

“Beloved are humans for they were created in the image of God.”

– Rabbi Akiva, The Ethics of the Fathers, 3:18

**A Study Guide to Rabbi Reuven Hammer’s Teshuvah:  
“The Status of Non-Jews in Jewish Law and Lore Today”**

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This Teshuvah is a response to two questions:

1. What is the status of Gentiles in Jewish Law today?
2. How should we deal with statements in traditional Jewish literature that are negative or discriminatory regarding non-Jews?

**I. Why These Questions Were Raised At This Time**

The two major communities of Jews in the world in the 21<sup>st</sup> century are Israel and America. In both of these communities the relations of Jews and non-Jews are different from what was common in previous times.

*In America*, although anti-Semitism has not ceased to exist and indeed seems to have increased, it is not and never was part and parcel of the government, its laws or the ethos of the American creed as was the case in many other countries. Legally there is no difference between Jews and Gentiles. In America relations between Judaism and others religions are close and mutually respectful. Christian groups, including Catholicism, have made attempts to remove anti-Jewish materials and prayers from their teachings.

*In Israel* for the first time in centuries Jews are a majority and non-Jews are a minority group. This is a reversal of the situation that was normal throughout the last 2000 years and is still normal everywhere but in Israel. Unlike America, the State of Israel recognizes differentiation between Jew and Gentiles and between the status of Jews and non-Jews in certain laws.

**Question for discussion: How does this effect relations between Jews and non-Jews in these two communities? Consider the following:**

*In America* Jews are in constant dialogue with non-Jewish groups and with clergy of other faiths. The existence of laws in Jewish codes that discriminate against Gentiles are an embarrassment and stand in contrast to the commonly accepted norms that all humans are equal before God and are entitled to equal treatment. This is especially so when Jews are concerned about discrimination against them in other religions. Similarly there are teachings in Jewish theology that paint a negative picture of non-Jews or that imply that Jews are somehow superior to non-Jews. These would undermine Jewish concerns about similar discriminatory teachings in the theologies of either Christianity or Islam.

*In Israel*, Jews live in a society in which they are the majority and in which others are in the status of minorities. In addition, the State of Israel is officially considered to be a Jewish State so that Judaism has a status that is different from that of other religions. This reverses the situation that Jews have encountered for thousands of years. Ironically this can easily lead to attitudes and actions by Jews toward others that mirror what Jews have suffered when they were minorities in Christian or Islamic

States. Fortunately the State of Israel in its fundamental documents such as its Declaration of Independence has guaranteed freedom and justice for all its citizens regardless of their religious or ethnic status. Since there is an official Rabbinate in Israel with certain powers and authority as well as influence, if Jewish Law – Halakhah - contradicts those concepts, it can lead to discrimination against non-Jews regardless of the theoretical equality granted to all. If teachings within the Jewish tradition teach Gentile inferiority, that can lead to hatred, discrimination and violent actions by Jews who uphold such beliefs. In fact, this has already happened. A small minority of Jews have taken it upon themselves, for example, to act with disrespect toward Gentile clergy. There have been instances of desecration of Gentile houses of worship. Some Israeli Rabbinic authorities have issued decrees ordering discriminatory treatment toward non-Jews and some extremist rabbis have even written books declaring the inferior status of non-Jews.

If there is one truth that has emerged from the experience of the Shoah it is that any teaching placing one group on an inferior level to others leads to tragic consequences and therefore cannot be tolerated. That applies equally to Judaism as to other faiths.

It is therefore vital to explore what Jewish law and Jewish lore have taught about non-Jews, to decide what is acceptable in Judaism today and what is not and to find ways within Jewish law to eliminate what is objectionable.

## **II. The Attitude of the Torah and Other Sections of the Bible Concerning Non-Jews**

### **Does the Torah posit Jewish superiority over others?**

Although the Torah is largely a book about the people of Israel – i.e. ‘the Jews’ – it begins with the story of the creation of human beings – Adam and Eve – who are the parents, the ancestors, of *all* human beings. Of Adam it states: And God created the human being (*ba-adam*) in His image, in the image of God He created him; male and female He created them” (Gen. 1:27). This is repeated verbatim in Gen.5:1-2 which also states “And when they were created He blessed them and called them ‘human’ (*adam*).

