

Pikuach Nefesh for a Ger Toshav

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Ramban — The *Mitzvah* of Saving the Life of a *Ger Toshav*

In Rabbi Charles Ber Chavel’s brief biography of Ramban, he quotes Rabbi Yitzchok Kanfantun’s words about studying Ramban. “One is to exercise utmost care in studying the *chiddushim* of Ramban, as all his words are carefully chosen with precise measure and intent, not a syllable in them being redundant.”¹ In his introduction to *Ramban Al HaTorah* he quotes Ri Be’rav as saying that they would “sit *shivah neki'im* over every word of Ramban.”² Ramban’s idiom of expression is so succinct and so dense with meaning, that he is often misinterpreted. Even *Rishonim* sometimes misinterpret his intent.³

In his *Hasagos L'Sefer HaMitzvos*, Ramban documents a new *mitzvah* that he feels Rambam had left out, the *mitzvah* of saving the life of a *ger toshav*. Based on his reading of this brief passage, Rav Don Plotzki in his *sefer Chemdas Yisrael*⁴ says that “it appears” that Ramban believes that it is permitted to violate Shabbos to save the life of a *ger toshav*. He then proceeds to point out how difficult this position is.⁵ The only *Rishon* to cite this Ramban is Tashbetz in his *Zohar HaRaki'a*⁶ and his language there, though not conclusive, leans towards this interpretation and has been a factor in leading many latter-day scholars to understand Ramban in this

¹ *Ramban, His Life and His Teachings*, p. 30, from Kanfantun’s *Darhei HaTalmud*.

² In a subsequent edition he says he was no longer able to find the quote.

³ See, for example, the Tur’s understanding of Ramban’s position about when the *meshichah* of the *Mishkan* was done, at the end of *Parashas Pekudei*, where the Tur himself realizes that what he attributes to Ramban is difficult. Rabbi Chavel provides the explanation that is undoubtedly correct.

⁴ See *Kuntres Ner Mitzvah* 52, p. 27. Rav Plotzki is better known by the title of his classic work, *Kli Chemdah*.

⁵ In his edition of *Sefer HaMitzvos*, Rabbi Chavel refers his reader to Rav Plotzki’s discussion on the topic. See also his note on *Ramban Al HaTorah* to *Vayikra* 25:35.

⁶ *Azharah* 39.

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way. There is not necessarily contemporary halachic relevance to this opinion, since halachic consensus is to permit *chillul Shabbos* for all gentiles on the grounds that it is dangerous (סכנת נפשות) for the Jewish community to allow any gentile to die when a Jew might have been able to save him.⁷

Rav Plotzki attempts to identify Ramban's source for what he considers a radical *shittab*, and concludes again with how difficult it would be to make such a derivation. In fact, Ramban did not hold this opinion and in this very passage tells us the exact opposite, that *chillul Shabbos* is not allowed for a *ger toshav*. It is necessary to read Ramban line by line to understand what he actually said. Since the issue is important, Ramban's *shittab* is sometimes misquoted, and an understanding of his *shittab* sheds light on Rambam's position as well, it is worthwhile going through this process of analysis. In addition, this is a good example for demonstrating the validity of the warnings of Rabbi Yitzchok Kanfantun and Ri Be'rav.

The full text of Ramban is as follows:

מצוה טז - שנצטוינו להחיות גר תושב להציל לו מרעתו שאם היה טובע בנהר או נפל עליו הגל שבכל כהנו נטרה 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 ית' (פ' בהר) וכי ימוך אחיך ומטה ידו עמך והחזקת בו גר ותושב וחי עמך. ומאמרם בתלמוד (פסחי' כא ב, ע"ז כ א, חולין קיד ב) גר אתה מצווה עליו להחיותו גוי אין אתה מצווה עליו להחיותו. והמצוה הזו מנאה בעל ההלכות (אות מט) החיאת האח. והרב כלל אותה עם הצדקה במצות קצ"ה מפסוק פתוח תפתח את ירך (פ' ראה טו). והם שתיים מצות באמת: (השגות הרמב"ן לספר המצוות לרמב"ם שכחת העשין)

מצוה טז—שנצטוינו להחיות גר תושב.

Mitzvah 16⁸—We are commanded to preserve the life of a *ger toshav*

Ramban believed that Rambam had left out the *mitzvah* in the Torah that requires us "להחיות גר תושב", literally, "to give life to the *ger toshav*." The Talmud often speaks of this *mitzvah* להחיותו, as Ramban will note later, but in his estimation it never gives the verse in the Torah that mandates this law.⁹ He surmises it is from the verse (ויקרא) והחזקת בו גר ותושב וחי עמך (ויקרא). This providing of the Torah verse is Ramban's own *chiddush* (novel interpretation) and he does not here or anywhere else say this is stated in

⁷ See *She'eilos U'Teshuvos Chasam Sofer, Yoreh Deab siman 131; Igros Moshe, Orach Chaim 4:79.*

⁸ Ramban lists the *mitzvos* that he believes Rambam mistakenly left out of the *Taryag Mitzvos*.

⁹ As we will see later, Rambam does believe the Talmud gives the source of the law.

the *Sifra*.¹⁰ I emphasize this point, since some have claimed that this *shittah* they attribute to Ramban is actually an explicit *Sifra* and hence attribute even more authority to it.¹¹ The *Sifra* never says this and Ramban does not say that it does.¹²

להציל לו מרעתו שאם היה טובע בנהר או נפל עליו הגל שבכל כחנו נטרה בהצללתו
ואם היה חולה נתעסק ברפואתו.

To save him from evil that befalls him, that if he was drowning in the river or a landslide fell upon him, we should devote our full energy to try to save him, and if he were sick, we should involve ourselves in curing him.

This definition of the *mitzvah* להחיותו — “to save him” — differs from the standard interpretation of this *mitzvah* — which is “to support him,” a reading that fits most Talmudic contexts.¹³ Even when the term is used in the *Gemara*¹⁴ with regard to the obligation towards a foundling who is of uncertain heritage, Ramban¹⁵ says that while Rashi (and Rambam) understood that the meaning is to save the life of such a child, the explanation he prefers is that it refers to support.¹⁶ It would seem that at the time of his writing of the *Hagabos l’Sefer HaMitzvos*¹⁷ he interprets the term as Rashi had in that context, with the *mitzvah* of להחיותו being to save from imminent death. Nevertheless, “support” would be mandated as well, as this, too, saves one from death by starvation and the requirement to “involve ourselves in curing him” would be included as well.

