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The inaugural contribution to the Open Access Project is an essay by Rabbi Dr. Gidon Rothstein on a topic that is both relevant and controversial. What is the place of gentiles in the Jewish worldview? What does our religion expect of those who do not convert to Judaism? What are their obligations to God and to their spiritual well-being? Rabbi Rothstein reviews the literature on this subject and then offers a unique perspective that places a positive spiritual obligation on gentiles, affording them both respect and duties as religious human beings.

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Conceiving the Other

**Jewish Particularism and Universalism
Revealed in the Noahide Laws**

Gidon Rothstein

Many people today assume that, if they only set their minds to it, they can have a direct experience of God. Mystics in particular, but even ordinary people, often feel they have had an encounter with the Divine, an encounter that they assume to contain guidance on how to live their lives. Even without such an encounter, people often accept that their intuition as to the nature of right and wrong sufficiently guides them towards what God would want from them.

On the other hand, the history of religion is filled with tales of nations or religions who felt themselves to be the sole recipients of God's Word, leading them to decide that their particular version of that Word was not only correct, but was the only path to a relationship with God.

This article argues that Jewish tradition hewed a middle path between these views. While Jews certainly assumed that knowledge of their own religion's ideas about God and His service were necessary for a valid religious life, they did not take that to limit a successful relationship with the Creator only to those who were actually Jewish. Instead, Judaism laid out a system of laws that are not simply intuitive, but also do not require all people to act as Jews. Simply by avoiding central transgressions and engaging in a broad range of productive activities (as defined by Jewish sources), Judaism assumed that non-Jews would attain the same blessed end as Jews themselves.

The Noahide (literally, “sons of Noah”) laws, known that way because of the Biblical assumption that all people today descend from Noah, enunciate those central transgressions and responsibilities. Much of the earlier literature on those laws, however, failed to recognize salient details, fostering a misleading picture of the hopes and values for non-Jews that they express.¹ Since a group’s perspective of others affects its self-perspective as well, misunderstanding what the Noahide laws seek from non-Jews also leaves Jews with a flawed understanding of what the religion wants from them as well.

Fully articulating the Jewish picture of a well-lived non-Jewish life will, first, clarify the issue itself. Second, it will demonstrate that Judaism did not anticipate a day when all people would become Jews, a rarity in monotheistic religions. Third, traditional Judaism’s assumption that non-Jews could live satisfactory and even laudable lives will impel us to briefly reconsider what it thought of as the goals of its own members as well.²

Characterizing Noahide Law

Previous discussions of Noahide law have seen it as either a natural law, where natural really means intuitive, or a law aimed at developing a minimal political community. For either of those views, the laws do not aim at education, spiritual uplift, or any of the goals we might normally expect of a religion. After a brief review of those sources, we will turn to our claim, in contrast, that the system actually required non-Jews to understand and accept fundamental aspects of the Jewish worldview, many of them far from intuitive. In addition,

¹ The Talmud *bSanbedrin* 56a, actually dates the commandments to Adam, which were then repeated to Noah when he left the Ark; why they are referred to as Noahide laws is something of a continuing question in Jewish thought, but not one that need detain us here.

There are, to be sure, groups of people in the U.S. and elsewhere who style themselves Noahides, and intend to follow the Noahide laws. As they in general lack full access to Jewish sources, the version of the Noahide laws they present often diverges from the system we elucidate here.

² The universal aspect of Noahide laws and Maimonides’ language in *Laws of Kings* 8;10 has led some to assume that he would require Jews to coerce observance of the Noahide laws among all non-Jews. This view does not sit well with Maimonides’ neglecting to mention an obligation for Jews to wage war to convert non-Jews to the Noahide system, see *Laws of Kings* 5;1. 8;10 should instead be read as saying that Jews must insure that non-Jews *who come under their control* adhere to the Noahide laws.

we will show that non-Jews were expected (as an obligation towards God) to contribute to the smooth running of the world, again in ways that went beyond the intuitive.

As listed in the Talmud, the Noahide laws demand that non-Jews establish a court system,³ refrain from committing blasphemy (cursing the Name of God), idolatry, incest, murder, theft, and eating part of an animal that was removed before the animal died. Hugo Grotius, one of the earliest non-Jewish writers to speak of Noahide law, called it a Jewish version of *ius gentium*, the term used in Roman law for those pieces of legislation that governed relationships between Romans and non-Romans.⁴ Grotius correctly captured one aspect of Noahide law, since Jewish law specifically required that any non-Jews who wished to reside among them agree to adhere to the Noahide laws.⁵ The Noahide laws thus do evince a Jewish strategy for how to deal with strangers in their midst.

Judaism went farther than that, however, expressing the hope and assumption that *all* non-Jews were obligated to adhere to these laws. That appears to fit the profile of *ius gentium* as well, since it was assumed to be “an intercultural law known to all peoples, later portrayed as a universal law flowing from a natural reason common to all mankind.”⁶ The universality of Noahide law, however, caused Grotius and the majority of those who followed to assume that these laws were rational, by which they meant that they could be intuited even without

³ Perhaps because it goes most directly to judgments about the justice of a particular society, these laws have been discussed more than all the others, making brevity on the issue almost impossible. One central question we have not seen fully addressed, but cannot discuss here, is how this law fits the Talmud’s assumption that the seven Noahide laws are all prohibitions. Maimonides, who (*Laws of Kings* 9;10) holds all the members of a non-Jewish society liable for any violation of the Noahide laws in public, seems to see it as a prohibition against sitting silent when these laws are being breached. Nahmanides, however, sees *dinim* as a commandment to set up a system of civil law; the capital punishment would accrue to those judges who neglected to combat violations that they were supposed to judge.

⁴ Alasdair MacIntyre, *Whose Justice? Which Rationality?* (U. of Notre Dame: Notre Dame, 1988), p. 149, first cites Wolfgang Kunkel, *An Introduction to Roman Legal and Constitutional History*, trans. JM Kelly (Oxford, 1973), p. 77 to point out that the norms of *ius gentium* were in fact no more than an extension of Roman law, a description that will be useful in our consideration of Noahide law. On p. 199, MacIntyre notes that *ius gentium* was primarily about relationships between peoples, which is not true of Noahide law.

⁵ See Maimonides, *Book of the Commandments*, Prohibition 51 and *Mishneh Torah*, *Laws of Idol Worship* 10;6.

⁶ Suzanne Last Stone, “Cultural Pluralism, Nationalism, and Universal Rights” *Cardozo Law Review* 12 (February 2000), 1213.

any external or divine guidance.⁷ Some Talmudic sources seem to agree,⁸ leading writers such as Moses Mendelssohn, Martin Buber, and Hermann Cohen,⁹ as well as contemporary thinkers such as David Novak and Nahum Rakover,¹⁰ to assume that the Noahide laws were a Jewish version of an intuitive universal law.

