

## “Do the Seven, Go to Heaven?”

### An Investigation into the History of the Noachide Laws

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ETS Annual Meeting • Washington DC • November, 2006

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In today’s rabbinic Judaism, a well entrenched teaching is that Gentiles who observe the seven laws given to Noah are worthy of a place in the world to come. This was explicitly taught by Rambam:

Anyone who accepts upon himself the fulfillment of these seven *mitzvot* and is precise in their observance is considered one of ‘the pious among the gentiles’ (מְחַסְדֵי אֲמוֹת הָעוֹלָם) and will merit a share in the world to come.<sup>1</sup>

Among biblical scholars, it is not uncommon to find appeal to the Noachide Laws when the Jerusalem Council of Acts 15 is under discussion. At the Jerusalem Council it was decisively determined that Gentile believers need not become proselytes in order to be saved. The Apostles affirmed that salvation was based upon faith in Messiah Yeshua and not upon one’s Jewish status (Acts 15:11). But having affirmed salvation by God’s grace through faith in Yeshua, the Apostles went on to require Gentile believers to submit to a four-fold *halachah*: to abstain from 1) things sacrificed to idols, 2) from blood, 3) from things strangled, and 4) from fornication.<sup>2</sup>

In seeking an explanation for why these particular prohibitions were chosen, some scholars have suggested that Noachide Laws, known from the later rabbinic materials, were the recognized *halachah* for “resident aliens” among the 1st Century Jewish communities. As such, it would have been natural for the Jerusalem Council to utilize this established *halachah* for the Gentiles who were, in increasing numbers, filling their synagogues. Rather than requiring the Gentiles to become full proselytes, they accepted them as “resident aliens” (גֵּר תוֹשֵׁב), applying to them the same standards of conduct required by the wider Jewish community.<sup>3</sup> The four prohibitions of the Council’s decree are thus interpreted as reflecting

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<sup>1</sup>Mishnah Torah, *Hilchot Melachim* 8.11, quoted from Rabbi Eliyahu Touger, trans., *Maimonides Mishneh Torah* (Moznaim, 2001), p. 582.

<sup>2</sup>The textual issues that surround the listing of the four prohibitions given to the gentile believers have been much discussed. The four items are listed initially in the council’s discussion at Acts 15:20, then the decree itself is given in 15:29. The decree is also reiterated in 21:25. The Alexandrian texts list four things from which the Gentiles are to abstain, but the Western text omits “what is strangled” and adds a negative form of the Golden Rule in 15:20 and 29. The so-called Caesarean text omits “fornication” from 15:20 (Ⲙ<sup>45</sup> [which is not extant for 15:29 or 21:25] and the Ethiopic) and from 15:29 (as witnessed by Origen, *Contra Celsum*, viii.29 as well as by the Vulgate manuscripts Vigilius and Gaudentius). Many have suggested that the Caesarean text was emended to exclude “fornication” since it appears out of place when the other three prohibitions are understood as pertaining to food laws. The motivation for the Western text to exclude “things strangled” was to cast the prohibitions as moral injunctions rather than purity issues. The tripartite decree would thus require Gentiles to refrain from idolatry, unchastity, and murder (shedding blood). The addition of the negative Golden Rule emphasized the moral rather than ritual character of the prohibitions. But though some scholars have posited that the Western text was original, this perspective seems overburdened with difficulties, not the least of which is to offer a reasonable explanation for why the Alexandrian text would have added the prohibition of “things strangled.” Though the text critical problems are significant, it still seems to me that given all the extant evidence, the Alexandrian text (reflected in all English translations) offers the best reading. For further study, see Bruce Metzger, *A Textual Commentary on the Greek New Testament* (United Bible Societies, 1971), 429–34 (and the bibliography there); David Flusser, “Paul’s Jewish-Christian Opponents in the *Didache*” in Jonathan A. Draper, ed., *The Didache in Modern Research* (Brill, 1996), 195–6; Charles H. Savelle, “A Reexamination of the Prohibitions in Acts 15,” *BibSac* 161 (Oct-Dec, 2004), 449–68; Ben Witherington III, *The Acts of the Apostles* (Eerdmans, 1998), 460 n. 410; Markus Bockmeuhl, *Jewish Law in Gentile Churches* (Baker, 2000), 165-66; James Strange, *The Problem of the Text of Acts* (Cambridge, 1992), 87–105.

<sup>3</sup>Thus, in the later rabbinic materials, we meet with the term גֵּר תוֹשֵׁב, “resident alien” as distinct from גֵּר or צִדְקָה גֵּר which

these laws. The following are representative of this position:

Agreeing with Peter's recommendation (Acts 15:7–11), the assembly decided to "loose" (that is, absolve) the Gentiles from the obligation of undergoing circumcision and from the observance of the biblical commandments prescribed in the Torah of Moses. However, in accordance with James' recommendation, the assembled leaders decided to "bind" (that is, "prohibit") in the sense of obligating converts to this new sect of Judaism to observe three basic, universal and overriding commandments that within Judaism later developed into seven commandments known as the "Commandments of Noah" or the "Noachide Commandments." ... If this hypothesis is true, then the universal commandments that the leaders of the early church required of its Gentile converts were the same commandments that the nation as a whole expected righteous Gentiles, or God-fearers, to keep.... The Jerusalem council did not innovate, but rather ruled in accordance with usual Jewish expectations of Gentiles.<sup>4</sup>

In Jewish thought, all of the commandments of Torah are required of Israel, but the Gentiles are responsible only for its moral demands, which are epitomized in the covenant with Noah and his children. This is basically the position endorsed by the Jerusalem council (Acts 15:28–29). Gentiles who have accepted the message of Jesus and want to join the fellowship of the community will be responsible for the moral standard outlined in the Noachic covenant, but they do not have to be circumcised and assume Israel's entire covenantal responsibilities.<sup>5</sup>

These examples take as their starting point the presumption that the Noachide Laws, or some early form of them (perhaps as some formulation of "natural law"<sup>6</sup>) were not only extant in the 1st Century, but that they were so well known and practiced by the Synagogue that they presented the natural choice for the Jerusalem Council in determining the necessary conduct of Gentile believers.<sup>7</sup>

But is this presumption well founded? When were the Noachide Laws formulated by the Sages and considered as law for the Gentiles? And what was the purpose of the rabbis in formulating the Noachide Laws?

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usually denote a full proselyte. Accordingly, the later rabbis defined the גֵּר תוֹשֵׁב as a gentile who resided within Israel and lived according to the Noachide Laws, whereas the גֵּר or גֵּר צְדִיק was a full convert who had taken upon himself the full yoke of the Torah. Cf. *Mechilta* Kaspā 3 (Lauterbach, 3.178), *Bachodesh* 7 (Lauterbach, 2.255), cp. b. *Yevamot* 48b; b. *Gittin* 57b; b. *Kiddushin* 20a; b. *Bava Metzia* 71a; Mid. Rab. *Num* 8.9; Rambam, *Hilchot Avodat Kochavim*, 10.6. However, as Novak has shown, the criteria for defining a גֵּר תוֹשֵׁב was being debated as late as the Talmudic era (cf. b. *Avodah Zera* 64b), and it may have been the need to define more clearly the term itself that necessitated the formulation of the Noachide Laws (David Novak, *The Image of the Non-Jew in Judaism* [Edwin Mellen Press, 1983], 14–19).

<sup>4</sup>David Bivin, *New Light on the Difficult Words of Jesus* (En-Gedi Resource Center, 2005), 141–43. Bivin's interpretation is based upon his view that the Western text (which does not contain "things strangled" and has the negative Golden Rule) represents Luke's original. (See footnote 2 above.) Novak has shown that the Noachide Laws neither defined the גֵּר תוֹשֵׁב nor the φοβούμενοι/σεβομένοι, the so-called "God-fearers" in the 1st Century CE (David Novak, *The Image of the Non-Jew in Judaism* [Edwin Mellen Pub., 1983], 21–26).

<sup>5</sup>Brad H. Young, *Paul the Jewish Theologian* (Hendrickson, 1997), 74–5.

<sup>6</sup>This short study lacks space to explore the idea of "natural law" within the rabbinic literature, and especially in Philo. Note the remarks of Markus Bockmuehl, *Jewish Law in Gentile Churches* (Baker, 2000), 87–143.

<sup>7</sup>Davies, in writing of Paul's theology, also considers the Noachide Laws to have been firmly established by the 1st Century: "Now, that Paul was familiar with the Noachide commandments cannot be doubted ...." (W. D. Davies, *Paul and Rabbinic Judaism* [SPCK, 1970), 115.

