

Noachide Laws, Universal Justice, and *Tikkun Olam*

Michael J. Broyde and Ira Bedzow

There is a principle in Jewish law that *kol yisrael areivim zeh ba-zeh*, “All members of the people Israel are responsible for one another.”¹ This principle underscores people’s responsibility to work together to fulfill the Torah’s ideals of justice. Because this dictum speaks only to the Jewish people and not to the world at large, many have wrongly assumed that Judaism does not also ask its adherents to work toward justice on a broader, more universal scale—seeking to establish and maintain justice for humanity as a whole. But this narrow view is antithetical to the notion of *tikkun olam*, which calls on us to repair the world as a whole, focusing on the needs of all of humanity. While it is true that Jewish law has a particularistic orientation, the Jewish tradition nevertheless recognizes that there is also a greater obligation for Jews to see themselves as part of a larger humanity—who also have certain basic responsibilities of working toward justice, as set out in the Noachide commandments (which the rabbis understood to be incumbent on all non-Jews).² The origin and scope of these commandments will be explained more fully below.

In this essay, we will examine various halakhic attitudes toward the nature of Noachide law as it pertains to establishing a just community, as well as the specific nature of Jews’ obligations and responsibilities vis-à-vis these commandments. The scope of our inquiry is threefold, exploring the issues of compliance, enforcement, and petition. The fundamental question to be explored is: as Jews, are we obligated simply to ensure the administration of justice in our own communities, or are we in fact commanded to work toward

the establishment of justice in the world as a whole—for both Jews and gentiles? And this, of course, relates directly to the issue of *tikkun olam*: what are the parameters of the world that we are asked to work toward repairing?

We will examine the two major views regarding the relationship that Jews have to the Noachide laws, insofar as they are concerned with increasing justice among gentiles. The dominant view is that Jews do not have an obligation to impose Noachide law on gentiles, nor are they obligated to teach them about it—except, perhaps, by example. The second view maintains that Jews do have an obligation to teach gentiles about the Noachide laws; doing so (in this view) could be considered tantamount to working toward *tikkun olam*. In this essay, we do not advocate for either opinion; rather, we present them as two different understandings of the rabbinic tradition's treatment of the nexus between the particularistic Jewish imperative for pursuing justice, on the one hand, and the broader universalistic concerns for seeking justice for humanity at large, on the other.

Noachide Law: What Is It?

According to the Talmud, God's covenant with Noah after the flood included seven specific commandments, which were deemed binding on him and his descendants—that is, all humanity. Noachide law (*sheva mitzvot b'nei no'ah*, literally “the seven commandments of the descendants of Noah”) is composed of six prohibitions and one positive injunction: (1) the prohibition against idolatry, (2) the prohibition against taking God's name in vain, (3) the prohibition against murder, (4) the prohibition against prohibited sexual activity, (5) the prohibition against theft, (6) the prohibition against eating flesh from a living animal, and (7) the obligation to ensure the promulgation and enforcement of just laws (*dinim*).³

The talmudic discussion regarding the precise nature of what the Noachide laws include, as well as the origin of these laws, gives rise to divergent opinions regarding both the source of authority of Noachide law and also the substance of its details. For example, there is a debate among the rabbis as to whether Noachide law was revealed along with Jewish law at Sinai, or if its authority stems from natural law. If (according to the first view) Noachide law is taken to have been revealed alongside Jewish law at Sinai, then there is an intimate, two-way relationship between the two systems: Noachide law must recognize the theological and political authority of the Jewish tradition, and Jews have a responsibility to enforce Noachide law among the gentiles. This position is held by Maimonides.⁴ Alternatively, if the establishment of Noachide law is separate and distinct from Jewish law, then the relationship between the two systems is pragmatic—that is, a relationship only develops as the two actually interact in real-life situations.

Today, when Jews and gentiles live among each other, there is no practical difference between these two views. In both cases, Jews must be cognizant of Noachide law and the obligations it may place on them. In fact, many latter-day rabbinical scholars—including Rabbi Yosef Engel,⁵ Rabbi Meir Simḥah of Dvinsk,⁶ Rabbi Yehiel Yaakov Weinberg,⁷ Rabbi Shlomo Zalman Auerbach,⁸ and Rabbi Moshe Feinstein⁹—seem to indicate that there is a halakhic imperative for Jews to follow Noachide law when living in a gentile country, even though Jews are considered to be under the jurisdiction of Jewish law and not Noachide law—since, when Jews live in a gentile country, they are not completely under the jurisdiction of Torah law. Moreover, Jews are further obligated to respect the Noachide laws because of the commonality they share with the rest of humanity. With respect to the issue of how Jews should act vis-à-vis their gentile neighbors regarding the latter's observance of Noachide law, however, the matter is not nearly as clear-cut.

