

# Laws of Idolatry, Chapter 10 (Auto Translated)

English

Auto Translated

## Shiur Overview

### Summary of the Chevrotah Learning Session – Laws of Idolatry, Chapter 10

#### General Introduction to the Chapter

Chapter 10 deals with broader laws regarding the relationship between Jews and idol worshippers – with two additional prohibitions that the Rambam counts in his introduction. Chapter 9 already dealt with laws of commerce with non-Jews (so that the non-Jew should not give thanks to idolatry, and so that the Jew should not stumble into deriving benefit from idolatry). Chapter 10 goes broader – the political relationship with idol worshippers.

**Important terminological note:** The Rambam uses "goy" and "oved avodah zarah" (idol worshipper) interchangeably – "goy" by the Rambam means an idol worshipper, not just a non-Jew. A ger toshav or another category is not included. There is a dispute among the poskim whether today's Christians have the status of idol worshippers.

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#### Law 1 – Lo Tichrot Lahem Brit / V'lo Techanem

##### The Rambam's Words

**One may not make a covenant with idol worshippers (or according to an old version: the seven nations) that we should live with them in peace and let them serve idolatry, as it says "lo tichrot lahem brit." Rather – if he abandons idolatry, one may make a covenant; if not – "he must abandon his worship or be killed." "And it is forbidden to have mercy on them," as it says "v'lo techanem." Therefore – an idol-worshipping non-Jew whom one sees wandering on the road or falling into a pit – lo ya'alehu, one should not save him. If one sees him being taken to death – one should not rescue him. But to destroy him with one's own hand, to push him into a pit and the like – is forbidden.**

##### Explanation

In a situation of war with idol worshippers, one may not make a covenant that allows them to remain with idolatry. One must demand that they abandon idolatry, or the war is carried through to the end. "V'lo techanem" means one may not have mercy – therefore one need not save an idol worshipper from danger, but one also may not actively kill him (le'abdo be'yado is forbidden).

##### Insights and Explanations

#### 1) Textual variant: "shiv'ah amamim" vs. "ovdei avodah zarah"

In old versions it says "shiv'ah amamim" and in our version it says "ovdei avodah zarah." The Rambam's unique position is that even with the seven nations, if they abandon idolatry, one may make a covenant with them. What is written in the Torah that one should not have mercy on them is specifically about idolatry – not about their national identity per se.

#### 2) "O yehareig" – only in a war situation

The law of "he must abandon his worship or be killed" is specifically in war. The proof is from the second part of the law itself, where the Rambam says that a private Jew who sees an idol worshipper may not kill him with his hands ("le'abdo be'yado is forbidden"). This clearly shows that outside a war situation there is no permission to kill.

#### 3) "Lo techanem" – multiple interpretations

Chazal interpret "lo techanem" in several ways. The first simple meaning is from the language of chen/mercy ("chanuna," "chanun ve'rachum") – one may not have mercy on idol worshippers. Later in the chapter come other interpretations: chanayah be'karka (encampment on land), and lo titen lahem chen (do not give them favor).

#### 4) The law of "lo ma'alim ve'lo moridin" – what does "forbidden to destroy him with one's hand" mean?

An important discussion about the basis of the prohibition to kill an idol worshipper with one's hands:

- **Position A:** The prohibition is from the perspective of murder – a non-Jew idol worshipper is not liable to death for his idolatry (except in wartime). Tosafot (Shabbat) is mentioned as a source that a non-Jew is not liable to death for idolatry per se – Tosafot asks why they killed those who did not withdraw from idolatry, and answers that a non-Jew is only liable to death if he was warned in beit din, and without a beit din there is no death penalty. (It is noted that this may not be like the Rambam.)

- **Position B:** The prohibition is a political-practical reason – one doesn't want to create chaos in Eretz Yisrael, one doesn't want every individual to take the law into their own hands. This would be similar to "mishum eivah" (because of enmity) that comes later.

- **Counter-argument:** "Mishum eivah" is a separate reasoning that only comes later, and here we're talking about a fundamental law. The main reason is that a non-Jew is simply not liable to death for idolatry – the killing in war is a law of war, not a law of punishment for idolatry.

#### 5) Three levels of relationship with idol worshippers in war

- **Level 1 – He surrenders completely:** He accepts peace upon himself, he becomes "subject to burden in all his actions" – then automatically applies the law that one may not allow idol worshippers in our land, but this is not making a covenant.

- **Level 2 – Making a covenant:** A formal coalition/deal – "we are friends, if someone fights with you we fight too." This is what the prohibition of "lo tichrot lahem brit" forbids – a covenant that includes that he may serve idolatry.

- **Level 3 – "Making war with us":** He doesn't want to submit, he actively wages war – then it's "or be killed."

The innovation: Between level 1 and 3 there can be a situation where one accepts peace from someone without a formal covenant, and this is permitted – because one may be at peace with non-Jews who serve idolatry, as long as one doesn't make a covenant.

## 6) Eretz Yisrael vs. outside the Land

The obligation of war against idolatry is only in Eretz Yisrael – "abed te'abedun et kol ha'mekomot" is a mitzvah connected to the Land. Outside the Land one is not obligated. But the law of "lo ma'alim ve'lo moridin" (not saving) applies everywhere.

## 7) New conquests

If later another piece of land is conquered and becomes part of Eretz Yisrael, the mitzvah of "abed te'abedun" also applies to the new place. If the inhabitants say "we want a covenant," one can only make it on condition that they stop idolatry.

## 8) Why did non-Jews surrender?

Since non-Jews don't have the mitzvah of "yeihareig ve'al ya'avur" (they are not obligated to give their lives for their idolatry), they surrendered and gave up their idolatry when confronted with war.

## 9) Dispute whether "Ifikach" really means "therefore"

The Rambam says "Ifikach" – that one may not save an idol-worshipping non-Jew, connected to "lo techanem." One side holds that "Ifikach" by the Rambam proves that the law of not saving stems from "lo techanem." The other brings a **major principle in Rambam** – that "Ifikach" doesn't always mean "therefore" in a logical sense, but sometimes means merely "in a manner" or "consequently." One can do a search of all "Ifikach"s in Rambam and one will see it doesn't always work as cause-and-effect.

## 10) Main dispute – whether "lo techanem" applies to the law of not saving

- **Side A:** "Lo techanem" only applies to the situation of **war** – when a non-Jew has lost a war and wants to surrender, you should not have mercy. This is the simple meaning – it's in one verse with "lo tichrot brit," and it's talking about wartime. The second law (not saving outside of wartime) is a separate law, **not** from "lo techanem." Saving a person is not a matter of mercy – it's perhaps from "lo ta'amod al dam re'echa" or other laws. "Lo techanem" only speaks when a person is liable to death (in war), and then it says don't have mercy.

- **Side B:** "Lo techanem" indeed also applies to the second law – because the normal way when one sees a person in danger is one jumps to save him out of mercy, and "lo techanem" says that for an idol worshipper one should not have that mercy. Just as we find by death penalties of beit din that there are prohibitions against having mercy (by rodef, murderer – "lo tichpor"), so too here.

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## Law 2 – Mosrei Yisrael, Minim and Apikorsim

### The Rambam's Words

**"In what case are these words said" – that one doesn't save but doesn't kill, is only for a regular idol-worshipping non-Jew. But mosrei Yisrael (Jewish informers), minim (heretics) and apikorsim (deniers) – moridin ve'lo ma'alim (we actively bring them down). "Because they oppress and trouble Israel, and lead the people astray from following Hashem, like Yeshu the Nazarene and his disciples, and Tzadok and**

**Baitus and their disciples, may the name of the wicked rot."**

### Explanation

Mosrei Yisrael, minim and apikorsim are worse than idol-worshipping non-Jews – one must actively bring them down (moridin), not just refrain from saving them.

### Insights and Explanations

#### 1) Mosrei Yisrael – the definition

Mosrei Yisrael doesn't mean just someone who goes to secular courts and extracts money from a Jew. It means someone who puts Jews in **danger** – he informs on Jews to the government in times when Jews are persecuted.

#### 2) The basis of this law – self-defense, not punishment

The Rambam's language "because they oppress and trouble Israel and lead the people astray from following Hashem" shows that the reason for moridin is **not** because they are great evildoers, but because they are **dangerous to the Jewish people**. It's a law of self-defense. Just like an informer – he's not just wicked, he's simply dangerous.

#### 3) Why Jewish minim are worse than idol-worshipping non-Jews

With non-Jews there is already a "defense system" – "lo techanem," not marrying them, not socializing with them – the danger is already neutralized. But a **Jew** who becomes a min doesn't have all these distancing measures, and he can much more easily lead other Jews astray. Therefore one must go much stricter with him. A non-Jew who serves idolatry "in his own tent" doesn't disturb us, but a Jewish min does disturb.

#### 4) "And his disciples/and their disciples" – the main danger

In **both** examples (Yeshu the Nazarene, Tzadok and Baitus) it says "and his disciples/and their disciples" – because this is the main danger. A quiet Jew with strange ideas doesn't endanger the Jewish people. But when he makes a **movement, a cult** with disciples – that's the huge danger. The problem is not the individual, but the publicity, the name – "vaya'as lo shem" (and he made himself a name), "havah na'aseh lanu shem" (let us make ourselves a name). Therefore it says "shem resha'im yirkav" (the name of the wicked shall rot) – the **name**, the publicity of the wicked, the movement, should rot.

#### 5) Whether "minim and apikorsim" means only deniers of Torah or also against Chazal

The Rambam brings Tzadok and Baitus – which shows it also applies to those who went against Chazal, not only against the Written Torah. But on the other hand, it doesn't mean someone who once had a heretical thought – it means someone who makes a group, a cult, like the original meaning of "min."

#### 6) Whether a non-Jewish missionary would also have this law

It is raised that perhaps a non-Jew who leads Jews astray from following Hashem would also have the law of moridin – but it's not stated about this, and it's not clear.

#### 7) The practical aspect – "yadenu tekifah" and realism

- When the Rambam says "moridin" and "bor shachat" (pit of destruction) – it's not realistic in most times. With non-Jews one can ask: if it's "yadenu tekifah" (our hand is strong) can we go with the non-Jewish authorities. But with minim and apikorsim – who gives us "yadenu tekifah" against them? In history, **nothing was done** to minim and apikorsim most of the time – one only made a curse (Birkat HaMinim) and said "shem resha'im yirkav." They weren't put into pits.

- Even the law of "moridin" didn't mean war – because one couldn't. Perhaps where one could have, one would have done it, but in practice one didn't.

- If killing minim will have a reverse effect (more danger for Jews), seemingly one may not do it – for the same reason (self-defense).

### 8) The general nature of this chapter

The entire chapter – even what points to situations where it's not "yadenu tekifah" – is a **political chapter**. It's not a chapter of mitzvot on a particular Jew, but a chapter that speaks of the political relationship with idol worshippers and minim. Even the topic of minim and apikorsim – seemingly they have no verse (we don't learn it from "lo techanem," which applies to idol worshippers).

### 9) Chazon Ish – tinok shenishbah

The Chazon Ish's ruling that today Jews who are not shomer Torah and mitzvot are in the category of tinok shenishbah (a child captured among non-Jews) – fits very well with the Rambam's words. If he is a tinok shenishbah he is automatically not deliberate, he doesn't know – and the entire law of moridin only applies to one who is deliberate.

But the Chazon Ish's reasoning goes deeper: one doesn't need to seek a leniency for why the identified Jew is not such a wicked person (like tinok shenishbah). The entire law is **fundamentally political** – i.e., it only applies if it **saves Israel**, if it helps practically. Even if he is indeed saving Israel from one person, but if it harms in the bigger picture – for example, it causes more people to become apikorsim because they see how one person is killed – then the one who kills is actually the one harming Israel. This is not a contradiction to the Rambam.

