

THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH PROJECT

The Noahide Laws - Lesson Two



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Fundamentals of Noahide Identity & Becoming a Noahide

Lesson

2

Non-Jews in the Torah: Many Identities

Words have very different meanings when used in technical versus colloquial contexts. For example, “accurate” and “precise” are used in everyday speech to mean the same thing. However, they have very different meanings in a scientific context. Similarly, most people hear “challah” and think of the braided loaves of bread used on the Sabbath. However, in the Talmud and other works that determine religious practice, challah specifically refers to the dough tithing given to the *Kohanim*, the priests, in the times of the temple (see Numbers 15:17-21).

The Torah uses many terms for non-Jews and, within the context of Jewish law, these terms have very specific meanings. However, the use of these terms in Kabbalistic, midrashic, and other non-legal writings is much less controlled. It takes a trained, experienced Rabbinic scholar to determine when these terms have their legal and practical meanings versus colloquial and metaphoric connotations.

Idolaters & Idolatry

The Torah and Jewish law are, by necessity, very concerned with defining idolatry and the identity of the idolater. Anyone who worships idols is, of course, an idolater. Idolatry, however, manifests itself as either modes of worship, or an underlying system of belief. Engaging in idolatrous practices, such as bowing before a statue, are prohibited even if one doesn’t believe in what he is doing. Similarly, idolatrous beliefs, such as believing that G-d manifests or has ever manifested Himself corporeally, are prohibited. The Noahide laws pertaining to idolatry provide clear guidance on these matters. An idolater is referred to using a variety of terms in the Torah and Talmud, the most common being *akum*. *Akum* is an acronym for **A**veid **K**okhavim **U**-**M**azalos –

one who serves stars and constellations. However, it is used to refer to any idolater. A lesser known term is *nochri*, which carries the same meaning.

Ger Tzedek

The word *ger* has many meanings. The verb root from which it derives implies sojourning. However, in its noun form it means a stranger or outsider. When used alone, *ger* always means a convert. When *ger* is in any way used together with the word *toshav*, it means a *ger toshav*, something entirely different than a convert (we will discuss *ger toshav* at length in this lesson). The Talmud devotes extensive analysis to determining correct interpretations of the Torah's use of the term *ger*. For clarity, the Talmud qualifies its own use of *ger* with the term *tzedek*, meaning a righteous convert. The term *ger tzedek*, as used in the Talmud and codes of Jewish law, means exclusively a full convert to Judaism.¹

Many articles and lectures have been produced in recent years trying to expand the definition of *ger tzedek*. However, the methods and conclusions of these authors are without merit and beyond the pale of mainstream Torah thought. Often, their ideas are based on confusion between the technical and colloquial use of the term *ger*. The fact that their conclusions are contradicted by the preceding 2000 years of Torah scholarship is one of many strong rebuttals to such positions.

Ben Noach, Bat Noach, Bnei Noach

Ben Noach and *Bat Noach* mean, respectively, a Son of Noah and a Daughter of Noah. *Bnei Noach* is the plural form of both of these terms. In English, the term used for a *Ben* or *Bat Noach* is Noahide. These are generic terms for any non-Jew who keeps the Seven Mitzvos for any reason or motivation. There are different types of *Bnei Noach*:

- *MiChakamei Umos HaOlam*
- *MiChasidei Umos HaOlam*

¹ The term *Ger Tzedek* is used in five places in the Babylonian Talmud (*Bava Metzia* 71a, *Bava Metzia* 111b, *Gittin* 57b, *Yevamos* 48b, and *Sanhedrin* 96b) and twice in the Jerusalem Talmud (*Bava Metzia* 5:4 and 9:10). It's only meaning here and in all later *halakhic* codes is a full convert to Judaism.

MiChakhmei Umos HaOlam

One who keeps the Seven Mitzvos because they are logical and make societal sense is called *MiChakhmei Umos HaOlam* – From the Wise Ones of the Nations. Such a *Ben Noach* does not receive a portion in the World to Come² for his observance.

MiChasidei Umos HaOlam

The Talmud in Sanhedrin 105a proves that the *Umos Ha-Olam*, the gentile nations, have a share in the World to Come if they are *chasidim*, pious. Therefore, a non-Jew who keeps the Seven Mitzvos is called *MiChasidei Umos HaOlam*, of the Pious Non-Jews, and he receives reward in the World to Come. However, he only merits this reward if he accepts and observes his mitzvos from the viewpoint that they were transmitted and reaffirmed to the world via Moses at Sinai.

