

THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH LEARNING
PROJECT

The Noahide Laws – Lesson Twenty



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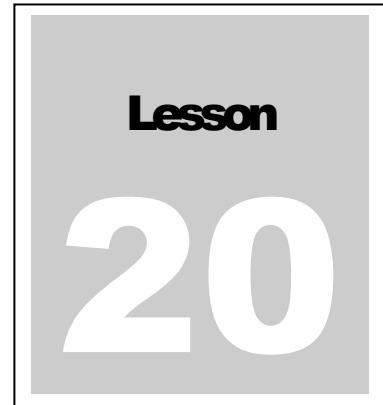
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Torah Study I



Introduction

Do Noahides have a mitzvah of Torah study? The answer is no, but with a very big asterisk. As with many topics, our understanding is enhanced by first examining the Jewish mitzvah. As mentioned in an earlier lesson, not all *mitzvos* apply to all Jews at all times. Nevertheless, every Jew is explicitly commanded to study the entire Torah and all of the *mitzvos*.

However, there is no place where Noahides are commanded to study Torah. To the contrary, we find that the Noahide laws actually restrict non-Jewish study of Torah. Furthermore, there are prohibitions in Jewish law on what Torah Jews may teach to Noahides.

When examining the topic of Torah study for non-Jews, we have to look at three factors:

- 1) What the Noahide laws restrict non-Jews from studying,
- 2) What Jewish law restricts Jews from teaching, and
- 3) The positive aspects of non-Jewish Torah study mentioned in the sources.

Non-Jewish Torah Study: Praiseworthy, or Prohibited?

The main source for the status of non-Jewish Torah study is a Talmudic passage from [Sanhedrin 59a](#). We will first examine the complete passage, and then break it down line-by-line as understood by the primary Talmudic commentaries:

SANHEDRIN

59A-FULL

TEXT

[Material in brackets has been inserted by the editor and translator]

[Proposition:] [Rabbi Yochanan](#) said: *A non-Jew who delves into Torah is liable to death, as it says: “The Torah was commanded through Moses as **the inheritance** of the Children of Jacob.”¹ It is an inheritance for the Jews, not for the Non-Jews.*

- [Question:] *Why is this [prohibition] not included explicitly in their seven laws?*
 - [Answer #1:] *One explanation is that “**the inheritance**” prohibits Non-Jews from delving into Torah because it would constitute stealing.*
 - [Answer #2:] *Another explanation is that the word for “**the inheritance**” should be read as “betroted.” Therefore, a non-Jew who studies Torah is considered as having committed adultery with a betrothed woman.*

[Challenge to the Proposition:] *They [the other Rabbis] challenged this teaching from a Braisa.²*

*Rabbi Meir would say: From where do we know that even a non-Jew who delves into Torah study is like a Kohen Gadol [high priest]? For it is written: “...that **Adam**, a man, shall keep them and live through them.”³ The verse does not say that a Kohen, Levi, or Yisrael, shall do and live through them, but rather “a man.”*

- [Answer and resolution:] *There, in the Braisa, Rabbi Meir is referring to a non-Jew who studies his seven mitzvos. Rabbi Yochanan is referring to a non-Jew who studies mitzvos and Torah that have no application to him.*

¹ Deut. 33:4.

² The Braisa, as discussed in earlier lessons, is a statement of the oral Torah parallel and of equal authority to the Mishnah.

³ Lev. 18:19.

[Proposition:] *Rabbi Yochanan said: A non-Jew who delves into Torah is liable to death, as it says: “The Torah was commanded through Moses as **the inheritance** of the Children of Jacob.”⁴ It is an inheritance for the Jews, not for the Non-Jews.*

As will all Talmudic discourse, this section opens with a proposition supported by a proof. Propositions are either supported by logic or a scriptural verse. In this case, Rabbi Yochanan invokes Deuteronomy 33:4 as his source for the proposition that, apparently, all non-Jewish Torah study is prohibited.