## *The Noachide Laws in Early Rabbinic Literature*

### *t.Avodah Zarah 8.4*

The earliest clear reference to the Noachide Laws is found in the Tosefta. The Tosefta embodies the additional comments and commentary to the Mishnah, traditionally thought to be gathered together by the 4th Century CE. However, there is no clear historical evidence that a body of rabbinic *halachah*, later known as the “Tosefta,” existed as a recognized, authoritative standard in the 4th Century CE, and it is very likely that such a collection of *halachic* formulations and discussions was not a “published”<sup>8</sup> reality until much later. In fact, according to Millard (quoting Reif),

The transition from oral to written took place between the seventh and ninth centuries, only occasionally earlier...and the ‘current scholarly consensus’ accepts there was a ‘distinct preference not to commit [prayers and blessings] to an ‘authoritative written text’ earlier than that period.’<sup>9</sup>

Thus, even though in sources like the Mishnah, Tosefta, Talmuds, and Midrashim, sages who lived in the early centuries are referenced in accordance with their teachings and *halachic* rulings, this by no means is a valid criterium by which one can confidently place the date of such a ruling, for as Neusner affirms:

Ample evidence in virtually every document of rabbinic literature sustains the proposition that it was quite common for sages to make up sayings and stories and attribute the sayings to, or tell the stories about, other prior authorities.<sup>10</sup>

In Tosefta *Avodah Zarah* 8.4 we read:

Concerning seven requirements were the children of Noah admonished: setting up courts of justice, idolatry, blasphemy, fornication, bloodshed, thievery, [and a limb torn from a living animal]. (על שבע מצות) (נצטוו בני נח על הדינין ועל עבודת כוכבים ועל גלוי עריות ועל שפיכות דמים ועל הגזל ועל אבר מן החי)<sup>11</sup>

But this Toseftan text goes on to show that while seven laws became the accepted tradition, other Sages reasoned that there were more than seven. For instance, in *t.Avodah Zarah* 8.6 R. Chananiah b. Gamliel (135–170 CE) reasons that if a limb torn from a living animal is prohibited, then so is ingesting blood. R. Chidqa (2nd Century Tana) adds the prohibition of castration. R. Simeon (b. Gamliel II [?] 2nd Century Tana) adds witchcraft, and R. Yose (b. Chalafta [?], 2nd Century Tana) includes all the prohibitions

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<sup>8</sup> Saul Lieberman, *Hellenism in Jewish Palestine* (JTS, 1962), p. 85, defines “publication” in antiquity as having two categories: (1) books which had, or were expected to have, a large circulation, and (2) a situation in which the authentic copy would be deposited in a temple, a library, or the archives.

<sup>9</sup> Alan Millard, *Reading and Writing in the Time of Jesus* (Sheffield Press, 2000), p. 192, quoting S. C. Reif, *Judaism and Hebrew Prayer* (Cambridge Univ Press, 1993), p. 124.

<sup>10</sup> Jacob Neusner, *Rabbinic Literature and the New Testament* (Trinity Press International, 1994), p. 68. Note also the premise of Marc Shapiro, that the Bavli has gone through numerous changes, updates, and edits even in the pre-modern and modern period which utilized the printing press (*Changing the Immutable: How Orthodox Judaism Rewrites its History* [Littman Library: 2015]).

<sup>11</sup> There exists a textual variant among the early manuscripts of the Tosefta at this point: the Erfurt MS lists only six laws, leaving off the final one “a limb torn from a living animal.” The Vienna MS, however, has all seven, and since the Erfurt MS begins with “Seven laws...,” and includes the seventh in the ensuing discussion, scholars presume that its omission is the result of scribal error (see Markus Bockmuehl, *Jewish Law in Gentile Churches* [Baker, 2000], 159 n. 59). The first printed edition of the Tosefta, Alfasi (Venice, 1521-2) is based upon a manuscript which is now lost, and it likewise contains all seven laws (see H. L. Strack and G. Stemberger, *Introduction to the Talmud and Midrash* [Fortress, 1992], 178f).

listed in Deut 8:10–11 (regarding all manner of sorcery). R. Eleazar (b. Hyrcannus [?], 2nd Century Tana) further adds the prohibition of hybridization of beasts and trees. All of these form the basis for the later Talmudic debates, but it should be realized that even the Tosefta, naming supposed statements of early sages, does not present a picture of the Noachide Laws as settled and formulated even in the pre-destruction era.

Moreover, in the ensuing discussion in Tosefta *Sanhedrin*, the question of whether any Gentiles will have a place in the world to come is raised:

R. Eliezer says, “None of the Gentiles has a portion in the world to come,” as it is said, “The wicked shall return to Sheol, all the Gentiles who forget God (Ps 9:17).” “The wicked shall return to Sheol—these are the wicked Israelites.” Said to him R. Joshua, “If it had been written, ‘The wicked shall return to Sheol—all the gentiles’ and then said nothing further, I should have maintained as you do. Now that it is in fact written, ‘All the Gentiles who forget God,’ it indicates that there also are righteous people among the nations of the world, who do have a portion in the world to come.” (t.*Sanhedrin* 13.2)

Traditionally it is thought that R. Eliezar usually spoke for the house of Shammai, while R. Joshua often represented the teachings of Hillel. In the discussion that follows 13.2, the house of Shammai is noted to have delineated three groups: one for eternal life, one for shame and everlasting contempt (Dan 12:2), and one that is intermediate (who are punished for a time in Gehenna and then return after being thoroughly tested). The house of Hillel is represented as emphasizing God’s mercy (Ex 34:6).

Important for our study, however, is the obvious fact that while R. Joshua understood Ps 9:17 to teach that there were “some righteous people among the nations,” nothing by way of a body of laws that would define such righteous Gentiles is given. Apparently R. Joshua (and presumably the house of Hillel) simply held that God’s mercy somehow would encompass more than Israelites.

#### *Mid. Rab. Genesis xvi.6*

It is also interesting that in some of the *midrashim*, the Sages teach that six laws were given to Adam, with the seventh only implied (since according to the majority opinion, until the time following the flood, eating of meat from animals was not allowed).<sup>12</sup> Here, the commandments given to Gentiles go back to the creation narrative itself:

AND THE LORD GOD COMMANDED THE MAN, SAYING: OF EVERY TREE OF THE GARDEN YOU MAY FREELY EAT (II, 16). R. Levi said: He gave him six precepts: AND HE COMMANDED (WAY-YEZAW) alludes to idolatry, as you read: Because he willingly walked after *zaw*-i.e. idols (Hos. V, 11). THE LORD alludes to blasphemy, as you read, And he that blasphemes the name of the Lord (Lev. XXIV, 16). GOD alludes to the [authority of] judges, as you read, You shall not revile God-i.e. the judges (Ex. XXII, 27). THE MAN: this alludes to bloodshed, as you read, Whoso sheds man’s blood (Gen. IX, 6). SAYING alludes to incest, as you read: Saying: If a man put away his wife, etc. (Jer. III, 1). OF EVERY TREE OF THE GARDEN YOU SHALL FREELY EAT: here He commanded him against theft. The Rabbis interpreted the whole passage thus: AND THE LORD GOD COMMANDED. He said to him: ‘What am I?’

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<sup>12</sup>However, in b.*Sanhedrin* 59b, the teaching of R. Yehudah b. Tema (a Tana considered to be present at Yavneh, thus early 2nd Century) is brought forward, that “Adam was dining in the garden of Eden, and the ministering angels were roasting meat for him and filtering wine for him ...,” and the *Gemera* concludes that this was “meat that fell from heaven” and substantiates this with the story of R. Shimmon b. Chalaftha (late 2nd Century) who was spared from ravenous lions encountered on the road by meat being given miraculously from heaven. The point of this within the discussion of the Noachide Laws is that the prohibition of a limb torn from a live animal was extant before the time of Noah, since Adam himself was given proper meat (i.e., anything that comes from heaven is clean) and thus could distinguish between that which was given and that which was prohibited.

God, [and I command] that I be treated as a God and not cursed.’ How do we know [that Adam was forbidden] incest? [From the passage], And cleave unto his wife (Gen. II, 24), which implies, but not to his neighbor's wife, nor to a male, nor to an animal. OF EVERY TREE OF THE GARDEN YOU MAY FREELY EAT. R. Jacob of Kefar Hanan said: When does [an animal] become food, and when is it fit to be eaten? When it is ritually slaughtered. Thus He intimated [the forbidden character of] a limb torn from a living animal. (Mid. Rab. *Genesis* xvi.6)<sup>13</sup>

This midrashic exegesis, derived by *gezerah shavah*, is obviously based upon an already accepted norm of seven laws, for one cannot derive the seven Noachide Laws from the Genesis text itself unless one is predisposed to finding them there. What it does show is the rabbis felt the need to prove that the Noachide Laws were actually in place from the creation of Adam, meaning that they were always envisioned as applicable to all of mankind. They would not have felt such a need unless it was quite evident that the so-called Noachide laws were actually not something known as having a well established tradition in antiquity.