⁷ Terming a law rational confuses the issue, since it either means that any right-thinking person would see the importance of that legislation or that the law could be explained in a logically acceptable fashion, without regard to whether listeners would come to accept its necessity. Arguments on both sides of a political issue are often rational in the second sense rather than the first. For the sake of clarity, we here term “intuitive” those laws that could and would have been produced by human logic alone, and “explicable” those laws that could not be inferred independently, but make sense once they are promulgated. Jewish tradition clearly thought that Noahide laws were explicable, but most scholars have assumed that they were intuitive as well.

My claim that Noahide law is *not* intuitive poses the problem of how Judaism expected non-Jews to find out about their obligations, a question I hope to address elsewhere. For now, note Maimonides, *Laws of Kings* 10:1 who assumes that non-Jews are capitally culpable for ignorance of the laws that apply to them. J. David Bleich, *Contemporary Halakhic Problems II* (New York: KTAV, 1983) and Michael Broyde, “The Obligation of Jews to Seek Observance of Noahide Laws by Gentiles: A Theoretical Review” *Tikkun Olam: Social Responsibility in Jewish Thought and Law* eds. David Shatz, Chaim I. Waxman, and Nathan J. Diament (Northvale, NJ: Jason Aronson, 1997), 103-144 have argued that Jews are not obligated to teach these laws to non-Jews, although they do cite sources that obligate Jews to give non-Jews relevant information when requested.

⁸ Two Talmudic sources in particular are cited to support the natural law view: 1) *bErubin* 100b states that even without revelation, human beings would have learned modesty from the cat, theft from the ant, incest from the dove, and sexual etiquette from the rooster. Granting that the text meant that people would have inferred a religious obligation in those qualities, Noahide laws expect more than that. The second source, *bYoma* 67b, defines *mishpatim*, one of the words the Bible uses for laws, as those rules that, in a paraphrase of the Talmud, should have been promulgated even had the Torah not done so. The Talmud apparently means that these laws are so intuitive that every society will legislate them, as opposed to *huqim*, laws that outsiders attack as senseless. The five examples of reasonable laws are all in the Noahide list, supporting the view that they are natural laws. However, the Talmud does leave out two of the Noahide laws, the obligation to set up a legal system and the prohibition against eating a limb cut off of a living animal. In addition, the details of those laws that we will see below make it clear that while they address an intuitive topic, they were not intuitive in their full articulation.

⁹ For a discussion of each one’s views, see the relevant chapters in David Novak, *The Image of the Non-Jew in Judaism: An Historical and Constructive Study of the Noahide Laws* (New York: Edwin Mellen, 1983). Novak, *Natural Law in Judaism* (Cambridge: Cambridge U. Press, 1998), 147-49, suggests a new definition for natural law, saying that it consists of those laws that humans must define when they relate to those outside their communities; it is a law of the limits on behavior that must be accepted by those who would interact across community lines. That definition avoids the problem of identifying universally intuitive ideas but loses the fundamental attraction of the idea of natural law, its being universally both binding and recognizable as such. Once natural law becomes an extension of a particular community, it necessarily incorporates particularistic views of that community, which may or may not be universally appreciated.

¹⁰ In English, Rakover’s main contributions to the discussion have been ““Jewish Law and the Noahide Obligation to Preserve Social Order,” *Cardozo Law Review* 12 (1991):1073-1136 and *Law and the Noahides: Law as a Universal Value* (Jerusalem, 1998), a translation of his Hebrew book on the topic.

Marvin Fox was the lead scholar taking the opposite point of view; he denied that Judaism had a concept of natural law, in general and specifically regarding Noahide law.¹¹ He argued that Talmudic sources that had been read as labeling certain laws intuitive really only meant to express the explicability of those laws, the ease of explaining them to outsiders after God had commanded them.

To prove that the Noahide laws were not meant to be intuitive, Fox and others pointed to Maimonides' ruling that non-Jews' observance of these laws could only earn them a share in the World to Come if they observed them as a response to God's command.¹² A person who figures out Noahide law independently, Maimonides says, may qualify as wise, but not as one of the Righteous of the Nations, his term for non-Jews who properly fulfill God's wishes and can therefore expect a share in the World to Come.¹³ Insisting on an awareness of divine command, Fox cogently argues, means that Jewish law required more than just adhering to intuitive law, even for non-Jews.

Albo on Natural, Conventional, and Religious Law

Some support for Fox's claims about Judaism comes from Joseph Albo, the fifteenth century thinker who was the first to use the Hebrew term for natural law, *dat tiv`it*. The term itself seems to point towards the presence of such a concept in Jewish thought, but more careful analysis shows that Albo's three categories of law do not fully fit either the pro- or anti- natural law camps' assertions about Judaism. He says that laws are either natural, which he clarifies to mean that they apply to all people everywhere since they are part of the way the world works; conventional, defined as laws that vary to accommodate the different so-

¹¹ Marvin Fox, "Maimonides and Aquinas on Natural Law" *Dine Israel* 3 (1972), pp. 10 and 26. See also J. David Bleich, "Judaism and Natural Law," *Jewish Law Annual* VII (1988), 5-42.

¹² *Laws of Kings* 8;11.

¹³ There is a long-running debate about the text of a crucial word in that comment, affecting whether Maimonides characterized such people as wise, or denied that they were wise, but that is not our issue. For one discussion, see Jacob I. Dienstag, "Natural Law in Maimonidean Thought and Scholarship" *Jewish Law Annual* 6 (1987), 64-77.

cial, physical, economic, and political conditions among societies; or religious, commanded by God as revealed to a prophet.¹⁴

Elsewhere in the work, Albo considers whether religious law must be universal. From God's perspective, he says, it would have to be, since God is one and the same throughout the world. He points out, though, that God takes account of the differences among people and societies, so He could reasonably have legislated more than one law. Those laws could not differ on fundamental matters, but they could take into account the different audiences to whom they were being addressed.¹⁵ Crucial for our purposes is the example Albo offers of different religious laws, the Noahide and Sinaitic codes; although both are *religious law*, he says, they differ in their particulars because they address different groups of people.

The comparison shows that while Albo accepted the existence of some kind of natural law, it was not the same as Noahide law, which he saw as parallel to Sinaitic law for Jews. He also recognized the possibility that universal laws might still not be natural; they might be those subsections of God's law that God chose to apply universally. The universality of the Noahide system, in other words, does not translate to its being natural. Indeed, since Noahide law supersedes natural law, it marginalizes it except for those areas where Noahide law was silent; in such circumstances, natural law would still rule.

The Third Way: Natural Morality with an Overlay of Noahide Law

Based on Fox's points and Albo's summary, those who adopt a middle position on the issue, among them Rabbi Aharon Lichtenstein, seem to have best captured Judaism's view.¹⁶ Explicitly refusing to express an opinion on the issue of natural law, Rabbi Lichten-

¹⁴ Joseph Albo, ספר העקריות, *Book of Principles*, I;7.

¹⁵ *Ibid*, I;25.