**Questions for discussion: What is the significance of the term “the image of God?” [Note: Rabbi Akiva’s use of this concept in his teaching quoted at the beginning of this Guide.] What can be learned from the fact that only one human pair was created?**

All human beings are included in God’s covenant made with Noah and all his offspring after the flood, the sign of which is the rainbow (Gen.9:8-17). This is stressed in Gen.9:16-17: When the bow is in the clouds, I will see it and remember the everlasting covenant between God and all living creatures, all flesh that is on earth. That...shall be the sign of the covenant that I have established between Me and all flesh that is on earth.”

There is never any hint that there is anything inherently superior about Jews because of racial superiority. Non-Israelites living permanently in the Land of Canaan – termed *gerim* – were often singled out for fair treatment and The Torah commands us to love them just as we were commanded to love our fellow Jews. Although in Rabbinic Law a *ger* means a convert, in the Torah it refers to a non-Israelite who lives in the Land of Canaan. In the book of Exodus Israelites are told not to wrong or oppress a *ger* (20:20 and 23:9). In the holiness code of Leviticus we are told not to wrong the *ger* and that he is to be “as one of your citizens; you shall love him as yourself” (Lev.19:33-34). He has rights to gleanings (19:10, 23:22). In Deut.1:16 the command is that you must

“decide justly between any man and a fellow Israelite or stranger.” This is repeated in Deut.24:17. In 10:17-19 we are commanded to befriend the *ger* and provide him with food and clothing. Deut.24:14 explicitly forbids abusing a needy person “whether a fellow countryman or a stranger – *ger*.” Deut. 24:17 forbids subverting “the rights of the stranger – *ger*.” Deut. 24:19-21 permits the *ger* to take the produce from the fields and vineyards that are given to the poor. 26:11 commands us to share our bounty with the *ger*.

**Question for discussion: How should the laws of the *ger* influence our conduct today?**

In other Biblical books non-Israelites are also depicted in a positive light. Job, not an Israelite, is called “blameless and upright; he feared God and shunned evil.” (Job 1:1). The non-Israelite sailors in the story of Jonah are depicted as men who “feared the Lord greatly” (Jonah 1:16) and in that same book, although the wickedness of the city of Nineveh is a cause for its destruction, its people repent, led by their king, and because they “turned back from their evil ways” (3:10) they are saved. God’s care for the city is made clear – a signal that God cares for all human beings, not only Israelites.

**Questions for discussion: What is the meaning of the “Chosen People”? Does the concept “the chosen people” contradict the idea of the equality of all humankind?**

Equality does not mean that all humans are exactly the same. It means that there is no inherent racial superiority of one group over another. There are, however, different roles that are given to different groups. Within Israel, for example, the Levites are singled out for certain tasks and within the Levites the Kohanim are singled out and given a different status. Israel too is singled out for special status and a certain task. “...you shall be My treasured possession among all the peoples. Indeed all the earth is Mine, but you shall be to Me a kingdom of priests and a holy nation.” (Exodus 19:5-6). Israel is given a different status, but is not considered superior to others. The prophet Amos made that clear: To Me, O Israelites, you are just like the Ethiopians – declares the Lord. True, I brought Israel up from the land of Egypt, but also the Philistines from Caphtor and the Arameans from Kir (9:7).

Israel serves as the group that is holy to God, i.e. devoted to God’s service. Israel is to humanity what the Kohanim are to Israel. As the psalms put it, Israel is “the nation close to Him” (148:14). They were chosen for this because of the merits of Abraham. In the future others will also attain a similar status. In prophetic literature the doctrine is taught that the time will come when all nations will learn what Israel knows and teaches about God and, while not becoming Israelites, will worship the one God and thus become God’s people as well. “In that day, Israel shall be a third partner with Egypt and Assyria as a blessing on earth, for the Lord of Hosts will bless them, saying, ‘Blessed be My people Egypt, My handiwork Assyria and My very own Israel’” (Isaiah 19:24-25. See also Zechariah 14:9 and Isaiah 66:18, 49:6). When a convert (*ger*) is accepted into the Jewish People, the convert attains the same status as a born Jew. Jewish Law does not recognize any racial superiority between the born Jew and the convert.