וכל שכן מאחינו ישראל או גר צדק שאנו מחוייבים לו בכל אלה.

And certainly with regard to our Israelite brother or a righteous convert, we are commanded in all this.

¹⁰ Those who have studied *Ramban Al HaTorah* know that it is not unusual for him to provide verses and his own *limudim* for halachic opinions expressed by *Chazal* and even to state *l’halachah* a new position that is not spelled out explicitly in *Chazal* based on what he considers *psbuto shel mikra*. See, for example, his *limud* on אשר יחרם מן האדם.

¹¹ See *teshuvah* of Rav Nachum Rabinovitch in *Melumdei Milchamah* pp. 146–149.

¹² We will deal with the *Sifra* later. He mentions it neither here nor in his commentary on the Torah.

¹³ See *Hilchos Melachim* 10:12.

¹⁴ *Bava Metzija* 84b.

¹⁵ His explanation is given in *Toras HaAdam* pp. 34–35 of *Kisvei Ramban*, Vol. 1.

¹⁶ ומסתברא כרבינו הגדול ז"ל, דלהחיותו לאו פקוח נפש הוא אלא לפרנסו כאחד מעניי ישראל, דכל רוב גוים אינו מצווה עליו בצדקה כעניי ישראל.

¹⁷ Ramban says that he found it late in his life. See his introduction to his *Hagabos*.

This term "כל שכן" is puzzling, if one does not understand the context of Ramban's words. The verse he is about to bring includes (צדק) אהיך וגר explicitly, as well as a גר תושב, and if it is the *mitzvah* of *pikuach nefesh* that is being learned from this verse which includes all three types of people, then why did Ramban start by saying it is a *mitzvah* towards a *ger toshav*, and why speak of a *kal v'chomer* to apply it to Jews, since Jews are explicit in the *pasuk* and the application to Jews is the most primary and deserves the most emphasis? It is precisely because Ramban is adding the *mitzvah* of להחיותו that is novel and directed specifically towards a *ger toshav* that he expresses himself in this way. Towards a Jew, there are other *mitzvos* that require a Jew to save the life of his brother, and Ramban counts two prohibitions (*lavin*): לא תחס עיניך; לא תעמוד על דם רעיד; and the positive command (*aseh*) of וקצתה את כפה.¹⁸ With regard to the aspect of support, the obligation towards a Jew is mandated by the *mitzvah* of *tzedakah* which is broader and requires providing all the needs (די מחסרו) of one's brother.¹⁹ However, the reason this *mitzvah* needs to be counted independently is because it is more general in that it includes the obligation to save the life of a *ger toshav*, and thus he begins by saying this is the *mitzvah* that is stated in the Torah to include *ger toshav*, and of course it applies to Jews and converts as well.

והוא בהם פקוח נפש שדוחה שבת.

And with regard to them it is *pikuach nefesh* that pushes aside Shabbos.

The errant readings of this phrase are a result of not heeding the warnings of Ri Be'rov and Rabbi Yitzchok Kanfantun and hence ignoring the words "והוא בהם"— which means “and with regard to **them**,”²⁰ i.e., אהיך הישראלי and גר צדק, there is the element/concept of *pikuach nefesh* that dictates pushing Shabbos aside. At this point we again reference Ramban in *Toras HaAdam*. In TB *Yuma* 84b, Rav says that the foundling in a town where the majority are Aramim should be treated as a non-Jew and thus there is no obligation "להחיותו", while Shmuel argues, saying "ולענין פקוח הגל אינו כן". Ramban writes as follows:

¹⁸ See *Hilchos Rotze'ach* 1:14. It is possible that Ramban does not apply the *aseh* of וחי to all acts of saving a person from death and therefore sees עמך as the only *aseh* for *pikuach nefesh*, but there is no reason to believe this.

¹⁹ In *Toras HaAdam* (which will be discussed further on) the explanation of the term "להחיותו" that he prefers is identical with *tzedakah*.

²⁰ In fact, the probable correct reading is והיא בהם, with והיא referring to the *mitzvah*, which is feminine.

חזינן השתא דרב פליג עליה דשמואל ואזיל בפקוח נפש בתר רובא, דהשתא להחיותו דאיכא פקוח נפש ולית ביה עבירה דמצוה בעי רב מחצה על מחצה, הא רוב גוים גוי הוא ואין עליו להחיותו, לגבי פקוח גל בשבת דאיכא איסור סקילה לא כ"ש.

We see now that Rav argues on Shmuel and with regard to *pikuach nefesh* goes after the majority, and thus with regard to להחיותו (sustaining life), which is an issue of *pikuach nefesh* and there is no [issue of] sin involved in the performance of the *mitzvah*, he requires that it be half and half (i.e., at least half Jews in the town) and if it is a majority of gentiles we [assume the foundling] is a gentile, to whom there is no requirement להחיותו, thus certainly with regard to uncovering the pile (*pikuach bagal*) which carries the prohibition of stoning [he does not permit].

Ramban here refers to two types of פקוח נפש. When Rav refers to להחיותו he is speaking of the type of *pikuach nefesh* which is done during the weekday and he says that even this need not be done²¹ when the majority are Aramim, whereas when Shmuel speaks of לפקח את הגל, he is speaking of the *pikuach nefesh* for which *chillul Shabbos* is required.²² The words of Ramban here in the *Sefer HaMitzvos* become clear. For the *ger toshav* the *mitzvah* is להחיותו but for the *Yisrael* and *ger tzedek* he changes the term to *pikuach nefesh*, which is associated more closely with *chillul Shabbos*. In fact, however, the term *pikuach nefesh* is used for this concept even when done on a weekday, as Ramban makes clear in the above passage from *Toras HaAdam*. The Talmud in *Yuma* (85a) asks מנין לפקוח נפש שדוחה את השבת — “How do I know that *pikuach nefesh* pushes aside the Shabbos?” i.e., the term פקוח נפש refers to the concept of saving a life whether it be on Shabbos or not, and the *Gemara* seeks the source for applying it even to performing work on Shabbos.

והוא אמרו ית' (פ' בהר) וכי ימוך אחיך ומטה ידו עמך והחזקת בו גר ותושב והי עמך.

And this is what the Blessed One says in [the verse] “Should your brother be weakened and his hand turn with you, you should strengthen him, as a *ger* or *toshav*, he should live with you.”

