the suspicion of adultery, etc.: first, because a person who engages in bestiality with an animal is considered a detestable thing among the refined Gentiles. And second, because bloodshed is associated with the factor of hatred of Jews.

We are accustomed to isolate ourselves from Gentiles, even though it is a matter of rabbinic law, for we suspect them of bloodshed. However, there is no such suspicion now, for they are punished for such acts, as all the authorities have written. Even in this matter, the prohibition was only enacted in places where there was a suspicion of bloodshed, and the blood of Jews was like water to them. However, where there is no such suspicion, it was permitted even in their time.

It is a known law that Esau hated Jacob (Rashi on Genesis 33:4). And perhaps for this reason, no leniency was brought in the Shulchan Aruch in the laws that arise from the fear of 'perhaps they will kill us,' because even when it seems that progress has occurred, one must be very careful not to rely on outward kindness that appears to the eye (and the example of this is the German Gentile, which was considered enlightened and advanced, and yet it has revealed itself to be a cruel and terrible predator, as is well known).

However, all that there is to be lenient in connection with the suspicion of bloodshed is for ordinary times. In times of war, it is certainly the case that the suspicions are greatly magnified. And if during peacetime, in a well-ordered kingdom, some of the authorities wrote that a simple Gentile is not suspected of bloodshed because he has fear of punishment and fear of the government that 'punishes with the obligation of death on the murderer', then in wartime, the reality is the opposite, that there is a government here that wants to kill us, and therefore the Gentiles have an interest in killing us. Here it is not only 'suspicion', but that at least a large part of them are considered to be endangering and persecuting us. This situation strengthens what we have brought up about killing the enemy from the fact that he is considered to be one who is persecuting and killing us.

In this context, it is appropriate to bring the words of the Sages in the Midrash Rabbah on the portion of Pinchas (Numbers Rabbah, Parasha 21, 4):

'In other words, when they are 'your adversaries', meaning they treat you like enemies (as Rashi interpreted there 'gather the Midianites' to mean 'you should hate them,' treat them like enemies), they are considered pursuers, and they are in the category of 'the one who comes to kill you,' whom you must rise early to kill.'

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- Similarly, the opinion of the Chavat Yair itself is a significant source, as indicated by the Hebrew letter 'עב' (Ayin Bet) in his response to Rabbi Menachem Mendel Schneerson. From his words: "For the rationale of punishments – even in their times, they certainly punished for bloodshed, and yet they hesitated. Furthermore, it seems to me that they did not lighten [the punishment] except in the case of suspicion, which is inherently something abhorrent and detested in their eyes, and they are not suspicious of it. And this is the main reason... Therefore, the Beit Yosef does not mention in the Shulchan Aruch to be lenient regarding a Jew or a Jewish woman specifically, even though they are mentioned together in this context."
 - It is explained in the Meir on Sanhedrin (72a:4) that this is the source for the words of the Talmud there, which state that the Torah said: 'If someone comes to kill you, rise against him to kill him.'

Murder and Theft

Addressing acts of murder and theft, up to this point, we have discussed topics from the perspective of the laws regarding pursuers. Now, we turn our attention to Gentiles who violate the Seven Noahide Laws and how their transgressions are treated.

Regarding Gentiles who participate in a war against us, they are liable for the death penalty for shedding blood. Even those who do not physically kill are subject to the death penalty, as we brought in Chapter Three where Gentiles are liable for death for causing death indirectly. They are judged for this even after the war when they are no longer pursuing.

Another reason for imposing the death penalty on Gentiles who fight against us is their violation of theft. In war, they may conquer land or plunder from the enemy, causing financial losses, and for this, they are liable to death. In a war over the land of Israel, this reason strengthens, as Gentiles who claim the land for themselves are stealing it from us, its rightful inheritors from our ancestors.

Working on the Seven Noahide laws

Aside from these transgressions that our fighters commit, their wickedness in waging war against us is part of what constitutes a violation of the Seven commandments in general. Therefore, in such a situation, we have a basis to judge and execute them for all their wickedness.

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- It should be noted that the Rambam, in his commentary on Shechem (Genesis), says that causing damage is a category of the commandment of 'judgments,' not of theft. See there. In any case, one is liable to death for this, as it is a violation of a commandment that requires action." (See also the Tosafot in Bava Metzia 20b, s.v. (tashlich).
 - As explained in Avodah Zarah 33b and Bava Batra 111a-b; and see also Shem Mishmuel, Judges 110a. We have expanded on this matter in the article "The Ownership of the Land."
 - It is difficult to imagine a war with a nation of Gentiles who do not violate the Seven Noahide Laws. After all, there is no reason to fight them, and therefore it is forbidden to do so. They will also not start a war against us if they are indeed keeping the Seven Noahide Laws. In addition, it should be noted that if there are individual Gentiles within the nation who keep the Seven Noahide Laws, these Gentiles are naturally less suspected of endangering Jews, and their likelihood of harming us is not as high as the likelihood of most of the members of their nation, as explained above. (We will discuss the reasons for allowing their killing in time of need later.)

It is explained in the words of the Rambam in Genesis about the killing of the men of Shechem:

And why should the rabbi seek a liability in them? And are not the men of Shechem and all Seven nations idolaters and fornicators and doers of all the abominations of the Lord? And the scripture cries out against them in many places (Deuteronomy 12:2) 'On the high mountains and on the hills and under every green tree' (ibid. 18:9), and in fornication 'for all these things were done by the people who lived in the land before you, and the land became defiled.' (Leviticus 18:27). Therefore, it is not the matter that is entrusted to Jacob and his sons to do justice in them. But the matter of Shechem, because the men of Shechem were wicked and their blood was important to them as water, they wanted to avenge themselves on them with a sword of vengeance, and they killed the king and all the men of his city because they were his servants, and they obeyed his command.

In other words: In general, we do not harm any Gentile who violates the Seven Noahide Laws in our vicinity, because we have no interest in him. But when we are at war with them, then it is part of their overall wickedness, and now we are judging them for their wickedness.

This is also in accordance with the Ritva that we learned in chapter two, 'We do not execute' is because of enmity; and in wartime there is no fear of enmity, because the enmity already exists, and the act does not cause more enmity.

Similarly, according to Rabbi Jonah, who believes that the Sages prohibited judging and killing a Gentile who violates the Seven Noahide Laws, it is clear that this is only in times of peace, when the killing is a breach of the fence and destruction, and therefore the Sages prohibited it; but in wartime, when there is already a situation of killing, there is no prohibition to treat the enemy Gentiles according to their law.

And in the words of the Taz, who agrees with Rabbi Jonah that there is a rabbinic prohibition to judge them, it is proven that this is only in times of peace, since he proves his opinion from the words of the Rambam, who says that it is forbidden to kill Gentiles, and in the Rambam there it is clear that this is only in Gentiles 'with whom there is no war between us.'

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- We have already discussed these words of Rambam in chapter two (paragraph 13), see there. It should be noted that we see from Rambam here that it is not necessary to know for each individual in private where and when he transgressed the Seven commandments, since Simeon and Levi certainly did not know where and when each of the people of Shechem transgressed; but their affiliation with the nation that is held to be in this is sufficient to kill them (see in chapter two in note 15).
 - At the beginning of chapter 10 of Hilchot Avoda Zarah

Transgression of the Commandment

Although according to Rambam (according to the explanation of the Beit Yosef), we wrote in chapter two that we do not judge a Gentile on the Seven commandments if we are doing it for a side reason that is not the desire to deal with this transgression; but even according to his opinion, it is possible to judge the Gentiles who fight us for their being transgressors of the commandment of justice. Since Rambam wrote in the Laws of Kings (end of chapter 9) on the act of Simeon and Levi:

And how are they commanded on the judgments? They are obligated to appoint judges and judges in every district and district to judge in these six commandments, and to warn the people, and a son of Noah who transgressed one of these Seven commandments will be killed with the sword, and for this reason all the owners of Shechem were obligated to be killed, since Shechem stole and they saw and knew and did not judge him, and a son of Noah is killed by one witness and as one judge without warning and according to relatives but not with the testimony of a woman and a woman does not judge them

Rambam wrote in the Laws of Kings:

And in the Jerusalem Talmud, they said, in the judgments of Noah, he who distorted his judgment were killed, he who took a bribe was killed. In the judgments of a Jew, any judgment that you know that you are innocent of, you are not allowed to flee from it, and any judgment that you know that you are not innocent of it you are allowed to flee from it, but in their judgments even if you know that you are innocent of it you are allowed to flee from it, and only a son should not be punished when he does not make himself a captain, policeman, and governor to judge his master.

In other words, Rambam argues that the people of Shechem cannot be blamed for what their king did. After all, he had the power and the authority. How can we say that every single person in Shechem was guilty of not fulfilling the commandment of justice and stopping the king's actions? Should they have risked their lives to judge the king?

The Maharal also raises this difficulty in his commentary on the Torah, 'Gur Aryeh' (and similarly, the Or HaChaim ((Rabbi Chaim Ben-Atar, known as the holy Or HaChaim)) raises it):

'In truth, these words are indeed strange, for how could they have judged the son of the ruler of the land? For they were afraid of them, and even though they were commanded to judge, this is when they are able to judge, but their guilt was G-d-protected, and how could they have judged them? And it is necessary to explain the intention of Rambam.

Everyone in Shechem is obligated to judge those who commit crimes in their environment, and if they cannot, they are certainly forbidden from interfering with others who are interested in judging criminals. The reality of the people of Shechem and their lifestyle was such that it was simply impossible for them to interfere with the actions of Simeon and Levi, even if they could have. In such a situation, they are certainly considered to be nullifiers of the commandment of justice, and they cannot claim that it was only due to their compulsion.

We have learned that the existence of a society of wicked people who transgress the Seven commandments and allow them to remain in force leads to the fact that we cannot judge those who have harmed us, because this society protects and shields them; and in such a situation, it is evident that they transgress the commandment of justice not because of their compulsion or the like, but because of their wickedness

There is a hint to this in the language of Rambam, who says that all the men of Shechem were obligated to be killed. The term 'men of Shechem' is a term taken from the Book of Judges (chapter 9), where the people of the city are called "men of Shechem" because they were the ones who had to make decisions and determine what would happen in the city. Here too, Rambam wants to say that the people of Shechem, by their actions, determined the reality of non-response to the deed of Shechem, and they cannot say that they are not connected to the deed, as explained above (heard in the name of Rabbi Menachem Falk, Shlita).

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- In this context, it is appropriate to bring the words of Rambam at the beginning of chapter 6 of Hilchot De'ot: "The way of man's creation is to be drawn in his opinions and actions after his friends and companions, and he behaves according to the custom of the people of his mind. Therefore, a person must connect with the righteous and sit with the wise always so that he will learn from their actions, and he must distance himself from the wicked who walk in darkness so that he will not learn from their actions. This is what Solomon says, "He who walks with the wise will become wise, and he who herds fools will be brought low," and he says, "Blessed is the man," etc. And so, if he was in a country whose customs are bad and whose people do not walk in a straight way, he will go to a place whose people are righteous and who behave in a good way. And if all the countries that he knows and hears of are behaving in a bad way, like our time, or if he is unable to go to a country whose customs are good because of the armies or because of illness, he will sit alone and isolated, as it is said, "He will sit alone and be silent." And if they were wicked and sinners who do not allow him to sit in the country unless he mixes with them and behaves in their evil way, he will go out to caves and ravines and deserts, and he should not lead himself in the way of sinners, as it is said, "Who will give me a lodging in the wilderness?"
 - in the matter further: Rambam understood that it was not possible to kill the people of Shechem simply because they were generally transgressing the Seven Noahide laws. After all, if that were the case, then every Gentile who transgresses the Seven Noahide laws would be helping and abetting in some way another Gentile who commits a crime, simply by creating an atmosphere in which crime is tolerated. This would not be a sufficient connection to the sons of Jacob to say that they were carrying out justice and not simply using their power to "solve problems." (After all, all the Canaanites created such an atmosphere, and it seems from Rambam that there is no permission to kill them all, but only the people of Shechem.

