

THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH LEARNING
PROJECT

The Noahide Laws – Lesson Fourteen



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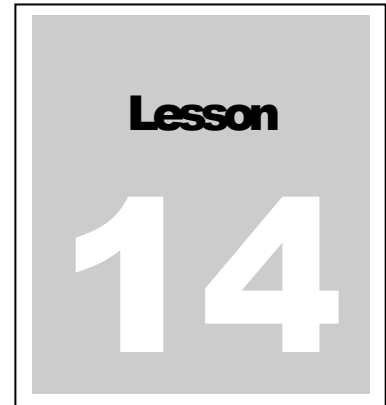
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Outline of This Lesson:

- 1. Maimonides Hilchos Melakhim 10:9 & 10**
- 2. The Sources**
- 3. Maimonides According to the Radbaz**

Chiddushei Dat I – A Fundamental Principle



Introduction

Chiddushei Dat is a principle fundamental to the identity and practice of Noahism. However, it is a concept difficult for many Noahides to grasp. To those unfamiliar with the mechanics of the Torah, it appears to impose restrictions upon Noahide practice. *Chiddushei Dat*, though, does no such thing. It defines and protects the boundaries of Noahism, preserving it as a unique identity. Jews have a parallel, identical concept called *Baal Tosif*. *Baal Tosif* defines what *mitzvos* Jews may and may not do and the degree to which they may modify or adopt new practices. In this lesson we will introduce the concept of *Baal Tosif* and explain just how important it is to Noahism.

Maimonides [Hilkhos Melakhim 10: 9 & 10](#)

Once again, we need to confront two difficult paragraphs in the writings of Maimonides:

§9 *A non-Jew who delves into the Torah is obligated to die. They should only be involved in the study of their seven commandments.*

¹ Many printed editions of the *Mishnah Torah*, being heavily censored, read *akum*, meaning *idolater*. However, almost all early manuscripts and critical editions read *goy*, a generic term for anyone who is not Jewish.

Similarly, a non-Jew who rests, even on a weekday, observing that day similarly to a Shabbat, is obligated to die. Needless to say, this is also the case if he creates a festival for himself.

The general rule governing these matters is this: they may not originate a new religion or create/perform mitzvot for themselves based on their own reasoning. Either convert and accept all the mitzvot or uphold their commandments without adding or detracting from them.

If a gentile delves into the Torah or Shabbat, or innovates a religious practice, he is beaten, punished, and informed him that he is obligated to die for his actions. However, he is not actually executed.

§9 is telling us, in no uncertain terms, that a non-Jew may not observe the Shabbat, the Jewish festivals, or voluntarily keep any *mitzvah* of the Torah in which he is not commanded. It is clear that this is a serious matter. Why is so dire, though, to deserve such a severe penalty?

§10 *Should a non-Jew wish to perform one of the Torah's other mitzvos in order to receive merit/benefit, we should not prevent him from doing so even according to all of its details. If he brings an animal to be sacrificed as a burnt offering, we should accept it.*

§10 teaches us that a non-Jew may voluntarily perform a mitzvah in which he is not commanded as long as he does so “for reward.” What is the need for this curious qualification?

If a non-Jew who keeps the seven mitzvot gives charity, we should accept it from him. It appears to me that it should be given to the Jewish poor, for the non-Jew receives his sustenance from the Jewish community who is obligated to support him. In contrast, if a regular non-Jew gives charity, we should accept it from him and give it to the non-Jewish poor.

The Sources

Let's go through the Maimonides again, this time looking at his sources and some problems posed by his words:

§9 *A non-Jew who delves into the Torah is obligated to die. They should only be involved in the study of their seven commandments.*

The Talmud in Sanhedrin 59a learns from Deuteronomy 33:4 that the Torah is the unique heritage of Israel. As such, parts of it may not be studied by non-Jews and even Noahides. The exact details of this prohibition will be examined extensively in a future lesson.

Similarly, a non-Jew who rests, even on a weekday, observing that day similarly to a Shabbat, is obligated to die. Needless to say, this is also the case if he creates a festival for himself.