We must understand that this verse is being brought by Ramban to

²¹ Perhaps “**should not** be done” because the Aramim are clearly not *geri toshav*.

²² I do not quote every line of the Ramban, but the fuller context makes this reading clearer and the serious reader should study the entire Ramban.

teach the independent *mitzvah* requiring saving a life and says nothing about whether one can and should do so even on Shabbos. The *Gemara*²³ suggests many *limudim* (derivations of a Biblical nature) to answer the question of how we know that this *mitzvah* can include *chillul Shabbos*. The *Gemara* concludes that the most comprehensive answer is from the verse **וְחַי בָּהֶם**, which is interpreted to mean that *mitzvos* are given to Israel to live by, and not to die by — thus if it would cause one's death they are suspended. On the verse **וְשָׁמַרְתֶּם אֶת-הַקְּדָשִׁי וְאֶת-מִשְׁפָּטִי, אֲשֶׁר יַעֲשֶׂה אִתְּם הָאֱדוֹם** **וְחַי בָּהֶם**, Ramban (*Al HaTorah, Vayikera* 18:5) quotes the Talmud in saying this is the source for permitting *chillul Shabbos* for *pikuach nefesh*.²⁴ The *limud* from this verse would most probably not apply to a *ger toshav* as it is addressed to the Jewish people, meaning that we should not perform *mitzvos* at the expense of our lives.²⁵ The term **הָאֱדוֹם** is used and the Rabbis say, “You (Israel) are called *Adam* and the nations of the world are not called *Adam*.”²⁶

Elsewhere²⁷ Ramban quotes the *limud* **חלל שבת אחת כדי לקיים שבתות הרבה** — “Violate one Shabbos so that many Shabbosos will be fulfilled,” in order to argue that even for an unborn child we are *mechallel Shabbos*. Though this is not the final source in the discussion in TB *Yuma*, nevertheless the *Gemara* uses it in TB *Shabbos* 151b to illustrate the logic behind why we are *mechallel Shabbos* for a one-day-old baby and not for the honor of the dead body of King David.²⁸ Ramban extends this logic even to the unborn and paraphrases it saying **שמא ישמור שבתות הרבה** “perhaps he will fulfill many Shabbosos,” and thus the logic should apply even though there is no presumption (*חזקה*) that the child will live. The TB *Yuma* expressed its preference for the *limud* **וְחַי בָּהֶם** because it teaches that action should be taken even for cases of uncertain *pikuach nefesh* (**ספק**)

²³ *Yuma* 84ab.

²⁴ I explain this since some mistakenly have written that the *mitzvah* of *pikuach nefesh* intrinsically includes *chillul Shabbos* and that from the verse **וְחַי עִמָּךְ** itself we would learn that there can be *chillul Shabbos* and struggle to understand why this verse is never brought by the Talmud.

²⁵ Another special *limud* is necessary to teach that for *Kiddush Hashem* one does sacrifice his life.

²⁶ *Bava Metzia* 114b (see Oz V'hadar text). Another *girsab* is “and the idol-worshippers are not called *Adam*.” And in general there is room to dispute this and we will return to this later.

²⁷ *Toras HaAdam*, p. 29.

²⁸ תניא רשב"ג אומר תינוק בן יומו חי מחללין עליו את השבת דוד מלך ישראל מת אין מחללין עליו את השבת תינוק בן יומו חי מחללין עליו את השבת אמרה תורה חלל עליו שבת אחד כדי שישמור שבתות הרבה דוד מלך ישראל מת אין מחללין עליו כיון שמת אדם בטל מן המצות.

29), but it seems that Ramban felt that once we add the *limud* from כדי שישמור שבתות we continue to apply the logic and limitation of והוא"30 הרבה. Thus we understand why Ramban in the *Sefer HaMitzvos* says "and does not allow *chillul Shabbos* for a *ger toshav*.

ומאמרם בתלמוד (פסחי' כא ב, ע"ז כ א, חולין קיד ב) גר אתה מצווה עליו להחיותו גוי אין אתה מצווה עליו להחיותו.

The Talmud refers to [this *mitzvah*] with the statement, "You are commanded '*lebachayoso*' to a *ger*, and you are not commanded '*lebachayoso*' to a gentile."

This *Gemara* is the only source in *Chazal* that Ramban quotes with regard to this *mitzvah*, and since there the Talmud does not sufficiently provide a Biblical source for this law, Ramban provides it to us himself. As noted above, some have claimed³¹ the source for Ramban is the *Sifra* on עמך. In fact, Ramban did not consider the *Sifra's limud* on the verse עמך relevant, or else he would have quoted it. The relevant *parashah* reads as follows:

לה וכי-ימוך אחיך, ומטה ידו עמך--והחזקת בו, גר ותושב וחי עמך. לו אל-תקח מאתו נשך ותרבית, ונראת מאלקיך; וחי אחיך, עמך. לו את-כסףך--לא-תתן לו, בנשך; ובמרבית, לא-תתן אלקך.

35 And if your brother be waxen poor, and his means fail with you; then you shall uphold him: as a stranger and a settler shall he live with you... 36 Take no interest of him or increase; but fear your G-d; that your brother may live with you.

The *Sifra* reads as follows:

גר, זה גר צדק, תושב זה גר אוכל נבילו' וחי עמך, חיך קודמים לחיי. ... (ג) וחי אחיך עמך, זו דרש בן פטורא שנים שהיו הולכים במדבר ואין ביד אחד אלא קיתון של מים אם שותהו אחד מגיע ליישוב ואם שותים אותו שנים שניהם מתיים, דרש בן פטורא ישתו שתיהם וימותו שנאמר וחי אחיך עמך, אמר לו ר"ע וחי אחיך עמך חיך קודמים לחיי חבירך. (ספרא בהר פרישה ה)

"Ger" refers to a *ger tzedek*. "Toshav" refers to a *ger* who eats *nevelos* (animals who were not slaughtered). "Shall he live with you" [implies] that your life comes before his life.... (3) "That your brother may live with you," this was expounded by Ben Petura [to apply to] two who are walking in the desert and one has only one

²⁹ See *Rasbi, ibid.*, for the *limud*.

³⁰ With regard to a *ger* and צדק alone.

³¹ *Chemdas Yisrael* and Rabbi Rabinovitch among others.

flask of water. If he drinks it then one person will reach civilization, and if both drink from it they will both die. Ben Petura expounded that both should drink and die since it says, “that your brother may live with you.” Rebbe Akiva said to him, “that your brother may live with you” [implies] that your life comes before the life of your friend.