Involuntary Participants Allied with the Enemy

Up to this point, we have discussed Gentiles for whom there is a reason to kill due to their wickedness. Now, let us turn to those who are not interested in war and actively oppose it.

Initially, we will examine the laws concerning Gentiles who engage in conflicts among themselves. It appears that even for Gentiles, it is permissible to kill involuntary participants in such conflicts from the perspective of laws governing the taking of life among Gentiles (which were extensively discussed in Chapter Three). By extension, this would be permissible for Jews as well since the prohibition for a Jew to kill a Gentile is the same as the prohibition for a Gentile to kill another Gentile (as elucidated in Chapter One).

Let's start with a soldier who is fighting against us, but he is doing it only because he was forced to participate in the war by threats. If he was threatened with financial threats, etc., then he is completely evil. There is no permission to participate in persecution and killing out of fear of losing money, and if he does so, he is a persecutor in every sense (in fact, even someone who kills me because I got to a good deal before him is a murderer because of financial rape).

If they threatened him with financial extortion or the like, then he is considered completely wicked. There is no permission to engage in persecution and killing out of fear of financial loss, and if he does so, he is considered a pursuer in every sense. (In fact, even someone who kills me because I secured a favorable deal before him is considered a murderer due to financial coercion.)

If they threatened him that if he did not participate in the war, he will be killed. According to the opinion of the Maharsh, it is permissible for him to participate in the war. Since Gentiles are not commanded regarding the prohibition of self-sacrifice for murder, he is allowed to kill others to avoid being killed. However, just as it is allowed for him to kill others, so too, according to the opinion of the Maharsh, it is permissible for others (even Gentiles) to kill him to avoid being killed. Therefore, according to the opinion of the Maharsh, it is simply allowed to kill such a soldier.

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- According to the Perek Shira on HaDerekhim (The Way), it is forbidden for him to participate in murder, even if he must sacrifice his life for it. And if he does so, he is wicked and it is permissible to kill him as any pursuer. Let us return and remember that this is referring here to any type of partnership in war: a combat soldier, a rear-echelon soldier, civilian aid, or various types of support and encouragement.
 - Those who are required to stand up and judge Shechem if they can, because of their being citizens of the same kingdom. They cannot claim that they are forced, because they are considered to be hindering the children of Jacob if they stand up and judge Shechem. Therefore, we should not rush to kill them on the Seven commandments according to the different opinions, and check. See also in Baba Batra 50 end of page 2.

Obstructors of the way

After we discussed those who participate in actions that aid the wicked in 'Come and do,' we will discuss the damage caused in 'Sit and do nothing' by people who do not necessarily belong to the army of the wicked. For example: Citizens live near a weapons factory or a military camp of the wicked, and bombing the place will also harm them. If we do not bomb the place, we will endanger the lives of our kingdom's people.

Even here, the things we wrote above are correct: If the citizens remain voluntarily and thereby block the way to harm the wicked, they are pursuers (and so also in extortion of money). However, if it is a matter of extortion of souls, they are not required to get up and leave the place. Even according to the separation of paths that obligates a Gentile to give his life so as not to murder, in a simple manner there is no obligation to get up and do something, because in this way the reasoning of 'What do you see' can be reversed: 'What do you see that I will do something and die so that you will not die' (as explained in the Tosafot in Sanhedrin 40b, s.v. "וְיָדָע", see there).

However, although it is permissible for them to stay, it is permissible to kill them in order to be saved: According to the Maharsha, the matter is permissible because it is permissible to kill others in order to be saved, and there is no obligation of self-sacrifice for Gentiles not to murder (and therefore we are also not commanded to sacrifice our lives for their murder, as mentioned above). Even according to the separation of paths, it is permissible to kill those who remain: We explained well in Chapter Three that whoever's presence helps the murderer, even if it is by force - is considered harmful, and it is permissible to harm him in order to stop his harm. Even if the citizens are tied up or imprisoned, and they have no choice but to stay in place and serve as hostages, it is permissible to run them over and kill them if that is the way to escape from the wicked, as it has been explained that even one who helps a murder against his will, it is permissible to kill him. 29. As we brought in Chapter Three (in paragraph 23) when we dealt with obstructors of the way who are also pursuers.

However, although it is permissible for them to stay, it is permissible to kill them in order to be saved: According to the Maharsha, the matter is permissible because it is permissible to kill others in order to be saved, and there is no obligation of self-sacrifice for Gentiles not to murder (and therefore we are also not commanded to sacrifice our lives for their murder, as mentioned above). Even according to the separation of paths, it is permissible to kill those who remain: We explained well in Chapter Three that whoever's presence helps the murderer, even if it is by force, is considered harmful, and it is permissible to harm him in order to stop his harm. Even if the citizens are tied up or imprisoned, and they have no choice but to stay in place and serve as hostages - it is permissible to run them over and kill them if that is the way to escape from the wicked, as it has been explained that even one who helps a murder against his will, it is permissible to kill him. 29. As we brought in Chapter Three (in paragraph 23) Even if the citizens were tied up or imprisoned, they have no choice but to stay put and be hostages, it is permissible to run them over and kill them if this is the way to be saved from the wicked, as it was explained that even those who help in a murder against their will are allowed to be killed.

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- As we mentioned in Chapter Three (in paragraph 23) when discussing those who obstruct the way, even a pursuer who is inactive on the Sabbath is considered a pursuer.

Infants are often in a situation where they obstruct the path to safety with their presence, and they do so involuntarily and without intent. Nevertheless, it is permissible to kill them because their presence assists in committing murder.

In a wartime scenario, often (and perhaps it would be more accurate to say, in most wars), a situation of 'fog of war' arises due to the presence of many people. Some of them are our fighters or those who encourage them, while others are not. Thus, a situation may arise where there are enemy soldiers embedded in the civilian population, and part of the population does not assist them in any way.

It is permissible to harm these people since their presence aids in the act of murder (similar to the scenario where a person is shot as part of a crowd, where it is permissible to kill them, as explained in Chapter Three), even if they are truly innocent on their own part.

Healing by Killing the Innocent

Until now, we have discussed the killing of the innocent when their presence interferes with our war. However, there are situations in which we would want to harm the innocent specifically, and their presence and their killing would actually be beneficial to us. For example, harming the infants of the wicked king, who are currently innocent and whose killing helps us to hurt and pain him so that he will stop fighting us.

In the opinion of the Maharash, Yitzchak Isaac Elchanan Spektor, as explained in Chapter 3, it is permissible for Gentiles to kill each other in order to save themselves from death. Therefore, according to his opinion, it is simply permissible for Gentiles to take this step-in war if in this way they will reduce the harm to the souls of the king who is killing.

However, we explained there that it is possible to learn in the opinion of Maharash Yitzchak Isaac Elchanan Spektor that this is permissible only when the presence of the one who is killed is harmful; but there is no permission to exploit his presence in order to save oneself.

Similarly, according to the opinion of Parashat Derakhim, this is forbidden, since according to his opinion, it is forbidden for a Gentiles to kill another Gentiles in order to save himself. Therefore, according to their opinion, there is no source from here to permit this (and we will discuss this further in the next chapter).

jewish Life vs. Gentile Life

All of the discussion between the latter mentioned above is only in a war between Gentiles. When there is a war between jews and Gentiles, there is an additional reason to permit the killing of Gentiles, and it is: the preference of jewish life over Gentile life.

It was explained in Chapter 4 that when jewish life is in danger, it is permissible to kill a Gentile in order to save oneself, and in this there is no need to surrender oneself to the whole world.

Therefore, in a war between jews and Gentiles, it is permissible to kill the Gentiles in order to save the lives of jews, as explained in chapter four. This is also permissible even if we are exploiting the presence of innocent children to harm their parents, etc.

Summary of the Reasons for Killing the Enemy in War

We have detailed up to now five reasons for harming enemies in war: their being pursuers on behalf of their partners in war, their being pursuers because they are suspected of hating and shedding jewish blood, their transgressing the Seven Noahide commandments, their aiding a murderer even if by force, and the permission to kill a Gentile in order to save a jew. We will elaborate more on the relationship between them:

One who is actually pursuing is killed in a simple and clear way, and this is a reason that stands on its own. It is also simple that in reality, the killing of the actual pursuers is the main goal in war; and this is the most useful and necessary act for preventing the shedding of jewish blood.

When there is a need to kill others, we must examine the additional reasons:

In principle, when there is a need of pikuach nefesh, it is permissible to kill them, since it is permissible to kill a Gentile in order to save a jew; and besides that, even a Gentile is permitted to kill another Gentile who aids a murderer (even if by force), as was explained.

Indeed, in a simple way, we would prefer to kill the pursuers rather than kill others. However, this reasoning, that we would prefer to harm only the pursuers and not others, is also conditioned by the two additional reasons:

In addition, the fact that Gentiles are not obligated in the commandment of pikuach nefesh, while jews are, means that in a case where there is a need to kill in order to save a jew, the Gentile's life is not considered to be of equal value to the jew's life. Therefore, it is permissible to kill the Gentile even if it is not necessary to kill him in order to save the jew. The fact remains that Gentiles are liable to death because of the Seven Noahide commandments causes us not to hesitate to kill them and, if there is a need for a reason (such as a need for revenge, which is not an immediate necessity of rescue).

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- There is also a greater innovation in the case of jews versus Gentiles than in the words of the Maharash Iyyov between Gentiles, because even according to the opinion of the Maharash Iyyov, there is no permission for a third Gentile to intervene and kill one in order to save another, which is not the case with jews versus Gentiles, since all jews are commanded to save jews even at the price of the life of a Gentile. In any case, in war this difference usually does not come to expression, because everyone is considered to be persecuted by the evil kingdom that endangers all who fight against it.
 - What we wrote previously that there are reasons not to use this permission in any case, these reasons * are not relevant in wartime, because they are based on the fact that it is permitted to invest a lot for the sake of the world's settlement, and in wartime, it is precisely this kind of killing that will bring about the world's settlement; see there and check.

Only lives that are a general benefit in the future should be spared. In response to the argument that it is better to allow them to surrender and observe commandments from here onward, the claim arises that they are suspected of shedding blood, especially in times of war. Therefore, one should not expect those who fight against us to return in repentance. Instead, they should be dealt with according to the law and eliminated from the heart. Now, we will present the statements of our sages regarding Gentiles in war and examine how these ideas are formulated based on what we have seen so far in the words of our sages.

The Best of the Gentiles are Killed in Wartime

It is stated in the Tractate Soferim (15:10): 'Kill the best of the heathens (Gentiles) in time of war.' This is also said in the Mekhilta the verse 'he took six hundred of his picked chariots, and the rest of the chariots of Egypt, with officers in all of them' (Exodus 14:7), and also in the commentary of Rashi on the Torah there: 'And all the chariots of Egypt ... from whom were they? From those who feared the word of the Lord.' From here, Rabbi Shimon used to say: "A righteous man in Egypt is killed, the best of the snakes. Crush his head." This law is brought as a clear law in many early and late commentators (see for example in the Kessef Mishnah on Maimonides in the Laws of Murder, chapter 4, halakha 11; and the Beit Yosef, Yoreh De'ah, Siman 429, and Choshen Mishpat, Siman 576). And the meaning of the language is that in wartime 'it is a mitzvah to bring them down and cause them death,' as the language of the Sefer Maharash (Choshen Mishpat, Siman 576, halakha 8), and as written by the Shaarei Teshuvah (Gates of Repentance) Yad Eliyahu (Lublin, Siman 327).