But the Bavli, recognizing that these laws are not explicit (but only derived), considers at least five of them to be self-evident:

Our Rabbis taught: My ordinances shall you do (Lev 18:4), i.e., such commandments which, if they were not written [in Scripture], they should by right have been written and these are they: [the laws concerning] idolatry [star-worship], immorality and bloodshed, robbery and blasphemy.<sup>14</sup>

Mid. Rab. *Gen* 34.8 also lists seven laws<sup>15</sup> given to the children of Noah, but in a different order than that found in t.*Sanhedrin* 8.4:

The children of Noah were enjoined concerning seven things (דברים): Idolatry, incest, murder, cursing the Divine Name [blasphemy], civil law (הדין), thievery, and a limb torn from a living animal.

Once again (as in Mid. Rab. *Gen* 16.6), the ensuing rabbinic discussion lists various rabbis who added additional commandments: blood from a living animal, cross-breeding, witchcraft, emasculation, and everything prohibited in Deut 18:10 (i.e., child sacrifice to an idol).

*Mid. Rab. Exodus xxx.9*

Likewise, in Mid. Rab. *Exodus* xxx.9, six commandments are given to Adam, a seventh is added to Noah, an eighth is given to Abraham, and a ninth to Jacob. The Ten Words (commandments), however, are given only to Israel. This midrash commences with a taunt against four Sages (Rabban Gamliel, R. Joshua, R. Eliezar b. Azariah, and R. Akiva) who were teaching in Rome. Having taught that God does not command Israel to do anything He Himself does not do, a sectarian (מין) raises the following charge:

Your words are only falsehood. Did you not say that God says a thing and fulfills it? Then why does He not observe the Sabbath?

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<sup>13</sup>See the similar discussion in *Pesikta de-Rab Kahana* 12.1 (Braude and Kapstein, trans., *Pesikta de-Rab Kahana* [Routledge & Kegan Paul, 1975], 226f).

<sup>14</sup>b. *Yoma* 67b.

<sup>15</sup>The Soncino English translation lists only six, leaving out “thievery.” The critical edition (J. Theodor and Ch. Albeck, *Midrash Bereshit Rabba: Critical Edition with Notes and Commentary* 3 vols [Jerusalem, 1965]) based on the British Museum MS does include גַּזְלָה, and this should therefore be received as correct.

The Sages defend God's activity of maintaining the universe on the Sabbath on the basis of the rabbinic rule of *Eruv*, in which one is permitted certain activities within his own designated place on the Sabbath, activities that are prohibited elsewhere. And since "the whole earth is full of His glory" (Isaiah 6:3) and God declared "Do not I fill heaven and earth?" (Jeremiah 23:24), then the entire universe is "His place" and His activities on the Sabbath are therefore not a violation of the day. A further explanation includes the enumeration of commandments:

I did not give it [the Ten Words] to the heathen, but to Israel, who, as soon as they responded, 'All that the Lord hath spoken will we do, and obey' (Exodus 24:7), were given the Torah. Hence, 'He declareth His word unto Jacob, His statutes and His ordinances unto Israel.' He hath not dealt so with any nation (Psalm 147:20), only with Jacob, whom He chose from all the heathen people, giving to the latter only part [of the Commandments]. He gave Adam six Commandments, and added one to Noah, Abraham had eight and Jacob nine, but to Israel He gave all.

According to some of the Sages, the additional commandment given to Noah was the prohibition of eating flesh torn from a living animal. To Abraham was added the commandment of circumcision and to Jacob, the prohibition of eating the sinew of the thigh. Since Abraham and Jacob are technically regarded by the Sages as non-Israelites, these nine commandments were a precursor to the full revelation given to Israel at Sinai.<sup>16</sup>

#### *b.Chullin 92a*

But it should be noted that, even by traditional reckoning, as late as the 3rd Century CE there was still no clear consensus as to the enumeration of laws given to the Gentiles. Ulla b. Ishmael (3rd Century CE Amora) gives us an example. In *b.Chullin 92a* a discussion is recorded over the meaning of Zechariah 11:13 and the significance of the "thirty pieces of silver" described in that text.<sup>17</sup> Rabbi Yochanan (in the name of R. Shimon b. Yehozadak) interprets the thirty pieces of silver to mean that there are thirty righteous Israelites in every generation on whose account the world continues to exist. Rav Judah, however, interprets the thirty to signify thirty righteous men among the nations by whom the nations are maintained. Ulla b. Ishmael interpreted the thirty to be the commandments given to the Gentiles:

Ulla said: These are the thirty commandments which the sons of Noah took upon themselves but they observe three of them, namely, (i) they do not draw up a ketubah document for males, (ii) they do not weigh flesh of the dead in the market, and (iii) they respect the Torah. (*b.Chullin 92a*)<sup>18</sup>

According to Ulla, while the Gentiles were given thirty commandments, in reality they do none of them. The notice that they "observe" three of the thirty is tongue-in-cheek, for the manner in which they "observe" them is in reality proof of their paganism. Thus, though they engage in homosexual relations, they do not sanctify such relationships with a marriage contract (ketubah). Likewise, even though they eat dead meat (and some would understand this even to include human flesh), they do not sell it openly

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<sup>16</sup>Other instances in the *midrashim* pertaining to the giving of commandments before Sinai include: Mid. Rab. *Canticles* i.16; Mid. Rab. *Deuteronomy* ii.25; Mid. *Tanchuma*, Yitro, 5.2. In Mid. Rab. *Canticles* i.16, another pre-Sinai commandment is noted, i.e., that of the Levirate marriage given to Judah (Genesis 38:8).

<sup>17</sup>See the similar discussion in Mid. Rab. *Genesis* 98.9, in which the 30 commandments given to the Gentiles awaits the messianic age.

<sup>18</sup>See additional comments in Aaron Lichtenstein, "Noahide Laws from Genesis to Genizah," *Dor Le Dor* 1985-6, 14.2, 88-93, who finds similar words in the Cairo Geniza documents.

in the markets (they don't weigh it out). The final claim, that "they respect the Torah," (שמכבדין את התורה) is curious because at first it seems entirely out of place.<sup>19</sup> We should presume, however, that this third phrase likewise contains a condemning accusation. One suggestion could be that the Gentiles utilize the names of angels found in the Torah in their pagan incantations.<sup>20</sup> It may also be understood as a slap at the *minim*, who claim to respect the Torah, but who pick and choose which laws to obey. So the phrase may mean "they claim to respect the Torah but in reality, they do not."

In fact, a regular refrain in the rabbinic literature is that the Gentile nations even refused to accept the few laws given to them, and as a result, they were exempt from them, meaning they lose any reward even if they do obey them.

### *b.Bava Qama 38a*

This is confirmed in the talmudic discussion of the Noachide Laws found in *b.Bava Qama 38a*. Here, *m.Bava Qama 4.3* is the subject, which states: "An ox belonging to an Israelite which gored an ox belonging to a Gentile, [the Israelite owner] is exempt." The Sages seek to know why this is the case, since the biblical text states "If an ox of a man gores the ox of his neighbor..." (Ex 21:35), and thus the question is raised why this does not apply to a Gentile neighbor. The answer that is forthcoming speaks of the seven laws given to the Gentiles:

R. Abbahu (3rd Century Amora) thereupon said: The Scripture says, "He stood and measured the earth; he beheld and drove asunder the nations," (Hab 3:6) [which may be taken to imply that] God beheld the seven commandments which were accepted by all the descendants of Noah, but since they did not observe them, He rose up and declared them to be outside the protection of the civil law of Israel [with reference to damage done to cattle by cattle].

Thus, according to Abbahu, since the nations refused to abide by the seven laws, they do not receive civil protection provided by the Torah to Israelites. Moreover, because of their refusal to accept the seven laws God declared them exempt from them, meaning no reward would be forthcoming even if they did obey them.

R. Joseph said: 'He stood and measured the earth; he beheld' etc. What did He behold? He beheld the seven commandments which had been accepted by all the descendants of Noah, and since they rejected them He rose up and granted them exemption. Does this mean that they benefited [by breaking the law]? And if so, will it not be a case of a sinner profiting [by the transgression he committed]? Mar the son of Rabana (or Rabina) thereupon said: 'It only means that even were they to keep the seven commandments [which had first been accepted but subsequently rejected by them] they would receive no reward.'

But this in turn gives rise to the discussion of a Gentile who voluntarily takes up the study of Torah:

R. Meir (2nd Century Tana) would say, "How on the basis of Scripture do we know that, even if it is a gentile, if he goes and takes up the study of the Torah as his occupation, he is equivalent to the high priest?"

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<sup>19</sup>Note how the same phrase is used in *b.Shabbat 119a*: "Rabbi asked R. Ishmael son of R. Jose, The wealthy in Palestine, whereby do they merit [wealth]? — Because they give tithes, he replied, as it is written, 'Asser te'asser [which means], give tithes [asser] so that you may become wealthy [tith'asser] (cf. Deut 14:22). Those in Babylon, wherewith do they merit [it]? — Because they honor the Torah, replied he."

<sup>20</sup>See Clinton E. Arnold, *Powers of Darkness* (IVP, 1992), pp. 71–4. This interpretation would make good sense since the discussion which concludes in *b.Chullin 92a* began (in *b.Chullin 91a*) with the text of Gen 38 and Jacob's wrestling with the Angel.

