

THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH LEARNING
PROJECT

The Noahide Laws – Lesson 13



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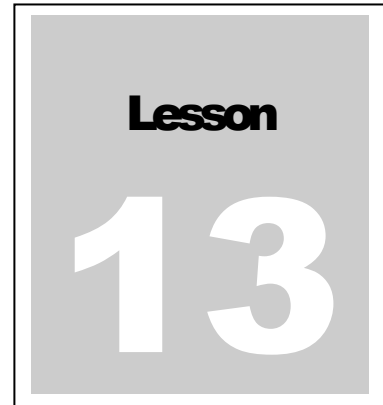
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Outline of This Lesson:

- 1. How Does a Noahide Accept the Sinaitic Aspects of the Noahide Laws?**
- 2. Possible Answers**
- 3. Maimonides's Own Words**
- 4. How Does One Become a Ben Noach?**

Noahide Identity V Becoming a Noahide



How Does a Non-Jew Accept the Sinaitic Aspect of the Noahide Laws?

There is one further question that, for our purposes, is very important: is §11 a continuation of §10, or is §11 independent of §10?

§10 states:

And so too it was commanded to Moses by the Almighty to force the peoples of the world to accept the commandments charged to the children of Noah. All who do not accept them shall be executed. One who accepts them is called a Ger Toshav.

Immediately thereafter §11 opens with:

All who accept the Seven Mitzvos and are careful to observe them are called MiChasidei Umos HaOlam (of the Pious Peoples of the World) and they have a share in the World to Come.

If we assume that §11 is a continuation of §10, then it would mean that a gentile must accept the Noahide laws before a *beis din* and become a *ger toshav* in order to be *MiChasidei Umos HaOlam*. If this is the case, then no gentile today can become *MiChasidei Umos HaOlam* because we do not currently accept *ger toshav*.

Yet, if §11 is independent of §10, then a gentile can become *MiChasidei Umos HaOlam* even by private acceptance of the Noahide laws (provided that this acceptance is based on Sinaitic revelation). In such a case, acceptance of the Noahide laws is independent of the laws of a *ger toshav*. This reading would therefore allow for a Noahide identity independent of *ger toshav*.

Possible Answers

For modern Noahides, resolution of this question is vitally important. There are a number of approaches:

**Rabbis Betzael
Zolti and Rabbi
Yosef
Kahaneman**

- Rabbis Betzael Zolti¹ and [Rabbi Yosef Kahaneman](#)² – Their view is the most radical and is based upon a super-literal reading of §10 and §11. The crux of their approach is that *ger toshav* is a religious status somewhere between that of Jew and non-Jew. Accordingly, they interpret acceptance of the Noahide laws before a *beis din* as a conversion to a new religion: *ger toshav*. This new religious identity includes the right to live in Israel, to be supported by the Jewish community, and to become *MiChasidei Umos HaOlam*. According to this view, the various parts of the *ger toshav* identity do not exist independent of each other nor do they exist absent this “conversion.” This approach sees §11 as a continuation of §10.

However, they admit that their opinion is only theoretical because we cannot accept *ger toshav* in our times. Modern Noahides are then left with only one option: to be in the lesser category of one who fulfills a commandment voluntarily: of the “wise” of the nations.

We must reject this interpretation for two reasons: 1) the majority of scholars interpret *ger toshav* as a legal construct, not as a religious identity,³ and 2) this approach is contrary to the practical halakhic reliance upon the *Raavad* and *Kesef Mishna*'s understanding of Maimonides discussed in Section I, above.

¹ *Mishnas Yaavetz* 3. Rabbi Zolti (1920 – 1982) was elected as chief Rabbi of Jerusalem in 1977 and was a highly regarded authority on Torah law.

² *Kuntres Divrei Torah*. Cited in [Minchas Asher](#) I:7.

³ See *Chiddushei Ri*”ז *Soloveitchik, Mikhtavim*, final letter; *Ohr Somayach* to *Hilkhos Issurei Biah* 14:7; *Chazon Ish* ad loc. [Rabbi Asher Weiss](#) in his *Minchas Asher* I: 7 cites the proofs of Rabbi’s Kahaneman and Zolti, yet demonstrates convincingly that they are not conclusive.

