

Bais HaVaad on the Parsha, Parshas Vayeira

Turnovers

Excerpted and adapted from a *shiur* by Dayan Yitzhak Grossman

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<https://baishavaad.org/wp-content/uploads/2023/11/vayeira-choosing-the-lesser-of-two-evils-20231027-bhv.flac>

And they called to Lot and said to him, "Where are the men who came to you tonight? Bring them out to us, that we may know them."

Bereishis 19:5

When non-Jews demand that one Jew from a group be surrendered to be killed (or, in the case of women, defiled), or else the entire group will suffer the same fate, the Mishnah (Trumos 8:12) and Tosefta (Trumos 7:23) rule that they may not turn anyone over. The Tosefta notes one exception, where a person is asked for by name, as was Sheva ben Bichri in Sefer Shmuel Bais (*perek* 20).

There is a dispute in the Yerushalmi (*ibid.*) whether the Tosefta's exception applies only to someone who is deserving of death, like Sheva ben Bichri (Reish Lakish), or to anyone (R' Yochanan). The Ran rules with R' Yochanan, the Rambam (*Yesodei HaTorah* 5:5) with Reish Lakish. The Rama (Y.D. 157) and the later *Acharonim* follow the Rambam.

The Bach and the Chazon Ish write that if the person named by the non-Jews was guilty under secular law, he may be turned in. They explain that in this case, the guilty person is a *rodeif* (pursuer) endangering the others. The Bach addresses a case where Christians accused a specific Jew of stealing a Christian object of worship and demanded that he be handed over for execution or the Jewish community's leaders would be killed instead. The Bach rules that if he indeed did what they say he did, he may be turned in.