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### Laws of Medical Treatment for Non-Jews – Because of Enmity

#### Explanation

One may not heal an idol-worshipping non-Jew out of mercy, because this stems from the same basis as "lo techanem" – one may not have mercy on them.

#### Insights

**But** if one fears them (mishum eivah - because of enmity), one may heal them **for payment**, because then there is a place for the enmity – the person is a doctor who takes money, and from me he doesn't want to heal even for payment. **But for free is forbidden** – for free one can say "I'm too busy now," and for free one only does out of mercy, which is forbidden.

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### Ger Toshav – Special Laws

#### Explanation

A **ger toshav** – a non-Jew who has accepted the seven Noahide commandments – has different laws. We are

obligated to support him, based on the verse "**ve'chai imach**" (and he shall live with you).

#### Insights

The Rambam brings the verse about nevelah (non-kosher meat) – one can give it to a ger or sell it to a non-Jew. To a ger toshav one **gives**, to a regular non-Jew one **sells**. This shows that we have a mitzvah to care for a ger toshav's needs. The difference between a ger toshav and a regular non-Jew (idol worshipper) is not only that he's not an idol worshipper, but he must actually accept upon himself to be a ger toshav in a very specific way.

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### Law 10 – Lo Techanem: Encampment on Land

#### The Rambam's Words

**"One may not sell them houses and fields in Eretz Yisrael... but in Syria one may sell them houses but not fields... and one may rent them houses in Eretz Yisrael provided one doesn't make them a neighborhood, and what is a neighborhood – three... and one may not rent them fields."**

#### Explanation

From "lo techanem" we learn **three things**:

1. One may not have mercy on them
2. One may not give them encampment on land
3. "Lo titen lahem chen" – not to praise them

#### Insights

#### 1) Distinctions in laws of selling and renting:

| | Eretz Yisrael | Syria | Outside the Land |

|---|---|---|---|

| **Selling houses** | Forbidden | Permitted | Permitted |

| **Selling fields** | Forbidden | Forbidden | Permitted |

| **Renting houses** | Permitted (not a neighborhood) | Permitted | Permitted |

| **Renting fields** | Forbidden | Permitted | Permitted |

#### 2) Why a field is more severe

A field has **two prohibitions**: (1) **Removes from tithes** – when a non-Jew plants on the land he doesn't give tithes, and (2) **Lo titen lahem chanayah be'karka** (don't give them encampment on land). Therefore a field is severe both in Eretz Yisrael (even renting is forbidden) and in Syria (selling is forbidden).

#### 3) What "chanayah" means

The discussion tries to understand what "chanayah" means – whether it means actually dwelling/resting (from "vayis'u vayachanu"), whether it means a type of ownership, whether it means rest/settlement. The conclusion is that chanayah means that the non-Jew should be "at rest" – he should not have any tranquility/settlement in Eretz Yisrael.

#### 4) Neighborhood

Three houses one next to the other for non-Jews already makes a "neighborhood" which is forbidden in Eretz Yisrael.

#### 5) "Lo techanem" is specifically directed at Eretz Yisrael

The Rambam's reason: "**As it says 'v'lo techanem' – don't give them encampment on land. For if they don't have land, their dwelling is temporary.**" In Eretz Yisrael we

want non-Jews to only have temporary dwelling, while Jews have permanent dwelling. In Syria the matter is only about tithes, not about "lo techanem."

### 6) The Rambam's order – law first, reason afterward

The Rambam begins with the law ("one may not sell") and only afterward brings the reason. This can mean that "lo techanem" in its simple meaning perhaps means something else (not having mercy in wartime), and the interpretation of "encampment on land" is an additional learned meaning.

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### Renting Houses – Not for Dwelling

#### The Rambam's Words

**"But in a place where it's permitted to rent, they didn't permit for a dwelling house, because he brings idolatry into it, as it says 'do not bring an abomination into your house'... one may rent them houses to make them a warehouse."**

#### Explanation

Even where one may rent, one may not rent a house for dwelling, because the non-Jew will bring in idolatry, and the house remains the renter's house, and he violates "do not bring an abomination into your house." One may only rent for a warehouse or offices – uses where one doesn't bring in idolatry.

#### Insights

##### 1) Does this also apply outside the Land?

It is raised that the prohibition not to rent a dwelling house to a non-Jew – because of "do not bring an abomination into your house" – should apply also outside the Land, not only in Eretz Yisrael. The Rambam says "it's permitted to sell them houses and fields outside the Land" – selling outside the Land is permitted. The prohibition of "do not bring an abomination" is only by renting, because the house remains yours, and the non-Jew brings idolatry into \*your\* house. By selling it's no longer "your house."

##### 2) Does "your house" mean Eretz Yisrael?

A study partner suggested that "your house" means specifically in Eretz Yisrael – Eretz Yisrael is "your house" but outside the Land is not. The other learner strongly rejected this: "You're creating a new Torah! 'Your house' simply means your house that you bought."

##### 3) Perhaps one doesn't know for certain he'll bring in idolatry

It is raised that the Rambam perhaps holds that when one doesn't know for certain that the non-Jew will bring in idolatry, it's different – "most non-Jews don't bring idolatry into their homes." Perhaps the Rambam goes according to his position that a statue or other symbols are not necessarily idolatry. The matter remains open.

##### 4) Whether "do not bring an abomination" is Biblical in this context

It's an innovation to say that "do not bring an abomination into your house" applies when someone rents from you – this is not the simple meaning of the verse. The Rambam doesn't bring "do not bring an abomination into your house" as a separate prohibition in this context. Perhaps the Rambam holds that when a non-Jew brings idolatry into a house he rents from you, this is not a Biblical prohibition of "do not

bring an abomination" – because the verse means that \*you\* should not bring in idolatry, not that the non-Jew brings it in.

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### Produce Attached to the Ground

#### The Rambam's Words

**"And one may not sell them produce and grain and the like attached to the ground... but one may buy from him once it's cut, or sell to him on condition to cut and harvest."**

#### Explanation

One may not sell produce that is still attached to the ground, because attached to the ground is like ground – meaning one is selling him land in Eretz Yisrael. But cut produce one may sell, and even still-attached produce one may sell **on condition to cut** – if the condition is that he will cut it soon.

#### Insights

The prohibition has nothing to do with tithes (which are obligated at the completion of work) – a non-Jew won't give tithes anyway. The point is specifically that attached to the ground = selling land, and one may not sell land in Eretz Yisrael to non-Jews. The Rambam didn't say one may not sell any produce to a non-Jew – only one may not sell **attached to the ground**, because attachment to the ground gives the non-Jew a connection to the land.

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### "Lo Techanem" – Triple Interpretation, Sefer HaMitzvot, and Whether It's Biblical

#### Insights

1) The Rambam in Sefer HaMitzvot has a principle that there can be more than one prohibition in one mitzvah, and both are Biblical.

2) "Lo techanem" has three interpretations: (1) not having mercy in wartime, (2) not giving encampment on land, (3) not praising them (chen).

3) It is asked whether "lo techanem" in its simple meaning is Biblical or Rabbinic. The reasoning: "lo techanem" speaks of "yad Yisrael tekifah" (when the hand of Israel is strong) – when there was a Jewish kingdom. But in Sefer HaMitzvot the Rambam indeed counts it as Biblical, and he brings both – having mercy and encampment on land.

4) "Lo yeishvu be'artzecha" (they shall not dwell in your land) is another verse, but it's also connected to "lo techanem."

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### Law – Lo Techanem: Lo Titen Lahem Chen / Forbidden to Speak in Their Praise

#### The Rambam's Words

**"And similarly it's forbidden to speak in praise of idol worshippers, and even to say how beautiful this non-Jew is in his appearance. All the more so to speak in praise of their deeds or to cherish any of their words."**

#### Explanation

One may not speak praise of idol worshippers, not even about their physical beauty. All the more so not about their deeds or to cherish their words.

#### Insights

1) **The kal vachomer (a fortiori argument)**

Appearance (physical beauty) has nothing to do with serving idolatry – the Almighty created him beautiful. But deeds and words do have to do with what he believes in – therefore it's a kal vachomer.

## 2) Reason

**"As it says 'v'lo techanem' – don't give them favor in your eyes."** The third interpretation of "lo techanem" – you should not give them favor in your eyes. When one speaks praise of them, one becomes drawn to them, and this can lead to learning from their bad deeds.

## 3) Whether this is actually Biblical

There is strong doubt whether the prohibition of "speaking in their praise" is actually Biblical or more a good practice / Rabbinic. The language "lest it cause one to become attached to him and learn from his bad deeds" sounds more like a reason / guidance than a strict prohibition. "I think this is more like a good practice... in a manner that causes transgression."

## 4) [Digression: Aristotle and idolatry]

It is mentioned that someone asked: the Rambam said that Aristotle was almost a prophet, but he was an idol worshipper – how does this go together? The answer: the Rambam knew that Aristotle served idolatry (which specific idolatry is not stated), and he addressed this in his books. The fact that one can learn from a person's wisdom doesn't mean one must cherish everything he does – this is exactly the distinction of the Rambam's law.

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## Law – Free Gift to an Idol Worshipper vs. Ger Toshav

### The Rambam's Words

**One may not give an idol worshipper a free gift, "but one may give to a ger toshav, as it says 'to the stranger who is in your gates you shall give it or sell it to a foreigner'"** – to a ger toshav one should give, and to a foreigner one should sell.

### Explanation

The verse speaks of nevelah – one can give it to a ger or sell it to a foreigner. From this we learn that to a foreigner is only by selling and not by giving.

### Insights

#### 1) Proof that "lo techanem" (free gift) is Rabbinic

If "lo techanem" were a clear Biblical prohibition on free gifts, the Rambam wouldn't need to bring the verse "to the stranger who is in your gates you shall give it or sell it to a foreigner" as a source. The verse about nevelah is not a prohibition – it's only an interpretation showing what one can do with nevelah. The fact that the Rambam brings this verse as support shows that he holds that the entire matter of free gifts is only Rabbinic with support in the verse.

#### 2) Question on this inference

One can ask, the verse teaches the other side – that a ger toshav one may indeed give a free gift – and this we don't learn from "lo techanem" itself. **Answer:** For a ger toshav we already have another verse – "and the stranger and resident shall live with you" – that one must sustain him. So the verse about nevelah is not needed for the side of ger toshav, but for the side of the foreigner, which supports the inference that "lo techanem" (free gift) is Rabbinic.

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## Law 11 – We Support Poor Non-Jews with Poor Jews Because of the Ways of Peace

### The Rambam's Words

**When there is a charity fund, "we support poor non-Jews with poor Jews because of the ways of peace."**

### Explanation

When distributing charity to poor people of the city, one also gives to poor non-Jews together with poor Jews, for the sake of the ways of peace.

### Insights

#### 1) Interesting innovation

The "non-Jews" here means idol worshippers – these are the same people about whom it was said earlier that one may not give them free gifts, one may not heal them, one may not raise them from the pit. Nevertheless, when it comes to a charity fund, one gives them too because of the ways of peace.

#### 2) Ways of peace vs. enmity – an important distinction

Ways of peace is not the same thing as fear of enmity. **Enmity** is a greater thing – because of enmity one does even things that one may not do (as we learned earlier regarding medical treatment). **Ways of peace** is a positive mitzvah – "so that there should be peace in the world." The Rambam learns that ways of peace means positive, not just avoiding conflict. This comes from tractate Gittin where there is a whole list of enactments because of the ways of peace (for example, a Kohen reads first – because of the ways of peace).

#### 3) "With poor Jews"

The condition is that one gives to non-Jews **together** with poor Jews. It doesn't mean one only gives when one is already giving to Jews – but that the ways of peace also apply among Jews themselves, not only with non-Jews.

