

# Prospectives on Noahide Laws

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### Introduction

There are seven laws, which are biblically binding on all humanity. They are prohibitions on idolatry, blasphemy (or the reviling of G-d), forbidden sexual relationships, theft, murder, lawlessness (the failure to establish courts and processes of justice) and the consumption of the limb of a living animal, associated with cruelty to animals. They are known as the seven Noahide laws. The reason for this name, is ostensibly because, although [\[1\]](#) six of the laws were commanded to the first person, Adam, the seven laws were completed with Noah, to whom the seventh commandment was given. Only after the flood, was it permitted to humanity to slaughter meat for consumption, and with this came the law prohibiting one to eat the limb of a living animal. [\[2\]](#)

These laws are an intrinsic “possession” of humanity. For the human being is, to use the biblical phrase, “created in the image of G-d”, that is to say, fitted to “imitate G-d”, and this imitation can take place only through the performance of the Divinely given Noahide commandments. The “image of G-d” in humanity is a potentiality: it could and did come to the fore in exemplary human beings; it was submerged, and even so-to-speak “removed” from those who made a travesty of the Noahide laws.

There were ten generations from Adam to Noah[3]. This long epoch of humanity was a history of degeneration and removal of the Divine image from humanity. Noah was unable to redeem the cumulative history of forgoing generations: his luminous ark was the refuge of the *ideal* of a redeemed humanity and nature[4]. Another ten generations passed from Noah to Abraham. Whilst both intervals of ten generations are part of what the Sages called the two thousand years of void (*Tohu*) or spiritual darkness[5], Abraham's relationship to the epoch which preceded him was different. He was able to redeem the historical epoch (the ten generations) which preceded him.

This was because the service of Abraham marked the beginning of a new era in humanity, called the "two thousand years of Torah [Divine teaching]". Torah is associated with "light", symbolizing clear and manifest G-dly truth. Just as the Torah (through its commandments) formed the instrument of the refinement of the world, so Abraham worked on the human environment around him. In the process, he himself practiced and spread the observance of the Noahide laws (starting with the recognition of G-d), as well as keeping a further commandment, circumcision, which was given to him and forms the bridge to the further group of commandments incumbent on the Jewish people, to be given later at Sinai[6]. Abraham was a Noahide, but he was also the father of the Jewish people with their own distinct spiritual character and task. In his offspring, the dual subject of humanity, Jew and gentile, with their complementary tasks, are broadly prefigured.

Thus, Abraham's son Isaac, who was circumcised, according to the Jewish law, at eight days, projects the Jewish people. From him was born Jacob, who descended into Egypt with his family and there the Hebrew nation grew. Abraham, however, had another son, Yishmael (Ismael) and so did Isaac – Esav (Esau), Abraham's grandson. According to tradition, Yishmael and Esav, are the fathers[7] of two vast world religions and cultures, Islam and Christianity. In the present world the adherents of

Christianity and Islam constitute 55% of the world's inhabitants[8]; and there are traces and elements of the (Abrahamic) Noahide root teachings in these world religions[9].

After the passing of the matriarch Sarah, the mother of Isaac, Abraham had further sons from Ketura (or Hagar[10]), the mother of Yishmael. These sons, the Bible, relates, were sent off to the East by Abraham. Rabbi Menashe ben Israel in his work *Nishmas Chayim*[11], states that these sons went to India and disseminated the teachings of Abraham concerning the eternity and reincarnation of the soul. He associates the term "Brahman", (presumably referring to the priestly Hindu caste) with what were originally "Abrahamin", the sons of Abraham. Buddhism is in turn a derivative of Hinduism. Hence, traces of "Abrahamic" Noahide theology, are to be found in both these Eastern religions, even though they came to be embedded in religions which were otherwise non-monotheistic[12]. The adherents of Hinduism and Buddhism constitute another 21% of the world's population, so that in total 76% of the world's population is associated with religions influenced by the children of Abraham. It is interesting to note that another 14%, officially classed as "non-believing" are largely to be accounted for as the result of Chinese, former Soviet Russian and Eastern bloc political training in atheism – in historical terms, a relatively recent overlay over a much deeper collective memory.

The pure tradition of the Noahide laws and theology as well as the further commandments which were acquired by the Jewish people before Sinai, was kept by Isaac and Jacob and the sons of Jacob. The Jewish people comes fully into its own at Sinai, with the giving of the Torah. At Sinai both the written Torah (the Pentateuch) and the Oral Torah (the elaboration of that which is only cryptically contained in the Written Torah) were given. The Rabbinic tradition which carries and elaborates the oral law is a unique hermeneutic path, which by virtue of the

self-nullification of each generation of students to the forgoing generation of teachers, ensures a continuous and unified alignment with the original revelation of the Oral law to Moses at Sinai.