One who keeps the Seven Mitzvos only on account of the original covenant with Adam and Noah will still receive reward. However his reward will be of a lesser form and he will not be considered *MiChasidei Umos HaOlam*, of the Pious Non-Jews.

How Does One Become a Ben Noach?

All one needs to do is accept the Seven Mitzvos upon himself from a conviction that they are divinely ordained, having been commanded to the world by G-d, through Moses, who reaffirmed the covenant sealed with Noah and Adam. By accepting the Seven Mitzvos as such, one becomes *MiChasidei Umos HaOlam*, a Pious Gentile, the highest status attainable by a *Ben Noach* in our times.

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

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

² The future messianic era.

One is not required to accept the mitzvos before any *beis din*,³ court, or assembly of other persons. Any personal or private acceptance of the Seven Mitzvos is sufficient. Nevertheless, it is a good idea to make a verbal acceptance before witnesses for practical reasons that will be discussed later.

Ger Toshav

The term *ger toshav* has created special confusion for modern Noahides, and will be discussed here at length. Some rabbis maintain that Noahides should accept the status of *ger toshav* even today. Others have not sought to confer *ger toshav* status, but have required potential Noahides to nevertheless accept their commandments before a *beis din* (Jewish Rabbinical court). A third opinion is that there is no need for any formal acceptance before a *beis din*.

The *halakhah* (decisive religious law) is that there is no need or benefit for one to accept the Seven Mitzvos before a *beis din*. Such an acceptance before a *beis din* will have no effect whatsoever on the *Ben Noach's* religious status, ability to fulfill the mitzvos, or the merit he receives for fulfilling the mitzvos. As we shall see in later lessons, such an acceptance may even present problems.

What is a Ger Toshav?

The *ger toshav* is referred to in many places in the Torah:

- Exodus 12:43-45 – *This is the decree of the Passover offering... a resident [Toshav] and a hired laborer may not eat of it.*
- Lev. 25:6 – *The land's yield of the sabbatical year shall be yours to eat, yours... and the residents' [Toshav] who sojourns [Ger] among you.*
- Lev. 25:35 – *...you shall strengthen him, the convert or the resident [Toshav].*
- Lev. 25:40 – *Like a laborer or a resident [Toshav] he shall be with you, until the jubilee year he shall work with you.*

³ A Jewish rabbinic court of three judges. A *beis din* judges matters of religious and monetary law in the Jewish community.

- Lev. 25:45 - ...also, from among the children of the residents [Toshav] who dwell [Ger] with you...
- Lev. 25:47 – If the means of a sojourner [Ger] who resides [Toshav] among you...
- Num. 35:15 – For the children of Israel, the convert, and the resident [Toshav] among them...

The term *Ger*, from the Hebrew root *gar*, meaning “to sojourn,” refers to an alien, a stranger, or an immigrant. *Toshav* means “reside.” A *Ger Toshav* is, therefore, a resident alien: a non-Jew who resides in the land of Israel among the Jewish people. However, the Torah tells us:

They [idolaters] shall not dwell in your land lest they cause you to sin against Me and then you worship their gods.⁴

We see that a *Ger Toshav* must give up his idolatrous beliefs and practices in order to live in Israel.

How is this accomplished practically? How far must a non-Jew go in disavowing idolatry so that he may reside in Israel? Another issue is regulation. Since Jews may not allow idolaters to dwell in Israel, there must be some method of oversight, an immigration board of sorts, to determine who is and is not an idolater for the purposes of residence. The Talmud⁵ explains that the prospective *Ger Toshav* must come before a *Beis Din* (Jewish religious court) of three *Dayanim* (Rabbinic judges) and make an oath.

There are three opinions as to the nature of this oath:

- **Rebbi Meir** (a lone opinion): The non-Jew must only swear not to worship idols.
- The ***Chachomim*** (majority of scholars): The non-Jew must accept upon himself to faithfully observe the seven Noahide laws.

⁴ Exodus 23:33.

⁵ *Avodah Zarah* 64b.

- The *Acherim* (minority of scholars): The non-Jew must accept all of the *mitzvos* commanded to the Jews except the prohibition of eating *Neveilah* (meat not slaughtered according to the laws of kosher slaughter).