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- See also in the book 'Yesod Mora' by Rabbi Abraham ben Meir ibn Ezra, gate 8: "two reasons were mentioned about 'Scour the Midianites': one - the matter of Baal-Peor; and the second - that they are planning to do you more harm for the sake of killing their princess's daughter." And this is like our words here: first, they are liable to death for being sinners and causing others to sin at Baal-Peor; also, it is not to be expected that we will reform them and bring them back to repentance because they are thinking evil of us for killing Cozbi.
 - This reasoning that we should not expect them to be reformed is also correct to a certain extent for infants, as we will explain at the end of the chapter, see there.
 - Regarding them, it is said: 'He who feared the word of the Lord among the servants of Pharaoh hurried their slaves and livestock inside' (Exodus 9:20). Thus, the slaves and livestock did not die from the plagues of the wild animals and hail (see also Rashi on Exodus 9:20).
 - This is also proven in Beit Yosef, Yoreh De'ah 429, s.v. what he wrote.
 - It will be brought below that this is a 'path of advice in the first place,' meaning that it is not merely a permission. The 'Hand of Elijah' also proves this from its proximity to 'the best of snakes, crush its head', which is certainly good advice, not only a permission.

Therefore, the law of killing Gentiles does not apply to righteous Gentiles (Noahide / Ger Toshav) whom we are forced to kill because pikuach nefesh (saving a life) of a jew overrides the life of a Gentile, or because they help a murderer in an assault; nor does it apply to complete persecutors, or those who are expected to persecute in the future, because in such a situation we would not call them 'Tob Shebbe Goyim' (the good among the Gentiles). And as it is written in the book 'Derekh' (The Path) (on the commentary of Rashi on the Torah):

It seems to me that this passage does not refer to a Gentile who is actively pursuing a jew with the intent of killing him in war. If that were the case, then it would be obvious that the jew is justified in killing the Gentiles in self-defense. Why would we need to be taught this?

This passage is referring to a Gentiles who is not actively trying to harm a jew. In such a case, we might be inclined to think that this Gentiles is one of the 'good' ones, and therefore we should avoid killing him.

However, the Sages are teaching us that we should not hesitate to kill even such a Gentile. This is because their inherent wickedness makes us suspicious of them, and we should treat them like snakes. Furthermore, these Gentiles are already transgressing the Seven Noahide Laws, and therefore they are liable to death according to 'jewish law.'

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- The language of the Rambam in his commentary on the Mishnah, in tractate Sanhedrin, chapter 10, is relevant to our matter: In his commentary on the Mishnah, the Rambam rules that it is permitted to kill a Gentiles who does not observe the Seven Noahide laws. The Tur disagrees and rules that it is only permitted by way of permission. And the Shulchan Aruch follows the opinion of the Tur. In the holy book, Kos Yeshu'ot, the author wants to bring evidence for the opinion of the Tur from the fact that the Tosafot in tractate Avodah Zarah 50b, in the commentary on the phrase 'And it is forbidden to bring down a good man from the Gentiles,' raises the question that perhaps the Mishnah is only talking about permission. And they answer that the phrase 'The good among the snakes, crush his head' is similar, and therefore the Mishnah is talking about a way of advice, and not a commandment. The explanation of his words is as follows: According to the opinion of the Rambam and the Shulchan Aruch, which we learned in chapter 2, it is permitted to kill a Gentiles who does not observe the Seven Noahide laws. The author of Kos Yeshu'ot raises a question on this: After all, the Tosafot in tractate Avodah Zarah 50b raised a question on the law that 'And it is forbidden to bring down,' from the Mishnah that 'The good among the Gentiles, kill,' and they answered that this is only in time of war. But according to the Rambam, it is not clear and was difficult for the Tosafot, since 'And it is forbidden to bring down' is only permission, and it does not contradict 'The good among the nations, kill.' The Yedidya answers that 'The good among the nations kill' is not only permission, but rather 'a way of advice, and not a commandment.' This is implied by its proximity to the phrase 'The good among the snakes, crush his head.' Therefore, it was difficult for the Tosafot to say that this contradicts the law of 'And it is forbidden to bring down,' which means that there is no commandment to bring down. And therefore, they answered that 'The good among the nations, kill' is only in time of war, when there is actually a commandment to do so.
 - It is clear that this good advice is binding, since if there is a danger to Israel, we must remove it in a permissible way. (As is also proven in the previous note that this advice is a commandment and not permission. And the meaning of the word 'advice' is that the Torah is not introducing a new commandment here, but rather teaching us how to relate to reality, and from this we learn what we must do.)
 - In such a case, it is permissible to kill even a jew, and not only 'among the nations.'

Menahem ben Aaron ibn Zera's Explanation in His Book 'Zeidah la-Derekh'

"However, this refers to a Gentile who is found in a war among other Gentile warriors. Even if he is not chasing after you to kill you, it is still permissible to kill him. This is because he is bound to help the other Gentiles, just as the Egyptians who feared the word of G-d did. And this is logical, since the rabbis said, 'A guest for ten years should not be humiliated in public.' All the more so, it is permissible to kill a Gentile who has no connection to you. Thus, it seems to me."

It is clear from the side commentary that this is not talking about someone who is clearly going to help persecute us, because in that case there is no distinction between Jews and Gentiles, and any pursuer is allowed to be killed. Rather, it is talking about a situation where there is doubt as to whether this Gentile is actually going to persecute us, and on this the Sages say: He will certainly persecute us in his wickedness, and do not hesitate to kill him. And even in this interpretation, Yenachem emphasizes the great suspicion of Gentiles:

It is better that a Gentile be killed, because we are afraid of him, and we are not assured of his goodness, and through this he can harm them without their knowledge. Therefore, one must be careful of him not to trust in his faith. Also, a good snake must be guarded against more and more, because by being in the assumption of good, he does not pay attention to him to be careful of him, and through this he is easily harmed from him...

And in the commentary Be'er Avraham al Ha-Mechilta:

And Rabbi Slonim says in this that even the best of them, still his heart and his thoughts hidden in his heart are full of venom like a snake. Also like a snake that does not submit to any blow and there is no cure for it except to crush its head, and even if it will be broken for years, there is still a fear that it will not cast the venom in its mouth. Therefore, there is no advice but as soon as we see him, to crush his head, and then of course he is not harmful, because it is not in his mind or in his ability, so also we must behave with them, because there is no faith or trust in them at all.

In the book 'Levush Ha'Aron' (on Rashi, by Rabbi Mordechai Yaffe, author of 'Levush'), he explained the difference between Jews and Gentiles in the following way.

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- In other words, it simply means that his intention in the words 'a Gentile who is found in a war among the other levied soldiers' is one who is indeed present here, but he is not from 'the soldiers' but only present alongside them; for if he is from the soldiers (a soldier) of the enemy, certainly he is held to pursue us, and it is impossible to call him 'good' as mentioned above.

Since G-d shook the Pharaoh and all his army into the sea, and not one of them remained, it is certain that there were many of those who feared the word of G-d among them, all of whom sank into the sea. And from them we could have learned that since they feared G-d, even though they were among the pursuers, they did not go to kill a Jew, but only went for the sake of Pharaoh, in the way that it is said, 'Fear the Lord, my son, and the king' (Proverbs 24:21), meaning that with the fear of G-d there will also be the fear of the king. But in their minds, there was no intention to kill any Jew. So why then were they shaken into the sea? Rather, it is certain that the Lord, who examines all thoughts and deeds, knew that even though they had already feared G-d, now their hearts had turned to hatred, and they pursued to kill and destroy. And there was not even one good one among them, because such is their way, that their fear is never with all their soul, but only outward fear for their own benefit, as was the case here, that for the sake of their property, so that they would not die with their livestock, they were afraid at first, and now they had turned into complete enemies.

The Maharal of Prague (on the Book of Judges) explains this Mishnah by saying that the rabbis emphasized that we should not expect Gentiles with whom we are at war to repent. He writes:

'A righteous person among the nations is killed', this does not mean that we should kill the righteous, because the rabbis never said that we should kill Gentiles, except for heretics and apostates, who are lowered and not elevated. But about Gentiles, they never said anything like this, and G-d forbid that we should say such a thing. Rather, the meaning is that in a case of war, if a Gentile comes to fight you and falls into your hands in that war, you should not have any mercy on him at all and you should kill him, as it was here, when the Egyptians came to fight the Jews and killed them and their children. And in similar cases, they said to kill. In the Book of Judges, it is written: 'Hear, O Israel, you are approaching today for battle against your enemies. If they fall into your hands, you shall not show them any mercy, because they will show you no mercy.' This refers to Gentiles who have come to fight Israel and are their enemies who are fighting them.

In other words, in a war between Jews, we understand that there is always an opening for repentance and a return to brotherhood with those who fought against us, as explained in the Book of Chronicles (2, 28) on the fact that at the end of a war between Judah and Israel, the people of Israel released the prisoners from Judah.

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- This is also written in the Be'er HaGolah, the Seventh well; and similarly, the Ya'avetz (rabbi Jacob Emden) wrote in his notes on the book "Shevet Yehudah" (a book of didactic historiography), which was brought in the collection "Tzefunoth" part 9 page 44; and similarly, see also in the Knesset HaGolah at the end of his notes on the Beit Yosef in Choshen Mishpat 75.

After treating them with dedication. However, in a war between Gentiles, it is only a mistake to take this path. And as the priest of war begins his words by saying (Mishna in Sotah 8:1):

"And he shall say to them Hear, O Israel" etc. "Against your enemies", and not against your brothers, not Judah on Simeon and not Simeon on Benjamin, if you fall into their hands, they will have mercy on you, as it is said: "And the men who were named rose up and took the captives, and all their nakedness they clothed with the spoil, and they clothed them and shod them, and fed them and gave them drink, and anointed them and placed them on donkeys for every lame, and brought them to Jericho, the city of palms, to their brothers, and returned to Shechem." You are going to your enemies, if you fall into their hands, they do not have mercy on you!

They do not expect an answer from them, and we must fight them with attacks and kill them because the time of war only increases their wickedness. Ignoring this is dangerous and foolish. In accordance with these things, it is said in the Book of Samuel, Chapter 27, about King David who killed all the enemies in his wars so that they would not report to Achish, the king of Gath, about his actions, to avoid.

Now David and his men went up and made raids against the Geshurites, the Gerzites, and the Amalekites; for they were the inhabitants of the land from of old, as far as Shur, and as far as the land of Egypt. David attacked the land and did not leave a man or woman alive, but took away the sheep, the oxen, the donkeys, the camels, and the clothing, and came back to Achish. Achish would say, "Against whom have you made a raid today?" And David would say, "Against the Negeb of Judah," or "Against the Negeb of the Jerahmeelites," or "Against the Negeb of the Kenites." David would leave neither man nor woman alive to bring news to Gath, thinking, "They might tell about us and say, 'David has done so and so.

You are going, for if you fall into their hands, they will show no mercy to you!

With them, one cannot expect a response, and we must fight them with attacks and kill them because the time of war only increases their wickedness. Ignoring this is dangerous and foolish. In accordance with these things, it is said in the Book of Samuel, Chapter 27, about King David who killed all the enemy men in his wars so that they would not report to Achish, the king of Gath, about his deeds. Because David would tell Achish that he was fighting against the people of Judah.

David and his men went out on a raiding expedition to Geshur, to the land of the Maonites, and to Amalek. These were nomadic peoples who lived in the areas between Israel and Egypt. David smote the land and left no one alive, male, or female. He took their sheep, cattle, donkeys, camels, and garments, and returned with the spoil to Achish. Achish asked David where he had raided. David answered him that he had raided in the Negeb of Judah, in the Negeb of the Jerahmeelites, and in the Negeb of the Kenites. David brought back no man or woman alive, so that they might not tell Achish what he had done. David did this all the days that he dwelt in the field of the Philistines. He wanted to remain under Achish's protection, so he refrained from harming the Philistines.

- An anointed of war should warn against this mistake, since the jews themselves are truly merciful and inclined are truly compassionate, with a tendency towards kindness, avoiding the strengthening of hands and aggression. Therefore, they assume that Gentiles are also like this and lean towards treating them kindly. They fail to understand that the reality among Gentiles is different, as they are not inherently compassionate. It is precisely firmness that subdues their evil instincts and enables them to be corrected. An example of this mistake can be seen in Ahab, who took pity on the king of Aram (Kings I, Chapter 20). From there, we also see that a king Ahab assumed that others will show him mercy based on the belief that the nature of a jew is one of 'kings of mercy.' Unfortunately, even in our generation, we witness how the words of the Mishnah in this regard are correct, highlighting the extent to which, is firmness among Gentiles, which subdues their evil inclination and enable them to be corrected. The Lubavitch Rebbe went on to shout about it countless times.