¹⁶ Not to be confused with Aaron Lichtenstein, author of *Seven Laws of Noah* (New York: RJJ, 1986), whom we will also cite.

stein noted that there was certainly a Jewish assumption of a natural *morality*, a morality that is intuitive and universally binding on Jews and non-Jews.¹⁷

That morality, however, is not coterminous with Noahide law, as Norman Lamm and Aaron Kirschenbaum also pointed out.¹⁸ Writing on his own elsewhere, Kirschenbaum showed that Scripture and Talmudic sources conceived of the Noahide laws as a covenant between God and non-Jews, a covenant the non-Jews repeatedly violated, leading to its almost complete abrogation.¹⁹ The language of covenant also contradicts the picture of Noahide law as intuitive, since pacts by parties do not generally ratify intuitive obligations.

The assumption that intuitive morality is binding upon non-Jews is an important first step in constructing the Jewish model of non-Jewish life. It is not just that non-Jews' violating natural morality would be practically problematic; Judaism sees it as a flaw in those non-Jews' relationship with God. That morality, however, is largely undefined,²⁰ and therefore cannot help us much in articulating the ideal life for non-Jews.

Turning to the specific rules of the Noahide system, the seven basic laws and the positive expectations that go beyond those seven, we find clinching evidence that it is more than just an expression of intuitive human values. To anticipate, we will find that the Noahide laws obligated non-Jews in making a society out of their communities (rather than being just groups of individuals who regulate themselves only as much as necessary to avoid conflict); to refrain from rebelling against God and to develop a relationship with Him; to

¹⁷ Rabbi Aharon Lichtenstein, "Does Jewish Tradition Recognize An Ethic Independent of Halakha?" *Modern Jewish Ethics* (Ohio State, 1975), 62-4. He does not define that morality, but I suspect it shares much with the moral minimalism Michael Walzer speaks of in *Thick and Thin: Moral Argument at Home and Abroad* (Notre Dame: U. of Notre Dame, 1994), 1-21.

¹⁸ A. Kirschenbaum and N. Lamm, "Freedom and Constraint in the Jewish Judicial Process" *Cardozo Law Review* 1 (Spring, 1979), p. 120ff. See also Bleich, "Judaism and Natural Law", above note 11, pp. 13-25.

¹⁹ The meaning of Talmudic sources (*bBaba Kama* 38a and *bAvodah Zarah* 2b-3a) that read Habakkuk 3;6 as expressing God's despair of non-Jews' observing the Noahide laws relates to the question of how non-Jews were supposed to know of these obligations; I hope to address it in that context.

²⁰ For an interesting example, see the twelfth century R. Samuel b. Meir (RaSHBaM)'s commentary to Genesis 26;8, where he assumes that welcoming guests (or, perhaps, travelers) is an intuitive and binding *universal* obligation.

strictly respect the right to life and property; to express sexuality away from the family of origin and only with members of the opposite sex; and to recognize the seriousness of making use of animal life as food.

By reviewing only those rules that justify these characterizations, we can confirm that Noahide law conveyed a more specific and more Jewish message than has hitherto been realized.

Dinim—The Social System

The commandment to establish courts, referred to as *dinim*, has received too much attention for us to meaningfully summarize it here. Medieval Jewish interpretations of this commandment, though, show that important authorities assumed that this law obligated non-Jews to set up a society that involved more legislation and societal control of people's interactions than just the minimum needed to prevent conflict.²¹

The medieval debate about the scope of the obligation, for example, sheds light on its function as well. Maimonides points to this law as the justification for Simeon and Levi killing the people of Shechem²² after the abduction and rape of Dinah. In his view, all of Shechem were capitally obligated to judge and punish their prince, also named Shechem, for kidnapping, a kind of theft.²³ More than just solving the theological problem of how two

²¹ Suzanne Last Stone, "Sinaitic and Noahide Law: Legal Pluralism in Jewish Law," *Cardozo Law Review* 12 (1991) 1159 and passim contrasted Noahide law, which developed a moral political life, with Sinaitic law, which worked for a covenantal community with God. In her more recent "The Jewish Tradition and Civil Society," *Alternative Conceptions of Civil Society* eds. S. Chambers and W. Kymlicka (Princeton: Princeton U. Press, 2002), p. 154, she characterizes Noahide law as "the moral order given by God to humanity...consisting of seven basic human obligations...and to establish a system of justice. The nations of the world thus also potentially constitute societies of moral significance whose basic purpose is to establish justice in the social sphere..."

²² Genesis 34.

²³ This view of corporate responsibility for immorality goes much further than our current sensibilities allow. Accepting Maimonides' view would mean that members of a society that lacks proper laws or effective enforcement of those laws would be responsible to exert themselves to the utmost to effect change. On the other hand, Maimonides does not require Noahides to be killed in order to avoid transgressing their laws, see *Laws of Kings* 10;2 and J. David Bleich, above note 11, p. 13, n. 22. Maimonides therefore seems to assume that Shechem did not have the power to impose his will on the people. The issue of when coercion alleviates the responsibility to protest and fight a corrupt system deserves further treatment.

admired figures, progenitors of Tribes of Israel, could commit mass murder, Maimonides here expresses a forceful view of non-Jews' responsibility to insure the observance of the Noahide laws.

His assumption of extensive observer-responsibility is certainly not intuitive, as shown, at the very least, by Nahmanides' (a thirteenth century Catalonian Talmudist and Biblical commentator) having rejected it. Nahmanides instead sees the obligation as mandating establishing a system of civil law.²⁴ He did not set exact parameters for what this system had to cover, but gave numerous examples, including "theft, overcharging, withholding wages, bailments, rape and seduction, torts, lending, business, and so on."²⁵ Nahmanides thought that the non-Jewish obligation to set up a court system was a subset of this one, a positive requirement rather than a capital crime.

The simplest reading of Nahmanides, the one least laden with outside assumptions, would seem to be that he thought that the Torah just wanted non-Jews to establish the kinds of laws that all societies do, but that the specific choice and details of those laws was left up to each society. The sixteenth-century R. Moses Isserles (ReMA), however, asserted that Nahmanides meant that non-Jewish courts were required to adopt *Jewish law* in these areas.²⁶ Since Jewish civil law is certainly not intuitive—it is derived, analyzed, and elaborated in extensive and complex discussions in both the Talmud and the Midreshei Halachah, with debates at most stages of the process, meaning that even the rabbis most expert in the system

²⁴ Nahmanides assumes that anyone who violated these laws would also be liable for the death penalty. If so, however, it is unclear why *gezeq*, theft, was singled out as one of the Noahide laws. This might suggest, as we mention below, that at least these laws—the ones included only as part of the general rubric of *dinim*—were open to lighter punishments.

²⁵ Commentary on Genesis 34:13.

²⁶ Responsa *Rema*, 10. R. Moses Sofer, *Responsa Hatam Sofer* 6:14 and R. Eliezer Waldenburg, *Responsa Tsits Eliezer* 16:55 analyze Rema's view at length, and Sofer at least seems to accept it. R. Naftali Zevi Yehudah Berlin (Netsiv), in his commentary on R. Ahai Gaon's *Sheillot, Haamek She'alab*, 3:2 disagreed, citing Psalms 147:20—"He has not done so to any nation, nor has he informed them of laws [*mishpatim*]"-- as proof that Jewish civil law was given only to Jews.

could not intuit its laws in a universally convincing way—for ReMA, *dinim* would not be intuitive, either.