- [Question:] *Why is this [prohibition] not included explicitly in their seven laws?*

The Talmud is surprised that a prohibition serious enough for “liable to death” is not recorded explicitly as part of the Noahide laws. The Talmud explains that, though not specifically listed, it is part of the Noahide laws via derivation:

- [Answer #1:] *One explanation is that “**the inheritance**” prohibits Non-Jews from delving into Torah because it would constitute stealing.*

By describing the Torah as an “inheritance” the Torah is telling us that it is the right of Israel alone, not of other nations. Therefore, one who misappropriates that right is, therefore, guilty of theft.

- [Answer #2:] *Another explanation is that the word for “**the inheritance**” should be read as “betrothed.” Therefore, a non-Jew who studies Torah is considered as having committed adultery with a betrothed woman.*

Both here and in [Pesachim 49b](#), the Talmud points out that the word *Morasha*, inheritance, may also be read *Morasba*, betrothed. Both Answer #1 and #2 are explaining that the prohibition of non-Jewish Torah study is not recorded as a stand-alone prohibition because either answer places it conceptually under an existing category of prohibition: either theft or sexual immorality. Both of these answers, however, are difficult for reasons that we shall soon see.

Despite the proposition, Rabbi Yochanan’s claim of a blanket prohibition of Torah study for non-Jews is contradicted:

[Challenge to the Proposition:] *They [the other Rabbis] challenged this teaching from a Braisa.⁵*

⁴ Deut. 33:4.

⁵ A [braisa](#), as discussed in earlier lessons, is a statement of the oral Torah parallel and of equal authority to the Mishnah.

Rabbi Meir would say: From where do we know that even a non-Jew who delves into Torah study is like a Kohen Gadol [high priest]? For it is written: "...that Adam, a man, shall keep them and live through them."⁶ The verse does not say that a Kohen, Levi, or Yisrael, shall do and live through them, but rather "a man."

The word *Adam* can refer to mankind, a man, humanity, or the first man, depending on context and usage. Typically, in the *Tanach* *Adam* implies the nation of Israel.⁷ Rabbi Meir argues that, in this verse, *Adam* should be understood in the universal sense of Jew and non-Jew alike.⁸ The proof verse here teaches that all mankind can benefit from the Torah. The comparison of a non-Jew who delves into Torah with a high priest is derived from Shem, the Son of Noah. Shem was the leading scholar of the Noahide laws in his time and was praised as a "priest of God on High."⁹

The Talmud's challenge is essentially asking: how do we square Rabbi Yochanan's derivation of the prohibition of non-Jewish Torah study with Rabbi Meir's apparent endorsement of it?

- [Answer and resolution:] *There, in the Braisa, Rabbi Meir is referring to a non-Jew who studies his seven mitzvos. Rabbi Yochanan is referring to a non-Jew who studies mitzvos and Torah that have no application to him.*

CONCLUSION

The conclusion of the Talmud is, as is often the case, is that Rabbis Yochanan and Meir are not arguing. Rather, they agree and are teaching two sides of the same issue:

- Rabbi Yochanan: Non-Jews who study areas of the Torah that do not apply to them are liable to death.
- Rabbi Meir: Non-Jews who study the parts of the Torah which do apply to them are comparable to Shem, a priest of God.

Non-Jews may only study those portions of the Torah that are essential to their practice and faith as Noahides. Areas of the Torah that pertain only to Jewish mitzvos are prohibited.

⁶ Lev. 18:19.

⁷ See Ezekiel 34:31 and [Yevamos 61a](#).

⁸ See [Rashi](#) and [Tosafos](#) here.

⁹ See Genesis 14:18. Rashi explains that Malchizedek was Noah's son Shem.

Liabile to Death?

Assigning the death penalty for non-Jewish Torah study is deeply problematic.

Let's examine the issue again: The Talmud was bothered by the fact that Rabbi Yochanan claimed death as the apparent penalty for non-Jewish Torah study.

If this is such a serious prohibition, then why is it not prohibited explicitly as part of the 7 laws?