Although each party had reasons for their opinions, since the *Chachomim* (majority of scholars) require accepting the Noahide laws before a *Beis Din*, their opinion is the final law⁶. Once one has accepted the 7 *mitzvos* before a *Beis Din*, he is a *Ger Toshav*. This means that he is allowed to live in the land and enjoy a special protected status not granted to other non-Jews.

Do We Accept *Ger Toshav* In Our Times?

The answer is that we do not accept *Ger Toshav* nowadays. The Talmud⁷ notes a similarity of language between the verses describing an indentured servant and a *Ger Toshav*.

- Indentured Servant: Deuteronomy 15:16 – *In the event that he says to you: “I will not leave you,” because he loves your household and **because it is a benefit to him...***⁸
- *Ger Toshav*: Deuteronomy 23:17 – *He shall dwell with you in your midst, in whichever place he will choose from your cities **because it is a benefit to him...***

This similarity of language, called a *Gezeira Shava*⁹ in the system of Talmudic interpretation, indicates that the two concepts share similar restrictions. In this case, the law of the *Ger Toshav* is similar to the law of freeing an indentured servant: it only applies when the Jubilee cycle¹⁰ is in full observance. In our day

⁶ Determinations of *halakhab* are based on the opinions of the majority of qualified scholars. In addition, there are numerous rules and conventions as to who decides the final law in Talmudic sources.

⁷ *Arakbin* 29a

⁸ In the Jubilee year all indentured servants were freed. This verse speaks of a servant who rejects freedom, wishing instead to remain with his master. See note 10 below.

⁹ *Gezeira shava*, an “equivalent decree” is one of the methods of scriptural interpretation revealed with the Torah at Sinai.

¹⁰ The Jubilee cycle is the 50 year agricultural and legal cycle observed in Israel during ancient times. It is only partially so in our days. In the 50th year, the Jubilee year, all indentured servants were freed. See Leviticus 25:39 – 40.

and time, without a true return to and leadership within the land of Israel, we do not have full observance of the Jubilee cycle. Therefore we cannot accept a *Ger Toshav* before a *Beis Din* today. The Rambam¹¹ codifies this as law in his Mishneh Torah.

We must ask though: Israel currently is under Jewish control. How then is it permitted for non-Jews to reside there if we cannot accept *ger toshav* (non-Jewish residents)?

This question will be answered below.

The Application of Ger Toshav for Modern Noahides

The idea that, in our times, the Noahide Laws must be accepted before a *Beis Din* is proposed by the *VeShav HaKohen*¹², a collection of responsa¹³ by Rabbi Raphael HaKohen Zissskind.¹⁴ This proposition, made parenthetically in a larger responsum on the laws of business partnerships between Jews and non-Jews, rests on the following assumptions:

- *Ger Toshav* is not merely a legal designation. It is a religious status to which one converts. Becoming a *Ger Toshav* is as much a conversion to a new religion as is converting to Judaism. This is why the seven mitzvos must be accepted before a *beis din*: just as conversion to Judaism required accepting

¹¹ Rabbi Moses Maimonides (1140 – 1205). Rabbi of Fustat and physician to the Sultanate. Known as the Rambam (an acronym of his name), Rabbi Maimon authored a number of legal and philosophical works. He also wrote the Mishnah Torah – the most important work of Jewish scholarship after the sealing of the Talmud. In it the Rambam sought to clarify and decide all matters of Jewish religious practice for all times and in all places. The Rambam’s work became the cornerstone for the Shulchan Arukh, the Code of Jewish Law, compiled by Rabbi Yosef Karo over 300 years later. Though the Shulchan Arukh does not always decide according to the Rambam, the Rambam’s understanding of the law’s Talmudic sources is invaluable and informative to all *halakic* scholarship.

¹² *VeShav HaKohen* 38.

¹³ Responsa (*teshuvot*, in Hebrew) are *halakic* (religious law) decisions on specific matters by *poskim*, decisors of Jewish law. However, not all responsa are accepted as definitive. Responsa are like court decisions in the secular world. Some set precedent and become part of standard *halakhab* (law and practice), while some may be rejected or overturned. Whether or not a responsum (singular of responsa) is accepted as definitive is dependent primarily upon two factors: 1) Does the *posek’s* understanding of his sources match the analysis of the majority of earlier and later authorities, and 2) Are his conclusions cited or relied upon by any later authorities.