Even if we do not accept ReMA's view, the commandments are still not seen as intuitive. First, details of laws almost always reflect a particular set of assumptions about the world; when Nahmanides requires non-Jews to legislate a detailed system of civil and tort law, that inherently would lead them to shape a society rather than just enforce universal and innate rules for human interactions. More importantly, his assumption that non-Jews could write their own laws in *this* commandment implies that the rest of the system, where they did not have such power, was not accessible to human intuition. Whichever version of *dinim* we take, we have at most a weak form of natural law, and much of Noahide law left unexplained.

All these views share the assumption that *dinim* required non-Jews to create a society that provided structure and justice, as opposed to simply regulating the interactions among individuals to avoid conflict. This is clearest for Maimonides, who sees non-Jews as capitally responsible for the behavior of *others* in their society. ReMA seems to have hoped for non-Jews to set up a society that followed Jewish civil law, meaning that they would have to adopt the extensive thematic underpinnings of that law as well. Even Nahmanides, who may have seen the laws as purely functional, envisioned them as creating more than a minimal society.²⁷

Before leaving this admittedly brief discussion of *dinim*, we should also stress the Talmud's assumption that all transgressions of the Noahide laws were punishable by death, a punishment that is not intuitive, especially for crimes like theft or eating a limb that came off of a living animal. Several rabbis and scholars, in fact, have argued that capital punishment

²⁷ Laws of bailments, for example, may be seen as technical, a way to avoid disagreements about parties' responsibilities, but they go well beyond a minimal standard of what society needs to function. When Nahmanides, Isserles, and others assume that non-Jews were obligated to set up an extensive system of civil law, that inherently, to my view, required them to confront questions of the kinds of responsibilities their citizens bore to each other, which distinguishes a society from a concatenation of individuals.

for these crimes was optional rather than mandatory. R. Aaron Soloveitchik zt"l took this option so seriously that he thought it would be cruel for any society to punish offenders more harshly than was necessary to rehabilitate them.²⁸

Arnold Enker argues that Maimonides held this position, since Maimonides uses the verb *neherag*, is (or, may be) killed, for the fate of a Noahide transgressor, as opposed to *hay-yav mittah*, the term Enker assumes indicates an obligatory death penalty.²⁹ In a slightly different expression of the same fundamental idea, R. Joab Joshua Weingarten (1847-1922) suggested that if non-Jews made their own laws on interpersonal issues, they would be allowed to institute a lower level of punishment, since their established law becomes a kind of communal foregoing of their right to kill offenders.³⁰

I find only Rabbi Weingarten's argument possible, for several reasons. First, Rabbi J. David Bleich points out that Maimonides' reason for why Simeon and Levi put Shechem to the sword only works if the death penalty is mandatory,³¹ since otherwise the brothers were meting out an unnecessary death penalty and much if not all of the moral problem returns. Second, the argument that it is possible to legislate less than death should apply equally to all Noahide laws, but there is no support, from the perspective of the Talmud and subsequent literature, to allow less than the death penalty for murder, idolatry, blasphemy, or the worst forms of incest.

Enker's textual inference is flawed, since it is not clear that Maimonides requires a court proceeding for executing non-Jewish transgressors; if so, he might have used "is killed" to indicate that the person is available for extrajudicial killing. Other sources, incidentally, *do* require that court proceeding before execution.³²

²⁸ "In the Matter of the Noahides (Hebrew)" *Beit Yitsbak* 19 (5747/1987), 336.

²⁹ "Aspects of Interaction Between the Torah Law, the King's Law, and the Noahide Law in Jewish Criminal Law" *Cardozo Law Review* 12:3-4 (Feb.-March, 1991), 1153.

³⁰ Responsa *Helkat Yoav*, Appendix 14.

³¹ Above, note 7, p. 345.

³² *Tosafot Avodah Zara* 64b, s.v. *Eizehu ger*.

R. Weingarten's argument regarding burglary or fraud, however, is more plausible. Nahmanides' view that all the laws legislated as part of *dinim* were punishable by death leaves unexplained the singling out of theft as a crime of its own. Perhaps, then, thieves *necessarily* incur the death penalty while crimes legislated as part of *dinim* are open to lesser punishment.

However we understand the issue, the Talmudic assumption that these seven merited death was not so much an attempt to bring about death for transgressors (since the Talmud had no power to actualize such punishments) as an expression of values, that these laws were the bare minimum justifying human existence; violating any of them, to any extent, meant forfeiting one's right to life.³³ Keeping that in mind will reinforce our impression that these laws were more than a conventional way to regulate human interaction.

God—Idolatry and Blasphemy

The commandments to forego idolatry and refrain from blasphemy obligate non-Jews in monotheistic belief—they cannot accept any power other than God as the ruler of their universe—and a basic submission to the Creator, each within an identifiably Jewish model. The religious climates, in Talmudic times and in our own, make it hard to believe that even Jews saw their monotheism as intuitive.³⁴

First, paganism was alive and well in the time of the Talmud—Christianity did not conquer the Roman world until the fourth century, and Persia was pagan well beyond then. Second, traditional Jewish law counted at least some versions of major modern religions as idol-worshipping.³⁵ References to the prohibition against idol worship as universal, then,

³³ The contrast with Jews, who do not incur the death penalty for some of these same acts, needs further discussion. Suzanne Last Stone provides insightful comments from a different perspective than that suggested here, in "Sinaitic and Noahide Law: Legal Pluralism in Jewish Law" above note 21, p. 1179.

³⁴ Even Maimonides, who thought that the existence of a single God was logically demonstrable, recognized the difficulty in intuiting that fact on one's own. In his view, *Laws of Idol Worship* 1;3, Abraham spent thirty-seven years struggling with the issue before deciding that there was only one God.

³⁵ Identifying idolatrous religious practices is not as easy as it might seem. Multiplicity of gods certainly suggests idolatry, but how a religion expresses its understanding of those gods can turn obvious paganism into a more murky monotheism. Catholic views of the Trinity, according to most medieval Jewish views, consti-

must mean only that the Talmud expected non-Jews to understand that a monotheistic system would prohibit idolatry, not that they would intuitively accept such a system.

Even those who insist that the prohibition of idolatry is intuitive need to recognize the Jewishness of the Talmud's definition of it, at least at the level of incurring the death penalty. We can easily understand the liability assumed for anyone who worships an idol in its ordinary manner or verbally accepts its status as a deity; that is the inherent definition of the prohibition. What becomes more surprising is the system's ruling that anyone who bows down, offers incense, sacrifices, or libates to an idol that is *not* worshiped that way still deserves death.³⁶

In contrast, other acts of admiration and love—kissing, hugging, washing, polishing—do not incur the death penalty. The Talmud explains that the included forms of worship make the list because they were *avodot penim*, acts of worship that occurred within the sanctuary of the Temple itself. It is the Temple aspect of these acts that shape their definition as worship of an idol not normally served that way.