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## Law 11 (Continued) – Leket, Shichechah and Pe'ah, Greeting Them

### The Rambam's Words

**"If non-Jews come to take leket, shichechah and pe'ah, we don't prevent them because of the ways of peace." Also: "And we greet them even on their festival day... but we don't double greetings to them."**

### Explanation

One doesn't send away non-Jews who come to take leket, shichechah and pe'ah. One may greet them even on their festival, but one should not overdo it.

### Insights

#### 1) "We don't double greetings to them"

One doesn't run after them, one doesn't try too hard that they should become your friends. There is a limitation on how far the ways of peace go on their festival day.

#### 2) "One should not enter a non-Jew's house on his festival day to greet him"

One should not enter his house on his festival day. This doesn't mean just entering – this means a **festival visit**, like a Chol HaMoed visit, making a l'chaim in honor of his festival. The reason: he will go thank his idol for it.

### 3) "If one meets him in the market, one greets him softly and with a serious demeanor"

If one meets him in the market on his festival day, one greets him but calmly and seriously, not too excited. **Slight contradiction:** Earlier it says "we don't greet them on their festival days" – how does this fit with "one greets him"? **Answer:** "Greeting them on their festival day" doesn't mean just "shalom aleichem" – it means wishing him a **happy festival** (like "Merry Christmas"). This one may not actively do, but when one meets him, one gives him a calm greeting softly – not a festival greeting.

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### Law 12 – When the Hand of Israel is Strong

The Rambam's Words

"When the hand of the non-Jews is strong" – when the non-Jews have the power – all these leniencies apply. **"But when the hand of Israel is strong over the nations of the world, it is forbidden for us to allow an idol-worshipping non-Jew among us, even dwelling temporarily, even passing from place to place for commerce, he may not pass through our land until he accepts upon himself the seven commandments that the children of Noah were commanded, as it says 'they shall not dwell in your land.'"**

Explanation

When Jews have full power in Eretz Yisrael, one may not allow any idol worshipper even to pass through, until he accepts the seven Noahide commandments (= becomes a ger toshav).

Insights

#### 1) Distinction between permanent dwelling and temporary dwelling

Earlier we learned that one may not

#### 1) Distinction between permanent dwelling and temporary dwelling

Earlier we learned that one may not sell a house (permanent dwelling) – this is when Jews do **not** have full power. But when Jews have full power, one may not allow even **temporary dwelling**, even just passing through for commerce.

#### 2) "Dwelling" means even temporarily

The verse "lo yeishvu be'artzecha" (they shall not dwell in your land) – "dwelling" here doesn't mean only permanent residence, but even temporarily. How do we know? Because the Rambam says that even "passing from place to place" is forbidden.

#### 3) Ger toshav is more than just not being an idol worshipper – a major innovation

One doesn't allow in a non-Jew unless he is a **ger toshav** – meaning he accepts the seven Noahide commandments. This is **more** than just not being an idol worshipper. The seven Noahide commandments include: idolatry, blasphemy, forbidden sexual relations, bloodshed, theft, eating a limb from a living animal, and establishing courts – this is idolatry **plus six more**. Even if someone is not an idol worshipper, but he eats a limb from a living animal or he doesn't have a system of courts, one doesn't allow him into Eretz Yisrael.

#### 4) There is no middle ground

It's a dramatic innovation – there is no middle way. Either he accepts the seven Noahide commandments and we must sustain him, give to him, care for him ("ve'chai imach") – or he is not allowed in at all. When Jews have the power, one doesn't only demand that he not be an idol worshipper, but one demands from him **all seven commandments**.

#### 5) [Digression: Problem for modern times]

It is touched upon that this creates a problem in modern times (regarding the State of Israel), but it is not elaborated.

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### Law – Ger Toshav Only When Yovel is Observed

The Rambam's Words (approximately)

**One accepts a ger toshav only when yovel (the Jubilee year) is observed. When yovel is not observed – we only accept converts to Judaism.**

Explanation

When yovel is not observed, one cannot accept any ger toshav in Eretz Yisrael – only a full convert (who accepts all of the Torah) is allowed in.

Insights

#### 1) Explanation #1 – Connection to land

Chazal's reason: When yovel is observed, fields return to the original owner at yovel (or at shemita). Therefore, even if one sells land to a ger toshav, he is only there for a "temporary dwelling" – he doesn't get land "forever and ever." But when yovel is not observed, he would get a permanent hold in Eretz Yisrael, and we don't want that.

#### 2) Explanation #2 – Yovel observed as an indicator of sovereignty

A deeper explanation: "Yovel is observed" means that there is "rov yoshveha aleha" (most of its inhabitants upon it) – a strong Jewish settlement with a kingdom, a beit din, a system that can enforce laws. When there is such sovereignty, one can afford to have non-Jews who live under different laws (seven commandments), because the kingdom can control this. But when there isn't such a level of sovereignty, it's too risky – one can only allow full converts who follow all of the Torah.

#### 3) Question: What is the ger toshav guilty of?

A strong question: A non-Jew who fulfills all his obligations, all seven commandments – why shouldn't one allow him to live? The reason of "lest they learn from their bad deeds" doesn't fit for him – he only has good deeds! **The answer:** It's not a punishment for him, but a systemic decree – when there isn't the infrastructure (beit din, kingdom) to keep track of non-Jews with different laws, one cannot afford the status of ger toshav at all.

#### 4) Even in the days of Yehoshua

It is noted that even in the days of Yehoshua, yovel was not observed, which means that the ger toshav status is a very late development.

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### General Observation About This Chapter

The entire chapter is very general – these are "directions" for how one should conduct oneself, but it's very difficult to make practical halachah from it, because one needs to know the reality and the circumstances. The entire chapter is a **political chapter** – it's not a chapter of mitzvot on a particular Jew, but a chapter that speaks of the political relationship with idol

worshippers, minim, and gerei toshav, in different situations of power and sovereignty.

## Full Transcript

### Laws of Idolatry Chapter 10 – You Shall Not Make a Covenant with Them and You Shall Not Show Them Favor

#### Introduction to Chapter 10

##### Speaker 1:

So now, let us learn Laws of Idolatry Chapter 10. We have already begun to learn about certain laws that have to do with the relationship between Jews and non-Jews in the previous chapter, basically how a Jew should not deal with non-Jews, do business with non-Jews so that the non-Jew should not go give thanks to idolatry, or so that the Jew should not stumble into benefiting from money of idolatry, and so forth.

Here we speak more about laws that have to do with the connection between a Jew and a non-Jew, or more correctly with a Jew and an idol worshipper. As they say, as the censor used to require writing that "goy" means a non-Jew from back then who was an idol worshipper. Perhaps it's true, he said that a Christian is also called an idol worshipper, we've already discussed this, there is a dispute among the poskim about today's Christians. That's true, but the word "goy," here we see that the Rambam uses the word "goy" and "idol worshipper" interchangeably. "Goy" means an idol worshipper, and not that you're not a goy, you're a Jew. I mean, perhaps he's a ger toshav, perhaps he's some other sort of thing, but "goy" means an idol worshipper.

And until now we have learned laws about benefiting from the idolatry itself, even yes, even what we learned about going to make connections was so that he shouldn't go to the idolatry, the non-Jew should go, it's a question of lifnei iver or whatever. Now we're speaking about something broader, we're learning it also as mitzvot, I mean it's extra mitzvot, right? The Rambam now counts extra mitzvot, right? In the list. There are two extra negative commandments, in the introduction it says, yes. That this is an extra prohibition in the Torah, already such a person, such a group of people who serve idolatry, there are still such laws that one must... Sorry, I'm coming back... there are still laws how one must conduct oneself with them. Very good.

#### Law 1 – You Shall Not Make a Covenant with Them

##### The Rambam's Language

##### Speaker 1:

Law 1, says the Rambam, normally when a Jewish kingdom must wage wars with non-Jews and drive them out from the Land of Israel, and especially idol worshippers, there is a mitzvah to destroy idolatry, says the Rambam that there is a negative commandment, one may not make a covenant with idol worshippers, and one may not be at peace with them. Yes, so hold on with that. Yes. Normally when one wages war with other non-Jews, one makes peace with them.

But when there is a matter of idolatry, when the non-Jews are idol worshippers, says the Rambam thus: **One may not make a covenant with idol worshippers that we will live in peace with them and they will continue to serve idolatry, as it says "you shall not make a covenant**

**with them." Rather, one can make a covenant with them if he stops serving idolatry, "he abandons his worship or he is killed," or one kills them. There is no other way.**

##### Discussion: Version – Seven Nations or Idol Worshippers

##### Speaker 1:

Right, so in other words, there is such a thing as a covenant. There is a version, in the old version it said "seven nations," and I see that here it says "to idol worshippers." So it seems there is a dispute in the text of the Rambam, he goes with the version "seven nations," but our version says "to idol worshippers." But apparently it's the same point. The thing is, one wages a war. "Seven nations" is the problem, but apparently the actual obligation is, there is no option to make a covenant with them, therefore it's somewhat difficult. But this is what the Rambam holds, even with the seven nations, if they abandon idolatry we may yes. What it says in the Torah that one should not have mercy on them is about idolatry. That is the Rambam's position. We need to learn afterwards Laws of Kings, perhaps one can see. Okay.

##### Speaker 2:

Yes, but Rabbi Yoel Pinchas, here he speaks even if later a war develops, that the Jews conquer another piece of land, on this new land that now becomes part of the Land of Israel, there is the mitzvah of "you shall utterly destroy all the places." And even if they say "we want a covenant with you," one can make a covenant with them, but only on condition that he stops serving idolatry. The other option is "he is killed," that means one wages a war, one goes to the end, unless you abandon idolatry. Very good.

##### Speaker 1:

Now, but since the non-Jews don't have the mitzvah of "be killed rather than transgress," they have submitted.

##### Speaker 2:

You mean to say for their idolatry.

##### Speaker 1:

For their idolatry. Yes, but it seems clear that the law is specifically in war, the "or he is killed." Because a minute later we'll see that if one sees an idol worshipper one doesn't kill him with one's hands. We'll see. But that's the point. Very good.

#### "And You Shall Not Show Them Favor" – Not Raising Up and Not Bringing Down

##### Speaker 1:

**"And it is forbidden to have mercy on them," and one may not have mercy on the idol worshippers, as it says "and you shall not show them favor."** We will see from the negative commandment of "lo techanem" we will see several more mitzvot. It seems that "lo techanem" can be interpreted in several ways. Chazal expounded it in several ways. Simply "lo techanem" means from the language of mercy, like "chanuna," "gracious and merciful." The first thing is, that when you're holding in the middle of war with them and they don't want to give up idolatry, there is no having

mercy, and let them fight to the end. That is the first meaning of "lo techanem." That is the same meaning, most certainly, although "lo techanem" later we'll see several more things that Chazal derive from the words "and you shall not show them favor" besides the simple meaning of having mercy. But the first thing is, one may not have mercy.

We see that regarding idol worshippers it says in the Torah many times one may not have mercy. On one hand there are idol worshippers "lo techanem," and what should one be able to have mercy about? One has no mercy on idol worshippers. The Rambam said in his works that the mercy is to kill them.

**Therefore they said, an idol-worshipping non-Jew,** until now we spoke about when one is actually holding in the middle of a war, a king is holding in the middle of a situation of war, then he should go to the end and uproot idolatry. And here we speak about a private Jew who sees a non-Jew who is an idol worshipper, he sees that he is wandering or is lost on the way, "oved" doesn't mean already wandering, it means apparently that he is serving, not a wanderer, he's losing his way, he's in the middle of falling into a pit, in a situation of danger, in short, **one should not raise him up, one should not save him.**

**And the same thing, if he sees him being taken to death, one should not save him, he sees him as he is being taken to someone who wants to kill him, one should not save him, one should not save him,** because he is an idol worshipper and it's part of the mitzvah of "and you shall not show them favor," that one should not have any mercy on idol worshippers. That means, actually if there were a war with him one would simply kill him in the war, it's part of war, as if when you see a non-Jew, but we can't now make it a time of war.