¹⁴ (1722 – 1803). Rabbi Cohen was a major figure in his time and Rabbi of the “triple community” of Altona, Hamburg, and Wandsbeck, Germany.

the 613 mitzvos of the Jews before a *beis din*, so to a *ger toshav* must accept his 7 mitzvos before a *beis din*.

- Even though the *halakhab* is like the Rambam¹⁵ that we do not accept a *Ger Toshav* before a *Beis Din* today for the sake of living in Israel, nevertheless some aspects of the *Ger Toshav* status still apply today. This is according to the Raavad¹⁶, the Rambam's main disputant. A non-Jew, to become a Noahide, must still go through the *Ger Toshav* process and “convert” by appearing before a *Beis Din*. This is the only true and reliable acceptance of the seven mitzvos in our times.¹⁷
- Without accepting the 7 mitzvos before a *Beis Din*, a non-Jew can never receive full merit for fulfilling the laws and become *MiChasidei Umos HaOlam*, of the Pious of the Non-Jews.

However, this entire proposition cannot be accepted as *halakhab*. There are two main reasons why:

- Significant commentaries on the sources relied upon by the *VaShev HaKohen*, both by experts before and after the *VeShav HaKohen*, contradict the *VaShev HaKohen*'s application and understanding of those sources.¹⁸
- In the 220 years since its publication, no later authorities have quoted the *VeShav HaKohen*'s proposition as *halakhab*.¹⁹ In fact, later authorities have reached conclusions contrary to those of the *VeShav HaKohen*.²⁰

¹⁵ *Hil. Issurei Biah* 14:9.

¹⁶ *Ibid.*; Raavad III – R' Avraham Ben David of Posquieres – Born: Narbonne, Provence, c. 1120. Died: Posquieres, Provence, 1198. The Raavad, a talmudic and Halachic scholar, was the foremost authority of his time in France. Being of great personal wealth he is known to have lived a very modest life and personally supported many needy students in his Yeshiva in Posquieres. Author of *Temim Deim*/Perfect knowledge, a compendium of responsa, of *Hasagos HaRaavad*, glosses to the Rambam where he lists sources for the laws, a book where he argues with the *Baal HaMaor* in defense of the *Rif*, of commentaries on *Sifra* and on *Mishna Eduyot* and *Kimmin*, of *Baalei HaNefesh*/The Book of the Scrupulous, on family purity. He was somewhat critical of codifications, being afraid that they would detract from studying the Talmudic sources.

¹⁷ This is not clearly articulated in the *VeShav HaKohen*, yet is intrinsic to his case. It is also discussed here because it is a point made frequently by those proponents of accepting the Seven Mitzvos before *Beis Din*.

¹⁸ See note 12, above.

¹⁹ See again note 12, above.

The Underlying Assumptions of the VeShav HaKohen

Underlying Assumption #1: Ger Toshav vs. Geirus

The first point to address is the idea that *Ger Toshav* is a status to which a non-Jew converts, a status between that of Jew and non-Jew. Thus, the requirement of *Beis Din* for a *Ger Toshav* is analogous to the requirement of *Beis Din* for conversion to Judaism²¹.

There are some authorities who understand *Ger Toshav* as a *Geirus Lechatzoin*²², a sort-of half-way conversion to Judaism. According to this view, if the *Ger Toshav* willingly rejects or violates his mitzvos, he would remain a *Ger Toshav* and retain his rights in the same way that a convert to Judaism remains a Jew even if he abandons the 613 mitzvos.

However, the *Griz HaLevi*²³ and the *Minchas Asher*²⁴ demonstrate that the bulk of scholarly proof is to the contrary. The majority of Rabbinic authorities see *Ger Toshav* as a mere legal permit. If the non-Jew violates or rejects the Seven Mitzvos, he loses his rights and privileges in the land.

²⁰ Examples will be cited below. See particularly the *Afrakasta D'Ayna* (Rav Dovid Sperber) II:109. He quotes the *VeShav Kohen* as one of many sources regarding the types of merits received by non-Jews for observing their mitzvos. He agrees with the *VeShav HaKohen* that non-Jews must accept the mitzvos because of the Mosaic covenant. However, he does not require acceptance in front of a *Beis Din*. In fact, he uses the Ben Noah as a proof for an individual's ability to accept greater obligation and reward upon himself without having to appear before a *Beis Din*.

