

# Jewish Philosophical Perceptions of Gentiles in (Early) Modern Europe

Yom Iyyun in memory of Jack Flamholz a"h  
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## I. Part I: Do Jewish Ethical-Legal Obligations Extend to Gentiles?

### 1) Tosefta Avoda Zara 8:5

על שפיכות דמים כיצד גוי בגוי וגוי בישר' חייב ישר' בגוי פטור על הגזל גנב גזל וכן מוצא יפת תואר וכן כיוצא בו גוי בגוי וגוי בישר' אסור וישר' בגוי מותר:

### 2) Bavli Bava Kama 113a

אמר רב ביבי בר גידל אמר ר"ש חסידא: גזל כנעני אסור, אבידתו מותרת; גזילו אסור, דאמר רב הונא: מנין לגזל הכנעני שהוא אסור? שנאמר: ואכלת את כל העמים אשר ה' אלהיך גותן לך, בזמן שהן מסורים בידך, ולא בזמן שאינם מסורין בידך; ...

### 3) Ferdinand Fenner, a schoolteacher, at a local rally in Marburg (1886):

"A Jew that follows the Talmud and deceives Christians is a scoundrel in our eyes, any Jew who doesn't follow the Talmud is a scoundrel in their eyes; so Jews are scoundrels no matter what they do."

### 4) 1871 German Criminal Code § 166:

Whoever publicly, by insulting expressions, blasphemes God, causes scandal, or whoever publicly insults one of the Christian churches or another existing religious association enjoying incorporation rights within the territory of the Reich, or its institutions and customs, and likewise, whoever, in a church or in another place designated for religious gatherings acts in a profane manner, shall be punished by imprisonment not to exceed three years.

### 5) The questions of the Royal District Court, Fenner Trial, Marburg (1888):

- A. Whether the prescriptions of belief and of morality contained in the Talmud are seen as binding commandments for the believing Jew, and thus a slander of the Talmud is seen as slander of the Jewish religious-community.
- B. Whether it says in the Talmud: "The law of Moses applies only to Jews; on the other hand, it has no reference to goyim, whom they are allowed to rob and deceive."

6) Leviticus 19:18, 19:34

Du sollst deinen Nächsten lieben wie dich selbst (Luther)	ואהבת לרעך כמוך
Thou shalt love thy neighbour as thyself (King James)	קִאֲוֹרַח מִמֶּנּוּ יְהִי־לָכֶם הַגֵּר אֲתֹכֶם
As the citizen among you shall the stranger who lives among you be for you. Love him as yourself, for you were strangers in the land of Egypt. I am the Lord your God.	וְאָהַבְתָּ לּוֹ כְמוֹדָה בְּיַגְרִים הָיִיתֶם בְּאֶרֶץ מִצְרַיִם אֲנִי ה' אֱלֹהֵיכֶם:

7) Karl Gottlieb Bretschneider, “Dogmatics of the Evangelical-Lutheran Church” (1838)

Christianity finally released the ideas of God and of the laws from the nationalistic sense they had carried [in Judaism], and presented them in more complete clarity: God as the most perfect spirit, the father filled with love for all peoples; the law as the emanation of his holy and good will... Instead of being the national God, he was now the God of all of humanity; the neighbor [Nächste] previously merely the Volksgenosse [member of the people/tribe], was now every human being; Virtue, previously slavish obedience to positive laws, was now a free participation of the heart in a recognized good.

8) Cohen, “Expert Opinion” (1888)

[It is] generally incorrect to understand the word Rea, which means the fellow human being [Nebenmensch], as the Volksgenossen [the member of the people/tribe]. I only regret here [that] I must speak as if I were a philological expert. Rea so little stands specifically for Volksgenossen that it entirely becomes the mere “other”. “With one another” means, in the Hebrew of the Pentateuch, “a person with his Rea”.

9) Hermann Cohen, *Religion of Reason out of the Sources of Judaism* (1918)

Then, too, the deepest harm that Jewish monotheism suffered from all kinds of defamation and misinterpretation because the notion of neighborly love was not attributed to it would not have occurred if the original word *rea* (רע) had not been wrongly translated “neighbor” [Nächte; most near one.