### III. The attitude of Post-Biblical Rabbinic Literature toward Non-Jews

**Question for discussion: What were the Rabbis in the Midrash, the Mishnah and Talmud trying to teach with the followings statements?**

- a. Only one human being was created in the world...in order to create harmony among humans so that one cannot say to another, 'My father is greater than your father...'(Sanhedrin 4:4). Furthermore only one human being was created in order to teach that 'if one destroys one person it is accounted to him as if he had destroyed an entire world and if one sustains one life it is accounted to him as if he had sustained an entire world.' (Sanhedrin 4:6)
- b. God said to Moses, 'Do I show favoritism to anyone? Whether one is an Israelite or a Gentile, a man or a woman, a slave or maidservant, whoever does a mitzvah receives a reward for it.' (Yalkut Shimoni Lekh Lekha 76)
- c. I call heaven and earth to witness: The Spirit of Holiness rests upon each person according to the deed that each does, whether that person is an Israelite or a Gentile, a man or a woman, a slave or a maidservant. (Seder Eliyahu Rabba 6)
- d. Rabbi Akiva said: Beloved is the human being in that he was created in the image. Even greater love was shown to them in that it was made known to them that humans were created in the image, as it is said, "In the image of God was the human made" (Gen.9:6); Beloved are [the people of] Israel for they are called the children of God. Even greater love was shown to Israel in that it was made known to them that they are called God's children as it is said, "You are the children of the Lord your God" (Deut.14:1). (Avot 3:18)
- e. The disciples of Shimon ben Shetah went to buy him an ass. They bought one from an Arab, and they rejoiced when they found that there was a precious jewel attached to the animal. Shimon asked them, "Does the owner know of it?" When then said "no," he told them to give it back to the Arab. They argued with him that there was a law that "if you find something belonging to a non-Jew you may keep it." Shimon said, "Do you think I am a barbarian? I purchased an ass. I did not purchase a precious jewel. I would rather hear the Arab say, 'Blessed is the God of the Jews' than to possess all the riches of the world." They returned the jewel to the Arab who proclaimed, 'Blessed is the Lord, the God of Shimon ben Shetah!' (Y.B.M. 2:5. Deut.R. Ekev 3:3).

**Question for discussion: What conditions might have caused Shimon bar Yohai to take the following stance so different from the statements above?**

- f. Rabbi Shimon bar Yochai: "The most worthy of the Gentiles should be slain הכשר שבגוים והרוג" (Y. Kid. 60c 4:11). See also Sofrim 15:10.
- g. Shimon bar Yohai's interpretation of Ezekiel 34:31 – "For you, My flock, flock that I tend, are men - *adam atem* ..." You are called *adam* but the idolaters are *not* called *adam* (Yebamot 61a, Baba Metzia 114b).

**Questions for discussion: Are the rabbinic laws quoted below discriminatory toward non-Jews? If so, why were they enacted and how were they modified if at all? : How can we explain that some rabbinic laws seem more discriminatory regarding non-Jews than the laws of the Torah? Are these laws to be considered as Jewish Law today?**

- h. There is an account in the Jerusalem Talmud concerning two high ranking Roman civil officials sent in the 1<sup>st</sup> century C.E. by the Romans to the academy of Rabban Gamliel II to "learn Torah."

They learned “Scripture, Mishnah, Talmud, Laws and Legends.” At the end they revealed themselves to him and said, “Your Torah is lovely and praiseworthy except for two things: An Israelite woman may not help a non-Jewish woman give birth, but a non-Jewish woman may help a Jewish woman give birth; a Jewish woman may not serve as a wet-nurse for the child of a non-Jewish woman, but a non-Jewish woman may be a wet nurse for the child of a Jewish woman if given permission. It is not permitted to steal from a Jew but it is permitted to steal from a non-Jew.” Rabban Gamliel immediately decreed that it is forbidden to steal from a non-Jew because of desecration of God’s Name (Y.B.K. 4:3. See also Sifre D. 344 and B.K. 38a).

i. Rabbi Ishmael interpreted the verse “Hear the causes between your brethren and judge righteously” (Deut.1:16) to mean that judging righteously applied only to your fellow Jew – i.e. “your brethren.” Therefore in the case of a Jew and non-Jew he would always rule in favor of the Jew regardless of whether they chose to be judged according to the rules of Israel or those of the nations. Rabban Shimon ben Gamliel, on the other hand said that one must rule according to whichever system the litigants agree upon and follow that law.( Sifre D.16)

