REVIEW OF RECENT HALAKHIC PERIODICAL LITERATURE

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Deformed Babies

Recently rabbinic discussions on the problem of the deformed babies tragedy appeared in two current periodicals. Both articles, while partly divergent in their arguments, arrive at similar conclusions.

The first is a learned contribution to the latest number of *Noam* (vol. vi; Jerusalem, 5723) by Chief Rabbi I. J. Unterman of Tel Aviv (who has previously written extensively on related issues, especially in his book *Shevet Miyehudah*). He deals with the question of abortion in cases where an expectant mother contracted German measles (rubella) during her early pregnancy and where it is feared that her child may be born with serious physical or mental abnormalities as a result.[1]

Rabbi Unterman's unconditional objection to abortion in such circumstances is based primarily on his reasoning that even the killing of an unborn child constitutes "an appurtenance of murder" because, conversely, the saving of such a child's life justifies the violation of the Sabbath and other laws.[2] The rule of suspending these laws in the face of danger to life in the case of an embryo is invoked, against a minority view (RaMBaN, *Torat Ha-Adam, Sha'ar Ha-Sakanah*), by most authorities (*Halakhot Gedolot* and others) even if the embryo is below the age of 40 days when it is otherwise regarded "as mere water" (following RaMBaN's interpretation). Furthermore, argues Rabbi Unterman, even when the destruction of an unborn child is permitted in order to save the mother's life (therapeutic abortion), the sanction is granted only because the child, in its mortal conflict with the mother, is deemed "a pursuer" and may be struck down like any other aggressor in pursuit of someone else's life (Maimonides, *Hil. Rotzeach*, 1:9). Without the element of "pursuit," therefore, the killing of an embryo would be unconditionally forbidden,[3] even though the offense — by a scriptural de-

1. The incidence of abnormalities following German measles, particularly in epidemic form, was first pointed out in an Australian medical journal in 1941, and the right to resort to abortion in such cases has been discussed in medical literature, with mostly negative conclusions, ever since.—*I. J.*
2. But the article omits to mention the view that the violation of the Sabbath is sanctioned only because any danger to the embryo is considered as involving a danger to the mother's life, too — a consideration not necessarily applicable here (see RaN and ROSH, on *Yomah* 82a).—*I. J.*
3. This deduction is not altogether conclusive, for there is evidence that in certain cases abortions may be permitted even when the threat to the

cree (see *Ex.* 21:12 and Rashi, *a.l.*) — does not carry the death penalty like the murder of born persons. Consequently, any abortion of a human fruit for fear that it may be born deformed must be condemned as tantamount to murder. This prohibition would stand even if it were certain (which is scarcely possible) that the child would be born deformed, just as it is forbidden to kill a crippled person. Likewise, there can be no justification for killing a deformed child already born even by indirect means (such as starving it to death). For "this very thought appears to me as opposing the outlook of the Torah on human life, whereby even in the hardest moments it is forbidden to sacrifice life for any reason whatever other than the sanctification of the Divine Name (martyrdom) or the saving of the mother's life."

A note here adds that if fears of abnormal births were to be taken into account, one might also consider a possibility weighing in the opposite directon, i.e., the fear that an artificial interruption of the pregnancy might permanently impair the mother's fertility [and health—*I. J.*], as Professor Asherman of Tel Aviv advised the author.

Further elaborating the view that the prohibition of killing applies even to an embryo under 40 days old, Rabbi Unterman resorts to an original argument. Unlike the Noachidic law of murder which expressly includes the killing of an embryo — based on the verse "He that sheddeth *the blood of man in man . . .*" (Gen. 9:6; see *Sanhedrin* 57b) — Jewish law exempts the killer of an unborn child from the death penalty by stipulating "He that smiteth *a man . . .* shall surely be put to death" (*Ex.* 21:12; see Rashi, *a.l.*); yet the destruction of a human fruit is deemed an offense against life because "in matters affecting life we also consider that which is going to be [a human being] without any further action, following the laws of nature." Accordingly, while in the Noachidic dispensation an abortion during the first 40 days of a pregnancy would not constitute murder (the embryo having yet no distinct *blood* and organs), Jewish law extends its opposition to abortion even to that period since it is concerned with a potential human being as well as an existing one.