The first line of the *Sifra* is proposed as Ramban’s source because it says that וחי עמך applies to a *ger toshav*. But let us look closely at the entirety of the *Sifra*. In the first part of the *Sifra* it says that one’s life takes precedence over that of a *ger tzedek* and *ger toshav*. It is not intended to teach that one must save the life of the *ger toshav*, although in fact it seems to be assumed.³² In the latter part it tells of Ben Petura’s opinion that one should share his final rations with a fellow traveler and survive or die together with him based on the latter phrase וחי אחיך עמך, while Rebbe Akiva learns from the same וחי אחיך עמך that one should give precedence to his own life. The first part of the *Sifra* would seem to be made superfluous by the latter part, as according to Rebbe Akiva one’s life takes precedence even over the life of his fellow Jew, and in fact GRA says it is not authentic and deletes it. Malbim, however, provides an explanation. Since Ben Petura is to later claim based on וחי אחיך עמך that one must share his last rations with his brother Jew, thus the *Sifra* sets up his claim by first clarifying that he did not say this with regard to a *ger toshav*.³³

³² Some refer to Rabbenu Hillel as quoting the *Sifra* as saying that one can be *mechallel Shabbos* for a *ger toshav*. They are incorrect. Rabbenu Hillel in his commentary on the *Sifra* writes that since the *Sifra* says that one’s own life takes precedence over another, then we can infer that there must be a *mitzvah* to sustain the life of the other. But still this *mikra* would not necessarily be the source of this *mitzvah*, and in fact according to Malbim’s reading below, this inference is not valid. In any event, even if such a *mitzvah* exists, it is the *mitzvah* of להחיותו which does not include *chillul Shabbos*. Nor does Rabbenu Hillel ever quote the words of the *Sifra* that say we are talking about a *ger toshav* and we do not know if he applies it to a *ger toshav*.

³³ ואח"כ מבאר שיש הבדל אם הוא גר ותושב אז וחי עמך. (לכן לא כתוב וחי אחיך כי מדבר בגר תושב) אבל בישראל אל תקח מאתו נשך ותרבית וחי אחיך עמך. וע"כ עמ"ש וחי עמך פי' בספרא חייך קודמין. ועל וחי אחיך עמך מביא דרשת בן פטורא. שזה רק בישראל אבל בגר תושב וחי אחיך עמך מביא דרשת בן פטורא. תושב גם בן פטורא מודה לר"ע According to Rashi’s reading it would mean that even with a *ger tzedek* one’s own life should take precedence. See also the *Chemdas Yisrael* who states that it is not plausible that Ben Petura could consider equal rationing with a *ger toshav* as in saving life it is an explicit *mishnah* in *Huriyos* that there are rules for precedence even amongst Jews.

והמצוה הזו מנאה בעל ההלכות (אות מט) החיאת האה.

This *mitzvah* is counted by *Baal Halachos Gedolos* with the words “Supporting the Life of a Brother.”

Ramban was heartened in his introducing of this *mitzvah* by the fact that *B'Hag* seems to count it. However, the formulation of *B'Hag* differs in that he centers the *mitzvah* around “your brother the Jew,” but Ramban assumes from the fact that he uses the term החיאת that it refers to להחיותו and includes the *ger toshav* as well and is based on the *mikra* of וחי עמך.³⁴

והרב כלל אותה עם הצדקה במצות קצ"ה מפסוק פתוח תפתח את ירך (פ' ראה טו). והם שתיים מצות באמת.

Rambam included this *mitzvah* with *tzedakah* in *mitzvah* 195 and bases it on the verse, “Open your hands [to the poor],” but they are in fact two different *mitzvos*.

This evaluation of Ramban is not based on the assumption that Rambam would be compelled to catalog the *mitzvah* detailed in the *Sifra*, as we have shown there is no such *mitzvah* in the *Sifra*. Rather, Ramban is motivated by two points: First, since the Talmud speaks of the *mitzvah* of להחיות גר תושב Rambam must count it somewhere. Secondly, Rambam quotes the verses וחי עמך and וחי אחיך עמך in the *Sefer HaMitzvos* as alternate *pesukim*³⁵ that command us to give *tzedakah*, and thus Ramban assumed that Rambam subsumed להחיותו of *ger toshav* under this *mitzvah*.

According to this understanding, he probably felt that Rambam considered the *mitzvah* of להחיותו as being predominantly to support the *ger toshav* and thus in line with *tzedakah*. In this he is undoubtedly correct. However, Rambam in fact records the obligation of להחיותו, not in the laws of *tzedakah* but in *Hilchos Melachim* (10:16).

וכן ייראה לי שנוהגין עם גרי תושב בדרך ארץ וגמילות חסדים כישראל, שהרי אנו מצווין להחיותו, שנאמר "לגר אשר בשעריך תיתננה ואכלה" (דברים יד, כא). וזה שאמרו חכמים, אין כופלין להן שלום--בגויים, לא בגר תושב. אפילו הגויים--ציוו חכמים לבקר חוליהם, ולקבור מתיהם עם מתי ישראל, ולפרנס ענייהם בכלל עניי ישראל, מפני דרכי שלום: הרי נאמר "טוב ה', לכול; ורחמיו,

³⁴ In fact this assumption would seem difficult since *B'Hag* speaks only of אח – unless he assumes that the term אחיך can apply to a *ger toshav* as well along the lines of the famous *shittah* of Meiri. Saying this would be especially difficult in this *parashah* that also details the prohibition of *ribbis* which only applies to אחיך even according to Meiri, not to a *ger toshav*.

³⁵ The primary verse is ירך תפתח את ירך.

על כל מעשיו" (תהילים קמה,ט), ונאמר "דרכיה, דרכי נועם; וכל נתיבותיה, שלום" (משלי ג,יז).

Similarly, it appears to me that in regard to respect and honor and also, in regard to charity, a resident alien is to be treated as a Jew for behold, we are commanded to sustain them, as Deuteronomy 14:21 states: "You may not eat any animal that has not been properly slaughtered... give it to the resident alien in your gates that he may eat it." Though our Sages counseled against repeating a greeting to them, that statement applies to idolaters and not resident aliens.

However, our Sages commanded us to visit the gentiles when ill, to bury their dead in addition to the Jewish dead, and support their poor in addition to the Jewish poor for the sake of peace. Behold, Psalms 145:9 states: "God is good to all and His mercies extend over all His works" and Proverbs 3:17 states: "The Torah's ways are pleasant ways and all its paths are peace."

