

## Violating Shabbat to Save A Non Jew

### 1. [The Book of Maccabees I 2:30-44](#)

Then many that sought after justice and judgment went down into the wilderness, to dwell there: Both they, and their children, and their wives; and their cattle; because afflictions increased sore upon them. Now when it was told the king's servants, and the host that was at Jerusalem, in the city of David, that certain men, who had broken the king's commandment, were gone down into the secret places in the wilderness, They pursued after them a great number, and having overtaken them, they camped against them, and made war against them on the sabbath day. And they said unto them, Let that which ye have done hitherto suffice; come forth, and do according to the commandment of the king, and ye shall live. But they said, We will not come forth, neither will we do the king's commandment, to profane the sabbath day. So then they gave them the battle with all speed. Howbeit they answered them not, neither cast they a stone at them, nor stopped the places where they lay hid; But said, Let us die all in our innocency: heaven and earth will testify for us, that ye put us to death wrongfully. So they rose up against them in battle on the sabbath, and they slew them, with their wives and children and their cattle, to the number of a thousand people. Now when Mattathias and his friends understood hereof, they mourned for them right sore. And one of them said to another, If we all do as our brethren have done, and fight not for our lives and laws against the heathen, they will now quickly root us out of the earth. At that time therefore they decreed, saying, Whosoever shall come to make battle with us on the sabbath day, we will fight against him; neither will we die all, as our brethren that were murdered in the secret places.

### 2. [תוספתא שבת ט"ז:י"ג](#)

א"ר יוסי מנין לפקוח נפש שדוחה [את השבת] שנא' (שמות לא) את שבתותי תשמרו יכול במילה ועבודה ופיקוח נפש ת"ל אך חלק פעמים שאתה שובת פעמים שאי אתה שובת ר"א אומר מילה דוחין עליה השבת מפני מה מפני שחייבין עליה כרת לאחר זמן והרי דברים ק"ו ומה אם על אבר אחד ממנו דוחה את השבת דין הוא שידחה השבת על כולו אמרו לו ממקום שבאת מה להלן ודאי ולא ספק אף כאן ודאי ולא ספק א"ר עקיבה וכי במה החמירה תורה בעבודה או בשבת החמירה בעבודה יתר משבת שהעבודה דוחה את השבת ואין שבת דוחה אותה והרי דברים ק"ו ומה עבודה שדוחה את השבת ספק נפשות דוחה אותה שבת שעבודה דוחה אותה אינו דין שספק נפשות דוחה אותה הא למדת שספק נפשות דוחה את השבת.

### 3. [תוספתא שבת ט"ז:י"ד](#)

ר' אחא אמר משום ר"ע הרי הוא אומר (שמות כב) אם במחתרת ימצא הגנב וגו' בעל הבית מהו ודאי או ספק הוי אומר ספק אם הורגין נפש להחיות נפש בספק דין הוא שידחו את השבת להחיות נפש בספק הא לא נתנו מצות לישראל אלא לחיות בהן שנאמר (ויקרא יח) אשר יעשה אותם האדם וחי בהן וחי בהן ולא שימות בהן אין לך דבר עומד בפני פיקוח נפש חוץ מע"ז וגילוי עריות ושפיכות דמים בד"א שלא בשעת הגזירה אבל בשעת הגזירה אפילו [מצוה] קלה שבקלות אדם נותן נפשו עליה שנא' (ויקרא כב) ולא תחללו את שם קדשי [וגו'] ואומר (משלי טז) כל פעל ה' למענהו.

From Source Sheets of Rabbi Dov Linzer from his series on **Halakha and Modernity**

### Saving from Death

The Torah states “You shall not stand against the blood of your neighbor” ([Lev. 19:16](#)), a verse understood by the Rabbis to mean that one may not stand idly by when another person is in danger of losing his life {source 46}. This verse uses the word *rei'echa*, your neighbor, and we will thus not be surprised to find that the mandate to preserve a life is generally understood to be limited to the life of a Jew.

In some ways, this is less disturbing than the discussion above regarding the prohibition of murder. Here, we are talking about passive non-assistance. While not helping someone whose life is in danger would be seen as immoral, almost no secular legal system actually requires a person to come to the assistance of another person who is in danger (the purpose of Good Samaritan laws are to free a person who chooses to come to another's aid from any possible liability that may result from his actions). However, this is because secular legal systems focus on rights, not obligations. We would still expect a religious and moral legal system to require such action, and to require it regardless of the identity of the victim.

