

## SURVEY OF RECENT HALAKHIC PERIODICAL LITERATURE

### TEACHING TORAH TO NON-JEWS

*"Moses has commanded us the Torah, an inheritance for the community of Jacob."* Deut. 33:4

*"And it shall come to pass in the end of days . . . And many nations shall come and say, 'Come ye, and let us go up to the mountain of the Lord, to the house of the God of Jacob and He will teach us His ways and we will walk in His paths.'"* Isaiah 2:2-3

The prohibition against teaching Torah to non-Jews is well known to students of Jewish law. Equally well known is the role of Abraham as the "father of the multitude of nations," entrusted with the sacred task of carrying the teaching of monotheism to idolatrous peoples. A person unfamiliar with the extensive rabbinical literature devoted to this topic may perceive a certain tension, and perhaps even contradiction, between a recognized need to disseminate religious truths and an almost xenophobic reluctance to share the greatest repository of such truth—the Torah. Yet even a cursory examination of the relevant sources dispels the notion that while the community of Israel jealously guards its spiritual wealth, it refuses to share these riches with others. On the contrary, it is unique among Western religions in its willingness to share its teachings without seeking to impose its observances. This necessarily involves a vocation of teaching despite the stricture against teaching Torah to non-Jews. The latter,

while based on substantive philosophical considerations and of definite halakhic import, admits of sufficiently broad exclusions to assure that Israel remains true to its role as a lamp unto the nations.

In every legal system there are laws that, at first glance, seem severely restrictive but that, on closer scrutiny, yield so many exceptions as to render such laws virtually nugatory. It would certainly be an overstatement to describe the prohibition against the study of Torah to non-Jews as an example of such a law. Nevertheless, in some contexts it is permissible to teach Torah to non-Jews; in other instances it is even praiseworthy to do so. The matter is greatly complicated by numerous disagreements between halakhic authorities with regard to the precise parameters of this prohibition. Thus numerous scholars permit the study or teaching of the Written Law, others permit forthright responses to inquiries with regard to any facet of Torah study and/or instruction to correct erroneous views, and still others permit the teaching

of Torah but not its "secrets or reasons." In the medieval period no less a personage than Rambam entirely excluded Christians from this prohibition, while in the last century Rabbi Israel Salanter, the acclaimed founder of the Mussar movement, actually mounted a campaign for the incorporation of talmudic studies in the curricula of European schools and universities. With regard to some points a consensus emerges: with regard to others controversy remains. In order to understand properly how it may be that for some authorities and under some conditions an act may constitute a violation of a Divine command while for other authorities or under other circumstances the deed may be meritorious, it is necessary to undertake a careful examination of the halakhic sources.

#### *Rabbinic Sources and Responsa Literature*

Judaism teaches that the study of Torah, whose essence is a covenant between God and the community of Israel, is a privilege reserved for adherents of Judaism. Non-Jews, who are not bound by the commandments of the Torah, are neither required nor permitted to study Torah. The Gemara (*Sanhedrin* 59a) declares that a non-Jew who engages in the study of Torah has committed an offense deserving of the penalty of death. Rambam, *Teshuvot Pe'er ha-Dor* no. 50,<sup>1</sup> followed by *Kesef Mishneh, Hilkhot Melakhim* 10:9, explains that this punishment is to be meted out by Heaven but not by a mortal court.<sup>2</sup>

The biblical text cited in establishing this prohibition is the verse, "Moses has commanded us the Torah, an inheritance for the community of Jacob" (*Deuteronomy* 33:4). In explaining the nature of the prohibition against teaching Torah to non-Jews, the Gemara (*Sanhedrin* 59a) offers two distinct exegetic interpretations of this verse. Scripture speaks of the Torah as an inheritance bequeathed to the community of Jacob.

According to one explanation, this phraseology excludes non-Jews from participation in that legacy. Since the Torah was given only to the Jewish people, a non-Jew who studies Torah is, in a sense, appropriating something that was not intended for him. Study of the Torah by a non-Jew is, according to this explanation, described as an offense akin to theft. Alternatively, the Gemara suggests that the biblical term "*morashah*," meaning "inheritance," should be vocalized as "*me-orasah*," meaning "betrothed." The Torah is the "betrothed" of the community of Jacob. The bond between Jews and the Torah is depicted as similar to that between a bride and groom. One who is not a member of that community but nevertheless engages in the study of Torah has committed a violation akin to adultery; he has illicitly intruded on an intimate and exclusive relationship.<sup>3</sup>

It must, of course, be remembered that the Torah is not an abstract science. Judaism teaches that Torah study must be pursued for purposes of implementation, not as a theoretical, intellectual discipline. A non-Jew, who is under no obligation to observe its precepts, would subvert the very purpose of Torah study were he to pursue such study solely for purposes of satisfying intellectual curiosity. Misappropriation of the Torah in this manner is both a form of theft and a violation of the unique relationship that exists between the Torah and its adherents. In this context it is significant to note the Me'iri (*Sanhedrin* 59a) declares that a non-Jew may study Torah and, indeed, acquires merit in doing so if it is his intention to fulfill the precepts that he studies.

Me'iri, in his commentary on *Sanhedrin* 59a, quite apparently views the terminology employed by the Gemara in depicting the nature of this prohibition as metaphoric and explains that the prohibition against a non-Jew studying Torah is rooted in the fear that a non-Jew who becomes proficient in Torah scholarship

may be accepted as a Jew and thus be in a position to subvert the religious practices of Jews. Rabbi Solomon Luria (*Yam shel Shlomoh, Baba Kamma* 4:9), although he does not explicitly state that this is the rationale underlying the prohibition, decries the fact that some Jews in Spain and in oriental countries were wont to provide instruction in Torah studies to non-Jews for personal gain and asserts that this practice contributes to heresy. The possibility that non-Jews, particularly those engaged in missionary activity, might misinterpret the teachings of the Torah, whether consciously or otherwise, and thereby undermine the faith of Jews was indeed, historically speaking, a cogent cause for concern. The prohibition against teaching Torah to a non-Jew thwarts such an untoward misuse of Torah.

Just as non-Jews are prohibited from studying Torah, so are Jews forbidden to teach Torah to gentiles. *Tosafot* (*Chaggigah* 13a) declares that a Jew who causes a non-Jew to transgress in this manner is guilty of violating the commandment "You shall not place a stumbling block before the blind" (Leviticus 19:14).<sup>4</sup> Moreover, the Gemara (*Chaggigah* 13a) states that teaching Torah to a non-Jew is a violation of an admonition inherent in the words of the Psalmist, "He declareth His word unto Jacob, His statutes and His ordinances unto Israel. He hath not done so with any nation; and as for His ordinances, they have not known them" (Psalms 147:19-20). This verse, according to *Tosafot*, serves to establish a prohibition against teaching Torah to a non-Jew that is independent of any infraction on the part of the non-Jew.<sup>5</sup>

Over the course of centuries various questions have arisen with regard to possible exceptions to the prohibition against teaching Torah to non-Jews. One question frequently posed in our age of rampant intermarriage is whether the child of a Jewish father and a non-Jewish mother who, insofar as Jewish law is concerned, is a non-Jew, may enroll in a

Talmud Torah or Day School and, conversely, whether the instructor teaching Torah to a class while such a child is in attendance is guilty of an infraction of Jewish law. This very modern question is addressed by Rabbi Ovadiah Yosef in the Adar 5737 issue of *Or Torah*, but was discussed much earlier by Rabbi David Hoffman, *Melamed le Ho'il, Yoreh De'ah* no. 77. An earlier, broader treatment of the topic by Rabbi Yosef is included in *Yabi'a Omer* II, *Yoreh De'ah* no. 17. The question addressed to Rabbi Hoffmann seems to have been posed by a teacher in the German equivalent of our public school. Apparently, a specified number of hours were designated for religious instruction to be provided on behalf of each student in accordance with his or her religious persuasion. The problem referred to Rabbi Hoffmann involved a child born of a gentile mother and a Jewish father. The child was registered as *konfessionslos*, but the father nevertheless desired that his son receive religious instruction together with the Jewish children. In his response Rabbi Hoffman correctly notes that conversion of the child is not an acceptable approach in obviating the problem, since "what benefit is there to us in converts such as those who without doubt will desecrate the Sabbath and transgress all commandments?" But, at the same time, Rabbi Hoffmann was loath to counsel expulsion of the child from the class lest the father "forsake the community or create controversy within the community." Rabbi Hoffmann's advice to the teacher was that he explain to the parent that such an education can only lead to conflict and breed disdain for the parent on the part of the child. Since the father is a Sabbath violator, asks Rabbi Hoffmann, "How can the son honor his father if he hears from his teacher of religion that his father is guilty, according to his religious faith, of a capital transgression?" Such counsel may well have been cogent in an age when impious persons were viewed as pariahs, but similar advice would fall on deaf ears

in an age when, all too frequently, parents of many children in the same peer group are equally unobservant.

