

THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH LEARNING
PROJECT

The Noahide Laws – Lesson Fifteen



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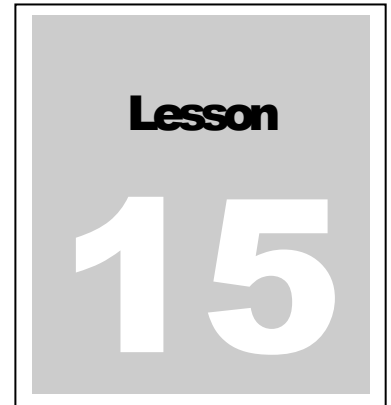
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Chiddushei Dat II – Rav Moshe Feinstein, ztz”l



HaRav HaGaon Moshe Feinstein, ztz”l



[Rabbi Moshe Feinstein](#) was, along with Rabbi Ovadia Yosef, one of the two most important [deciphers of the code of Jewish Law] *poskim* of the 20th century. Reb Moshe was a towering scholar whose influence, authority, and writings impacted the life of all Torah-observant Jews world-wide. He was particularly important to North American Jewish communities. A prominent American *posek* recently described Rav Moshe as the “Maimonides of American Jewry.”

In the middle decades of the 20th century, Rabbi Feinstein penned a number of letters¹ addressing Noahide practice. He devotes many paragraphs to specifically untangling the concept of *Chiddushei Dat*.

A full overview of Rav Moshe’s analysis would require far more space than we have allotted here. Translations of Rav Moshe’s letters are being prepared as an appendix to this course. We will present here a summary of Rav Moshe’s writings on the subject.

¹ *Igros Moshe* OC II:25, V:18, YD I:3, I:6, II:7, II:8, III:90, IV:51:1, CM II:69.

THE SOURCE
OF
CHIDDUSHEI
DAT

Just as Noahides have *Chiddushei Dat*, Jews have a similar prohibition to *Chiddushei Dat* called *Baal Tosif*, which specifically prohibits Jews from creating new *mitzvos* or adding to and modifying existing *mitzvos*.² Non-Jews, however, do not have the prohibition of *Baal Tosif*. In fact, we only know of the Noahide prohibitions against Torah study and Shabbat observance because of specific Torah verses from which these prohibitions are derived.³ From where, then, does Maimonides derive the prohibition of *Chiddushei Dat*?

Rav Moshe explains that there are commonalities in the underlying reasons behind these prohibitions. For example, the Talmud and Midrash both describe the study of Torah (in an impermissible manner) and keeping Shabbat as misappropriations of *mitzvos* commanded only to Israel. By analyzing these commonalities, the other writings of Maimonides, and many other sources, Rav Moshe concludes that *Chiddushei Dat* is not only the underlying reason for the Noahide prohibitions of Torah study and Shabbat observance, is a general principle governing Noahide practice. This is why Maimonides writes: *The general rule governing these matters is this...*

Rav Moshe explains that Shabbat observance and certain types of Torah study are singled out because they are the most severe transgressions for Noahides and the only ones involving the death penalty. Note, however, that this penalty is at the hands of heaven and not administered by an earthly court. This is what Maimonides means when he writes: *...he is obligated to die for his actions. However, he is not actually executed.*

VOLUNTARILY
KEEPING
OTHER
MITZVOS

Rav Moshe notes a peculiar issue in §10 and the Radbaz's interpretation:

§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.*

Radbaz: *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 See Deuteronomy 13:1. Maimonides discusses this prohibition in his *Sefer HaMitzvos, Lavin 313*. See also *Sefer HaChinuch 454*. *Baal Tosif* applies when one attributes these additions or modifications to Torah authority. The rabbis, however, are specifically empowered by the Torah to establish safeguards and decrees, as discussed in an earlier lesson.

³ The Torah source prohibiting Noahides from studying certain parts of the Torah will be discussed in the near future.

As we mentioned in the previous lesson, the Talmud explicitly states that a non-Jew who performs a Jewish *mitzvah* for the sake of reward does not actually receive reward for his *mitzvah*. How are we to explain this contradiction?