### 46. Sifra Kedoshim, Parsha 2 | ספרא קדושים פרשה ב

מנין אם ראית טובע בנהר או ליסטים באים עליו או חיה רעה באה עליו  
חייב אתה להצילו תלמוד לומר לא תעמוד על דם רעך

From where do I learn that if a river or bandits are about to attack him, that you must help him? The verse teaches: “You shall not stand against the blood.” ([Lev. 19:16](#))

While the above source does not explicitly exclude cases involving a Gentile, this is made clear in the passage from Bavli, [Avoda Zara 26a](#) {source 47}. There we find not only that one does not have a positive obligation to save the life of a Gentile, but – according to this passage – one *should not* act to preserve his life. No reason is given for this, but note that this statement applies to shepherds of small animals (sheep) as well. What can be inferred from this grouping?

47. Talmud Bavli, [Avoda Zara, 26a](#) | בבלי, עבודה זרה (כו.)

תני רבי אבהו קמיה דר' יוחנן (העובדי כוכבים) [הגויים] ורועי בהמה דקה  
לא מעלין ולא מורדין

R. Avahu taught a braitta in the name of R. Yochanan (Idolaters) [Gentiles] and shepherds of small animals (sheep) should not raise them (from the pit) (into the pit).

The grouping of Gentiles with shepherds of sheep indicates that there is more at play here than a focus on status or we versus them. Shepherds of small animals were seen as contributing to the destruction of the vegetation and the quality of the soil in the land of Israel (see [Tosefta Sukkah 2:5](#), Bavli [Sukkah 29a](#)). We can thus assume that the statement that one should not save a Gentile is likewise rooted in a judgment not of who the Gentiles were, but of what they – the Gentiles of that time – did. It should be noted that this statement is made in the name of R. Yochanan, who lived in the Land of Israel under Roman rule, and thus was likely based on history and experience to have a perception of Gentiles as dangerous to the Jews and the well-being of Jewish society in the Land of Israel.

In line with the discussion above, it will not be surprising to find that the Talmud assumes that one may not save the life of a Gentile on Shabbat {source 48}. If in general such action is seen as ill-advised, how much more so would one not be allowed to violate the Shabbat to render such a service. A number of poskim continue to apply the Talmud's ruling to contemporary circumstances. Thus, Rav Ovadya Yosef, while allowing – and one would imagine requiring – the saving of the life of a Gentile in general, nevertheless, does not allow this to be done if it entails a Biblical violation of Shabbat {source 49}.

48. [Mishna Yoma, 8:6](#) | משנה יומא פרק ח' משנה ו

כל ספק נפשות דוחה את השבת. מי שנפלה עליו מפולת, ספק הוא שם ספק אינו שם, ספק חי ספק מת, ספק (כותי) [נכרי] ספק ישראל – מפקחין עליו את הגל. מצאוהו חי – מפקחין, ואם מת – יניחוהו.

Every danger to human life s  
If debris fall on someone, an  
there, or whether he is alive  
Israelite or a Gentile, one sh  
heap of debris for his sake. I  
remove the debris, and if he  
there [until the Sabbath day

49. Ynet News, 5/17/12

### Rabbi Yosef: Treating Gentiles Violates Sabbath

*Shas' leader says religious physicians cannot violate Sabbath in order to save gentiles' lives, but offers repercussions*

What should religious doctors do if a gentile is injured in a car accident on Shabbat and is rushed to the hospital? Rabbi Yosef this does not warrant violating the sanctity of the Sabbath.

During a class on Sabbath halacha relating to religious physicians, the spiritual leader of Shas said that while physicians should do everything in their power – even if it requires violating the Sabbath – in order to save Jews whose lives are in danger, the same does not apply for gentiles.

“If a gentile were to get injured in a car accident during Sabbath, and he is brought to the hospital – Israel explained that “if the particular procedures come from rabbis (de-rabbanan), then they might be permitted. If they come from prohibitions in the Torah (de-’oraita), then they are not allowed, as the Torah forbids to violate the Sabbath.”