**The Brisker Rav
& Rav Raphael
HaKohen**

- Rabbis [Yitzchok Zeev Soloveitchik](#)⁴, the Brisker Rav, and [Raphael HaKohen Susskind](#)⁵ – They adopt a very literal reading of Maimonides. Yet, unlike Rabbis Zolti and Kahaneman, they treat *ger toshav* as a purely legal status and not as a conversion. This legal status, however, is one indivisible whole: acceptance of the Noahide laws before a *beis din* is needed for residency, support, and every other facet of *ger toshav*. Therefore, Rabbis Soloveitchik and Susskind also view §11 as a continuance of §10. They also require acceptance of the Noahide laws before a *beis din* in order to become *MiChasidei Umos HaOlam*. However, Rabbis Soloveitchik and Susskind agree that this is not possible in our times because we do not today accept *ger toshav*.

As with the opinion of Rabbis Zolti and Kahaneman, we must also reject that of Rabbis Soloveitchik and Susskind. Their literalist reading of Maimonides also precludes relying upon the opinions of the *Raavad* and *Kesef Mishnah* to explain the residency of non-Jews in modern day Israel.

**The Ohr
Somayach**

- Rabbi [Meir Simcha HaKohen of Dvinsk](#)⁶ – Rabbi Meir Simcha agrees with Rabbi Soloveitchik that *ger toshav* is not a conversion to a new religious identity, but a purely legal construct. Like the *Raavad* and *Kesef Mishnah*, the Rabbi Meir Simcha maintains that the various facets of *ger toshav* may exist independent of each other. However, Rabbi Meir Simcha does not address our specific question: is acceptance of the Noahide laws before a *beis din* needed to become *MiChasidei Umos HaOlam*? His view allows for two possibilities: 1) That a Noahide may accept the commandments on his own and become *MiChasidei Umos HaOlam*, or 2) that even though acceptance before a *beis din* for support is not possible today, it is nevertheless required, even today, to become *MiChasidei Umos HaOlam*.

This second possibility is intriguing. Even though *ger toshav* is a purely legal construct, the fact that the various aspects of it exist independently allow for even the identity of *MiChasidei Umos HaOlam* to exist independently. Yet, the identity of *MiChasidei Umos HaOlam* is fundamentally different than the other elements of *ger toshav*. It is inherently a matter of religious identity. Perhaps then, accepting the Noahide laws to become *MiChasidei Umos HaOlam* is a type of religious conversion independent of the other aspects of *ger toshav*. This certainly makes sense considering that acceptance

⁴ *Chiddushei Ri"z Soloveitchik, Mikbtanim*.

⁵ *VeShav HaKohen* 38.

⁶ *Ohr Somayach to Hilkhos Issurei Biah* 14:7.

of the Noahide laws is essentially the acceptance of a new, Sinaitic covenant.

When a gentile wishes to convert to Judaism, the most important requirement is his acceptance before a *beis din* of the Sinaitic covenant of the 613 commandments. May we then infer that acceptance of the Sinaitic aspect of the Noahide Laws by gentiles should also require acceptance before a *beis din*?

Although I find the logic behind this possibility intensely appealing, it does not hold up to scrutiny. A non-Jew's acceptance of the seven *mitzvos* is fundamentally different from conversion to Judaism. Conversion to Judaism requires the acceptance of new commandments to which the prospective convert has no obligation. However, acceptance of the Noahide laws involves the acceptance of laws which were the material of a prior covenant. In fact, non-Jews receive reward (the lesser type of this world) for fulfillment of the Noahide laws even without having accepted them as per the Sinaitic reaffirmation. Therefore, if a Noahide wishes to accept the Sinaitic Noahide covenant, he is not accepting a completely new body of law, only modifying his covenantal obligation. Also, a non-Jew who accepts the Noahide laws due to the Sinaitic covenant remains a non-Jew. The only practical change is in the nature of his reward. When a non-Jew becomes a Jew, however, the conversion confers an entirely new legal, metaphysical, and spiritual identity. Lastly, the requirement of a *beis din* for the sake of Jewish conversion is derived from Numbers 15:16: *One Mishpat [judgment] shall be for you and the convert.* The word *Mishpat* indicates a comparison between conversion and legal proceedings: just as *Mishpat*, judgment, requires a *beis din* then so too does conversion to Judaism. This derivation is only made with regard to full conversion and nothing else.

