

THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH LEARNING
PROJECT

The Noahide Laws – Lesson Five



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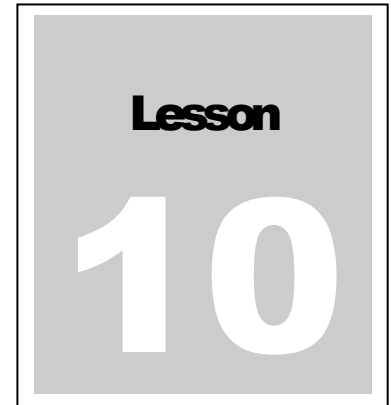
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Deriving the Noahide Laws I



Introduction

In the previous lesson we got a “birds-eye” view of the landscape of Torah learning. We reviewed many of the core texts and how they have shaped the observance and study of the Torah in the diaspora. We also discussed the chain of Torah transmission and the authority of authentic Torah interpretation.

In this lesson we are going to look at how the Noahide laws fit into the landscape of Torah learning, how they are derived from the Torah, and how they are interpreted. This lesson is an important precursor to discussing the Noahide laws in practice.

The Sources of the Noahide Laws

Until this point in this course, we have translated the Hebrew word *mitzvah* as “commandment.” However, this translation doesn’t fully capture the essence of *mitzvah*. **A *mitzvah* is best defined as an expression of God’s will. Any expression of God’s will or desire, whether stated explicit or merely intimated, is a *mitzvah*.** This is true for both the 613 *mitzvos* given to the Jews and the seven Noahide *mitzvos* given to all mankind.

The seven Noahide laws are not explicitly stated in any one place in the Torah. For that matter, neither are most of the other commandments of the Torah. The Noahide laws are communicated in a number of ways and in a number of places before the revelation at Sinai. As we will see, they are even derived from *mitzvos* given after Sinai.

Explicit Commandments

To Adam & Noah

Before the giving of the Torah, there were a number of commandments given to all of mankind via Adam and Noah:

God blessed them and God said to them, "Be fruitful and multiply, fill the earth and subdue it; and rule over the fish of the sea, the bird of the sky, and every living thing that moves on the earth." Genesis 1:28

Therefore a man shall leave his father and his mother and cling to his wife and they shall become one flesh. Genesis 2:24

But flesh, with its soul, its blood, you shall not eat. Genesis 9:4

However, your blood that belongs to your souls I will demand, of every beast I will demand it; but of man, of every man for that of his brother, I will demand the Soul of man. Whoever sheds the blood of man, by man shall his blood be shed... And you, be fruitful and multiply; teem the earth and increase upon it. Genesis 9:4-7

It appears that these commandments were intended for all mankind because they were given to the progenitors of the Human race.

God further instructed Abraham and his descendants in His will, right up until the Exodus from Sinai. For example, He commanded Abraham in the *mitzvah* of circumcision (Genesis 17:10). Many further commandments were given in Egypt prior and during the liberation. See Exodus 12 and 13 which enumerate the many laws of the Passover sacrifice and other *mitzvos*.

However, not all of these expressions of divine will are directed at all people. The commandments given to Noah and Adam are clearly relevant to all people.

However, those given to Abraham and his descendants are limited to them alone. For example, see Genesis 17:10 – 13:

*...Every male **among you** shall be circumcised... At the age of eight days every male **among you** shall be circumcised. He that is **born in your household...** shall be circumcised.*

We see that the Torah limits this commandment to the members of Abraham's family.¹

¹ See Sanhedrin 59b for an extensive discussion of whether these commandments applied to all or only some of Abraham's descendants.

This is the first factor in deriving the Noahide Laws:

Not all commandments from before the giving of the Torah were intended for all people. Some are universal; others are only for the families and descendants of the patriarchs of the Jewish people.