²¹ Conversion to Judaism requires acceptance of the full 613 commandments of the Torah before a *beis din*, circumcision, and immersion in a *mikveh* – a ritual pool.

²² This is implied, very obliquely, by the Rambam's discussion of *Ger Toshav* and *Ger Tzedek* together in the same chapter (*Hil. Issurei Bia 14*). See also the *Chiddushim* of the *Gri Kabaneman* cited in *Minchas Asher Bereshis 7* and the *Mishnas Yaavetz 3:3*.

²³ *Michtavim*, cited in *Minchas Asher* Ibid. The *Griz HaLevi* is Rabbi Yitzhok Zeev Soloveitchik (1886 – 1959), one of the leading scholars of the early 20th century. He is famous for his expertise on the Rambam and detailed analysis of complicated halakhic concepts.

²⁴ Rabbi Asher Weiss (contemporary). Rabbi Weiss is one of the major *poskim* (decisors) of Jewish law today. He is also a *dayan* (rabbinic judge) and author of numerous definitive works on religious law and practice. His *Minchas Asher* brings an extensive summary and analysis of the sources and arguments of both the *Griz HaLevi* and Rav Kahaneman, demonstrating that the *Griz's* reading of these sources is much more in-line with the writings of the Rishonim and the Rambam, in particular.

**Underlying
Assumption #2:
Ger Toshav in
Our Times**

The second issue is the status of *Ger Toshav* in our times. The Rambam²⁵ quotes the aforementioned *Arakchin 29a* as *halakhab*: we do not accept *Ger Toshav* before *Beis Din* in a time when the Jubilee year is not being fully observed. The Raavad elaborates on the Rambam, revealing that this law is more nuanced than the Rambam's black-and-white presentation would lead us to assume. The Raavad explains that even in times when the Jubilee year is not fully observed, certain aspects of the *Ger Toshav* status continue to apply.

However, a careful reading of the Raavad reveals that it does not support, rather it negates, the idea that Noahides must accept their *mitzvos* before a *Beis Din*.

The *Raavad* says that, absent the Jubilee and the ability to accept non-Jews by a *Beis Din*, personal acceptance of the seven *mitzvos* is sufficient to allow non-Jews to live in Israel. We see that acceptance before a *beis din* is not even needed to grant one *ger toshav* status today. The *Kesef Mishnah*²⁶ agrees with the Raavad, even proving that the Rambam would agree to the Raavad. Modern *halakhic* authorities, discussing the status of non-Jewish residency in the State of Israel, have relied upon this understanding as *halakhic* fact. These authorities further explain that, even if we assume certain aspects of *Ger Toshav* status apply today, private acceptance of the seven *mitzvos* is all that would be needed to affect that status.²⁷

Even without these recent *poskim*, no less an authority than the *Beis Yosef* himself²⁸ explains that, even when the laws of *Ger Toshav* were in full force, acceptance of the 7 *mitzvos* before *Beis Din* was only a requirement for residency; it had no other effect on the non-Jew's reward or status with regard to the 7 *mitzvos*.²⁹

²⁵ *In Hil. Issurei Biab 14:9*.

²⁶ *Hil. Avodah Zarah 10, end*. The *Kesef Mishnah* is a commentary on the Rambam by the great Rabbi Yosef Karo (1488 – 1575), author of the *Shulchan Aruch*, the work that is the cornerstone of all Jewish religious practice.

²⁷ See *She'eilas Shlomo* II: 433, *Mishpat Cohen*, no. 61, Rav Herzog in *Techumin*, vol. 2, *Siach Nachum*, no. 93, *Mishnas Ha-MeDinah*, p. 65. We should note that while the authorities permit non-Jewish residency in the state, the underlying reasons for this permit are not universally agreed upon. See *Meiri* to *Bava Kama 113a* and *Yoma 84b*, *Iggeros Ra'ayah*, no. 89, *Ha-Tekufah Ha-Gedolah 13*.

²⁸ YD 124, near the beginning. The *Beis Yosef* is Rabbi Yosef Karo's (see note 24, above) gargantuan analysis of all prior halakhic scholarship. He based his *Shulchan Aruch*, the cornerstone of all Torah-based religious practice, upon the conclusions reached in the *Beis Yosef*.