**But to destroy him with one's hand by way of a pit and the like is forbidden,** we may not go destroy him, push him into a pit, as long as there is no war. The first condition when we fight with a non-Jew is when he wages war with us. So apparently the first piece is also so, if the non-Jew makes war with us, and we go back out to war, then one should not end the war before one has made an end to the idolatry. But just like that we don't seek, we don't go out to war.

**Discussion: Why is "Destroying Him with One's Hand" Forbidden?**

**Speaker 1:**

One must understand this with the Torah law of destroying. We'll go yes, destroying is after one goes out. Destroying is not making a war, in the Land of Israel there is indeed a mitzvah kibush, then one should struggle there a bit, it's an extra mitzvah. Or about this, this one needs to look into. But one can enter a war, and one makes a war in a milchemet reshut, then the law of the first section 1 can apply. But just a yachid may not kill a non-Jew, because it's not a war. Not only a yachid, even a community, and unless this doesn't go with war, according to the laws of war. We have a matter in "them they made war." Right, because we are not now in a state of war. That's what the Rambam also means to say. Right. War has rules, a king can declare a war, or if the Sanhedrin isn't... It can also be... I don't remember who says that this is a law in the call for peace. One needs to look in which Sefer Mincha, how he says this.

I think that perhaps there are three levels. I think, I'm not saying, regarding simply being precise from the "makes war

with us." Perhaps I'm not right, but I think it can be so. That means, we want to go to a milchemet reshut, let's say. One can make a war with a non-Jew. Okay. So if he wants to completely submit, he has submitted, he doesn't make any war, he goes "in haste in all his deeds." Not with his laws of idol worshippers until correct. Apparently automatically the law will apply, one may not leave idol worshippers in our land, or in a place that is under our rule, and the like. But that's not yet making a covenant. Making a covenant is apparently another level, that one makes like a deal, we are together and we are friends, perhaps we'll... What's called a coalition, yes, if someone wages war with you, one will wage war with you. A covenant can be such a greater level, then there is an extra prohibition not to make any covenant that includes that he may serve idolatry. But do you understand it so? Then, on the contrary I understand, that the one who doesn't want, is "makes war with us," it's understood he doesn't submit himself, then one may not make any covenant with him. But one level in between, which means he doesn't make a war, but he accepts peace, it can be one may accept peace from someone, because one may be at peace with non-Jews who serve idolatry. Do you understand it so? I want it perhaps a bit different.

**Speaker 2:**

As mercy on the non-Jew, one may not because of "lo techanem." One may not have mercy. Mercy doesn't come in. So a person said that once there is no mitzvah of mercy, may I also kill him. The answer to this is, that finally in with this not mercy, you don't want to make any problems for the Jewish people, for Jews, as later here because of enmity. You don't want to make any fire. So if he hasn't made war with you, are you now going... The Torah doesn't want there to be chaos in the Land of Israel, and every individual should come and some settlers kill and beat, there should always be upheavals because of this. If he's holding in the middle of dying, no one will know, you can kill him, because there is no mercy on idol worshippers, when it's not upon us. But to go kill him, so he says 'forbidden,' because the Rambam doesn't say this is forbidden because this is killing an innocent person, but forbidden because you make destruction with the Land of Israel.

**Speaker 1:**

No, I don't agree. First of all, not necessarily the Land of Israel, the law is everywhere. But I don't see 'forbidden.' 'Forbidden' must be what it says that a non-Jew is 'not raising up and not bringing down.' Yes, that means, the law says that one doesn't push into the pit at all. One is not obligated to save him at all, one doesn't call rescue. He died. So the reason why I don't have to save him is because 'lo techanem,' one doesn't have to have mercy on him.

**Speaker 2:**

From my side. But I ask, the reason why one may not destroy is as murder?

**Speaker 1:**

Something like that, yes.

**Speaker 2:**

Or it's an extra thing, because you want that the murder should only the king should be able to kill, and you don't want every individual to take the law into their own hands.

**Speaker 1:**

No, no, no, because he is not liable to death. He is not liable to death. But actually he is liable to death if it's a situation where the king has declared war. And in a war one will kill him for the idolatry, it's not the simple meaning that the war is for another reason because the king wants power. The king makes war because of idolatry, because he wants to destroy idolatry.

**Speaker 2:**

No, only in the Land of Israel, only in the Land of Israel, outside the Land one is not obligated. There is no difference, we're speaking in the Land of Israel, yes. Can one make a war only for idolatry? And why can't an individual make a small war with an idol-worshipping neighbor? That I say, it's 'forbidden' perhaps because of a political reason, because he will make the Land of Israel into a place of chaos. Or it's 'forbidden' because he can't carry out what a piece of authority says. A non-Jew is not liable to death for idolatry, it's not so. A time of war is a war, but a non-Jew is not liable to death for idolatry. Tosafot brings this, Tosafot...

**Speaker 1:**

So the reason why one kills him if he doesn't withdraw from idolatry is because of war or because of idolatry?

**Speaker 2:**

Because of war.

**Speaker 1:**

Because of war? That's explicitly in the Rambam, there is one about war and the second section says...

**Speaker 2:**

If one says that war is like because of enmity, but here it's not relevant to start a war when one individual wants there to now be a war in the Land of Israel.

**Speaker 1:**

I agree that because of enmity is a thing that comes in later, I also think so. But here we speak of an obligation, if you speak that there will soon be an obligation, one must speak of a matter that is relevant to make covenants, urgent covenants.

**Speaker 2:**

He brings that Tosafot asks a question, why indeed must one not increase? Says Tosafot that he is still liable to death if one has clearly sold him.

**Continuation of Discussion on "Lo Techanem" – The Meaning and the Connection to Saving**

**Speaker 1:**

There I say, it's perhaps forbidden because of a political reason, because he won't make the Land of Israel into a place of chaos, or is it forbidden because he can't transgress on a piece of "do not murder." A non-Jew is not liable to death for serving idolatry. It's not so. A time of war is a war. Wouldn't a non-Jew be liable to death for serving idolatry? Tosafot brings from Shabbat, why did they kill those who didn't withdraw from idolatry? Is it because of war or because of idolatry?

Here we speak that when one can yes, we speak in a manner that is relevant to make covenants and wars. He brings a Tosafot asks a question, why indeed must one speak? Says Tosafot that he is only liable to death if one judged him in a court. There is no court. But I don't know if this is the same as the Rambam.

I'll say again how we learned here: that when there is a war, one must go to the end, and one may only make a covenant

with him, an "alliance," if he stops serving idolatry, and one may not have mercy. But just a Jew versus a non-Jew as an individual, as the law of lo techanem, one doesn't have to have extra mercy of making an effort to save him. But still one may not kill him, because one can't kill a person unless he should be...

**Discussion: Does "Lo Techanem" Apply to the Law of Not Saving**

**Speaker 2:**

I'm not sure that the lo techanem applies to the second piece. I would look at it more... Because why should you have mercy? Automatically therefore in the Rambam is not a proof.

**Speaker 1:**

No, no, the first lo techanem goes... No, therefore is not a proof. Many times the Rambam says therefore, it doesn't mean...

**Speaker 2:**

No, no, this is clear, the Rambam... It's clear, it's very clear, it's connected to the lo techanem.

**Speaker 1:**

No, no, let's again. First of all, know a great rule in the Rambam, when it says therefore, not always does it have a reason with what it says before. Many times it means "in a manner," something like that. That is... Look in the Rambam, make a search of all the therefore's, you'll see that not always does it fit that it should be a... Therefore is not necessarily "therefore" in the Rambam. Therefore means automatically, the meaning is so, I remember my brother once told me the meaning.

**Speaker 2:**

No, it doesn't fit, it doesn't fit, it fits very not. Because "lo techanem" means you should have mercy. When you should have mercy means when you see someone, do show mercy, you should have mercy on him. A person should have mercy. But if you will give him a free gift, that's not having mercy.

**Speaker 1:**

Let's understand, let's understand. I'm not taking away the prohibition, but you shouldn't, I don't agree, I don't agree. Because "lo techanem" is as you said to do, soon we'll see other interpretations in "lo techanem". For now we're talking about the simple interpretation. The simple "lo techanem" is that the reality where you would have had mercy, you would have had mercy on an old person, he lost a war, he wants to surrender, but you still want to take everything, would you have had mercy? You would have made "lo techanem" simply another prohibition on "lo tichrot brit". That's the simple interpretation.

That's how... doesn't it already say "**lo tichrot lahem brit**"?

**Speaker 2:**

Yes, yes, "**lo tichrot lahem brit**" is to make a covenant, and "**lo techanem**" is to have mercy on them. As we say, it's ultimately a prohibition on mercy. Just as you saw by death penalties, there are four other prohibitions not to have mercy on them. It's a normal thing. That's the context of "lo techanem", it appears in one verse with "lo tichrot brit". It's talking about during war. "Lo techanem" doesn't talk about not during war. The second law is that when it's not war, it's a different law. It's connected to the first law, but it's not about "lo techanem". I don't think so. Because to save a person is not

about mercy, it has nothing to do with mercy. Perhaps a matter of "lo ta'amod al dam re'echa", other things, but not about mercy.

Mercy, the interpretation is that mercy, usually, "lo techanem" is said when a person is liable to death. Yes, we learn by a rodef and moshech, who is liable to death, or by other things, a murderer, "lo tichpor", not to have mercy. A gentile is liable to death, so it's talking apparently in the simple interpretation in the situation of war, in the situation where he is liable to death. Afterwards, perhaps "lo techanem" applies to kill. If he doesn't agree, kill him and have no mercy. But the fact that we don't save him, that's not about the prohibition of having mercy. I would think.

**Speaker 1:**

That's the reason why we shouldn't save him.

**Speaker 2:**

No, I don't agree. Because it doesn't say here "lo ta'alehu min habor" to save him, but rather that we shouldn't save him. There is a prohibition to save him, because there is "lo techanem".

**Speaker 1:**

I don't agree. "Kol sheken" is a prohibition. There is a prohibition to have mercy. The normal way when you see a person who shows no mercy, you jump to save him. But when he is a worshiper of idolatry, have no mercy.

**Speaker 2:**

I already told you the English interpretation, but can you say this interpretation? This interpretation, we say this interpretation. We say the true interpretation. You say the true interpretation? You say the false interpretation.

**Halacha 2 – Informers of Israel, Heretics and Apostates**

**Speaker 1:**

**Bameh devarim amurim?** That even when we don't have mercy, as I learned that Rabbi Yitzchak said, no, he won't have mercy on Jews at all. No, that it was said that we may not kill and should only not save, was only said regarding a gentile. But there are those who are worse than a gentile who worships idolatry. These are informers of Israel, Jews who inform on other Jews to the government in times when Jews are subjugated. Informers of Israel doesn't mean simply that one goes to secular courts and extracts a few dollars from a Jew. It means simply more, informers of Israel means one puts Jews in danger. One puts another Jew in danger. These are heretics and apostates, what does heretics and apostates mean? These are those who deny the Torah.

Apparently what heretics and apostates are in Hilchot Teshuva, the Rambam gave a general definition. But apparently it means here also, not necessarily because they have serious false beliefs, but they belong to some certain group that fights with Jews. By the gentiles you're on the side that we must kill them all, the Written Torah comes and says "**lo terachem aleihem**". But for them it's a mitzvah not only that we shouldn't save them, but we should indeed bring them down to the pit of destruction, and push them down into Gehinnom. What does the pit of destruction come in here?