Commands Recorded Before Sinai Were Not Always Given Before Sinai

Therefore, until this day, the children of Israel do not to eat the displaced sinew on the hipsocket, for he struck Jacob's hip-socket on the displaced sinew. Genesis 32:33

It seems that a commandment was given at this point prohibiting the sciatic sinews. The Talmud, however, notes an oddity.² In this verse the Torah uses the term children of Israel. This is surprising because Jacob would not have his name changed to Israel until Genesis 35:10, well after the events discussed here.

The Talmud discusses this oddity, concluding that the commandment against eating the sinew was in fact given at Sinai. Yet, since eating the sinew is prohibited as a commemoration of Jacob's struggle, Moses recorded the *mitzvah* in its relevant place in Genesis.

The language *...until this day...* is explained by the same reasoning.

Our second factor in deriving the Noahide laws is:

Not all *mitzvos* written before Sinai (Exodus Ch. 20) were necessarily commanded before the revelation at Sinai took place

Implicit *Mitzvos*

God often expresses His will clearly. Sometimes, however, God's will is derived by implication or example. For example, God tells Noah that he is going to destroy the world on account of its being "filled with robbery" and having "corrupted its way upon the earth."³ See Genesis 6:11 – 13.

² See the Mishnah on Chullin 100b and Gemora to Chullin 101b.

³ Sanhedrin 56b -57a. Even though this is not the definitive derivation, it is one of a number of similar derivations by way of implication.

By implication, robbery and “corrupting its way...” must be abhorrent and punishable. By seeking to understand the exact parameters and boundaries of these two issues, we can discern God’s will for his creation.

There are many other places in the Torah, prior to Sinai, where God’s will is similarly implied.

This leads us to our third principle in understanding the Noahide laws:

A few of the Noahide laws are not directly commanded, but are rather implied by the history of God’s relationship with man.

Repetitions at Sinai

Some of the Noahide laws, whether communicated explicitly or by implication, are repeated by God when giving the Torah at Sinai (i.e. against murder and theft). Others (i.e. *Be fruitful and multiply...*) are not. If these are universal laws already incumbent upon mankind, then what is the point of repeating them at Sinai? And, if there is some need for their repetition, then why are only some of them repeated?

The Rabbis of the Talmud⁴ discuss this question in depth, comparing examples, looking at specific cases, and eventually derive the only conclusions that make sense and are consistent with the rest of the Torah:

- 1. A *mitzvah* applying to Noahides and repeated at Sinai applies to both Noahides and Jews,**
- 2. A *mitzvah* applying to Noahides and not repeated at Sinai only applies to Jews.**

God repeated the Noahide laws at Sinai for several reasons. The giving of the Torah modified many aspects of the original Noachic covenant (this will be discussed in greater detail later in this course). Among the changes it caused, was that it revised the universal quality of many *mitzvos* given before Sinai. Once the Torah was entrusted to Israel, all commandments given before Sinai ceased to be universal and, instead, applied only to the Jews (Rule 2). However, God wanted the universal quality of certain *mitzvos* to “carryover” into the post-Sinai world (Rule 1). Another reason is that God wanted to place specific universal laws clearly under the umbrella of Torah learning and interpretation.

⁴ Sanhedrin 59a.

Jewish vs. Noahide Law

The Talmud, in its analysis of the Noahide laws, derives another principle: **There is nothing permitted to a Jew which is forbidden to a Noahide.** This rule, directly related to the two that we just learned, applied only to matters of prohibition. For example, a there is no food that is kosher for a Jew, yet not kosher for a Noahide. This rule does not apply to positive commandments.

Many Commandments Given to Israel Modify the Parameters of the Noahide Laws

The last general principle to know is this: Commandments given to the Jews at Sinai modify the application of the Noahide laws. For example, take the following verse:

Anyone who blasphemes the name of God shall be put to death... as well as the convert and the native born. Leviticus 24:16

This verse is discussing the punishment for those who curse God. God has many names. This verse is teaching that execution is only applied to one who curses God's true name. While blaspheming lesser names is nonetheless prohibited, a native born Jew and convert are not put to death for doing so.