More significantly, insofar as application in our day is concerned, Rabbi Hoffmann offers alternative advice as well and, in the process, indicates that certain aspects of Torah may be taught to non-Jews with impunity.<sup>6</sup> It may readily be demonstrated that a non-Jew may be taught all matters<sup>7</sup> pertaining to the fulfillment of the Seven Commandments of the Sons of Noah.<sup>8</sup> Such a conclusion represents a position that is entirely cogent. Since the Noachide Code is binding on non-Jews, it stands to reason that they must be thoroughly familiar with its contents in order to observe its provisions properly.<sup>9</sup> Moreover, the Noachide Code is the "Torah" of non-Jews. Hence there can be no question of "theft" with regard to appropriation of its contents. Moreover, *Shiltei Gibborim*, in his comments on Alfasi's citation of *Avodah Zarah 20a*, declares that non-Jews may be taught the Prophets and Hagiographa so that they may be aware of the "consolation and redemption vouchsafed to Israel." Such study is not forbidden because it serves a proper purpose: to influence in a positive manner the comportment of gentiles vis-a-vis Jews. By the same token, argues Rabbi Hoffmann, they may be taught the narrative portions of the Pentateuch so that they may recognize the omnipotence and grandeur of God and become more aware of His miracles and thereby be spurred to renounce paganism, as is their obligation according to the Noachide Code. Accordingly, Rabbi Hoffmann advises the teacher to divide his time and to devote specific hours of instruction to Bible and to the study of those *mitsvot* that are included in the Noachide Code and to devote the balance of his time to the study of *mitsvot* of a ritual nature, which are incumbent only on Jews. The non-Jewish child would be permitted to participate in the former studies but be excluded from the latter. Rabbi Hoffmann takes it for

granted that this arrangement would prove satisfactory to the father since, he argues, there is no logical reason for the father to want his son to study the detailed nature of observances in which the son will not participate. Rabbi Yosef also gives blanket permission for non-Jewish students to participate in classes devoted to the study of Bible and of *mitsvot* that are incumbent on non-Jews for reasons that will be delineated presently.

Similar questions are discussed by Rabbi Pinchas Teitz, *Ha-Pardes*, Tammuz 5714, reprinted in *Ha-Ma'or*, Av-Elul 5726; Rabbi Ephraim Oshry, *She'elot u'Teshuvot mi-Ma'amakim* I, no. 14; Rabbi Yechi'el Ya'akov Weinberg, *Seridei Esh*, II, no. 92; Rabbi Menasheh Klein, *Mishneh Halakhot*, no. 172 V; Rabbi Moses Feinstein, *Iggerot Mosheh*, *Yoreh De'ah*, II, no. 132; and Rabbi Isaiah Even-Sapir, *Tevunah*, Tishri 5715 and *No'am* X (5727), 128-142.

Rabbi Teitz' article was written shortly after the inauguration of his popular Yiddish-language *Daf ha-Shevu'a* radio program. His question regards the propriety of a similar program in the English language. Although such a program would be directed to a Jewish audience, the distinct possibility would exist that some non-Jews might be among the members of the radio audience. The propriety of Torah broadcasts in the vernacular is also the subject of Rabbi Even-Sapir's contribution to *No'am*. Rabbi Klein was asked the identical question with regard to Torah programs on television.

During World War II, Rabbi Oshry was placed in charge of a warehouse in the Kovna ghetto in which the Nazis had assembled rare and valuable rabbinic works. On a number of occasions the Germans demanded of him that he read and translate some of the texts in his custody. Rabbi Oshry examines the question of whether or not compliance with these requests would constitute an infraction of the prohibition against teaching Torah to non-Jews. Rabbi Weinberg was

asked whether it was permissible to lecture "on a talmudic topic" at a non-Jewish university. In his responsum Rabbi Weinberg reports that he first considered the question many years earlier, when he himself had been appointed instructor of Jewish studies at the University of Giessen in Germany.

The question submitted to Rabbi Feinstein concerns a young man, apparently of a non-observant background, about to return home from his *yeshivah* for the Passover holiday. The young man wished to translate the *Haggadah* at the *seder* table so that his parents would be able to fulfill the *mitsvah* as well. His problem was that a relative and his spouse were to be invited by his parents as *seder* guests. The woman in question had been converted to Judaism by a Reform clergyman. Since her status as a non-Jew remains unchanged in the eyes of halakhah, the student wished to know whether he might translate the *Haggadah* in her presence.

The answers to the specific questions posed in each of these responsa is affirmative, although the reasoning advanced by the various decisors is not always identical.

#### *Written Law as Distinct from Oral Law*

The first question that must be analyzed is whether the prohibition against a non-Jew studying Torah is limited to study of the Oral Law only or whether it includes the Written Law as well. The most extreme view in this regard is that recorded in *Sefer Chasidim*, no. 238, which advises that a Jew should not teach even the Hebrew alphabet to a priest.<sup>10</sup> However, the phraseology and context of this statement are indicative of prudent advice rather than of a statutory prohibition. Incidents of persecution and arousal of anti-Semitism by clerics claiming proficiency in Jewish law and lore were not at all infrequent during the medieval period. Hence prudence dictated that no assistance be provided to enemies of

Judaism in their attempts to distort Jewish teaching for their own malevolent purposes. The *Zohar*, *Acharei Mot* 73a, also categorically forbids teaching non-Jews "words of Torah," but the reason given is clearly mystic rather than halakhic.<sup>11</sup>

In another age and under quite dissimilar circumstances, Rabbi Israel Salanter endeavored to gain acceptance of Talmud as a recognized academic discipline.<sup>12</sup> As noted earlier, he sought to have the study of Talmud incorporated in the curricula of European universities and gymnasia. His primary concern, presumably, was to dispel prejudice born of ignorance. One historian speculates that, in addition, Rabbi Israel Salanter was motivated by a desire to enhance the dignity and prestige of the Talmud among Enlightenment figures who, despite their own profession of Judaism, tended to denigrate all rabbinic studies. He perhaps also felt that recognition of Talmud as a respected academic discipline might have a positive effect on nonobservant Jewish students.<sup>13</sup>

Between the polar views forbidding any instruction and permitting all instruction are a significant number of positions that view the prohibition as operative with regard to certain forms of instruction but not with regard to others. Chief among these is the view that the prohibition serves to restrict only instruction in the Oral Law.

A clear distinction between the Oral and the Written Law is formulated by Rabbi Zvi Hirsch Chayes in his commentary on *Sotah* 35b and *Chaggigah* 13a as well as in his *Teshuvot Maharatz Chayes*, no. 32. The Gemara (*Sotah* 35b) states that gentiles acquired knowledge of the contents of the Pentateuch prior to the entrance of our ancestors into *Eretz Yisra'el*. Maharatz Chayes, without citing specific sources, explains that the "decisors" have long distinguished between the Oral and Written Law. Restrictions with regard to the study of Torah by non-Jews, he declares, apply only to the

Oral but not to the Written Law.

Although *Maharatz Chayes* (with one exception, as will be noted later) does not identify the earlier authorities who distinguish between the Oral and the Written Law, this distinction may readily be inferred from a comment incorporated by Rabbenu Gershom in his commentary on *Baba Batra* 21b.<sup>14</sup> The Gemara declares that although residents sharing a common courtyard cannot prevent one of their group from accepting Jewish pupils for Torah instruction, they may legitimately prevent any person who shares their courtyard from providing instruction to non-Jewish students. Since it is generally forbidden to teach Torah to non-Jews, the immediate question that presents itself is what type of instruction is under consideration. Rabbenu Gershom comments that the type of instruction under discussion is instruction "in medical texts or *mikra*" (i.e., the Written Law).<sup>15</sup> The obvious implication is that, when such instruction is provided under conditions that do not cause nuisance to others, the Written Law may indeed be taught to non-Jews.