**The Rambam's Reason – They Oppress and Cause Distress to Israel**

The Rambam says why? **Mipnei shehen**, this group, this sect of informers and heretics and apostates, from what I said,

**they oppress and cause distress to Israel, and lead the people astray from following Hashem, like Yeshu the Nazarene and his disciples, and Tzadok and Baithos and their disciples, may the name of the wicked rot.**

The Rambam says this, that even if you see someone who you think is indeed from the heretics and apostates, but who says he is so dangerous? The Rambam says, there was, we once had a Yeshu the Nazarene, about whom one could also have thought, well what is it, some interesting Jew with some strange ideas, or Tzadok and Baithos. But from this developed an entire group, an entire sect that disturbed Jews and oppressed Israel. Therefore, if there is someone who belongs to this group, someone who makes such a new cult, they should be killed, because they are a danger to the community of Israel.

**The Distinction Between Gentile Idol Worshipers and Jewish Heretics**

You see that he says very nicely that the Rambam knows that a simple gentile who serves idolatry doesn't disturb us, we have nothing to do with him, but he disturbs, he doesn't create any stumbling block for us. But the Jewish heretics, they indeed oppress Israel. They make, as he brings an example of the heretics and apostates, and he places himself immediately, he brings the blessing about them here, you know, I mean first it's still part of the fulfillment of "umiridah meherah te'aker", you know, "malchut harisha'ah meherah te'aker", you know, "malchut harisha'ah meherah te'aker", you know, "Hashem will fulfill the mitzvah".

He knows that they indeed disturb you, that they indeed disturb, and not simply they disturb, but they lead astray from following Hashem, which the Rambam explains is the worst thing, it nullifies the settlement of the world etc. Therefore one must... yes, but it's self-defense, and not... so you can say that by the gentile he said "**ve'einam oyvim lanu bemilchama**", because they are always not our enemies in war. And this I say further from Rabbi Rabinowitz, I think he is right. Now I think so, I just want to explain, the Rambam says, we don't kill a heretic because he is such a great wicked person, but because he oppresses Israel, because it's self-defense.

**Discussion: Why Is It Stricter for Jews Than for Gentiles**

**Speaker 2:**

I want to perhaps tell you, that for a gentile we already have a bunch of self... we already have a mechanism, because we don't interact with them, "lo techanem", we're already here, we don't marry them, we don't associate with them, so the danger is already neutralized. But for the Jew there isn't yet the whole defense system, so a Jew is much more dangerous that he will lead other Jews astray, we must go much stricter, yes?

**Speaker 1:**

Yes, could be. By the gentile there are already all these distancings... ah, even aside from that. But in general, a gentile who serves idolatry... if... it could perhaps be that yes, if a gentile is a missionary, and... it could be that it would also... you know, it doesn't say about that. We're talking simply about gentiles who sit and serve idolatry in their own tent of Torah. If a gentile comes and he leads Israel astray from following Hashem, could be that he's called a heretic, it's not... it's not clear. Okay.

## The Necessity of "Disciples" – The Enormous Danger of a Movement

So we see here clearly that he also means, heretics and apostates also means one who went against the Sages, not only against the Torah, because he brings Tzadok and Baithos. Yes, but on the other hand, as you told me earlier, until here we see that heretics and apostates doesn't mean someone who once had a thought of heresy. It means to say someone like Yeshu or Tzadok, someone who is originally a heretic. I mean like a heretic, like a group, a cult. And I also think that by both he brings up disciples, because that's the problem. Because when it means simply, there can still be such Yeshu the Nazarenes somewhere in the Land of Israel, but once they make a cult, that's an enormous danger to the community of Israel. By both he has **vetalmidav vetalmideihem**.

### Speaker 2:

Yes, he means, it doesn't mean, it doesn't even mean them, even if he has a gabbai who also helps him. The point is, who says it's also not realistic? The danger is the disciples. That's what I mean to say, that here is some quiet Jew who has strange opinions, well, he doesn't put the community of Israel in danger, that's certain. But if there are disciples, he makes a movement, that's the problem. This also comes out from what the Rambam says that this is a positive commandment, this is a matter of self-defense, it's not a matter. It's like an informer. What is an informer? It's a wicked verse, it's a great transgression. But it means to say he is simply dangerous.

## The Practical Aspect – "May the Name of the Wicked Rot" and Realism

### Speaker 1:

Yes. Yes, I also think that I know when one could have fulfilled this law. This is only all these... I think everyone when the Rambam says immediately, "**shem resha'im yirkav**", "**bor shachat**", you understand because we're not talking here realistically. Because you must ask, if there is a Jewish period, one can already go with the gentile heights. But we're talking that it's a Jewish period. Who gives us the Jewish period against the heretics? Sometimes there is such internally, one can yes a little, but most times the heretics and apostates in the Gemara, nothing was done to them, only a curse was made for them and it was said "shem resha'im yirkav". They weren't put in pits. You haven't heard such a thing, true?

### Speaker 2:

I think that "shem resha'im yirkav" also means, the name of the wicked means the publicity of the wicked, not the wicked person himself, like "tam chata'im". The name of the wicked, the movement that they can have disciples, "vaya'as lo shem", yes, "havah na'aseh lanu shem". That's the problem. Mainly what mostly what we can do is when we can scold them. I don't see that there was ever such an incident that this or that apostate was taken and put in a pit. You see, even this talks about "moridin velo ma'alim", it didn't mean that war was waged with them. Why not? Because we can't. Perhaps where we can we would have done, but we can't.

### Speaker 1:

Okay, if it will have the opposite effect, apparently one may not do further for the same reason, yes.

### Speaker 2:

No, good. So good. So this is a... therefore I began with all these chapters a bit differently than you, that the whole

chapter, even what it shows yes apparently even in situations where it's not a Jewish period, is still a political chapter. It's not a chapter of a commandment on a certain Jew, so not yet this part. Even the matter of heretics and apostates. Apparently, heretics and apostates don't have a verse here. We don't learn it from "lo techanem". "Lo techanem" applies to idol worshipers. Say now, fallen, it says how there is "moridin velo ma'alim", and I think, yes, lo ma'alim velo moridin. He says, on whom is it yes "moridin velo ma'alim"?

## Chazon Ish – A Child Captured Among Gentiles

So the law of the Chazon Ish that about a child captured among gentiles is very much, really agrees with the words of the Rambam. If he is a child captured among gentiles he is automatically not one who is intentional, he doesn't know.

## Discussion in the Chazon Ish's Position – Continuation

### Speaker 1:

I don't know that, but one doesn't need to arrive, because you can say even better. The Chazon Ish means, one doesn't need to seek a leniency why that Jew is not such a wicked person. It doesn't come in here. The whole law is initially political. I mean, the Chazon Ish says this. Saves Israel. Like if it helps. If it helps, but even he is yes saves Israel.

Let's say, the child captured among gentiles saves Israel, but it harmed, it helped for one person, but now, so more people will now become apostates because they are like we kill one, and further one cannot kill. On the contrary, the one who kills is now the one who saves Israel. That's not such a contradiction.

## Laws of Medicine for Gentiles – Because of Enmity

### Speaker 1:

The Rambam further, one can a consequence of this law. That we may not save a Jew. From lo techanem save a gentile. From lo techanem, we learn in a wicked person, ten hearts of idol worshipers. The same reason why we may not save them, we may not heal them, because it is a matter of mercy.

But this only applies when one does it all from mercy, but if one does it because one is afraid of them, or one is afraid, he is afraid of them, one who is concerned because of enmity is a thing weak become from Meir HaTzion Bnei Brak, when it means really he is afraid of him now. Because because of enmity is gossip, who knows what bad things can come out if the gentiles will know that we don't heal them, then he should heal them, but then further he must only do it when the other pays, because then there is a place for the fear or for the enmity, because the person is a doctor and he takes money, and from me he doesn't want to heal for free and still give money.

But for free it's forbidden, for free one may not, because for free you can say, I'm now too busy, I can't do it now. Yes, for free one does because one indeed has mercy. It's the only soul we would do for free is because of mercy.

Yes, so under, there are caught about this complications, the Gemara's with things, but yes... there is said that one can have been enlightened in this Gemara, perhaps one should only hear why there is a special law.

## Ger Toshav – Special Laws

### Speaker 1:

I will bring out, a ger toshav, a gentile who has accepted upon himself the seven Noahide commandments, which there we are when we say more or less today's gentiles, which they

conduct themselves except... the Rambam said that he is an idol worshiper. The leniency was not based on this law.

Okay, we look in Hilchot Teshuvot, what a ger toshav, we are obligated, that today's gentiles are called according to the law ger toshav, has the ger toshav, which he will Israel already the to chilah yamim say, the ger toshav, which I have me which Yosef over there in the Torah, it says in the Torah what it says Aliger harm, he brings the Rambam in another page, it brings what says in the ger toshav **vechei imach**, it means a mitzvah to sustain **vechei imach**. It means a mitzvah to give...

No no, to the ger who is in your gates in poor and weak, that it says oh from illness yet, it says a verse on a nevelah, or it is give for a ger, or for buying for a gentile. The Gemara that if that is a gentile sold for money, but a ger toshav, what gives? Sees for what the nevelah which we don't eat, gives for him, you should eat, it what a mitzvah to give him to eat. It says that also we have free institutions, must one out free not... it doesn't mean so other matter, one sometimes learn several peng not like if about medicine are like give chal gachal, about about medicine are take money for medicine.

But a kfenu, the point is, one is not if give chalben this from a gentile. Ner, not any gentile. The gentile that we talk here is a worshiper of idolatry. Ger toshav simply, it doesn't mean not enough not be on idolatry, recognizes yet must accept on himself to be a ger toshav on seven commandments spotake. But the Rambam learns that if so it simply that it's also... very good.

#### Halacha 10 – Lo Techanem: Dwelling in Land

##### Sale and Rental in the Land of Israel, Syria and Outside the Land

###### Speaker 1:

So from the commandments that we learned "lo techanem", which one interpretation "lo techanem" is we may not have mercy on them, one interpretation "lo techanem" is we may not give them dwelling in land, we may not give a place to live.

The Rambam says, **we do not sell them houses and fields in the Land of Israel**, we may not give to a gentile to sell a house or a field in the Land of Israel, because this is giving dwelling in land, we are giving them a place, and the Rambam will later bring the verse.

**But in Syria**, but in Syria which is not a part of the Land of Israel, **we sell them houses**, one may yes sell them houses, **but not fields**, fields one may not even in Syria, because Syria means indeed not the Land of Israel, but it does mean yes the Land of Israel regarding certain things, regarding terumot and ma'asrot.

So simply, all terumot and ma'asrot, the kohanim and levi'im look out that from every field there is a potential that the kohen and levi should receive terumot and ma'asrot, and when you sell it to a gentile, you make it for the Israelite that they lose to plant without terumot and ma'asrot, so the Rambam will immediately say.

###### Translation

**"And we may rent houses to them in the Land of Israel,"** and one may, but renting one may do. "To give them a dwelling" means to give them that it should become their house, but renting a house in the Land of Israel one may do.

So the matter of sale should be their acquisition, sale one may not sell, not houses and not fields in the Land of Israel. In

Syria one sells houses but not fields. Rental, in the Land of Israel one may rent houses to them, because there is no prohibition on this.

But what may one not do in the Land of Israel? One may not rent to several non-Jews one next to the other, **"provided that one does not make them a neighborhood,"** you should not make a small area where idol worshippers live together.

And how much is called a neighborhood? Says the Rambam, **"What is a neighborhood? Less than three."** Less than three is not called a neighborhood. More than three houses for non-Jews will already be that there will be a neighborhood of idol worshippers there, this one may not do.