Scripture states, “You shall therefore keep my statutes and my ordinances, which, if a human being (אָדָם) does them, one shall gain life through them” (Lev 18:5). What is written is not “priests” or “Levites” or “Israelites,” but rather, a “human being.” So you have learned the fact that, even if it is a gentile, if he goes and takes up the study of the Torah as his occupation, he is equivalent to the high priest.”<sup>21</sup>

The implication is that if there remains a reward for Gentiles, it is only in their voluntary submission to the whole Torah. In this talmudic discussion, the conclusion is clear: obedience to the Noachide Laws brings no reward.

### *Mekilta on Exodus*

*Mekilta* (midrash on Exodus) agrees. The Gentiles’ refusal to accept the seven laws highlights their basic inability to have received the Torah even if it had been offered to them:

If the sons of Noah could not endure the seven commandments enjoined upon them, how much less could they have endured all the commandments of the Torah!<sup>22</sup>

This argument is one of several given as to why the nations will not be able to plead innocence at the day of judgment, arguing that the Torah had not be given to them. For if they refused to accept and obey the seven laws that were assigned to them, surely they would have refused the 613 laws of the Torah!<sup>23</sup>

### *Sifre on Deuteronomy*

This same argument is found as well in *Sifre* on Deuteronomy, with the added notice that the seven laws were taken from the nations and given to Israel:

And it is not enough for them [the nations] that they did not listen, but even the seven religious duties that the children of Noah indeed accepted upon themselves they could not uphold before breaking them. When the Holy One, blessed is He, saw that that is how things were, he gave them to Israel. The matter may be compared to the case of a person who sent his ass and dog to the threshing floor and loaded up a *letekh* of grain on his ass and three *seahs* of grain on his dog. The ass went along, while the dog panted. He took a seah of grain off the dog and put it on the ass, so with the second, so with the third. Thus was Israel: they accepted the Torah, complete with all its secondary amplifications and minor details, even the seven religious duties that the children of Noah could no uphold without breaking them did the Israelites come along and accept.<sup>24</sup>

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<sup>21</sup>The same material is found in b.*Sanhedrin* 59a where the previous statement by R. Johanan bar Nappaha (2nd Century Amora), “a gentile who studies the Torah is deserving of death,” contradicts the statement of Meir (a Tana). The Gemara resolves the conflict by stating that the gentile studies only the Noachide Laws of the Torah. However, the obvious meaning of the earlier Tana is that the study of Torah “as his occupation” (עוֹסֵק בַּתּוֹרָה) would indicate that the gentile has accepted Torah as a general lifestyle. Ultimately, one would think that in the mind of rabbis, this would only be the case for a “God-fearer” who was on his way to becoming a proselyte. On the idea that no legal status was accorded to the גֵּר תּוֹשֵׁב or the φοβούμενοι/σεβόμενοι, but these were viewed as “pre-proselytes,” see David Novak, *The Image of the Non-Jew in Judaism* (Edwin Mellen Press, 1983), 20–28.

<sup>22</sup>*Mekilta*, Bachodesh, 5, quoted from Jacob Z. Lauterbach, *Mekilta de-Rabbi Ishmael*, 3 vols (JPS, 1933), 2.236.

<sup>23</sup>This is also the point of Mid. Rab. *Genesis* 24.5: “R. Judah said: It was fitting that the Torah should have been given through Adam. Whence does this follow?—“This is the book of the generations of Adam” (Gen 5:1). The Holy One, blessed be He, said: ‘He is the creation of My hands, and am I not to give it to him!’ Subsequently, He said: ‘I gave him six commandments, and he did not remain loyal to them; how then shall I give him six hundred and thirteen precepts...?’

<sup>24</sup>Pisqa 343, see Jacob Neusner, *Sifre to Deuteronomy*, 2 vols. (1987), 2.407. Note also *Yalqut Shimoni*, Beshalach, 257.67, “Ten commandments were commanded to Israel at Marah, including the seven the sons of Heth accepted.”

This accords with the lengthy discussion in b.*Sanhedrin* 59a on whether the Noachide Laws were repeated at Sinai (i.e., given to Israel). The *Gemara* concludes “there is nothing that is permitted to a Jew, but forbidden to a non-Jew,” which means “when the Jews received the Torah at Sinai, they did not shed any of their prior obligations. Rather they assumed further obligations.”<sup>25</sup>

Indeed, *Sifre* goes on to teach that when the nations realize the glory of Israel’s God, they say “Let us come with you [Israel].”

What do the Israelites answer them? “You have no share in him: ‘I am my beloved’s and my beloved is mine, who feeds among the lilies’” (Song of Songs 6:3).<sup>26</sup>

Thus, on the matter of the seven laws given to the nations, *Sifre* concludes: 1) the nations rejected the seven laws even as they rejected the Torah when offered to them; 2) the seven laws were thus given to Israel along with the whole Torah; 3) the nations therefore have no share in Israel’s God.

### *b.Sanhedrin 56a–59b*

It will be helpful to look more closely at b.*Sanhedrin* 56a–59b where the issue of the Noachide Laws is discussed, for it demonstrates that a precise formulation was still being debated as late as the Talmudic era. The subject matter of the *Gemara* is m.*Sanhedrin* 7.5 in which the penalty for blaspheming the Name is under discussion. During the trial of one accused of blaspheming the Name, witnesses who heard the blasphemy use a circumlocution instead of actually uttering the Name as they testify. After the trial, however, the judges dismiss the people, and then the first witness is asked to say literally what he heard. Here, he pronounces the divine Name and the judges rend their garments and do not later repair them. Then they ask the second and third witnesses for their testimony. They, however, do not utter the divine Name but simply respond that each heard the same words as spoken by the first witness.

The discussion eventually turns to the question of whether a Gentile incurs capital punishment for blasphemy, based upon the reading of Leviticus 24:15, “If anyone (אִישׁ אִישׁ) curses his God, then he will bear his sin.” A Baraita is brought forward to show that “anyone” includes pagans as well as Jews. But R. Issac the smith (3rd Century Amora) responds that the law prohibiting pagans to blaspheme the Name is stated in Gen 2:16 (as noted in Mid. Rab. *Gen* xvi.6 given above), and thus the present text teaches that blasphemy occurs even where one utilizes a substitute for the Name. This accords with the *halachah* of R. Meir (135–170 CE). But the Sages ruled that blasphemy while actually using the Name was punishable by death, but when using circumlocutions did not incur capital punishment.<sup>27</sup>

To substantiate the argument of R. Issac, that the Gentile prohibition against blasphemy came before Sinai, a Baraita is brought forward that enumerates the Noachide Laws:

Our Rabbis taught: seven precepts were the sons of Noah commanded: social laws (דינין), to refrain from blasphemy, idolatry; adultery; bloodshed; robbery; and eating flesh cut from a living animal.

Then follows the teaching of some of the Sages (as noted above in t.*Avodah Zarah* 8.4f) that more than seven laws were given to Gentiles:

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<sup>25</sup>Steinsaltz, *The Talmud* [vol. 18 - Sanhedrin part iv], (Random House, 1998), p. 132.

<sup>26</sup>Neusner, *Sifre to Deuteronomy*, Op. cit., 2.411.

<sup>27</sup>Rambam disagrees, and holds that execution is required both for blaspheming the Name when it is actually pronounced and when circumlocutions are used, *Mishneh Torah: Hilchot Avodat Kochavim v’Chukkoteihem*, 2.8 (in the Moanaim edition, p. 46).

R. Hanania b. Gamaliel (mid 2nd Century) said: Also not to partake of the blood drawn from a living animal. R. Hidka added emasculation. R. Simeon added sorcery. R. Jose said: The heathens were prohibited everything that is mentioned in the section on sorcery. viz., “There shall not be found among you any one, that makes his son or daughter to pass through the fire, or that uses divination, or an observer of times, or an enchanter, or a witch, or a charmer, or a consulter with familiar spirits, or a wizard, or a necromancer. For all that do these things are an abomination unto the Lord: and because of these abominations the Lord thy God doth drive them [i.e., the heathens in Canaan] out from before you” (Deut 18:10f). Now, [the Almighty] does not punish without first prohibiting. R. Eleazar added the forbidden mixture [in plants and animals]: now, they are permitted to wear garments of mixed fabrics [of wool and linen] and sow diverse seeds together; they are forbidden only to hybridize heterogeneous animals and graft trees of different kinds.

Following this is a lengthy discussion showing how the various Sages who enumerated more than seven laws for the nations did so by various interpretations of Gen 2:16 or other Torah texts.

But then an apparent discrepancy is noted in a stated Baraita:

Were then the children of Noah admonished to observe “social laws” [i.e., set up courts]? Surely it has been taught: The Israelites were given ten precepts at Marah, seven of which had already been accepted by the children of Noah, to which were added at Marah social laws, the Sabbath, and honoring one's parents.