²⁹ See also *Shu"t Rashba* I:182 and *Chiddushei HaGriz*. See also *Meiri* to *Sanhedrin 56* (s.v. *HaGeneiva* and *VeKhein LeInyan*), who does not require acceptance before *Beis Din*.

**Underlying
Assumption #3:
The Merit of a
Ben Noah**

The Talmud in *Bava Kama 38a* quotes Habakkuk 3:6 and offers the following interpretation:

He [G-d] arose and judged the land; He saw and released the gentiles.'

He [G-d] saw the seven commandments that the descendants of Noah had accepted upon themselves. Since they did not observe them, he released them.

The meaning of this passage is then discussed:

- **Rav Yosef** understands this passage as teaching that G-d released the non-Jews from the obligation of the Seven Mitzvos.
 - The sages of the Talmud object to this interpretation because it is illogical. The non-Jews should be punished for neglecting their laws, not rewarded by being released from them!
- **Mar, Son of Ravina**, proposes another possibility: that even if the gentiles fulfill all their commandments they will never receive reward. The implication, of course, is that they will still suffer punishment for not observing them.
 - However, the *Gemora* rejects this interpretation too. This is because a *Braisa* quotes Leviticus 18:5 regarding the laws of the Torah, saying that non-Jews do receive reward:

'That man shall perform and gain life...'

Says the Gemora: The verse does not state Kohen, Levi, or Israel, but "Man," meaning Jews as well as gentiles.

- A third interpretation settles the question: in *Kiddushin* 28 to 30 the *Gemora*/Talmud explains that there are two types of reward for mitzvos:
 - 1) The greater reward of "one who is commanded and fulfills," and
 - 2) The lesser reward of "one, who is not commanded, yet fulfills."

The gentiles were released from receiving the full reward of "one who is commanded and fulfills," and can now only receive the lesser reward of "one who is not commanded, yet fulfills."

**A Way to Merit
Full Reward:
Ramban & Ritva**

The Ramban³⁰ and the Ritva³¹ explain³² that a regular gentile who keeps the 7 mitzvos only receives the reward of “one who is not commanded, yet fulfills.” By accepting the *mitzvos* before a *beis din* and becoming a *ger toshav*, non-Jews can receive the greater reward of “one who is commanded and fulfills,” and thus be considered *MiChasidei Umon HaOlam* (of the Pious Non-Jews of the World – see below).

Their interpretation specifically predicates the Non-Jews’ reward upon acceptance before a *beis din*. However, their interpretation contains a number of ambiguities. The first is a question of time. Are they speaking only for our times, or only when the Jubilee year was fully observed?

- Possibility #1 – If they are speaking for our times, and requiring acceptance before *beis din*, then they must be applying a strict reading of the Raavad that *ger toshav* does exist today and that the Raavad requires acceptance before a *beis din*. Therefore, *bnei noach* must accept their mitzvos before a *beis din* even today.
- Possibility #2 – If they are speaking for when the Jubilee is in effect, then they must be applying a strict reading of the Rambam that today, when there is no Jubilee, we cannot accept *ger toshav*. Since they hold that acceptance before *beis din* is required for non-Jews to receive their full reward, then there is no way today for *the bnei noach* to serve and receive the higher reward.

Should we be concerned for the first possibility? Should non-Jews accept their mitzvos before a *beis din* even today?

³⁰ Ramban – R’ Moshe Ben Nachman - Born: Gerona, Spain, c. 1194. Died: Israel, c. 1270. Notes: Also known as Nachmanides. Great Biblical and Talmudic commentator, Kabbalist, and Jewish leader, and a physician and linguist by trade. Scion of a renowned rabbinical family, he was a relative of R’ Yonah of Gerona, and was a student of R’ Yehuda ben Yakar. R’ Natan ben Meir and a disciple in Kabbalah of R’ Meir Abulafia, R’ Ezra of Gerona, and R’ Ezriel of Gerona. He opposed the rationalism of the Rambam while not opposing his halachic rulings. Participated in the Disputation of Barcelona in 1263 in the presence of King James I of Aragon and wrote *Sefer HaViknuach*, with a detailed account of this disputation. Banned from Spain in the aftermath of the disputation, he settled in Eretz Yisrael in 1267. Having been the first major authority to pronounce the resettlement of the land of Israel as a Biblical commandment, he spent the last years of his life trying to rebuild Jewish life, which had been devastated by the Crusades

³¹ Ritva – R’ Yom Tov Ben Avraham Ashbili - Born: Seville, Spain, 1250. Died: Seville, Spain, 1330. Talmudist. Student of the Raah and the Rashba. Author of a very concise commentary on the Talmud, *Chidushei HaRitva*. Author of *Sefer HaZikaron/The Book of Remembrance* in defense of the Rambam.