**Rabbi Malkiel
Tannenbaum**

- Rabbi Malkiel Tannenbaum⁷ – Rabbi Tannenbaum is one of the scholars who contributed the above-discussed interpretation of Maimonides's §11 and *Bava Kamma* 38a. His statement is one of the most eloquent and prompts an interesting question. Why would acceptance of the Sinaitic reaffirmation of the Noahide laws be predicated on becoming a *ger toshav*? If Noahides must accept this Sinaitic reaffirmation, then tying acceptance to *ger toshav* makes it impossible for them to accept it unless we may accept *ger toshav*. There is no apparent reason for the two to be related. It must be, therefore, that §11 discusses Noahides in general, independent of *ger toshav*. Since Noahide identity is independent of *ger toshav*, there is no reason to assume that one must accept the Noahide laws before a *beis din*.

⁷ See note 23, above.

**Sefer Sheva
Mitzvos HaShem**

- Rabbi Moshe Weiner in the *Sefer Sheva Mitzvos HaShem* - Rabbi Weiner, after surveying the various readings of Maimonides, concludes that personal acceptance of the Noahide laws is sufficient to become *MiChasidei Umos HaOlam*. In his conclusion, he offers a proof from Maimonides, *Hilchos Melakhim*:⁸

If a ben Noach who was converted, circumcised, and immersed in a mikveh desires to revert back to his previous status as a ger toshav, we do not listen to him. He remains a Jew in every way or must be executed.

And if he was a minor [under the age of 12 or 13] and immersed by the beis din [for the sake of conversion], he may renounce his conversion when he attains majority [the age of 12 or 13] and assumes the status of a ger toshav.

The law is that a minor may not convert to Judaism on his own because, as a minor, he cannot make such a commitment. Rather, the *beis din* oversees his conversion as a minor, but allows him to choose his identity upon adulthood. If he chooses to renounce Judaism at this time, he may do so. Rabbi Weiner draws our attention to the fact that the child automatically ...assumes the status of a *ger toshav*, upon renouncing his conversion. Rabbi Weiner notes that this does not make sense for we do not currently accept *ger toshav*! Obviously, the answer is that Maimonides is only speaking of a time when we accept *ger toshav*. However, writes Rabbi Weiner this cannot be so. In every other instance in which Maimonides invokes *ger toshav*, he is careful to note that it does not apply in our times. Maimonides, though, makes no such qualification here. Therefore, Maimonides must hold that the *ger toshav* status of a minor who rejects his conversion does in fact exist in our times. However, the child attains this status without having to accept the seven laws anew before a *beis din*. Rabbi Weiner concludes that one who accepts the Noahide laws without acceptance before a *beis din* attains some partial identity as a *ger toshav*, even in our times, and is thus *MiChasidei Umos HaOlam*.⁹

⁸ 10:3.

⁹ With great respect for Rabbi Weiner's tremendous work, I must humbly admit that this proof is far from convincing for two reasons. For one, there are other places where Maimonides discusses *ger toshav* in a context that clearly does not apply today (See, for example, *Hilchos Rotzeach ve-Shemiras HaNefesh* 5:3-4; *Hilchos Issurei Biah* 14:5; *Hilchos Shekalim* 4:8). In these instances, Maimonides makes no explicit qualification as to whether or not he is speaking about a time when *ger toshav* are accepted. Instead, we may determine this fact simply from context. In our passage above, we can tell from the references to execution that this law does not apply to our times. Second, Maimonides iterates numerous time for us that *ger toshav* only applies when the Jubilee year is observed. Maimonides may very well intend this rule as intrinsic to the definition of *ger toshav*, and, therefore, did not always feel the need to reiterate this qualification.

Maimonides's Own Words

To the above, I will add Maimonides's own words¹⁰ penned in response to a question as to the merit non-Jews receive:

As for your question about the gentile nations, you should know that God desires the heart and that matters follow the heart's intentions. Therefore, our Rabbis, Sages of truth, peace be upon them, have said "the pious of the gentile nations have a share in the World to Come." This is if they have achieved that which is proper to achieve of knowledge of the Creator... then without a doubt, anyone who has improved his soul with correct virtues, wisdom, and faith in the Creator, blessed is He, is certainly among those destined for the world to come...