Radak explains that David spilled the blood of these Gentiles in order to save himself:

He argues that even if there were good and pious people among them, David's intention was to protect jews from the wicked. He also notes that David acted in accordance with the laws of war, which allow for the killing of anyone who is a threat to your life or the life of your people.

When Dealing with the Killing of Infants and Children

On the one hand, we look at them as completely innocent, as they are not of sound mind and are not judged for violating the Seven commandments, and we cannot attribute malicious intent to them.

But on the other hand, there is great concern about their actions as they grow up as we found several examples of this concern.

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- In a simple way, the nations of Gush, Gezri, and Amalek are subject to death due to the commandment not to spare a soul from the Seven nations and Amalek, as written by the Malbim (an acronym for rabbi Meir Lob Ben Yehiel Michal), there and as proven from the verses in the Book of Joshua that Gush and Gezri are among the Seven nations. According to this, the reason given in the text for David killing a man and a woman so that they would not tell Achish is that David made sure to kill even a 'man and a woman' who were not from these nations but only lived with them, because they were suspected of telling Achish and thus endangering David and his men (see a similar explanation in another place in the book of Nehemiah on the Torah in Numbers 20:17).
 - In this context, the obligation to kill every male is clear in a situation where we are conquering the territory of an enemy who did not agree to respond to our call for peace, because the remaining of adult males is a danger to our rule in that place. However, we will not enter into a discussion of this law, which belongs to the war of conquest and not to 'aiding jews from the hand of the enemy,' as we wrote in the introduction.
 - This refers to those who are not of sound mind, not to a specific age; because among the Gentiles, adulthood and childhood are not determined as among the Israelites, but according to the intelligence and understanding of each individual (see, for example, Yirat Shamayim, Hilkhos Issurei Bi'ah 3:2; the beginning of the book 'Etz Hadar' (by Rabbi Kook): Rabbi Menachem ben Shelomo 1:44).

It was ruled that it is forbidden to deliver a Gentile woman and nurse her son, so as not to give birth and raise a son to idolatry. (Avodah Zarah 26a; Shulchan Aruch, Yoreh De'ah 155:14)

This means that we assume that when they grow up, they will follow the practices of their parents. This reasoning applies to not saving them, but it does not yet allow us to kill them.

However, even with regard to actually killing them, we find that Isaiah the prophet (14:21) calls to kill the children of Babylon, even though they are young and still not of sound mind, because we assume that when they grow up, they will follow the practices of their parents and cause harm.

They prepared for their sons a slaughter-place for the iniquity of their fathers, because they rose up and caused them to wander out of their land, and they filled the face of the world with cities. And as explained by Radak there (and also in the commentaries of Rashi and Targum Jonathan):

They should kill them, and this is for the iniquity of their fathers. And you must fear that the sons will be like the fathers, evil, therefore kill them so that they will not rise up and inherit the land. Rabbi Bahya (Bahya ben Asher ibn Halawa) in his commentary to the Torah (Deuteronomy 2:12) elaborates on this explanation as the reason:

There is no prohibition in killing infants who are branches of the root of Mary, the bitter and hasty Gentile. Certainly, they will hold to the ways of their ancestors, committing all the abominations that G-d despises, and the Torah mentions in this context: 'So that they will not teach you to do according to all their abominations' (Deuteronomy 20:18). Perhaps you might say that when they grow up, they will enter into the covenant and repent. Go and learn who permits their killing, he blessed G-d, who knows that they will not repent. Isaiah, peace be upon him, commented on this: "Prepare for his sons a place of slaughter because of the iniquity of their fathers; they will never rise up to possess the earth and fill the face of the world with cities" (Isaiah 14:21). If we leave them alive, isn't their existence a cause for much greater harm than the harm caused by their killing? It is close to common sense that a person would cause a small harm to fend off a greater one. An intelligent person might harm himself to escape danger, sever his hand or leg or any limb to save his entire body, or drink a bitter potion to repel an illness. Therefore, in all these cases, one does not violate the prohibition of self-harm.

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- And we must discuss whether this prohibition applies only to idolaters, or to all Gentiles who do not observe the Seven Commandments. See on this in the Pri Megadim on Orach Chaim 670:1 (who proves his words from the language of the Shulchan Aruch in Yore De'ah 158:1, and so is implied in the language of the Tur there), and in contrast to the words of the Knesset HaGedola and the Shulchan Aruch ha-Rav there. And there is what to lengthen in clarifying this matter, but it is not the place for it here.

He is compassionate towards his own soul, but he does a kindness to himself by preserving his soul. And since a person does this for himself, and he cannot be judged as being heartless, all the more so is he not heartless when he does this for the souls of others. And for this reason, the Torah permitted the killing of the fetus and the infliction of harm, in order to prevent a greater harm that would have led to the loss of their lives. There is no heartlessness in this, but rather it is a matter of intellect for the one who contemplates it.

Even though the verse refers primarily to the Seven nations, it is because they are absolutely certain to do this. However, in cases of other nations, such as Babylon, which the prophet Isaiah prophesied, it is necessary to examine in each case whether there is really such a fear and how great it is. In any case, we learn that there is reason to harm the infants if it is clear that they will grow up to harm us, and in such a situation the harm 'should be directed specifically at them' (and not only while harming the adults, when they too are harmed).

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- The verse 'For if you will lay the death of the children upon you' (Deuteronomy 21:18) deals with the instruction to kill the rebellious and wayward son. The commentator Rambam (Mishneh Torah, Laws of Sanhedrin Chapter 71a Halacha 1-23) explains that even the children of the rebellious and wayward son must be killed, because 'they follow in the way of their father.'
 - Another example of an instruction to kill all the inhabitants of a hostile country is Jehu's war against King Ahab. Jehu killed all the members of Ahab's house, including infants and small children. There are two ways to explain Jehu's actions. One possibility is that he did so to prevent Ahab's house from returning to power. The second possibility is that he did so to prevent the children of Ahab's house from continuing in the way of their father.
 - In addition, we find that there is a concept of fishing according to the ban, as explained by Rambam on the war with the Canaanite king of Arad (Numbers 21:1-3): The one who curses from the person who is not his, such as those who fight against their enemies and swear an oath 'If you will give this people into my hand and I will destroy their cities', all the people who are found in them will die'... because he intended to eradicate the enemies and destroy them. It seems that this is not a reason to allow killing, but in a situation where there are reasons to allow killing - the ban adds strength and obligation to killing; and therefore we did not elaborate on this here, and we will elaborate with the help of G-d when we will deal with the kingdom and the public among Israel (where the main innovation of the ban is found).

Chapter Six

Intentional Harm to the Innocent

In the previous chapter, we discussed harming Gentiles in war, and we saw that in addition to the wickedness of the Gentiles (which is expressed greatly in wartime), there is also a place for killing the innocents, if avoiding harming them helps the murderers. In this chapter, we will deal with cases of harm specifically to the innocent, and we will explain when there is a need and permission for it.

Killing the Innocent from the Righteous Kingdoms - Presenting the Question

First, we will discuss those who are certainly innocent: in what the kingdom harms its own people. A kingdom takes its people and forces them to go to war in which they are exposed to great danger, even to death!

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- Like we found in the Mishnah in Sotah (7:4)(?) that they put up policemen who kill the one who flees from the battle, and it is clear that these policemen cannot judge every fugitive whether he was already in great danger indeed and therefore it is permissible for him to flee; but rather we do not allow anyone to flee and everyone must fight until self-sacrifice. The Chatam Sofer (Orach Chayim 570) explained the words of the Gemara in Shvuot 35b: 'Said Samuel a kingdom that kills one-sixth of the world is not punished.' that it is talking about a kingdom of Gentiles, that it is permissible for them to go to war for the sake and honor of the kingdom even if one-sixth of the people of the kingdom will be killed in it (and see also in the Responsa of Aharon 2; and there are those who understood the Gemara there in different ways (see Rash, Ritva and Maharash there), but we brought that which relates to the matter of the permission of a Gentile king to kill the people of his kingdom in war). He wrote in the He'emeq Davar, (Genesis 9:6): In the time of war and a time to hate then it is time to kill and there is punishment for this at all. For thus the world was founded. And as it is stated in Shabbat, a kingdom that kills one-sixth is not punished, and even a king of Israel is allowed to wage a discretionary war, even though many of Israel will be killed by it. And so, they interpreted the words of Maimonides in the Laws of Kings (5:2): A war of mitzvah (which includes helping from distress as explained there in the previous law) does not need to take permission from the court, but he goes out of himself at any time, and forces the people to go out. And it is even more obvious that the thing is permissible among Gentiles, that among them there is less stringency of souls and the commandments are intended more for the settlement of the world (as we have extended in chapter three; and see also in Radbaz at the beginning of chapter four who says that the laws written there about the power of coercion of the king are also correct in a Gentile king).
 - Why can the king compel his subjects to go to war and put their lives at risk? Here, we are not talking about harming someone whose presence endangers us and prevents us from harming the wicked; but rather exploiting and using the lives of innocent people to harm the wicked king.
 - Whereupon David said to the messenger, 'Give Joab this message: 'Do not be distressed about the matter. The sword always takes its toll. Press your attack on the city and destroy it!' Encourage him! (2 Samuel 11:25), as explained in Metzudat David: 'For it is the way of war that it is the sword that eats, and so on, and in saying, 'Not a few have died,' the way of war is that even of the victors many fall.' And the Malbim there even says that David's intention is to say that it is good to do things of this kind in war, even though they will certainly lead to casualties on our side now, because in any case it will lead to fewer casualties in the future, see there.

Why can the king oblige the people of his kingdom to go to war and risk their lives? Here It is not about harming someone whose presence endangers us and prevents us from harming the wicked; but in exploiting and using an innocent life to harm the evil king.

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- The Gemara in Yevamot tells that David handed over the sons of Saul to be killed in order to remove G-d's wrath from the sons of Yahweh (Israel) due to the claim of the Gibeonites, and several later commentators (Maharsha on the Gemara there; and in his book 'Torat Nevi'im, chapter Seven (Din Melech Yisrael); 'Avne Ha'eze' on the end of chapter three of Kings; 'rebbe Avraham' (by Rabbi Neimark (Rabbi Avraham Eliyahu Neimark) on the Gemara there; 'Yesod Yosef' (part 6, page 45) explained Avraham' (to Rabbi Neimark) on the Gemara there; 'Yisod Yosef' (part 6, page 10) that David was permitted to lawfully kill a king who kills for the sake of the hour and for the correction of the world also innocents (Maimonides at the end of chapter 3 of the Laws of Kings): 'Whoever kills souls without clear sight, or without warning, even in favor of one, or a hater who killed by mistake, the king has permission to kill and fix the world as he has decided consumption, kills many in one day and hangs and hangs people for many days to terrorize and break the hand of the wicked.
 - The 'world' means in his words that he is alluding to the Gemara in the Yesod, as will be explained in some of the aforementioned later. However, it should be noted that the Ritba (an acronym for Rabbi Yom Tov Ishbili) on Yevamot there wrote: 'The interpretation is that any instruction of the hour and for the sake of a matter is allowed, Ministers, and a court prepares and punishes outside of the Torah, and it is not an actual abortion unless it is to be sterilized according to the vision of the children of Israel.'
 - In other words: he believes that it is allowed because of the power of the court. It seems that the Ritba did not want to say that it is a matter of a king, because there it was to remove the anger from heaven, and not from an external enemy; And in such a problem, David deals with such a problem as a court and Sanhedrin, and not by virtue of being king (in any case, it is clear that there is no difference, and if the court has such power in problems related to it, the king also has such power in dealing with wars and the like). (See also in the Chatam Sofer [there, end of the sign], from which it is implied that even the power of a court was not in this case, but rather actually uprooting the Torah in order to prevent desecration of the Lord; and it seems that he believed that even a court does not have the power to decide on the killing of people because of a sign from heaven).
 - In this matter of the killing of innocent people by the king for the sake of the kingdom, it should be remembered also the deeds of Jehu against the house of Ahab, which are justified by the prophet, as we brought in the note at the end of the previous chapter. And with the help of the Lord, we will elaborate on the basis of this power also among jews, both the power of a court and the power of a king; here we have brought only examples that it is permissible for a king to harm the people of his kingdom (the innocent) for the sake of the kingdom.