The Noahide laws, originally revealed to Adam and Noah, were reiterated at Sinai in the Torah, which *made known* that they had previously been given. Their statement at Sinai and the revelation of their details in the Oral law is now the source of their teaching, which is elaborated in the Talmud, and summarized pre-eminently in the Code of Maimonides. One of the tasks of the Jewish people is to guide the nations to the fulfillment of the Noahide laws. Perhaps, apart from more direct means, one of the ways in which it can achieve this is by being (in the words of the prophet) a spiritual “light to the nations”. Through this, the Noahide residues to be found both in the “image of G-d” latent in the spiritual makeup of humanity, as well as in its collective (un)conscious memory of Noahidism, can be crystallized and brought into transformative emergence in the world religions themselves.

This process of crystallization, sometimes achieved by self-redefinition, is profoundly assisted by a conscious orientation to the sources of the Noahide laws. Abraham, long before the complete formation of the Jewish people at Sinai, was known as a “Hebrew” and this Hebraic tradition is of course consolidated in the scriptures of the Jewish people from, and after, Sinai. In modern times, elements of Noahidism have become increasingly disseminated, especially in western cultures [\[13\]](#). Yet those nations with traditions which *consciously* relate to the Hebraic monotheism projected by Abraham and the Jewish scriptures, such as the United States of America, and elements of British culture [\[14\]](#) (with their cultural “offshoots” such as Australia), have come furthest in the crystallization of the Noahide values. Perhaps the most explicit expression of this development is to be found in a joint resolution of both Houses of the United

States Congress, in 1991, which begins with the following words:

Whereas Congress recognizes the historical tradition of ethical values and principles which are the basis of civilized society and upon which our great Nation was founded;

Whereas these ethical values and principles have been the bedrock of society from the dawn of civilization, when they were known as the Seven Noahide Laws;

Whereas without these ethical values and principles the edifice of civilization stands in serious peril of returning to chaos...[\[15\]](#)

Torah teaches that the Jewish and the gentile peoples are partners in the fulfilment of the Divine purpose in creation. This purpose, described as the fashioning of a “dwelling place for G-d in the lower realms”[\[16\]](#), involves the manifestation of transcendent, unlimited G-dliness, within a finite and limited world. To this end, the service of the gentile nations consists in the conduct of the seven Noahide laws in order to produce a world, which *immanently* manifests Divine values: peace, goodness and order. The task of the Jewish people through the performance of their 613 commandments is to draw a *transcendent* G-dliness into a world, stabilized and harmonized by the Noahide laws.

Just as Jews need gentiles to make the world manifest an immanent G-dliness, an order, in which it is possible and (beyond this) most effective for Jews to perform their transcendent commandments, so gentiles need Jews as a light and beacon in their fulfillment of the Noahide laws. G-d needs *both* for *His* purpose, to reveal Himself through the housing of transcendent G-dliness within the world. The greatness of a human being is the extent to which one performs one's *own* allotted task in this redemptive purpose[\[17\]](#).

[\[1\]](#) According to Maimonides, *Hilchos M'lochim*, 9:1.

[2] The Maharal of Prague is of the view that the seven commandments were in fact all given to Adam, including the prohibition on eating the limb of a living animal, even though – since meat could not then be slaughtered for consumption – it was not yet relevant in that particular form. Its broader significance and application was that a person must show restraint, and the ability to delay the gratification of desire (which is epitomized in the requirement that a person wait until an animal has been killed before eating part of it). Adam, himself, however, according to the Maharal of Prague, transgressed this very commandment in another form. By not waiting the few hours required before the fruit of the tree of knowledge would become permissible, he also showed an inability to delay the gratification of desire. In this way the sin of the tree of knowledge was in transgression – in concept – of the prohibition on eating the limb of a living animal. See the Appendix to this volume, “The Maharal of Prague on the Noahide laws”.

[3] *Pirkei Avos*, 5:2., See here and in the following, Rabbi M.M. Schneerson, *Biurim l’Pirkei Avos*, 1-5 (N.Y.: Kehos), pp. 253ff.

[4] Cf Rabbi M.M. Schneerson, *Likkutei Sichos* (N.Y.: Kehos), Vol. 1, p. 10 *et passim*.

[5] The flood was followed by further moral decline – the generation of the dispersion (through the tower of Babel, which was fundamentally blasphemous in intent), the corruption of Sodom and Gemorah, the morally degenerate society of Egypt.

[6] Thus in the phrase “One [*Echod*] was Abraham” it is explained (by the previous Rebbe) that the middle letter of *Echod* – the *ches* – which has the numerical value of eight, stands for the seven Noahide laws plus the mitzvah of circumcision (Rabbi M.M. Schneerson, *Toras Menachem*, Vol. 1 [5711], Part 1, pp. 317-318).