Rabbi Yosef expounded on the problem, saying that the Mishnah Berurah explicitly says that “all religious physicians are forbidden from violating the Sabbath or violating the Sabbath; however, in reality the patients are brought to the hospital and must be treated.”

says they must treat all patients without distinction of faith or race, and if they don't, the State could revoke their licenses. So what should the poor doctors do?"

The rabbi offered a halachic solution that follows a rule by which if a single person is doing the act, he is liable. If multiple people are doing it together, they are exempt.

"The doctor who needs to operate will call on another doctor, or nurse, to hold the scalpel together and say that "it is necessary in order for religious physicians to refrain from being put on trial for desecrating the Sabbath."

### [משנה ברורה ש"ל:ח'](#)

(ח) עכו"ם אין מילדין - ואפילו בשכר דבחול מילדין משום איבה כמבואר ביו"ד סימן קנ"ד הכא אסור משום דיכולה להשתמט ולומר דאין מחללין שבת כ"א להווא דמנטר שבתא וכתב המג"א ובמקום דאיכא למיחש לאיבה גם בכה"ג שרי אם אין בה חלול. ודע דהרופאים בזמנינו אפי' היותר כשרים אינם נזהרים בזה כלל דמעשים בכל שבת שנוסעים כמה פרסאות לרפאות עובדי כוכבים וכותבין ושוחקין סממנים בעצמן ואין להם על מה שיסמוכו דאפילו אם נימא דמותר לחלל שבת באיסור דרבנן משום איבה בין העו"ג [אף דג"ז אינו ברור עיין בפמ"ג] איסור דאורייתא בודאי אסור לכו"ע ומחללי שבת גמורים הם במזיד השם ישמרנו:

### [Mishnah Berurah 330:8](#)

**On chol, if you're getting paid to deliver a non-Jewish woman's baby then its okay, because don't want to bring hatred to the Jewish community.** The issur applies on Shabbat; only help those who keep Shabbat give birth on Shabbat. This can be used as an excuse, even if the act requested wouldn't violate Shabbat. **Almost all doctors today, even the more religious ones, are Shabbat desecrators. Every Shabbat, a doctor drives long distances to heal Nochrin, he writes prescriptions and grinds medicines for them, with no Halachic basis on which to rely.** Even if one suggests that concern for Eivah permits the transgression of a Rabbinic prohibition (which, he says, is not so clear), **everyone agrees that there certainly is no basis for leniency with regard to a Torah prohibition**

### **Laws of Medical Treatment on Shabbat - Dov Karoll**

"Some authorities take a more principled approach to making this allowance [saving a gentile's life on Shabbat] in contemporary society, regardless of concern for the deleterious results of not saving gentile life [Eivah]. The mechanism for this approach is to limit the Gemara's ruling to gentiles of the type that were common in the society of Talmudic times, i.e. idolaters, claiming

that it is not applicable to the gentiles in our society. One source cited as a basis for this view is the Ramban, who counts helping and saving a *ger toshav*, a gentile who has accepted the seven Noahide laws, including violating Shabbat to save his life, as a mitzvah. If one takes the position of the Ramban (and Rav Ahron Soloveichik points out that there are others who take this view as well), the question then remains whether contemporary gentiles are defined as *gerei toshav*"

[http://www.yutorah.org/lectures/lecture.cfm/756185/\\_Dov\\_Karoll/Laws\\_of\\_Medical\\_Treatment\\_on\\_Shabbat](http://www.yutorah.org/lectures/lecture.cfm/756185/_Dov_Karoll/Laws_of_Medical_Treatment_on_Shabbat)

[השגות הרמב"ן על ספר המצוות, מצוות ששכח אותן הרב ממצות עשה כפי דעת הרמב"ן ט"ז](#)

א) שנצטוונו להחיות גר ותושב להצילו מרעתו שאם היה נטבע בנהר או נפל עליו הגל שנטרר בכל כחנו בהצלתו ואם היה חולה נתעסק ברפואתו, וכל שכן מאחינו ישראל או גר צדק שאנו מחוייבים לו בכל אלה והוא בהם פקוח נפש שדוחה שבת והוא אמרו יתעלה וכי ימוך אחיך ומטה ידו עמך והחזקת בו גר ותושב וחי עמך. ומאמרם בתלמוד גר אתה מצווה עליז להחיותו עכו"ם אין אתה מצווה עליו להחיותו. ומצוה זו מנאה בעל הלכות החיה את האח. והרב כולל אותה עם הצדקה במצות קצ"ה מפסוק פתוח תפתח את ידך. והם שתיים מצות באמת

[Hasagot HaRamban al Sefer HaMitzvot, Mitzvot Ase 16](#)

You must save a Ger Toshav anyway you can, that if he was drowning you must try with all your strength to help him. And if he was sick, you must help him in his *refuah*.