The Talmud consistently brings the verse *תתננה ואכלה* — "give it to him that he might eat," which encourages giving the *nevelah* as a gift to a *ger toshav*, to prove that there is an obligation to see to it that the *ger toshav* is cared for and this is the proof Rambam gives to the existence of such a *mitzvah*. Ramban continued to seek a verse and a specific *mitzvah* that is a direct command to perform such acts and he found it in *והי עמך* and thus added a *mitzvah* based on this verse. Rambam too must have a *mitzvah* that obligates us in these acts of kindness to the *ger toshav*, but there is no indication that he considers it part of the Torah *mitzvah* of *tzedakah* as in *Hilchos Matnos Aniyim* (7:1) he is quite explicit that the *mitzvah* is only to *עניי ישראל* — "the poor in Israel," as two of the *pesukim* quoted for this *mitzvah* speak of *אחיך* — "your brother." Though he also quotes *והי עמך*, this does not deter him from limiting that *mitzvah* to *Yisrael*. From how he quotes this verse in several places, it seems he understood *והי עמך* as Onkelos did, to mean that your brother should "reside and settle and live with you" and is unrelated to *ger toshav*. (Ramban *Al Hatorah* quotes this view as well.)³⁶

³⁶ However in one place, in some manuscripts he does relate the obligation to this *mikra*:

יב [יא] אסור לישראל ליתן מתנת חנם לגוי, אבל נותן הוא לגר תושב: שנאמר "לגר אשר בשעריך תיתננה ואכלה, או מכור לנוכרי" (דברים יד, כא)--במכירה, ולא בנתינה. אבל לגר תושב--בין במכירה בין בנתינה, מפני שאתה מצווה להחיותו: {שנאמר "גר ותושב והי עימך" (ויקרא כה, לה), כלומר לא יהיה זה העני פחות מגר תושב שהוא חי עימך. (מתנ"ע ג:יב)}

The *mikra* states that the poor Jew should be no less than a "*ger toshav* who is to live with you" (i.e., be given life by you). From the fact that this addition exists only in some manuscripts, and seems to contradict the way Rambam usually

So what is the source of the commandment להחיותו to a *ger toshav* according to Rambam? From his description of the *mitzvah* עם גרי שנוהגין according to Rambam? From his description of the *mitzvah* שנוהגין עם גרי we can discern that the source is the *mitzvah* של ישראל והלכת בדרכיו — “Walking in the ways of G-d” — that dominates *Hilchos Deos*. To act with kindness to others is the quality of G-d that Rambam refers to often. From לגר אשר בשעריך תתננה ואכלה we see that G-d considered him worthy of our concern, and thus we can infer that the general command of how we are to act towards Jews applies to him as well. Note Rambam says לי יראה — “it appears to me,” and this equation with treatment of a Jew is his *chiddush*. We will return to this point later.

Let us turn now to Ramban in his commentary on the verses in question, which some claim support the belief that *pikuach nefesh* on Shabbos applies to a *ger toshav*.

(לה - לז) וטעם וחי אחיך עמך - שיחיה עמך, והיא מצות עשה להחיותו, שממנה נצטוינו על פקוח נפש במצות עשה. ומכאן אמרו (תו"כ פרשה ה ג) וחי אחיך עמך, זו דרש בן פטורה שנים שהיו מהלכין בדרך וביד אחד מהם קיתון של מים, אם שותה הוא מגיע לישוב ואם שניהם שותים שניהם מתים, דרש בן פטורה, מוטב ישתו שניהם וימותו, ולא יראה אחד במיתתו של חבירו, עד שבא רבי עקיבא ולמד, וחי אחיך עמך, חייך קודמים לחיי חבירך. וחזר ואמר וחי אחיך עמך, לחזק ולהזהיר:³⁷ (רמב"ן ויקרא פרשת בהר פרק כה)

The meaning of וחי אחיך עמך is that he should live with you and this is the positive command of להחיותו based on which we are commanded in נפש פקוח as a positive command. And from this they said (*Sifra*) וחי אחיך עמך, was expounded by Ben Petura that when two were walking on the road and one had in his hand a flask of water, should he drink he will reach civilization and if both drink they will both die, Ben Petura expounded that it is better that both drink and die rather than one see the death of his friend. Until Rebbe Akiva came and learned וחי אחיך עמך, your life comes before the life of your friend. It then repeats and says וחי אחיך עמך to strengthen and warn.

deduces this law, it would seem it is a scribal addition, or more likely from an earlier draft, at which time his position was closer to Ramban. In any event, the verse is not used as the source for the *mitzvah* of להחיותו but merely serves as an indication that there is such a *mitzvah*, and we still require a command of the *mitzvah* itself.

³⁷ ומדרשו (ב"מ סב א) אהדר ליה רבית דליחיי עמך, צוה בהחזרת רבית קצוצה, כענין שאמר בגזל (לעיל ה כג) והשיב את הגזילה אשר גזל. ואונקלוס עשה "גר ותושב וחי עמך" הכל מן המצוה, ידור ויתותב וחי עמך, אבל על דעת רבותינו בגמרא (ב"מ עא א), והחזקת בו ובגר ותושב, (Ramban, concluding words.)

The text above was taken from the Bar Ilan CD. According to this text, Ramban is expounding on the verse **וְהָיָה אִחִיךָ עִמָּךְ**, and if such is the case, he has at this point in time decided that *pikuach nefesh* is learned from the verse limited to Jews. Rabbi Chavel changed the *girsab* of the *kisvei yad*, in alignment with the text of the Tur, to claim that Ramban is commenting on **וְהָיָה עִמָּךְ**. He says the original text caused **לְעֵרְבוֹב גְּדוֹל בְּדַבְרֵי רַבֵּינוּ** — “great confusion in the words of our Rabbi.” And indeed it does seem from several things that Ramban says afterwards that he is referring to **וְהָיָה עִמָּךְ**, but even this emendation does not free us from “confusion” in the words of Ramban. *Chemdas Yisrael* is puzzled, that it seems Ramban understands Ben Petura to be expounding on the verse **וְהָיָה עִמָּךְ** with **וְהָיָה אִחִיךָ עִמָּךְ** to “strengthen the issue,” which runs counter to our text of the *Sifra*.³⁸ Something is amiss in the text of Ramban. In any event we note how Ramban quotes Ben Petura from the *Sifra* and makes no mention of it with regard to this verse being a source for *pikuach nefesh*. And, as we have explained, even if he learns *pikuach nefesh* from **וְהָיָה עִמָּךְ**, this does not imply that the obligation of *chillul Shabbos* comes along with it. On the contrary, his equation of the term **לְהַחְיֹתוֹ נֶפֶשׁ** with **פְּקוּחַ נֶפֶשׁ** implies that he is speaking of what he refers to in *Toras HaAdam* as *pikuach nefesh* that has no violation of a *mitzvah* in it (אסור מצוה).³⁹