There is disagreement among the rabbis over whether the particular, practical details of the Noachide laws must be the same as in Jewish law, or if the details may be grounded in an independent legal tradition within the Noachide legal system. This disagreement, as it pertains to issues of *tikkun olam*, directly affects one's understanding of the Noachide mandate to establish a just legal system and create courts of justice. With respect to the prescription to create just laws, there are two vastly different interpretations found among the early Jewish juridical authorities. Maimonides rules that the obligation to create just laws and provide for their enforcement requires only that gentiles ensure that the specific prohibitions delineated in the Noachide laws be enforced in practice. No demands regarding the determination of the particular, practical details concerning the specifics of commercial law (or any other subcategory of law) are made; therefore, they may be different than the details that Jewish law provides. He states:

How are [Noachides]¹⁰ obligated to create just laws (*dinim*)? They must create courts and appoint judges in every province to enforce (*la-dun*) these six commandments...for this reason the inhabitants of [the city of] Shechem were liable to be killed, since Shechem [the person] stole [Dinah], and the inhabitants saw and knew this and did nothing.¹¹

According to Maimonides, other types of regulations that gentile society might make are not formally part of *dinim*, as prescribed by the Noachide laws. Yet, even though they are not part of *dinim*, Jews living in gentile countries must nevertheless observe them, under the rubric either of “laws of the land (*dina d'malkhuta*)” or of “laws of the king (*din melekh*).” Moreover, the authority of laws created by gentiles themselves stems from quite a different source than the authority of Noachide law—and this fact may have practical ramifications regarding whether Jews must observe them, if they are in conflict with Jewish law.¹²

Nahmanides (1194–1270), on the other hand, argues that the obligation for gentiles to create just laws and establish courts of justice goes beyond just enforcing the other six Noachide laws. Rather, it encompasses the obligation to create detailed rules to govern many particular cases of wrongdoing—such as fraud, overcharging, repayment of debts, and the like.¹³ Among those who agree with Nahmanides, seeing a broader mandate for gentiles to establish just laws, there is a disagreement as to scope of what such laws should cover. Rabbi Moses Isserles (1520–1572) interprets Nahmanides to mean that in those areas where gentiles are supposed to create laws (since, after all, gentiles must follow Noachide law), they are obligated to incorporate Jewish law into Noachide law—unless it is clear that it is inappropriate to do so.¹⁴ For example, Jewish legal norms concerning civil law, such as those that deal with property disputes, would be adopted by Noachide law, but ritual laws or laws prohibiting demanding interest among Jews would not apply to gentiles and thus would not become a part of Noachide law. Other authorities who accept Nahmanides’ opinion construe it more narrowly: rules created under the rubric of *dinim* need to be, like Jewish law, fair and just—yet they need not be identical to Jewish law in their particular details.¹⁵ This debate is significant because all of the subcategories and ramifications of the seven broad Noachide laws encompass nearly sixty of the 613 biblical commandments incumbent on Jews; omitting those commandments having to do with the Temple service, this encompasses a significant part of Jewish law.

Noachide Law: Must Jews Comply With It?

Following this second interpretation of Nahmanides, the obligation for gentiles to create *dinim* allows them to create rules that differ from

Jewish law. Thus, it would seem that there is no Jewish obligation to participate in the enforcement of gentile *dinim*—because it would not be appropriate for Jews to be obliged to enforce two different legal systems. This is not to say that Jews need not obey the laws created by the Noachide government; indeed, they **are** obligated to obey secular law! Rather, the obligation to follow such laws does not stem from the authority of Noachide law over the Jewish community, but rather it is based on the principle of *dina d'malkhuta dina*.¹⁶ As minority members of a broader community, Jews voluntarily accept to live under the terms of the ruling government, the majority culture, by virtue of participating in society. While Jews are obligated by *halakhab* to **obey** Noachide law, and thus its implementation as the law of a gentile government, that does not necessarily include an obligation to **assist in its enforcement**.

To illustrate this last point, the Ḥazon Ish (Rabbi Abraham Isaiah Karelitz, 1878–1953) writes that Jewish law requires that a Jew respect Noachide legal pronouncements, even in a situation where the Noachide judges do not themselves fully observe Noachide law. To the question of whether one must follow a ruling of a court that does not generally observe (or enforce) all of the seven commandments, but that does “observe the law concerning sanctity of life and theft of property,” the Ḥazon Ish responds that if the court enforces even just a section of the Noachide laws properly, it is necessary—as a matter of Jewish law—to respect those pronouncements.¹⁷ However, personal respect for the law does not necessarily mean that one must ensure that others respect it as well—and hence, he does not think that Jews have an obligation to assist in the enforcement of gentile law, whether it be the seven provisions of Noachide law or any subsequent *dina d'malkhuta* promulgated by the governing authorities.

In sum: gentiles are obligated to create a legal system designed to enforce the provisions of Noachide law (and Maimonides even includes Jews in this obligation). Jews have an obligation to recognize and respect this system, even when the system is not perfect. This

obligation stems from a residual impact of Noachide law on Jews and is recognized in Jewish law—by which we mean that Noachide law is still applicable at times, even though Jews have Jewish law as well.

Must Jews Enforce Noachide Law or Petition for Its Implementation?