Rabbi Akiva also objected to R. Ishmael’s method – “We do not act in such a crooked fashion because of *kiddush ha-shem* - desecration of God’s Name.” (B.K. 113a)

j. One who steals from a non-Jew is required to return it to the non-Jew. Stealing from a non-Jew is worse than stealing from a Jew...because of desecration of God’s Name. (Tos. B.K.10:15)

k. Ex.21:14 “When a man schemes against his neighbor – *re-ehu* – and kills him treacherously, you shall take him from My very altar to be put to death.” As a general rule the Sages understood that *re-ehu* refers to your fellow Israelite and therefore excludes the Gentile. Because of that he does not have the same protection as the Jew. (Mekhilta Nezikin 4 iii 37).

The comment that follows in the Mekhilta, however, nullifies this. It contends that anytime there was a law given before the Sinai revelation – such as Gen.9:6 forbidding human bloodshed – the laws after Sinai were intended to be stricter, not more lenient, therefore although the Sages taught that in such a case one is free from judgment by the human court, the judgment is given over to Heaven. Therefore a Jew is forbidden to kill a non-Jew just as he/she is forbidden to kill a fellow Jew.

l. If one is told to kill someone else or be killed, one must allow oneself to be killed rather than kill another. “Rabbi Hanina says: We have learned: It is forbidden for a non-Jew [to kill] a Jew. It is permitted for a Jew [to kill] a non-Jew” (Y.Shabbat 14d, 14:4).

m. An Israelite woman should not act as a midwife to a heathen “because she would be delivering a child for idolatry” R.Yosef the Amora permits it “so as to avoid ill feeling.” (AZ 26a).

n. If the ox of an Israelite gores that of a Canaanite, there is no liability, whereas if the ox of a Canaanite gores that of an Israelite compensation must be made in full. (BK37b).

The reason the non-Jew must pay compensation is that when God saw that the nations did not observe the seven laws of Noah requiring justice, “He declared them to be outside the protection of the civil law of Israel.” This is based this on an interpretation of Hab.3:6– “He permitted (the money) of the nations” (BK 38a).

o. One should avoid non-Jews because of suspicion of immorality or of murderous intent: no cattle should be placed in their inns, a woman should not be alone with them, nor should a man. Rabbi

Meir held that a non-Jew was not allowed to circumcise a Jew “because he is liable to take his life” while the sages would permit it if there was a Jew standing with him. (A.Z. 2:1 and A.Z. 22a 25b)

p. The Torah specifically permitted taking interest from a non-Jew. Rabbi Ishmael ben Rabbi Yose considered this to be wrong. He based this on the words in Psalm 15 describing the person worthy to dwell on God’s holy mountain as one, “...who has not lent money on interest...” (Ps.15:5). If one took interest from a non-Jew, he would not fit into that category (Makkot 24a).

#### IV. Laws and Attitudes toward Non-Jews in the Middle Ages

##### a. The Meiri

The Meiri, Menahem ben Solomon of Provence (1249-1316) coined the phrase “**האומות הגדורות בדת**” – nations who are bound by religious-law- and ruled that statements in the Mishnah, Talmud and other rabbinic works referring to non-Jews in a negative way did not apply to Gentiles of his day who are not idolaters but follow religious and ethical norms, even if the religion they practice is far from what Judaism teaches. He declared that all laws in which a non-Jew is in some way discriminated against applied only to “those who are not ruled by proper manners and religions and who do not respect the seven commandments of the Noahides” (B.K. 37b).

**Questions for discussion: How does the teaching of the Meiri differ from the ways in which the Sages modified discriminatory laws? How is his teaching to be applied to Jewish Law today?**

##### b. Mystical Literature

In contrast to the teachings of the Sages, some mystical works in Judaism, including the medieval book *The Zohar*, teach an inherent superiority of the Jewish soul. Yehuda HaLevi in the *Kuzari* follows in this line and speaks of Adam as having had a perfect soul, which was then passed on through a remarkable series of individuals – including Shem and then Abraham, Isaac, Jacob and all of his 12 sons and then to all Israel. They were different from ordinary men and some even attained to prophecy, which is yet a higher degree of soul. “The sons of Jacob were, however, distinguished from other people by godly qualities, which made them, so to speak, an angelic caste.” HaLevi also states that “Any Gentile who joins us sincerely shares our good fortune, but he is not equal to us...for we are the pick of mankind.”