The implication is that “social laws” (i.e., establishing courts) were not included in the Noachide Laws, but were given specifically to Israel at Marah. The on-going Talmudic discussion then strives to reconcile this apparent contradiction between the Sages. It is finally stated that the Tana from the school of Menashe who added the laws did so because “social laws” and blasphemy were not included in the original list he had received. His list included: idolatry, incest/adultery, bloodshed, robbery, eating a limb from a living animal, castrating a human being or an animal, and prohibited mixtures.

But immediately the teaching of R. Yehudah is brought forward:

The first man was only commanded about *the prohibition against* idol worship (b.*Sanhedrin* 56b).

Then follows the notice that R. Yehudah b. Betera (2nd Century Tana) added a second prohibition (blasphemy) in the laws given to the first man (Adam). To this some Sages added a third law, that the first man was commanded to establish a system of laws (i.e., establish courts). The point of all this for our current discussion, however, is simply to show that even in the talmudic era, what constituted the Noachide Laws was still being debated. No universal formulation had yet been received as clearly established rabbinic dictum.

### ***The Noachide Laws in other Early Literature***<sup>28</sup>

#### *Jubilees*

A passage from Jubilees<sup>29</sup> is often cited in discussions of the Noachide Laws. In Jubilees 7:20 we

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<sup>28</sup>It is not uncommon in studies relating to the Noachide Laws to find authors conceptually connecting so-called “natural law” with the Noachide Laws. While one surely can see a connection, a study of the manner in which natural law may be foundational to or otherwise connected with the Noachide Laws is beyond the scope of this paper. Thus, for instance, with regard to Philo and Josephus, note the conclusion of Bockmuehl (*Jewish Law in Gentile Churches*, p. 157): “While their works are highly pertinent to the questions of universal ethics, they do not with equal frequency address the question of the halakhah *for Gentiles*, which lies at the heart of the Noachide Commandments.” (italics his)

<sup>29</sup>The date of Jubilees has been more clearly known through its appearance in the Dead Sea Scrolls material. James

read:

And in the twenty-eighth jubilee Noah began to enjoin upon his sons' sons the ordinances and commandments, and all the judgments that he knew, and he exhorted his sons to observe righteousness, and to cover the shame of their flesh, and to bless their Creator, and honor father and mother, and love their neighbor, and guard their souls from fornication and uncleanness and all injustice.

It is suggested that the ordinances and commandments listed here are an early summation of the Noachide Laws. If the phrase “observe righteousness” is taken as a general heading, then the initial commands include: 1) to not go about naked, 2) to acknowledge (bless) their Creator, 3) to honor one’s parents, 4) to love one’s neighbor, 5) to abstain from fornication, 6) to abstain from uncleanness, and 7) to establish justice. The following context alludes to four more: 8) not to “sin against animals,” 9) to abstain from eating blood, 10) to abstain from bloodshed, and 11) to offer the first fruits.

However, we should not be so quick to assign these ordinances and commandments to the Gentiles just because they are spoken by Noah. From the author’s perspective, Noah is considered righteous “for his heart was righteous in all his ways, according as it was commanded regarding him, and he had not departed from aught that was ordained for him” (5:19). In other words, in the message of Jubilees, Noah was obedient to God’s statutes, and thus stands as a model for Israel to follow. Far from being viewed as part of the nations, the author of Jubilees considered Noah to be one of God’s elect, one who “found favor in His eyes,” and thus was in line with the patriarchs of Israel.

In Jubilees 6, Noah is grouped together with Abraham, Isaac, and Jacob. For Noah and his sons celebrated Shavuot and the Jubilee year, but these were forgotten after Noah’s death until the time of the patriarchs, who restored them. Then they were forgotten in Egypt, but celebrated again at Mt. Sinai. In this way, Jubilees clearly links Noah with the correct calendar (6:32ff) and the Torah of Israel.

And this whole festival was celebrated in heaven from the day of creation till the days of Noah— twenty-six jubilees and five weeks of years: and Noah and his sons observed it for seven jubilees and one week of years, till the day of Noah’s death, and from the day of Noah’s death his sons did away with (it) until the days of Abraham, and they eat blood. But Abraham observed it, and Isaac and Jacob and his children observed it up to your days, and in your days the children of Israel forgot it until you celebrated it anew on this mountain. And you [Moses], command the children of Israel to observe this festival in all their generations for a commandment unto them: one day in the year in this month they shall celebrate the festival. For it is the feast of weeks and the feast of first fruits: this feast is twofold and of a double nature: according to what is written and engraven concerning it, celebrate it. (Jub 6:18–21)

Noah functions in Jubilees, then, not as the representative of humankind in general, but as one of the elect of God who stands in the line of the patriarchs. He has the same Torah (with its correct calendar and festivals) that Abraham, Isaac, and Jacob followed, and which was given to Moses and Israel at Sinai.<sup>30</sup> As Wintermute asserts, “Obedience to the Law is the central message of Jubilees.”<sup>31</sup> Novak, rely-

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VanderKam (“Jubilees” in *The Anchor Bible Dictionary*, 6 vols. [Doubleday, 1999], 3.1030–32) dates it between 170–140 BCE. Wintermute (Charlesworth, ed., *The Old Testament Pseudepigrapha*, 2 vols. [Doubleday, 1985], 2.44) puts the date between 161–140 BCE. Jubilees is a haggadic expansion of portions of Genesis and the initial chapters of Exodus, purporting to contain information revealed by an angel to Moses on Sinai (Ex 24:18).

<sup>30</sup>In similar fashion, Abraham is the first to celebrate Sukkot (Jub 16:21) and he does so in full compliance with the Torah that would be given at Sinai. Thus, as far as Jubilees is concerned, the lives of Noah and Abraham prove that the Torah existed, was known, and obeyed long before it was given to Moses at Sinai.

<sup>31</sup>O. Wintermute, “Jubilees,” *Old Testament Pseudepigrapha*, 2.40. See also Joseph Hellerman, “Purity and Nationalism in Second Temple Literature: 1–2 Maccabees and Jubilees,” *JETS* 46/3 (Sept, 2003), 412–21, who demonstrates the general nationalistic perspective of Jubilees.

ing upon the work of Chanoch Albeck agrees:

...the fundamental project of this book [Jubilees] was to show that the entire Torah was known by the patriarchs, and even earlier by Noah and his sons, as oral tradition before its public revelation at Mount Sinai.<sup>32</sup>

Thus, the commandments and ordinances observed and taught by Noah in Jubilees are not offered as universal law for all, but as the divine revelation given to God's chosen people. Indeed, as far as the author of Jubilees is concerned, only the "children of the covenant" are blessed. All others are destined for destruction:

And every one that is born, the flesh of whose foreskin is not circumcised on the eighth day, belongs not to the children of the covenant which the Lord made with Abraham, but to the children of destruction; nor is there, moreover, any sign on him that he is the Lord's, but (he is destined) to be destroyed and slain from the earth, and to be rooted out of the earth, for he has broken the covenant of the Lord our God. (Jub 15:26)

This being the case, there is no warrant to find an early allusion to the "Noachide Laws" as a minimum standard for Gentile righteousness in Jubilees 7.<sup>33</sup> On the contrary, Jubilees presents Noah as though he were one of the patriarchs of Israel.<sup>34</sup>

#### *Sibylline Oracles*

Some have suggested that Book 3 of the Sibylline Oracles (which is generally considered to be the product of Alexandrian Judaism<sup>35</sup>) gives evidence of an early formulation of laws for Gentiles which are less than the full Torah given to Israel. Donaldson writes:

On the one hand, then, the opinion of the Sibyl is that Gentiles need to abandon their sinful ways and adhere to the law of God. On the other, the essence of the law is to be found in the avoidance of idolatry, worship of the God of Israel as the one true God, and adherence to a basic code of morality. While an element of particularism remains in that Gentiles were expected to worship God at the temple in Jerusalem, this by no means implied full proselytism in the Second Temple period.... In formal terms, then, the Sibyl wants Gentiles to become converts to the law, that is, proselytes (though the word itself does not appear); but in substance such conversion seems to fall short of the strict requirements of full proselytism.<sup>36</sup>

It certainly is true that the Sibylline Oracles envision an eschatological renewal in which the wicked are destroyed and the righteous are exalted.

And God will speak, with a great voice, to the entire ignorant empty-minded people, and judgment will come upon them from the great God, and all will perish at the hand of the Immortal. (3.669–70)

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<sup>32</sup>David Novak, *The Image of the Non-Jew in Judaism* (Edwin Mellen Press, 1983), 12.

<sup>33</sup>Terence L. Donaldson, *Paul and the Gentiles* (Fortress, 1997), p. 68, thinks that even though the function of Jubilees 7:20f is to provide grounds for God's judgment of the Gentiles, it still reflects the Noachide Laws, and that "God has imposed a minimal standard of righteousness on the whole of mankind." But in doing so he has failed to appreciate the larger context and how it determines the role of Noah in Jubilees.

