

THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH LEARNING  
PROJECT

# The Noahide Laws – Lesson Eleven

---



© **Yeshiva Pirchei Shoshanim 2017**

This shiur may not be reproduced in any  
form without permission of the copyright holder.

## **Outline of This Lesson:**

- 1. Introduction**
- 2. Two Very Difficult Paragraphs From Maimonides**
- 3. Identifying the Problems**
- 4. Making Sense of the Paragraphs 10 & 11**

# Noahide Identity III

## Ger Toshav Today



### Introduction

Having clarified the identity of a *ger toshav*, we now turn our attention to Noahide identity. We will soon see how the two relate to each other. The term *ben Noach* (Noahide), or *Bnei Noach* (the plural of Noahide) occurs in about fifty places in the Talmud and Rashi. However, it is used primarily in its simple meaning, “a child of Noah,” as a generic term for all non-Jews. Is it possible that the term *ben Noach*, Noahide, implies more? Is there an actual, positive identity called “Noahide?”

### Two Very Difficult Paragraphs

The answer to this question depends upon two frightfully difficult paragraphs in [Maimonides](#)'s *Misbneh Torah*,<sup>1</sup> his code of Torah law. Here are the two paragraphs in full:

[Note: The bracketed letters have been inserted for ease of reference]

§10. [A]Moses our Teacher gave over the Torah and Mitzvos only to the Jewish people, as it is written: “It is an inheritance to the congregation of Jacob” (Deut. 33:4). And all who wish to convert from among the nations, “as you are, so shall the convert be before the Lord” (Num. 15:15). However, for those who do not wish to accept Torah and Mitzvos, we do not force them to do so.

[B] And so too it was commanded to Moses by the Almighty to force the peoples of the world to accept the commandments charged to the children of Noah. [C]All who do not accept them shall be executed. One who accepts them is called a Ger Toshav.

---

<sup>1</sup> [Hilchos Melakhim 8:10-11](#).

§11. [D] *All who accept the Seven Mitzvos and are careful to observe them are called MiChasidei Umos HaOlam (of the Pious Peoples of the World) [E] and they have a share in the World to Come. [F] This is provided that one accepts and observes them because they were commanded to him by the Holy One, in his Torah, and [G] reaffirmed by Moses. [H] However, one who observes them based on intellectual reason alone 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 gentiles.*<sup>2</sup>

## Identifying the Problems

Using the reference letters inserted into the text, let’s go through the difficulties point-by-point.

[A] *Moses our Teacher gave over the Torah and Mitzvos only to the Jewish people, as it is written: “It is an inheritance to the congregation of Jacob” (Deut. 33:4). And all who wish to convert from among the nations, “as you are, so shall the convert be before the Lord” (Num. 15:15). However, for those who do not wish to accept Torah and Mitzvos, we do not force them to do so.*

This section is fairly innocuous, stating simply that the Torah is the unique possession of the Jews, yet all who want to convert and become Jewish may voluntarily do so. Additionally, no gentile may be coerced into converting.

[B] *And so too it was commanded to Moses by the Almighty to force the peoples of the world to accept the commandments charged to the children of Noah.*

Our paragraphs are capstones to a chapter dealing with the conquest of the land of Israel. For example, §1 of this chapter opens:

*When the army's troops enter the territory of gentiles, conquering them and taking them captive...*

§9, immediately preceding our selection, reads:

---

<sup>2</sup> The text of this last phrase differs in the *editio princeps* (Rome, 1480) and almost all subsequent printed editions. These versions read : ... *one who observes them based on intellectual reason alone is neither called a Ger Toshav nor MiChasidei Umos HaOlam (of the Pious Peoples of the World), and is not “of the wise ones” of the gentiles.* This is almost certainly the error of a careless copyist (the mistake being in the transcription of a single letter). Many of the earliest manuscript versions read ... *He is, rather, “of the wise ones” of the gentiles.* Later scholars also cite this version of the text as correct. See [Teshuvos Maharam Alashkar 117](#), [Rav Yosef ben Shem Tov's Kevod Elokim 29a](#), and, more recently, [Igros Reiyah I:89](#). Recent critical editions of Maimonides have corrected this text to read ... *He is rather “of the wise ones” of the gentiles.* See Rabbi Shabtai Fraenkel’s edition of the *Mishneh Torah*. See also the editions prepared by [Rabbi Yosef Qafih](#) and Yeshivat Or Vishua.