Let us begin by examining the following three statements of Maimonides:

Moses, our teacher, only willed Torah and *mitzvot* to the Jewish people, since it states, “An inheritance to the community of Jacob” (Deuteronomy 33:4)...As for one [who is not Jewish] and does not wish to, we do not compel [such a person] to accept Jewish law. So too, *Moses our teacher was commanded by God to compel the commandments obligatory to the Noachides. All who do not accept are killed. One who accepts them [voluntarily] is called a ger toshav [literally: resident alien]...*¹⁸

A Jewish court (*beit din*) is obligated to appoint judges for *gerim toshavim* [plural of *ger toshav*; i.e., resident aliens], to judge them in order that the world not be destroyed. If the Jewish court wishes to appoint judges from within their midst [i.e., from among the *ger toshav* population], it may; if it wishes to appoint judges from the Jews, it may.¹⁹

One who takes an adult slave from an idol worshipper, and the slave does not wish to be circumcised—[in such a case,] one may delay up to twelve months....If one agreed concerning this slave with his previous owner not to circumcise him, it is permitted to keep the slave uncircumcised; however, the slave must keep the seven commandments obligatory on Noachides and if not, he is killed immediately.²⁰

Two fundamental questions that arise from Maimonides' statements:

- (1) Does the obligation to compel Noachides to comply with Noachide law fall on each individual Jew, or on the *beit din*—and if on the *beit din*, which one? or does Jewish law not follow Maimonides in this respect?²¹
- (2) Is there an obligation to induce or persuade a Noachide to comply with Noachide law? or, at the very least, is there an obligation to teach gentiles about Noachide law?

The answer to each of these questions is subject to debate, and how one approaches these issues will have an impact on one's perception of the relationship between Jews and gentiles vis-à-vis Noachide law.

Maimonides' Approach

A simple reading of Maimonides' rulings would indicate that either Jews or a Jewish court are obligated (at the minimum) to compel Noachides to observe their laws, though one might understand Maimonides in a more limited sense to mean that this obligation is only in effect in circumstances when Jews have the political authority to do so. Yet this is not the only interpretation of Maimonides found in the rabbinic literature. Rabbi Zvi Hirsch Chajes (1805–1855) interprets Maimonides' rulings simply as a historical recounting of facts rather than as normative law. He states:²²

B. Sanhedrin 56b recounts that the Jews were commanded the ten commandments at Marah. These ten commandments included the seven laws of Noah, and the Sabbath laws, just civil laws (*dinim*), and the command to respect one's parents. Why did the Jews need to be commanded [to follow the seven Noachide laws] again, since Jews were already

commanded from the time of Adam and Noah?...This is because we conclude that if the commandments had been given prior to Sinai to Noachides but not repeated at Sinai, they would then be obligatory only for Jews; therefore, the seven commandments had to be repeated at Sinai in order *to obligate Noachides* as well.²³ Considering this comment of Rashbash, the assertion of Maimonides that “Moses, our teacher, only willed Torah and *mitzvot* to the Jewish people, since it states ‘An inheritance to the community of Jacob’”... and his assertion that ‘Moses our teacher was commanded by God to compel the commandments obligatory to the children of Noah’ appears logical. Why was Moses also the messenger to the rest of the world, to compel observance of the seven commandments—perhaps they are obligated by Adam or Noah? [We do not say this, but] rather we see that Moses was commanded at Marah regarding the seven Noachide commandments, even though gentiles were already commanded, in order to make them obligated in the *mitzvot* even now.²⁴

Rabbi Chajes continues, arguing that there is no obligation for any Jew in any circumstance to compel a gentile to observe Noachide law. Rather, he explains, Maimonides is merely setting forth the jurisprudential basis for the obligation of Noachides to their seven commandments. Without their repetition at Sinai, only Jews would have been obligated to follow Noachide law. Based on this argument, one could claim at most that Moses was obligated to compel gentiles to observe the Noachide laws, but that latter-day Jews certainly are not obligated to do so—neither through a *beit din* nor as individuals. Rabbi Chajes also understands Maimonides’ rule about establishing courts and appointing judges relative to Noachide matters to be limited: Jews are only obligated to do so in situations where Noachides formally accept the obligations of a *ger toshav* (resident

alien), and are thus subject to the authority of the Jewish community where they live. The obligation to enforce Noachide law then becomes necessary so as to maintain order, “lest the world be destroyed”—but that obligation does not extend to any other circumstances. Others who also do not think that Maimonides’ rulings create a practical legal obligation for Jews to enforce compliance with Noachide law are: Rabbi Yehiel Michel Epstein (1829–1908),²⁵ Rabbi Yehudah Gershuni (1908–2000),²⁶ Rabbi Shaul Yisraeli (1909–1995),²⁷ and Rabbi Menaḥem Mendel Kasher (1895–1983).²⁸

This explanation of Maimonides’ rulings, however, is difficult to reconcile with the simple meaning of his words. In fact, Rabbi Joseph Karo, author of the *Shulḥan Arukh*, clearly understands Maimonides’ ruling to require compulsion whenever possible, even by an individual; yet, even he does appear to limit the application of Maimonides somewhat by not demanding that Jews try to compel gentiles to observe Noachide law whenever they can do so.²⁹ The medieval *Sefer Ha-ḥinnukh* also follows Maimonides literally, in stating: “The rule is as follows: In all that the nations are commanded, any time they are under our jurisdiction, it is incumbent upon us to judge them [and impose penalties in the event of noncompliance] when they violate the commandments.”³⁰