A similar distinction may be inferred from the comments of Me'iri (*Sanhedrin* 59a). Me'iri states that a non-Jew may study Torah if he does indeed intend to fulfill the precepts that he studies but is deserving of punishment if he studies solely in order to acquire knowledge of "our Torah and our Talmud." Me'iri's inclusion of the phrase "our Talmud" would indicate that it is only the study of the Oral Law that is objectionable.<sup>16</sup> Again, in his commentary on *Chaggigah* 13a, Me'iri speaks of "secrets of the Torah" that may not be imparted to non-Jews. It may be inferred that the Written Law, which is readily accessible to all, may be taught to a non-Jew. Among later authorities, Rabbi Naphtali Zevi Yehudah Berlin, *Meshiv Davar*, II, no. 77,<sup>17</sup> rules that one may teach the Written Law to non-Jews as, do Rabbi Judah Asad, *Teshuvot Maharya, Yoreh De'ah*, no. 135, and the son of this author in a

gloss appended to *Teshuvot Maharya, Orach Chaim*, no. 4. *Meshiv Davar* points to the fact that "God commanded Joshua to translate the Pentateuch into seventy languages," presumably for the edification of non-Jews.<sup>18</sup> A similar distinction is made by numerous other authorities, including *Sefer ha-Metzaref*, no. 97; Rabbi Jonathan Eibeschutz, *Ahavat Yohanatan, Parshat Beshalach; Ma'or va-Shemesh, Parshat Chukat*; Rabbi Jacob Meskin, *Mishpat le-Ya'akov*, no. 24; and *Anaf Yosef, Chaggigah* 13a.<sup>19</sup> Nevertheless, some authorities fail to distinguish between the Oral and Written Law and view the prohibition as encompassing both. This certainly seems to be the position of Shiltei Gibborim as expressed in his previously cited comments. Shiltei Gibborim permits the teaching of the Prophets and the Hagiographa to non-Jews (and, according to Rabbi Hoffmann, the narrative sections of the Pentateuch as well). He certainly implies that other portions of the Written Law (i.e., the sections of the Pentateuch dealing with law and ritual) may not be taught to non-Jews.<sup>20</sup>

Maharatz Chayes, in his comments on *Chaggigah* 13a and in *Teshuvot Maharatz Chayes*, no. 32, cites Shitah Mekubetzet (*Ketubot* 28a) in substantiation of his distinction between the Written Law and the Oral Law.<sup>21</sup> Indeed, Shitah Mekubetzet as the sole source cited by Maharatz Chayes in drawing this distinction. Nevertheless, as Rabbi Oshry correctly points out, a distinction between the Oral and Written Law is advanced only tentatively by Shitah Mekubetzet, while in his concluding remarks Shitah Mekubetzet states that references to Torah study forbidden to non-Jews are general in nature and hence presumably refer to the Written Law as well. Accordingly, Shitah Mekubetzet must be numbered among those authorities who forbid the teaching of even the Written Law to non-Jews.

Among latter-day decisors there are a number who do not distinguish between

the Written and Oral Law with regard to the prohibition against teaching Torah to non-Jews. Chief among those who explicitly reject such a distinction is Rabbi Joseph Saul Nathanson in the comments appended to his letter of approbation that appears among the prefatory pages of Rabbi Judah Asad's *Teshuvot Maharya*. His argument is that no such distinction is made by *Tosafot*, *Baba Kamma* 38a,<sup>22</sup> or by *Yam shel Shlomoh*, *Baba Kamma* 4:9. This argument, however, does not seem to be conclusive. The comments of both *Tosafot* and *Yam shel Shlomoh* focus on the talmudic narrative concerning two Roman officials who were sent to the sages by their government to study Torah. The problem to which *Tosafot* and *Yam shel Shlomoh* address themselves is, in the light of the prohibition against teaching Torah to non-Jews, how was it permissible for the Sages to accede to this request? Rabbi Joseph Saul Nathanson draws attention to the failure of these authorities to draw a distinction between the Oral and Written Law in resolving this difficulty. Their failure to do so, he argues, indicates that they regard any such distinction as invalid. However, examination of the problem as formulated by *Tosafot* and *Yam shel Shlomoh* reveals that such a distinction, even if valid, would not dispel the difficulty. The Gemara records that, among other things, the Sages instructed the non-Jewish emissaries with regard to the laws governing liability for damages in the event that an ox belonging to a Jewish master gores an ox belonging to a non-Jew, and vice versa. The provisions of law that are cited are clearly part of the Oral<sup>23</sup> and not the Written Law.<sup>24</sup>

Rabbi Yosef and Rabbi Oshry both infer from the comments of Maharsha (*Shabbat* 31a) that this authority also refuses to make a distinction between the Written and Oral Law. The Gemara reports that Hillel agreed to the conversion of a non-Jew who wished to become a proselyte in order that the latter might be appointed High Priest, but only after

teaching him Torah so that the convert was aware that he would not be qualified for this office. It is evident that in this instance Hillel taught Torah to a non-Jew despite the prohibition against doing so. Maharsha states that it was permissible for Hillel to teach Torah to the non-Jew because it is permissible to teach Torah to a prospective convert. A much simpler explanation would have been that the requirement that a high priest be a lineal descendant of Aaron is readily obvious on even superficial study of the Bible and requires no knowledge of the Oral Law. A distinction between the Oral and Written Law would readily have dispelled the question raised by Maharsha. Failure to supply this answer indicates that Maharsha does not recognize the validity of any such distinction.<sup>25</sup>

#### 'Reasons and Secrets'

Another limitation on the prohibition against teaching Torah to non-Jews is expressed by Maharsha (*Chaggigah* 13a), who states that the prohibition is limited to instruction in the "reason and secret of the *mitsvot*."<sup>26</sup> This position is based on the fact that the terminology employed in the formulation of the prohibition is not "It is not permitted to teach the words of Torah to non-Jews" but, instead, "It is not permitted to *give over* the words of Torah to non-Jews."<sup>27</sup> Similarly, Me'iri (*Chaggigah* 13a) speaks of a prohibition against transmitting "secrets of the Torah" to a non-Jew. Maharsha states that the prohibition against teaching "reasons and secrets" extends to instruction in these aspects of Noachide commandments as well.<sup>28</sup> In direct opposition to this latter point, Me'iri (*Sanhedrin* 59a) indicates that insofar as the content of the Noachide Code is concerned, there are no limitations on the nature of instruction that may be provided. It would then seem, that, according to Maharsha, there is no restriction on teaching the factual content of any portion of the Torah

to non-Jews.<sup>29</sup> *Teshuvot Be'er Sheva, Be'er Mayim Chaim*, no. 14, makes a similar distinction between "reasons and secrets" and other aspects of Torah study insofar as the prohibition is concerned, but nevertheless cautions against teaching Torah in any form to non-Jews. A similar position is maintained by *Teshuvot R. Eliyahu, Mizrachi*, no. 57. This authority adds, however, that it is forbidden to disclose the rationale underlying a *mitsvah* or law only when it is possible to avoid doing so. When, however, one cannot readily extricate oneself from such a situation even this information may be provided.

In his comments, Maharsha makes no reference to a distinction between study of the seven Noachide commandments and other aspects of Torah. Since he fails to draw such a distinction, there seems to be strong reason to assume, as stated earlier, that Maharsha does permit a non-Jew to study any area of Torah so long as he avoids the "reasons and mysteries" of the *mitsvah*. Maharsha was certainly understood in this manner by *Teshuvot Yad Eliyahu*, no. 48 and *Teshuvot Ma'aseh Ish, Yoreh De'ah*, no. 7.

However, one recent authority, Rabbi Aaron Walkin (*Teshuvot Zekan Aharon II*, no. 71) argues that this *arugmentum ad silencium* is entirely fallacious and that, quite to the contrary, when Maharsha's comments are examined in context, it becomes evident that this is not at all his intention. The ban against a non-Jew studying Torah is formulated in the Gemara in two places. *Sanhedrin* 59a cites the words of Rabbi Yochanan, who declared, "A non-Jew who engages in the study of Torah is culpable of death." *Chaggigah* 13a records the dictum of Rabbi Ami, who stated, "It is not permitted to give over the words of Torah to a non-Jew." Maharsha's distinction is predicated on the terminology employed by Rabbi Ami. Rabbi Yochanan's statement is more general in nature and does not lend itself to the same inference. Indeed, Rabbi Ami's statement, which is based on a

passage in Psalms, seems redundant, as noted by Tosafot, since Rabbi Yochanan had already posited a pentateuchal prohibition: "Moses commanded us the Torah, an inheritance for the community of Jacob." It is this difficulty that Maharsha seeks to dispel. Rabbi Yochanan's dictum is all encompassing and proscribes Torah study of any nature, excluding only the study of the seven Noachide commandments. Study of the latter are specifically permitted to non-Jews, as stated in *Sanhedrin* 59a. Rabbi Ami's statement, declares Zekan Aharon in his analysis of Maharsha's comments, explicates the dictum of Rabbi Yochanon. Rabbi Ami's intent is to circumscribe the exception admitted by Rabbi Yochanan (i.e., study of the seven commandments). Although a non-Jew may study the seven commandments, declares Rabbi Ami, he may not be introduced to their "reasons and mysteries." According to this understanding of Maharsha, other areas of Torah study are totally forbidden to non-Jews on the basis of Rabbi Yochanan's statement and are not within purview of Rabbi Ami's dictum.<sup>30</sup>

Maharsha's distinction between "reasons and secrets" and other aspects of Torah study is not accepted by all authorities. Maharsha's position is based entirely on use of the phrase "*ain moserin*" which means "It is not permitted to give over" or "It is not permitted to deliver." Rabbi Weinberg, citing *Teshuvot Maharatz Chayes*, no. 32, points out that *Tosafot* must certainly reject any inference based on considerations of phraseology because the textual reading of the Gemara, as cited by *Tosafot Baba Kamma* 38a, is "One who teaches Torah to non-Jews transgresses a positive commandment" and does not at all contain the phrase "*ain moserin*."