There is a classical debate in the Talmud as to whether or not a Jew who performs a *mitzvah* in which he is not obligated is considered pious or foolish.⁴

The [Talmud Yerushalmi](#), Shabbos 1:2, states that a Jew who performs a *mitzvah* in which he is not obligated is a *bedyot* – a foolish person. However, there are numerous examples in Rabbinic literature⁵ of people receiving praise for performing such *mitzvos*! Why is the performance of a voluntary *mitzvah* sometimes called praiseworthy and sometimes called foolish? The answer lies in the nature of “non-obligation:”

- Sometimes, a *mitzvah* exists but an individual is not obligated to actually fulfill it. For example, all Jews are commanded in the *mitzvah* of [Tefillin](#). Nevertheless, women are exempted from wearing [Tefillin](#).⁶ Theoretically, if a woman dons [Tefillin](#) in the right way and with the right intention, she may receive reward and she is not called a *bedyot*. This example, it should be noted, is only theoretical. For many reasons in *halakha*, women do not wear [Tefillin](#).
- Rav Moshe discusses the relationship of a Jewish child under the age of 12 or 13 to the *mitzvos*. Below these ages, children are not obligated in the *mitzvos*. Nevertheless, a Jewish child is still bound in the covenant of the *mitzvos* even though their specific obligations are not yet in force. Rav Moshe writes that children receive reward for these voluntary *mitzvos*.
- In a case when no *mitzvah* exists for a person, but he performs the *mitzvah* anyway, such a person is called a *bedyot* – a foolish person. In this situation, the person is called foolish because their action is not holy and holds no spiritual value. For example: on [sukkot](#) there is a *mitzvah* for Jews to eat and sleep in the [sukkah](#). If it is raining, though, one is exempted from eating and sleeping in the [sukkah](#).

⁴ See [Bava Kamma 87a](#); Talmud Yerushalmi Shabbat 1:2.; see also Kiddushin 30a.

⁵ [Shulchan Arukh](#) OC 639:2 praises one who drinks even water in his *sukkah*. However, drinking water in a *sukkah* is not a *mitzvah*! For resolutions to this specific case, see [Biur Halacha](#) to end of OC 639; Vilna Gaon to [Mishnayos Brachos](#) I: 3.

⁶ It is a general principle of Torah law that all Jewish women are exempt from any positive, time-bound commandment.

The [Rama](#)⁷ writes that a Jew who decides to sit in a *sukkah* despite the rain is called a *bedyot*. In the case of rain, the *mitzvah* of eating and sleeping in the *sukkah* is not suspended; rather, it ceases to exist entirely. In such a case, the sitter is merely sitting outside in the rain! Rather than being a holy act, their “*mitzvah*” has become a foolish one! [Nachmanides](#) writes similarly:⁸

In the Talmud Yerushalmi it is stated: “Anyone who performs a mitzvah in which he was not commanded from the Torah is a hedyot.” This is discussing someone who performs a mitzvah to which he has absolutely no connection whatsoever. Then, he is, in effect, adding to the Torah. However, one who does a mitzvah of the Torah according to its proper performance even though he was not commanded in it, such as women, receives reward.

Nachmanides adds to the definition of *bedyot*. A Jew who performs a *mitzvah* that in which he has no obligation is called foolish because he thinks that he is acting piously. However, he may actually be committing a transgression: adding to the Torah!

To fully appreciate the concepts of *Baal Tosif* and *bedyot*, we need to understand the idea of *Bitul Hayeshus* – the nullification of ego and will.

**BITUL - MY
 WILL VS.
 GOD'S WILL**

Who defines for us what actions are holy or not? Can we decide that an act is holy or a *mitzvah* on our own? No, we cannot. The entire concept of *mitzvos* is that God has defined for us what is meaningful and holy and what is not meaningful and holy. Therefore, our will is, to a large degree, irrelevant. Our duty as servants of *HaShem*, God, is *Bitul Hayeshus* - to nullify our will in the search for and servitude of His will. We must strive to understand God’s will, learn to recognize it, and learn how to fulfill it according to its specific details. The objective guidepost for determining God’s will and its fulfillment is the study of the Torah according to the principles of Torah elucidation handed down from time immemorial.

In certain areas, God has given the man leeway to beautify the *mitzvos*, or to declare certain things as holy or “set aside” for service to God. However, if a Jew decides to do a *mitzvah* where it clearly does not apply, that Jew is “forcing” his will upon God.

⁷ Shulchan Aruch OC 639:7.

⁸ *Chiddushim to Kidushin* 31a. This is the reading found in most standard editions of Nachmanides. However, there are some editions that read: ...one who does a *mitzvah* of the Torah according to its proper performance even though he was not commanded in it, such as women or **gentiles**, receives reward. The [Birkei Yosef](#) YD 333:1 quotes Nachmanides as: ...such as women or **idolaters**. Some modern critical editions include have placed the word “gentiles” in brackets. The inclusion of this reference to non-Jews is suspicious. Not only does not make any sense in context, but its pattern of inclusion in older does not indicate a clear chain of transmission.

If a Jewish farmer in the Midwest decides to not work his field on the *shemitta* (sabbatical) year⁹, insisting that he is doing it for God, he is called a *bedyot*. For one, the *mitzvah* only exists in Israel. God's desire is only that the Holy land rest in the sabbatical year; not any other land. To rest another, non-holy land in the sabbatical year is to diminish the importance of Israel and the *mitzvah* of *shemitta*. Second, our farmer is endangering his livelihood, which is foolish. Lastly, if he loses his farm or creates tension among his family or business associates because of his "religious" obstinacy, then it causes a *Chillul HaShem* – a desecration of the Torah.