The Need for Kingship

Let us begin by pointing out that waging war in a firm manner is a necessary necessity for the benefit of all men, and we will expand a little by explaining this: Since Cain killed Abel to this very day, there is grave danger to the peace of mankind, and it is the danger of murder and violence, as it is written in the Gemara Avodah Zarah 4a: 'And make man like the fish of the sea...' What fish in the sea swallows the largest of its kind? No human being would join him if it weren't for the fear of the kingdom of G-d. And this is what we teach in the Mishnah: Rabbi Hannah, the Deputy of the Priests, says: Pray for the peace of the kingdom, for were it not for the fear of the kingdom, people would swallow each other alive.

The incorporation of people into a framework of 'kingship' and the like provides an opportunity to ensure that there is protection for the weak person from the strong person, protection for the righteous and righteous person from the wicked and violent person, the murderer and the robber. To this end, of course, the kingship must have coercive power, punishment, and the like, in order to instill fear and deterrence in the wicked, since it is impossible to rely on the goodwill and volunteering of the citizens, then the situation of 'everyone greater than his fellow, and every G-dless and egoist than his fellow, swallows his fellow' will return. Therefore, the sages say that 'the fear of kingship' is an essential need for the benefit of all people. And as the Gemara brings from the Mishnah in Tractate Avot (3:2) that there is 'to pray for the peace of the kingdom.' And in the words of Maimonides in the Guide for the Book of Nebuchadnezzar (Part 3, 30): It has already been well established that man is by nature political [and] human nature requires that he live in the form of a state, and that his nature is within a group and not like other animals...It is by no means possible that you will succeed, but who will balance the opinions of the group and will subdue the wicked and the evil ones who are among them.

Incidentally, we will recall the words of the sages (Bereshit Rabbah 22:8) that the death of Abel was due to his mistaken 'moral' considerations:

Rabbi Yohanan (Yohanan ben Zakkai) said that Abel was stronger than Cain, for it is not written "and he rose" [in Genesis 4:8] except to teach that he was subject to him. He said to him: "We are both in the world, what are you going say to your father?" We will be filled with mercy on him, and he will immediately stand upon him and kill him. From there they say: Do not do good to evil and evil will not come to you.

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- The actions of the people... were the wisdom of the Creator that the existence of this kind [of humanity] be maintained, as He desired its existence, that He gave in its nature that there should be to its people a power of governance... And among them is one who has in his hand the power to obligate in doing what they have determined... and its implementation, and they are the king who holds those laws.

Their actions... are derived from the wisdom of the Creator, that the existence of this species (the human species) because He willed his reality, which he gave in His nature that His people would have leadership power... and those who have the power to do what they say, hand to oblige to do what they set... and put it into practice, they are the king who holds the same laws.

And as it is written in the Book of Education (Mitzvah 12):

It is revealed to all that a king will establish justice, for if not for the fear of justice, people would kill each other, therefore G-d blessed is He commanded us to kill the murderer.

If there is no central government, the situation becomes distorted and intolerable, both in matters of authority and in matters of souls. Therefore, it is in the interest of all people and the interest of men in general to be under a king.

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- See also in the responsa of Yaakov Chaim Sofer (Kaf Hachaim) 2:15: "This matter is mentioned by our Sages in the first chapter of Shabbat... And Rabba bar Nahmeini said in the name of Rav Hama bar Gurya, who said in the name of Rav: 'Under Ishmael, but not under a Gentile; under a Gentile, but not under a fellow jew; under a fellow jew, but not under a Torah scholar; under a Torah scholar, but not under an orphan and widow.'... I saw another explanation, which is: 'Under Ishmael, but not under a Gentile in general... and under Gentile in general, but not under heretics; they are the priests who run to Gentiles priests, and those priests were very wicked and caused great trouble to jews... Therefore, they said 'under heretics in general,' any heretic that it may be, and not be under a fellow jew. Under a fellow jew, but not under a Torah scholar, even though a fellow jew causes much distress with this, he still has real governance and the wicked and rebels are afraid of him, and they will not rebel or corrupt, for the political authority only pays through justice, as it is said, 'A king establishes the land with justice.' Therefore, 'under a fellow jew,' who has extra fear, and not under a Torah scholar, because he does not have as much fear, and yet, a Torah scholar is better, and he has fear and governance more than an ordinary person and a widow and therefore, 'under a Torah scholar,' and not under an orphan and widow.'
 - See also the Guide for the Book of Nebuchadnezzar, Part 1, Chapter 46, where Maimonides brought the following example to demonstrate the reality of a certain matter: 'For example, if someone asks you, 'Does this country have a king?' and you say to him, 'Yes, without a doubt.' 'What is the proof of this?' you say to him that this beggar, as you see him, a weak person with a small body, is standing before this great ruler with a large quantity of coins in front of him, and this other person, with the large and strong body, is standing before him and asking him to donate one coin, and he did not give and even rebuked him and pushed him away with words. If it were not for the fear of the king, he would have killed him immediately or taken money from him, and this is proof that there is a king in this country. It turns out that the proof of the existence of the king in this country is the fear of the king and the concern for his punishment.

A kingdom is a framework, and in order for a kingdom to be meaningful, it must have power and the possibility of coercion.

As long as there are wicked people in the world who are willing to win a war by any means, then if there are restrictions on the ways of war upon the righteous people, the result will be the victory of the wicked. Therefore, the best interest of all man to enable war to be waged in an aggressive way, including the use of our citizens for the purpose of winning the war.

Without the king's ability to kill his warriors for the sake of war, the Kingdom can force people to fight to a certain degree, but it cannot force them to die or risk great danger for the sake of the kingdom. This makes the battlefield against outside enemies (army) or crime and anarchy (police) into something that the kingdom does not control. In war, there are many dangerous situations, and if at a time of danger, it is impossible to force the soldier to stay and fight, this is a great weakness for the army of a worthy king.

Volunteering is allowed, even without a king. If the king succeeds in inspiring volunteering among his people, they will awaken to fight for the kingdom even at the cost of their lives and will do so lawfully. However, volunteering, with all its importance, cannot be a sufficient framework that holds a large public of many people. The army and police are built on a framework of coercion, which volunteering is very important and even essential. But without the coercive framework, volunteering will also be compromised, and it is impossible to have a relationship with the police and military.

In conclusion: If a king cannot harm his own citizens for the sake of war, his power is limited, and there is no doubt that sooner or later the kingdom will not hold out against the wicked who do not hesitate to harm souls for the sake of their victory.

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- The permit to volunteer and die for others when faced with a danger shared by all will be extended elsewhere.
 - The reserve service in the State of Israel today is a good example of this: there is a law that requires reaching the reserves, but it is clear that this law cannot alone sustain the reserve system, and the main content that drives the system is volunteering. However, the law is very important because it 'smooths' the system and makes it stable and not dependent on the whims of any soldier, so people are willing to volunteer.

Factions and Queens

According to what we wrote, it turns out that the establishment of a kingdom is similar to the situation of a faction of people who told them, "Give one of you and we will kill him, and if not we will kill all of you." If the kingdom does not have the power of coercion, everyone is afraid that they will die because of the victory of the wicked in the world. Wickedness in the world presents us with a situation of 'sacrifice some of you in the war against the wicked, and if not all of you will die in the chaos that will ensue because of the victory of the wicked'. What is the case law of 'Give one of you to be killed' among Gentiles? In Chapter 3, we explained that, according to the rules that obligate Gentiles to sacrifice their lives for murder, in such a case, it is permissible to use a lottery to decide who will die in order to save everyone. This is because this logical solution is the most appropriate, and among Gentiles, self-sacrifice is determined by logic.

Another example, similar to fate, in the case of organ transplantation. Give another example of a kind of fate, in the case of organ transplantation. Here we can extend the lives of all the Kingdom's people by setting up a 'transplant bank' together, that is: everyone will pledge that if he is terminally ill and has no hope of prolonging his life, they will take organs for transplant to prolong the lives of others; and in return, if he needs organs for transplant, he will receive them from others.

Among jews, there is no permission for such actions. For when one is killed to take organs from them, it is considered as if killing one for the sake of another, and this is strictly forbidden by the Decisors. But among Gentiles, there is no reason to forbid it: everyone benefits from it, and if so, there is no prohibition to kill one in order to save another. The reason is to get rid of it (the Gentile) and thus gain more life (for the jew).

This is allowed even when it is unknown who among those being saved will die after the rescue operation. For example, if an earthquake causes a building to collapse, trapping dozens of people with no way to rescue them manually and safely before they die of hunger and thirst. The only way to rescue them is to operate a tractor that will break through the building from a certain direction and clear the debris to save the people. However, some of the people will be harmed due to the tractor itself or the heavy debris from the building. Among Gentiles, this is allowed, for the deceased cannot claim, 'What have you done to the front'?

- Refer to the introduction of Rabbi Yehoshua (Joshua ben Hananiah) who describes a situation similar to this.

The passage continues by discussing scenarios in which actions that might result in some individuals' deaths are permissible, given that everyone is already facing inevitable death. In such cases, there is no logical reason to prohibit those actions.

It is also possible to decide in advance the fate, or the distribution of the burden of risk. An example: is a group of people in the desert, lacking water, must divert lions' attention to survive. The tactic involves sacrificing one person to the lions while the rest escape. The people can agree in advance to a lottery to determine who will be sacrificed, as there is no logical reason to forbid it when the alternative is certain death for all. The also extends the reasoning to other situations where pre-determined fate or risk distribution can be decided. For instance, a group in the desert facing lions could agree in advance on a schedule for sending one person to divert the lions at different times. This method of diverting danger is considered permissible among Gentiles, as there is no logical reason to prohibit killing one person to save the rest when everyone faces certain death otherwise.

The passage concludes by reaffirming the principle that in scenarios like establishing a kingdom, it is permissible to take risks and even sacrifice individuals for the greater benefit of the collective. Among Gentiles, this is permissible: there is no reason to prohibit killing here, because without the act of killing everyone will die, and it is logical to be saved in this way.

Malchut is similar to these examples: in Malchut we decide to divide the burden between the people, when in the end some people may have to die. It's better that way for it confirms that everyone will be hurt by the non-existence of the kingdom. Everyone takes a risk that they will die for the sake of the kingdom, but in the end, there is a general consensus among everyone. As it was written: 'And therefore it was allowed to endanger individuals in war for the sake of the peace of the whole group because the same is true can lead to the saving of many more lives than could be killed by the sword of the hater.'

Later in his remarks, he wrote that this is also permitted in jews, and he wanted to divide between this and the case of a faction in which one cannot be handed over even if all die, since in war it is not handed over by hand and it is not known in advance who will establish it. But that's what he says. Because it's hard to say that in war, when you have to kill someone with your hands, it's like running over someone who blocks the road and without that, the whole campaign is lost; or to harm hostages held by the enemy while harming the enemy. We did not find that if there is a case in which we do not have to hand over, and we do not know in advance who will be killed (for example: Gentiles force us to do an action that will cause one of our faction members to be eaten by lions, and it is not known to whom this will happen). It seems that in the right-hand page, I will refer to what Tabb in the book, and the Binyamin Farm, a monitor sign on the dam is forbidden by the faction, but it is necessary to comment on his words and ACM. In any case, jews must extend the permit for war, and the permit to go to war, and another vision for a time with the help of God when we deal with the kingdom of Israel.

In other words, we can say: the prohibition of bloodshed among Noah is the prohibition of killing by the way of corrupting and spoiling the world. But in a time of war, the consideration of the correction of the world and its good gives that there is no prohibition to kill, so that a nation will deal with the wicked within and with the wicked enemies outside, and so that the righteous can defeat the wicked. This situation is true as long as we have not reached the end of days, when 'no nation shall carry a sword against a nation and no more war will be learned.'