#### Other Exclusions

*Intensity of Study.* Another significant limitation on this prohibition is found in



having interpreted it incorrectly. However, continues Rambam, if the correct meaning of Scripture is explained to them, it may perhaps be accepted by them; even if this does not prove to be the case, no harm is done in making knowledge of Torah available to Christians, since they accept the Bible as the revealed word of God.

*Minors.* Rabbi Wolf Leiter, *Teshuvot Bet David* 96, suggests that the ban against teaching Torah to non-Jews may not apply to young children. *Minchat Chinukh* 232, states that the sole prohibition devolving on a Jew who teaches Torah to a non-Jew is that of "Thou shalt not place a stumbling block before the blind" (Leviticus 19:14),<sup>43</sup> Since, however, a non-Jewish child who has as yet not reached the age of legal capacity<sup>44</sup> incurs no punishment,<sup>45</sup> the Jew who provides instruction has not placed a stumbling block before him. However, in an earlier responsum (number 57), Rabbi Leiter states that the prohibition derived from the verse "He hath not done so with any nation" (Psalms 147:20) applies to the teaching of minors as well. Moreover, contends Rabbi Leiter, a non-Jew taught Torah as a child may well review what he has studied after reaching the age of majority. The Jew, in providing instruction to a child, would thus be assisting in a transgression at a later time.<sup>46</sup>

Quite apart from the normative halakhic ruling, enrollment of non-Jewish children of intermarried couples in Jewish schools poses a policy decision of the highest magnitude. Rabbi Maurice Lamm, in a recently published book, *The Jewish Way in Love and Marriage* (New York: Harper & Row, 1980), discusses the implications of such a practice and quite cogently argues that, as a matter of policy, non-Jewish children should not under any circumstances be granted admission to day schools and *yeshivot*.

#### *Positive Obligation*

Non-Jews are not only bound by the

prescriptions of the Noachide Code but are also duty bound to enforce that code. Rambam (*Hilkhot Melakhim* 9:14) defines the last of the Seven Commandments of the Sons of Noah as an explicit injunction addressed to Noachides admonishing them to enforce the first six commandments and to punish violators. Jews as individuals are not required to secure compliance with the Noachide Code on the part of non-Jews. However, in the Jewish commonwealth, Jews were obliged to establish courts for this purpose in the event that Noachide residents failed to do so. Rambam (*Hilkhot Malakhim* 10:11) states that this obligation devolves on the *Bet Din* rather than on individual Jews. Nevertheless, the rationale underlying this obligation—"so that the world not become corrupt"—indicates that, even in the absence of technical responsibility, there is a universal and hence a Jewish interest in the enforcement of the Noachide laws.

It was noted earlier that a Jew is not halakhically bound to admonish a non-Jew in order to prevent the latter from transgressing.<sup>47</sup> This does not, however, mean that Jews are absolved from all responsibilities with regard to non-Jews. The Gemara (*Makkot* 9b) declares that a non-Jew is culpable for violations of the Noachide Code even if he is ignorant of the halakhic restrictions because "he should have learned, but did not learn." The notion that the non-Jew "should have learned" certainly entails the assumption that the requisite information is available to those desiring to acquire such knowledge. Yet it may readily be inferred from Rambam's comments (*Hilkhot Melakhim* 8:11) that Noachides do not possess an independent *mesorah* or tradition based on Divine revelation.<sup>48</sup> The authoritative source of the *mesorah* on which the Noachide Code is predicated is the revelation that occurred at Mt. Sinai. Since only Jews were privileged to participate in that event, it is readily apparent that instruction in the Noachide laws must ultimately come from Jews. Jews

are the bearers of the *mesorah* not only of the 613 commandments of the Children of Israel but also of the Seven Commandments of the Sons of Noah. Obviously, then, the Jewish scholar must be under some correlative obligation requiring him to impart knowledge. Otherwise, a non-Jew could not justifiably be held accountable because "he should have learned but did not learn."

It seems to this writer that while there exists no *obligation* to volunteer information (although it may well be laudable to do so), there *is* an obligation to respond to a request for information. Jews are commanded to disseminate Torah as widely as possible among their fellow Jews, but there is no obligation to seize the initiative in teaching the seven commandments to Noachides. Nevertheless, when information or advice is solicited there is a definite obligation to respond. When the non-Jew takes the initiative in posing a query, the Jew must respond to the best of his ability.<sup>49</sup>

In the context of influencing legislation, it would seem that the Jewish community is under no binding obligation aggressively to advocate legislative implementation of Halakhah even as it pertains to non-Jews. Nevertheless, Jewish scholars are not at liberty to shirk their responsibility as teachers when asked to present Jewish teaching as it relates to any legislative issue. In making such a request, the legislators, knowingly or unknowingly, are engaged in discharging the obligation placed on them by the Noachide Code.

Cognizance must be taken of yet another aspect of our concern. Despite the absence of a specific *obligation* to influence non-Jews to abide by the provisions of the Noachide Code, the attempt to do so is entirely legitimate. Apart from

our universal concern, fear lest "the world become corrupt," as Rambam puts it, is also very much a matter of Jewish concern and self-interest. Disintegration of the moral fabric of society affects everyone. Particularly in our age we can not insulate ourselves against the pervasive cultural forces that mold human conduct. Jews have every interest in promoting a positive moral climate.

Accordingly, Jews should certainly not hesitate to make the teachings of Judaism as they bear on contemporary mores more readily accessible to fellow citizens. That is the most direct means available to us for exercising a positive influence in improving the moral atmosphere in which we all live.

The prophet Isaiah testifies that in the end of days there will be a pervasive thirst for the word of God and, ultimately, non-Jews will turn to Jews in their quest to become familiar with the law of God: "And it shall come to pass in the end of days. . . . And many nations shall come and say, 'Come ye, and let us go up to the mountain of the Lord, to the house of the God of Jacob and He will teach us His ways (*derakhav*) and we will walk in His paths (*orchotar*)'" (Isaiah 2:2-3). Malbim, in his commentary on this passage, notes that elsewhere the Hebrew term "*derakhav*," translated as "His ways," denotes major roads or highways while the term "*orchotav*," translated as "His paths," refers to secondary roads. Thus, according to Malbim, Isaiah speaks of an obligation incumbent on Jews to teach all nations the "roots and principles" of Judaism and prophesies that, in the end of days, these nations will seek even greater edification and will, of their own accord, seek to discover even the byways and footpaths (i.e., the details and minutiae) of the Torah.