10) Hermann Cohen, *Religion of Reason* (1918)

We can understand how the acknowledgement of the other as the fellow countrymen only arose from a biased misinterpretation. Not to speak of the fact that it is senseless to say, love your fellow countryman as yourself, if the love of man in general has as yet not even been discovered – either the national feeling is already so strong that I feel in my fellow countryman my blood and my image, in which case the commandment is superfluous; or the national feeling still has to be taught, in which case, however, the intensification “as yourself” or even “he is as you” is only intelligible if the notion of the fellow countryman has already been permeated by the concept of man in general. The equality of the fellow countryman is clearly based on the equality of man; otherwise my fellow countryman is my neighbor [Nachbar], with whom I quarrel, or the poor man, who hates the rich who oppress him. The moral concept of the fellow countryman has as its indispensable supposition the general concept of man.

## II. Part II: Do Righteous Gentiles Have a Place in the World to Come?

### 11) Maimonides Laws of kings 8:11

כל המקבל שבע מצות ונזהר לעשותן הרי זה מחסידי אומות העולם, ויש לו חלק לעולם הבא, והוא שיקבל אותן ויעשה אותן מפני שצוה בהן הקדוש ברוך הוא בתורה והודיענו על ידי משה רבינו שבני נח מקודם נצטוו בהן, אבל אם עשאן מפני הכרע הדעת אין זה גר תושב ואינו מחסידי אומות העולם ולא מחכמיהם.

### 12) Moses Mendelssohn, Open Letter to Lavater (1769)

According to the principles of my religion, I *should* attempt to convert no one who was not born under our law... All of our rabbis unanimously teach that the written and oral laws that make up our revealed religion are binding only on our nation. *Moses* charged *us* with the law; it is an *inheritance of the congregation of Jacob*.<sup>1</sup> All of the other peoples of the earth, we believe, have been instructed by God to abide by the law of nature and the religion of the patriarchs. Those who regulate their conduct in accordance with the laws of this religion of nature and reason are called *virtuous men of the other nations*, and they are children of eternal bliss.

Our rabbis are so unmoved by any passion for conversion that they even direct us to employ serious counterarguments to discourage any volunteer who has the intention to convert. We are supposed to point out to him that by this step he is unnecessarily taking on a very hard burden. That in his current circumstances he has only to observe the Noahide duties in order to attain salvation, but that as soon as he accepts the religion of the Israelites, he freely submits himself to all of the strict laws of this faith...

[Footnote:] Maimonides added the restriction: [only] if they observe [the Noahide laws] not merely as laws of nature but as laws revealed by God in an extraordinary manner. This addition, however, has no authority in the Talmud... In a letter to Rabbi Hasdai Halevi, Maimonides writes: "As regards the other nations, know, my dear friend, that God looks only to the hearts of men and judges their actions only in accordance with their conscience. Therefore, our sages teach that the virtuous men of the other nations partake of eternal bliss insofar as they devote themselves to the knowledge of God and the practice of virtue." Menasseh ben Israel, in his treatise *Nishmat Hayyim*, cites conclusive passages from the Talmud, the Zohar, and other texts that place this doctrine beyond doubt. We want no human being, says the author of the *Kuzari*, to be deprived of his well-deserved reward. [1:111 of *Kuzari*]. Rabbi Jacob Hirschel [Emden], one of the most learned rabbis of our time, discusses this extensively in several of his writings.

### 13) Hermann Cohen "Expert Testimony" (1888)

"Here lies a difficulty for each religion: insofar as it thinks human beings as believers in its Kingdom of God... In the canon, however, a corrective was given... This moment lies in the qualification which the biblical concept of the stranger (Ger) has found in the Talmudic concept of the "*Son of Noah*." The state-legal institution of the *Noahide* belongs to the oldest statements of the Mishna."

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<sup>1</sup> See Babylonian Talmud, Sanhedrin 59a; Maimonides, "Laws of Kings," 8:10.

*“More [than the seven Noahide laws], however, is not required. The belief in the Jewish God is not required... The Noahide is thus not a believer, but nevertheless is a citizen. Therefore, this institution [of the Noahide] seems to construct a singular fact of the politics-of-religion, whose clarification may comprise, in the final analysis, only the power of the monotheistic basic-idea. “Moses commanded, to the extent that a lawgiver can do, to love the strangers, and conceived of them quite expressly now and then by the name of most-near-one [Nächste], which one should love as oneself.”*