Aside from the particularism of asserting that Jewish ideas of worship define others' acts, the rule assumes that non-Jews need to know something about Judaism and its Temple. To highlight the issue, we might imagine two non-Jews who wish to actively (although not verbally, since verbal acceptance itself incurs the death penalty) express their good feelings towards some idol. This idol's normal worship involves people throwing money at its feet.

Destitute, one of our people rushes up to the idol, hugs it, kisses it, and polishes it to a fine sheen. The other lights some incense before it. From the Jewish perspective, the sec-

tuted idolatry; many Protestant versions do not. Hinduism worships many gods, but some adherents claim that they are only meant as avenues to, or expressions of, the central god. Bowing down to a statue of the Buddha can be an idolatrous act or a way of enunciating respect for the life he lived and the ideals he taught, depending on the intent of the person. The point here is not to define idolatrous world religions, but to show that whatever definition Judaism adopts is not intuitive to millions of twenty first century people, despite thousands of years of Jewish monotheistic rhetoric.

³⁶ *bSanhedrin* 60b.

ond would get the death penalty for idolatry while the first would not.³⁷ A non-Jew could avoid all of this, of course, by simply refraining from expressing *any* positive feelings for powers other than the single Creator of the World, but that, too, means the non-Jew has accepted Jewish monotheism.

Moving to blasphemy, non-Jews who care about the Noahide laws could just avoid the whole issue by never expressing negative feelings towards God. Those who want to know the line between a capital crime and an ordinary prohibition, though, would need to know something about how Jews refer to God. The blasphemy rules, for Jews and non-Jews, address two main issues: what words constitute blasphemy and the name of God that must be used to raise the act to a capital crime. Simply saying, for example, “I hate God, I hope He x,” while not lauded, would not earn a person, Jew or non-Jew, the death penalty.

Instead, based in part on its reading of Scripture, the Talmud requires that the blasphemer use a name of God as part of the curse. In the Talmudic idiom, the blasphemer must say “Yose should hit (or kill) Yose,” with Yose being a euphemism for names of God.³⁸ The Talmud records a debate as to what words qualify to substitute for “Yose” in the preceding sentence.

The majority opinion asserts that a Jew will not be put to death unless he uses the special name of God, YHWH or, according to Maimonides, Adonay.³⁹ Non-Jews, on the other hand, would be put to death for using any *kinui*—a word we will define in a moment—of God’s name.⁴⁰ Maimonides sees the term *kinui* as including:1) alternative names, such as

³⁷ See *Laws of Kings*, 9;2, based on *bSanhedrin* 56b, which ties a Noahide’s liability into a Jew’s being killed by a court for his worship.

³⁸ I have seen no differentiation of non-Jews from Jews in this regard; that would mean that to be liable, a non-Jew would also need to understand that anything other than a blasphemy that uses God Himself as part of the blasphemy does not rise to the level that forces a court’s intervention.

³⁹ *bSanhedrin* 56a and Maimonides, *Laws of Idol Worship*, 2;7.

⁴⁰ This is the ruling, at least, of Maimonides, who apparently accepted the view of R. Meisha, that even the Rabbis agreed that non-Jews would be liable for alternate names. R. Joseph Karo in his *Kesef Mishnah* commentary to the Mishneh Torah, *ibid*, wonders why Maimonides would accept that view, and *Lehem Mishneh*, another commentator, offers an explanation. The different rules for Jews and non-Jews, in this case, might be explained by the Talmudic assumption that Jews’ more sophisticated and detailed relationship with God casts a different light on their blasphemous statements.

Elohim or Tsevaot, 2) ordinary Hebrew terms for qualities that Scripture attached to God, such as “He Who is Compassionate” or “Merciful,” and 3) terms used for God in non-Hebrew languages, such as Allah, God, or Dieu.⁴¹ Other commentators⁴² may have limited capital liability to those who use an actual name of God, such as Elohim or Tsevaot, which the Talmud would have referred to as a *kinui*, a nickname, in comparison to the special names.

Either version places capital blasphemy in a Jewish context. While all blasphemy is reprehensible, the blasphemy that moves a court to action is only that which takes on God identified in an authorized form—the names that are included in Scripture, and, for Maimonides, the character traits that are linked to God and the names of God in other languages. Like idol worship, capital blasphemy only becomes a problem when it rebels against God in a Jewishly defined way.⁴³

Murder

While murder is perhaps the most intuitive crime around, we find that the Noahide code prohibits and punishes forms of killing that are today the subject of much debate. Killing oneself, a fetus (abortion), or a person who will certainly die within a defined period of time constitutes capital murder for non-Jews,⁴⁴ as does indirectly causing another’s death, such as by chaining that person in a place where heat, exposure, or a train will certainly kill him or her (and does).⁴⁵

⁴¹ See the definition of *kinui* in *Laws of Oaths* 2;2.

⁴² See, e.g., Rashi to *bSanhedrin* 56a, s.v. *ve-aliba de-Rabi Meir*, who lists only actual names of God when he refers to *kinuim*.

⁴³ Admittedly, Maimonides also includes the words for God in other languages. But if a Christian, for example, called on “the Father” to strike or kill “the Father” or “the Holy Ghost,” it is not clear that Jewish or Noahide courts would see that as a capital crime.

⁴⁴ Although not our issue here, the Jewish exemption from capital punishment for some of these crimes depends, I believe, on the system’s reliance that God will punish the person, as is clear from Maimonides’ formulations in *Laws of Murder* 2;2-4 and 3;10. That non-Jews may not similarly rely on Divine intervention suggests that Jewish sources assumed a higher level of direct Providence for Jews.

⁴⁵ *Laws of Kings* 9;4.

The vigorous debate about these issues in modern societies—abortion, assisted suicide, and the level of liability for indirect killing-- shows that defining them as murder is not intuitive. More than that, these rules express the Noahide system's equating all human life—however underdeveloped or certain to expire—in declaring it off limits to human intervention to end it.⁴⁶ Mandating such a particular view of the arenas in which people are allowed to attempt to shape the course of life shows the extent to which Judaism assumed that non-Jews needed to absorb Jewish perspectives of the world.

Incest

Incest laws might seem intuitive, except that—as the result of a complex Talmudic discussion not worth detailing here—Noahide law only prohibits such relations with a select group, a list that is neither intuitive nor easily explained. As Maimonides codifies it,⁴⁷ mothers, father's wives, married women, maternal half-sisters, men, and animals are all proscribed sexual partners.

The meaning behind most of these rules can be seen from the Talmud's derivation. Parsing the verse that first discusses human marriage—"Therefore shall a man leave his mother and father and cleave to his wife and they shall be one flesh"--⁴⁸ the Talmud asserts that human sexuality must involve leaving one's parents (with the father's wife standing in for the father himself) to create a physical bond (of the sort that only men and women can create with each other, not men and men)⁴⁹ with one's wife (and not a woman married to

⁴⁶ The emphasis on the prohibition of killing has led some to question whether Noahides were allowed to wage war, see Rabbi Bleich, above, note 7, 159-66.