NOTES

1. This statement also appears in a somewhat different version of the same responsum published in Chaim Freimann, ed., *Teshuvot ha-Rambam*, no. 364, (Jerusalem, 5694) and in Joshua Blau, ed., *Teshuvot ha-Rambam*, Vol. I, no. 149 (Jerusalem, 5718).
2. Cf., *Lechem Mishneh* and *Be'er Sheva, Be'er Mayim Chaim*, no. 14, who infer that the prohibition is rabbinic in nature from Rambam's categorization of the death penalty as connoting "death at the hands of Heaven."
3. Cf., *Zohar, Emor* 91b.
4. Cf., *Teshuvot Emunat Shmu'el*, no. 14, cited by *Pitchei Teshuvah, Yoreh De'ah* 62:2 and Rabbi Ben-Zion Blum, *Tel Talpiyot*, Sivan 5690.
5. *Minchat Chinukh*, no. 232 states that Rambam records the prohibition forbidding a non-Jew to study Torah but not the prohibition against a Jew teaching Torah to a gentile because, for Rambam, as distinct from *Tosafot*, the sole prohibition devolving on the Jew is the general prohibition against placing a stumbling block before the blind. See also Rabbi Shlomoh Yitzchak Levine, *Ha-Pardes*, Kislev 5710. Rabbi Yechiel Ya'akov Weinberg, *Seridei Esh*, II, no. 92, opines that since in "our day" there exist numerous translators of Scripture and there are non-Jewish scholars "capable of reading the Bible and Talmud" teaching such material to non-Jews does not constitute placing a "stumbling block" before them; Cf., however, *Teshuvot Besamim Rosh*, no. 327.
6. Cf., the divergent opinion of *Tosafot* as published in *Ein Ya'akov, Chaggigah* 13a and cited in *Hagahot ha-Bach, Chaggigah* 13a, who maintains that subsequent to revelation at Mt. Sinai non-Jews may no longer be taught the Seven Commandments. For an attempt to explain this difficult position, see *Pri ha-Adamah, Hilkhot Talmud Torah*, chapter 1; Cf. also *Teshuvot Pnei Yehoshu'a* I, *Yoreh De'ah*, no. 3. This position is explicitly rejected by *Teshuvot Yad Eliyahu*, no. 48 and by Rabbi Ovadiah Yosef, *Yabi's Omer* II, *Orach Chaim*, 15, section 13 and *Yoreh De'ah*, no. 15 section 10.
7. A sixteenth-century Venetian scholar, Rabbi Elia Menachem Chalfan, states, "Go see how many branches develop out of these seven roots so that if a gentile or Noachide is to know them in accordance with their laws and, minutiae he may, and it is necessary for him to, study *Sifri, Sifra* and all [relevant sections of] the Talmud with permission." This responsum was published by D. Kaufmann in *The Jewish Quarterly Review*, Vol. IX (1897), pp. 503-508. The quotation cited is a translation of a statement that appears on p. 505. Whether or not "reasons and secrets" associated with Noachide commandments may be taught to non-Jews will be discussed later.
8. Indeed, it seems that they may be taught any matter pertaining to themselves even if not specifically encompassed within the contents of the seven commandments. The Noachide Code does not obligate non-Jews to offer sacrifices, yet they are permitted to do so even in our day if they so wish. Rambam, (*Hilkhot Ma'aseh ha-Korbanot* 19:16), basing himself on *Zavachim* 116b, states, ". . . but it is a *mitsvah* incumbent upon us to teach them the laws concerning the offering of sacrifices). As cited earlier, *Me'iri Sanhedrin* 59a) states that a non-Jew may study Torah if his intention is to fulfill the precepts that he studies studies.
9. In opposition to this view, Rabbi Yissachar Graubart, *Divrei Yissakhar, Yoreh De'ah*, no. 96, citing *Teshuvot Maharil*, no. 199, which discusses the teaching of Torah to women, states that while a non-Jew may study matters pertaining to the Noachide Code with impunity, a Jew should not give instruction in such matters because the majority do not fulfill the obligations imposed on them by that code.
10. Teaching the Hebrew alphabet to non-Jews is also forbidden by *Dvar Schu'el*, no. 75; Rabbi Chaim Yosef Azulai, *Birkei Yosef, Sheyurei Berakhah, Yoreh De'ah* 246:4; and *Teshuvot Pri ha-Sadeh*, vol. IV no. 96.
11. *Sefer Charedim, mitsvot aseh me-divrei kabbalah u-me-divrei soferim ha-teluyot be-peh* 4:37, understands the *Zohar* as frowning on teaching non-Jews matters pertaining to the seven commandments of the Sons of Noah as well; see above footnote 2. See also *Shnei*

- Luchot ha-Brit*, p. 185, who following the *Zohar*, states that one should not teach non-Jews even the Hebrew alphabet. However, *Yad Eliyah*, no. 48, understands the *Zohar* as referring only to the "secrets" of the Torah. Although the practice was decried by later scholars, Rabbi Eliyahu Bachur reports in the introduction to his *Mesoret ha-Mesorah* that he himself gave instruction in the Hebrew language to non-Jews. Rabbi Ovadiah Sforino is also known to have tutored Reuchlin in Hebrew literature at Rome between 1498 and 1500; see Ludwig Geizer, *Johann Reuchlin, Sein Leben und Seine Werke* (Leipzig, 1871), pp. 87 and 105. For discussions of the propriety of teaching the Hebrew language to non-Jews see *Besamin Rosh*, no. 327 *Teshuvot Maharatz Chayes*, no. 32; *Teshuvot Va-Yomer Yitzchak*, *Orach Chaim*, no. 21; *Yafeh le-Lev* III, no. 246, section 21; *Afarkasta de-Anyah*, no. 46; *Teshuvot Bet David*, no. 17; *Yabi'a Omer II Yoreh De'ah*, no. 17, section 9; and Rabbi Abraham Mordechai Hirschberg, *Ha-Pardes*, Tammuz 5754.
12. See Emil Benjamin, *R. Israel Lipkin-Salant* (Berlin, 1899), pp. 27-29; Louis Ginsberg, *Students, Scholars and Saints* (Philadelphia, 1958), pp. 160-161; and Rabbi Dov Katz, *Tenu'at ha-Mussar* Vol. 1, no. 22, (Tel Aviv, 1958).
  13. *Tenu'at ha-Mussar*, Vol. I, no. 22.
  14. Indeed, the verse "... for it is your wisdom and your understanding in the eyes of the nations who will hear all these statutes and say, 'Surely this great nation is a wise and understanding people'" (Deuteronomy 4:6) would seem to indicate that it is the divine intent that non-Jews be aware of the contents of the Pentateuch; see Rabbi Chaim Sofer, *Machaneh Cahim II, Yoreh De'ah*, no. 46, section 2. Alternatively, the verse must be understood as referring to the observance of the statutes; cf. Rashi's commentary *ad locum*.
  15. This distinction between the Written and Oral law is also found in the earlier cited responsum of Rabbi Elia Menachem Chalfan, *Jewish Quarterly Review*, Vol. IX, p. 507. This responsum is probably the earliest explicit formulation of a distinction between the teaching of Written and Oral Law.
  16. See Abraham Sofer, ed., *Bet ha-Bechirah al Masekhet Sanhedrin*, (Jerusalem, 5731), p. 229, n.3. However, Rabbi Ovadiah Yosef, *Yabi'a Omer II, Yoreh De'ah*, no. 17, understands Me'iri's phrase "our Torah" as including the Written Law.
  17. See also Rabbi Naphtali Zevi Yehuda Berlin's commentary on the Bible, *He'emek Davar, Harchev Davar*, Leviticus 18:15.
  18. In response to *Meshiv Davar's* argument, *Divrei Yissakhar, Yoreh De'ah*, no. 96 states that only the content of the seven Noachide commandments were made available for non-Jews. There is, however, no hint of this distinction in the talmudic discussion recorded in *Sotah* 35b. See also Rashi (Deuteronomy 1:5), who interprets that passage as meaning that Moses expounded the Torah in 70 languages, presumably for the edification of the 70 gentile nations. See, however, *Arugat ha-Bosem, Orach Chaim*, no. 213, who opines that Moses' exposition was for the benefit of Jews only and that he taught Torah in 70 languages in anticipation of the exile of Israel and the dispersal of Jews among the seventy nations. See also *Magen Avraham, Orach Chaim*, 334:17.
  19. According to the authorities who maintain that non-Jews may study the written law, it is somewhat difficult to understand the negative attitude toward translation of Scripture expressed in *Midrash Tanchuma, Parshat Ki Tissa* 34, *Soferim* 1:6, and elsewhere. *Shulchan Arukh, Orach Chaim* 580:2, states that it is proper to fast on the eighth day of Tevet because on that day the Torah was translated into Greek in the time of Ptolemy "and there was darkness upon the world for three days." [The statements in *Soferim* 1:6 and *Orach Chaim* 580:2 with regard to the translation at the behest of Ptolemy do not seem to present a difficulty, since the published text of *Soferim* 1:6 indicates that the source of grief was the inadequacy of the translation, apparently a reference to the intentional mistranslation of a number of passages as reported in *Megillah* 9a. *Tanchuma* cannot be resolved in this manner because it specifically decries translation as a means of making Torah accessible to non-Jews.] *Teshuvot Maharatz Chayes*, no. 32 resolves this difficulty by stating that making the Written Law available to non-Jews is not decried in these situations because of the prohibition against non-Jews studying Torah, but because the gentile nations failed to adhere to the Noachide Code, as stated in *Avodah Zarah* 2b. Under such circumstances,

knowledge of Torah serves no beneficial purpose, particularly since the meaning of the Torah was distorted by them. However, continues Maharatz Chayes, there exists no continuing objection to translation of the Bible, since translations are now readily available and the teaching of Scripture to non-Jews is not intrinsically forbidden. Cf. Rabbi Moses Sofer, *Torat Mosheh, Parashat Shemot*, and *Teshuvot Arugat ha-Bosem, Orach Chaim*, no. 213. See, however, R. Ezekiel Landau, *Tzlach al Masekhet Berakhot* (New York, 5716), addendum to introduction, p. 110, who decries translation of the Bible. This statement should not be confused with statements against Mendelssohn's translation of the Bible attributed to Rabbi Ezekiel Landau. The statement contained in the introduction to *Tzlach* decries all translations but is not cited by Rabbi Landau's biographers or by scholars assessing his role in the Mendelssohn controversy. If this addendum is authentic, it seems to be at variance with the same authority's approbation of a facile German translation designed to aid students of the Hebrew text; see Ben-Zion Katz, *Rabbanut, Chasidut, Haskalah* (Tel Aviv, 1956), pp. 198-199, and Shlomoh Wind, R. *Yeshezkel Landau; Toldot Chayyav u-Pe'ulotav* (Jerusalem, 5721), pp. 118-119.