The Approach of Ravad, Naḥmanides, Tosafot, and Others

A substantial number of medieval Jewish legalists (*risbonim*) disagree with the opinion of Maimonides, and rule that there is **no** obligation upon an individual Jew to enforce Noachide law among gentiles. Included in this group are Rabbi Abraham ben David of Posquières (Ravad), Naḥmanides, Tosafot,³¹ and perhaps even Rabbi Shlomo Yitzḥaki (Rashi) and Rabbi Shlomo ben Aderet (Rashba) as well.

Ravad, commenting on Maimonides’ ruling that a slave who refuses to accept one of the seven commandments is to be killed, states: “The

slave should be sold. We cannot, now, kill a person.”³² While one could understand this assertion as stemming from practical considerations (and Rabbi Karo, writing in his *Kesef Mishnah*, does see it as such), it is more likely that Ravad is limiting the judicial power of the Jewish community to punish Noachides for violations of Noachide law. Ravad would thus be requiring that such a case (of gentile violation of Noachide law) be adjudicated by an authorized court (*beit din*) of twenty-three judges (which could only function when the Sanhedrin was legally empowered to impose capital punishment), and would not give such authority to a court that consists of three people, such as the courts we have today.

Nahmanides, commenting on Deuteronomy 20 concerning Israel’s conquest of the promised land, writes that Jews are not required to impose Noachide law on gentiles if their cohabitation is the result of a negotiated peace between Israel and its Noachide neighbors,³³ and he thus agrees with Ravad’s position. According to Nahmanides, military goals alone should determine the terms of any negotiated peace treaties between Israel and her neighbors—and imposing Noachide law on the other nations living in Canaan is not an appropriate military stratagem. (Note that Maimonides would reject this position, and would permit war purely for the sake of imposing Noachide law on a gentile society.) We may infer that Nahmanides would likewise not want to see any Jewish body politic ever impose Noachide law on any gentiles—except, of course, in the case of a *ger toshav*.

The Tosafot have a similar position as the rulings of Ravad and Nahmanides and deny that there is an obligation, even for a Jewish government, to impose Noachide law on nations under its control.³⁴ Rashi as well seems to side with Ravad on this issue.³⁵ Rashba in his responsum also appears to agree.³⁶ Rabbi Asher ben Yehiel also has a similar approach; he writes: “[Concerning] a Noachide—even though he violates the seven Noachide commandments [and would be liable for the death penalty]...nonetheless every moment prior to

his conviction in court (*beit din*), he is not liable for the death penalty and it is prohibited to kill him.”³⁷ It would seem logical that the *beit din* necessary to impose this type of punishment is the same type of *beit din* necessary to execute Jews—which would mean that this opinion is the same as that of Ravad. Yet, even if this understanding of Rabbeinu Asher is not correct and he intended that any regular *beit din* could fill this role, it is nevertheless clear that he believes there is no obligation for individual Jews to punish Noachides for violations of Noachide law.

A similar situation is discussed with respect to a gentile living in the home of a Jew, either as a “conditional slave”³⁸ or as an employee; presumably, the homeowner would have considerable influence over these non-Jews. Neither Rabbi Jacob ben Asher (1270–1349) nor Rabbi Moshe Isserles,³⁹ nor any of the classical commentaries on Shulḥan Arukh, say that there is any obligation to impose Noachide law on such individuals. Note that Maimonides’ explicit ruling that one must compel his Noachide slaves to observe Noachide law is ignored by the later authorities—which indicates that his opinion was not considered to be binding in this matter.

Moreover, Rabbi Karo states in his *Beit Yosef* that there is no obligation to kill gentiles who do not obey the Noachide laws;⁴⁰ similar sentiments are also found in the writings of Rabbi Jacob ben Asher,⁴¹ Rabbi Joel Sirkes,⁴² and Rabbi Joshua Falk.⁴³ Rabbi Moses Isserles, in his *Darkhei Moshe He-Arukh*, adopts this position as well.⁴⁴ Rabbi Karo explicitly incorporates this rule into the Shulḥan Arukh.⁴⁵ Rabbi Shabbetai Hakohen states: “There is no obligation [*mitzvah*] to kill gentiles, even if they violate the Noachide laws,”⁴⁶ and Rabbi David Halevi agrees with this assertion.

This ruling not to mandate the punishment of gentiles for violating Noachide law stands in clear contrast to the assertion in the Shulḥan Arukh that encourages a person to punish (and even kill) a Jew who intentionally defies Jewish law. This distinction between punishing a Jew and not punishing a gentile for transgressing their respective

legal obligations makes it abundantly clear that the Shulhan Arukh and the other rabbinic authorities rule that, according to Jewish law, gentiles need not be punished by Jews for violating Noachide law; this is contrary to Maimonides' assertion (cited above). Likewise, these authorities see no obligation or duty to compel observance of Noachide law by gentiles.