All of the foregoing applies to Jews. The Jewish people are VERY stringently enjoined against the idea of forcing their will upon *HaShem*.

If this is case for Jews, Rav Moshe wonders why we should assume that it is any different for Noahides? After all, **there are not two Torahs!** The fundamental mechanics of the Torah apply equally to Jews and Noahides!

It is vitally important for anyone wishing to adopt a Noahide identity to embrace this point: **there are not two Torahs**. The same mechanics that govern Jewish observance of the 613 mitzvos also govern the Noahide observance of the 7 *mitzvos*. Just as the Jews have *Baal Tosif*, the Noahides have *Chiddushei Dat*. The concept of *bedyot* applies equally to both.

Rav Moshe's Reading of Maimonides and the Radbaz

§9 *A non-Jew¹⁰ 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.

These two prohibitions are unique because they are the most severe. This is why they are singled out by the Talmud and Maimonides.

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.

⁹ See Leviticus 25 for the verses defining this *mitzvah*.

¹⁰ 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.

The prohibition of *Chiddushei Dat* is not limited to Shabbat, Festivals, and Torah study, but applies to all mitzvos of the Torah. *Chiddushei Dat* is transgressed whether a non-Jew creates a new religious practice for himself, or behaves as if he is obligated in the other mitzvos of the Torah.

Either convert and accept all the mitzvot or uphold their commandments without adding or detracting from them.

THE MOST
IMPORTANT
POINT

This point is perhaps the most important yet: the prohibitions of *Chiddushei Dat* do not exist to reduce or restrict the identity of a Noahide. Similarly the prohibition of *Baal Tosif* does not exist to reduce or restrict the identity of a Jew. Instead, *Chiddushei Dat* exists to define the boundaries of Noahism. It clearly delineates where Judaism ends and Noahism begins.

Noahism may drink from the same well as Judaism and share its core beliefs and values, yet it is a religious identity wholly separate and distinct from Judaism. Noahides have their own special *mitzvos* and missions in the world, as the Jews have theirs. Noahism is not a “Judaism for non-Jews.” Neither is being a Noahide a way for non-Jews to participate in Judaism. For the non-Jew who wishes to observe Jewish rituals or festivals, Maimonides teaches that conversion to Judaism is his only option.

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.

This is talking about a case when the non-Jew lives under Jewish sovereignty. He is liable to punishment for observing these *mitzvos*. Specifically, he is liable to death at the hands of heaven.

§10 *Should a non-Jew wish to perform one of the Torah’s other mitzvos...*

The prohibition of performing other Torah *mitzvos* is nowhere as severe as Shabbat, festivals, or Torah study. In fact, a non-Jew may choose to perform other Torah commandments subject to specific conditions. These conditions are the boundaries of *Chiddushei Dat*.

Should a non-Jew wish to perform one of the Torah’s other mitzvos... This indicates that a non-Jew may only occasionally perform other Torah *mitzvos*. If a non-Jew decides to regularly observe one of the *mitzvos*, he has effectively added a religious observance and transgresses *Chiddushei Dat*.

...in order to receive merit/benefit...

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..."*

Rav Moshe explains that any spiritual motivation makes the *mitzvah* a religious act. This is even if the *mitzvah* is performed only occasionally. Therefore, the only permissible motivation can only be ulterior. However, what ulterior, non-spiritual, motives could there possibly be for keeping kosher or many other *mitzvos*? Maimonides is telling us that, although the non-Jew may not perform the *mitzvah* from a sense of spiritual connection or need, he may for the obligation of receiving reward. This sets the threshold for permitted motivation in performing one of the Torah's *mitzvos*. However, Rav Moshe explains this is only pertaining to the motivation. The non-Jew does not actually receive reward for doing the *mitzvah*. This is because the Talmud explicitly learns that non-Jew does not receive reward if he performs a mitzvah as such.

Nevertheless, mitzvos that provide a logical or tangible, real-world benefit may certainly be adopted. We will elaborate on this idea in a moment.

... we should not prevent him from doing so even according to all of its details.

Unlike Shabbat, festivals, and certain types of Torah study, we must do not stop a non-Jew from trying to do the *mitzvah*. However, this implies that we should neither encourage nor assist a non-Jew in doing so.

If he brings an animal to be sacrificed as a burnt offering, we should accept it.

Rabbeinu Nissim Gaon writes:¹¹

Not all of the Seven Laws and their derivations require revelation. For example – the obligation to recognize God, to obey Him, and the obligation to serve him – all of which are rational and can be logically derived.