This concept is also found later in *The Tanya*, the writings of Shneur Zalman of Ladi, the leader of the Lubavitch sect:

For in the [case of the] Jew, this soul of kelipah is derived from the kelipah called “nogah”, which also contains good; [This kelipah] is from the esoteric “Tree of Knowledge” [which is comprised] of good and evil.

The souls of the nations of the world, however, emanate from the other, unclean kelipot which contain no good whatever, as is written in *Etz Chayim*, Portal 49, ch. 3, that all the good that the

nations do, is done out of selfish motives. So the Gemara comments on the verse, “The kindness of the nations is sin” — that all the charity and kindness done by the nations of the world is only for their self-glorification...

The recent book *Torat HaMelekh* written by two current Israeli Rabbis builds upon these mystical teachings and goes much further, applying them to the current situation in the State of Israel. Their work is based upon the following ideas:

1. Israel must conquer the entire Land and subjugate all non-Jews who live there;
2. The people of Israel preceded the creation, the Torah and even the thought of creating the world;
3. Non-Jews are inferior to Jews.

The authors cite the ruling of the Meiri that none of these rules apply to non-Jews who are no longer to be considered pagans, (189) but negate this by claiming that today, when Israel is in a state of war with the Arabs, the Meiri’s decision does not apply and therefore all of these laws *are* applicable. All Arabs are all to be considered as those who are coming to kill a Jew – a *rodef* - and if one is attacking you, you may kill that person first. They apply this ruling to every Arab and specifically include young children who Jews are permitted to kill since when they grow up they will kill Jews (205). This also includes infants because of the certainty that they will either participate in injuring Jews or aid in doing so when they grow up (206-7). Furthermore it is a special merit to kill children since that is the best revenge there is (220). They teach that the life of a Gentile is forfeit whenever killing him might save a Jew.

**Questions for discussion: How are we to deal with this concept of Jewish superiority? What are the consequences of such a belief? Are the authors of *Torat HaMelekh* justified in their conclusions? Are their basic concepts upon which they build justified by the teachings of the Torah and the Rabbis?**

## V. Summary

The Teshuvah makes the following points:

1. The Torah teaches that all human beings are created in the Divine image. The Laws of the Torah do not differentiate between the rights of Israelites and non-Israelites except in matters concerning the observance of religious rituals.
2. The “chosen people” concept in the Torah is not racial but based on history and teaches a special relationship between Israel and God which requires Israel to serve as God’s priests in the world. The prophets teach that God cares for all nations and that in the future all nations will attain a relationship to God similar to that of the Jews.
3. In the rabbinic period the overwhelming tendency of Judaism was to continue the teaching of the equality of all humans in the sight of God.
4. Certain laws differentiated between Jews and Gentiles based either on a particular interpretation of the Torah’s language or on the basis of the attempt to keep Jews away from paganism or because of the immorality of pagan practices.
5. Some rabbinic authorities took a negative stance toward non-Jews based mainly on the experiences of persecution Jews suffered from Gentiles.

6. Attempts were made to nullify such discrimination including the use of the concepts of “the ways of peace” and “desecration of God’s Name.”
7. In later medieval times teachings such as those of the Meiri made it clear that anti-Gentile laws applied only to pagans at that earlier time and not to either Christians or Muslims.
8. Some mystical works declared Jews to be inherently superior to non-Jews.
9. In modern times there have been rabbinic figures mainly in Israel who have endorsed these views and who have made rulings that discriminate against non-Jews, especially Arabs.
10. Knowing what such teachings can lead to, it is imperative to refute such teachings and to make it clear that anti-Gentile statements and rulings found in Jewish traditional literature are not authoritative and unacceptable today.
11. It is important to distinguish between discrimination and differentiation. Jews are part of the world, part of humanity, but have the right to remain distinctive and to promote their group identity. Therefore those laws that differentiate Jews from non-Jews in ritual practices are legitimate. Those that discriminate against Gentiles in legal and ethical matters are not.