Even though it is not obligatory to do so, *Sefer Ha-ḥasidim* nonetheless states that it is a meritorious thing to do, since by doing so one imitates God's conduct towards the Noachides at Nineveh.⁴⁹ Maimonides is clear that, when possible, Jews must enforce Noachide law; however, the overwhelming majority of legal decisors, both medieval and modern, disagree with his conclusion and asserts that today there is no obligation for any individual Jew to compel a gentile to stop violating Noachide law.

The Approach of Rabbi Menachem Mendel Schneerson

Despite the preponderance of the opinion that Jews are **not** obligated to compel Noachides to stop violating Noachide law, Rabbi Menachem Mendel Schneerson of Lubavitch—the last Lubavitch Rebbe (1902–1994)—argues, in one of his classical responsa, that Jews **do** have the obligation to teach and persuade, though not necessarily to compel, a gentiles to keep the seven Noachide commandments. His interpretation of Maimonides' rulings is as follows:

It is obvious that this obligation⁵⁰ is not limited only to a Jewish court, since this commandment is unrelated to the presence of a *ger toshav* [resident alien], and thus what is the need of a *beit din*.... Thus, this obligation is in place in all eras, even in the present when no *ger toshav* can be accepted, and it is obligatory on all individuals who can work toward this goal. So too, this commandment is not limited to the

case when we can force [others to obey]—meaning that in a situation where we cannot use force, we could be excused from our obligation—since the essence of the obligation is to do all that is in our power to ensure that the seven Noachide commandments are kept, whether such can be done through force or through other means of pleasantness and peace, which means that one should explain [to Noachides] that they should accept the wishes of God, who commanded them in these rules. This is obviously what is intended by Maimonides.⁵¹

Rabbi Schneerson concludes his responsum as follows:

From all of the above, it is clear that anyone who has in one's ability to influence, in any way, a Noachide to keep the seven commandments, that person has an obligation to do so, since that was commanded to Moses our teacher. Certainly, for anyone who has connections with Noachides in areas of commerce and the like, it is proper to sustain the connection in order to convince and explain to that person—in a way that will reach that person's heart—that God commanded Noachides to keep the seven commandments...⁵²

Rabbi Schneerson's view is unique in that he not only assumes that Maimonides is correct in ruling that there is a general obligation to compel gentiles to observe Noachide law, but he also assumes that the obligation to compel observance includes within it the obligation to persuade. Rabbi Schneerson thus extends to the obligation to cover a much greater area than any other rabbinic authority, both in terms of the responsibility to do so and in the means by which to do so.

Conclusion

We began this essay with a general analysis of Noachide law and the obligation for Jews to abide by it. We then showed that even though Maimonides appears to rule that Jews are obligated to use force to get gentiles to obey the Noachide law, many authorities (both medieval and modern) reject Maimonides' opinion and deny that there is any halakhic obligation for individual Jews to compel gentiles to observe Noachide law. We concluded with the fascinating position of Rabbi Menachem Mendel Schneerson of Lubavitch, who argues that Jews do have an obligation to force gentiles to observe Noachide law when it is possible to do so, and to encourage them when it is not possible to use force.

The difference between these two opinions regarding Jews' relationship to the Noachide law informs one's views on the moral imperative of *tikkun olam*. Is repairing the world a matter of participating in justice by coercing people to act justly, or does it lie in persuading people to live more humanely? The answer to that question lies in how one perceives the relationship between Jews and Noachide law.

NOTES

¹ B. Shevuot 39a.

² The Noachide commandments are deemed to be normative for non-Jews, and were considered by the rabbis to be prescriptive for Jews before the giving of the Torah (B. Hullin 100b). The Noachide legal system consists of seven general instructions concerning adjudication, idolatry, blasphemy, sexual immorality, bloodshed, robbery, and eating a limb torn from a living animal (T. Avodah Zarah 8:4–6; B. Sanhedrin 56a–b), and they are identified as being within the first commandment given to the first human being: “And the Eternal, God, commanded regarding the human saying, ‘Of every tree of the garden you may certainly eat’” (Genesis 2:16). Even though the laws were given to the first human being, they are still called the “Noachide laws,” since humanity is considered to be descended from Noah after the flood. The general nature of the Noachide laws allows for the existence of differences in moral temperament among different societies, even if the broader ethical outlines are the same. Given a certain location, customs can develop that may differ from those in other places due to the constraints of geography, demography, and economy. With varying customs will come varying social perspectives and, hence, different nuances in moral temperament. The relationship between law and ethics is therefore easier to see through a more comprehensive legal system, such as Jewish law, than through a more general one.

³ B. Sanhedrin 56a.