### Notes from our discussion on "Jews, Gentiles, and the Modern Egalitarian Ethos: Some Tentative Thoughts" - David Berger

Perhaps modern day gentiles are all considered Ger Toshav.

Or, perhaps the law against saving lives of non-jews on Shabbat only applies to Pagans, who practice quintessential idolatry. Rabbi Yechiel of Paris held this view: There are lots of positive laws against gentiles, and the laws that are discriminatory against non-Jews only applied to the 7 nations of C'naan, all of which are Pagan.

Jews nowadays do a lot of business with Christians that, if they were considered gentiles, would not be allowed.

### Jews, Gentiles, and the Modern Egalitarian Ethos: Some Tentative Thoughts - David Berger

"Why then does the letter fall short of the ultimate will of the Lawgiver? Arguably, **God wanted to give a people that He knew would be persecuted and beleaguered some leeway to respond to their oppressors in less than ideal fashion when circumstances genuinely demanded this. Perhaps He needed to reinforce a sense of special standing so that a positive Jewish self-image would be sufficiently strong to withstand the deflation of exile, subordination, and**

suffering. Perhaps He wanted to provide us with the test of developing our moral character in the absence of rigid commands."

From R. Linzer's worksheets

1.

[Mishna Gittin, ch. 5](#) | ['משנה גיטין, פרק ה](#)

[ח] ואלו דברים אמרו מפני דרכי שלום

כהן קורא ראשון ואחריו לוי ואחריו ישראל מפני דרכי שלום

מערבין בבית ישן מפני דרכי שלום

בור שהוא קרוב לאמה מתמלא ראשון מפני דרכי שלום

מצודות חיה ועופות ודגים יש בהם משום גזל מפני דרכי שלום רבי יוסי  
אומר גזל גמור

מציאת חרש שוטה וקטן יש בהן משום גזל מפני דרכי שלום...

אין ממחין ביד עניי גוים בלקט שכחה ופאה מפני דרכי שלום:

[ט] משאלת אשה לחברתה החשודה על השביעית נפה וכברה ורחים  
ותנור ... וכולן לא אמרו אלא מפני דרכי שלום

ומחזיקין ידי גוים בשביעית אבל לא ידי ישראל ושואלין בשלומן מפני  
דרכי שלום

[8] The following rules were  
(for the sake of *darkhei shalom*)

A Kohen is called up first to read the Torah, then a Levite and then a lay Israelite.

An 'eruv is placed in the room where the door is in the interests of peace.

The pit which is nearest the house is filled first, in the interests of peace.

[The taking of] beasts, birds and reptiles [and others] is reckoned as a kind of theft in the interests of peace. R. Yossi says that it is not.

[To take away] anything from a Gentile with a right mind or a minor is reckoned as theft in the interests of peace.

The poor of the Gentiles may glean in the fields, gleanings, forgotten sheaves and the like in the interests of peace.

[9] A woman may lend to a Gentile in the interests of observing the sabbatical year, but not in the interests of a stove... all these rules were in the interests of peace.

Gentiles may be given encouragement, not Israelites, and one may act in the interests of peace.

The enactments of *darkhei shalom* in the above mishnayot are geared towards reducing conflict in society. Having guidelines for what order to use to call people up to the Torah, or not removing an 'eruv from where it was previously, do not emerge from an ethical obligation towards the other. To the degree that any ethical principle is at stake, it is one that mandates that we work to maximize the well-being of society and minimize sources of potential conflict. It is possible that in the ruling that one may not take fish out of someone's net (although they have not done a formal act of taking possession of the fish), or a lost object away from a minor do reflect a sense that this is something that the person is entitled to, and not just that this is a rule that society needs (witness R. Yossi's position that this is actual theft – the person legally owns the fish or the lost object).