<sup>34</sup>In Mid. Rab. *Genesis* 34.9, according to R. Eliezar b. Jacob, Noah and his family offered burnt offerings on the great altar in Jerusalem and will offer peace offerings in the future. The point is that they were given the Torah before it was revealed to Moses on Sinai.

<sup>35</sup>See the comments of J. J. Collins, "Sibylline Oracles" in Charlesworth, ed., *The Old Testament Pseudepigrapha*, 2 vols. (Doubleday, 1983), 1.355f.

<sup>36</sup>Terence L. Donaldson, *Paul and the Gentiles*, 62.

But the sons of the great God will all live peacefully around the Temple, rejoicing in these things which the Creator, just judge and sole ruler, will give. (3.702–04)

But there is no evidence to support the notion that the Jewish author who produced this section of the Sibylline Oracles recognized a less stringent body of laws for Gentiles. The two hymns which extol the Torah, and describe it in general terms (cf. 3.218–64, 573–600), do so in connection with the Jewish people, not as something acknowledged by or incumbent upon the nations. And the fact that in these sections the “author slides over those aspects of Torah which separate Israel from the nations (circumcision, dietary regulations, and so on)”<sup>37</sup> in no way suggests that there were two different sets of laws envisioned: one for the Jew and another for the Gentile. The Sages were often in the habit of summarizing the Torah by its quintessential characteristics. Thus, the 613 commandments are summed up by eleven in Ps 15, by six in Is 33:15, by three in Mic 6:8, by two in Is 56:1, and as one in Amos 5:4 or Hab 2:4.<sup>38</sup> Even in the Tanach, the Torah is described in general, ethical and wisdom terms without mentioning particular laws (e.g., Ps 19:7f). Indeed, the Torah may be summed up as loving God (the *Shema*, Deut 6:4f) and loving one’s neighbor (Lev 19:18).<sup>39</sup>

We may conclude, then, that the Sibylline Oracles are not an early witness of the later Noachide Laws, and to suggest that they are is rather anachronistic. Rather, Book Three of the Sibylline Oracles speaks of Israel’s Torah to which the nations will submit in the eschaton, reiterating the general picture presented by the Prophets.<sup>40</sup>

### ***What was the Rabbinic Purpose for the Noachide Laws?***

As noted above, in orthodox Judaism of our day, the standard teaching is that a gentile who abides by the Noachide Laws may be considered righteous and thus worthy of a place in the world to come. This was not, however, the perspective of the ancient Sages. Almost in every case where the Noachide Laws are referenced in the early rabbinic materials, they are brought forward to show how a gentile may rightly be judged in a court of law (whether earthly or heavenly), or in *halachic* discussions pertaining to the daily associations of Jews with Gentiles.

This is the case in t.*Avodah Zarah* which deals with the *halachot* of association between Jews and Gentiles (for Gentiles are presumed to be idolators), and particularly with how a Jew may benefit from selling or buying from a gentile, as well as how a court would decide guilt and penalty for various infractions of the law. This is the purpose for stating the Noachide Laws in 8.4: they function as a proper basis for how an Israelite court would charge Gentiles for various crimes. For instance, in the matter of fornication:

On account of any form of prohibited sexual relationship on account of which an Israelite court inflicts the death-penalty, the children of Noah are subject to warning,” the words of R. Meir (2nd Century Tana). And the Sages say, “There are many prohibited relationships, on account of which an Israelite court does not inflict the death-penalty and the children of Noah are [not] warned. In regard to these forbidden relationships the nations are judged in accord with the laws governing the nations. (t.*Avodah Zarah* 8.4)

Similar *halachic* decisions are stated in regard to bloodshed, thievery, and liability for using a limb cut from a living animal. Thus, the reason for stating the Noachide Laws in this Toseftan text is not to offer

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<sup>37</sup>Ibid.

<sup>38</sup>b.*Makkot* 23b–24a.

<sup>39</sup>Cf. Lk 10:25–28; Rom 13:9; *Sifra* 89b; Mid. Rab. *Gen* 24.7.

<sup>40</sup>Cf. Is 11:9ff; 25:3; 42:1–6; 49:6; 60:3; Jer 3:17; Mic 4:2; Zech 2:11; 8:22–23; 14:16; Dan 7:14.

the Gentiles a means of obtaining righteousness but as the legal basis for exacting penalties for infractions of the law, and to determine the boundaries of association between Jews and Gentiles.

Practically speaking, however, such jurisdiction could have only been carried out with regard to Gentiles who lived among the Jewish community and willingly submitted to the rule of Jewish courts (these Gentiles the rabbis refer to as גַּר תּוֹשָׁב or “resident aliens”). It seems far-fetched to think that the dominant Roman and Greek population living in Palestine would have bothered themselves much about Jewish regulations. In point of fact, the rabbinic discussion surrounding the Noachide Laws has far more to do with *halachah* relating to Jews than to Gentiles, as Novak points out:

The concept of the seven Noahide laws appears to be theological-juridical theory rather than a functioning body of laws administered by Jews for gentiles actually living under their suzerainty at any time in history.<sup>41</sup>

The Noachide Laws formed a casuistic theory for determining how Jews could rightfully engage in commerce and everyday life with Gentiles who were presumed to be idolaters, and also with Gentiles who were “resident aliens,” who, though not having become full proselytes, were presumed to have, for the most part, forsaken idolatry.

This is demonstrated in *b. Avodah Zarah* 64a–b:

‘Who is a *ger toshav*? Any [Gentile] who takes upon himself in the presence of three *haberim* not to worship idols. Such is the statement of R. Meir; but the Sages declare: Any [Gentile] who takes upon himself the seven precepts which the sons of Noah undertook; and still others maintain: These do not come within the category of a *ger toshav*; but who is a *ger toshav*? A proselyte who eats of animals not ritually slaughtered, i.e., he took upon himself to observe all the precepts mentioned in the Torah apart from the prohibition of [eating the flesh of] animals not ritually slaughtered. We may leave such a man alone with wine, but we may not deposit wine in his charge even in a city where the majority of residents are Israelites. We may, however, leave him alone with wine even in a city where the majority of residents are heathens; and his oil is like his wine.’ How can it enter your mind to say that his oil is like his wine; can oil become *neseq* [a drink-offering]! [The wording must be amended to] his wine is like his oil, but in every other respect he is like a heathen.

Thus, in this case, the gentile who has accepted the Noachide Laws is trusted not to offer his wine to an idol, nor to use oil in idolatrous worship, and thus an Israelite may use wine and oil obtained from a גַּר תּוֹשָׁב or that remains in his presence.<sup>42</sup> But in all other aspects he is treated as an idolater. The point for our study is that the Noachide Laws in this discussion function to define the limits of association between an Israelite and a gentile. There is no hint that the seven laws were considered as a means of gaining a righteous status for Gentiles.

This is not to suggest that the early Sages considered every gentile non-proselyte as a practicing idolater. But legally, one could not be sure unless the gentile underwent full conversion and lived in accordance with the full Torah. And even then, there remained some suspicion, since it was not uncommon that proselytes would revert to their former beliefs and practices.<sup>43</sup> Thus R. Chiyya (early 3rd Century) is

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<sup>41</sup>David Novak, *The Image of the Non-Jew in Judaism* (Edwin Mellen Pub, 1983), 34.

<sup>42</sup>In the Mishnah and Tosefta, the Sages seem to take the view that “gentiles would make a libation to their gods with any wine which was available to them.” (Gary G. Porton, *Goyim: Gentiles and Israelites in Mishnah-Tosefta* [Scholars Press, 1988], 251.

<sup>43</sup>Cf. *b. Yevamot* 109b, “‘those who receive proselytes’, [bring evil upon themselves, is deduced] in accordance with [a statement of] R. Helbo. For R. Helbo (220–250 CE) stated: Proselytes are hurtful to Israel as a sore on the skin.” Note Josephus, *Against Apion* 2.123, “for as to the Grecians, we are rather remote from them in place than different from them in

quoted as saying: “Do not have any faith in a proselyte until twenty-four generations have passed because the inherent evil is still within him.”<sup>44</sup> This suspicion was even more pronounced in regard to resident aliens, and it appears that in some cases, the Noachide Laws were developed to offer the Jewish community a legal basis for dealing with Gentiles who had regular social interaction with Jews.