Thalidomide Babies

The second contribution on this subject deals with the recent thalidomide problem (which is in principle the same as the German measles problem). It appears as an article by the present reviewer in *The Jewish Review* (London, November 14, 1962). In contrast with Rabbi Unterman's dissertation which axiomatically assumes that there is no distinction between normal and abnormal persons or

mother's life does not come from the child (see my *Jewish Medical Ethics,* 1962, p. 184 ff.) .—*I. J.*

embryos in their right to life, the latter article is mainly concerned with corroborating this point as well as defining the circumstances in which resultant hazards to the *mother* may justify the abortion of a thalidomide baby. To these ends the article refers to some responsa and other more recent rabbinical writings not cited by Rabbi Unterman.

In what may be the only classic responsum on the status of malformed humans, Rabbi Eleazar Fleckeles of Prague dealt with the question raised by the birth of a grotesquely misshapen child in 1807. Challenging his questioner's argument that such a child might be destroyed on the grounds that it could not be classed as human following the Talmud's exclusion of such monster-births from the ritual laws normally applicable, R. Fleckeles reasoned that this exclusion applied only to the laws of purity (i.e., the mother's impurity after the birth or miscarriage of a baby *in human shape*). But however deformed a child, once it is born of a human mother and lives, it enjoyed all human rights and must not be destroyed; even starving it to death would be unlawful as homicide (*Teshuvah Me-Ahavah*, vol. i, no. 53). Already in the 12th century the *Sefer Chasidim* (ed. Zitomir, 1879, no. 186) referred to a ruling against terminating the life of a child born with teeth and a tail like an animal, counselling the removal of these features instead. Mental abnormalities, too, do not abrogate or affect the title to life; even for an idiot the Sabbath laws may be violated to save his life like any other, and to kill him is punishable as murder (*Mishneh Berurah, Bi'ur Halakhah*, 329:4).

While these cases deal only with malformed persons already born, they clearly establish the principle that physical or mental defects in no way compromise the claim to life, and once there is no distinction between normal and abnormal persons in the laws of murder applicable after birth, it follows that no such legal distinction can be made in respect to foeticide before birth either. Moreover, in regard to the destruction of an unborn child suspected *possibly* to be deformed, there is always the chance that a potentially healthy child may in fact be destroyed. And in matters of life and death the usual majority rule does not apply; any chance, however slim, that a life may be saved must always be given the benefit of the doubt. Hence, even if the abortion of a *definitely* deformed foetus could hypothetically be sanctioned, the possibility that a normal child might be destroyed would militate against such a sanction.

The only legitimate indication for an abortion, therefore, is a threat to the safety of the mother, based on the explicit directive of the Mishnah (*Ohelot*, 7:6) in favor of an embryotomy when there is no other way to save the mother's life. Such a contingency includes psychological as well as physical hazards, provided they are of a genuinely grave nature. Thus, a 17th century responsum permitted

an abortion in a case where it was feared the mother would otherwise suffer an attack of hysteria imperiling her life (Israel Meir Mizrachi, *Peri Ha-Aretz, Yoreh De'ah,* no. 21), just as a mental patient who may endanger his life by suicidal tendencies is considered like any other dangerously sick person (I. J. Unterman, in *Ha-Torah Ve-ha-Medinah,* vol. iv, pp. 25, 29).