When we then consider the rulings regarding Gentiles – to not prevent Gentiles from gleaning the dropped grain, to give them encouragement during the Sabbatical year (when we rely on their farming the land) and in general to ask after their wellbeing – it seems like the same principle is operative. To obstruct a poor Gentile from entering one's field could certainly lead to conflict between the poor person and the farmer, and more generally, to animosity from the larger Gentile society. Wishing them well and giving them encouragement may be a more positive expression of ways of peace – not just preventing conflict, but promoting positive feeling between different groups in society.

*Darkhei shalom* in regards to Gentiles, as it appears in the Mishna – can be interpreted in a purely self-serving way: we are good to them so that they will be good to, or not inflict harm on, us. Or it can be interpreted in a way that reflects a more positive, intrinsic value: we care about the larger society in which we Jews live, and we seek to promote a healthy society and reduce conflict in general. Which of these explanations seems correct based on the following passage from Gittin {source 2}?

2. Bavli, [Gittin 59b](#) | בבלי, גיטין (נט:)



א"ל אביי לרב יוסף: מפני דרכי שלום? דאורייתא היא! א"ל: דאורייתא,  
ומפני דרכי שלום. כל התורה כולה נמי מפני דרכי שלום היא, דכתי':  
דרכיה דרכי נועם וכל נתיבותיה שלום!

Said Abaye to R. Yosef: Is this [to read from the Torah] only for the sake of *darkhei shalom*? Does it not derive from the verse that states 'you shall so

He answered: It does derive from the verse [in which this Torah law is] for the sake of

[Abaye responded:] But the purpose of *darkhei shalom*, is for the sake of pleasantness and all her p

In the above passage, Abaye states that all of the mitzvot of the Torah can be understood to be directed towards the goal of *darkhei shalom*, inasmuch as the verse states that the Torah's way are ways of peace. *Darkhei shalom* according to this is clearly not just the self-interest of the Jewish community, it is an intrinsic good that the mitzvot of the Torah are meant to promote: a healthy society free from conflict. It is quite possible, then that this is also how *darkhei shalom* is used when applied to our dealings with Gentiles. What is clear, however, that we are not dealing with an ethical mandate towards the individual Gentile, just towards society as a whole.

The idea of *darkhei shalom* as a broader societal concern can be seen in the Tosefta. The Tosefta goes further than the mishna in mandating our *darkhei shalom* obligations to Gentiles {source 3}. This Tosefta is particularly important in later halakha, because it is quoted authoritatively – with some textual differences – in the Bavli ([Gittin 61a](#)). How are the obligations in the Tosefta different than those in the Mishna? Do they point to a different understanding of *darkhei shalom*? What do you make of the obligation to *collect* charity from them? What do you make of the phrase “alongside the Jewish poor”?

### 3. [Tosefta Gittin, 3:13-14](#) | [תוספתא גיטין, ג:י"ג-י"ד](#)

עיר שיש בה ישראל וגוים הפרנסין גובין מישראל ומגוים מפני דרכי  
שלום מפרנסין עניי גוים עם עניי ישראל מפני דרכי שלום

In a town that has Jews and Gentiles, the charity collection should coll

מספידין וקוברין מיתי גוים מפני דרכי שלום מנחמין אבילי גוים מפני  
דרכי שלום

the Gentiles because of *darkhei shalom*  
funds to poor from the Gentiles  
Jews because of *darkhei shalom*

We eulogize and bury dead Gentiles  
and we console Gentile mourners

For the Tosefta, *darkhei shalom* with Gentiles is not limited to not doing acts that will cause conflict, or simple verbal well-wishing; it mandates acts that require a serious investment of time and money, and whose goals are to promote positive feeling and a sense of community and interdependency. The requirement to collect charity from them is particularly significant in this regard. This is not to offset the cost of giving them charity, it is an act that itself promotes peace. Recognizing someone as a contributing member of one's society – someone who gives not just who takes – creates a profound sense of membership and community, and breaks down a we/them dichotomy in ways that could not be accomplished by merely giving them financial support. The same holds true regarding the obligation to participate in their funerals and to comfort their mourners (and to visit their sick – as appears in the text in the Bavli). These acts create a strong sense of emotional connection, of feeling their loss, and of identifying and empathizing with them. In other words, it serves to lower the divisions between the groups and to create a more interconnected community. Gentiles are not part of our narrowly defined community, but if we are living among them – “a town that has both Jews and Gentiles” – then they are part of our larger community.