Killing an Enemy in Self-Defense

If it is allowed for a king to kill his own people for the sake of war, the same logic applies to people who belong to the kingdom of the righteous. In a war between the righteous and the wicked, we assume that wickedness will eventually harm all of us if it is allowed to raise its head, and even the people of the kingdom of evil will suffer from it (in the future, if not now)

In essence, we argue to every person from the kingdom of righteousness:

- If you belong to an evil king, your blood is on your hands because you are helping the murderers;
- If you are not helping him, you should help us, for it is permissible to kill you just as we kill our own people (because we are all in a common crisis and in such a situation it is permissible to kill a few to save the many).
- It is also permitted to intentionally harm babies and innocent people if it is necessary to fight the wicked. For example: If harming the children of an evil king will put pressure on him to prevent him from behaving wickedly, they can be hurt (even without the explanation that it turns out they will be wicked when they grow up) see at the end of the previous chapter.

Summary of the Reasons for the Permissibility of Healing

Now let's summarize the various reasons we have seen so far for deliberately harming innocents (that is, healing them, not rescuing them):

- It is permissible for a Jew to heal in the life of a Gentile.
- According to the Maharsha, who says that Gentiles are not required to commit suicide, murder is permissible. In a simple way, a Gentile is to be healed in another Gentile. However, according to the principles of ways, there is no permission for this.

• Referring to the words of Ha'amek Davar, as brought in the first note to this chapter.
• If not, why not surrender and let them rule?

According to Maharsha, we have seen opinions that there is an obligation of self-sacrifice in the case of healing, and only in cases of immediate rescue are Gentiles allowed to kill another in order to be saved.

•For the sake of the kingdom's existence, it is allowed to harm and heal some of the people when it benefits everyone. This is true for both the kingdom and for individuals belonging to the enemy's kingdom.

Priority Orders

We will arrange the priorities for harming the enemy according to what we have learned so far:

- The main focus of the war is against the pursuers/persecutors themselves or those who intentionally assist them.
- Although war is also waged against those suspected of aiding/assisting murderers; and by default, the presumption warrants the death penalty for violating the Seven Noahide Laws.
- If necessary, we will also harm innocent people who help murderers (even if its involuntary).
- If necessary, we will also harm those who are innocent and do not assist the murderer.

According to the principles of ways, in the last scenario, we need to consider in what way to have more people die. If harming many innocents of this kind will save a few people from righteous kingdom, there is no place to permit it; for there is no reason to prioritize the blood of the righteous kingdom to the blood of the innocent of the wicked kingdom. However, when weighing lives against lives in war, we must consider both the specific case at hand and the general consideration that the righteous should be as strong and as possible and hurt as little as possible. This all pertains to wars between Gentiles (as we will elaborate further on revenge considerations later).

However, in a war between jews and Gentiles, it is simply preferred to kill Gentiles so that jews will benefit, as jewish lives are prioritized, as we have seen in Chapter Four. Furthermore, the jews are the ones who rectify the world and bring the word of G-d (particularly the Seven Noahide Laws) to the entire world.

Revenge

One of the needs that exists in dealing with evildoers is revenge. In order to overcome the evildoers, one needs to treat them in a manner of revenge and measure for measure.

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- Refer to the Maharal's approach to this, which is brought at the end of the chapter.
 - The Sages explained that the behavior of 'measure for measure' is inherent in the foundation of the world (Genesis Rabbah, parsha 9): Rabbi Simon in the name of Rabbi Simeon bar Abba: All the measures were abolished, measure for measure was not abolished. Rabbi Huna.
 - As explained in Ecclesiastes (8:11): 'Because the sentence against an evil deed is not executed speedily, the heart of the children of man is fully set to do evil.'

The Ibn Ezra, and similarly, Rashi, explained:

There is no such thing as an act of evil, for the hearts of the children is filled with them to do evil. There is no swift revenge, retribution, and repayment for evil deeds, for the hearts of people are inclined to do evil because the fear of punishment has waned.

In other words, the magnitude of the required action corresponds to the magnitude of the wickedness. Because there is nothing to be done about revenge, payment, and reward for the evil act. 'Why does the heart of men want their souls to do evil, because the fear of them is no more?'

That is, revenge is a necessary necessity to make wickedness unrewarding. The justifications for their empowerment; and the greater the conviction, thus so is the greater in size action against it.

In the words of Rabbi Yose: from the beginning of the creation of the world, G-d observed that the measure in which a person measures, he is measured to him, thus the scripture said, 'And behold, it is very good, here is a measure of good.

- And as it was expressed in the responsa of Hayyim Bi-Yehudah (no. 70): To exact from him a written judgment, measure for measure, so that many will know and be afraid and will not do so again.
- As an example of this, there is, in the words of the Bach (responsa Hadashos no. 25): 'Who knows how many days or years he must pause from being buried in order to try to take revenge so that the people of Israel will not be left vulnerable among themselves, G-d forbid, if revenge is not taken.
- According to this, 'revenge' is derived from the word 'resurrection.' In other words, revenge is not only an external and technical necessity because it is the only way to prevent evil in the future, but it also meets a real need on the part of the victims, as the verse states: 'And the land shall not be atoned for the blood that is shed in it, but by the blood of him that shed it' (Numbers 35:33).

From this it follows that revenge is not only a matter of law, but also a matter of morality. It is the right of the victim to seek revenge, and it is the duty of the community to support that right. Revenge is not a form of violence or hatred, but a form of justice and fairness.

And similarly in Psalms (end of Chapter 58):

The righteous shall rejoice when he sees the vengeance; He shall wash his feet in the blood of the wicked, so that men will say: "There is, indeed, a reward for the righteous; there is, indeed, a G-d Who judges in the earth." (Psalm 58:11)

Rashi explains:

'And when he says, "Indeed, there is a reward for the righteous," this means that there are certainly fruits and rewards for the righteous in the actions where G-d avenged their vengeance.'

The Rambam in the Guide for the Book of Nebuchadnezzar (Part 1, Chapter 54) explains the need for revenge.

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- War against evil is appropriate. For more details, see the third chapter of the booklet 'Blessed is the Man' (which was also printed in the memorial book 'Blessed is the Man'; and see in the same book in the article 'To Take Revenge on the Gentiles'). Even the dead care about revenge (as we have shown above), because in the world of souls there is an identity between personality and justice, and the soul demands justice, which is revenge, as has been explained.
 - For example, see Rambam on Genesis 49:16, who explains the verse 'Dan will judge his people': the reason is that the Philistines did evil to all Israel several times, because in the days of Shamgar son of Anath they began (Judges 3:31), and in the days of Jephthah it is written (ibid. 10:7) and he sold them into the hand of the Philistines, and also Ehud the son of Gera (ibid. 12:13), and the Lord gave them into the hand of the Philistines for forty years (ibid. 13:1), and there was no judge among the judges who conquered them or defeated them at all. And even though it is written about Shamgar (ibid. 3:31) and he struck the Philistines six hundred men with the *Ox Goad, it is not revenge because it is not a great blow, therefore it is written about Samson (ibid. 13:5) and he will begin to save Israel from the hand of the Philistines, and he took revenge for Israel from them, because he killed many of them, and he killed all the lords of the Philistines.
 - *Ox Goad - (Hebrew: malmad) was a long stick, made out of oak or some other hardwood, app. 8"- 10" long and 6" in circumference, that generally had a metal point on one end, and a flattened piece of metal on the other end. The pointed end was used to 'goad' or prod an ox pulling a plow or cart to move / turn, and the other end was used to remove accumulated dirt from a plowshare. In the right hands, an ox goad could be used as a formidable weapon like a spear.
 - In other words: The blow that Shamgar son of Anath struck the Philistines was self-defense, but against the Philistines' actions it was not enough at all. Samson treated them as they deserved for their actions against us, and therefore he truly took revenge properly and thus corrected (relatively) the situation.
 - We found that revenge is more required against Gentiles than against Jews, for we were commanded 'You shall not rise up nor take vengeance against the children of your people,' which implies that we expect Jews to understand and return in repentance without revenge. It also seems that among Jews, revenge sometimes interferes with repentance, and causes stubbornness; and non-revenge allows for inner reflection and abandonment of the evil way; but against Gentiles, revenge is emphasized, because this is the way to stop the evil (and this thing is also similar to what we brought in the previous chapter from the words of a war anointed, who tells the people not to pity the enemy Gentiles because there is no hope and chance for their completion from within and pity on them will only harm and will be interpreted by them as weakness, in contrast to Israel with whom we hope and expect for reconciliation and completion even during the war).
 - See more inside, here we quoted only what relates to the matter of the need for revenge, and there he also talks about the psychological state of the leader at the time of revenge.

And so it is found in His actions (of G-d) that come upon people, from great punishments that have fallen upon some individuals to kill them, or a general matter that kills families, the son, and the son of the son are destroyed and they will not leave him a place to seed and no one is born, like the sinking of places, like the noise, the horrors that kill, in the movements of a people against others to destroy them with the sword, to blot out their memory! The leader of war, he is a prophet, needs to resemble these qualities, for these actions will come from him in measure, according to the law... He will be at times, for some people, vengeful, with anger, according to what is required of him, not only for the matter of anger, but to the point of ordering the burning of a man, for he is not angry, or furious, or hates him. According to what he sees that is required of him, he looks at what this action will bring, from great people. Do you not look at the scriptures of the Torah when he commanded to destroy Seven Nations and says, "You shall not leave alive any soul," and attached to it "so that they will not teach your children to do all their abominations, that they did to their G-ds, and you sinned to the Lord, your G-d." He would say, "Do not think that this is cruelty or a request for the redemption of the blood. He is acting to cut it out of the human mind, to remove all who will prevent them from perfection that is of his attainment the path of truth will be removed and all the obstacles will be removed who will prevent from the perfection which is His attainment... In this book that contains commandments, it will be beyond doubt that he will kill the seed of Idolaters, the children of Noah, even though they are small in the sin of their forefathers, and fathers of their fathers. This is the commandment that we have found continues in the Torah everywhere, as it was commanded.

We have already gone beyond the subject of the chapter, but we have explained why it was enough for Him here to remember these actions, and He is proving that He needs them in the governance of the Gentiles, because the ultimate perfection of man is to resemble Him, to the extent of their ability, that is, that our actions will resemble His actions, as it was explained in the chapter 'Be Holy', learn that He is merciful, be merciful, for He is compassionate, be compassionate.

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- When he wants to do what is right and adhere to the level of prophecy (see the interpretation of Avraham ibn Ezra there, and as is proven from the context).
 - See also Rambam, Laws of Idolatry 4:6, and the commentary of the Kessef Mishneh and the Midgal Oz there; and in the Mordechai on a sign of sin.
 - He also said in the Book of Nebuchadnezzar, part 3, 51: Just as one man is punished, it is fitting that the family or one Gentile be punished, so that the other families will hear and be afraid and will not accustom themselves to do evil.

And therefore, sometimes cruel acts are done that are intended to create a proper balance of fear and terror, and a situation in which it does not pay to convict, as Rambam explained (in Numbers 31:17) So now, kill all the male children and kill every woman who has had sexual relations with a man (every male in the tribe):

He added 'every male in the tribe' after the revenge.

That is, the damage that Midian did to the jews (especially at the time before entering the land) and war with many Gentiles (must be rectified with a sharp act of killing), and therefore Moses our teacher commanded to do so.

And according to this account, 'the children are not killed because of their wickedness, but because there is a need for everyone to take revenge on the wicked, and the children are the ones whose killing will satisfy this need.' It is possible to look at them as those who are unique in the faction, because reality is what precisely what set them apart, to be the ones you kill, that will save everyone, and prevent wickedness in the future (although it is clear that this consideration definitely joins the consideration that we brought at the end of the previous chapter, that they are suspected of being wicked when they grow up).

The notion of revenge also influences the battle cry. The cruel behavior of the Gentiles that leads us to treat them with equal cruelty, an act of retaliation, measure for measure.