However, the Talmud is bothered by the phrase *...convert and the native alike*. Obviously, this verse must be speaking to the Jewish people – after all, it is being given at Sinai! So, why does the Torah need to specify to us that it only applies to converts and native born Jews? The reason is that the verse wishes to exclude Noahides from its teaching. The verse is saying that only Jews are executed for cursing one of God's true names, and are not executed for cursing lesser names. However, Noahides are executed for cursing even lesser names of God.

Applying the Principles

By overlying all of these principles, and filtering the Torah through them, the Noahide laws and their structure begins to emerge. However, it takes tremendous scholarship and intense knowledge of the texts and methods involved to derive all of the laws. The good news is that the rabbis of the Talmud have recorded much of this analysis for us. Most of it is concentrated in tractate Sanhedrin 56 to 60.

This specific lesson, being an overview, is not the place to map out in detail the derivation of each of the Noahide laws. We will, however, discuss their derivation

throughout this course as we explore the laws in depth. A complete summary will be provided as an appendix at the end of the course.

How Many Noahide Laws Are There?

Applying the Talmud's principles of derivation, we discover that there are about 30 Noahide laws. The Talmud itself in tractate Chullin 92a confirms this number. However, the Talmud in tractate Sanhedrin 56a tells us that there are only 7 Noahide laws. So, how many are there - 7 or 30?

Rabbi Aharon HaLevi of Barcelona explains the contradiction in his *Sefer HaChinuch* 424:

Make no mistake in the enumeration of the Seven Noahide Laws which are well known and recorded in the Talmud. They are but categories which contain many particulars. For example, you will find sexual prohibitions grouped into one category. This category, however, has many specifics such as the prohibitions of ... homosexuality or bestiality. Similarly, with regards to idolatry they have one command with numerous parts...

The Earliest Reference to the Noahide Laws

The Talmud notes that the earliest reference to the laws is in an apparently unrelated verse.

In Genesis 1:29 God gives every tree to Adam for food:

God said, "... every tree that has seed bearing fruit. It shall be to you for food."

The same idea is repeated shortly thereafter in Genesis 2:16:

And the L-rd, God, commanded the man, saying: "Of every tree of the garden you may surely eat."

However, this repetition is strange. For one, the Torah never repeats itself without purpose. A repetition must add something not previously known. Another issue is the language of the verse. If God is giving Adam the trees as food, then why does God have to ...command the man...? The Talmud notes these oddities, also noting that the original Hebrew verse divides into seven clauses. The sages, in Sanhedrin 56b, conclude that each clause is a subtle reference to one of the Seven Noahide Laws:

Number	Transliteration	English Translation	Talmudic Explanation
1	<i>Va-yatzav...</i>	And He commanded...	The word <i>va-yatzav</i> is typically used for commandments that maintain civil justice, as in Genesis 18:19. It is out of place here. In this verse it is understood by the Talmud to imply the need for a judicial system.
2	<i>...Adonoy...</i>	...the L-rd...	This apparently superfluous use of God's holy name implies a teaching about the holiness of God's name. From here the Talmud derives the prohibition of blasphemy.
3	<i>...Elohim...</i>	...God...	Why repeat the reference to God here? Furthermore, this term for God is a generic one. When this term is used for the One True God, it is in reference to God's role as judge. However, it is often used generically as a reference to false Gods, as in Exodus 20:3: "You shall have no other gods." Used in this context, and juxtaposed with God's true name, the Talmud understands it as a reference to the prohibition of idolatry.
4	<i>...al ha-Adam...</i>	...unto Adam...	The word Adam means both the name of the first man and is the generic term for humankind. Used here in conjunction with two divine names, it implies the sanctity of human life, as in Genesis 9:6: "Whoever sheds the blood of man..." Therefore, it alludes here to the sanctity of life and prohibition of murder.
5	<i>...laymor...</i>	...saying...	Introducing a commandment with the term "saying" is associated with precepts pertaining to sexual morality or immorality as in Jeremiah 3:1
6	<i>...mi-kol eytz ba-gan...</i>	...of every tree of the garden...	God qualified His permission to eat of "every tree," limiting it to those "of the garden," implying that the fruit of other trees is prohibited. This