Certain aspects of Noahide worship and practice are permitted or proper not because they are commanded in the Torah, but because they are compelled by logic and basic, common, religious needs. Therefore, Rav Moshe points out that certain *mitzvos* and religious acts are certainly

¹¹ Introduction to Tractate Brachot.

permitted and they may even be done according to all their Torah details. Such *mitzvos* would include prayer and certain types of offerings and tithes.

To Summarize Rav Moshe

- Noahides may not keep Shabbat or study those parts of Torah prohibited to them. The details of these prohibitions will be discussed shortly.
- Noahides should not be encouraged to perform any other *mitzvos* of the Torah.
- If a Noahide insists on performing a *mitzvah* to which he is not commanded, it is permitted provided that his motivation is not at all spiritual. In such a case, he may even perform the *mitzvah* according to all of its details.
- Even so, a Noahide should not perform such a *mitzvah* regularly because then, regardless of his motivation, it constitutes the establishment of a new religious practice.
- The *mitzvah*, however, has no spiritual merit or meaning. Any feeling of connection or spiritual elevation one may sense is illusory.
- Nevertheless, there are certain spiritual practices, such as prayer, that are permitted to Noahides and for which they are rewarded.

Rav Moshe Weiner in the *Sefer Sheva Mitzvos HaShem* (The Divine Code)

After reviewing the many interpretations of Maimonides, Rabbi Weiner decides the *halakha*, law, in accordance with Rav Moshe. However, Rabbi Weiner elucidates¹² Rav Moshe's position further. He explains that there are many *mitzvos* whose performance need not be motivated by spirituality or reward, but have an immediate real-world benefit. It is possible, and perhaps laudable (and in some instances, even obligatory), for Noahides to perform these *mitzvos*.

¹² See *The Divine Code*, 2nd ed. Pp. 64 – 74.

Maimonides writes:

*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.*

Rabbi Weiner explains that the word *sekhar* may be understood as “merit” or “benefit.” Rabbi Weiner explains that Maimonides’s use implies “benefit.” Therefore, if a Noahide wishes to adopt a *mitzvah* that provides direct, real-world material or social benefit, it is permitted and, perhaps, even praiseworthy to do so. A Noahide may practice such a *mitzvah* regularly and according to all of its Torah details

Mitzvos having real-world material or social benefit would include all of those that are *Bein adam le-chaveiro*, between man and man, such as:

- Honoring one’s parents,
- *Tzedaka* (charity),
- Observing the prohibitions against *Tzaar Baalei Chayim*, animal cruelty,
- Observing the laws of prohibited speech.
- There are many other examples that we will discuss in this course.

There are a number of religious observances that are between man and God, *Bein Adam le-Makom*, that may also be observed, as will be discussed later on.

Rabbis Weiner and Feinstein’s conclusions on *Chiddushei Dat* outline the guiding principles determining whether or not a Jewish *mitzvah* may be practiced by a Noahide.

Summary of Lessons

1. Besides their *mitzvos*, Noahides may only regularly practice Torah *mitzvos* that are:
 - a. Compelled by logic,
 - b. Provide material or social benefit to the world, society, or the individual,

- c. Such *mitzvos* may be practiced according to all of the Torah's details.
2. Noahides may not practice any other *mitzvah* of the Torah:
 - a. Regularly, regardless of motivation,
 - b. Even occasionally if he is spiritually motivated to do so,
3. Any *mitzvah* unique to Jewish identity or requiring the unique holiness of Israel may not be performed by a Noahide under any circumstances. These include:
 - a. Mezuzah,
 - b. Tefillin,
 - c. Torah Scroll
 - d. Tzitzis
 - e. These specific *mitzvos* will be discussed in greater detail in a future lesson.
4. Noahides may not in any way observe Shabbat or the Festivals. However, there are some exceptions that will be discussed in a future lesson.
5. There are restrictions on what Torah may be studied by Noahides.
6. **The prohibitions of *Chiddushei Dat* do not exist to reduce or restrict the identity of a Noahide. Similarly the prohibition of *Baal Tosif* does not exist to reduce or restrict the identity of a Jew. Instead, *Chiddushei Dat* exists to define the boundaries of Noahism. It clearly delineates where Judaism ends and Noahism begins.**
7. **Noahism may drink from the same well as Judaism and share its core beliefs and values, yet it is a religious identity wholly separate and distinct from Judaism. Noahides have their own special *mitzvos* and missions in the world, as the Jews have theirs. Noahism is not a "Judaism for non-Jews." Neither is being a Noahide a way for non-Jews to participate in Judaism. For the non-Jew who wishes to observe Jewish rituals or festivals, Maimonides teaches that conversion to Judaism is his only option.**