On the strength of these rulings the *Review* article reaches the following conclusions — with the warning, however, that in such capital judgments, involving decisions on whether a human life is to be or not to be, every individual case must be adjudged by the most competent rabbinic experts:

1. A physically or mentally abnormal child, whether before or after birth, has the same claim to life as a normal child.
2. Whilst only the killing of a born (and viable) child constitutes murder in Jewish law, the destruction of the foetus too is a crime and cannot be justified except out of consideration for the mother's life.
3. Consequently, the fear that a child may (or will) be born deformed is not in itself a legitimate indication for its abortion, particularly since there is usually a chance that the child might turn out to be quite normal.
4. Such an abortion may only be contemplated if, on reliable medical evidence, it is genuinely feared that allowing the pregnancy to continue would have such debilitating effects(whether psychologically or otherwise) on the mother as to present a hazard to her life, however remote such danger may be.

FLORAL CHUPPAH

In the January 1963 number of *Ha-pardes* Rabbi Aaron Shochatowitz discusses an increasingly topical question: Is it proper to use a *Chuppah* made of flowers or foliage in place of the usual canopy of a cloth spread on poles at weddings?

The Hebrew word *chuppah,* argues the author, is derived not from the root *chaphah* — "to cover" (as is often assumed) but from *chaphaph* which means strictly "to shelter." Thus the *Targum* renders the blessing given to Benjamin *chopheph alav kol ha-yom* (Deut. 33:12). "protects (*magen*) him all day," and the biblical *chuppah* itself is likewise translated as "shelter" (Is. 4:5; Ps. 19:6) or even "house of protection" (Joel 2:16).

These renderings make it clear that in rabbinical usage *chuppah* came to signify not a "cover" or "canopy" but a symbol of the "shelter" of the home established by marriage. This symbolic *chuppah* is a legal constituent of the marriage act; only after the bridal pair have entered into it may they live together as husband and wife (Maimonides, *Hil. Ishut,* 10:1). Essentially *chuppah* consists of the groom bringing his bride "into his home and closeting himself with her" (*ibid.,* and *Tur, Even Ha-Ezer,* 61), and any joint residence of the spouses is called *chuppah* (*Rosh, Sukkah,* 2:8). The canopy

we use during the marriage ceremony merely serves as a *token* to remind the bridal couple of the significance of that ceremony; it does not in itself satisfy the legal requirement of *chuppah* as the completion of the marriage act (Gaon of Vilna, on *Even Ha-Ezer,* 55). This requirement is met only by the actual meeting together in one place of groom and bride — in private, according to Maimonides (*loc. cit.*), and even in the presence of others, according to several authorities (e.g., *Tosaphot Ri Ha-zaken, Kiddushin* 10b*; *Perishah,* on *Tur, loc. cit.*). Following the latter view, the mere seating of the bridal pair in a place reserved for them at the wedding banquet would legally constitute the *chuppah* completing the act of marriage.

Regarding the token or symbolic *chuppah* at the ceremony, however, it would make no difference whether this is made of a cloth supported by poles or of floral decorations. In fact, there are indications in the Talmud (*Gittin* 57a) and the codes (*Bet Yoseph,* in the name of *Ittur,* on *Tur, loc. cit.*) that floral *chuppot* were occasionally used in ancient and medieval times.

The author also rejects the argument that such *chuppot* represent an imitation of non-Jewish customs in violation of the precept "and in their statutes ye shall not walk" (Lev. 18:3). As the *Sifra* (*a.l.*) points out expressly, "you might think that one may not build buildings nor plant plantations as they [i.e., non-Jews] do, therefore it teaches 'and in their statutes ye shall not walk': I have forbidden only [the Jewish practice of] laws which are enacted for them." Moreover, the prohibition holds good only for customs observed for the sake of licentiousness or conspicuity (such as glaring attire), not for practices which serve utilitarian or decorous purposes (*Yoreh De'ah,* 178:1, gloss). Otherwise one might with equal justice object to ushers and other conventions introduced at Jewish weddings, conventions against which no outstanding rabbi has yet protested.