One such instance is depicted in the Book of Judges, Chapter 1:

And with Adoni-Bezek (king in southern Canaan) they pursued and caught the king, and they chopped off his thumbs and big toes. Adoni-Bezek said, 'Seventy kings, with their thumbs and big toes cut off, used to gather scraps under my table. As I have done, so G-d has repaid me.' Then they brought him to Jerusalem, and he died there.' (Judges 1:6-7)

Concerning the killing of Agag (1 Samuel 15:33)

And Samuel said, 'Just as your sword has made women childless, so will your mother be childless among women.' And Samuel hacked Agag to pieces before the Lord in Gilgal.

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- Concerning the issue of punishing even the innocent in times of defeat, it is explained that this is done to prevent the conquerors from being subjected to the same fate as others who were defeated, leading to the potential birth of an evil person who cares little for his own life and is not deterred by the harm he inflicts. In such a situation, finding assistance within his own family to oppose his intentions might be difficult.
 - This principle is also discussed in the responsa of Radbaz (Rabbi David ben Zimra), Part VI, Responsa 2,000, where he explains the considerations behind punishing even those who did not sin. Similarly, according to Maggid Mishneh (Rabbi Vidal Benbenista), the punishment of women and children in the case of a city designated for destruction is based on their association with the guilty and their potential influence on them.
 - And the commentators explain that this was a death of cruelty, as the RalBag (Rabbi Levi ben Gershom 1288–1344) says there: 'He wanted to say that he cut him to pieces with his sword as if he were chopping wood to fulfill the commandment of the Lord of Hosts, and behold, it was such a benefit to give fear to the remaining ones so they would not fight with the jews. And we found more severe descriptions of the manner of the killing of Agag in the words of the Sages when they discuss behavior of measure for measure with the enemy' (Midrash Rabbah to Eichah, end of chapter 3).

Jeremiah said, 'Repay them in kind,' and Asaph said (Psalms 79), 'And repay our neighbors Sevenfold into their bosom.' What is 'into their bosom?' Rabbi Judah Gedalia said, 'Repay them in kind for what they did to the Temple, which is held in the bosom of the world', as it is said (Ezekiel 33), 'And from the land to the altar.' And the Sages said, 'For what they did to the covenant of circumcision, which is held in the bosom of man.' For Rabbi Joshua and Rabbi Levi said in the name of Rabbi Yohanan ben Zakkai, that they used to take the circumcisions of the jews and throw them up into the air and say, 'You chose this, so take what you chose.' Until the prophet Samuel arose and avenged them, as it is written, 'And Samuel said, 'Bring me Agag, the king of Amalek.' And it is written, 'And Samuel hewed Agag in pieces.

Rabbi Abba bar Kahana said: He began to cut his flesh into pieces and feed it to the weasels (daughters of Ya'ana), as it is written (Job 18), 'He will eat the flesh of his own arm.' Rabbi Isaac said: He brought four iron rods and stretched him upon them. And Agag said, 'Surely death is bitter, thus the princes are killed with bitter deaths. Rabbi Isaac said: They castrated him, for he used to take the circumcisions and throw them up into the air. For this he was avenged of him, as it is written, And Samuel said, 'As your sword has widowed women, so shall your mother's women be widowed.'

'He was hewed' teaches that he cut him into four pieces. And when David conquers Moab and Ammon, he treats them with cruelty (2 Samuel 8:2; 12:31): He cut off the thumbs and big toes of the Moabites, threw them down on the ground, made two ropes, one to kill and one to spare, and Moab became David's servants, carrying his burdens.

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- See also in the Yalkut Me'am Lo'ez there: 'And the reason is: Because the king of Moab killed his father, mother, and brothers when he left them in the land of Moab while fleeing from Saul, as it is said in 1 Samuel (chapter 22), When David left there and went to the forest of Ha'reth, the king of Moab killed his father, mother, and brother except for one who escaped and was revived by the Ammonite serpent. And behold, the act of the Moabites, which was a low and despicable act, that violated their trust that David had given them, and such an act would not be done by the righteous among them.

And he brought out the people of the city, and he cut them with saws and with iron picks and with axes of iron, and he made them pass through the brick kiln. And he did the same to all the cities of the sons of Ammon. And the words of the RalBag there: He put the people of the city in this judgment, which is a cruel judgment that will not be forgotten, and behold, his desire in this was that the other nations would fear to fight with the jews.

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- Another example of cruel conduct in war is found in the Book of Chronicles (2 Chronicles 25:11-12): 'And Amaziah strengthened himself and led his people and went to the Valley of Salt and struck down 10,000 of the sons of Seir. The sons of Judah also captured 10,000 alive and brought them to the top of the cliff and threw them down from the top of the cliff, so that they were all dashed to pieces...'

It is understandable that there is criticism of this cruel form of killing, which was unnecessary: 'I was angry and laughed, I played and there is no joy, I laughed and there is no joy. I was angry with you in the days of Pekah son of Remaliah, as it is said, 'And Pekah son of Remaliah killed', I laughed at you in the days of Amaziah, as it is said, 'And Amaziah strengthened himself and led his people and went to the Valley of Salt', what is the Valley of Salt? Under the hands of the salt, under those who are forced to fight, 'And 10,000 lives in which the children of Judah lived and brought death to the sons of Noah, but by sword, and they brought death to the top of the rock, and all were torn apart, and there was no peace. It is evident from the midrash that there is no criticism of the mere killing of the captives, but that the killing should have been done with the sword and not in such a cruel way.

And it is to be noted that this is how the Midrash is interpreted by some commentators (see, for example, the book Yafe Enaf by Meir Shmuel, and Malbim on Chronicles there) - but in other commentators it seems that they interpreted it differently, because of the comparison of the Midrash to the Gemara. It is said in the Gemara (Sanhedrin 53a): "And Rabbi Yohanan said in the name of Rabbi Shimon ben Yochai. What is the meaning of the verse 'A wise man judges an oaf and becomes angry and laughs and there is no rest'? The Holy One, blessed be He, said: I was angry with Ahaz and I gave him into the hands of the kings of Damascus, he sacrificed and burned incense (to their G-ds), as it is said, 'And he sacrificed to the G-ds of Damascus who had defeated him, and he said, 'Because the G-ds of the kings of Aram are helping them, to them I will sacrifice and they will help me,' and they were to him a stumbling block, and to all Israel.' I laughed with Amaziah, and I gave the king of Edom into his hand, he brought their G-ds and bowed down to them, as it is said, 'And after Amaziah came from defeating Edom, he brought the G-ds of the sons of Seir and set them up for himself as G-ds, and before them he bowed down and burned incense to them.'

In the Gemara, it is explained that the 'no rest' of G-d is because even when He 'became angry' in the days of Ahaz and also when He 'laughed' in the days of Amaziah (that is, when He gave the Edomites into his hand to do with them as he pleased), 'there is no rest' because they continued to worship idols.

And if we want to unite the Midrash with the Gemara, it turns out that the intention of the Midrash is that the words of G-d, 'I did not condemn death for the sons of Noah, but with the sword' I meant to say that to such an extent, I gave the Edomites into the hands of the jews so that the jews could kill them in a special way, and this expresses a great victory that G-d gave them, and even so 'there is no rest' because of the idolatry that Amaziah practiced (and this explanation also fits well with the versions in which the words of the verse in Psalms (in Psalms 102) are also explained well.

Psalm 137:8-9

‘Daughter of Babylon, destroyer, Blessed is he who will pay you the reward which you have paid us!
Blessed is he who will seize your infants and will dash the rocks!’

In other words, the cruelty of the Babylonians forces them to be treated with similar cruelty, and to smash their babies against the rocks.

We found cruel behavior towards the Kotim in the days of Shimon the Righteous (Yoma 67a): ‘Immediately we rose up behind them and tied them to the tails of their horses, and they were dragging them on the thorns and the thistles until they reached Mount Gerizim. When they reached Mount Gerizim, which they ploughed and planted with vetch, even as they had planned to do with the House of God. And that day they made a festive day of joy.’

While these considerations of the need for brutal revenge depend on the behavior of the enemies and the manner of the world's wars, and when the enemy engages in less brutality, there really is less need for this kind of behavior. In the words of Rabbi Kook, may his memory be blessed (in his letters, part I, page 100): ‘And the matters of war were impossible, while the neighbors were all wolves of Arabia, that only Israel would not fight, that they would gather together and eat the rest of them.’

The verse ‘I did not decree death for the sons of Noah except by the sword’ does not appear at all in the Midrash (Eichah Rabbah, Petihta 14). And in fact, this is what is implied in the commentaries of Rabbi Simon ben-Zemach Duran and RadBaz (Rabbi David Ibn Zimra) and in Rashi on Chronicles (see also in the commentary of Metsudah).

And even if we interpret that there is criticism in the Midrash, it seems that the criticism does not stem from the act itself, which may be necessary in time of war; but the criticism stems from the fact that he worshiped idols afterwards. That is, because he was already worshiping idols, it is revealed that his cruel acts against the Edomites do not stem from a good source but from cruelty, and therefore G-d punishes him for this sin (as Hosea says (1:4) about Jehu ‘Because I have avenged a little of the blood of Jezreel upon the house of Jehu’, see the commentators there, and in note 10 in chapter two).

The poet Rabbi Yitzhak ben Shlomo, in his elegy ‘Shkoret Lo Meyin’ for Tisha B’Av, wrote: ‘And then on the rocks of your branches I will smash your little ones.’

At the end of the previous chapter we brought a verse from which it is implied that the children in Babylon are killed because they are considered to grow up to be wicked like their parents; and according to this, revenge is only a consideration of the form of killing.

See also the commentary of the Gra to the Book of Esther (9:5) on the verse ‘And the Jews smote their enemies in all their cities, with the stroke of the sword, and with slaughter, and with destruction’, which explains that this was a cruel killing to make them afraid and tremble.

It should be noted in this context that the Arab enemy today is known for cruel and violent acts, and a lack of measure for measure against them only increases their cruelty.

On the contrary, it was very necessary to also instill fear in the beasts, even through cruel behavior, but only with the expectation of bringing humanity to what it should be.

The words of the Maharal

So far, we have discussed and examined each of our enemies as to whether or not it is permissible to kill them. In addition to these explanations, we have found that the Maharal disagreed with Maimonides also known as Rambam in his explanation of the story of Shechem of Nablus, and according to this, he renewed in matters of war. And this is his words (in "Gur Aryeh" on the story of Shimon and Levi):

It is difficult: If the whole city of Shechem of Nablus has sinned, what did the whole city sin to be killed? It seems that this is not difficult at all, because two nations (races) are not alike, such as the children of Israel and the Canaanites, who are two nations as it is written, "And we will be one people" (Numbers 14:22), and from the beginning they were not considered one nation, and therefore it was permitted for them to fight according to the law of a nation that comes to fight against another nation that the Torah has permitted.

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- It is true that the Maharal of Prague also wrote in his book 'Orchot Tzaddikim' (Israel and Its Revival, 15) that there is a side to the evil of today that hides behind a facade of 'good' and 'morality' with rage and lust for murder: Greater than it (the crude evil of the past) is the northern, poisonous evil of heresy, which seeks a place for itself in the very sanctuary, like a venomous snake that is caught in the king's palace. It strives to leave all the filth of the world, all the physical coarseness, and all the evil inclinations that are attached to the gross body, in the depths of its sensual foundations, and to raise it up to the happiness of the sanctuary, which is immediately defiled and corrupted by the touch of the soiled hand. Thus it wanders and goes about, the Kenites (Israelite inter-mixed with Kenezite), which desires to be good in the eyes of the Lord, that the Lord will hearken to it and to its offering, and in truth it knows well that the Lord has rejected it and its face falls and it is very angry and its anger is stored up within it, and at every time behold the hand of the murderer is revealed, the color of sin, to which the desire of their blood is revealed in all its abhorrence. (These words were written even before the actual revelation to the eyes of all the evil of the "cultural nation" of wicked Germany.) Therefore, we must be careful not to fall into the trap of this pursuit of evil, even when its deeds seem relatively correct.
 - Even though the Torah says, 'When you approach a city to fight against it, you shall call to it for peace', this is the case if they did nothing to the Jews, but if they did something to the Jews, such as when they broke into them to do them harm, even though only one of them did it, because he is part of the people, because they broke into them first, they are permitted to take revenge from them, and so are all the wars that are found, such as 'Gather the Midianites', etc., even though there were many who did not do it, this is not a difference, because they were in that nation that did harm to them, they are permitted to come against them for war, and so are all the wars they are in, such as 'bundle up the states' and 'go,' even though they did not do much, it is not a division, since they were in the same nation that did evil to them, they are permitted to come to war against them, as with all wars.' That is to say: it makes it difficult for the act of Simon and Levi to exhaust a call for peace, in which we see that we must give the nation.