*Similarly, a treaty cannot be made with a city which desires to accept a peaceful settlement until they deny idol worship, destroy their places of worship, and accept the seven universal laws commanded Noah's descendants. Any gentile who does not accept these commandments must be executed if he is under our authority.*

§10 and §11, therefore, are clarifying the requirement of these conquered peoples to accept the Noahide laws. Yet, if we are speaking about the conquest of Israel, then why does Maimonides use the phrase ... *to force the peoples of the world...*? Maimonides is not speaking only about the gentile inhabitants of Israel, but about the gentiles of the world!

[C] *All who do not accept them shall be executed. One who accepts them is called a Ger Toshav.*

This requirement for execution is difficult to understand. The most obvious problem is it has no apparent source. Furthermore, if we understand [B] as requiring forced acceptance of the Noahide laws upon all the peoples of the world, then [C] would require the execution of anyone who refuses. [C] Would even mandate the execution of those who fulfill the Noahide laws, yet who never accepted them formally before a *beis din*. This yields a startling conclusion. See [H]:

[H] *However, one who observes them based on intellectual reason alone 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 gentiles.*

We see that a person who observes the Noahide laws based on reason alone is not someone who has accepted these laws before a *beis din*. Therefore, according to [B] and [C] such a “wise one of the gentiles” would also be executed for failing to accept the Noahide laws.

The net result of this simple reading of Maimonides is to erase the identity of the *ben Noach*, the Noahide, entirely. According to such a reading, the only available options to a gentile are conversion to Judaism, becoming a *ger toshav*, or being executed!

§11 only creates more problems for us:

[D] *All that accept the Seven Mitzvos and are careful to observe them are called MiChasidei Umos HaOlam (of the Pious Peoples of the World)*

The classification of *MiChasidei Umos HaOlam*, of the Pious Peoples of the World, has no clear Talmudic precedent.<sup>3</sup> This is only true, however, of our modern editions of the Talmud. [Sanhedrin 110b](#) discusses the reward earned by “the children of the wicked of the idolaters.” Rashi, commenting on this passage, similarly refers to the merit of the children “of the righteous of the idolaters.” In both instances, the *Mesoras HaShas*<sup>4</sup> indicates that earlier versions of the texts, both the Talmud and Rashi, read “the children of the nations of the world,” and “the pious peoples of the world,” respectively. It is likely that our modern text is the product of an offended church censor.

What is odd, though, is the tying of this status of *MiChasidei Umos HaOlam*, of the Pious Peoples of the World, to the acceptance of the Noahide laws.

[E] *and they have a share in the World to Come.*

This passage presents little that is surprising. The Talmud has already demonstrated that gentiles receive reward for fulfilling their *mitzvos*.<sup>5</sup> However, we again have the question: why is the receiving of the eternal reward of the world to come dependent on the status of *MiChasidei Umos HaOlam*, of the Pious Peoples of the World, and becoming a *ger toshav*?

[F] & [G] *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.*

Maimonides requires acceptance of the Noahide laws based upon Sinaitic revelation, rejecting the validity of acceptance based upon the original Noahic<sup>6</sup> covenant. Without acceptance based on Sinaitic revelation, a gentile does not receive reward in the World to Come for fulfilling his Noahide obligations.

---

<sup>3</sup> In [Chullin 92a](#), [Rav Yehuda](#) uses the term *tzadikei umos ha-olam*, the righteous of the gentile nations, in his interpretation of Zecharia 11:13. Rav Yochanan in the name of Rav [Shimon Ben Yehotzadak](#), however, says that it refers to the righteous of Israel. See [Maharsha](#) and Rashi with the [Hagahos HaBach](#).

<sup>4</sup> Marginal gloss authored by [Rabbi Yehoshua Boaz](#) (d. Italy 1557). It provides cross references and critical notes to the Talmudic text.

<sup>5</sup> [Bava Kama 38a](#); [Sanhedrin 105a](#).

<sup>6</sup> Maimonides and [Tosafos](#) disagree as to whether or not all seven Noahide laws were given to Adam (the view of [Tosafos Sanhedrin 56b, d.b. Achol Tochal](#), and possibly Rashi to [Sanhedrin 57a, d.b. l'Mishri Basar](#)), or if only the first six were given to Adam and only the seventh given to Noah (the view of Maimonides, [Hilchos Melakhim 9:1](#)). My favoring of the term “Noahic” rather than “Adamic” for the original covenant is not meant to imply one view over another. I use “Noahic” for its consonance with the term “Noahide,” which is the common descriptor for these laws.