###### Speaker 2:

Three one next to the other, right?

###### Speaker 1:

Yes. **"But one may not rent fields to them,"** but fields one may not rent to them. Even houses one may, but fields one may not rent, and the Rambam will explain why.

**"And in Syria,"** in Syria, **"one rents fields to them,"** one may rent, one may rent fields to them.

###### Why is a Field More Stringent?

###### Speaker 1:

Says the Rambam, **"Why were they stringent with a field,"** why were they stringent with a field that a field one may not even rent in the Land of Israel? There are two stringencies, both even rental, renting when one doesn't have tithes, and also sale, one sells in Syria, one sells houses and doesn't sell fields. These two distinctions are for both, that the stringencies are both in the Land of Israel...

###### Speaker 2:

Yes, correct.

###### Speaker 1:

No, the practical difference is this, because a field has two prohibitions. One, **"it removes from tithes,"** when you rent a field the non-Jew will plant there and he won't give tithes, you are removing land of the Land of Israel from tithes. The second prohibition is, **"do not give them a dwelling on the land,"** you should not give them a place on the land. Therefore...

###### Speaker 2:

What does "chaniyah" mean?

###### Speaker 1:

Chaniyah means dwelling.

###### Speaker 2:

Chaniyah means dwelling?

###### Speaker 1:

"They traveled and they encamped," yes.

###### Speaker 2:

Well, chaniyah, "vayachanu" means resting, something like that. What is the... it's an interesting no?

###### Speaker 1:

Just because the Bluzhever says the language of "chaninah," having mercy. Chazal learned into this another interpretation, "lo titein lahem chein." One already saw "lo titein lahem chein," like...

**Speaker 2:**

No, that's a new prohibition, to be "lo titein lahem chein."

**Speaker 1:**

From "lo techanem" one learns three things. Wait, I don't know the second thing yet. For now I know the second thing. I'm just saying that chaniyah, I'm just thinking whether it means like chaniyah means something like a... whether it brings out that it's something like a... I don't know, he gets something like some ownership, or something a... or the opposite, that even if he just rests, or it's just because the language is so. I don't know.

**Speaker 2:**

What does... the Rambam says "lo titein lahem chaniyah." Okay, and what's wrong with that?

**Speaker 1:**

Because it says in the verse, I hear.

**Speaker 2:**

Okay, but what does it mean?

**Speaker 1:**

He will say what one interprets into the verse.

**Speaker 2:**

Yes, I understand, but... ah, he will see at the end that chaniyah means like that then he dwells there, then he sits in place. Okay, very good. That he should be at rest, he should not... he should not... a non-Jew should not here in the Land of Israel or in Syria, he should not have any... how does one say in Yiddish? Any tranquility, any settlement, something like that. Inheritance, I don't know.

**Sale Outside the Land****Speaker 1:**

**"It is permitted to sell them houses and fields outside the Land,"** says the Rambam. But outside the Land one may sell houses and fields to idol worshippers. Even fields, right? Houses and fields. Fields certainly, because in fields they have no... because there it's not part of nullifying it to that. But only in our times, the prohibition of "lo techanem" regarding land means in our land, the land of the Land of Israel. Okay.

**Renting Houses – Not for a Dwelling****Speaker 1:**

Says the Rambam further, **"but in a place where it is permitted to rent,"** even there where one says one may rent, like we said earlier that in the Land of Israel one may rent, outside the Land one may rent, **"they did not permit for a dwelling house,"** but only they permitted another type of house, not however where he lives for a dwelling.

**"They did not permit for a dwelling house because he brings into it idolatry,"** because when you rent to him, the house still remains of the one renting, and when he brings in idolatry he transgresses **"do not bring an abomination into your house,"** he brings in an abomination into the house of the Jew.

But what it says that one may rent, **"one rents houses to them to make a storehouse,"** one may rent a house for such uses where the non-Jew doesn't conduct himself to bring in idolatry. That is, one may rent him a house to make there a storehouse for whatever, offices or whatever things they do there where they don't bring in idolatry.

**Produce Attached to the Ground****Speaker 1:**

Further, **"and one may not sell them produce and grain and the like attached to the ground,"** one may not sell a field, that is even if one doesn't sell the land itself, one only sells the produce and grain that are still attached to the ground, for the same reason because you are removing from tithes.

**"But one may buy from when it is cut,"** but once one has already cut the produce, then one may sell the cut produce. **"Or one sells to him on condition to cut and harvest,"** not only when it's already cut, but even one may even sell a bunch of produce that is not yet cut if he sells it on condition that he will cut it.

That is, one may not sell a field attached that the non-Jew will use, because then you are abandoning terumot and tithes. But what it says to cut and he will just cut it and use that itself, one may.

**Speaker 2:**

What happens with the produce that is now ready, what about those with tithes?

**Speaker 1:**

I don't know what happens with tithes, but the Rambam said so clearly. Earlier he said no, about this it's more stringent with a field, because there are both. But here that's not the topic. He didn't say that one may not sell any fruit to a non-Jew. I mean, that's not the topic. When tithes are obligated at the time of completion of work, it has no connection to do with this. A non-Jew won't give any tithes in any case.

**Speaker 2:**

Right.

**Speaker 1:**

The point is that attached to the ground means like...

**Attached to the Ground – Selling Produce That Is Still Attached**

**Speaker 1:** But what it says to cut, he will just cut and use that itself, put in mill. What happens with the produce that is now ready? What about those tithes? I don't know what it has with tithes.

**Speaker 2:** On the contrary, he said so, clearly. Earlier he said, no, he said that about this it's more stringent with a field, because it does both. But that's not the topic. He didn't say that one may not sell any fruit to a non-Jew, I mean that's not the topic. When tithes are obligated at the time of completion of work, there's no connection to this. A non-Jew won't give any tithes in any case. The point is that attached to the ground means that you're selling him land, and you're saying that you're only selling him for the produce.

Right, selling produce one may sell, it's anyway exempt. Also cut, even when it's already ready also, on condition to cut one may, but when it's still attached to the ground means that you're selling land, and the law is that one doesn't sell land in the Land of Israel.

**Discussion: "Do Not Bring an Abomination into Your House" – Does This Also Apply Outside the Land?**

**Speaker 1:** What you said that one may not sell a dwelling house, is relevant both in the Land of Israel and also outside

the Land, "do not bring the abomination of Hashem into your house."

**Speaker 2:** No, not. They didn't learn. **"It is permitted to sell them houses and fields outside the Land."** The public he leaves, but he will bring in idolatry. No, to rent. When he says permitted to rent, but "in a place where it is permitted to sell even..." No, to rent he says, he says that even "permitted to sell even." No, to sell there's no problem with "and do not bring an abomination into your house," only by renting. I don't know if you're right. It doesn't say a list, it doesn't say because it's in your house, it's in your house, and outside the Land is not your house.

**Speaker 1:** I don't know, what does "your house" mean? Your house. The law that one may not rent, so you say, so it says in the Rambam, so it says not to rent because he will bring in...

**Speaker 2:** That's what I'm telling you, that when one doesn't know for sure that the non-Jew brought in idolatry or rabbinically, most non-Jews don't bring in any idolatry at home. Perhaps the Rambam goes according to his opinion that a cross or the Nazi symbols is not necessarily idolatry. I don't know exactly, we're not learning Rambam now, but I'm just telling you that the Rambam says that perhaps it's because it's only permitted outside the Land, perhaps it's different, I don't know.

Perhaps it's also only because outside the Land it's permitted, I don't know, one must learn and one must look there. That's what you're telling me, because I'm not sure that it's... Now you say, you're creating a new Torah that "your house" means in the Land of Israel. I don't see from where you take it. For the sake of the matter, "your house" means in your house, and your house is your house that you bought. I hear what you're saying, but the Rambam doesn't say so.

**The Reason for the Prohibition: "Lo Techanem – Do Not Give Them a Dwelling on the Land"**

**Speaker 2:** Very good. "The secret of the prohibition," says the Rambam further, **"and what is the reason one may not sell to them? What is the meaning of the law that I just said that one may not sell a house in the Land of Israel to non-Jews? As it says 'lo techanem,' do not give them a dwelling on the land."** There is not to give a dwelling in your land, in your land that belongs to Jews in the Land of Israel.

Ah, says the Rambam, very good. Ah, it must be that from here the Rambam understood that this "lo techanem" goes up to the Land of Israel. **"For if they will not have land, their dwelling is a temporary dwelling."** They are only sitting temporarily, it's only temporary, for things, and they are not sitting comfortably. They should not have a dwelling, as Rabbi Yitzchak said, means their comfortable sitting, a permanent sitting. But as long as one doesn't give them a temporary dwelling, this is what "lo techanem" is particular about, he should not be too comfortable in your territory.

He says, this itself also has to do with the Land of Israel. In the Land of Israel we want that the non-Jews should have a permanent dwelling, in the Land of Israel the Jews live permanently, but the non-Jews are only temporary. It's interesting that the side here, as if he begins with the whole law "one may not sell," and afterwards he comes with "inwardness," inwardness. It's not that this is exactly the prohibition. It could be that the Rambam held that "lo

techanem" in the simple from the Torah, one must check in Sefer HaMitzvot, it could be that the Rambam held that "lo techanem" basically means actually not to have mercy, one spoke earlier about the state of war. And this one learned two things, one should not give them a dwelling and one should not give them favor, is a derash.

Yes, he brings here. He brings here the verse, the Sefer HaMitzvot, he has a rule that there can be more than one prohibition in a commandment that both are from the Torah. And they learned "do not swear in My name falsely," you will soon see my notes.

**Sefer HaMitzvot – "Lo Techanem," "They Shall Not Dwell in Your Land," and "Do Not Bring an Abomination into Your House"**

**Speaker 2:** And he brings here the opposite, he begins with the topic of "idolatry shall not dwell in your land," immediately to learn from their heresies. He says this, the reason why one doesn't go to yeshivas at all, he asks why one goes sometimes, one goes to learn from this, according to this apparently there should be an obligation of the heart, for those who gather in prayer to look at a non-Jew God forbid. On the contrary, umm... I don't know. But it can be an obligation of the heart in another place, one should not get used to boxes. It's all these things is when one can, when one cannot one cannot.

But "do not bring an abomination into your house" is another external prohibition that you have for the hospital to bring in. I don't know, I can also learn in. Did he count "do not bring an abomination into your house" as one of the prohibitions that stands at the beginning of tractate Avodah Zarah? I don't know. I don't know. I don't know. One can check.

Ah, "do not go" – I don't know how much one can be precise from this which thing is a commandment, which not. You see that at some point... Not sure, I don't understand always there must be a prohibition in the tractate. Yes, the two laws, yes.

Thirty-three, "do not make a covenant with them." Ah, that's another prohibition. "They shall not dwell in your land"? We'll see soon. "They shall not dwell in your land." I'll explain. But "they shall not dwell in your land" is another verse, but it's also the same "lo techanem." He doesn't bring "do not bring an abomination into your house." It could be the Rambam held that "do not bring an abomination into your house" that when a non-Jew brings it in when he rents from you is also not from the Torah. "Do not bring an abomination into your house" means that you should not bring in idolatry, is only a prohibition on idolatry. But I ask so, that the "they shall not live in your land" is later. What the Rambam says that when the hand of Israel is strong the rule is not relevant to any non-Jew.

**Speaker 1:** Ah, it's not lo techanem, lo techanem speaks even without this. Right, it's another prohibition. Okay. But it's the type, it seems that "do not bring an abomination into your house" is not exactly a clear prohibition, because it seems that it's a novelty to say that "do not bring an abomination into your house" means when someone who rents from you. Yes, one must know the rule, in general one must know the rule whether what a thing is not in the list of prohibitions, whether it means that it's not from the Torah, or it can be a law in the Torah. It's not clear.