20. Rabbi Oshry appears to be in error in his citation of Shiltei Gibborim in support of the position of Maharatz Chayes.
21. Shitah Mekubetzet is also cited by R. Jacob Meskin, *Mishpat le-Ya'akov*, no. 24 in establishing a distinction between the Oral and Written Law.
23. Cf., however, *Teshuvot Divrei Yissakhar, Yoreh De'ah*, no. 97 who, in another context, remarks that perhaps "explanation" of the Written Law is considered as part of the Written Law.
24. The distinction between the Written and Oral Law is also rejected by *Teshuvot Va-Yomer Yitzchak, Orach Chaim*, no. 21; *Yafeh le-Lev III*, no. 246, section 21; *Teshuvot Divrei Yissakhar, Yoreh De'ah*, no. 96; *Teshuvot Mechaneh Chaim II, Yoreh De'ah*, no. 46, section 3; *Teshuvot Kiryat Chanah David II, Yoreh De'ah*, no. 13; *Sedei Chemed, Pe'at ha-Sahde, ma'arekhet ha-alef*, no. 102; and R. Ovadiah Yosef, *Yabi'a Omer II, Yoreh De'ah*, no. 17, sections 6-7 and 11. See also Rabbi Fichel Cichanowicz, *Torat Yeruchem I, Orach Chaim*, no. 2. Cf. Rabbi Gedalia Felder, *Tanya Rabbati, Pri Yeshurun*, pp. 135-137, 165-167.

It may be inferred that this was Rabbi Akiva Eger's position as well, since the question addressed to him (*Teshvot R. Akiva Eger*, no. 41) concerned a non-Jew who wished to be taught "Scripture and the order of prayer" in contemplation of conversion. Rabbi Akiva Eger's negative reply quite apparently refers to instruction in Scripture; see *Teshuvot Minchat Elazar*, 14, no. 63.

*Teshuvot Divrei Yisakhar, Yoreh De'ah*, no. 96 rejects a possible distinction between the Written and Oral Law and cites a statement of the Gemara (*Sanhedrin 59a*) in support of his position. In questioning Rabbi Yochanan's dictum prohibiting non-Jews from studying Torah, the Gemara cites Rabbi Meir's statement that a non-Jew who studies Torah is likened unto a high priest. The Gemara replies that Rabbi Meir's comment must be understood as referring to the study of the Seven Commandments of the Sons of Noah. Failure to resolve this difficulty by distinguishing between the Written and Oral law, argues *Divrei Yissakhar*, indicates that such a distinction is invalid.

Rabbi Chaim Sofer, *Machaneh Chaim, I*, no. 7, states that teaching non-Jews the Written Law and teaching definitive *halakhot* without accompanying analysis is forbidden only by virtue of rabbinic decree and hence is permissible in contemplation of conversion.

25. Maharsha's ruling with regard to teaching Torah to a prospective convert is disputed by *Teshuvot R. Akiva Eger*, no. 41, and by the Sephardic authority, Rabbi Chaim Moda'i, cited in "Kuntres Zikharon la-Rishonim," *Berakh Mosheh*, p. 159a. However, Me'iri (*Sanhedrin 59a*) states explicitly that it is permitted to give instruction to a prospective convert. Indeed, Me'iri states that a non-Jew is forbidden to study Torah only if he does not intend to apply what he has learned in practice. Me'iri is thus quite consistent in permitting Torah study on the part of a prospective convert. *Teshuvot Eretz Tovah*, no. 2, section 3 finds evidence bolstering the position of Maharsha in a midrashic statement. *Midrash Rabbah* (Deuteronomy 1:18) implies that although a non-Jew dare not observe the Sabbath, he may do so with impunity once he has undertaken to convert even though he has

not yet undergone the conversion ritual. Similarly, argues *Eretz Tovah*, the prohibition against studying Torah does not apply to a non-Jew who has reached a decision to convert. Rabbi Weinberg opines that even if the non-Jew is not intent on actual conversion but will cherish and honor the teachings of the Torah he may, according to Me'iri, be given instruction; Cf., below footnote 40. See also *Teshuvot Imrei Yosher* II, no. 130; *Teshuvot Divrei Malki'el* VI, no. 19; *Teshuvot Machazeh Avraham* I, *Orach Chaim*, no. 54; *Lev Sameach, ma'arekhet mem*, no. 21; *Ma'asei le-Melekh, Hilkhoh Bet ha-Bekhirah* 2:2, sections 3-4; *Teshuvot Pri ha-Sadeh* IV, no. 96; *Seridei Esh* II, no. 91; and *Teshuvot Machaneh Chaim* I, no. 7, cited footnote 24. Cf., however, Rambam (*Pe'er ha-Dor* 5) who states that one should withhold instruction from the non-Jew "until he converts."

See also *Teshuvot Minchat Elazar* IV, no. 63, who rules that it is imperative that a candidate for conversion be taught the *Sh'ma* and the order of prayer so that he may be able to fulfill those obligations immediately on conversion. Failure to do so prior to conversion, he opines, constitutes "placing a stumbling block before the blind." See also footnote 33.

26. The Gemara (*Ketubot* IIIa) speaks of a solemn oath sworn by Israel not to reveal "the secret." Rashi, in one explanation, states that this oath binds Jews not to reveal the "reasons of the Torah."
27. *Zekan Aharon* II, no. 71 equates the entire Oral Law with "reasons and secrets." Other authorities understand the phrase in a much narrower sense; see, for example, *Mishpat le-Ya'akov*, no. 24.
28. See *Mishpat le-Ya'akov*, no. 64 who cites an explanation advanced by *Keter ha-Melekh* in support of this distinction. The biblical passage containing the prohibition reads, "He declareth His word unto Jacob, His statutes and His ordinances unto Israel." Jews are recipients of both *chukkim* and *mishpatim* (statutes and ordinances). With regard to non-Jews the Psalmist continues, "He hath not done so with any nation; and as for His ordinances, they have not known them." Statutes have been bestowed upon non-Jews, but not ordinances. The distinction drawn in rabbinic sources between *chukkim* and *mishpatim* is well known: *chukkim* are laws for which no reason is given; *mishpatim* manifest a readily perceived rationale. Non-Jews are recipients of *chukkim* (i.e., unexplained statutes), but are not privileged to receive laws as ordinances whose reasons are conveyed to them. Therefore, continues the explanation, they may be taught Torah as *chukkim*, but not the reasons and explanations associated with *mishpatim*; cf. *Midrash Rabbah*, Exodus 30:6. See also Rabbi Elia Menachem Chalfan, *Jewish Quarterly Review*, Vol. IX, p. 504, who notes that the numerical equivalent of the word "*khen*" in the passage "*lo asah khen le-khol goy*" is identical with that of the word "*sod*," meaning "secret." Cf., Rabbi Ovadiah Yosef, *Yabi'a Omer* II, *Yoreh De'ah*, no. 17, section 8, who states that despite his use of the terms "reason" and "secret," Maharsha intended to forbid only "secrets" but does not prohibit either "reasons" or explanations that enable the non-Jew to make proper deductive inferences.
29. This also appears to be the position of Rashbam, *Baba Batra* 115b.
30. See also *Sedei Chemed, ma'arekhet ha-aleph*, no. 102; *Yabi'a Omer* II, *Yoreh De'ah* 17, section 9; and Rabbi Ever-Sapir, *No'am*, Vol. X (5727), p. 140, who similarly understand the halakhah which may be deduced from Maharsha's comments. These authorities, however, provide no basis for their interpretation of Maharsha's position.
31. *Teshuvot Machaneh Chaim* I, no. 7 draws a similar distinction but maintains that teaching the factual content of *halakhoh* is forbidden by rabbinic decree; see above footnote 24.
32. This position is accepted by *Yabi'a Omer* II, *Yoreh De'ah*, no. 17, sections 5 and 12. See also Rabbi Shlomoh Yitzchak Levine, *Ha-Pardes*, Kislev 5710.
33. *Teshuvot Machaneh Chaim* II, *Yoreh De'ah*, nos. 45, 46 draws a distinction that is almost the reverse in nature. A question was posed to him based upon the obligation of the *Bet Din* to inform the prospective proselyte of some commandments both "easy" and "difficult." How can this obligation be reconciled with the prohibition against teaching Torah to a non-Jew according to the authorities who maintain that such instruction is forbidden even in contemplation of conversion? (This question is raised and left unanswered by *Minchat Elazar* 14, no. 64) He answers that the prohibition, which is described by the Gemara