**Questions for discussion: Do you agree with these points? What laws and practices serve to differentiate Jews from non-Jews are considered legitimate by this Teshuvah?**



## APPENDIX

Please read the following short summary of the Teshuvah in the light of the material and the questions in the preceding discussions.

### I. Summary of the Teshuvah

On the issue of the place of non-Jews – i.e. Gentiles – in Jewish law and Jewish thought, there is no question but that contradictory concepts exist and that various historical eras present differing pictures: inclusive and exclusive, positive and negative, laudatory and condemnatory. It must be emphasized, however, that the Torah itself and Biblical writing in general posit the basic equality of all humankind and demonstrate God's love of all human beings while also recognizing a special role for Israel as a "kingdom of priests." Israelites are seen as having a special relationship to God since they are given the task of being God's specific servants, God's priests. Their task is to serve as examples of God's ways of mercy and justice. This does not imply racial superiority, as the prophets, especially Isaiah and Amos, make clear. Israelites, even though chosen as God's own people for this purpose, are nevertheless described as stiff-necked and prone to sinning, for which they will be punished. The same is true of humanity in general. The religious beliefs and practices of pagans, especially those of the Canaanite tribes, are viewed as false and illegitimate. Within the Land of Canaan they were to be eliminated, although there is no such command for the elimination of pagans in the world as a whole.

At the same time it also taken for granted that there were some Gentiles who worshipped the One true God (such as Malkizedek and Job). The prophet Isaiah even places Cyrus on the level of a redeemer – even though his religious practices were certainly not those of Jews. The Psalms call upon "those who revere YHVH" to praise and worship God. Similarly there is a prophetic vision of the time when all humans will come to do so and will be placed on a par with Israelites. At the time of Ezra non-Jewish spouses were seen as a threat, under the same laws as prevailed regarding not marrying Canaanites. The lack of any formal conversion process exacerbated that situation. Some scholars believe that many of the books of wisdom literature found in the Writings originated at that time as a protest against Ezra's decrees. The Aleinu prayer, which probably originated in Hellenistic times as the basic credo and expression of Jewish belief, makes the Jewish attitude very clear – "They bow down to nothingness and emptiness while we prostrate ourselves before the King of Kings, the Holy One blessed is He" while expressing the hope that eventually all humankind will recognize the One God.

Based on the Torah's teaching that all humans are created in the Divine Image and the fact that the experience of Egyptian bondage should teach us not to mistreat the stranger, the Torah's legislation is sensitive to the needs of the non-Israelite. The basic ethical norms of the Torah apply to all, Israelites and non-Israelites. The non-Israelite who is a foreigner is distinguished from the Israelite only in very specific laws in which differentiations are made in any society between the rights of citizens and non-citizens. Under Torah law, non-Israelites are generally treated fairly and equitably. In ritual matters there is a similar differentiation preventing non-Israelites from participating in certain rites such as the Passover sacrifice. Nevertheless in rabbinic times certain offerings to the Temple by gentiles were deemed acceptable. The non-Israelite who dwells in the Land of Israel is entitled to the basic rights of the Israelite and is singled out for special care.

Rabbinic writings upheld the Torah's principle that all humans are created in the Divine image and that all stem from the same primal couple so that racial inferiority or superiority do not exist.

Nevertheless, often reflecting the feelings of oppression and even hatred of the conquering power, there are places where these writings display open hostility to Rome and to paganism and Gentiles in general, voicing varying approaches to the treatment of Gentiles. Whereas some authorities countenance favoritism toward Jews, others are strict in demanding justice for all. Many halakhic decisions in the literature of that time seem to exclude Gentiles from inclusion in laws of the Torah based on a strict interpretation of words such as “your fellow,” “your brother” which are taken to exclude non-Jews. Rabbinic Law reflects the realities of a later time when Jews suffered under foreign rule and the anti-Jewish decrees of the Romans. Therefore it includes a feeling of distrust of pagans as well as a desire to keep Jews away from pagan influence.

