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Center for Modern Torah Leadership



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"Taking Responsibility for Torah"

THE BEN NOACH AND THE "GOOD GENTILE"

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Halakhic rhetoric often uses observance of the Seven Noachide Commandments as a metonymy for "being a good person", in the same way that observance of 613 commandments often stands for "being a good Jew".

Nonetheless, it is possible to be a *בבל ברשות התורה*, a person who is disgusting despite violating no halakhah. Also, there is no Jew to whom all 613 apply. (Male priests who serve as judges come closest, but some commandments apply only to non-priestly Levites, and so forth).

Furthermore, 613 appears only once in the Talmud (Makkot 24a), in the context of an attempt to boil Judaism to a single commandment. This makes one suspect that any large but specific number would have done as a starting point. (The single commandment is not "Do not unto others etc.", but rather Chavakuk 2:4: "A righteous person lives in/by/with his truth/integrity/loyalty/faith".) So being a good Jew might well involve observing more than 613 obligations, or only one, or it might be that one can fulfill all 613 and still fail to fulfill the one.

Finally, "good Jew" might have multiple definitions, depending on context. The criteria for a share in the World to Come might be different than those for having halakhic credibility, or holding communal office, etc.

It's therefore not obvious what "acceptance of all 613 commandments, without exception" means in the context of conversion. Some understand it as a precise reference to intent for complete halakhic observance, and others as a metonymy for being a good Jew. Furthermore, some who understand it the first way see halakhic observance as sufficient, while others see it as necessary but not sufficient. (As in all areas of halakhah, the fact that a position is intellectually reasonable does not automatically make it legitimate or viable.)

All these caveats apply *mutatis mutandis* to nonJews and the Seven Noachide commandments. Our specific interest this week is in exploring how they affect our understanding of the category *ger toshav*.

Talmud Avodah Zarah 64b records a Tannaitic dispute as to how many mitzvot a *ger toshav* must accept:

Who is a *ger toshav*?

Anyone who accepted upon himself before 3

chaverim not to worship *avodah zarah* –

these are the words of Rabbi Meir.

But the Sages say:

Any (nonJew) who accepted upon himself the Seven Mitzvot that the Children of Noah accepted upon themselves.

Others say:

Those have not entered the category of *ger toshav*, rather who is a *ger toshav*? This is a *ger* who eats *neveilot* (meat from kosher animals that died by any means other than valid *shechitah*) who accepted upon himself to fulfill all the mitzvot stated in the Torah except for the prohibition against eating *neveilot*.

It seems very difficult to explain the position attributed to Others as using *neveilot* rigorously. Why would *neveilot* be different than *shatnez* or the prohibition against shellfish, for example? But it's not obvious what category *neveilot* stands for. We can say that because *shechitah* is never specifically explained in the Torah, it stands for acceptance of the authenticity of Oral Torah as the interpretation of Written Torah; or that it stands for all *mitzvot* that put restrictions on physical pleasures; or that a *ger toshav* is any nonJew who accepts some or most but not all specifically Jewish obligations. (Possibly this is because any such restriction implies that the obligation is generated by a personal relationship with G-d rather than by inclusion within the national Jewish covenant with G-d.)

The position attributed to Rabbi Meir might be using "not worshipping *avodah zarah* as the converse of "the righteous shall live by his faith", in other words in a philosophic rather than a halakhic sense. It therefore might include more, or less, than the Seven.

Finally, the Seven might not be on the same axis as the 613. Ramban suggests that they are much broader categories and might include hundreds of the 613.

A question from the wonderful David Schacht called my attention this week to the way that the Torah Temimah's formulations reflect these ambiguities. In his comments to Shemot 20:10, 23:12 and Bamidbar 35:15 he defines a *ger toshav* as one who has accepted the prohibition against *avodah zarah* and to fulfill the Seven, which suggests that he is using *avodah zarah* in a sense not included within the Seven. In Vayikra 25:35 and Devarim 23:18, he defines a *ger toshav* as one who has accepted the prohibition against *avodah zarah* but nonetheless continues to eat *neveilot*, which leaves us to wonder about the other Six and the other 611.