⁴⁷ *Laws of Kings* 9;5-8. Note that Maimonides devotes significantly more space to incest and the prohibition of *ever min habay*, eating a limb cut off of a living animal, than to the others, perhaps because these were least intuitive.

⁴⁸ Genesis 2;24.

⁴⁹ Again, the prohibition of homosexuality is not intuitive, either in Talmudic times or our own; its inclusion in the Noahide laws is a corollary of the assumption that sex relates to the production of children.

someone else), that will, in the ordinary course of events, lead them to become as one flesh, which rules out bestiality.

Sexuality, in this presentation, is an extension of marriage (and childbearing); only those relationships that *could be* marital, of the form where the physical union could produce children, are allowed.⁵⁰ Marriage, and therefore sex, could only happen outside the original nuclear family and only with partners who could, at least from an external physical perspective, lead to offspring.⁵¹ Even without insisting that sex happen only within marriage, then, Noahide law was requiring that it take the form of an act that could be marital, and that it not interfere in any preexisting marriage.⁵²

Theft

Like murder, theft seems intuitive, but the reaction to it in the Noahide code goes beyond the expected. As we have mentioned, theft of even the most minimal amounts of money, and even if the victim of the theft is not the rightful owner, incur the death penalty. In the most extreme example, if one non-Jew steals a minimal amount of money—a *shaveh perutah*—and then another non-Jew steals it from him, both would be put to death.⁵³

⁵⁰ Although non-Jews have no obligation to marry every time they wish to engage in sexual intercourse, see Maimonides, *Laws of Marriage* 1;4.

⁵¹ This requirement is formal rather than practical. It is not that this man and this woman *be* able to produce children—people beyond childbearing years are also allowed to engage in intercourse—but that the physical act they engage in be one that could produce children. The story of Sarah also suggests, *inter alia*, that our knowledge that a woman can no longer give birth is not as absolute as we tend to assume. If so, relations between a man and a woman are, in a highly theoretical way, always able to produce children.

⁵² Two details of the incest laws—that only a maternal half-sister is included in sister incest and the permissibility of intercourse with one's daughter, *Laws of Kings* 9;5—show not only that the laws are not intuitive, but also that their central concern is getting men to direct their sexuality away from the family of origin rather than any genetic problems with incest. A maternal half-sister came out of the same womb as the man, which makes her more a part of his family of origin than a paternal half-sister, with whom no physical connection exists. Of course, that distinction has no genetic import whatsoever. The same is true of intercourse with a daughter, where the genetic consequences could be disastrous, but are not the concern of the law in question. Other medieval authorities defined the incest prohibitions for non-Jews differently, such as R. Meir Abulafia, *Yad Ramah* to *bSanhedrin* 57b-58b.

⁵³ See *Laws of Kings* 9;9, based on *bAvodah Zarah* 72a.

Such severity indicates that the system wanted not only to protect property in practice, but to articulate clearly the absolute inviolability of what is not one's own. Given that much of law was left up to each society (regardless of which view of *dinim* we accept) Jewish tradition seems to have assumed that the Torah at least wanted to emphasize the centrality of refraining from taking items that are not one's own.⁵⁴

Ever Min haHay—The Limbs of a Living Animal

Those who see Noahide law as either a natural law or a minimal political law identify the prohibition of *ever min habay*, eating a limb that came off of an animal while it was still alive, as an anti-cruelty prohibition.⁵⁵ That would only be true if the rule forbade *cutting off* the limb of an animal; in fact, though, the Talmud only prohibits *eating* such a limb. While Judaism is not in favor of cruelty to animals, it does not promulgate a specific prohibition for non-Jews to act in a cruel way, and certainly does not require the death penalty for so doing. Non-Jews could, presumably, amputate animals' limbs for medical research, but they could not eat those limbs.

We can understand the law's focus on *ever min habay* (limb from a living animal) as a *food* prohibition rather than a cruelty one by recalling that Judaism assumed that antediluvian humanity could not eat meat.⁵⁶ When God allowed meat after the Flood, He required people to insure that that meat was dead before they ate it. Animals were now acceptable

⁵⁴ The horror that many of us would feel towards putting someone to death for stealing a few dollars proves how inured we have become to theft. Were we to be more sensitive to the damage it causes to the fabric of society, we might understand better how it could reasonably arouse the kind of moral revulsion reserved for murder or rape-- which, incidentally, is seen as a kind of theft by at least one rabbinic author.

⁵⁵ A. Enker, above, text at note 29, p. 1147. David Novak, *The Image of the Non-Jew in Judaism: An Historical and Constructive Study of the Noahide Laws*, above note 9, 245, sees the prohibitions of parts of living animals, such as meat or blood, as violations of the order of nature. Aaron Lichtenstein, *The Seven Laws of Noah*, 2d ed. (New York: RJJ School, 1986), 56 sees two principles in the rule, the first of which is cruelty to animals. His second is the one we suggest in the text.

⁵⁶ *bSanhedrin* 59b.

sources of food, and people had the right to eat them, but only after they had died or been killed.

Taken together, the seven Noahide laws thus obligate non-Jews to accept fundamental Jewish ideas about how to relate to God, to sex, to others' lives and property, and to food. Non-Jews need not become Jews, but they are expected to accept and adopt basic Jewish beliefs in realms that go to the core of human self-perception.

The Rest of the Noahide System

Even if Noahide law consisted only of these seven, it would already teach us a great deal about how Jews expected non-Jews to live. In fact, though, those seven are only the ones that the Talmud thought incurred the death penalty. Halacha's other expectations of non-Jews, both prohibitions and positive obligations, will round out the picture we are painting, and allow us to accurately summarize Jewish hopes for non-Jews.

We have already several times noted prohibited acts that did not carry the death penalty. For example, blasphemy has to take a certain form, as does idol worship, in order to merit death. The system did not intend to condone other forms of the act; it simply recognized that they did not rise to the level of a capital crime.

Maimonides understood the Talmudic sources to also prohibit cross-breeding, whether by grafting fruit from one tree to another or by mating animals of different species. In the Talmud, one opinion had seen this as a capital crime,⁵⁷ one of the seven, but Maimonides only lists it as a plain prohibition. Jewish thinkers have explained that prohibition as teaching the importance of accepting the sufficiency of God's Creation.⁵⁸

The rule's being limited to trees and animals for non-Jews—meaning that cross-breeding plants would be allowed, for example—suggests that it was the visibility of the act

⁵⁷ The opinion of *Tanna de-Bei Menashev*, *bSanhedrin* 56b. Maimonides apparently codified the opinion of R. Eliezer, who saw this as an added prohibition rather than an essential one.

⁵⁸ *Laws of Kings* 10; 6. For the reason underlying the prohibition, see *Sefer haHinukh*, *Mitsvah* 244.

that was a problem. Seeds are dropped in the ground, so that the process occurs out of sight, almost as if it were an extension of nature; with trees and animals, however, the cross-breeding openly expresses humans' interest in inappropriately bettering Creation.

