

THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH LEARNING  
PROJECT

# The Noahide Laws – Lesson Twelve

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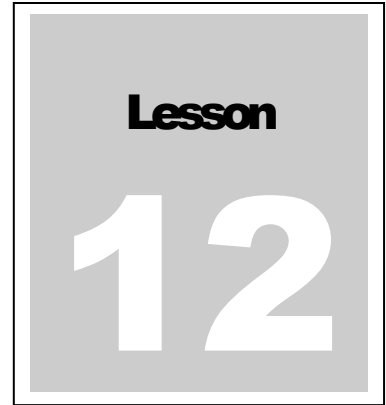
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## Outline of This Lesson:

1. Introduction
2. *Bava Kamma 38a*
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4. *Chiddushei HaGriz, The Ohr Somayach, & Rabbi Malkiel Tannenbaum*
5. Understanding Maimonides

## *Noahide Identity IV* *What is a Noahide?*



### **Introduction**

The term *ben Noach* (Noahide) or *Bnei Noach* (the plural of Noahide) occurs in about fifty places in the Talmud and Rashi. However, it is used primarily in its simple meaning, “a child of Noah,” as a generic term for all non-Jews. Is it possible that the term *ben Noach*, Noahide, implies more? Is there an actual, positive identity called “Noahide?”

### **Bava Kamma 38a**

According to the Talmud, God altered the reward that Noahides may earn for their *mitzvos*. Quoting Habakkuk 3:6, Talmud *Bava Kama 38a* offers the following interpretation:

*“He [God] arose and judged the land; He saw and released the nations.”<sup>1</sup>*

*[Talmud:] He [God] saw the seven commandments that the descendants of Noah had accepted upon themselves. Since they did not observe them, he released them.*

According to Rav Yosef this passage teaches that God released the non-Jews from the obligation of the Noahide laws. However, the other sages reject this interpretation because it is illogical. The gentiles should be punished for neglecting their laws, not rewarded by being released from them!

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<sup>1</sup> The Talmud understands the word *va-yatir*, “tremble,” also meaning “he released.”

Mar, Son of Ravina, proposes another possibility: that even if the gentiles fulfill all their commandments they will never receive reward for doing so. The implication, of course, is that they will still suffer punishment for not keeping their *mitzvos*. The Talmud also rejects this interpretation, citing Leviticus 18:5 as proof that non-Jews do receive reward for keeping their commandments:

*“That man shall perform and gain life...”*

*[Talmud:] The verse does not state Kohen, Levi, or Israel, but “Man,” meaning Jews as well as gentiles.*

A third interpretation settles the question. In tractate [Kiddushin](#)<sup>2</sup> the Talmud explains that the reward of a person who fulfills an obligatory *mitzvah* is greater than the reward of one who fulfills a voluntary *mitzvah*.<sup>3</sup> The Talmud here, in *Bava Kamma* 38a, concludes that God altered the nature of the reward that gentiles would receive for keeping their commandments. Although gentiles are still obligated to observe the Noahide laws, the Talmud is telling us that the reward they receive is only the lesser reward of one who fulfills a commandment voluntarily.

## Bava Kamma 38a & the Mishnas Rabbi Eliezer

It appears from the Talmud that gentiles can only receive the lesser reward (of one who fulfills a voluntary commandment), and have no way to merit the greater reward of one who fulfills an obligatory commandment. However, the *Mishnas Rabbi Eliezer* tells us that this is not so. If we compare the Talmud’s conclusions to the *Mishnas Rabbi Eliezer*, we see that the latter grants the Talmud’s lesser reward to those who keep the Noahide laws based upon their own reason. It grants the greater reward to those who keep the Noahide laws because of Noahic revelation. The *Mishnas Rabbi Eliezer* also tells us that the Talmud’s lesser reward is the temporary reward of this world and the greater reward is the eternal reward of the world to come.

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<sup>2</sup> [31a](#).

<sup>3</sup> The rationale is that someone who voluntarily performs a *mitzvah* receives less reward because he did not satisfy any specific will of God. However, one who performs an obligatory commandment has satisfied God’s specific will and is rewarded commensurately (see *Tsafos HaRosh* and *Chiddushei HaRitva* to *Kiddushin* 31a; see also *Tsafos Tokh*). Another explanation is that the *yetzer hora* – the evil inclination – opposes the performance of an obligatory commandment more than it opposes a non-obligatory commandment. Accordingly, one must pay more attention and expend more effort in the proper fulfillment of an obligatory *mitzvah* (see *Tsafos to Avodah Zarah 3a*, *D.H. Gadol* and *Tsafos HaRosh* to *Kiddushin* 31a).

## ***Chiddushei HaGriz, the Ohr Somayach, and Rabbi Malkiel Tannenbaum***

In the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, a number of authorities on Maimonides – Rabbis [Yitzchok Zeev Soloveitchik](#),<sup>4</sup> [Meir Simcha HaKohen](#),<sup>5</sup> and Malkiel Tannenbaum<sup>6</sup> – independently advanced nearly identical interpretations of §11 that relate it directly back to *Bava Kamma* 38a.<sup>7</sup> Their understanding not only illuminates Maimonides, but also clarifies our understanding of the Talmud.