			restriction of benefit by virtue of God's rights as owner implies, conceptually, the prohibition of theft.
7	<i>Akhol tokhayl.</i>	...you shall surely eat.	This expression is what is called <i>lasbon kafula</i> , a double expression, where a verb is doubled in two forms. These unusual expressions always imply the exclusion of something. In this case, the verse implies that one may eat of the trees of the garden, but specifically may not eat of something else; namely, a limb taken from a living animal.

THE SEVEN NOAHIDE LAWS

The seven laws are mostly prohibitions. However, many commentators interpret each prohibition as implying a positive mitzvah as well:

- 1) Man must establish a judicial system.
- 2) The prohibition of blasphemy (cursing the name of God). Correspondingly, one must honor the name of God.
- 3) The prohibition of idolatry (polytheism). Correspondingly, it is a positive mitzvah to believe in and reinforce the unity and singularity of God.
- 4) The prohibition of murder. By implication, there is a positive mitzvah to sustain and preserve life.
- 5) The prohibition of incest and sexual immorality. The positive corresponding mitzvah is modesty and sexual purity.
- 6) The prohibition of theft. One must, therefore, respect and safeguard the property of others.
- 7) The prohibition of eating a limb torn from a living animal. Therefore, one must only eat of a properly deceased animal.

Statements of the 30 Noahide Laws

The earliest surviving statement of the Noahide laws with their expanded derivations is from the Torah commentary of Rabbi Shmuel ben Chofni Gaon (d. 1034, Sura, Iraq):

I. Idolatry⁵

- 1) Belief in the unity of God
- 2) Prohibition of idolatry
- 3) To offer ritual sacrifices
- 4) To honor one's father and mother⁶
- 5) Prohibition of worshiping the Molekh
- 6) Prohibition of witchcraft
- 7) Prohibition of soothsaying and soothsayers
- 8) Prohibition of conjuring and conjurers
- 9) Prohibition of sorcery and sorcerers
- 10) Prohibition of sciomancy
- 11) Prohibition of demonomancy
- 12) Prohibition of theurgy
- 13) Prohibition of necromancy

II. Blasphemy

- 14) Prohibition of blasphemy
- 15) To Pray
- 16) Prohibition of false oaths

⁵ Note that the order of items in this list has been changed slightly from the original manuscript in order to more closely group similar items.

⁶ This seems odd in this place in the list. It will be discussed in a future lesson.

III. Murder

- 17) Prohibition of suicide
- 18) Prohibition of murder

IV. Sexual Immorality

- 19) Prohibition of adultery
- 20) To engage in formal marriages
- 21) Prohibition of incest with a sister
- 22) Prohibition of homosexuality
- 23) Prohibition of bestiality
- 24) Prohibition of castration

V. Not to Eat a Limb Torn From a Living Creature

- 25) Prohibition of eating the limb of an animal that died naturally
- 26) Prohibition of eating the limb of a living animal
- 27) Prohibition of eating or drinking blood
- 28) Prohibition of crossbreeding animals⁷

VI. Justice

- 29) To establish courts of justice⁸

VII. Theft

- 30) Prohibition of theft and robbery

Rabbi Menachem Azaria da Fano (1548 to 1620) presented his derivations in his *Asara Maamarot*:

⁷ Its position in this list will be discussed in a future lesson.

⁸ The original manuscript is damaged here. By reconstructing R' Shmuel ben Chofni's derivations, and via elimination, we can conclude that justice must be the missing mitzvah.