as being akin in nature to theft or adultery, is operative only when the non-Jew solicits instruction. Only when the non-Jew seeks alienation of Torah from Jews in his own favor is he guilty of unlawful appropriation of the Torah. When a Jew voluntarily initiates the process of instruction, declares Machaneh Chaim, no act of "theft" or "adultery" occurs. Subsequently, in the concluding section of responsum 46, Machaneh Chaim states that providing instruction to a non-Jew is forbidden only if the non-Jew is actually desirous of acquiring knowledge, but not if the purpose is to correct erroneous views held or publicized by the non-Jew for, in such instances, "the non-Jew does not wish to know Torah and also the Jew does not intend to teach him Torah. . . ." Cf., *Teshuvot Machaneh Chaim I*, no. 7, cited above footnote 24.

If the views of Yad Eliyahu and Machaneh Chaim are cojoined, the resultant position is that the prohibition encompasses only instances in which the non-Jew seeks general instruction, but not instances in which the Jew seeks to enlighten the non-Jew or instances in which the non-Jew poses specific questions in order to be enlightened with regard to the teachings of Judaism concerning particular matters.

A somewhat different position is independently advanced by *Zekan Aharon II*, no. 71. *Zekan Aharon* adopts the position that no violation of Rabbi Yochanan's dictum takes place on the part of the non-Jew if Torah is transmitted by a Jew. The Jew is forbidden to teach Torah to a gentile by virtue of Rabbi Ami's dictum, but Rabbi Ami forbids only the teaching of "reasons and secrets"; other matters may be transmitted with impunity. This inference is, however, contradicted by Rabbi Yochanan's own corollary statement declaring that a Jew who teaches a gentile has transgressed in placing a stumbling block before him. *Zekan Aharon*, in explaining Rabbi Yochanan's statement, modifies his conclusion by stating that no individual has the right to alienate Torah, which is the inheritance of the community of Jacob rather than the individual's personal possession, in favor of a non-Jew; however, the *Bet Din*, which acts on behalf of the entire community, may authorize the instruction of a non-Jew and regularly does so with regard to candidates for conversion.

Machaneh Chaim further resolves the problem posed in the inquiry addressed to him by stating that an applicant for conversion need be told of *mitsvot* only in a general way. However, in the absence of specific information with regard to how *mitsvot* are to be fulfilled (precise time of performance, precise definition of that which is forbidden, or exact quantity or measurement, etc.), the individual receiving such information has incomplete and hence inaccurate information. Such information is not to be considered "Torah" in the proper sense of the term. It then follows that only precise and complete information may not be taught to non-Jews. In a somewhat similar vein, *Pri ha-Sadeh II*, no. 71, states that the statutory requirement for purposes of conversion is to "make known" the nature of *mitsvot* to non-Jews. Imparting such information, declares *Pri ha-Sadeh*, is qualitatively different from "teaching."

34. See, however, Rabbi Akiva Sofer, *Otzrot Yerushalayim*, ed. Zevi Moskowitz, no. 18 (5717), section 224, who forbids English-language radio programs of this nature because of the likelihood of there being non-Jews among the audience and also forbids Torah programs in Hebrew because the program may be played in unseemly places.
35. Rabbi Feinstein's analysis is compatible with the explanation found in *Korban Edah's* commentary on the Palestinian Talmud, *Megillah 5:3*; *Pnei Mosheh*, *loc. cit.*, however, states that Ramban Galamiel instructed Tabi directly.
36. Rabbi Even-Sapir presents a tenuous argument designed to demonstrate that providing Torah instruction on the radio does not involve a violation of "Thou shalt not place a stumbling block." *Kometz le-Minchah*, no. 232 declares that this prohibition is not operative vis-a-vis non-Jews if the non-Jew is unaware that the act is forbidden. To be sure, a non-Jew is culpable even if he transgresses through ignorance of a prohibition, as definitively stated by Rambam (*Hilkhot Melakhim 10:1*); nevertheless, a Jew bears no responsibility for enlightening a non-Jew who is ignorant of the law in order to preserve him from transgression. Such obligations flow from the concept of surety (*arevut*) which, in turn, is engendered by the reciprocal covenantal relationship entered into by the entire Jewish community at *Arvat Moav* prior to entrance into the Promised Land. Gentiles were

not parties to this covenant and, hence, Jews do not bear religious responsibility for the conduct of non-Jews; see *Shakh, Yoreh De'ah* 151:4. Since it may be assumed that non-Jews tuning in to such broadcasts are unaware of the prohibition against Torah study by gentiles, argues Rabbi Even-Sapir, the prohibition against placing a stumbling block does not apply.

However, the thesis advanced by *Kometz le-Minchah* is difficult to sustain. It may well be cogent if applied to a situation involving ignorance of fact, as distinct from ignorance of law. A non-Jew is not culpable, for example, for eating flesh torn from a living creature if he is unaware of the fact. A Jew is not obligated to prevent him from doing so and, arguably, has not placed a stumbling block before him in presenting him with such meat. However, as noted earlier, ignorance of law does not exonerate a Noachide. Since the Noachide Code makes no distinction between willful transgression and transgression that results from ignorance of the law, it is difficult to see why the assistance of a Jew, since it is forbidden in the former case, should not likewise be forbidden in the latter. In the absence of the obligations flowing from the concept of *arevut*, there may be no obligation to prevent the non-Jew from sin; however, actively causing a non-Jew to transgress is clearly forbidden. Cf., however, *Mishneh le-Melekh, Hilkhhot Kela'im* 1:6; *Bi'ur ha-Gra, Yoreh De'ah* 295:2; and *Pri Megadim, Orach Chaim* 443:5, 444:6, who maintain that passive nonintervention also constitutes "placing a stumbling block before the blind." *Derishah Yoreh De'ah* 297, disagrees and maintains that the prohibition includes only overt action but does not extend to passive nonfeasance. See also Rabbi Ya'akov Breish, *Chelkat Ya'akov* III, no. 136.

37. See also *Teshuvot Yad Eliyahu*, no. 48, who similarly forbids selling of sacred books to non-Jews unless they contain material dealing with the seven Noachide commandments. The sale of sacred books to non-Jews is also forbidden by Rabbi Chaim Yosef David Azulai, *Birkei Yosef, Shiyurei Berakhah, Yoreh De'ah* 246:5. Rabbi Isaiah Even-Sapir, *No'am*, Vol. X (5727), p. 142, opines that even for these authorities there exists no prohibition with regard to such sale when similar works are already readily accessible.

*Tosafot (Gittin 60b)* cites a midrashic comment that explains that the major portion of the Torah was transmitted through the oral law and only a small portion thereof was recorded in the written law because God does not wish the Torah to be accessible to non-Jews. On the basis of this source, *Torat Yeruchem I, Orach Chaim*, no. 2, forbids the publication of Torah works devoted to explication of either the oral or written law on behalf of non-Jews.

For an account of Chatam Sofer's letter of approbation in support of the publication of a German translation of the Talmud prepared by Ephraim Moses Pinner and his subsequent retraction thereof, see Rabbi Shimon Sofer, ed., *Iggerot Soferim*, Vol. II, pp. 70-71, 73-78; Rabbi Y.Y. Greenwald, *Otzar Nechmad*, pp. 82-83; and R. Even-Sapir, *No'am*, Vol. X, p. 142. One volume of the Pinner translation of the Talmud was published in Berlin in 1842, but without Chatam Sofer's letter of approbation. For a report of a similar attempt on the part of Rabbi Israel Salanter to have the Talmud translated into the vernacular and of his unsuccessful journey to Paris for this purpose see *R. Israel Lipkin-Salant*, pp. 27-29; *Students, Scholars and Saints*, pp. 160-161; and *Tenu'at ha-Mussar* I:22. Cf. *Teshuvot Maharya, Orach Chaim*, no. 2; *Teshuvot Arugat ha-Bosem, Orach Chaim*, nos. 213 and 214; and *Zekan Aharon* II, no. 71. Regarding the translation of *Ein Ya'akov* into the vernacular, see *Teshuvot Arugat ha-Bosem, Orach Chaim*, no. 214. Compilation of halakhic compendia in the vernacular is discussed by *Arugat ha-Bosem, Orach Chaim*, no. 213.