The one phrase that is somewhat cryptic is “alongside the poor of the Jews.” This phrase has been interpreted by some Rishonim to mean that we do not make a special effort to provide for their poor or visit their sick; only if we are already tending to our poor or visiting our sick will we include them in the effort. Others disagree and state that the phrase is not meant precisely and not meant to be limiting in this way, see {source 4}. This position gains support from the language of the Tosefta which does not have the phrase “alongside the Jews” when referring to burying their dead and comforting their mourners, and in fact, these would be solitary efforts, as most of the time we do not go to multiple funerals or console different mourning families at the same time (see Ran on Rif, [Gittin 28a](#), s.v. *Kovrin*).

4. Darkhei Moshe, [Yoreh Deah, 251:1](#) | דרכי משה [יורה דעה ס' רנא](#) (א)

כתב הר"ן סוף הניזקין דלאו דוקא עם עניי ישראל אלא אפילו עניי גוים  
לחוד מפרנסין מפני דרכי שלום אבל במרדכי שם (סי' תסד) משמע דאין  
מפרנסים אלא עם עניי ישראל דוקא עכ"ל

Ran writes in the end of the obligation to the Gentile poor provide for them alongside the Jewish poor provide for the Gentile poor *shalom*. But Mordechai there implies that we would only provide for the Jewish poor

In my estimation, however, the phrase “alongside the poor of the Jews,” is not meant imprecisely, but the point is a different one. The point is not that we do not make a special effort to provide assistance to Gentiles; the point is that these acts of helping them are meant to create an extended sense of community that includes both Jews and Gentiles. Just like we collect charity from them so that they become part of our larger community, when we distribute charity it should likewise be done in a way which sees them as part of our larger community, not as some group that is outside and unrelated to us. When we distribute charity to them, we do not need to ensure that in practice we are also distributing to Jews at the same time, we have to ensure that in our minds and in our hearts we see this as a distributing of charity within our broader community, a community that includes both Jews and Gentiles.

This broader understanding of *darkhei shalom* still falls short of a direct ethical (or legal) obligation towards the individual Gentile. Nevertheless, understood this way, it is a principle that – for the purposes of creating a healthy, interdependent society – can close the gaps between Gentile and Jew in the area of acts of aid and assistance. *Darkhei shalom*, understood this way, would mandate that we give them *tzedakkah*, return their lost objects, and help them when their donkey is faltering, and do much more for them, regardless of whether it serves our own self-interest or not.

The idea that *darkhei shalom* can be understood as a broader concern for society appears in a slightly different form in an article by Suzanne Stone {source 5}. How does Professor Stone’s definition differ from how we have been defining this term? Is Professor Stone claiming that this is the original meaning of the term?

5. Suzanne Last Stone, “Formulating Responses in an Egalitarian Age: An Overview,” pp. 73-4, in “Formulating Responses in an Egalitarian Age,” Marc D. Stern, ed., Rowman and Littlefield, 2005

Obligations of social solidarity to non-Jews living in proximity to Jews traditionally were imposed to promote Jewish well-being. It is customary to view *darkhei shalom* as a negative prudential principle, motivated by the need to fend off antisemitism. It is appropriate today, however, to interpret the principle of *darkhei shalom* as equally based on a positive, ethical principle, emphasizing norms of mutuality, moral symmetry, and gratitude. Various Jewish sources stress reciprocity. A famous statement, “Do not do to others what they did to you, what is hateful to you do not do to others,” is a statement of the value of reciprocity and certainly a basis for Jewish support of the struggle of other groups in American society for the treatment granted to Jews.

By adroitly reversing the normal direction of the equation, Professor Stone turns a principle of self-interest into one of moral behavior. If instead of saying “we are nice to them so that they will be nice to us,” we say “we are nice to them *because* they have been nice to us,” it becomes a principle of gratitude and reciprocity. While these ethical values also operate on the individual interpersonal level – rendering acts of kindness and expressions of gratitude to those who have given us concrete benefit – Professor Stone is thinking here in more global and abstract terms. If we see ourselves as members of the larger human society, both now and in the past, then we will understand our debt to society and our obligation to help and support its members and its well-being.