⁴ In his commentary on M. Hullin 7:6. In M.T. *Hilkhot Melakhim U-milhemoteihem* (subsequently referenced as *Hilkhot Melakhim*), Maimonides writes specifically, with respect to gentiles, that a wise person is one who accepts the Noachide laws not out of intellectual conviction alone, but from a belief that God commanded their observance (8:11). This seems to be the most plausible interpretation of this *halakbah*, as supported by textual and contextual analysis. See, however, Steven S. Schwarzschild’s “Do Noachides Have to Believe in Revelation? (A Passage in Dispute between Maimonides, Spinoza, Mendelssohn, and H. Cohen): A Contribution to a Jewish View of Natural Law,” originally published in 1962 in the *Jewish Quarterly Review* but now available in *The Pursuit of the Ideal: Jewish Writings of Steven Schwarzschild*, ed. Menachem Kellner (Albany: State University of New York Press, 1990), pp. 29–60.

⁵ See Rabbi Yosef Engel, *Beit Otzar Marekhet* (Petrokov, 5663), vol.1, §1:7, 9: “The seven Noachide commandments are still obligatory on Jews, and their authority derives from their pre-Sinai obligation. The Torah...merely added to Noachide laws...”

⁶ Rabbi Meir Simḥah of Dvinsk, *Or Samei’ah, Issurei Biab* 3:2.

⁷ Rabbi Yeḥiel Yaakov Weinberg, *S’ridei Eish* 3:22; Rabbi Menashe Klein, *Mishnah Halakhot* 9:278 also agrees with this.

⁸ See Auerbach’s appendix, included in Rabbi Pinḥas Ḥayyim Sheinman,

“*T’shuvaḥ B’inyan Y’ladim M’fagrīm L’gabbei Ḥinnukh U-mitzvot*,” in *Moriah* 11:9–10 (1982), pp. 51–65.

⁹ See *Ig’rot Moshe, Yoreh Dei’ah* 1:6, where Rabbi Feinstein discusses whether one who is legally excused from observance of positive commandments generally because of blindness (according to one opinion) is nonetheless obligated to follow the Noachide laws.

¹⁰ Note that the terms “gentile” and “Noachide” are not synonymous, but in fact refer to different populations. The term “gentile” refers to all of humanity, excluding the Jewish people. The term “Noachide” refers specifically to the gentile population living in the Land of Israel who obey Noachide law at a time when the Sanhedrin is the legal authority of an autonomous Jewish state.

¹¹ M.T. *Hilkhot Melakhim* 9:14. The story of Dinah and Shechem is told in *Genesis* 34.

¹² See generally Abraham Sofer, *T’shuvoṯ Ḥakhmei Provence* (Jerusalem, 5227), §48, at p. 143, which clearly distinguishes between regulations based on the Noachide laws and regulations based on the law of the land or the law of the king. For more on this distinction, see Arnold Enker, “Aspects of Interaction Between the Torah Law, the King’s Law, and the Noachide Law in Jewish Criminal Law,” in *Cardozo Law Review* 12 (1991), pp. 1137–1156.

¹³ Commentary of Naḥmanides to *Genesis* 34:14.

¹⁴ Responsa of Rema, responsum no. 10 (ed. Asher Siev; Yeshiva University Press, 1970). His ruling is also accepted by Ḥatam Sofer, *Ḥoshen Mishpat* 91 and Rabbi Yaakov Lorberbaum (of Lissa, also called Leszno), Responsa *Nahalat Yaakov* 2:3 (Breslau, 1849).

¹⁵ See Rabbi Y. Elhanan Spector, *Nahal Yitzhak, Hoshen Mishpat* (Vilna, 5644), §91, p. 280; Rabbi Abraham Isaiah Karelitz, *Hazon Ish*, on M.T. *Hilkhot Melakhim* 10:10 and M. Bava Kamma 10:3 (Jerusalem, 1972); Rabbi Isser Zalman Meltzar, *Even Ha-azul, Hovel U-mazzik* 8:5 (Jerusalem, 1955); Rabbi Yehiel Michel Epstein, *Arukh Ha-shulhan He-atid, Hilkhot M’lakhim* 79:15 (Mosad Harav Kook, 2003); Rabbi Naftali Tzvi Yehudah Berlin, *Ha-ameik She-eilah* 2:3 (Mosad Harav Kook, 1960); Rabbi Abraham Kook, *Eitz Hadar* 38, 184 (Bar Ilan Responsa Project, version 22, 2014); Rabbi Tzvi Pesah Frank, *Har Tzvi, Orah Hayyim* II (Kuntres Mili D’berakhot 2:1) (Bar Ilan Responsa Project, version 22, 2014); Rabbi Ovadia Yosef, *Y’havveh Da’at* 4:65 (Bar Ilan Responsa Project, version 22, 2014); Rabbi Yitzhak Yaakov Weiss, *Minhat Yitzhak* 4:52:3 (Bar Ilan Responsa Project, version 22, 2014). For a more complete analysis of this issue see Nahum Rakover, “Jewish Law and the Noachide Obligation to Preserve Social Order,” in *Cardozo Law Review* 12 (1991), pp. 1073–1136.

¹⁶ *Dina d’malkhuta dina* (“the law of the land is the law”) is a halakhic principle that means that *halakha* incorporates the law of the land in which Jews live into the Jewish legal framework; therefore, where *dina d’malkhuta dina* applies, observance of secular law becomes a halakhic obligation as well. For further discussion of this principle, see B. Bava Kamma 113a, Nedarim 28a, Bava Batra 54b–55a, and Gittin 10b, with their relevant commentaries.