Nevertheless the Tannaim themselves ruled that non-Jews came under the rulings of morality that were found within the covenant of the Seven Noahide Commandments and decreed— in the name of such prominent authorities as Rabban Gamliel II and Rabbi Akiva – that mistreatment of the non-Jew was forbidden and even more serious than mistreatment of a Jew because of *Hillul HaShem*. Thus they annulled discriminatory laws and decreed that the rules of civil law applied to all humans because of *Hillul HaShem*. The Tannaim further ruled that non-Jews were to benefit from *tzedakah* and *gemilut hasadim* because of the principle of *Darkei Shalom*. These rules applied to pagans, that being the status of non-Jews at that time with few exceptions. Akiva went further and claimed that some matters such as proper judgment and the prohibition of theft were actually based on verses of the Torah.

In the Middle Ages, a new situation arises in which Jews are living not in pagan environments but as a minority among Moslems or Christians. Are these religions to be considered idolatrous or monotheistic? Although discriminated against, Jews are very much involved in society in general and in national and international commerce. The result is a new approach in which these religions are given a legitimate status, even though not acknowledged as being the equivalent of Judaism nor as accepting the truth of all their teachings. As a result, any non-ritual laws excluding non-Jews were considered to be referring exclusively to paganism that had existed and did not apply in this new era to the non-Jews with whom Jews were coming in contact.

Medieval authorities, most prominently Menachem HaMeiri, preferred not to rely solely on the concepts of *Hillul HaShem* and *Darkei Shalom*, but to declare that all negative rulings concerning non-Jews were referring only to the pagans of their time and were not applicable to non-Jews now who came under the influence of religion and ethical teaching. Maimonides similarly stated that these rules applied only to pagans. Because the conditions of Diaspora living were so different and Jews depended upon non-Jews to such a large extent, many Talmudic laws that would have interfered with commerce were declared non-operative.

Although the question of the exact status of other monotheistic religions is beyond the scope of this teshuvah, it is important to state that within our Movement, both Christianity and Islam are considered to be legitimate expressions of monotheism. In the words of the Meiri, they are “האומות הגדורות בדת” – nations who are bound by ethics and religious-law. Just as Isaiah had predicted the time when other nations – Egypt and Assyria – would also have a special relationship with the One God along with Israel, each in its own unique fashion (Isaiah 19:24-25 ), so too the other monotheistic religions, Christianity and Islam, each have their individual relationship to God as does Judaism.

Another contrary approach that flourished in some writings of the Middle Ages and in Kabbalistic literature declared that the Jewish soul was superior to the souls of others and sometimes went so far

as to say that only Jews could be called human. This approach was emphasized in certain Hasiddic literature such as the Tanya, a basic work of Habad. In modern times it has been promulgated in extreme right-wing circles in Israel in a book entitled *Torat HaMelekh*. These teachings have served as the ideological basis for religious rulings discriminating against Arabs and for acts of violence.

The conclusions of this Teshuvah specifically reject these teachings, as well as any rabbinic statements of a similar nature and declare our belief that all humans share a common ancestry and are equally created in the divine image. Following the rulings of Rabban Gamliel, Rabbi Akiva and the later teachings of the Meiri, we declare that all rules discriminating against Gentiles in matters of a civil nature and moral actions are no longer to be considered authoritative in Judaism not only because of the harm they cause to the image of Judaism and to relations with non-Jews, but because they are intrinsically immoral and deter us from attaining the honest virtues to which we aspire.

In view of the fact that the 20<sup>th</sup> century was the time when Jews in particular suffered and were murdered in the Shoah as a result of doctrines of racial superiority and racial inferiority, we must be especially careful regarding anything that can lend credence to such beliefs. Furthermore we have seen that these teachings lend legitimacy to and lead to conduct in which Jews harm non-Jews and their property and even to the shedding of blood. There is no greater *Hillul HaShem* than this. It is therefore incumbent upon the leaders of Judaism to eschew any such doctrines and reaffirm the Torah's basic belief in the inherent equality of humankind created in the Divine Image.