Following his earlier remarks on the legality of the bridal pair meeting *in public* to validate the marriage by *chuppah* proper, Rabbi Shochatowitz also makes the rather daring suggestion not to insist on a private meeting between them as is customary. Instead, their mere sitting together at the banquet in the presence of their guests should be deemed as constituting the required act of *chuppah,* thus obviating the possibility of any forbidden intimacy in the event of the bride not being in a state of purity

* But in quoting this authority, the author omits two crucial parts (here italicized). The complete text reads: *"Chuppah"* is the closeting together of the two before the public in one house *on their own,* and witnesses see this meeting, *but they do not remain with the couple in the house . . .*" In other words, their meeting is *private*; only their retirement is watched or witnessed by others.—*I.J.*

at the time. In support of this suggestion he quotes R. Jacob Ettlinger (*Binyan Zion,* no. 139) as recommending variations in some marriage customs for a similar reason.

"Scrabble" on Sabbath

In the latest issue of *Ha-Darom* (Tishri, 5723), none of the major articles is devoted to practical Halakhah. But Rabbi Nachum L. Rabinovitch, continuing his series of Halakhah-briefs, deals with some questions of interest to our Department.

Is it permitted to play "scrabble" (a game in which letter-blocks are placed together to form words) on the Sabbath? The mere formation of loose letters into words does not in itself constitute a prohibited act of writing, according to most authorities. Thus R. Moses Isserles permitted the opening and closing of books with letters stamped on the edges of the pages, although such action either unites or breaks up the writing (Responsa of *ReMA,* no. 119); and Rabbi Moses Feinstein sanctioned the use in synagogues of boards on which numbers are put together to announce the pages in the prayer book corresponding to the progress of the service (*Igrot Mosheh, Orach Chayyim,* no. 135). The objection to the setting of printer's type on the Sabbath (*Tiferet Yisrael, Kalkelet Ha-Shabbat,* no. 32) is not applicable here, since the prohibition of "sifting" (*borer*) does not apply to the selection of items which are completely distinct from the rest or which are used immediately (*Aruch Ha-Shulchan, Orach Chayyim,* 319:9); moreover, in this game, the player wants all pieces and selects some from the remainder merely for the purpose of ordering them into words. Nevertheless, if one usually writes down the scores to find out who is the winner, "scrabble" would be forbidden on the Sabbath, like any other game requiring writing on weekdays (*Chayyei Adam, Hil. Shabbat,* 38:11).

The Priestly Benediction

May a rabbi who is not a *kohen* bestow a blessing in the form of the Priestly Benediction? According to the Talmud (*Ketubot* 24b), it is an offense for a non-priest to perform the rite of "the raising of hands" in the recitation of the priestly blessing. While some authorities restrict this prohibition to the time of the Temple when the Ineffable Name ("sh*em ha-meforash*") was pronounced (*P'nei Yehoshua, a.l.*; see also *Pitchei Teshuvah, Even Ezer,* 3:1), the majority apparently assume that the interdict is still applicable nowadays (*Shulchan Arukh, Orach Chayyim,* 128:1, gloss; and *Sedeh Chemed,* letter "Nun," 39). Following a further ruling (*BaCH,* on *Tur Shulchan Arukh, loc. cit.*), only a non-priest who raises his hands whilst reciting the blessing commits an offense. This opinion has been used to justify the popular practice of using the priestly blessing for the expression of personal greetings. The blessing by non-priests is also justified by the

ruling (*Jer. Ta'anit,* 4:1) that the ceremony of "raising of hands" is not performed except during prayers, so that by reciting these verses apart from the statutory payers one indicates expressly, as it were, the intention not to fulfill the fromal law of bestowing the priestly benediction — a law reserved for priests only (*Mishneh Berurah, Bi'ur Halakhah,* 128:1). The Prayer-Book of R. Jacob Emden (*Siddur Ya'avetz, Hanhagot Leil Shabbat*) also mentions the custom of parents and rabbis placing their hands on children to bestow the priestly blessings on Friday nights; perhaps this, too, is permitted because the prayers including the priestly benediction are never recited at night-time.