The Talmud's answer is puzzling: it teaches that the prohibition is learned by derivation from theft or from sexual immorality. That answer is fine for explaining how the prohibition fits into the Noahide laws. Yet, we are still left with the original question: If it is a death penalty issue, then why it is not mentioned explicitly? The assumption of the question is that something as serious as a death penalty crime is not learned by derivation or implication (this is, in fact, a truism of Torah law).

Another problem is the description of non-Jewish Torah study as "theft." A specific requirement of actionable theft under Torah law is the loss of tangible property. Non-Jewish Torah study does not result in the loss of any property to Israel. Therefore, the case couldn't even be tried! Similarly, if non-Jewish Torah study is compared to adultery, it certainly cannot be tried as adultery because actual adultery never happened.

Clearly, we see that the death penalty can never be administered for a non-Jew learning Torah. So, what is Rabbi Yochanan's point in telling us this?

MAIMONIDES

The Maimonides's all-seeing eye apparently noted the same issue, writing:

- From [*Hilchos Melachim 8:10*](#) – *Moshe gave over the Torah and the Mitzvos only to Israel "an inheritance to the Children of Israel." It is also permitted for anyone who wants to convert.*
- From [*Hilchos Melachim 9:10*](#) - *A Non-Jew who learns Torah is obligated to the death penalty. He may learn only his seven mitzvos. If he learned Torah, kept Shabbos, or took on new mitzvos, we beat him, punish him, and inform him that he deserves death. **However, we do not actually kill him.***

The Rambam tells us that, although a non-Jew is obligated to death, he is not actually put to death. The [*Meiri*](#), [*Yad David*](#), [*Kesef Mishnah*](#), and all other commentaries explain that a non-Jew who studies Torah is in fact liable to the death penalty. However, their sentence is only carried out by the hands of heaven and not human courts. We will discuss this point more in a future lesson.

Types of Study & Types of Torah

In the above-quoted section of the Talmud (from Sanhedrin) it is important to note that, *lilmod ba-Torah*, the **study** of Torah, is never referred to. Instead, the Talmud only discusses *she-osek ba-Torah*, **delving** into Torah.

What is the difference between “delving” into the Torah and merely “learning” Torah? Also, what is called “Torah” for the sake of this prohibition? Does it mean the written Torah, or the oral Torah? What about kabbalah or Midrash?

The [Meiri](#)¹⁰ summarizes the views of the sages as follows:

[The prohibition is only] if he is involved in Torah not for the sake of keeping the mitzvos, but only because he desires to fathom the wisdom of the written and oral Torahs.

The Meiri is telling us three things:

- 1) That “delving” means learning deeply to “fathom the wisdom” of the Torah.
- 2) That the prohibition of delving applies to both the written and oral Torahs.
- 3) That “delving” is permitted for the sake of learning the Noahide laws, but not for learning any other areas of Torah. This implies that basic (non-delving) learning, even of areas not relevant to Noahides, is permitted.

Delving vs. Learning

The distinction between delving and learning for the purpose of Torah law is explained by [Rabbi Chaim Sofer](#) in his *Machaneh Chaim*.¹¹ Rabbi Sofer divides Torah study into two categories: *Mishnah* and *gemora*. Now, there are actual texts called Mishnah and Gemora (we have discussed them previously). However, the categories of *mishnah* and *gemora* discussed here refer categories of Torah study (for simplicity, we will refer to the texts of the Mishnah and Gemora with capital letters and the categories with lower case letters).

¹⁰ As noted in prior lessons, practical application of the Meiri’s opinions is not easy. In this case, though, the Meiri is summarizing the conclusions reached by many other commentaries.

¹¹ I: 7.

The category of *Mishnah* refers to anything composed for the sake of basic knowledge, whether it is of the oral or written law. In contrast, *gemora* refers to the derivation of laws and exploration of the deeper meanings and structures within the text,¹² either oral or written. All study of *Mishnah* is permitted for Noahides, while the only *gemora* permitted is that which pertains to Noahide observance.

