

Good Samaritan

by: Rabbi Jeremy Rosen

In 1964 Kitty Genovese was stabbed to death late one night in Queens, New York by Winton Mosely who said that he simply wanted to kill a woman. He was sentenced to life, and a few weeks ago he died in prison. The case generated immense publicity because it seemed that a lot of people heard her scream and no one came to her rescue even after she was left bleeding to death. This case led to a debate over what are often called "Good Samaritan" laws. Some of these are less obligations to go to help as much as protections for those who do. Good Samaritan laws are often confused with "Duty to Help" laws, that most civil systems avoid, requiring citizens to go to the aid of others who are in danger or being attacked. There was a similar furor in China where in 2011 a young child Wang Yue was run over in the street and many people just walked by and did nothing. China now has a "Good Samaritan" law.

The issue is not as straightforward as it might appear. There have been cases both in the USA and China where people going to help someone have been sued either for interference or inappropriate medical responses. In 1964 New York, if people did not want to get involved it was possibly because the chances were high, in those crime ridden days, that a responder would himself be attacked. The issue is still debated. The "Seinfeld" TV series ended with a case of the actors being thrown into jail because when the New Yorkers were visiting Massachusetts (that had such a law) they were caught observing and photographing a carjacking without going to help. A recent episode of "Girls" also referred to the Kitty Genovese case.

The issue of such laws polarizes around two positions. Is it a criminal issue or a moral one? Is the duty to defend or to rescue? Should those who do not go to help be prosecuted or just condemned morally? Some countries like Germany and Finland make it a criminal offense.

Israel has a law requiring citizens to go the help of another. Its legal system is a compound of Ottoman law and British law, and they do not require going to someone's aid. But the third element, Jewish law, most certainly does. The Torah explicitly says, and we read it last week in Leviticus 19, "Do not stand by (while) the blood of your neighbor (is being spilt)." For us it is a moral, religious obligation to protect someone under threat of danger. Not only, but Jewish Law as reflected in the Shulchan Aruch insists that one should even be prepared to risk danger to do so. There is a counter-principle that says you should NOT intentionally sacrifice your own life for someone else's—but where the chance is unlikely, you should risk it.

I am immensely proud of my Jewish heritage. In the current mood of anti-Semitism in the Western World (whose religious and cultural underpinnings are still ignored), I want to explain why I am so offended by the original Good Samaritan story. Not, I hasten to add, that I have anything against Samaritans. Quite the contrary, I admire the strictness and perseverance that has enabled them to survive for nearly as long as we have even if their

numbers are dwindling even faster than ours. There has always been a strange relationship between us.

Our version of their origin, is told in the Bible (2 Kings 17). (They have their own, of course, which claims an earlier pedigree.) In 722 BCE the Assyrians conquered Israel, the territory of the ten Northern Israelite tribes and scattered them around its empire (roughly Syria and Kurdistan). Their policy was to remove the population of defeated states and replace them with others transferred from defeated nations elsewhere. Those they imported into Samaria came to be known as Samaritans. Most people in those days believed their gods were local. In order to avoid plagues and other disasters, they asked the Assyrian king to teach them how to worship the gods of their new home. He in turn sent instructions to Judea to go and instruct them. That was how the Samaritans came to adopt the Bible.

In 592 and 586 BCE the Babylonians, who had conquered the Assyrians, destroyed the southern kingdom of Judea. They exiled the aristocrats and skilled artisans to Babylon, where the Jewish community eventually reestablished itself. Babylon was conquered by the Persian King Cyrus, who allowed a group of Jews to return to Judea to resettle and rebuild the Temple. When they got there, the Samaritans did their best to undermine and thwart them, claiming that they were now the legitimate indigenous population. (Sound familiar?) With the help of Ezra and Nehemiah, the Judeans succeeded, and thereafter the Samaritans lost their supremacy.

As they strictly obeyed biblical law, some rabbis regarded the Samaritans as full Jews. But they refused to accept rabbinic Judaism. They claimed it was an inauthentic post-Babylonian invention. Their version of the Torah is remarkably, though not entirely, similar to ours, but written in an earlier script than the one we have today, which was indeed adopted in Babylon.

The New Testament is a document predicated on the assumption that Judaism was hijacked by rabbis who betrayed its biblical mission. The New Testament was God's New Deal with Christianity. As a result, several of its authors go out of their way to cast Jews or Pharisees or rabbis in a negative light in order to reinforce their claim that Christianity is the new covenant. The story in Luke of the Good Samaritan tells of a poor man left by robbers by the wayside. Ignored by passing Jews, he is helped by a good Samaritan. Of course it is pure polemic.

Christianity often used Jewish ideas but put them in the mouths of Christian spokesmen, naturally. So did Islam. After all, we were around for quite a while beforehand and were the fertile inspiration on which they sprouted. Earlier rabbis, like Hillel, expressed almost identical ideas to many of those to be found much later in Christianity. So you will often hear it said that, "Love your Neighbor as Yourself," is to be found in the New Testament rather than the Torah.

When I was in a Church of England school in my childhood for a short while, I would often be told that I had to do "the Christian thing". In other words, do the "right thing". As if being Jewish meant that I could not. This was the tone of life in Christian Europe in my youth. To be described as a Jew

implied that you were a Judas who betrayed Jesus. Many of my generation and earlier were attacked and beaten simply for being Jewish and the murderers of God! In Catholic Italy "Porco Giudah" (you Jewish Pig) was a common insult. To "Jew" someone was to cheat them.

Now you might say I overreact and that things are indeed much better today, particularly in Catholic circles. But the whiff remains. Incidentally, that is why I suspect many Muslims are equally hypersensitive today. It is so easy to forget the significance and the polemic of language.

I understand, to the masses you can make your point better with a story, a parable. The Good Samaritan sounds better than a simple command. Laws are boring. But it is time, in this era of hypersensitivity and safe places, to retain the moral principle enunciated in Leviticus and pass by the implied slur of the Good Samaritan in the New Testament (unless you believe that Jews do not deserve safe spaces).

I hope that in future generations people will instead talk about the story of the Good Jew who gave so much to support dying industries, impoverished communities, charitable foundations, and projects that bring different people together in love and cooperation. Some hope!