Tosafos—אשר יעשה האדם והי בהם—

It is because of the *limud* of **שבתות הרבה** that Rav Don Plotzki finds it difficult to believe that *chillul Shabbos* is permitted for a *ger toshav*. To this he adds what he considers a logical argument (סברא), that sinning for the welfare of another person — **חטא בשביל שיזכה חברך** — would only apply to a **חבר**, i.e., a fellow Jew. Nevertheless, neither of these objections are really insurmountable. Since the TB *Yuma* concludes that **וְהָיָה בָהֶם** is the final source for *chillul Shabbos*, perhaps it applies to *geri toshav* as well. Perhaps even the concept of **שבתות הרבה** is stated inexactly and is what we refer to as **לאו דוקא** and really it refers to one who will do many *mitzvos*. Perhaps one should sin to save a *ger toshav* to whom there is an obligation

³⁸ Also it runs against other Talmudic principles since we have laws of precedence of even men over women when life must be saved.

³⁹ Of course, Meiri is often quoted as allowing *chillul Shabbos* for modern gentiles who are not idolaters. Those who believe that he was not sincere in this position and that censorship was involved in some way with this position are generally discounted. But Rabbi Dovid Zvi Hillman's essay on this in *Tzefunot*, I, 1 (1988) is worth reading.

of להחיותו.⁴⁰ Are we certain that other⁴¹ *Rishonim* agree that *chillul Shabbos* should not be done for a *ger toshav*?⁴²

The TB *Sanhedrin* (59a) learns that a gentile who learns Torah is comparable to the *Kohen Gadol* from the verse **ואשר יעשה האדם וחי בהם**. According to this reading, the Torah teaches that all mankind gains spirituality (*חיות*) from the Torah. Thus we might argue that this verse includes a *ger toshav* (or even other religious and learned gentiles) and thus in the *limud* of **ואשר יעשה האדם וחי בהם ולא שימות בהם**, it should also apply to the life of a *ger toshav*.

But this does not necessarily follow. It would perhaps teach that the gentile himself should violate the seven Noahide laws to save his own or another Noahide's life but it does not necessarily mean that a Jew can violate the Shabbos to save the life of the *ger toshav*. And in fact, *Tosafos* (*Sanhedrin* 74b s.v. *Ben Noach*) is clear that we must view the verse **ואשר יעשה האדם וחי בהם** as directed to Jews and it directs the Jew to put his life before other *mitzvos*, and he thus argues that there is no clear source to explain why a gentile need not give up his life rather than violate any of his seven *mitzvos*. Nevertheless the Talmud concludes that the *ger toshav* is not commanded in *kiddush Hashem*, and thus it certainly follows that he can violate all *mitzvos* to save his life — but according to *Tosafos* the *limud* of **ואשר יעשה האדם וחי בהם** that teaches that Shabbos can be violated to save a life, only applies to a Jewish life.

Rambam — For Us Who Keep the Shabbos, We Are *Mechalle*!

Both in *Hilchos Shabbos* (*perek* 2) and in *Hilchos Yesodei HaTorah* (*perek* 5), Rambam brings **ואשר יעשה האדם וחי בהם** as the source for violating Shabbos or any Torah law when there is danger to life. In *Hilchos Shabbos* he writes:

ואסור להתמהמה בחילול שבת, לחולה שיש בו סכנה, שנאמר "אשר יעשה אותם האדם וחי בהם" (ויקרא יח,ה), ולא שימות בהם. הא למדת, שאין משפטי התורה נקמה בעולם, אלא רחמים וחסד ושלום בעולם. ואלו המינים שאומרים שזה חילול

⁴⁰ Perhaps we say הותרה on *נפש* and in fact no sin is being done.

⁴¹ Of course, our text of the Meiri requires that the life of non-Jews who are not idolaters be saved, even if they are not *gerei toshav*, but some argue about whether he wrote this under duress or if perhaps the manuscript that survived was tampered with. This issue requires further investigation.

⁴² The Talmud talks about the case of one Jew among many gentiles creating a *safelek*, but perhaps this is only when the gentiles are idol worshippers, or at least to the exclusion of *gerei toshav*. Rambam uses the term *גויים* but perhaps *gerei toshav* are different.

ואסור, עליהן הכתוב אומר "וגם אני נתתי להם, חוקים לא טובים; ומשפטים--לא יחיו, בהם" (יחזקאל כ,כה). (הלכות שבת, פרק ב)

It is forbidden to hesitate before transgressing the Sabbath [laws] on behalf of a person who is dangerously ill, as [reflected in the interpretation in the phrase of Leviticus 18:5,] “which a person shall perform to live through them,” as “[‘to live through them’] and not to die through them.” This teaches that the judgments of the Torah do not [bring] vengeance to the world, but rather bring mercy, kindness and peace to the world. Concerning those non-believers who say that [administering such treatment] constitutes a violation of the Sabbath and is forbidden, one may apply the verse [Ezekiel 20:25]: “[As punishment,] I gave them harmful laws and judgments through which they cannot live.”

Rambam here explicates the *drashab* of וחי בהם. The *mitzvos* are given to us to help us live — to make life more pleasant, and the laws are חסד ושלוה — “kindness and peace.” Thus we understand that if an interpretation of them leads to cruelty and death then we have misinterpreted. It is this *limud* that *Chazal* found most convincing. Above, we quoted that Rambam tells us we must treat the *ger toshav* with חסד and even other *goyim* with שלום. It is certainly possible to understand these words of Rambam as suggesting that one can violate Shabbos to save the life of a *ger toshav* and perhaps even other gentiles.

While in *Hilchos Mamrim* (2:4) Rambam makes use of the concept of שבתות הרבה:

כשם שהרופא חותך ידו או רגלו של זה, כדי שיחיה כולו: כך בית דין מורין בזמן מן הזמנים לעבור על מקצת מצוות לפי שעה, כדי שיתקיימו כולן--כדרך שאמרו חכמים הראשונים, חלל עליו שבת אחת כדי שישמור שבתות הרבה.

