

The fundamental problem: Torah vs. Torah

1. Talmud, Yevamot 79a

"ויאמרו לו הגבעונים אין לנו כסף וזהב עם שאול ועם ביתו ואין לנו איש וגו' יותן לנו שבעה אנשים מבניו והוקענום לד' וגו'". מיפייס ולא פייסינהו. אמר, שלשה סימנים יש באומה זו: הרחמנים, והביישנין, וגומלי חסדים; רחמנים, דכתיב... כל שיש בו שלשה סימנים הללו ראוי להדבק באומה זו.

"And the Givonim said to him: We have neither silver nor gold with Shaul and with his household, and we have no man [to kill in Israel]... Let seven men of his children be given to us, and we will hang them before Gd." (Shemuel II 21:4-6) King David tried to appease them, and they would not be appeased. He said, "There are three signs for this nation: Merciful, bashful, and generous. Merciful, as it is written... One who has these three signs is suited to cleave to this nation."

2. Esther Esther 8:5, 8:8, 8:11, 9:5-10

3. Commentary of Rabbi Samson Raphael Hirsch to Bereishit 34:25

Now the blameworthy part begins, which we need in no wise excuse. Had they killed Shechem and Chamor there would be scarcely anything to say against it. But they did not spare the unarmed men who were at their mercy, yea, and went further and looted, altogether made the inhabitants pay for the crime of the landowner. For that there was no justification. For that Jacob too reproached them...

Their one answer הכזונה gives their whole motive. The lord would never have allowed himself to act as he did were it not a question of a foreign, forsaken Jew-girl. That was the thought that brought home to the minds of Simeon and Levi that there are times when the Family of Jacob too must grasp the sword... They had no desire to act prudently. They wanted to make themselves feared so that nobody would attempt anything similar. The daughters of Jacob were not to be considered as being at anybody's disposal. But nevertheless they went too far, to take revenge on innocent people for that which powerful ones had done.

4. Ramban to Sefer haMitzvot, Added Aseh 5

מצוה חמישית שנצטוינו כשנצור על עיר להניח אחת מן הרוחות בלי מצור שאם ירצו לברוח יהיה להם דרך לנוס משם כי בזה נלמוד להתנהג בחמלה אפילו עם אויבינו בעת המלחמה ובו עוד תקון שנפתח להם פתח שיברחו ולא יתחזקו לקראתינו...

We are instructed that when we lay siege to a city, we must leave one of the directions without siege, so that if they wish to flee then they will have a place for flight. This way we will learn to act with mercy even with our enemies in a time of war, and it will also help in that we will give them an avenue to flee and they will not strengthen themselves against us.

5. Rabbi Samson Raphael Hirsch, Horeb 415-416

There are probably no creatures that require more the protective Divine word against the presumption of man than the animals, which, like man, have sensations and instincts, but whose body and powers are nevertheless subservient to man...

Man becomes the torturer of the animal soul, which has been subjected to him only for the fulfillment of humane and wise purposes; sometimes out of self-interest, at other times in order to satisfy a whim, sometimes out of thoughtlessness – yes, even for the satisfaction of crude satanic desire.

Behold! Here you are faced with HaShem's teaching, which obliges you not only to refrain from inflicting unnecessary pain on any animal, but to help, and, when you can, to lessen the pain whenever you see an animal suffering even through no fault of yours...

Above all, those to whom the care of young minds has been entrusted, see to it that they respect both the smallest and the largest animal as beings which, like man, have been summoned to the joy of life and have been granted sensitivity. And do not forget that the boy who, in crude joy, finds delight in the convulsions of an injured beetle or the anxiety of a suffering animal will soon also be dumb towards human pain.

6. Devarim 7:2

Sign of ambivalence?

7. Talmud Yerushalmi, Sheviit 6:1

שלש פרסטיניות שלה יהושע לארץ ישראל עד שלא יכנסו לארץ מי שהוא רוצה להפנות יפנה להשלים ישלים לעשות מלחמה יעשה
Yehoshua sent three messages into Israel, before the Jews entered the land: Whoever wants to leave, may do so.
Whoever wants to make peace, may do so. Whoever wants to make war, may do so.

Yehoshua's mission

8. Why? Bereishit 15:16, Vayikra 18:3, Devarim 9:5

9. Rambam, Mishneh Torah, Hilchot Melachim 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 הקב"ה 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.

Anyone who accepts the seven mitzvot and is careful to practice them is of the pious of the nations of the world, and owns a portion in the next world, assuming he accepts them and practices them because Gd instructed them in the Torah and informed us via Moshe Rabbeinu that Noachides have long been instructed in them. However, if he does them because of his own decision, he is not a *ger toshav* and he is not of the pious of the nations of the world or their sages.

10. Rambam, Mishneh Torah, Hilchot Melachim 10:12

וכן יראה לי שנוהגין עם גרי תושב בדרך ארץ וגמילות חסדים כישאל, שהרי אנו מצווין להחיותן שנאמר "לגר אשר בשעריך תתנה ואכלה..." אפילו העכו"ם צוו חכמים לבקר חוליהם, ולקבור מתיהם עם מתי ישראל, ולפרנס ענייהם בכלל עניי ישראל, מפני דרכי שלום, הרי נאמר טוב ד' לכל ורחמיו על כל מעשיו, ונאמר דרכיה דרכי נועם וכל נתיבותיה שלום.

And so it appears to me that we act with the *ger toshav* in the way of the land and with generosity as with a Jew, for we are commanded to give them life, as Devarim 14:21 says, "to the *ger* at your gates you shall give it, and he shall eat it."... Even for *akum*, the sages instructed us to examine their sick, bury their dead as we bury ours, and support their poor among ours, to promote paths of peace. It is said, "Gd is good to all, and His mercy is upon all of His creations," and "Her paths are paths of pleasantness, and all of her ways are peace."

11. Talmud, Avodah Zarah 2b-3a

"עמד וימודד ארץ ראה ויתר גוים" מאי "ראה"? ראה ז' מצות שקבלו עליהן בני נח ולא קיימום כיון שלא קיימום עמד והתירן להן איתגורי איתגור א"כ מצינו חוטא נשכר אמר מר בריה דרבינא לומר שאף על פי שמקיימין אותן אין מקבלין עליהם שכר ולא והתניא... שאפילו עובד כוכבים ועוסק בתורה הרי הוא ככהן גדול אלא לומר לך שאין מקבלין עליהם שכר כמצווה ועושה אלא כמי שאינו מצווה ועושה

"He stood and measured the land, saw and released nations" – What did he see? He saw the seven mitzvot the Noachides had accepted and not upheld, and so he permitted them.

But are they rewarded? Then a sinner is rewarded! Mar breih d'Raveina explained: Even if they were to keep these mitzvot, they would not receive reward.

But is that true? Have we not learned... that a non-Jew who learns Torah is like a kohen gadol! Rather, they are rewarded not like someone who is instructed and fulfills, but like one who is not instructed and yet fulfills.

12. Talmud, Bava Kama 38a

"עמד וימודד ארץ ראה וכו'" מה ראה? ראה שבע מצות שנצטוו עליהן בני נח ולא קיימום עמד והגלה אותם מעל אדמתם
"He stood and measured the land, saw and released nations" – What did He see? He saw the seven mitzvot the Noachides had been instructed and had not upheld, and so He exiled them from their land.

Chapter 3: An Outline

3:1	Setting the stage
3:2-4	First Instructions: The Officers
3:5-6	Second Instructions: Yehoshua
3:7-8	Gd instructs Yehoshua
3:9-13	Third Instructions: Divine
3:14-17	The Crossing Begins