Sanhedrin 58b teaches that all mankind was originally prohibited from keeping Shabbat. The divine rest of Shabbat was God's alone. At Sinai, however, Israel was commanded to partake in the divine rest of Shabbat as a sign of their unique covenant with God. This is the meaning of Exodus 31:13:

You shall speak unto the Children of Israel, saying: you must keep my Shabbat, for it is a sign between me and the Children of Israel

In the Torah, the Hebrew word “Shabbat” may refer to the Shabbat, the seventh day, or any day upon which labor is prohibited by the Torah. This would include festivals. Noahides and the Shabbat/Festivals will be discussed extensively in a future lesson.

*The general rule governing these matters is this: they may not **originate a new religion** or create/perform mitzvot for themselves based on their own reasoning. Either convert and accept all the mitzvot or uphold their commandments without adding or detracting from them.*

The words in bold are, in Hebrew, the term *chiddushei dat*. From where does Maimonides derive this concept?

If a gentile delves into the Torah or Shabbat, or innovates a religious practice, he is beaten, punished, and informed him that he is obligated to die for his actions. However, he is not actually executed.

§10 *Should a non-Jew wish to perform one of the Torah's other mitzvos in order to receive merit/benefit, we should not prevent him from doing so even according to all of its details. If he brings an animal to be sacrificed as a burnt offering, we should accept it.*

Why does the non-Jew's motivation in doing a particular mitzvah mitigate the prohibition of *chiddushei dat*? Obviously, there are boundaries to this concept. What are they?

If a non-Jew who keeps the seven mitzvot gives charity, we should accept it from him. It appears to me that it should be given to the Jewish poor, for the non-Jew receives his sustenance from the Jewish community who is obligated to support him. In contrast, if a regular non-Jew gives charity, we should accept it from him and give it to the non-Jewish poor.

It is curious that this paragraph is here instead of in Maimonides's section on the laws of charity.

Maimonides *Hilkhos Melakhim* 10: 9 & 10 According to the Radbaz

The most significant early explanation of this passage is from the [Radbaz, Rabbi Dovid ibn Abi Zimra](#):

§9 *A non-Jew who delves into the Torah is obligated to die. They should only be involved in the study of their seven commandments.*

Similarly, a non-Jew who rests, even on a weekday, observing that day similarly to a Shabbat, is obligated to die. Needless to say, this is also the case if he creates a festival for himself.

The Radbaz quotes Rashi, who writes in his commentary on the Talmudic source,² that “rest” means any kind of rest for any reason. However, the Radbaz adds “This is if he establishes a day for rest; however, occasional cessation from labor is not prohibited.”

*The general rule governing these matters is this: they may not **originate a new religion** or **create/perform** mitzvot for themselves based on their own reasoning. Either convert and accept all the mitzvot or uphold their commandments without adding or detracting from them.*

If a gentile delves into the Torah or Shabbat, or innovates a religious practice, he is beaten, punished, and informed him that he is obligated to die for his actions. However, he is not actually executed.

§10 *Should a non-Jew wish to perform one of the Torah’s other mitzvos in order to receive merit/benefit, we should not prevent him from doing so even according to all of its details. If he brings an animal to be sacrificed as a burnt offering, we should accept it.*

The Radbaz writes:

If he wants to perform a mitzvah, saying that he has an obligation in the matter, we do not allow him to do so. However, he may perform it in order to receive reward as one who performs a mitzvah voluntarily. This is why he [Maimonides] is careful to write: “... in order to receive merit/benefit...”

² Sanhedrin 58b.

If a non-Jew performs a *mitzvah* under the belief that God has any expectation or desire for his *mitzvah*, it is tantamount to creating a new *mitzvah* for himself. After all, all *mitzvahs* are God's desires and will for our actions. If the performance of a *mitzvah*, though, is not tied to this belief, and only to the desire for reward, then the non-Jew may perform the *mitzvah*. The Radbaz adds:

However, mitzvos requiring unique levels of holiness and ritual purity, such as Tefillin, Torah scrolls, and Mezuzos, I have deliberated and concluded that we should be strict and not permit them [to non-Jews].³

To summarize, the Radbaz holds:

- A non-Jew may not establish a particular day as a fixed time to rest from labor. The type of labor or the reason for the rest does not matter. The Radbaz is quoting and agreeing with Rashi on this point.
- A non-Jew may voluntarily perform any other *mitzvah*, provided that he does so knowing that God has no desire or expectation for his action. Any other motivation, i.e. reward, is permissible.
- A non-Jew who performs a *mitzvah* (in which he is not obligated) under the misguided belief that God desires him to do so transgresses *chiddushei dat* – he is adding a *mitzvah* to Noahism and, effectively, creating a new religion for himself.