Turning to the positive side of the coin, Jewish tradition assumed that non-Jews bore responsibilities to the world, to others, and to God; we will here take one example of each. Before recording those obligations, though, we should mention that a tenth century North African rabbi, R. Nissim of Kairouan, assumed, like others we have already seen, that non-Jews are obligated in *any* intuitive act. He, however, claims that there were 28 or 30 such obligations before the giving of the Torah.⁵⁹ For him, intuition had been codified and defined more fully than we have assumed here.

Beyond that, however, we can show three more extensive obligations for non-Jews. First, the Mishnah assumes a general human obligation, extending to non-Jews and to slaves, to participate in insuring that the world is inhabited. The original context was a discussion of how to handle a half-slave, a slave freed by one of his original two owners. Beit Hillel addressed the monetary issue, ruling that he should work for his remaining master on alternate days. Beit Shammai objected to this plan, since a half-slave could not have sexual relations with any woman. Citing Isaiah 45;18, "not for chaos did He create it, to be inhabited He formed it," Beit Shammai proved to their and Beit Hillel's satisfaction that Jewish law prohibits creating a situation where a human being's legal status rules out the possibility of finding a sexual partner.⁶⁰

The specific case only proves that non-Jews are obligated to be involved in sexual relationships. The phraseology of the discussion and the verse cited, however, suggests a more

⁵⁹ See his introduction to the Talmud, printed at the beginning of *bBerakhot*. The number 30 seems to relate to *bHullin* 92a, which speaks of 30 commandments that Noahides accepted upon themselves. The Talmud does not list all 30, but others have tried to reconstruct it, notably Samuel b. Hofni Gaon of the tenth century and R. Menahem Azariah da Fano of the sixteenth; that issue, and their suggested lists, is beyond our current scope.

⁶⁰ See the Mishnah, *bGittin* 41a. A half-slave's free half could not consort with a slave while his slave half could not engage in intercourse with a free woman.

extensive set of obligations. First, in introducing the verse, Beit Shammai are quoted as saying that the “world was only created for procreation,” a locution that convinced numerous Jewish scholars that non-Jews were indeed expected to bear children—not just have sexual relations-- to insure the world’s continued habitation.⁶¹

The verse, however, implies a great deal more than just having children. The Talmud’s assumption that non-Jews are included in the obligation to fulfill God’s desire to avoid chaos and maintain the world’s habitation extends to them the responsibility to pass on a healthy and well-managed world to the next generation.⁶² This at least includes raising children, not just bearing them, acting with an eye towards ecological responsibility (wherever on the range of definitions for that term one falls), and quite possibly urges some level of political involvement as well. Since those aspects of the commandment are not defined any further, this would be an obligation where people could correctly feel that their intuition sufficed to guide them in fulfilling it.⁶³

Aside from assuring the world’s habitation, the Talmud also assumes that non-Jews must give charity. In its discussion of *dinim*, social laws, the Talmud cites a verse that speaks of Abraham commanding his descendants, male and female, to perform charity and justice in the land.⁶⁴ Since the Talmud assumed that women did not participate in the legal system, it could not see how the verse could refer to *dinim*. The Talmud therefore distinguished men

⁶¹ See, for some examples, *Sheiltot R. Abai Gaon, Sheilta* 165, *Tosafot Hagigah* 2b, s.v. *Lo*. Two important commentators on R. Joseph Caro’s *Shulhan Arukh* (Code of Jewish Law), *Beit Shemuel* and *Magen Avraham*, similarly assumed a general human obligation to marry (or cohabit) and bear children, see their comments to *Even haEzer* 1 and *Orah Hayyim* 146 respectively.

⁶² This also reflects God’s original desire, in Genesis, to put humans into the Garden “to work it and preserve it,” as noted by R. Aharon Lichtenstein in several public *shiurim*.

⁶³ This is a good example of an issue I hope to study more fully elsewhere, the balance between intuition and command in service of God. The idea of procreation was not intuitive, it was defined by Scripture; the exact definition of how to fully engage in the world-building that the verse desires, however, is left up to humans to define for themselves.

⁶⁴ *bSanhedrin* 57b, citing Genesis 18:19. The exact derivation is not straightforward, but also not our issue. I find it interesting that the Talmud infers ideals of non-Jewish behavior from Abraham, meaning that the Talmud sees him as an exemplary non-Jew, aside from his role as founder of the Jewish people.

from women, stating that the latter were commanded to perform acts of charity, while the men were also obligated to set up a legal system.

The Talmud does not define that obligation any further. At the very least, however, it has made clear its expectation that concerned non-Jews would shape their spending and giving with charity in mind.⁶⁵

The last obligation we will mention here does not appear explicitly in the Talmud, but was extrapolated by R. Moshe Feinstein zt"l.⁶⁶ He assumed that when faced with times of need—financial, health, or other— non-Jews are obligated to pray to God for assistance. While recognizing that the Talmud nowhere mentions such a duty, R. Moshe assumes that belief in God—which he extrapolates from Maimonides' requiring non-Jews to recognize that their laws came from God⁶⁷ -- includes turning to Him in times of distress.

That, incidentally, assumes not only God's existence and involvement with the world, but His willingness to at least sometimes respond to human prayer. Implicit in R. Feinstein's claim, then, is a fairly definite picture of God's relationship to the world, a picture he expects non- Jews to accept.

While we still have one more significant piece of our portrayal of a well-lived non-Jewish life to articulate, the view we have already discovered in traditional Jewish sources is extensive enough to merit summary before proceeding further. Seven basic prohibitions, capital crimes each, express the expectation that non-Jews will submit to God's rule by not worshiping other powers and by not cursing Him, that they will construct a working society both by establishing a system of law and by strictly respecting others' rights to life and property, that they will express their sexuality outside of their family of origin and only with a

⁶⁵ In pondering a non-Jewish obligation of charity, the question arises as to how much Judaism saw its own model as universal. Jewish tradition, based on Jacob's vow to give a tenth of whatever he had to God, obligated giving a tenth of one's income to charity. Whether non-Jews should also be giving that amount depends on whether Jacob was adopting an ordinary standard (like Avraham after defeating the four kings, who gave a tenth to Malkizedek), or a supererogatory one.

⁶⁶ *Responsa Iggerot Mosheh, Orach Hayyim*, 2:28.

⁶⁷ *Laws of Kings* 8:11.

non-married member of the opposite sex, and that they will only use animals as food after the animals have been killed or died.

Beyond the realm of capital crimes, we saw that non-Jews are not allowed to tamper with the species that God has created by grafting or crossbreeding, that they are required to foster the worlds' continued habitation and good health, that they must contribute to charity, and must establish enough of a relationship with God that they turn to Him for assistance in times of particular need. Seeing how they are expected to relate to Jews will allow us to finish our portrayal of Judaism's view of the well-lived non-Jewish life.