Another very important point here is that method of study and material of study are fundamentally the same thing. For example, if one studies the Torah text using the methods of the Talmud, or simply studies the text of the Talmud, both constitute *gemora* – delving. This is because they both accomplish the same type of prohibited study.

What May Be Studied?

THE WRITTEN
TORAH
& TANAKH

It is permitted for a Noahide to read the 24 books of the Tanakh. This is clear from many sources, most notably Maimonides who writes that a non-Jew may even read from a Torah scroll.¹³ A non-Jew may even learn commentaries on the text provided that the purpose of the commentaries is to explain the plain meaning of the text (i.e. *Rashi* and *Nachmanides* – these fall under the category of *mishnah*).

However, studying commentaries which delve into the intent of the text using methods similar to the Talmud are prohibited (this would constitute *gemora*). Such classic commentaries as the [Sifri](#) and [Mehilta](#) are, therefore, prohibited for study. One is also forbidden from learning the *Kabbalistic* and *Midrashic* interpretation of the Torah unless they pertain to Noahism.

ORAL TORAH &
WORKS OF
LAW

Any sections of Torah literature composed for the sake of basic knowledge, whether it be of the oral or the written law, is permitted for study (because it is *Mishnah*). Therefore, the Mishnah, the Mishnah Torah (by Maimonides), and the [Shulchan Aruch](#) (Code of Jewish Law) are all permissible because they teach the laws and conclusions without delving into the reasons and methods of its derivation.

However, the commentaries on these works (including those printed in the margins) are prohibited for study.

¹² See also [Hagabos Yaavetz](#) on Sanhedrin 59a.

¹³ [Hilchos Sefer Torah 10:8](#).

Do Noahides Make a Blessing on Torah Study?

There is no commandment of Torah study for Noahides. Intrinsicly, a non-Jew never need study the Noahide laws. His only obligation is to obey them. Of course, this is not possible unless he studies them. By fiat of logic and necessity, Torah study is therefore part of Noahism.¹⁴

However, mere study of the Torah is not something that a Noahide receives particular praise for. It is a purely utilitarian activity.

Yet, for going beyond the mere utilitarian need for study and “delving” into his obligations, a Noahide is praised like a High Priest. This delving is a voluntary activity, while basic study is a necessary activity. Neither, however is a *Chov*, an obligatory commandment, upon which the blessing “...who has commanded us...” is said. Therefore, Noahides should not make a blessing on Torah study.

Nevertheless, a Noahide receives tremendous reward for his “delving” into the Torah, which is of great value in the eyes of heaven.

Summary of This Lesson

- Any basic material (*mishnah*) may be studied whether it does or does not apply to Noahism.
- Any material which deals with deeper aspects, derivations, or analysis of the Torah (*gemora*) may only be studied if it is directly relevant to Noahide laws or practice.
- One who studies that which he is injuncted against is liable to death at the hands of heaven.

Examples of Texts Permitted for Basic Study – Complete Texts That May be Studied

- Text of the Torah
- Text of the Prophets
- Text of the Writings
- The commentaries of Rashi, Ramban, Kli Yakar, Ibn Ezra, or Abarbanel on the above.
- Text of the Mishnah
- Text of any compilations of Torah law such as Mishnah Torah of the Rambam, Shulchan Aruch, or Kitzur Shulchan Aruch.

¹⁴ See Meiri, Sanhedrin 59a. See also [Maharsha](#) to Avodah Zara 3a.

Examples of Text Prohibited for Study Unless Pertaining to Noahide Practice

- Talmud
- Zohar & Kabbalah¹⁵
- Midrash
- Topics on theology or philosophy which do not deal directly with Noahide practice.
- Commentaries on the Mishnah
- Works of law which explain the derivations of the laws such as the Mishnah Berurah, Aruch HaShulchan, Shulchan Aruch HaRav.
- Commentaries on Mishnah Torah of the Rambam, Shulchan Aruch, or Kitzur Shulchan Aruch.
- Any books on Jewish law which go beyond a practical presentation of the rules.

¹⁵ See also Tos. Chagigah 13a.