Just like a doctor may amputate a person’s hand or foot so that the person as a whole will live; so, too, at times, the court may rule to temporarily violate some of the commandments so that they will later all be kept. In this vein, the Sages of the previous generations said: “Desecrate one Sabbath for a person’s sake so that he will keep many Sabbaths.”

Nevertheless, the source for our *halachab* remains וחי בהם, and this is because the *Gemara* feels it is more inclusive — including *safeke* (possible) as well as certain danger, and thus one could argue that perhaps it includes

gentiles as well as Jews.⁴³

Still, it is assumed that Rambam would not allow *chillul Shabbos* for a *ger toshav* because he seems to make a clear statement to this effect.

אין מיילדין את הגויה בשבת, ואפילו בשכר; ואין חוששין לאיבה, ואף על פי שאין שם חילול. אבל מיילדין את בת גר תושב, מפני שאנו מצווין להחיותו; ואין מחללין עליה את השבת. (הל' שבת ב:יב)

We should not help an idolatress give birth on the Sabbath, even if payment is offered. We do not worry about the possibility of ill-feelings being aroused. [This applies even when] there is no violation [of the Sabbath laws] involved. [In contrast,] one may offer assistance to a daughter of a *ger toshav* who gives birth, since we are commanded to secure his well-being. We may not, however, violate the Sabbath laws on her behalf.

It is, however, possible to claim that Rambam only forbids *chillul Shabbos* for birthing the daughter of a *ger toshav* and not for other cases of *pikuach nefesh*. In the previous *halachah* and subsequent *halachos* he writes that a woman about to give birth or who has just given birth is considered in a state of *סכנת נפשות* — “life-threatening danger,” but following the Talmud he instructs that when a needed object can be carried with a *שינוי* — “some form of change” — it should be done so, so that the level of *chillul Shabbos* be reduced. The commentaries assume he means that anything that can be done with a *שינוי* should be done so. And *Maggid Mishneh* writes that this only applies to the case of a woman about to give birth, and not other life-threatening illnesses because the birth process is not considered a full *סכנת נפשות*. If this is true, then we cannot infer from this *halachah* that *chillul Shabbos* is not permitted for a *ger toshav* in a case of a full *סכנת נפשות*. What is appealing about this reading of Rambam is that

⁴³ Nor does Rambam’s language here in *Hilchos Mamrim* necessarily imply that *Chazal* limited *דהית שבת* — “pushing aside Shabbos” — to the life of Jews and could be interpreted to suggest that this phrase can be used to justify saving the life of a *ger toshav* as well. He explains here that the sound logic of amputating an organ to save a life is echoed by *Chazal*’s directive to violate a Shabbos so that a life that will fulfill many Shabbosos will be saved. This logic could just as well apply to violating a Shabbos so that the life of a *ger toshav* who will perform many *mitzvos* can be saved. For the analogy to be similar to that of amputating a limb we must say that that which is cut off is not identical to a multiplicity of that which will be preserved. While that which is cut off is a Shabbos, the preservation is of a life full of all the *mitzvos*. The *Gemara* in *Shabbos* 151b in fact concludes that we are not *mechallel Shabbos* for King David since the dead is *פטור מכל המצוות*.

it answers why he mentions the *halachah* of *ger toshav* only here, in relation to a woman about to give birth, and not when first stating the principle of *pikuach nefesh*.⁴⁴ On the other hand, *Maggid Mishneh's* understanding that Rambam would require שינוי in every aspect of treating a birthing mother is suspect, since Rambam only states it for carrying, and assuming that a birthing mother is not סכנת נפשות is a hard position to defend and not generally accepted.⁴⁵

There is another way of understanding why Rambam makes this statement at this point that would be consistent with the standard interpretation of his position that *chillul Shabbos* is never allowed for a *ger toshav*. Let us look at the *gemara* that the entire *halachah* is based on. (*Avodah Zarah* 26a):

ת"ר בת ישראל לא תיילד את העובדת כוכבים מפני שמילדת בן לעבודת כוכבים. ורמינהו יהודית מילדת עובדת כוכבים בשכר אבל לא בהנמ אמר רב יוסף בשכר שרי משום איבה סבר רב יוסף למימר אולודי עובדת כוכבים בשבתא בשכר שרי משום איבה א"ל אביי יכלה למימר לה דידן דמינטרי שבתא מחללינן עליהו דידכו דלא מינטרי שבתא לא מחללינן.

An Israelite woman should not act as midwife to a heathen woman, because she would be delivering a child for idolatry: The following was cited in contradiction: A Jewish woman may act as midwife to a heathen woman for payment but not gratuitously! Answered Rav Yosef: [With] payment it is permitted to prevent ill feeling (איבה). Rav Yosef had in mind to say that even on Shabbos it is permitted to act as a midwife to a heathen for payment, so as to avoid ill feeling. He was, however, told by Abaye that the Jewish woman could offer the excuse "only for our own who keep the Sabbath may we waive it, but we may not waive it for you who do not keep the Sabbath."

Though there is a prohibition to birth the child of an idolater, it is permitted to do so for pay to avoid hatred - איבה. Rambam quotes this law in *Hilchos Avodah Zarah* (9:16). Rav Yosef wished to infer from this that the birthing can be done on Shabbos as well, to avoid this hatred. Abaye responds that he cannot since on Shabbos one can give an excuse that will nullify this hatred. This is the source for the Rambam in *Hilchos Shabbos* that we quoted above. Abaye is interpreted to mean that since one has an excuse, thus no איבה will occur and thus we cannot permit,

⁴⁴ In addition, the source for this *halachah* is not readily available, and it would seem that Rambam specifically wishes to make this point by a birthing mother.

⁴⁵ He supports it by saying "only one in a thousand die in childbirth" which does not conform to the situation in most of history.

otherwise איבה would be grounds for permitting *chillul Shabbos*.

Rishonim say⁴⁶ that clearly the process of birthing cannot be a case of *chillul Shabbos d'Oraisa* for if so, how could Rav Yosef entertain the possibility of permitting it just because of איבה and why did Abaye only object because there was an excuse? The *Rishonim* are split⁴⁷ as to whether the issue was permitting Rabbinic prohibitions or merely to permit birthing on Shabbos in a case where not even Rabbinic prohibitions exist. According to this latter position, Abaye said that even though there is not even a Rabbinic Shabbos prohibition involved in this case, since now there is an excuse, we therefore cannot permit birthing a child for idolatry. The excuse is a trick, as the gentile will not know that there is no *chillul Shabbos* involved in this birthing.