They explain that the gentile nations were originally bound in their observance of the Noahide laws by force of a Noahic covenant.<sup>8</sup> Iteration of the Noahide laws at Sinai, however, transferred the authority of this original Noahic covenant, to Sinai. Noahides would now be bound in their covenant not because of Adam and Noah, but because of Moses transmitting of the Torah at Sinai. Therefore, when the Talmud states that God “released” the gentiles, it means that He released them from the binding force of the original covenant. In order to become obligated in this new Sinaitic covenant, a gentile must accept the Noahide laws anew. After all, the Jews had to accept their covenant. Once a gentile does so, he becomes obligated in the Noahide laws and receives his reward as one who is obligated.

Until a gentile accepts this new, Sinaitic affirmation, are we to say that he has no obligation at all to keep the Noahide laws? The Talmud tells us that this is not so. Though the authority of the original Noahic covenant ceased, gentiles are still punished for transgressing the Noahide laws. Were this not the case, gentiles would be profiting from having long neglected the Noahide laws.

The punishment meted for not observing the laws is, therefore, a legal technicality so that non-Jews should not profit by their transgression. The force of the original covenant, however, is no longer binding. Therefore, there is no covenantal imperative for any gentile to observe the Noahide laws until he accepts the Sinaitic reaffirmation of these laws. Until a gentile makes such an acceptance, any observance of the Noahide laws is voluntary, and his reward (the temporary reward of this world) is commensurate with this fact.

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<sup>4</sup> *Chiddushei Ritx HaLevi, Mikhtavim*, last letter.

<sup>5</sup> *Chiddushei Ohr Somayach to Hilkebos Issuei Biah* 14:7.

<sup>6</sup> Published posthumously in *Torah SheBaal Peh XV* (1973). Rabbi Tannenbaum (1847 – 1910) was the Rabbi of Lomze, Poland, and a famed *posek*, decisor of Torah law.

<sup>7</sup> A near identical understanding of *Bava Kama* 38a, predating these scholars by about 600 years, is also proposed by Rabbi Yom Tov Asevilli in his *Chiddushei HaRitva to Makkos* 9a.

<sup>8</sup> See note 6 above.

Once a gentile accepts the Noahide laws as per the Sinaitic reaffirmation, he becomes bound by them and receives the higher reward of one who fulfills obligatory commandments.

## Understanding Maimonides

Maimonides could have derived §11 from this understanding of the Talmud *Bava Kamma* 38a. All that remains then is to explain the equating of the Talmud's greater reward with that of the World to Come. The *Mishnas Rabbi Eliezer* may serve as a source for just that.

But what about Maimonides's requirement that gentiles accept their laws based on Sinaitic reaffirmation rather than the original Noahic covenant? Maimonides's disagreement with the *Mishnas Rabbi Eliezer* on this point is not surprising. The Talmud and its commentaries discuss the nullification of the original Noahic covenant and reaffirmation of the Noahide laws in [Sanhedrin 59a](#). This is necessary to explain the repetition of the Noahide laws at Sinai. Maimonides states his view clearly in his *Commentary on the Mishnah*:<sup>9</sup>

*All that we do or do not do is solely because of the command of the Holy One, blessed is He, through our teacher Moses, may peace be upon him, and not because the Holy One, blessed is He, stated it to any prophet who came before him. For example, we do not eat limbs torn from living animals because God forbade it to Noah, but rather because Moses forbade it to us at Sinai by affirming that [it] remains in effect. Similarly, we do not circumcise because our forefather Abraham, may peace be upon him, circumcised himself and his household, but rather because the Holy One, blessed is He, commanded us through Moses, may peace be upon him. So too with the sciatic nerve; we do not obey this prohibition because of our forefather Jacob, but because of the command of our teacher Moses, may he rest in peace.*

We see here that Maimonides acknowledges that the Noahide laws were binding before Sinai. However, Maimonides is telling us that their covenantal status changed from Noahic to Sinaitic at the giving of the Torah. While this paragraph speaks of the Jewish obligation to keep the original Noahide laws based on Sinaitic revelation, §11 clarifies that this is also true of the Noahide obligation.

On this interpretation of Maimonides, and the requirement that Noahides accept their obligations based upon the Sinaitic reaffirmation, there is very little disagreement among later authorities.<sup>10</sup>

<sup>9</sup> To *Chullin* 7:6.

<sup>10</sup> See [Chazon Ish](#) *Shevitis* 24:2 and to *Hilchos Avodas Kohavim* 65:2. [Ritva](#) and [Ramban](#) to *Makkos* 9b; *Teshuvos HaRashbash* 543; [Zvi Hirsch Chajes](#) in *Toras HaNeviim* 11; *Zekhusa D'Avraham* 21; *VeShav HaKohen* 38.

Lastly, how do we explain Maimonides's omission of reward for one who observes these commandments based on reason? The sources we have cited thus far agree that the "wise people of the nations" receive reward for their observance of the Noahide laws (it is, though, only the lesser temporary reward of this world). They explain that Maimonides's omission does not imply his rejection of the concept. It is likely, given that §11 is discussing an obligation upon the gentiles to accept the Noahide laws based on Sinaitic revelation, that it was not the place to discuss any reward for non-acceptance of these laws. Additionally, since the Talmud has already drawn clear conclusions regarding the lower reward, Maimonides is coming only to explain the mechanism by which non-Jews may merit the eternal reward of the World to Come.