Furthermore, in some of the rabbinic texts, the fact that God gave the full Torah to Israel and only a few laws to the nations is emphasized to show the favored covenant status of Israel. Thus, according to Mid. Rab. *Exodus* 30.9, the entire Ten Words were only given to Israel, and Psalm 147:20 is provided as proof. Even more to this point are the rabbinic texts that point out the nations’ refusal to obey even the few laws that were given to them.<sup>45</sup> Such disdain for the Creator’s commandments resulted in their being taken from the nations and given to Israel,<sup>46</sup> which in turn became the basis for the *kal v’chomer* argument as to why the nations could have never accepted the full Torah even when offered it. For if they refused a basic few commandments, surely they would be unable and unwilling to accept the whole Torah.<sup>47</sup>

Still, the ambivalence of the Sages regarding the status of Gentiles is well noted. On the one hand, some taught that only judgment awaits the nations, and no possibility existed for Gentiles to have a share in the world to come,<sup>48</sup> which is reserved only for Israelites.<sup>49</sup> On the other hand, some taught that the possibility of righteous Gentiles clearly existed. As noted above, Rav Judah interpreted the 30 pieces of silver mentioned in Zechariah’s prophecy (Zech 11:12) as alluding to “thirty righteous men among the nations.”<sup>50</sup> We may note a similar motif in Mid. Rab. *Gen* 13.6. Here, the presence of rain is considered by the Sages as proof of God’s favor and blessing. This is why the prayer for rain is included in the second benediction of the *Shemonei Esrei* (which extols the power of God to raise the dead), for rain is connected with resurrection. “R. Hiyya b. Ba said: It [rain] is greater than resurrection, for whereas resurrection is for man alone, this is for man and beast; again, resurrection is for Israel, whereas this is for Israel and the nations.” Yet in the original saying from b.*Ta’anit* 7a, R. Joseph equates the sending of rain with the resurrection,<sup>51</sup> with the implication that if God sends rain both upon Israel and the nations, one could conclude that some from the nations (i.e., those who are righteous) will be resurrected along with Israel. This accords with the teaching of R. Joshua in the debate with R. Eliezer,<sup>52</sup> who interpreted Ps 9:17 to teach that there were some Gentiles who were righteous, and who therefore will have a portion in the world to come.

Yet most important for the current study is the fact that nowhere in the early rabbinic literature is there contained the teaching that Gentiles who live in accordance with the Noachide Laws (however

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our institutions, insomuch that we have no enmity with them, nor any jealousy of them. On the contrary, it has so happened, that many of them have come over to our laws, and some of them have continued in their observation, although others of them had not courage enough to persevere, and so departed from them again....”

<sup>44</sup>Mid. Rab. *Ruth* Zuta on 1:12.

<sup>45</sup>b.*Chullin* 92a; b.*Bava Qama* 38a.

<sup>46</sup>*Sifre* §343; *Yalqut Shimoni*, Beshalach, 527.67.

<sup>47</sup>*Mekilta*, Bachodesh 5; Mid. Rab. *Genesis* 24.5.

<sup>48</sup>Jubilees 15:26; *Mekilta* Nezikin 10 (Lauterbach, 3.87f); b.*Bava Batra* 10b; Gamliel in t.*Sanhedrin* 13.1; Mid. Rab. *Genesis* 48.8

<sup>49</sup>m.*Sanhedrin* 10.1;

<sup>50</sup>b.*Chullin* 92a.

<sup>51</sup>Cp. b.*Ta’anit* 7a where the original saying is attributed to R. Abbahu, and where R. Joseph differs with R. Abbahu, and maintains that “rain is equal to the revival of the dead,” concluding that since rain falls upon Israel and the nations, this must mean that some from the nations will also participate in the resurrection. Moreover, this rabbinic discussion linking rain and resurrection may offer a parallel to Yeshua’s words (Matt 5:45): “... for He causes His sun to rise on the evil and the good, and sends rain on the righteous and the unrighteous.”

<sup>52</sup>t.*Sanhedrin* 13.2.

they may be formulated) are reckoned as righteous, given a legal status within the community of Israel, and therefore have a place in the world to come. Such an extrapolation is found only in the later rabbinic teachings (as that of Rambam). To the extent that the Sages developed the Noachide Laws, they did so in order to develop *halachah* for social interaction between Jews and Gentiles as well as to build a theological foundation for God's just condemnation of the nations. What we do not find in the early rabbinic materials is that the Noachide Laws were formulated to provide a way for Gentiles to have a legal, recognized status within the Jewish community.

### ***When were the Noachide Laws Developed?***

As we have seen, the earliest list of the Noachide Laws is found in the Tosefta (which is traditionally dated to have arrived at its final form sometime in the 4th Century CE). Neusner notes that the Tosefta is comprised of three types of supplements to the Mishnah: (1) citations of the Mishnah with glosses and further discussion, (2) complements to the Mishnah without directly citing the corresponding passage, and (3) supplements to the Mishnah with relevant information, but in theme and meaning autonomous of it.<sup>53</sup> The section that contains the listing of the Noachide Laws in the Tosefta (*Avodah Zarah* 8.4–8) is of this third category, for the Mishnah contains no reference to such a body of laws given to Noah. The difficulty in dating this third category of Toseftan citations is that they may be contemporaneous with the Mishnah, or subsequent to it.<sup>54</sup> However, it is clear that the Tosefta's discussion of the Noachide Laws follows from the theme of the final mishnah of *m.Avoda Zera* (5.12) which deals with cooking utensils purchased from a gentile and the manner in which they must be cleansed before they can be used. It is this commercial interchange between Jews and Gentiles that requires the Tosefta's discussion of the Noachide Laws. It would seem nearly certain, then, that the formulation of the Noachide Laws in the Tosefta occurred in the era subsequent to the oral compilation of the Mishnah, namely, sometime well after the 3rd Century.<sup>55</sup>

Novak's own assessment comes to this same conclusion. He notes that the manner in which the Noachide Laws are discussed in the primary rabbinic sources indicates that they presuppose "a strict demarcation between Jews and non-Jews, with no "potential" Jews any longer in the middle."<sup>56</sup> He therefore dates them as the product of post-destruction rabbinic Judaism:

After our careful examination of the historical theories concerning the origins of the Noahide laws, and the evidence of the primary sources, there is no convincing evidence that this doctrine was conceived earlier than the Tannaitic period in which it was enunciated, specifically after the destruction of the Temple and the Christian schism.<sup>57</sup>

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<sup>53</sup>Jacob Neusner, *The Tosefta*, 2 vols. (Hendrickson, 2002), 1.xiii.

<sup>54</sup>*Ibid.*, 1.xv.

<sup>55</sup>The often repeated tradition that R. Yehudah HaNasi was the first to "write" a copy of the Mishnah has not historical data to support it. The first mention of R. Yehudah HaNasi's connection with the Mishnah is to be found in the much later Bavli, *b.BavaMetzia* 86a, in the statement: "Rabbi and R. Nathan conclude the Mishnah, R. Ashi and Rabina conclude teaching, and a sign thereof is the verse, 'Until I went to the sanctuary of God; then understood I their end' (Ps 72:17)." The first time R. Yehudah HaNasi is stated to have written a copy of the Mishnah is in the Epistle of Shirira Gaon, dated to 19th Century CE.

<sup>56</sup>David Novak, *The Image of the Non-Jew in Judaism* (Edwin Mellen Pub., 1983), 29.

<sup>57</sup>*Ibid.*, 28-29.

Novak goes on to suggest that

a number of minimal, indispensable laws for the Gentiles might very well have arisen at the same time that a number of minimal, indispensable laws for Jews was conceived.<sup>58</sup>

In b.*Sanhedrin* 74a the notice is given of the rabbinic decision to require the observance of three *mitzvot* even at pain of death:

R. Johanan said in the name of R. Simeon b. Yehozadak: By a majority vote, it was resolved in the upper chambers of the house of Nithza in Lydda that in every [other] law of the Torah, if a man is commanded: 'Transgress and suffer not death' he may transgress and not suffer death, excepting idolatry, incest, [which includes adultery] and murder.

R. Simeon b. Yehozadak was a 2nd Century Amora,<sup>59</sup> and the historical setting of this ruling was the persecution under Hadrian (ca. 135 CE). Under such persecution, Jews who were required by the Roman authorities to commit any of the three indispensable laws were required to accept execution rather than comply. As noted above (p. 4), b.*Yoma* 67b lists five commandments which are "self-evident," which includes these three.<sup>60</sup> Novak suggests that finding such indispensable laws for Jews that were self-evident also prompted the Sages to find similar self-evident laws for Gentiles, which eventuated in the formulation of the Noachide Laws.

Now the point which emerges from all of this is that rationality and universality are co-equal because both pertain to man *per se*. As such, a definition of what is rationally indispensable for Jews necessarily leads to a definition of what is rationally indispensable for gentiles.<sup>61</sup>

We may conclude, then, that the concept of the Noachide Laws entered the rabbinic debates well after the destruction of the Temple in 70 CE, as part of the Sages' attempts to deal with *halachic* issues under the severe persecution in the later centuries, perhaps beginning with the persecution under Hadrian. In the subsequent eras of the midrashim and Talmuds, the Noachide doctrine was strengthened through extreme midrashic interpretation and thus finding it in the divine revelation given to Adam, Noah, and the Patriarchs before the Torah was given through Moses at Sinai.

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<sup>58</sup>Ibid., 29.

<sup>59</sup>See Gershom Bader, *The Encyclopedia of Talmudic Sages* (Aronson, 1993), 480.

<sup>60</sup>Note also *Sifra*, Ach'rei Mot Perek 13, §194 which lists the prohibition of thievery, fornication, idolatry, blasphemy, and murder as self-evident even if such had not been written in the Torah.