There are a number of authorities, coming both before and after, who appear to confirm the Radbaz's interpretation:

- The [Meiri](#) to Sanhedrin 59a – A non-Jew who performs other mitzvos of the Torah is to be honored like a *Kohen Gadol*, a high priest.⁴

³ The *halakhab* is like the Radbaz for these items. See Maimonides *Hilchos Tzitzis* 3:9 who rules against selling or providing a Noahide with *Tzitzis*. The Rama YD 291 also prohibits a Jew from providing a non-Jew with a *mezuzah* scroll. Although the Talmud Yerushalmi Peah 1:1 mentions that Rabbi Yehudah gifted a *mezuzah* scroll to a gentile king, the *Pri Megadim* in *Ginas Veridin OC II: 28* demonstrates that this incident is not relevant to whether or not Noahides may observe the mitzvah of *mezuzah*.

⁴ As we shall see, this opinion is rejected by later authorities. The writings of the Meiri were almost completely unknown to the Torah world until the 20th century. Not having been seen for almost 500 years, they never became part of the *halakhic* process. Their practical relevance is, therefore, questionable. See *Igras Moshe EH I: 63* and *Chazon Ish, Igras I: 32* as to our reliance upon long-lost or newly discovered manuscripts.

- Maimonides himself in a number of places appears to confirm the Radbaz. For example, he writes⁵ that a non-Jew who does the *mitzvah* of circumcision receives reward.⁶ Most important, however, is what he writes in his commentary to the Mishnah:⁷ *For what reason is their [the non-Jews] Terumah tithe and sanctified offerings valid? Because even though they have no mitzvah, if they do such a small thing they receive some reward...*⁸
- [Biyur Halakha 304:3](#) – The *Biyur Halakha*, in explaining a difficult passage in the [Mogen Avraham](#), writes that a *ger toshav* may accept any additional *mitzvos* he chooses at the time of his conversion to *ger toshav*. The *Biyur* explains that the prohibitions on keeping Shabbat only apply to a *ger toshav* who did not accept Shabbat when he stood before a *beis din*. Note, that he views *ger toshav* as a religious rather than a legal status.⁹

However, the Radbaz's opinion is not final. As we shall see, there are a number of difficult questions posed by Maimonides.

A Big Contradiction

Maimonides's condition, that Noahides may only accept additional *mitzvos* for the sake of reward, presents us with a big problem.

⁵ Responsa 124 (Friemann ed.)

⁶ A proof cannot be derived from this, however. Circumcision was not one of the *mitzvos* commanded at Sinai; its origins are more complicated. Rabbi Moshe Weiner discusses circumcision as an exception to the rule of Noahides and *mitzvos* in *The Divine Code*, 2nd ed., pp. 67 – 72.

⁷ *Terumos* 3:9.

⁸ However, even this may be explained as an exception. Tithing and offerings are matters of practical benefit and are, as we shall see, exceptions rather than rules.

⁹ This opinion is also difficult. As we have seen in prior lessons, *ger toshav* does not apply today. Furthermore, most *poskim* reject *ger toshav* as a religious identity. Also, many later *poskim*, such as [Igras Moshe](#) OH V: 18 and [Shevet HaLevi](#) I: 64, point out that there are other, simpler explanations of the *Mogen Avraham*.

The Talmud¹⁰ is unambiguously clear on this point: Noahides who, for the sake of reward, perform *mitzvos* in which they are not obligated do not receive reward for doing so.

How do we resolve this contradiction? We will examine the issue more closely in the next lesson.

¹⁰ [*Rosh HaShanah 4a; Bava Basra 10b*](#)