¹⁷ Hazon Ish, commenting on Bava Kamma chap. 10, n. 15.

¹⁸ Maimonides, M.T. Hilkhhot Melakhim 8:10. In explaining the source for this ruling of Maimonides, Rabbi Karo states in *Kesef Mishnah* to M.T. Hilkhhot Milah 1:6 that “Rabbeinu [Moshe ben Maimon = Maimonides] learned this rule from what is stated in Sanhedrin 57a”; see also B. Yevamot 48a. The dispute between Maimonides and others revolve around the talmudic statement that “on account of seven commandments Noachides are killed” (B. Sanhedrin 57a). Maimonides believes that this not limited to judicial punishment in a court of twenty-three when the Sanhedrin is functioning (as is required to execute a Jew for a violation), but includes “extra-judicial” activity. Maimonides believes that this is not limited to judicial punishment in a court of twenty-three when the Sanhedrin is functioning (as is required to execute a Jew for a violation), but includes “extra-judicial” activity; others limit this statement to judicially sanctioned executions by Jewish courts.

¹⁹ Maimonides, M.T. Hilkhhot Melakhim 10:11. As noted by Radbaz (Rabbi David ben Solomon ibn Abi Zimra [c. 1479–1573]), commenting on Hilkhhot Melakhim 10:14, *ab initio* it is preferable that Noachides serve as judges on their own tribunals; it is only *ex post facto* that Jews should seek such roles. We would suggest that the rationale for this assertion is that it is generally better that a *mitzvah* be performed directly by the one commanded to do it and not through an agent. In this case, the *mitzvah* is *dinim*; the Noachide is the principal (because he is obligated to establish laws) and the Jew would be the agent. It is worth noting that Maimonides explicitly adopts a universalistic formulation of the obligation to love our Maker in his *Sefer Ha-mitzvot*, positive commandment # 3.

²⁰ Maimonides, M.T. Hilkhhot Milah 1:6. Ravad notes, “Nowadays we cannot kill a person.” See below for a discussion of this assertion.

²¹ The question, as it relates to a *ger toshav*, is more theoretical than practical since the status of *ger toshav* does not apply today. For a discussion of who is a *ger toshav*, see Rabbi Berel Wein, *Hekrai Halakhot* 5:45 (Jerusalem: Mosad Harav Kook, 1988) and Rabbi Yehiel Michel Epstein, *Arukh Ha-shulhan He-atiid, Hilkhhot Yovel* §49 (Jerusalem: Mosad Harav Kook, 2003).

²² Quoting Rabbi Shlomo ben Shimon Duran (Rashbash).

²³ See Encyclopedia *Talmudit* 3:359–360. The presumption is that universal commandments (i.e., those given as part of Noachide law prior to the revelation at Sinai) are binding only on Jews, unless they were repeated at Sinai.

²⁴ Rabbi Zvi Chajes, *Responsa Maharatz Hayyot* §2, as reproduced in *Kol Kitvei Maharatz Hayyot* 2 (Jerusalem, 1958), p. 614.

²⁵ *Arukh Ha-shulhan, Yoreh Dei'ah* 267:12–13 (Jerusalem: Mosad HaRav Kook, 2003).

²⁶ *Mishp'tei M'lukbah*, 2d ed. (New York, 1950), pp. 232–234.

²⁷ *Amud Y'mini*, 3rd ed. (Jerusalem, 2000), 12:1:12.

²⁸ *Torah Sh'leimah* (Jerusalem, 1982), 17:220.

²⁹ See Karo's *Kesef Mishnah* commentary to M.T. Hilkhhot Milah 1:6. Similar

sentiments regarding the opinion of Maimonides can be found in *Lehem Mishneh*, commenting to M.T. Hilkhot Avodah Zarah 10:1.

³⁰ *Mitzvah* 192 (*parshat Aḥarei Mot*).

³¹ Tosafot are medieval commentators on the Talmud who lived in northern France and the German Rhineland, the centers of Ashkenazic Jewry in the medieval period.

³² Comment to M.T. Hilkhot Milah 1:6.

³³ Commentary of Nahmanides on Deuteronomy 20:1 and 20:11.

³⁴ Tosafot to B. Avodah Zarah 26b, s.v. *v'lo mor'dim*.

³⁵ Cf. Rashi's comment to Deuteronomy 20:1, 11, which cites only the obligation of taxation, and omits the obligation of observance of the Noachide commandments. This is also in harmony with Rashi's opinion that Noachide slaves of Jews are not required to observe Noachide law (B. Yevamot 48a, s.v. *eved ish v'lo eved isbah*), and it is consistent with his broad conception of *dina d'malkhuta* (noted in his comment at B. Gittin 9b, s.v. *k'sheirin*). Merely because there is an obligation to obey does not necessarily imply an obligation for Jews to assist in enforcement. It may be inferred that that concept is present in Noachide law, also according to those who accept Nahmanides' general framework; see Nahmanides on Genesis 34:11.