Rabbi Rabinovitch therefore concludes that it is definitely improper for a rabbi to give the priestly blessing with "the raising of hands" at the end (and thus as a part of) of the morning services. In view of the widespread ignorance prevailing these days, it is doubtful whether this blessing should be bestowed even without the formal "raising of hands," since the worshippers might believe that the rabbi is in fact fulfilling the priestly injunction. Instead he should rather introduce the recitation of the blessing's three verses with a petition like "Bless us with the triple blessing" as the reader does during the repetition of the *Amidah.*

The Right to Strike

For some of the best halakhic discourses on contemporary problems we nowadays often have to look in non-halakhic periodicals. One such forum is the Israeli almanac *Shanah be-Shanah* published by "Hechal Shlomo" under the editorship of Rabbi Saul Israeli. The current number (for the year 5723) contains two erudite articles on the attitude of Jewish law to fundamental issues besetting present-day Israel.

In the first of these contributions Rabbi C. F. Tchursh discusses the rabbinic views on the industrial and professional strikes which have broken out on the Israeli scene from time to time. It opens with an account of a responsum given orally by the late Chief Rabbi A. I. Kook in reply to questions on the legality of strikes submitted by the Hapoel Hamizrachi about thirty years ago.

Rabbi Kook replied that strikes were permitted in order to compel an employer to place the dispute — concerning the maintenance or improvement of working conditions — before a court and to insure his submission to the court's decision. Strikes called for this purpose need not themselves be sanctioned by the court, and the dispute may be brought before any rabbinical or lay board of arbitrators in preference to a regular court. To a further question on the right of workers to insist on the employment of workers organized in labor unions, Rabbi Kook replied that considerations of equity and public welfare justified labor organizations established to secure proper working conditions; this gave such organizations the right

to bring before the court any employer or worker whose objection to them would injure the interests of the workers.

This judgment implies, according to Rabbi Tchursh, that neither an individual worker nor a labor union can unilaterally call a strike unless both parties to the dispute are first summoned to court; only if the employer then refuses to heed the summons can the workers resort to strike action, even without any special sanction by the court. In this respect, Rabbi Kook's ruling and a similar judgment by Chief Rabbi Uziel (*Mishpetei Uziel*, part iii, *Choshen Mishpat*, no. 41) are at variance with the law permitting a person to enforce his rights (if he has the power to do so) without troubling to go to court, as codified by Maimonides (*Hil. Sanhedrin*, 2:12) and in the *Shulchan Arukh* (*Choshen Mishpat*, 4).

As far back as the legislation of the Torah and the Talmud, the rights of workers are defined with distinct sympathy. Even the "Hebrew servant," who presumably enjoyed lesser privileges than the ordinary employee,[1] was to be treated with every consideration (Lev. 25:39-43), and it was an offense to subject him to work which was either unnecessary or of indefinite duration (*Sifra* and Rashi) or to deny him any food or comforts enjoyed by his master (*Kiddushin* 20a), "for he shall fare well with thee" (Deut. 15:16), i.e., he shall be treated as an equal. On the strength of the verse "For unto Me the children of Israel are servants" (Lev. 25:55), Rav ruled that a worker was entitled to withdraw his services in the middle of the day (*Baba Metzia* 10a), whilst the Sages asserted "The worker is at an advantage [over his employer in the event of certain losses beyond the control of either party]" (*Baba Metzia* 77a).

But the law seeks to protect the employers, too, particularly against damages and losses due to the conduct of their employees. Thus, the worker's right peremptorily to discontinue his services is granted only on condition that such withdrawal will not inevitably cause a loss to the employer; hence, a laborer may not cease his work in the middle of the day (i.e., when his term would normally extend to a full day) if he was engaged in the manufacture of perishable items and if he could not be immediately replaced (*Choshen Mishpat*, 333:5 and gloss). This explains why the law cannot sanction a strike — which naturally results in losses to the employer — unless the case has first been referred to legal adjudication or arbitration.