## II. Piskei Din (Legal Rulings of the Teshuvah)

### A. Jewish Law

1. It is a positive commandment – *mitzvat ase-* to treat non-Jews lovingly and to perform acts of *tzedakah* and *gmilut hasadim* for Gentiles. Rulings teaching that you can kill an Arab child, even an infant, because “it is clear that they will injure us when then grow up” (*Torat HaMelekh* 206) are distortions of Jewish Law and are invalid. These and other such rulings found in works such as *Torat HaMelakh* contradict traditional Jewish belief that does not consider Jews to be superior to non-Jews, does not claim that the Jewish soul is superior to that of the non-Jew or that all Arabs can be killed because they are all pursuers.

2. Following the example of Rabban Gamliel II and invoking the principles of *Kiddush HaShem* and *Darkei Shalom*, we declare that any rulings concerning matters of financial or civil law in the Mishnah and Talmud that discriminate against Gentiles are not to be considered official operative Jewish Law in our day. In accord with the teachings of the Meiri we further rule that any such laws were time bound, referring specifically to pagans of any early time and therefore do not apply to non-Jews in our era. We consider such laws to be in violation of our highest moral values and impede us from attaining higher moral virtues, as Rabbi Sevi Ashkenazi indicated. Thus in regard to such matters as permission to violate the Sabbath for purposes of saving lives, the Jew and the Gentile are to be treated alike. Similarly killing, stealing and other moral and ethical offences prohibited by the Torah and Jewish Law apply to both Jews and non-Jews. It is forbidden to murder, rob, cheat, deceive or otherwise harm a non-Jew. Only those rulings regarding ritual differences between Jews and non-Jews and laws that effectively contribute to continued Jewish existence such as the prohibition of intermarriage remain in effect while laws intended to keep Jews from contact with idolaters such as *bishul akum* and the prohibition of *stam yanom* are no longer valid.

## B. Jewish Lore

1. Many negative statements in rabbinic literature concerning non-Jews may be understood as reflections of the situations of persecution and hatred on the part of the nations that ruled over Jews either in Judea or in the Diaspora in ancient times. They express the personal feelings of certain religious leaders and are not official pronouncements of Jewish belief.

2. The basic concepts of Judaism that we expound and espouse judge both Jews and non-Jews on the basis of their actions and words and do not consider Gentiles inherently evil. All human beings are to be seen as descendants of the same primal parents and all are children of the One God, created in the Divine Image. We affirm the midrashic statement that God treats all equally, “Whether one is an Israelite or a Gentile, a man or a woman, a slave or maidservant, whoever does a mitzvah receives a reward for it.” We specifically reject the ideas found in Jewish writings, be they ancient, medieval or modern, that consider Jews to be inherently superior to Gentiles or that the soul of non-Jews is somehow inferior to that of Jews. The belief in the superiority of Jews (or Jewish souls) over non-Jews contradicts the basic laws or teachings of the Torah and of Rabbinic Judaism as found in the Mishna, Talmud and Tannaitic Midrashim. These concepts are contrary to the Torah’s basic teaching that all human beings are created in the Divine Image and should not be considered part of accepted Jewish belief.

In view of the fact that the 20<sup>th</sup> century was the time when Jews in particular suffered and were murdered as a result of doctrines of racial superiority and racial inferiority, we must be especially careful regarding anything that can lend credence to such beliefs. Furthermore we have seen that these teachings lend legitimacy to and lead to conduct in which Jews harm non-Jews and their property and even to the shedding of blood. There is no greater *Hillul HaShem* than this. It is therefore incumbent upon the leaders of Judaism to eschew any such doctrines and reaffirm the Torah’s basic belief in the inherent equality of humankind created in the Divine Image.

The former Chief Rabbi of the British United Synagogue, Jonathan Sacks, wrote that the one belief more than any other that is responsible for the slaughter of so many is that “those who do not share my faith – or my race or my ideology – do not share my humanity...[they] are less than fully human....From it...ultimately came the Holocaust.”<sup>1</sup> What is true for others is true for Judaism as well. Any belief within Judaism that those who are not of our group are less than fully human will inevitably lead to acts of violence and even the taking of life by extremists who believe that they are acting in the name of the God of Israel. For this reason, if for no other, we reject such beliefs as legitimate teachings of Judaism.

3. We call upon Jewish educators to convey these positive values in their teachings and to clarify these issues when teaching problematic texts in our literature. It is important that when discriminatory passages are studied by either youth or adults they not be left with the impression that these represent present day Judaism or are valid parts of current Jewish Law.