**Speaker 2:** Also the bulls, bulls means rabbinical, a bull? What is the bull? The Torah permitted this. Why do you need the word "bull"? That's what it says. But in Syria one may say from the Torah. But rabbi, I ask about the signs. You clearly said earlier. It's not interesting.

The whole thing is rabbinical. I mean, the whole lo techanem is perhaps rabbinical, because it was already by the novelty, it speaks of when the hand of Israel is strong, that there was the kingdom of Israel. It's indeed see how he counts it in Sefer HaMitzvot yes from the Torah. Yes, he brought that, he brings both, having mercy. He brings both, he also brings lo techanem. That's the next answer, then one can say that it's from when the hand of Israel is strong, that one doesn't even let a settlement in. That's at the time... Yes, let's finish the chapter and we'll be able to speak with this more clearly further.

#### **Law 6 – "Lo Techanem" = Do Not Give Them Favor / It Is Forbidden to Speak in Their Praise**

**Speaker 2:** Says the Rambam, law six, another prohibition that is under the word lo techanem. There are already two interpretations. Lo techanem, you may not have mercy on them at the time of war, but they go to the end until they will abandon idolatry or be killed. Second, lo techanem, you should not give them a permanent dwelling in the Land of Israel or where a Jew has power. In the Land of Israel basically, only the Land of Israel. Because in Syria it's only about tithes apparently. Many Jews live there. There's no matter at all. Or how can there be "do not bring an abomination"? But this lo techanem is apparently only a law of the Land of Israel.

Further, the Rambam says something else that comes out from "lo techanem." The Rambam says this: **"And likewise it is forbidden to speak in praise of idol worshippers, one may not praise idol worshippers, and even to say how beautiful is this gentile in his appearance,"** even just to say how beautiful the idol worshipper is. **"All the more so that one should speak in praise of their deeds or that one should cherish anything of their words,"** because his appearance has nothing to do with his idol worship. His deeds, or his speech with people, does have something to do with what he believes in and what he is. Therefore it's a kal vachomer. Okay. But, perhaps appearance is simple. Simply, that it's not any virtue of the person. The Almighty made a beautiful thing. But I say more, a deed he connected himself. A person's deed has to do with what he believes in and what he... that it's a chilul Hashem like that. So how do I understand. Yes, so we said, "velo techanem." The Rambam says, what does it mean "lo techanem"? "Liheyot lachen be'einecha." One thing, I think, but "lo techanem" means grace. It means that "lo techanem" means not to show grace. And the Rambam says, should you never see grace? The Rambam says, I must say that one should not see anything good about them at all. But this is already a "davar hamesur lalev," I don't know if one would go so far. But expanding on this. "Lo yiheyeh lahem chen." Perhaps, it could be that one means actually praising. Perhaps, the Rambam says, it means not to praise. I mean that one means speaking about... one means to cherish, yes. Right, yes. So, so.

**The Reason for the Prohibition: "As it says 'velo techanem' – they shall not have grace in your eyes"**

**Speaker 2:** Why? Why shouldn't one see grace. He says the reason – it causes! The grace causes that you become close

with him, and it's likely that you'll learn from his bad deeds. Very good, his bad deeds. What about his good deeds? It speaks about his good deeds and learning from his bad deeds too. But I mean it's very clear that this halacha is not really a Torah law. It's really like almost a directive, I wouldn't see that... Someone asked, the Rav said that Aristotle was almost a prophet, and he was also an idol worshipper, how does that go together. It seems to me that's how it is. But the Rav is clear, how it causes one to come close, but regarding what doesn't cause one to come close, he brings the example of the Krias Shema. The Rav held that it was even though he was an idol worshipper, Aristotle. That was the fact. Which idol worship did he believe in? That! Ah, one may not say the name. It's a law, which idol worship the verse, what is... Above! The idol worship that the verse speaks of, the Rav knew and the Rav answered this in his book. The idol worship that the verse speaks about, Aristotle served. What's the question at all? Do you believe in it? Okay, that's another question. I want to ask perhaps your matter whether you acknowledge it. But it's certain that simply one may not.

I mean that this is more like good conduct, even not like the language of the Rambam, "lest you give them dwelling in the land," more... in a way that causes transgression.

#### **Halacha 10 (continued) – Free Gift to an Idol Worshipper vs. Ger Toshav**

**Speaker 1:**

The idol worship that the verse speaks of, the Rambam speaks of it in his book, the idol worship that the verse speaks about Aristotle served. What's the question at all? Do you believe in it? Okay, that's another question, I'm asking you perhaps your matter whether you acknowledge it. But it's certain that simply one may not.

I mean that this is more like good conduct, even not like "lo titen lahem chanaya bakarka." It's more in a way that causes closeness, if you know that it doesn't cause, or if you know that it does cause other things. He brings that the Kesef Mishneh says that one may say "ma rabu ma'asecha Hashem," the Almighty made such a beautiful young man. Thanking the Almighty one may, not speaking praise of the gentiles. Yes, I don't know. And about a good deed can one still say "ma rabu ma'asecha Hashem," that Your people do good things? I don't know.

In short, I mean that when the Rambam brings this, he wants to say that the halacha is relevant in this way, he says it for small children. It seems like he holds that the simple meaning of "lo techanem" is rabbinic. I have another proof from the next piece.

The Rambam says, what is the law of a free gift? One may not give an idol worshipper a free gift. **"But one gives to a ger toshav,"** for a ger toshav one should give or one may give a free gift, **"as it says"**... No, one should. We learned that it's to sustain life. One should, in a place when he comes in, when he's hungry and you have extra, whatever. **"As it says 'lager asher bish'arecha titnena,'"** it speaks of neveilah, one should give to the ger, **"or sell to a gentile."** You see, to a gentile one should only give through sale and not as a gift.

**Proof that "Lo Techanem" is Rabbinic**

So if "lo techanem" were a clear prohibition, the Rambam wouldn't have brought the exposition from **"lager asher bish'arecha titnena."** It seems that the Rambam held that

it's only rabbinic, and there's still a support in a verse. Right? If the Rambam held that "lo techanem" is a complete prohibition, a negative commandment, he wouldn't have brought the verse **"or sell to a gentile."** Why? Fine, the verse stands on its own. But it seems like he held that it's only rabbinic, and he brings another exposition where one sees something that's hinted in the verse. That what? That to a gentile one should not give a gift but through sale. Right. Because this is certainly not a prohibition, this is just a law that the Torah says by neveilah, to give to a gentile as a gift. One may not give... perhaps there's a matter... **"Or sell to a gentile."** No, it's an exposition. I say that free gifts they had at home, all "lo techanem" is just an exposition.

But like **"sell to a gentile,"** not just two verses that say the same idea.

**Speaker 2:**

What's the point?

**Speaker 1:**

It's not a positive commandment that one should give to a ger and a negative commandment, or a positive commandment that one should sell to a gentile.

The Torah says what one may do with neveilah.

The Torah says what one can do with neveilah, one can do things that one does with things that a person needs to throw away.

What does one do?

Give to someone whom one may give gifts, or sell to someone whom one doesn't give gifts, but it's not a Torah prohibition.

If "lo techanem" were already a prohibition, he seemingly wouldn't have needed to bring this verse.

So it seems here that both should be rabbinic obligations.

**Speaker 2:**

I don't understand your inference, because the verse teaches us the second side, that a ger toshav one is commanded to sustain, or one may give him a free gift.

This doesn't teach us from the verse of "lo techanem."

**Speaker 1:**

About a ger toshav we already had another verse, **"vechei achicha imach,"** yes, or **"vechei ger vetoshav vechi imach."**

**Speaker 2:**

Yes, true, but one already knows.

**Speaker 1:**

I hold that both are not really complete Torah laws.

Two verses don't make it less Torah law, two verses make it more Torah law.

It's not exactly.

**Speaker 2:**

Okay.

**Halacha 11 – We Support Poor Gentiles with Poor Jews for the Sake of Peace**

**Speaker 1:**

So the Rambam rules a law.

Now one learns, ah, there's a charity fund.

I don't know exactly what he's talking about.

Supporting, yes.

There's a charity fund.

**"We support the poor"...**

There it says when one gives charity, it says in the laws of charity.

He brings it now here too, he's going to say it again.

I say, but in the Gemara or in the Mishnah it's a part of the laws of charity.

That when there's a charity fund that distributes to all poor people, **"we support the poor gentiles with the poor of Israel for the sake of peace."**

The gentiles here means idol worshippers, right?

**Speaker 2:**

Seemingly yes.

**Speaker 1:**

Because the ger toshav we said that one should not, one may not give a free gift, that's just so.

But if there's a poor gentile, one may give him for the sake of peace.

It's very interesting.

**Speaker 2:**

So it sounds.

**Speaker 1:**

It's interesting.

An idol worshipper, whom we don't raise from his pit, but when one distributes charity to all gentiles and to all people of the city, one gives to him too.

And I mean this stood out to me earlier, one may not give to a gentile, one may not heal except with money. A gentile one may also heal for the same sake of peace. It seems more that here comes in a new law. All these things were when there's no problem of the ways of peace, when one is in the Land of Israel or such sorts of things. But once there's a matter of the ways of peace, when one should have fear of enmity... No, the ways of peace is not the same thing as enmity.

**Ways of Peace vs. Enmity**

The ways of peace is a positive commandment. The ways of peace is a mitzvah, the ways of peace is a very great thing. The ways of peace doesn't mean, you shouldn't think, people think that the ways of peace is something small. The ways of peace is, this comes from Tractate Gittin, there's a whole list of tikkun olam of the ways of peace. The reason why one gives a Kohen the first aliyah, that's only for the sake of peace.

Yes, it's true that the ways of peace is also a matter of enmity, but here he teaches that the ways of peace means positively, so that there should be peace in the world. So the Rambam learns. Enmity we learned earlier. Enmity is a greater thing, enmity is even things that one may not do, one does for the sake of enmity. I don't know, it's an interesting thing.

Another thing, and the poor. But it's interesting the condition of "with the poor of Israel." If one is already giving to a poor Jew, one doesn't need to give to gentiles. One must only give to the poor of Israel. But no, for the poor of Israel one must certainly give, and also for the poor gentiles there's also the ways of peace. Peace is not only with gentiles, with Jews one must also be at peace. Except if peace means fear of war, but if peace means that there should be a good atmosphere in the

air... Yes, that's only when not open. No, but every Jewish city has a charity fund and a soup kitchen, one should also give to the gentiles.

#### **Leket, Shichecha, and Peah, Greeting Them**

Further, **"if gentiles come to take leket, shichecha, and peah from the Land of Israel, we don't stop them for the sake of peace."** One doesn't send them away, for the sake of peace. But now he speaks when they're alone, that's the point. No, one doesn't protest, one lets them.

**"And we greet them,"** one may greet them and ask their status, one says in Yiddish. **"Even on their festival day,"** which we fear that when one wishes them they'll go give thanks to idols, but for the sake of peace one may do everything. **"But we don't repeat the greeting to them,"** that means that one doesn't overdo it too much, one doesn't run after it, one doesn't try too hard that they should become your friends. There is a limitation on the peace on their festival day.

He says, that which we greet them is when he passes by you, **"but one may not enter the house of a gentile on his festival day to give him greetings."** As we spoke about the...

I mean that's the reason, because he'll go thank for that.