Nowhere here does Maimonides require acceptance of the Noahide laws before a *beis din* in order to merit eternal reward. In fact, Maimonides mentions no such requirement in any of his writings. To the contrary, Maimonides states explicitly in this letter that the merit of the World to Come, the identity of *MiChasidei Umos HaOlam*, is dependent on the heart – upon personal acceptance of the Noahide laws as per the Sinaitic reaffirmation.

There is not a single source, anywhere, in all of Torah Literature, which mandates acceptance of the Noahide laws before a *beis din* in order to become *MiChasidei Umos HaOlam* in our days. This idea is a possibility merely implied by how one reads the juxtaposition of Maimonides's two paragraphs.

The *halakhic*, practical, conclusion is that acceptance of the Noahide laws before a *beis din* is not required for one to become *MiChasidei Umos HaOlam*. If a Noahide insists upon accepting his obligations before a *beis din*, it is certainly not prohibited for him to do so. This acceptance, however, conveys no status of *ger toshav* because this status cannot be conferred in our times. .

How Does One Become a *Ben Noach*?

To become a Noahide, one must accept the Seven Mitzvos upon himself from a conviction that they are divinely ordained, having been commanded to the world by God, through Moses, who reaffirmed the covenant sealed with Adam and then Noah. By accepting the Seven Mitzvos as such, one becomes *MiChasidei Umos HaOlam*, a Pious Gentile, and the highest status attainable by a *Ben Noach*.

¹⁰ *Teshuvos HaRambam VeIgrsav* (Leipzig, 1859) II 23b.

While any personal acceptance of the Seven Mitzvos is sufficient, it makes logical sense to capture the intention of the acceptance in the form of a verbal oath enumerating the 7 mitzvos and stating one's motivation in accepting them. Any text accomplishing these goals is sufficient.

For example:

I accept upon myself the Seven Commandments of the Children of Noah, including the general and specific prohibitions of idolatry, murder, theft, sexual immorality, blasphemy, eating of flesh torn from a living animal, and the general and specific commandments to establish a system of justice, as commanded to Noah, Adam, and their descendants, by the mouth of The Holy One, creator of the universe, as reaffirmed and transmitted by His servant Moses at the giving of the Torah at Sinai.

One is not required to accept the *mitzvos* before any Jewish Court (*Beis Din*),¹¹ or assembly of other persons. Any personal or private acceptance of the Seven Mitzvos is sufficient. Nevertheless, it is a good idea to make a verbal acceptance before witnesses.

Summary of Lessons

1. When the Jubilee year was fully observed (until about 600 BCE) a non-Jew could come before a *beis din*, rabbinic tribunal, and pledge his acceptance of the Noahide laws. By doing so, he obligated the Jewish community to support and sustain him. He also enjoyed certain rights of residency and other entitlements.
2. The status of *ger toshav* ceased to exist about 2600 years ago.
3. With the establishment of the modern state, *poskim* (authorities on Torah law) had to clarify which aspects of *ger toshav* identity were practical and which were only theoretical. Since the status no longer exists, what was to be done with all the non-Jews who owned land in Israel?
4. The conclusion of the majority of *poskim* is that appearing before a *beis din* and becoming a *ger toshav* was only necessary to entitle the non-Jew to

¹¹ A Jewish rabbinic court of three judges. A *Beis Din* judges matters of religious and monetary law in the Jewish community.

support from the Jewish community. In order to live or own land in Israel, one only needs to be a monotheistic, non-idolater.

5. The practical, *halakhic*, conclusion is that *ger toshav* and Noahide are two independent identities. We cannot always learn from one to the other. While every *ger toshav* is a de facto Noahide, every Noahide is not a *ger toshav*. After all, *ger toshav* does not exist anymore in our times.
6. Maimonides learns from *Bava Kamma 38a* and, possibly, the *Mishnas Rabbi Eliezer*, that a non-Jew must accept the Noahide laws because at Sinai their authority was transferred to the Torah. A non-Jew who accepts this new Sinaitic obligation becomes fully obligated in the Noahide laws and received the eternal merit of the World to Come. This acceptance is personal, and does not require acceptance before a *beis din*.
7. A non-Jew, who observes the Noahide laws, yet without them as a Sinaitic obligation, is essentially observing the laws voluntarily. He receives only the reward of this world and does not merit the eternality of the world to come. Nevertheless, he is held liable for transgression of the laws.