³² In their commentaries to the Talmud, Makkos 9a.

Another problem is that the Ramban and Ritva's understanding of the issue does not sit well with the words of the Rambam, who is the established Halacha in this area. The Rambam writes:

- Laws of Kings, Chapter 8, Paragraph 10: *And so too was it commanded through Moses to force³³ the non-Jews [of the land] to accept the commandments charged to the children of Noah. All who do not accept them shall be executed. One who accepts them is called a Ger Toshav.*³⁴
- Laws of Kings, Chapter 8, Paragraph 11: *All who accept the Seven Mitzvos and are careful in their observance are of the pious gentiles of the world and have a share in the World to Come. **This is only provided that they accept and observe these laws because the Holy One, blessed is He, commanded them to do so in the Torah, informing them via Moses that the children of Noah had been commanded such.***³⁵

In the first paragraph, the Rambam is clearly discussing non-Jews who live in the Land of Israel, under Jewish kingship, during a time when the Jubilee year is in full effect (remember –the Rambam holds that this is the only time that a *ger toshav* can be accepted before a *beis din*).

In the second paragraph (new paragraphs usually mean a new concept in the Rambam), the Rambam appears to be addressing all non-Jews, not just those seeking to live in Israel.

Also, in the second paragraph, why does the Rambam add the qualification: *This is only provided that they accept and observe these laws because the Holy One, blessed is He, commanded them to do so in the Torah, informing them via Moses that the children of Noah had been commanded such?*

The Ritva and Ramban's opinion does not accord well with the Rambam.

Understanding the Rambam

Many commentators ask: “Why does the Rambam hold that non-Jews must accept the seven mitzvos because they were affirmed via Moses? Is it not sufficient to accept them because the world had previously been commanded so through Noah and Adam?”

³³ The requirement to force observance is not in effect in our times.

³⁴ *Hil. Melachim 8:10.*

³⁵ *Hil. Melachim 8:11.*

Most authorities³⁶ who analyze this Rambam conclude that a non-Jew may receive the higher reward of “one who is commanded and fulfills” if he accepts the seven mitzvos with the conviction that they were transmitted via the Mosaic covenant. However, a non-Jew who accepts the seven mitzvos only because they were commanded to Noah and Adam receives merit only as “one who is not commanded but fulfills.” These commentaries do not require acceptance before a *Beis Din*.

We see from here two things:

- 1) A non-Jew can connect to the Mosaic covenant via the Seven Mitzvos and earn the higher reward of “one who is commanded and fulfills,” and
- 2) The nature of the non-Jew’s reward is not dependent on accepting the seven mitzvos as a *Ger Toshav*. Rather, it depends on the conviction behind the acceptance.

This understanding sits perfectly with the wording of the Rambam and is the interpretation relied upon by later authorities³⁷. Therefore, the Ritva and Ramban’s interpretation cannot be relied practically. This understanding of the Rambam also undermines the conclusions of the *VeShav HaKohen*.

In Summary

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- 1) It is unlikely that becoming a *Ger Toshav* is a form of “conversion,” rather it pertains only to legal statuses.
- 2) Acceptance of the Seven Mitzvos before a *Beis Din* has no effect on the non-Jew’s status as a Ben Noah. In our times, even a private acceptance of the Seven Mitzvos may be sufficient to render one a *Ger Toshav* with regard to residency. Additionally, even when the Jubilee was in full force and acceptance before *Beis Din* was mandated for a *Ger Toshav*, such an acceptance impacted matters of residency only, not other issues of personal status for the non-Jew.

³⁶ Rav Malkiel Tannenbaum (the *Divrei Malkiel*) in *Torah She Ba’al Peh* XV (5733), p. 164. See also *Or Somayach Hil. Issurei Biab* 14:7, and the *Chiddushei Griz HaLevi* 164.

³⁷ See especially the *Tzfnas Paneach* on *Issurei Biab* 14.