Ger Toshav might also change meaning in different contexts. Some contexts might require observance of different specific commandments or sets of commandments, while others might use it simply to mean “good nonJew”. Furthermore, some contexts may focus on what a person does, others on what a person is committed to doing, and still others on what a person formally committed to in front of a *beit din*.

Talmud Avodah Zarah 64b explicitly acknowledges this variability.

Rav Yehudah sent a gift/sacrifice to Avidrana on the day of ‘their’ (religious) festival. He said: I know about him that he does not worship *avodah zarah*.

Rav Yosef said to him:

But a *beraita* says:

“Who is a *ger toshav*? Anyone who accepted upon himself before 3 *chaverim* not to worship *avodah zarah*!”?

That *beraita* was taught only with regard to *lehachayoto* (lit: ‘sustaining his life’, but in context perhaps referring to eligibility for a social safety net).

Other elements of the sugya suggest that different definitions might apply in the contexts the kashrut of wine and the deconsecration of objects dedicated to idolatry.

The context that may be most consequential in our day seems to arise from Talmud Arakhin 29a:

Said Rabbi Shimon ben Elazar:

Ger toshav is not practiced except at a time when the Jubilee is practiced.

Said Rav Bibi:

Why? We bring a *gezeirah shavah* based on the word *tov*:

It is written here “because it is *tov* for him with you” (Devarim 15:16)

and it is written there “in the *tov* for him; you must not afflict him” (Devarim 23:17)

Devarim 15:16 refers to an *eved ivri nirtza* (pierced Jewish slave), which applies only when the Jubilee is practiced. Rav Bibi apparently understands the quote from Devarim 23:17 as referring to a *ger toshav*.

Since the first part of that verse refers to the right of an escaped nonJewish slave to reside in the Land of Israel, it can follow that the verse suggests that a *ger toshav* refers (as the literal meaning of the phrase may suggest) to an alien with the right to live in Israel, and that this status cannot be granted except in a time when the Jubilee is practiced.

This reading has been attributed to Rambam Hilkhos Avodah Zarah 10:6, and is often assumed when halakhah is cited in the context of Israeli politics. So, I think it’s worth taking a few paragraphs to discuss it.

Yehuda Gale argues convincingly that because Rambam is the only organized collection of laws relating to the Seven Noachide Commandments, we confuse convenience with authority and

tend incorrectly to presume that the halakhah follows him. There is no reason to assume that Rambam has more authority vis a vis other rishonim in this area than in other areas, especially as these halakhos were almost entirely theoretical until very recently.

I add that often this influence is assigned with insufficient justification to a specific interpretation of Rambam.

Here, Raavad on that halakhah (according to most interpretations) explicitly disagrees with Rambam as to the qualifications for residence, as do many other rishonim. Raavad’s compelling ground is that Shemot 23:33 contains the prohibition against allowing certain people to sustain residence in Israel, lest they be a corrupt influence, while Devarim 23:17 assigns a right to live in Israel. He argues that the prohibition applied only to the Seven Nations of Canaan; the right applies only to *geri toshav*; and we have discretion regarding everyone else. However, one sets the scope of the prohibition, there is no reason to assume that it applies to everyone who lacks the right.

I was taught from high school on that Rambam did not require the formal status of *ger toshav*, but rather personal acceptance of whatever is required of a *ger toshav*. My teachers distinguished between the *de facto* and *de jure* *ger toshav*. This is a plausible reading of Hilkhos Avodah Zarah 10:6, which states that “If he accepts upon himself the Seven Mitzvot – he is a *ger toshan*”, but that “We do not accept a *ger toshav* except in a time when the Jubilee is practiced” – this can be understood to mean that there are people who are *geri toshav* but cannot be formally accepted as such, and the opening of the unit suggests that the prohibition against residence applies only to people who are idolaters. Moreover, Rambam in his Sefer Hamitzvot (DO NOT # 51) states that the prohibition of residence applies only to those who have not accepted the prohibition of *avodah zarah*, but that anyone who accepts that prohibition is “**called a *ger toshav*, meaning that he is a *ger* for the exclusive purpose of being allowed residence in the land**”, without mentioning the requirement that the Jubilee be practiced.

Halakhic discourse is often captured by politics, and we have a mitzvah to redeem it. We should also be suspicious in general of any claim that halakhos relating to nonJews’ religious obligations are clear.

Shabbat Shalom!

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