[7] Not in the sense of concrete historical individuals who founded these religions, but rather as their cultural and spiritual roots.

[8] Refer to the website <http://www.adherents.com>

[9] *Hilchos M'lochim*, end of Ch. 11.

[10] According to Rashi on Genesis, 25:1.

[11] 4:21.

[12] See *Zohar* parshas Vayera, 99a, "Amar Rabi Aba...", which speaks of elements in a work of the teachings of the sons of Abraham who went to India, which contained elements that were "close to the words of Torah", but were then "drawn to various sides."

[13] See the third section of the chapter on "Sovereignty, persons and the Noahide laws", especially in regard to the view of the *Me'iri*, the *Remo* and the *Nodeh B'Yehudah*.

[14] See Matthew Arnold, *Culture and Anarchy*, (edited with an introduction by J. Dover Wilson, London: Cambridge University Press, 1960) in reference to the puritan tradition in English culture, termed English Hebraism.

[15] Public Law 102-14, 102d Congress, 1<sup>st</sup> Session, H.J. Res. 104.

[16] See *Likkutei Sichos*, Vol. 6, pp. 13-25, with reference to the *Midrash Tanchuma*, parshas Noso, 16.

[17] To the extent to which the Talmud *Sanhedrin*, 59a refers to a gentile occupied in the study and practice of his or her commandments, as being as great as the High Priest of the Jewish people.

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These essays do not claim to present or imply authoritative halachic rulings. For these, one must turn to a Rabbinic authority.

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## Chapter 1

### A STATEMENT OF THE NOAHIDE LAWS

*Social perspectives*

#### 1. Moral authority

##### Monotheism and Divine law

###### [1] The prohibition on idolatry

The great sociologist, Max Weber, sought and believed to have discovered the orienting values of socio-economic, political and legal organization in the various world-religions. At the same time, in his study of the world religions and the varieties of social organization, he was left with the picture of a “polytheism” – a relativism and conflict – of beliefs, and consequently of practical, concrete values. In a personal letter, he wrote:

The realm of values is dominated by insoluble conflict, hence by the necessity for continuous compromises. Nobody can definitively decide how the compromises should be made, unless it be a ‘revealed’ religion[1]

Perhaps Weber was here writing sceptically. The issue, however, is a central one. Morality is concrete: we are faced daily and even moment by moment with the question, "what should I do, here and now?" What, indeed, is the source and the authority of practical right conduct? The answer to this question, from the point of view of the Noahide laws, is that there is one G-d, Who in the biblical revelation at Sinai made known the laws for His creation.

The prohibition of idolatry is the fundamental precept of the Noahide laws. This is because it relates to the acceptance of G-d, together with which the transcendent authority of Divine revelation, including the Noahide laws, goes[2]. There may be some paradox in the notion of a Divine commandment prohibiting idolatry, for the very acceptance of the *commandment* implies that one already believes in G-d, who has commanded it? Indeed to this comes the response that, however concealed this may be from the individual, the human soul – made in the "image of G-d" – already "natively" or intuitively acknowledges G-d[3]. It is ready to acknowledge G-d, even before it is commanded to (in the form of a prohibition of idolatry). The *belief* in G-d and the *sense* that these laws are Divinely revealed and ordained laws, are ratified ultimately, not by reason, but by their resonance with soul, the G-dly in humanity. The commandment against idolatry serves to make a *conscious* principle of what the human soul natively acknowledges.

What is idolatry? The great medieval codifier, Maimonides, in his account of the origins of idolatry[4], explains that in the days of Enosh, the grandson of Adam, human beings began to accord honour to major forces – the sun, the moon and so forth – in the universe. They did this because they saw that G-d, Whom they acknowledged as the G-d of these potencies – the "G-d of gods" – had channelled major influences to the creation through these powers. They mistakenly believed that it was G-d's will that these entities be accorded honour beside G-d, a

relationship of “partnership”[\[5\]](#). This, however, led to a further step, whereby G-d was forgotten, even as the “G-d of gods” and the “intermediary” entities became the sole objects of worship. Idolatry, for the Noahide laws, is accordingly the ascription of absolute significance to any created entity or part of creation: whether to a stone image, a person or even “success” or “money”. Indeed, an “atheism”, which raises “matter” to the sole and absolute principle, would present one of the most strident forms of idolatry: it takes something created – matter – and makes it absolute, even if its terminology and approach is ostensibly “anti-religious”.

For a gentile to make some part of creation a “partner” with G-d, with G-d acknowledged as the ultimate source of creation, is, according to some opinions, not considered idolatry. It is considered idolatry for a Jew. For a Jew, the notion that any force in creation is anything but an instrument in the hand of G-d is idolatrous, and indeed this view is the “purest” form of monotheism, commendable also for a Noahide[\[6\]](#).