We must note, of course, that were this not an excuse but the truth, then Rav Yosef's statement דידכו דמנטר שבת מחלינין, דידהו דלא מינטר שבת — “For us who keep Shabbos, we are *mechallel* it, for you who do not keep Shabbos we cannot be *mechallel* it,” is the explicit statement we have been looking for. There can only be *chillul Shabbos* for Jews. Moreover, there are indications that Rambam did not interpret the *sugya* in the manner these *Rishonim* did. Strangely, he does not mention the excuse of “you who do not keep Shabbos,” nor even the fact that the Jewish midwife would be able to give an excuse, and should give it! Is this not crucial to understanding why birthing is not permitted? Also, he states that it is not permitted “even without *chillul*,”⁴⁸ implying that we needed to be told as well that with *chillul* it is not permitted. And of course, as we raised above, if the general law is that there cannot be *chillul Shabbos* for a *ger toshav*, why bring it here and in this context? In addition, we do not know the source of the *halachah* and if it is merely to be assumed that there cannot be *chillul Shabbos* for a *ger toshav* in general, what need is there to make this statement here — why would I think to allow it?

The *halachah* is awkward, unless we interpret as follows: איבה is a reason, closely related to סכנת נפשות, for permitting *chillul Shabbos*. Rav Yosef wanted to extend the principle, to treat איבה as full *pikuach nefesh*, and thus permit *chillul Shabbos*. Abaye said that the danger is not great enough to warrant more than allowing the prohibition of birthing a son to be raised for idolatry, and not even sufficient to permit a Rabbinic violation. Thus, Rambam explains that whether the necessary *chillul Shabbos* required for birthing is only the minor Rabbinic prohibition against birthing on Shabbos, or actual *chillul Shabbos d'Oraisa* is necessary,

⁴⁶ See *Tosafos* and Talmidei Rabbenu Yonah, *ibid*.

⁴⁷ See above note.

⁴⁸ Rather than saying ואע"פ we would expect him to say אע"פ.

we cannot permit. The excuse that Abaye produces is a truth, and not meant as an excuse and the essence of his objection is that the danger that arises from refusal is not strong enough a danger to be considered *pikuach nefesh* and that is the upshot from Rambam's statement. Whereas in *Hilchos Avodah Zarah* we learned that the danger produced by איבה is sufficient to permit Rabbinic prohibitions related to *avodah zarah*, איבה is not sufficient to permit any level of *chillul Shabbos*. Rambam does not quote Abaye's reason, for it was a reason he gave in his time and place. There could be other arguments as to why this does not rise to the level of *pikuach nefesh*, and in different times and places different arguments may be relevant. Rambam does not want to limit the *halachah* to this argument.

Thus, in fact, Abaye's explanation is an explicit statement of the principle that for a *ger toshav* there can be no *chillul Shabbos* and hence this is the source for the last part of the *halachah*. First Rambam explains that out of this level of fear, we cannot suspend the prohibitions of Shabbos, and then that while out of the obligation of להחיותו we suspend the Rabbinic prohibition of birthing, we cannot suspend the Torah prohibition. Indeed, the obligation להחיותו and to show kindness — גמילת חסדים — to a *ger toshav* does merit the application to them of וחי בהם and birthing without *chillul Shabbos d'Oraisa* is permitted, but still the argument of R. Shimeon B. Menasia also carries weight and we can only go so far as *chillul Shabbos d'Oraisa* for a brother who shares our dedication to all the principles of the Torah.

Rashba — *Pikuach Nefesh* for Jews

Rav Aryeh Leib Braude⁴⁹ notes that on the *mishnah* (*Shabbos* 128b) מילדין את האשה ... ומחללין עליה את השבת, Rashba is explicit that מילדין is itself *chillul Shabbos d'Oraisa* as the *gemara* there clearly implies⁵⁰ and thus it is likely to assume that Rashba, as well as Rambam, assumes that Rav Yosef, in wishing to permit birthing, meant to allow *chillul Shabbos* because of איבה. This accords with how we interpreted Rambam,⁵¹ that the danger of gentile hatred is so great that it constitutes *pikuach nefesh*. Rav Braude goes on to explain that this is the source for why there was a *takanah* of the *Vaad Arba haAratzos* to permit Jewish doctors to treat gentile patients on Shabbos. While in the time of the Talmud, Abaye was able to state that

⁴⁹ בית אב"י או"ח סי' י.

⁵⁰ ומחללין עליה את השבת לאסוקי מאי.

⁵¹ Similarly as with Rambam.

gentiles would understand and accept that a Jew could only violate the Holy Shabbos to save the life of a fellow Jew, in modern times such a claim would lead to such hatred that Jewish life would become even cheaper than it is now.⁵²

Chasam Sofer⁵³ decided that a Jewish doctor must treat gentiles because of *pikuach nefesh* for the Jewish community. According to Rav Braude, this claim is rooted in the *Gemara* itself and our understanding of Rambam is that he also understood the *Gemara* this way. These supportive sources to his ruling are important, because one cannot reasonably claim that any possibility of danger (חשש) constitutes sufficient doubt to be considered ספק פקוה נפש. Rambam and other *Rishonim*, based on *Yuma* 84b, differentiate between different types of ספק and in some cases we do not allow *safeke pikuach nefesh* on Shabbos.^{54, 55} But the explicit *gemara* that only forbids it because the gentile world will accept the importance of Shabbos turns this source into an explicit מתיר (source for permitting) in today's times. ❧

⁵² This seems to be what Rav Moshe Feinstein is referring to as well in *Igros Moshe* 4:79, דלא מתקבל במדינתנו הדיחויים שאמר אביי.

⁵³ *Shu"t Chasam Sofer, Yoreh Deah* 131.

⁵⁴ See the *Toras HaAdam, ibid.*, where he assumes these *Rishonim* do not *pasken* like Shmuel and hold הולכין בפקוה נפש אחר הרוב and while Ramban disagrees he still has criteria that are limiting to some extent.

⁵⁵ Thus *Mishnah Berurah* 330:8 did not permit for what he did not consider sufficient danger. The printers of my version seemed to disagree and add a note that the Chofetz Chaim is talking about doctors in idol-worshipping lands such as India.