A precedent for labor unions as representatives of a public interest is already to be found in the Talmud. It refers to various workers' guilds, whose members were seated together in synagogues at Jerusa-

1. According to the *Sifra* (on Lev. 25:39, 46), the slave, on the contrary, enjoyed greater legal protection than the free worker; see also *Magen Avraham, Orach Chayyim*, 169:1.—*I. J.*

lem (*Megillah* 26a) and Alexandria (*Sukkah* 51b), and which would support any indigent worker belonging to the group (*ibid.*). There also existed provisions for collective insurance whereby, for instance, a union of ass-drivers would undertake to replace any ass lost by a member (*Baba Kamma* 116b; cf. *Choshen Mishpat,* 272:16-18).

While these instances concern only arrangements for collective security among the workers themselves, the specific right to collective bargaining and, if necessary, to strike action is founded on three legal principles accepted in the sources and codes of Jewish law: the binding force (1) of agreements in financial matters, (2) of current customs or market practices (*Minhag*), and (3) of regulations issued by public authorities. The author documents and discusses each of these principles at length to show that (1) mutual agreements on working conditions are legally valid and enforceable even when they are not otherwise stipulated or formally validated by law, (2) the accepted practice invests contracts negotiated by labor unions and strikes resulting from their breach with the authority of law, and (3) employment legislation passed by the *Knesset* is thereby halakhically endorsed as religious law.

However, certain industries and public services must be excluded from these provisions as involving the overrriding considerations of the society's *life.* Thus, Jewish law prohibits exporting from the Land of Israel certain vital foodstuffs, or profiting as a middleman from their sale, because they are "necessities of life" (*Bava Batra* 90a and 91a). For the same reason strikes in electricty, health, and education services would be illegal for they would endanger the physical and spiritual life of the nation. For the settlement of disputes in these services the law should provide for compulsory arbitration before special courts or boards.

For a more exhaustive treatment of the attitude to strikes, the article refers to Rabbi M. Findling's *Techukat Ha-Avodah* published in 5705 (pages 61-64 and 119-126).

Minority Rights and their Limitation for Security Reasons

The second article in *Shanah Be-Shanah* of interest here likewise deals with a pressing and topical problem facing Israeli legislators today. In a short preface, the author, Rabbi Nathan Zvi Friedman, exposes the hollowness and injustice of the argument that Jews, who themselves have suffered for so long as a persecuted minority, should surely not now impose any disabilities or restrictions on minorities under their control. The obvious answer is that Jews never imperiled the security of the nations among whom they were dispersed; they threatened neither rebellion from within nor aggression from outside to shake off the yoke of their oppressors. The Jewish State, on the other hand, is ringed by enemies sworn to its destruction and inhabited by many Arabs in sympathy with its mortal foes. The two cases, therefore, have absolute-

ly nothing in common, and the defense of Israel may with justice be invoked as a vital consideration in the status and rights of the country's minorities. The article is also based on the assumption that the safety of Israel in fact requires the imposition of restrictive measures on minorities, although the author has no means to determine the degree of urgency for these measures.

According to a basic principle of the Torah, all citizens of the land enjoy the same civil rights without distinction or discrimination. "Ye shall have one statute, both for the stranger and for him that is born in the land" (Nu. 9:14; cf. 15:15, 16). More specifically, the law "And if thy brother be waxen poor, and his means fail with thee, then shalt thou uphold him" (Lev. 25:35) expressly adds "as a stranger and a settler shall he live with thee" (*ibid.*). The support and maintenance of the stranger that "he live with thee" are thus a religious obligation (cf. *Pesachim* 21b); Nachmanides even lists this duty as a distinct positive commandment (additions to *Sefer Ha-Mitzvot,* no. 16). The "stranger" (*ger*) here is of course not the proselyte (*ger tzedek*), who is regarded like any other Jew, but the non-Jewish resident (*ger toshav*) who accepts merely the fundamental moral code enshrined in the Seven Noachidic Commandments.