**"If one finds him in the market,"** if one meets a gentile in the market on his festival day, **"one gives him greetings,"** as we spoke that one must greet him, but one should do it **"with a soft voice and with a heavy head,"** not too excited. It's a bit of a contradiction with the previous thing, earlier it said "we greet them." But here he says, it's only returning a greeting, like with a soft voice. No, "gives him" doesn't say returning. But he means that it's a matter, that even though it said "we don't greet them on their festival day," one should do it with a soft voice and with a heavy head. One shouldn't make too much fuss, too much joy. It shouldn't mean, it shouldn't mean that I'm still as happy as on the holiday too. "A good holiday." Greeting him on his festival day means that one says to him "good holiday." When one meets a gentile on Christmas and he says to him "Happy Christmas," it's angry.

Greeting him always doesn't mean just "shalom aleichem," but what it means is a whole... So, "entering his house" means making a l'chaim with him in honor of his holiday. It doesn't mean just entering his house. Yes, entering the house is already an honor, you come into someone's house. No, it means more like a holiday visit, a Chol HaMoed visit. Right, right, right.

#### **Speaker 2:**

So, the Rambam, all these laws that we just learned, is this only for the sake of peace? Seemingly it was only said... These laws too, the previously learned laws that one can hire them. Yes, right.

#### **Halacha 12 – When the Hand of Israel is Strong**

##### **Speaker 1:**

Actually, as long as the mighty of Israel are among us truly, one must reckon with them a lot. But when the hand of the gentiles is strong, even if one is only in the Land of Israel but the gentiles have control. **"But when the hand of Israel is strong over the nations of the world, it is forbidden for us to allow an idol-worshipping gentile among**

**us."** Even dwelling temporarily, ah, we learned earlier that one may not sell him a house because that's permanent dwelling. That's when we don't have full power. But when Jews have power in the Land of Israel, one may not let a gentile even dwell temporarily, **"or even passing from place to place for commerce. He shall not pass through our land,"** one may not let a gentile pass through the Land of Israel, **"until he accepts upon himself the seven commandments that the children of Noah were commanded,"** until he accepts upon himself the seven Noahide laws, **"as it says 'they shall not dwell in your land,'"** they shall not sit in your land.

The dwelling is, doesn't mean just permanent residence, but the dwelling in the land means even temporarily. From where does he know that the dwelling means even temporarily? Because he heard that the seven commandments mean even temporarily.

As you said, he accepted the seven commandments, and he didn't accept the dwelling. But the idea is very interesting, there's no middle ground. There's either you must sustain him and must give him and really care for him, or he must be killed. There's no middle ground. If he accepts upon himself the seven Noahide laws, one must sustain him and give him. If he doesn't accept, one must go until...

No, the interesting thing here is that one doesn't let in a gentile except if he's a ger toshav. It's not just a gentile who's not an idol worshipper may come. A ger toshav is a higher level. He became an insider with the Jews.

#### **Speaker 2:**

Ah, that could be. But we'll already see that this is a problem in modern times. But I don't know, the seven Noahide laws, as far as I remember, is not idol worship. I don't understand the law so well. What does the idol worshipper mean?

#### **Speaker 1:**

No, the law is, he doesn't go into sexual immorality. I thought that idol worship plus six more.

The Torah may not blaspheme, he may not eat a limb from a living animal. A novelty, not only that, we see that one is even an idol worshipper.

No, the interesting thing here is that one doesn't let in a gentile except if he's a ger toshav. It's not just a gentile who's not an idol worshipper may come, a ger toshav is a higher level. He became an insider with the Jews.

#### **Speaker 2:**

Ah, that could be. But we'll already see that this is a problem in modern times. But I don't know, the seven Noahide laws, as far as I remember, is not idol worship. I don't understand the law so well. What does the idol worshipper mean?

#### **Discussion: Seven Noahide Laws and Idol Worship**

##### **Speaker 1:**

Seven commandments is six plus idol worship. Idol worship plus six more. Laws, and if not, one must kill him.

##### **Speaker 2:**

I mean that you want to bring that acceptance of the seven commandments is more or less the same thing as acceptance not to worship idols. That's what I mean.

##### **Speaker 1:**

As I said, there's six more. There's six more: blasphemy, with sexual immorality, and there's six times as much. Idol worship plus six more.

**Speaker 2:**

And all these things he may not do, even if he's an idol worshipper he may not do these things? I understand what you're saying. He doesn't do it anyway. Never. There's no such thing as living with a married woman. He doesn't do it. I also understand that he doesn't do it.

**Speaker 1:**

And we are now obligating him, we are now obligating him in the seven Noahide commandments (sheva mitzvos bnei Noach), and if he doesn't accept, we then obligate him regarding idolatry (avodah zarah).

So there's a novelty (chiddush) here, that when one has the power, not only won't we start with the fact that he doesn't worship idols, but we demand much more from him, we demand from him all seven commandments.

**The Obligation of Seven Noahide Commandments as a Condition for Residing in the Land of Israel**

**Speaker 1:** He's not allowed to do ideal things, even worshiping idols doesn't make any lenient permission. I don't understand what you're saying. He's not allowed to, obviously. Never. It's not something like living with a married woman (eshes ish). He's not allowed to.

**Speaker 2:** I also understand that he's not allowed to.

**Speaker 1:** But we are now obligating him in the seven commandments. We're going to obligate him if he doesn't accept conversion (geirus) in the seven commandments. There's a novelty here that when one has the power, we don't become more lenient with the fact that he doesn't worship idols, because we demand much more from him, we demand from him all seven commandments, laws (dinim), a limb from a living animal (ever min hachai), and so forth. Blessing the Name (birkas Hashem)...

**Speaker 2:** Yes, you're right, a whole thing goes around that one blesses the Name. Hello?

**Speaker 1:** But we demand it from him, heaven forbid. We obligate him in much more than just not idolatry. We demand it from him. I don't understand here what a person is allowed to bless.

**Speaker 2:** Ah, you know what? Ah, no, you're right. Seven commandments means only idolatry.

**Speaker 1:** Ah, there are six more, because it means idolatry. Because that's what you were told. Seven commandments is not a normal person. We're going to accept him as a resident alien (ger toshav). We're going to accept him as a resident alien.

**Speaker 2:** Ah, a terrible thing.

**Speaker 1:** Yes, but there are commandments, and if someone is not a person, he is obligated in seven commandments. He is obligated in seven commandments, we teach him.

**Speaker 2:** What you're saying means nothing.

**Speaker 1:** It means something. We go over the seven commandments with him. Besides the fact that we don't let him worship idols, he is obligated in six more commandments.

**Novelty: A Limb from a Living Animal as a Condition for Entry to the Land of Israel**

**Speaker 1:** It's a novelty that when Jews have the strong hand of Israel (yad Yisrael tekifah), either you come in and you are truly a resident alien, or are you a wicked person who goes around eating a limb from a living animal? Yes, if you eat a limb from a living animal, I won't let you into the Land of Israel. It's a novelty.

**Speaker 2:** Yes, for me it's a novelty.

**Speaker 1:** It's a novelty.

**Discussion: What Does "Lo Yavo BaKahal" Mean Practically?**

**Speaker 2:** The novelty that I don't understand is exactly what it has to do with "lo yavo bakahal" (shall not enter the congregation). These are practical things that he means, but practical things aren't stated here. He's not an idol worshipper. "Lo yavo bakahal" doesn't literally mean that he passes through. It probably means...

**Speaker 1:** Ah, he doesn't go back in time. He travels for a month, he travels with his sack of things that he sells... He sells for one day, how does it work exactly? I don't know.

**The Rambam's Law: Resident Alien Only When Jubilee is Observed**

**Speaker 1:** Okay, and Nachum says the Rambam... the Rambam says, the law that we accept someone to be in the Land of Israel only if he is a resident alien, is only observed when the Jubilee is observed (noheig bizman shehayovel noheig). **And even though not in the time of Jubilee, we only accept righteous converts (gerei tzedek) alone.** But when there is no Jubilee, we don't accept into the Land of Israel except righteous converts alone, not any resident alien. In the Land of Israel this is not clear. In the Land of Israel, because only there is there a Jubilee.

**Explanation #1: Connection to Land and Jubilee**

**Speaker 1:** Our Sages say one interpretation, because when there is a Jubilee the fields return in the Jubilee, or in the Sabbatical year (shemittah), then even if you have sold to a resident alien, we also don't want him to receive land forever and ever in the Land of Israel. But then when there is a Jubilee, it will return anyway in the Sabbatical year or in the Jubilee, then it's permitted. I don't know if this is the correct explanation, but this is perhaps a homiletical interpretation (derasha), and there's a verse "tov tov" that makes it so it should be with a Jubilee.

**Explanation #2: Jubilee Observed as an Indicator of Control**

**Speaker 1:** For some reason, when we don't accept converts, or when in current times it's even worse, the Tosafos says that there must be a list of a resident alien, until we are, we may not live in the Land of Israel if it is in our strong hand (bidenu hatekifah), we don't let them. From the days of Joshua (Yehoshua) there wasn't a revelation of the entire Torah (gilui kol haTorah kulah). Even in the days of Joshua, Jubilee wasn't observed. The explanation is that either you don't live at all, you don't even work in the place of the Temple, or you must be a righteous convert. A righteous convert means one who accepts upon himself the entire Torah, yes? He can be a Jew, and he becomes a part of the Jews, yes. It's not even interesting.

**Speaker 2:** Okay, that's the explanation of...

**Speaker 1:** No, but that's a good explanation. That means, when there is a Jubilee, even when he lives here, the explanation is that he is only here for a piece, I mean his house is only... he will only have the house for a piece of time. I don't know, perhaps this is actually possible, because he is only for a temporary dwelling (yeshivas arai).

**Speaker 2:** Yes, I mean that there is perhaps a deeper thing in this, which needs to be understood. I'm also not entirely sure that this is...

**Question: What is the Resident Alien Guilty Of?**

**Speaker 2:** Revelation, what do I want to ask such a question? I don't know if the question makes sense, but what is the resident alien guilty of? Let's say, a gentile that you see that he isn't, okay, you know what? He does all his commandments, he does very much. He does all his commandments, the obligations of the gentile (chovos hagoy), it's a field. May one live next to him, right? The whole reason why we don't allow any gentile is because "lest they learn from their evil deeds" (shelo yilmedu mima'aseihem hara'im). But this is a good gentile, he only has good deeds? You tell him, ah, but we have some tradition, a decree, that we don't make a resident alien in this time (bazman hazeh). What is he guilty of?

**Answer: It's a Systematic Decree, Not a Punishment**

**Speaker 1:** No, I said an explanation like this.

**Speaker 2:** What does it mean?

**Speaker 1:** When Jews have a court (beis din) with a system, then we can take ourselves into account. There are our Jews, there are gentiles who live among us who have different laws

with them. But when we don't have the entire power, the only way how... You know that the Land of Israel is only a land of completeness (eretz sheleimus).

An explanation like this: Torah and commandments rule in the Land of Israel. Who rules in the Land of Israel? There is no ruler. When all Jews follow the same Torah, because you don't have a kingdom. When you have a kingdom you can allow that the kingdom covers that someone wants to follow not the same thing as not a kingdom, but some level of... some level that is...

**Speaker 2:** Jubilee observed doesn't mean a court, it means to say that there must be a majority of its inhabitants upon it (rov yoshveha aleha), there are more levels. But this was carried, something in that area one must think, it's some greater settlement, a stronger settlement.

**Speaker 1:** But go back, I understand that having control when there is Torah and commandments there, when you follow the Shulchan Aruch.

**Speaker 2:** Yes.

**Speaker 1:** When you follow the Shulchan Aruch, or something there is a kingdom that can enforce things. Something the level of Jubilee observed is a stronger level of clarity, and when you have control, then it can, that's how I would think.

**Speaker 2:** Yes, but it's still...

**Speaker 1:** Back to a little day. Okay, the entire chapter is very general things, it's very much like directions of how one should conduct oneself, but it's very difficult to make practical law (halachah lema'aseh), they need to know the reality and the like. Okay, yes.