I. Idolatry

- 1) Prohibition of idolatry
- 2) Prohibition of offering a child to the Molekh
- 3) Kosem divination⁹
- 4) Meonen divination¹⁰
- 5) Not to interpret omens.
- 6) Prohibition of sorcery, sorcerers, and witchcraft.
- 7) Not to use charms or incantations
- 8) Not to consult mediums
- 9) Not to consult oracles
- 10) Prohibition of necromancy

II. Sexual Immorality

- 11) Prohibition of incest, homosexuality and bestiality
- 12) To Be fruitful
- 13) To Multiply
- 14) Not to grant legal recognition to homosexual marriages
- 15) Not to crossbreed animals
- 16) Prohibition of castration
- 17) Not to graft trees

III. Murder

- 18) Murder

⁹ A form of ancient divination.

¹⁰ A form of soothsaying.

19) Striking a Jew

IV. Blasphemy

20) Not to curse the name of God

21) To honor the Torah and Torah scholars

22) To study the parts of the Torah relevant to Noahide observance

V. Theft

23) Robbery and theft

24) The probation of studying parts of the Torah only relevant to Jewish observance¹¹

VI. Establishing courts of justice

25) To establish courts of justice

26) The prohibition of observing the Sabbath¹²

VII. Limb from a living animal

27) Prohibition of consuming a limb torn from a living animal

28) Not to eat the blood of a living creature

29) Not to eat from an animal that died on its own

30) Not to eat human flesh

Later authorities¹³ have added further derivations to these lists.¹⁴

¹¹ Since these parts of the Torah were given on to Israel as an inheritance, studying them is akin to stealing.

¹² The Sabbath was only commanded to the Jewish people, not to the non-Jewish world. Its position in this place in the list will be discussed in a future lesson.

¹³ Rama, Ran, Rav Saadia Gaon, for example.

These lists are neither the definitive nor final derivations of the Noahide laws. They are only statements of the core principles. As later authorities have pointed out, living the laws in practice requires further exploration and subdivision of the *mitzvos*.¹⁵

In the next lesson we will address guiding principles unique to each category of the Noahide laws.

Preparing the Foundation:

At this point, we are laying the groundwork needed to begin the full study of the Noahide laws. Although we are devoting much discussion to the legal aspects of the Noahide laws, we must remember that the *mitzvos* are not just legal decrees. They are expressions of divine will and have philosophical, mystical, and spiritual effects on the entire world. We will explore the metaphysical, mystical, and spiritual aspects of the Noahide laws shortly. However, a solid grasp of these basic principles is important to fully appreciate the deeper aspects of the 7 *mitzvos*.

Summary of the Lesson

1. God expresses his will in many ways in the Torah. Any expression of God's will, whether explicit or implicit, is a *mitzvah*.
2. Not all commandments given before the giving of the Torah were intended for all people. Some are universal; some are only for the families and descendants of the patriarchs of the Jewish people.
3. Not all *mitzvos* written before Sinai were actually commanded before Sinai.
4. Many of the Noahide laws are not directly commanded, but are rather implied by the interactions and conversations between God and man.
5. 1) A mitzvah told to Noahides and repeated at Sinai applies to Noahides and Jews, and 2) a mitzvah told to Noahides and not repeated at Sinai only applies to Jews.

¹⁴ I.e. charity, levirate marriage, tithes, and others.

¹⁵ See, for example, Rabbi Aharon Lichtenstein's excellent book *The Seven Laws of Noah*, who expands the basic laws further into about 66 precepts.

6. There is nothing permitted to a Jew which is forbidden to a Noahide.
7. Many commandments given to Israel modify the parameters of the Noahide laws.
8. The seven laws are actually categories that include a number of subordinate details. The total number of basic laws is about 30. However, this number is much higher when considering the details of their application.