[H] However, *one who observes them based on intellectual reason alone 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 gentiles.*<sup>7</sup>

Maimonides informs us that not only is acceptance based upon the Noahic covenant insufficient, but even fulfillment of the Noahide laws based upon reason or logic is unacceptable. One who observes the Noahide laws based upon reason<sup>8</sup> does not merit being called pious, but only wise.<sup>9</sup> Furthermore, one who observes his laws based upon reason appears precluded from receiving any reward – Maimonides only grants reward to one who accepts the laws based on belief in Sinaitic revelation (see [D] and [E] above).

## Making Sense of Maimonides’s §10 and §11

The issues in §10, of forcing acceptance and executions, we will deal with later. The immediate issue, the question of Noahide identity, requires an unraveling of §11:

11. [D] *All who accept the Seven Mitzvos and are careful to observe them are called MiChasidei Umos HaOlam (of the Pious Peoples of the World) [E] and they have a share in the World to Come. [F] This is provided that one accepts and observes them because they were commanded to him by the Holy One, in his Torah, and [G] reaffirmed by Moses. [H] However, one who observes them based on intellectual reason alone is neither called a Ger Toshav nor MiChasidei Umos HaOlam (of the Pious Peoples of the World). [I] He is, rather, “of the wise ones” of the gentiles.*

[Rabbi Yosef Karo](#), author of the [Shulchan Aruch](#), notes that there is no apparent textual source for this paragraph, writing: “it appears to me that our master made this statement as a result of his own deduction...”<sup>10</sup> Despite this lack, Rabbi Karo agrees with Maimonides’s conclusions.<sup>11</sup>

---

<sup>7</sup> See note 2, above, on the text of this final phrase.

<sup>8</sup> Apparently, meaning as a concept of natural law or social necessity.

<sup>9</sup> The term *MiChachmei Umos HaOlam*, of the wise of the nations, has Talmudic precedent. It appears in [Pesachim 94b](#) and [Rosh HaShanah 12a](#) in a discussion of the secular wisdom of the gentiles.

<sup>10</sup> *Kesef Mishnah* ad loc.

<sup>11</sup> The inability to locate sources for Maimonides’s rulings does not automatically disqualify them. See the responsa of the [Rivash](#), [Maharalbach](#), and [Rosh](#) who discuss many examples.

Without a textual source,<sup>12</sup> scholars have been left to speculate as to Maimonides's reasoning.<sup>13</sup> However, the *Sefer Toldos Adam*<sup>14</sup> records a curious story about Rabbi Shlomo Zalman of Volozhin (brother of the famed [Rabbi Chaim of Volozhin](#)). A visiting Sephardic Rabbi asked Rabbi Zalman to explain several difficult sections from Maimonides's writings. When asked about the source of our §11, the author tells us that Rabbi Zalman offered up the following Midrash:

*Rabbi Chisda Said: I have heard that the pious of the nations of the world have a share in the world to come. However, we have not been taught so with regard to the wise men of the nations of the world. Who is a pious man from among the nations of the world? He who accepts the seven commandments because they are written in the Torah. A wise man from among the nations of the world, however, is one who observes them based upon his own reason.*

*Sefer Toldos Adam*, however, does not identify this *midrash*. In fact, since his quotation of it, no one has ever succeeded again in locating it.

In the 20<sup>th</sup> century, however, the manuscript of a lost *Midrash*, the *Mishnas Rebbi Eliezer*, was discovered and published.<sup>15</sup> The *Mishnas Rebbi Eliezer*<sup>16</sup> includes the following passage:

---

<sup>12</sup> Maimonides, in his *Teshuvos HaRambam* I:148 (ed. Blau 1957) references our §10 and §11, alluding to a *Braisa shel Rebbi Eliezer ben Yaakov* as his source. However, Maimonides seems to tie this source only to the idea of forcing acceptance of the Noahide laws (§10). Additionally, no one has every located this *Braisa shel Rebbi Eliezer ben Yaakov*. See note 15, below.