See also *Seridei Esh* II, no. 92, who cites and refutes the opinion of Rabbi Reuben Marguleies, *Margoliyot ha-Yam, Sanhedrin* 59a, who maintains that it is forbidden to teach Torah to non-Jews only in the Hebrew language, but that there is no prohibition against such instruction in other languages.

38. See footnote 6.

39. The specific nature of the *mitsvah* of *dinin* is the subject of controversy between Rambam and Ramban. Ramban, in his commentary on the Bible (Genesis 34:13), understands the commandment as a general obligation with regard to the establishment of laws and regula-



tions governing commercial and interpersonal behavior essential to the maintenance of a social order (laws governing theft, fraud, prompt payment of wages, bailment, etc.). *Teshuvot Rema*, no. 10 and *Teshuvot Chatam Sofer* VI, no. 14, maintain that in these areas Jewish law is incorporated in the Noachide Code in all its details by virtue of the commandment concerning *dinin*. Rambam understands *dinin* as binding Noachides to punish transgressors for infractions of the first six Noachide commandments. Nevertheless, Chatam Sofer, basing himself on *Teshuvot Rema*, avers that Rambam does not reject as binding on Noachides the obligations recognized by Rambam under the rubric of *dinin*. Chatam Sofer maintains that, according to Rambam, all such matters are subsumed under the commandment banning theft. While Rabbi Weinberg's reference to *dinin* is obviously a reference to Rambam's position as understood by *Teshuvot Rema* and *Teshuvot Chatam Sofer*, it is also substantively reflective of Chatam Sofer's understanding of Rambam's position regarding the normative obligations of Noachides, although for Rambam such obligations flow from the prohibition against theft rather than from the *mitsvah* of *dinin*. It should however be noted that Rabbi Naphtali Zevi Yehuda Berlin, *He'emek She'elah*, *She'iltah* 2:3, understands Rambam to be of the opinion that, while non-Jews are commanded to establish a system of jurisprudence and tort liability, the detailed formulation of such a system is left to their discretion and need not reflect the provisions of Torah law which are binding upon Jews.

40. See Rabbi Zalman Zevi Aufhausen, *Otzar ha-Vikuchim* (Jerusalem, 5729), pp. 182-183, who states that the prohibition is limited only to teaching Torah to gentiles who seek such knowledge solely for purposes of contentiousness (*lekanter*) but not to those whose quest for knowledge is genuine. Of course, no halakhic inferences may be drawn from statements made in the context of a disputation.
41. Also published in Joshua Blau, ed., *Teshuvot ha-Rambam* (Jerusalem, 5718), Vol. I, no. 149. A somewhat shorter version of this responsum permitting instruction of Christians but omitting any reference to Moslems appears in *Pe'er ha-Dor*, no. 50, (Amsterdam, 5525). Rambam's distinction between Jews and Moslems, formulated in response to a query addressed to him by a student of Rabbi Ephraim of Zur, is also quoted in *Teshuvot R. Moshe Alsakar* 19. See also R. Yitzchak Heller, *Minchat Yitzchak*, *Yoreh De'ah*, no. 13.
42. See Me'iri (*Chaggigah* 13a), who states, "One may not transmit secrets of the Torah to non-Jews, that is, to one who serves idols, for since he denies the existence of God how may we teach him Torah? With regard to them [Scripture] states, 'He teaches His words to Jacob. . .'" Me'iri appears to limit the prohibition to idolators and atheists. This distinction, as formulated by Me'iri, is not cited in any of the numerous discussions of this topic. Also of interest is the comment of Rabbenu Yechiel of Paris who states that various talmudic references to non-Jews, among which he enumerates the prohibition against teaching Torah to gentiles, denote only members of the "seven nations" (i.e. the pagan tribes indigenous to the land of Canaan). See Reuben Margulies, ed., *Vikuach Rabbenu Yechi'el mi-Paris* (Lwow, 1928), p. 21. However, as indicated in footnote 40, no halakhic inferences may be drawn from statements made in the context of a disputation.
43. See above footnote 5.
44. *Teshuvot Chatam Sofer*, *Yoreh De'ah*, no. 317, states that although a Jewish boy reaches majority at 13 years of age and a Jewish girl at 12 years of age, provided that hair has developed in the pubic region, Noachides may be culpable at whatever age their intellect becomes developed. *Sho'el u-Meshiv*, *Mahadurah Tinyana* I, no. 14, states clearly that this occurs at a much younger age.

See also Rabbi Ovadiah Yosef, *Yabi'a Omer*, II, *Yoreh De'ah*, no. 17, section 2, who maintains that the culpability of minors is a matter of dispute between Rosh and Rashi: *Teshuvot ha-Rosh*, *klal* 16, no. 1, states that the age of legal capacity is a matter of *halakhah le-Mosheh mi-Sinai* (i.e., transmitted orally to Moses on Mt. Sinai as one of the many *shi'urim* or specifications of quantity and size with regard to precepts and transgressions, all of which were transmitted in this manner). Rambam (*Hilkhot Melakhim* 5:10) states that such *shi'urim* pertain only to commandments binding on Jews but not to Noachide obligations. Thus Noachides are culpable for eating even a minute particle of

flesh torn from a living animal while Jews are culpable only on consumption of a quantity of food equal to the size of an olive. [Cf., however, Maharit Algazi, *Kehillat Ya'akov*, s.v. *chatzi shi'ur*, who maintains that Tosafot disagrees with this ruling.] Rashi, (*Avot* 5:21 and *Nazir* 29b), however, states that the age of religious majority is rooted on the principle that a person is not a "man" until he reaches the age of 13, as evidenced by the scriptural description "And the two sons of Jacob Simon and Levi took each *man* his sword" (Genesis 34:25). Levi, at the time, was 13 years old. The definition of the term "man" is a concept applicable to Noachides as well as to Jews. Rambam exempts Noachide minors from punishment, argues Rabbi Yosef, because he is in agreement with Rashi that exclusion of minors from culpability is a matter of definition rather than of *shi'ur*.

See Chatam Sofer, *Yoreh De'ah*, no. 184, who resolves the problem with regard to the apparent contradiction in Rambam's rulings by declaring that the "minor" exempted from culpability by Rambam is not a child below the age of 12 or 13, which is a matter of *shi'ur*, but a minor lacking in development of reason who cannot logically be held responsible for his actions. See also Rabbi Isaiah Even-Sapir, *No'am*, Vol. X (5727), pp. 137-138.

Cf. Rabbi Ya'akov Moshe Toledano, *Yam ha-Gadol*, no. 18, who maintains that according to all early authorities there is no distinction between Jews and Noachides with regard to the age of majority and Rabbi Chaim Sofer, *Teshuvot Machaneh Chaim* I:10, p. 21, who avers that there is no distinction between Jews and non-Jews with regard to the age at which legal capacity is reached, but that non-Jews achieve majority even in the absence of pubic hair.

45. See, however, Rabbi Yosef Sha'ul Nathanson, *Sho'el u-Meshiv, Mahadurah Tinyana* I, no. 14, who declares that under the Noachide Code even minors are culpable.
46. See *Teshuvot Tashbatz*, III, no. 133; *Teshovut Radbaz*, nos. 741, 796; *Magen Avraham, Orach Chaim* 347:4; *Shakh* and *Dagul me-Revavah, Yoreh De'ah* 151:6; and *Pitchei Teshuvah, Yoreh De'ah* 151:3.
47. See footnote 36. Cf., however, Rabbi Yom Tov Lipman Heller, *Tosafot Tom Yov, Pirkei Avot* 3:14, who does posit an obligation to utilize moral persuasion in convincing non-Jews to abide by the provisions of the Noachide Code. *Tosafot Yom Tov* cites an obligation to coerce non-Jews to accept the seven Noachide commandments. This is apparently a reference to the ruling recorded by Rambam, *Hilkhot Melakhim* 10:6. That obligation, however, flows from the commandment, "They shall not dwell in your land lest they cause you to sin against Me" (Exodus 23:33), which applies only to non-Jews residing in *Eretz Yisra'el*.
48. Cf., also Rambam, *Commentary on the Mishnah, Chullin* 100b. See also Rambam, *Hilkhot Ma'aseh ha-Korbanot* 19:16, cited in footnote 8.
49. For a similar distinction in a different context, see *Teshuvot Chatam Sofer, Choshen Mishpat*, no. 164.