- 3) There is no need to accept the 7 mitzvos before a *Beis Din* in order to merit as “one who is commanded and fulfills.” Acceptance before a *Beis Din* is not what garners this merit³⁸; it is the conviction that the Seven Mitzvos were affirmed by Moses at Sinai and are subject to the Mosaic covenant.

There is one more important factor to consider:

- 4) As we shall see later, there is a severe prohibition of “creating a new religion,” for Noahides. This means that one must use great caution in adopting or innovating practices that are not logically or halakhically defensible. Accepting the Seven Mitzvos before *Beis Din* may run afoul of this prohibition and should not be done.

The Rambam's Summary

The Rambam elegantly summarizes all of the above:

Moses our Teacher only gave over the Torah and Mitzvos to the Jewish people as it is written: It is an inheritance to the congregation of Jacob. And all who want to convert [Lehitgayer – from the root Ger] from among the peoples, “as you are, so shall the Ger be before HaShem” (Num. 15:15). However, for those who do not wish to accept Torah and Mitzvos, we do not force them to do so.

And so too was it commanded through Moses to force³⁹ the non-Jews [of the land] to accept the commandments charged to the children of Noah. All who do not accept them shall be executed. One who accepts them is called a Ger Toshav.⁴⁰

³⁸ The primary advocate for requiring non-Jews to appear before *Beis Din* is Rabbi Yoel Schwartz. Rabbi Schwartz writes in his *MeOurab HaHistori shel Kabalas Manbigei Bnei Noach es Samkbut Beis HaDin HaYehudi BiYerushalayim* that Bnei Noach must accept their mitzvos before a *Beis Din*, citing the *VeShav HaKohen*. He concedes that many do not hold this way, writing “And if you explain the words of the Rambam to conclude that Bnei Noach do not need to accept their *mitzvos* before *Beis Din*...nevertheless, acceptance before *Beis Din* makes them as if they are commanded in the mitzvos, and their reward is transformed into that of ‘one who is commanded and fulfills (according to Rav Eliyashiv)’” It is unclear to what Rabbi Schwartz is referring when he writes “according to Rav Eliyashiv.” It is absolutely true that accepting the mitzvos before a *Beis Din* will change the non-Jews merit for observing the mitzvos. Everyone would agree to that. After all, so would accepting the mitzvos privately as long as it is done correctly. Without knowing to what exactly Rabbi Eliyashiv was referring, it is very hard to determine the reliability of Rabbi Schwartz's attribution. This author has consulted with relatives and disciples of Rav Eliyashiv, none of whom are entirely certain of Rabbi Schwartz's attribution.

³⁹ The requirement to force observance is not in affect in our times.

All who accept the Seven Mitzvos and are careful to observe them are called MiChasidei Umos HaOlam (of the Pious Peoples of the World) and they have a share in the World to Come. This is provided that one accepts and observes them because they were commanded to him by the Holy One, in his Torah, and reaffirmed by Moses. However, one who observes them based on intellectual reasoning is neither called a Ger Toshav nor MiChasidei Umos HaOlam (of the Pious Peoples of the World). He is rather “of the wise ones” of the non-Jews.⁴¹

Summary of the Lesson

1. Idolatrous thoughts, practices, and beliefs are all prohibited. An idolater is called an *akum*. Sometimes the term *nokhri* is used, but it is uncommon.
2. A *ger tzedek* is a non-Jew who has undergone conversion to Judaism. It has no other definition.
3. A Ben Noach is a male Noahide. A Bat Noach is a female Noahide. Bnei Noach are Noahides.
4. *MiChasidei Umos HaOlam* – a Pious One of the Nations – is a Ben Noach who has accepted the Seven Mitzvos before a *beis din*. His acceptance is tied to the revelation at Sinai – he accepts the Noachide laws as an extension of this revelation. In return, he receives the full merit of “one who is commanded and fulfills” and merits a share in the World to Come.
5. One who accepts the Seven Mitzvos based upon logic or moral (yet non-religious) basis is praised, yet receives no reward in the World to Come.
6. One becomes a Ben Noach by accepting the laws upon himself. There is no special form of this acceptance. However, a verbal oath makes sense. For practical reasons, it is a good idea that the oath be made before a witness.
7. Although there is a lone proposition that the Seven Mitzvos must be accepted before a *beis din*, this is not the halakhah.

⁴⁰ *Hil. Melachim 8:10.*

⁴¹ *Ibid. 8:11*