<sup>61</sup>David Novak, *The Image of the Non-Jew in Judaism*, Op. cit., 31.

## Summary

In the rabbinic literature surveyed, it seems clear that in the post-destruction era, and the emergence of rabbinic Judaism, the Sages were engaged in listing laws that they felt formed the minimal standard of morality and conduct both for Jews and for Gentiles. But it is also clear that the recorded teaching of these earlier Sages (particularly those based upon the midrashic interpretations of Gen 2:16) was derived, not by an exegesis of the Genesis texts themselves, but as a substantiation for laws already determined to be required of Gentiles, and through midrashic eisegesis, shown to have been given to Noah, thus before the giving of the Torah at Sinai.

While the extant lists of the Tosefta, Babylonian Talmud and midrashim are not uniform, the following items are mentioned: the prohibition of 1) idolatry, 2) fornication (adultery), 3) murder, 4) thievery, 5) not to eat blood, 6) to establish courts of justice, 7) prohibition of blasphemy, 8) prohibition of witchcraft and sorcery, 9) prohibition against castration of man or animal, and 10) prohibition for mixing of species (cross-breeding animals or hybridization of plants). Those that seem to be essential (i.e., show up in most of the lists) are: 1) prohibition of idolatry, 2) prohibition of fornication/adultery, 3) prohibition of bloodshed, and 4) prohibition of thievery. The requirement to establish courts is debated, some suggesting it was given to Adam or Noah, others maintaining it was only given to Israel.

The earliest rabbinic list of commandments incumbent upon Gentiles is found in the Tosefta, which is traditionally dated to the 4th Century CE.<sup>62</sup> But the fact that even in the ensuing Talmudic era (400–800 CE) the Sages were still debating what constituted the minimum requirements for Gentiles, clearly indicates that no consensus had been reached by the earlier authorities. This is not to deny that the topic was a matter of concern among earlier authorities, even in the pre-destruction era (as Acts 15 would illustrate). But the very fact that the Mishnah itself (traditionally considered the earliest strata of the rabbinic literature) is silent in regard to the Noachide Laws strengthens the conclusion that their definitive formulation occurred much later.

It is not uncommon to find scholars and commentators who suggest that the Noachide Laws are referenced in other early Jewish literature such as the book of Jubilees and parts of the Sibylline Oracles. This perspective, however, needs to be reconsidered. Rather than describing a set of laws given to Noah that were universal in their scope, the book of Jubilees presents Noah and his sons as obeying the same Torah that would be given to Israel through Moses at Sinai. Thus, Noah, like Abraham, Isaac, and Jacob, is presented in Jubilees as an example for Israel, not for the nations. The same is true for Book Three of the Sibylline Oracles. Here, if the nations submit themselves to God's laws, they do so in connection with Israel's Temple and the service that is performed there (716–20), not as obeying a code of ethics made just for them. In this early work, there are not two sets of commandments, one for Israel and another for the nations. There is one law given by the Law Giver to which all peoples must submit, something that will ultimately be realized in the eschaton.

When we seek to discover the role of the Noachide Laws in the early rabbinic literature, it becomes clear that they were not formulated as a means for Gentiles to obtain a righteous status nor to be given a legal status within Israel. Instead, the Noachide Laws (however they are envisioned), function both to condemn the nations and as a legal basis for Jews associating with Gentiles who had, to one extent or another, distanced themselves from idolatry. We may summarize the function of the Noachide Laws within rabbinic literature as follows:

- 1) to show that God is just in condemning the nations. Since God could not be just in condemning the nations without first warning them, the Noachide Laws function as the divine revelation (both as

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<sup>62</sup>See Jacob Neusner, *The Tosefta*, 2 vols. (Hendrickson, 2002), 1.xivf.

“natural law” and specific revelation to Adam, Noah, and the Patriarchs) upon which their condemnation is warranted.

- 2) to explain why the Torah was given to Israel and not to the nations. Since the nations failed to abide by the minimum number of commandments contained in the Noachide Laws, it is certain that they could not have obeyed the full Torah. Likewise, their refusal to receive the Torah even when it was offered to them is anticipated given their refusal to obey the Noachide Laws.
- 3) to establish *halachah* for Israelites and their association with Gentiles. Since the primary issue that separated Jews and Gentiles (at least in the minds of the Sages) was that of idolatry, the Noachide Laws offered an *halachic* basis for Jewish association with Gentiles. In the post-destruction era, the Jewish community was no longer comfortable with “semi-proselytes” or “God-fearers,” and the Noachide Laws do not function to identify such persons. Nowhere in the early rabbinic literature are the Noachide Laws given as a means for Gentiles to obtain a place in the world to come. “Do the seven, go to heaven” is a much later rabbinic invention.<sup>63</sup>

### **Conclusion**

The Noachide Laws were the product of post-destruction rabbinic Judaism, formulated at a time when the Jewish community was struggling for self-definition *vis-a-vis* the dominant Gentile communities of the diaspora, including the emerging Christian Church. The concept of Noachide Laws offered a theological explanation for the unique status of Israel as God’s chosen people as well as God’s rejection of the nations. For the nations refused even to submit to a minimal moral code while Israel willingly received the complete Torah. Thus, God’s choice of Israel and His rejection of the nations is based upon His having given to all mankind an opportunity to obey His commandments. Additionally, the Noachide Laws became a factor in determining *halachah* for social interaction and commerce with Gentiles, particularly in light of the stringent measures enacted by the Sages against idolaters and all things connected to idolatry.

What is not found, however, in the emerging rabbinic literature is any sense that a minimal list of commandments afforded Gentiles who obeyed them a righteous status apart from converting to a recognized anti-Yeshua Judaism. While such a theology did evolve in the later centuries, and while some early Sages believed that there existed the possibility of “righteous Gentiles” who had a place in the world to come, the majority opinion of the Sages was that the status of righteousness was reserved for Israel alone. It was, in part, this unique status of Israel in the theology of the rabbis that formed the impetus for the supersessionistic theology of the 2nd and 3rd Century Christian Church. For there would have been no good reason for the Church to have sought a “new Israel” status unless such a status was deemed essential in matters of soteriology.<sup>64</sup>

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<sup>63</sup>Eckard J. Schnabel, *Early Christian Mission*, 2 vols. (IVP, 2004), 1.117 writes that “Another view that was popular in a later period emphasized that Gentiles who keep at least the seven Noahic commandments will share in the world to come” and lists b.*Sanhedrin* 105a as proof. But b.*Sanhedrin* 105a says nothing about the Noachide Laws, and no suggestion is given there that Gentiles who obey a minimal number of commandments obtained thereby a place in the world to come.

<sup>64</sup>One has the sense that the theological struggle entwined in the Christian doctrine of divine election and the question of the “heathen” who had never heard the gospel, was also faced by the rabbis in their view of God’s sovereign choice of Israel. The divine choosing of Israel is only just in the minds of the rabbis if there existed some reason why the nations were rejected. The Noachide Laws were the refined explanation of Divine law (extant both in “natural law” as well as in the direct revelation given to Adam, Noah, and the Patriarchs) which the nations rejected, and thus God was just in rejecting them. On the other hand, Israel willingly received the Torah (which included the Noachide Laws) and is therefore seen as worthy of God’s choosing. Similarly it is interesting to note that in Romans 1:18f, Paul considers that God’s self-revelation in creation functions as the basis for His just condemnation of the Gentiles rather than offering them a means for attaining a righteous

We conclude, then, that interpreting the edict of the Jerusalem Council in Acts 15 on the basis of the much later Noachide Laws is both anachronistic and a misunderstanding of the function of the Noachide Laws in the post-destruction, emerging rabbinic Judaisms. For not only did the formulation of the Noachide Laws await the post-destruction era, but even when they were formulated within the rabbinic theology of the much later centuries, they did not function as a separate body of laws given to Gentiles as a means of attaining a righteous status, nor even as an actual code of ethics for Gentiles. It is wrong, then, to conclude that the Jerusalem Council gave the gentile believers a minimal list of commandments, exempting them from the full expression of God's will in the Torah. Another explanation for the edict must be sought. Since all of the prohibitions in the edict find a connection to practices in the pagan temples, it seems most likely that they were given to assure that the Gentile believers in Yeshua had entirely distanced themselves from the idolatry of pagan worship.<sup>65</sup>

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status.

<sup>65</sup>So Ben Witherington III, *The Acts of the Apostles* (Eerdmans, 1998), 462–66, contra Eckard J. Schnabel, *Early Christian Mission*, 2 vols. (IVP, 2004), 2.1016–18. Fitzmyer also rejects understanding the “apostolic decree” as formed upon the Noachide Laws, and opts rather for parallels to Lev 17–18 (Joseph A. Fitzmyer, *The Acts of the Apostles in The Anchor Bible Commentary* (Doubleday, 1998), 557. Schnabel (Op. cit., 2.1017) and Haenchen (*The Acts of the Apostles* [Westminster, 1971], 469) also opt for seeing the decree as derived from Lev 17–18.