Yet on the words "and he shall live with thee" the *Sifri* comments: "Your life takes precedence over his life" (*a.l.*), which Rabbi Friedman interprets to mean that the anxiety for the welfare of the stranger can never outweigh the concern for the safety and "life" of the Jewish people. This concern must always be given prior consideration.

This leads the author to the heart of his theme, based on a remarkably relevant rabbinical commentary on the following verse: "With thee shall he dwell, in the midst of thee, in the place which he shall choose within one of thy gates, where it liketh him best; thou shalt not wrong him" (Deut. 23:17). This law, which originally refers to an escaped (non-Jewish) slave, is rabbinically extended to any stranger who seeks to take up citizenship (*ger toshav*) in the Land of Israel, with the following reservations: "*With thee shall he dwell* — but not in the city itself; *in the midst of thee* — but not near the border; *in the place which he shall choose* — in the place where his livelihood comes forth; *within one of thy gates* — but not in Jerusalem, and that he shall not be exiled from city to city; *where it liketh him best* — from a bad home to a beautiful home; *thou shalt not wrong him* — this refers to oppression by words" (*Sifri, a.l.*). There are several versions of this passage, and these bear a variety of interpretations.

It appears that, according to Maimonides (*Hil. Bet Ha-Bechirah,* 7:14), a stranger is not to settle in Jerusalem, following his view that the sacred status of Jerusalem — in contrast to the rest of the land — never ceased (*ibid.*,

6:16), whilst the *RAVeD* holds that strangers may nowadays be admitted even to Jerusalem since both its original sanctity and the *ger toshav* legislation have now lapsed (glosses, on *Hil. Isurei Bi'ah,* 14:8). This assumes that the references in the *Sifri* passage to the exclusion of the stranger from "the city itself" and from "Jerusalem" are identical (*Tzophnat Pane'ach,* on *Hil. Isurei Bi'ah,* 14:8) and that this restriction is due solely to the special holiness of Jerusalem.

The version of the Gaon of Vilna, however, reads: "*With thee shall he dwell* — inside the city itself" (*HaGRA*), whilst another (manuscript) reading is: ". . . and not in a city *by himself.*" Following these readings, the stranger may settle *only* in cities where he lives among Jews, so as to prevent any insurrection or aggression stemming from settlements exclusively inhabited by strangers (Rabbenu Hillel). A similar intent may underlie the requirement that such a citizen shall live "in the place where his livelihood comes forth" — i.e., which he chooses because it offers him economic opportunities, and not for espionage or other activities endangering Israel's security. For the same reason he shall not settle "near the border" of the land. This consideration may also account for the law's insistence that the stranger shall live "within *one* of thy gates" and not be moved "from city to city"; by staying put in *one* locality instead of roaming around the country he will allay even the suspicion of being engaged in espionage or subversion.

This may explain why the verse cataloguing the restrictions to be imposed on non-Jewish citizens for security reasons concludes "thou shalt not wrong him." Only such measures are justified and lawful as are absolutely necessary for Israel's defense; but these requirements for national security must not be exploited as instruments of oppression or discrimination. Indeed, two of the restrictions mentioned in the *Sifri* passage may be intended to safeguard the interests of the non-Jewish minority rather than those of the Jewish majority: "With thee shall he dwell" may mean that the minority shall not be compelled to live isolated from the Jewish population, such as in the kind of ghetto established for Jews in the Diaspora (*Meir Ayin*), and "that he shall not be exiled from city to city" may be a warning to his Jewish fellow-citizens not to force the stranger from one place to another by arguing that his continued stay in their midst is an economic burden or a trespass on Jewish rights (MaLBIM).