³⁶ Responsa of Rashba 1:59 (Jerusalem: Machon Yerushalayim, 1999).

³⁷ *Hagabot Ashrei, Avodah Zarah* 64b (printed in the standard Vilna Shas, on the fifth chapter of Avodah Zarah).

³⁸ A conditional slave is one that is acquired with the explicit condition that conversion not be done; Maimonides nonetheless explicitly required such an individual to observe the Noachide law (see M.T. Hilkhot Milah 1:6).

³⁹ The opinion of Rabbi Karo in the Shulḥan Arukh itself is unclear. In *Yoreh De'ah* 276:4, Karo appears to simply disallow any temporary slavery absent circumcision, and thus he does not even discuss the imposition of Noachide law. However, in his commentary on the Tur, *Beit Yosef* commenting on *Yoreh De'ah* 267 (s.v. *v'ba-Rambam*), Karo appears to accept the approach of Maimonides. On commenting on that passages in his *Bedek Ha-bayit* (on his final notes in the book), he appears to retract this ruling and make this whole issue conditional on the presence of a *ger toshav* (resident alien)—something that is currently impossible, in his opinion. Thus, it appears that he rules that these rules are applicable currently, in *Kesef Mishnah* and in *Beit Yosef* (in accordance with Maimonides); but in *Bedek Ha-bayit* he rules that (at the least) Maimonides' opinion is inapplicable currently, or the *halakhah* is not in accordance with Maimonides. The Shulḥan Arukh itself is unclear on this matter. See generally Ḥayim Hiskai Medini, *S'deih Hemed* (New York, 1964), 9:16, for a discussion of these types of situations in the writings of Rabbi Karo. One is inclined to understand the Shulḥan Arukh as being in agreement with the Rema in this instance.

⁴⁰ *Yoreh De'ah* 158, s.v. *rebbeinu u-mikol makom*. For more on this, see the uncensored version of *Beit Yosef Hoshen Mishpat* 425 that has recently been

incorporated into various new and uncensored editions of the Tur.

⁴¹ Tur, Yoreh Dei'ah 158:1.

⁴² See his *Bayit Hadash* commentary on the *Arba'ah Turim* of Rabbi Jacob ben Asher, Yoreh Dei'ah 158, s.v. *u-mikol makom*.

⁴³ See his *Drisha* commentary on Tur, Yoreh Dei'ah 158:1. Similar sentiments can be found in his commentary on the Shulḥan Arukh, the *Sefer Me'irat Einayim* (also called the *Sema*) oshen Mishpat 425:15–19, in his attempts to distinguish gentiles from heretics.

⁴⁴ Rabbi Moshe Isserles, commenting on Tur, Yoreh Dei'ah 158, s.v. *ein mor'dim*. For a long discussion of this topic that reinforces this understanding of the *halakhab*, see the commentary of Rabbi Yoḥanan Kramnetzor, *Arukh Meishar on Darkhei Moshe, Yoreh Dei'h* 158.

⁴⁵ Yoreh Dei'ah 158:1.

⁴⁶ Rabbi Shabbetai ben Meir Ha-kohen (called the Shakh) in his *Siftei Kohen* commentary to Yoreh Dei'ah 158:2. It is worth noting that he cites Rabbi Shlomo Luria, in his *Yam Shel Shlomo* commentary on *Sefer Mitzvot Ha-gadol* (*Semag*), *mitzvah* 48, as being in agreement with that. The Shakh in his *N'kudat Ha-kesef*, commenting on the same passage, is equally clear on this issue. (All of these commentaries are found in the standard edition of the Shulḥan Arukh or *Sefer Mitzvot Ha-gadol* [popularly called the *S'mag*].)

⁴⁷ See his *Turei Zahav* commentary (commonly called the *Taz*) to S.A. Yoreh Dei'ah 158:1.

⁴⁸ Yoreh Dei'ah 158:2.

⁴⁹ Rabbi Judah the Pious, *Sefer Ḥasidim*, ed. Reuben Margoliot (Jerusalem: Mosad Harav Kook, 2004), §1124. And in this regard, cf. also Jonah 3:1–10.

⁵⁰ Found in Maimonides, M.T. *Hilkhot Melakhim* 8:10.

⁵¹ Rabbi Menachem Mendel Schneerson, “*Sheva Mitzvot B'nei No'ah*,” in *HaPardes* 59:9 (5745 [1985]), pp. 7–11. This responsum has been reprinted in a number of places; see, e.g., Rabbi Shmuel Tuvia Stern, *T'shuvot Ha-shavit, Oraḥ Ḥayyim* 7:1 (2nd ed., 2005). For Rabbi Stern's reply, see idem, *Hoshen Mishpat* 8:3 (2nd ed., 2005), asserting that Maimonides' ruling is limited to enforcing acceptance, rather than observance.

⁵² However, even Rabbi Schneerson concedes that the obligation to induce compliance is limited to situations where “no financial loss is caused, even the loss of future profits.” This limitation is itself a little difficult, as *halakhab* does not generally recognize “loss of profit” as a mitigating claim.