This approach to *darkhei shalom* comes very close to the one we developed above. Whereas we spoke about the well-being of society as an intrinsic good, Professor Stone speaks about the ethical mandates of reciprocity and gratitude. What both of these approaches share is a concept of society or community that extends beyond the narrowly-defined Jewish community and incorporates Gentiles – or the world at large – as well.

Professor Stone seems to concede that the original meaning of *darkhei shalom* is indeed based on the principle of self-interest. She recommends, however, an updated interpretation of this concept given our more egalitarian values. Dr. Walter Wurzburger similarly believes that the term’s original meaning was limited to concerns of self-interest. He notes how this term was used interchangeably with the term *mipnei eivah*, “out of concerns of hatred and strife,” {source 6}. This proves, in his understanding, that in the Talmud this term meant nothing more than preventing of the hatred of others and the harm that may result from it.

**Penenei Halakha-R. Elezer Melamed**

**For Whom Do We Desecrate Shabbat?**

The Sages offered a rationale for desecrating Shabbat to save someone's life: "Desecrate one Shabbat so that he will observe many *Shabbatot*" (*Yoma* 85b). However, in practice, even when it is clear that the person being saved will not observe Shabbat, one is commanded to desecrate Shabbat to save him because the Torah strives to increase life. Therefore, we desecrate Shabbat to save a mentally impaired person (*shoteh*), who is exempt from observing the *mitzvot*. Similarly, we desecrate Shabbat for someone who is unconscious and about to die, in order to prolong his life for a short while (BHL 329:4, s.v. "ela").

We desecrate Shabbat in order to save an unborn fetus, even if forty days have not yet passed since conception (*Behag*; *Ritva*; BHL 330:7, end of s.v. "o"). Similarly, we desecrate Shabbat to save a premature baby. Although in the past it was forbidden to desecrate Shabbat to save a baby born in the eighth month, whose nails and hair had not yet grown in, as it was certain that it would not survive, nowadays, with the improvement of medicine and the invention of the incubator, whenever doctors assess that the baby has a chance of long-term survival, we desecrate Shabbat to save him. (See SA 330:7-8; SSK 36:12 and n. 26.)

Technically, a Jew may not desecrate Shabbat to save a non-Jew, since one may only desecrate Shabbat for the sake of someone who is himself commanded to keep Shabbat. However, in practice, this rule only applies when another non-Jew is present to save his fellow non-Jew. If no other non-Jew is present, one must treat the non-Jew, even if this requires desecrating Shabbat. Since we want non-Jews to save Jews, we must save them as well. Thus, saving a non-Jew's life is included in the category of *piku'ah nefesh*.<sup>[2]</sup>

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[2]. The basis of this permissive ruling, namely, that it ultimately prevents danger to Jews, is articulated in *Hatam Sofer*, YD 131 and *Divrei Hayim*, OH 2:25. Similar rulings appear in *Igrot Moshe*, OH 4:79; R. Shlomo Zalman Auerbach, cited in SSK ch. 40 n. 47; *Tzitz Eliezer* 8:15:6 and 9:17:1; and *Yabi'a Omer* 8:38. Additionally, according to Ramban (*Hasagot Le-sefer Ha-mitzvot*, *Hosafot Le-mitzvot Aseh* 15), we desecrate Shabbat to save a *ger toshav* (a "resident alien," a non-Jew who has accepted the seven Noahide laws before a *beit din*). This is also the opinion of Rashbatz. Others maintain that even if a non-Jew did not accept the Noahide laws before a *beit din*, if he observes these laws in practice, he is considered a *ger toshav* (Maharatz Hayot; R. Meir Dan Plotzky). This is also the opinion of R. Na'hum Rabinovitch in *Melumdei Mil'ama*, p. 143. Many others maintain that we do not desecrate Shabbat for a *ger toshav*, and that this category does not even exist nowadays. However, according to all opinions, in practice we desecrate Shabbat to save the life of any person, as explained above. In a hospital that operates in accordance with *halakha*, it is preferable to have non-Jewish doctors and nurses on duty during Shabbat. If non-Jewish patients arrive, the non-Jewish medical staff can care for them. If a Jewish doctor has the most expertise on an illness afflicting a non-Jewish patient, and during the week such a case would normally be referred to him, the Jewish doctor treats the non-Jewish patient, even if this will involve performing *melakhot* that under normal circumstances are prohibited by Torah law.