<sup>13</sup> See, for example, the letter from [Rabbi Yaakov Emden](#) in Moses Mendelssohn's *Gesammelte Schriften*, No. 16 (Berlin, 1929). Rabbi Emden exchanged correspondence on the interpretation of §10 with Moses Mendelssohn, the intellectual father of Reform Judaism. Mendelssohn was deeply unsettled by this paragraph and wrote to Emden seeking assistance. Rabbi Emden proposed three possible derivations; however, these are difficult to understand and poorly supported.

<sup>14</sup> By Rabbi Yechezkel Feivel. VI 35a. The *Sefer Toldos Adam* is a biography of Rabbi Shlomo Zalman of Volozhin.

<sup>15</sup> *Mishnas Rebbi Eliezer ob Midrash Sheloshim VeShtayim Middos*. Ed. H. G. Enelow. Bloch Publishing New York, 1933. As mentioned in note 12, Maimonides mentions a *Braisa shel Rabbi Eliezer ben Yaakov* in connection with §10. However, this *Braisa shel Rabbi Eliezer ben Yaakov* cannot be the same text as the *Mishnas Rebbi Eliezer*. For one, the *Mishnas Rebbi Eliezer* contains no material similar to that of §10. Additionally, the *Mishnas Rebbi Eliezer* is attributed to [Rabbi Eliezer ben Yossi HaGlili](#), not ben Yaakov. Furthermore, Maimonides was aware of the *Mishnas Rebbi Eliezer* as a text independent of the *Braisa shel Rabbi Eliezer ben Yaakov*. We know this because Maimonides quotes it explicitly as the *Mishnas Rebbi Eliezer ben Yossi HaGlili* in his *Sefer HaMitzvos, Mitzvos Aseh* 5. There is an extant manuscript of a *Braisa shel Rebbi Eliezer* (MS Vatican). However, this text appears to be part of the *Mishnas Rebbi Eliezer* (of ben Yossi HaGlili) and not the *Braisa shel Rabbi Eliezer ben Yaakov*. Michael Higger, writing in *The Jewish Quarterly Review*, Vol. 27, No. 1 (Jul., 1936), pp. 63-67, identifies the rediscovered *Mishnas Rebbi Eliezer* as a comingling of two earlier texts: the *Midrash Agur* and this *Braisa Shel Rabbi Eliezer*. Admittedly, there is some confusion as to the title of the *Mishnas Rebbi Eliezer*, it being referred to by a number of names in the literature. See,



*The Chasidei Umos HaOlam [the Pious of the gentile nations] are only called pious when they when they fulfill the seven mitzvos commanded unto the children of Noah in all of their details. **This is provided that they do so saying “we fulfill them because our father Noah commanded us by the mouth of the Mighty One.”** If they do so, then they merit the World to Come just as does a Jew. This is so even though they do no keep the Shabbos and Festivals for, after all, they were not commanded in them. But, if they observe them [the seven mitzvos] saying “we heard them from so-and-so” or **if they observe them in accordance with their own reason... then they receive their reward only in this world.*** [Emphasis added.]

This text is the closest parallel in any ancient rabbinic text to our Maimonidean §10. Viewed against the *Midrash* quoted in *Sefer Toldos Adam*, it appears that the *Sefer Toldos Adam’s Midrash* is either a corrupted or poorly recalled version of this *Mishnas Rabbi Eliezer*.

Is the *Mishnas Rabbi Eliezer* Maimonides’s source for his §10? It is certainly possible. After all we know that Maimonides was familiar with it.<sup>17</sup> However, there are two obvious differences between the *Mishnas Rabbi Eliezer* and that of Maimonides’s §10. The first is that the *Mishnas Rabbi Eliezer* requires acceptance of the Noahide laws because of Noahic revelation, not Sinaitic. The second is that the *Mishnas Rabbi Eliezer* mentions reward in this world for those who keep the Noahide laws according to their own reason. Maimonides makes no such statement.

Whether or not the *Mishnas Rabbi Eliezer* was relied upon by Maimonides, it nevertheless attests to a tradition validating Maimonides’s concepts.

However, it is also possible that Maimonides’s reasoning is entirely based upon a famous Talmudic passage in [Bava Kamma 38a](#).

---

*Encyclopedia Talmudit*, VI, 290, 11 on the identification of the *Braisa shel Rabbi Eliezer*, *Mishnas Rabbi Eliezer*, and other texts.

<sup>16</sup> Enelow, p. 121.

<sup>17</sup> Maimonides quotes from it in his *Sefer HaMitzvos*, *Mitzvos Aseh* 5.