In other words, unlike the Rambam, who explained why each of the people of Nablus was liable to death according to the Torah, Maharal believes that there is no need for such an explanation. The Torah gave the king the power to use his subjects, and even their lives are in his hands, as we saw above. The result is that the kingdom's people share a very binding partnership. Maharal believed that this created a new boundary in the kingdom: the kingdom is a single entity. In a situation where everyone is united with each other, each of them is responsible for the actions of the other.

The Maharal argued that it can make peace with us before we hurt them. But he answers that the fulfillment of a call for peace is only true in a war initiated by us, but if they are) and even individuals of them (provocation and in our kingdom - there is no obligation to call for peace, and it is permissible to kill them all) and it must be discussed in his opinion what is the duty of a fourth spirit. The size of the provocation that exempts us from a call for peace) and it means that it is also exempted that usually exists in war. Refer to the Mishneh Torah at the beginning of Hilkhos Melakhim, where the Maharal believes there is an obligation to offer peace even in the war against the Canaanite nations. This is not applicable in a situation where it does not jeopardize the lives of the Israelites, as he clarified.

Regarding the Maharal's statement in Gur Aryeh on Deuteronomy 20:10, where he mentioned (there is no obligation to offer peace to the people of Canaan because of their wickedness and abominable acts to the Lord., there are challenges in the arguments both internally and in light of what he wrote in Genesis. On one hand, Things are difficult on their own, and harder than what he wrote in Genesis: on their own, they are difficult because there is no obligation to call peace to those who violate the Seven Noahide Laws. It is necessary to understand which war belongs to the call for peace, since it turns out that it is forbidden to go to war against the observant Sheva Mitzvot.

The Maharal's stance in Genesis raises questions; as if there is no need to offer peace to the Canaanites, why bother explaining why they did not offer peace to Shechem when they went to war over the abduction of Dinah? It should be permissible to fight them without this justification. The Maharal seems to believe that although there is no obligation to offer peace due to their wickedness, the Torah explains the war against them because their wickedness is the cause for the war. This is different from a regular discretionary war whose main purpose is to increase the glory and sovereignty of our king.

In conclusion, the Maharal's perspective on the obligation to offer peace is nuanced and depends on the circumstances of the war, considering the level of aggression and the nature of the enemy's actions.

And because they are partners in a body that cares for their existence, they are also obligated to each other's actions (like the foot is obligated to the actions of the hand). It is possible to cite support for the Maharal's words from the Sifrei on the call to peace (Deuteronomy 20:10-11), which says:

If she offers you peace, can it be from a part of her? The Talmud says: 'And she opened to you' - all of her and not a part of her.

And if she does not make peace with you and makes war with you and you besiege her, you shall do to her according to all the decrees of war: you shall besiege her, you shall starve her, you shall thirst her, and you shall destroy her with all the weapons of destruction.

We see here that we treat all the people of the city as one, and if the city does not agree with the call for peace, even those who wanted to complete suffer from hunger, thirst, and morbidity (diseased, unhealthy).

Indeed, the words of the Maharal must be discussed whether this law is true among kingdoms (i.e., a rule that consolidates the most basic existence; as opposed to a partnership of city men, for example, who share in many matters of wealth, but there are queens above them that unite existence against enemies, etc.); or whether it is true among two nations even though in practice They don't have two different kingdoms.

And in this context, the words of the Maharal must also be brought to another place: Gur Aryeh to the Parashat Vayeshev, a damp chapter, in (which discussed the question of how the sons of Yaakov married Canaanite women, in contrast to the words of Abraham and Isaac to their sons that he did not marry wives of Canaan daughters: 'And if you say: Rabbi Nehemiah, Desbirah Leya Dachnaanites were wives of the tribes. Abraham came and warned! It must be said that when the tribe of Yisrael was not yet born, that they were the children of Israel, if there were Canaanite subjects, they would not be void within the whole of Israel, but when all Twelve were tribes and were considered a nation, as dictates above in Nablus, the son of a donkey, 'We were one people' and before that there were two nations. A nation upon them as soon as the tribes were born, and when they were considered a nation, there is no prohibition in this according to anyone who is connected to the nation, he is as a nation, and in casting them for the final will be considered as a whole of Israel.'

Simply, the Maharal proved this from all the wars written in the Bible, as he gives an example of the Midian War; and in his opinion, it is more common to say that this is how the Torah relates to all wars, than to list reasons for killing each individual. And so, the words of the Torah are more pronounced toward Amalek and seven peoples (tribes).

However, While there is no complete evidence of the Maharal method, it can be explained that the Torah instructs us not to accept a partial agreement to peace because the result is the obfuscation of the enemies and their ability to evade the like, and similar to the probability that we have given above.

The Maharal should know that if any of the men of the kingdom harmed our kingdom, and the men of his kingdom did not punish him, it is like a hand that hurt us when the mouth did not take care to ask for

forgiveness and correct the hand's deformity; and in such a situation it is permissible to harm any part of the offending body. There is no need to debate the question of who is innocent and who is not, just as when we defend against evil, we do not hesitate to harm those who were not actually complicit in his actions against us?

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- It does not take a nation's decision to untie the blood of the wicked kingdom, and even individuals from within the affected kingdom can harm them; for indeed Shimon and Levi are not kings, but individuals from within the house of Jacob (and Jacob opposes the act), and yet, the blood of the people of Shechem of Nablus had been allowed to them because of their act against Dinah. In other words: the blood of the people of Nablus was allowed because a nation harmed a nation here, and not the official decision of the harmed nation allows the blood of the harming nation.
 - It is also necessary to discuss whether this permission of the Maharal is also true of visitors from a third nation who are now in the battle; the people in whom we are fighting: it can be said that they are not part of this people (the Jewish people), and therefore are not considered to be as one body with them; but it is possible that if they are here now, they are 'swallowed up' within the nation in which they are located. In many situations they are allowed to kill for the reasons listed in the previous chapters.

Conclusions in Brief

Chapter 1 - Prohibition on Killing a Gentile

- It is forbidden for a Gentile to kill a Gentile, and if they do, they are put to death (This is learned from the verse: "He who sheds the blood of man, by man, shall his blood be shed." (Genesis 9:6)).
- The prohibition of "Thou shall not kill" applies to a Jew who kills another Jew.
- A Jew who kills a Gentile is not liable to death.
- The prohibition for a Jew to kill a Gentile is from the verse "He who sheds the blood of man, by man shall his blood be shed," since we have the principle that "There is nothing that is permissible for a Jew that is forbidden for a Gentile," meaning that Jews are also obligated in the Seven Noahide Laws.

Chapter 2 - Killing a Gentiles

- In the case of a violation of the Seven Noahide Laws, a Gentile is judged on the testimony of one witness, by one judge, and without warning. Therefore, anyone who knows that a Gentile has committed an offense against one of the Seven Noahide Laws can judge him and kill him. This is the ruling of the Beit Yosef and the Rambam.
- The Gemara writes that it is forbidden to kill a Gentile in general (even if he is violating the Seven Noahide Laws), because it is only permissible to judge him out of concern for the observance of the Seven Noahide Laws, and not to simply kill him (which would then be a form of destruction). However, a Gentile can repent and stop committing offenses from now on, and then he should not be killed for offenses he committed before.
- The Taz ruled that even though it is permissible from the Torah to judge a Gentile, the rabbis prohibited doing so.
- A Gentile who oppresses a Jew, because we have business with him, is judged.

Chapter 3 - Moral Considerations Among Gentiles

- Gentiles are not obligated to give up their lives for their commandments.
- When a murderer threatens a Gentile with 'kill so-and-so or I will kill you,' opinions are divided on whether it is permissible for the Gentile to kill so-and-so in order to save himself.
- When someone causes a Gentile to die (e.g., he falls upon him, etc.), it is generally permissible for anyone to kill the one causing harm, even if the harm-doer acted through complete coercion.
- When a murderer uses a hostage as a shield to prevent retaliation, it is permissible for the Gentile victim to kill the one blocking in order to save himself.

Chapter 4 - Moral Considerations: jews vs. Gentiles

- It is permissible for a jew to kill a Gentile in a case where it is permissible for a Gentile to kill another Gentile because the prohibition among jews stems from the same prohibition that exists among Gentiles. Therefore, it is simply permissible for a jew to kill a Gentile, if that is the way to save oneself.
- When there is a threat against a jew, saying 'kill so-and-so, the Gentile, or we will kill you,' he is allowed to kill the Gentile in order to save himself. This is even in accordance with the extended comparison that prohibits such a case among Gentiles because there are only three transgressions that incur the penalty of death, and not for 'shedding the blood of a person.'

Chapter 5 - Killing Gentiles in War

- Gentiles who support or encourage murderous acts of their nations and the like, are put to the death lawfully as pursued criminals, and it is a commandment to kill them in order to prevent harm.
- Even those who do not encourage murder, they may be killed so that jews will not be harmed, for the following reasons:
 1. If a jew is told, 'Kill this Gentile or we will kill you,' the jew does not have to give up his life, because the principle of 'Who can say that your blood is redder than his?' does not apply in this principle.
 2. In the event that a murderer takes a hostage as a shield and hides behind him to threaten a Gentiles (even outside of wartime), it is permissible for the pursued to kill to save himself. Similarly, during wartime, the presence of civilians aids the murderers, and therefore it is permissible to kill them (civilians) to save oneself. In these cases, Gentiles are allowed to act this way towards each other, it is also permissible for jews to act similarly towards Gentiles. According to the above reasons, it is permissible to kill even completely innocent civilians, such as infants, when it is necessary to save the lives of jews.
- We have found in the halakha (jewish law) that Gentiles are generally suspected of spilling the blood of jews; and in war this suspicion is greatly strengthened.
- The wickedness of those who fight against us is part of the fact that they generally wicked.

The Seven Noahide laws, and therefore we have a matter of condemning and killing them for their transgressions:

- In light of the two previous clauses, our sages determined decisively that in a time of war, 'It is better that the Gentiles be killed': They deserve death for their transgressions, and there is no room to attempt to correct them in such a situation because of their great wickedness and danger.
- Even infants who do not violate the Seven Noahide Laws, there is consideration for killing them because of the future danger that may arise if they are allowed to grow up to be wicked like their parents. (as we find in the words of the prophet regarding the children of Babylon). Even when they are not sheltering the wicked or when there is doubt, where they are may prevent us from harmed by the wicked.

Chapter 6 - Deliberate Injury to the Innocent

- In a case of "give us one of yours, and we will kill them; if not, we will kill all of you" among Gentiles, it is permissible to surrender individuals in order to save everyone (Jews), as there is no rationale to prohibit it.
- It is permissible for the governments of Gentiles to endanger their people during war, as long as the benefits outweigh the risks, and the actions are justified by the principle of self-defense or a greater good. This justification extends to harming the lives of all Gentile people, and it can also be applied to harming individuals from the opposing side when necessary.
- Revenge and measure against measure is very important in war and in subduing wickedness. Both in the ways of harming innocents, infants, and in the form of ruthless reciprocal warfare.
- According to Maharal, it is permissible to harm all the people of a certain kingdom, if the people of that kingdom have harmed our kingdom (because all the people of the kingdom are considered as one body).

End of Translation