Acknowledging their Otherness

Several rules highlight Judaism's insistence that non-Jews remember, recognize, and respect their difference from Jews. First, the Sifre rules that even non-Jews who adhere to the Noahide laws—who have equal rights to welfare benefits in a Jewish commonwealth⁶⁸--may still not live in Jewish cities.⁶⁹ The requirement to set up separate communities stresses that in the Land of Israel, the Jewish homeland, non-Jews must see themselves as welcomed outsiders rather than as full members.

Talmudic statements about the significance of a non-Jew striking a Jew, observing the Sabbath, and studying Torah rhetorically stress the importance of non-Jews' recognizing and accepting their fundamental differences from Jews. In the first example, Jews' special status leads the Talmud to characterize a non-Jew striking a Jew as akin to striking God.⁷⁰

The other two examples involve areas of Jewish life seen as off-limits to non-Jews. Study of Torah was the vehicle of a unique bond between God and the Jewish people, so

⁶⁸ Jews are required to support the poor of Noahide-observers (called *ger toshan*, resident stranger) equally with their own poor, see Maimonides, *Laws of Gifts to the Poor* 7;1 and Rabad's gloss to *Laws of Prohibited Relations* 14;8.

⁶⁹ Sifre Deuteronomy 259. Rabad, *ibid*, assumes that Maimonides would maintain that rule even today, while he himself only draws that distinction when the Jewish commonwealth is fully functional.

⁷⁰ *bSanhedrin* 58b with Maimonides, *Laws of Kings*, 10;6.

that a non-Jew who studied Torah was breaking into this bond, and deserving of death.⁷¹ The right to take a day a week to cease all productive activity—the Sabbath— was also seen as a special gift to the Jewish people; humans in general had to devote every day to being productive, to contributing to the settlement of the world.⁷²

The exclusion of non-Jews from these two observances also highlights the reverse, the system’s general openness to their performing commandments even without converting.⁷³ Most surprisingly, Maimonides allows a Jew to circumcise a non-Jew, as long as the non-Jew intended his circumcision to fulfill the Biblical commandment.⁷⁴ I note that in particular because the Bible and Talmud stress the covenantal significance of circumcision; Genesis 17, which relates the story of Abraham’s circumcision, uses the term *berit*, covenant, thirteen times.⁷⁵ Allowing non-Jews to engage in the act without joining the covenant is an extreme example of the religion’s openness to partial non-Jewish observance.

⁷¹ *bSanhedrin* 59a. This prohibition is not as strict as it seems; non-Jews could study any parts of Torah that applied to them, which could be quite extensive. For one example, according to ReMA’s view that *dinim* included all of Jewish civil law, non-Jews could study all the topics and tractates that elucidate those laws, a huge chunk of the Talmudic corpus. The prohibition really means to prohibit the kind of theoretical study, with no meaningful practical ramifications, that Jews value as a religious act bringing them closer to God.

⁷² This is the implication of *bSanhedrin* 58b, which derives the prohibition from Genesis 8:22’s reference to never ceasing productivity, “day or night.” Here, too, the prohibition sounds more extensive than it is. Hatam Sofer (R. Moses Sofer, 1762-1839) in his novellae on the tractate, noted that vacations to restore one’s energies are part of being productive; presumably spending time with one’s children, attending meetings for charitable causes, demonstrating at political rallies would also all be part of contributing to the world, despite their not involving an actual job. The medieval commentators, Rashi, R. Meir haLevi Abulafia, Maimonides, and others, have slightly different versions of what exactly the non-Jew may not do. Maimonides, *Laws of Kings* 10;9 phrases the issue as one of setting up a religion for oneself, which would create many problems for modern non-Jews (unless he would have allowed religions that primarily condition non-Jews’ observance of the Noahide laws). Rashi focuses more narrowly (and plausibly) on Shabbat observance itself.

⁷³ Not all scholars, I should note, allowed non-Jews to perform any *mitzvah* they wished. Radvaz, (R. David ibn Avi Zimra, 1479-1573, Spain, Israel, and Egypt), glossing *Laws of Kings* 10;10, assumed that non-Jews may not perform commandments that require holiness and purity, such as wearing *tefillin*; R. Moses Feinstein (1895-1986), *Iggerot Moshe* 2;7 assumed that non-Jews could only keep commandments relating to donations to the Temple, giving charity, and so on, but nothing particular to Jews. On the other hand, in addition to Maimonides, R. Abraham Gumbiner (1637-83), *Magen Avraham* 304;12 and *Beur Halakbab* (R. Israel Meir Kagan, 1839-1933) there assumed that a non-Jew could choose some commandments to accept during the process of becoming a *ger toshav*, which would become permanently obligatory for that individual.

⁷⁴ *Laws of Circumcision* 3;7 and *Responsa* 148.

⁷⁵ Genesis 17 and *bShabbat* 132a and *bNedarim* 31b.

Maimonides' comment, that the foreskin is disgusting,⁷⁶ and his assumption that circumcision serves to reduce sexual desire,⁷⁷ offer one possibility as to why he would allow non-Jews to circumcise without fully joining the Jewish people. Since, for him, circumcision contributed to an ideal that applied equally to Jews and non-Jews, reining in sexual desire, it made sense to leave the option open to non-Jews as well.⁷⁸

Conclusion

The model of the world implicit in the rules that we have just studied differs markedly from that of other religions (and from some writers' views of Judaism), which tend to assume that their path to God is the only legitimate one. What we have shown is that Judaism set many boundaries on what was acceptable belief and activity, but left much room for non-Jews to productively and successfully establish a relationship with God without converting to Judaism.

Jewish thought's equanimity about a world where non-Jews would stay non-Jewish coupled with the Talmud's stress on the attitude non-Jews were supposed to have towards Jews suggests that traditional Judaism took the Scriptural characterization of Jews as "a kingdom of priests"⁷⁹ more seriously than has perhaps been hitherto realized.

Jewish priests lived markedly different lives from ordinary Jews; they had a different relationship to the Land, significantly more restrictions in whom they could marry or touch, and needed to hold themselves always ready to serve in the Temple if called. This was not a more ideal life, it was a different one, one more focused on God than was necessary for ordinary people, who were responsible for taking care of the fundamental needs of the world.

⁷⁶ *Laws of Circumcision* 3;8.

⁷⁷ *Guide* III;49.

⁷⁸ That also suggests that he saw the covenant with Abraham as based on Jews' agreeing to restrain themselves sexually, a topic that deserves fuller treatment as well.

⁷⁹ *Exodus* 19;6.

The Noahide laws and the sources we have adduced here point towards Jews as fulfilling a similar role. They, too, lived an unusual life—one that focused more than absolutely necessary on the relationship with God-- in a special place—again, not the only place where one could relate to God, but one with special characteristics in that regard—in order to be living representatives of the God Who hoped to bring all humanity to recognizing Him.

The rest of that world, however, had a mandate and proper lifestyle all its own. While non-Jews were supposed to recognize Jews' special role in the world and treat them appropriately, much as Jews themselves had to give honor to the priests in their midst, there was no expectation that they would necessarily, or preferably, convert to Judaism. Rather, they would serve God as they were born to do, by maintaining His world, improving it, and passing it on whole and sound to the generations after them.

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