The question will therefore arise for an individual belief system or religion, whether or not it has taken some aspect of creation and made it absolute. Frequently, one finds a high degree of flux in human beliefs. It may, therefore, be less pertinent to ask what a particular religion or belief system maintains, than what those who declare themselves adherents of those religions actually believe. If they ascribe importance to something other than the one G-d, what is the nature of that ascription? If, however, prayers are offered to a specific entity within creation, as the absolute source of salvation, then that would be considered idolatrous. If these powers were understood as pointers to the one monotheistically conceived G-d, then that might not be considered idolatry, though it is still not the purest form of monotheism. But where devotion “stops” at these gods or figures, it is idolatry.

# Respect for moral authority

## [2] The prohibition on blasphemy

The simplest, bluntest sense of blasphemy is that of cursing G-d. It is not “disbelief” in, but rather rebellion against, G-d, for the blasphemer “knows” his Master and nevertheless intends to affront Him. One finds that the State often rests in some sense on a religious recognition, in that oaths[\[7\]](#) of public office, loyalty and legal process may invoke G-d. An article in the Encyclopaedia Britannica on “blasphemy” states that

Blasphemy is always something which is regarded as fundamentally injurious, harmful to society with the underlying idea being that an attack on religion is necessarily an attack on the State. In the words of Chief Justice Hale, a Judge in 1675, “the allegation that religion is a cheat tends to the dissolution of all government”[\[8\]](#).

Even if it is true that government has in many places become secular and separate from religion, and that the affirmation is an alternative to the oath, there is a wider, cognate sense of “blasphemy”. This consists in statements which outrage public values, public offices and institutions. The use of the word “blasphemous” here is not purely metaphorical. For in that the idea of social order *per se* is a Divinely sanctioned value, in fact representing the ultimate “intention” of the Noahide laws, to provide a settled, civilized society, the outraging of social values *as a goal in itself* has a quality of blasphemy. One, who violates social practices and institutions, not for principled reformatory reasons (that is, to alter them) but because these *are* social practices and institutions[\[9\]](#), is rebelling against a Divine value.

Similarly, the dictionary definition for blasphemy includes the more popular sense of “bad language” and “profanity”. This

also relates to the essential definition of blasphemy in that it constitutes a debasement of *language* – itself a fundamental institution of society. The term “profanity” is telling. Formally, it signifies “defilement” of the holy or the sacrosanct. One could argue that such language is sometimes simply colourful or even affectionate, but there are clear borders at which the intention of blasphemy is to subvert social norms in language.

The rebellion in blasphemy is also the soul of vandalism and pornography. The vandal and the pornographer paradoxically “believe” or at least “rely upon” the values which they are destroying. For were these values not to obtain there would be no benefit or motivation for them in their desecration of them. Similar to this is slander and the verbal attack upon persons and institutions, which has a solely destructive intention. The spirit of blasphemy is irreverence, not a whimsical and fundamentally apologetic irreverence, but a humanly “empty” – a cold and cynical – irreverence. It is rebellion for the sake of rebellion. Its object moves from the sacred to the sacrosanct.

The prohibition against idolatry makes conscious the acknowledgment of G-d as the moral authority of Divinely revealed laws. The prohibition on blasphemy makes conscious the principle of respect for that authority.

## **2. Society**

### **The state and the containment of violence**

#### **[3] The prohibition on murder**

The order of civilized society is threatened most by violence

in its extreme form: killing[\[10\]](#). The state, as Weber wrote, is distinguished by the fact that it possesses the sole legitimate resort to violence. It uses violence and death as its ultimate resource of order[\[11\]](#). The state or society “emerges” from, and is the antithesis of, violence and killing. It has contained – that is to say, controlled – it and the permission to kill is transferred solely to it.

In a situation of non-government, which describes the formal condition of international “society”, there is no legitimate monopoly of the resort to violence. Order of a sort may be established by treaty or customary law, but this is only an order voluntarily subscribed to, or one established under duress, inherently unstable and without any overarching legitimate authority. Violence, potential (more or less explicitly threatened) or actual, is the foreground of international relationships. Likewise, in extreme circumstances, the State may have to go outside its own orderly existence, including the prohibition of murder, to reestablish order. It is then that the state reconstitutes itself from the condition of uncontained violence into the state of society[\[12\]](#).

Even where killing is arguably not harmful to basic social order, as in the cases of suicide, abortion and euthanasia, it is also forbidden by Noahide law. A human being is the union of a body and a soul. Concerning these, the liturgy[\[13\]](#) states, “the soul is Yours [G-d’s] and the body is Yours”. The human being was created in order to serve G-d and belongs to G-d. One is not permitted to dispose of his or her or anyone else’s life, where this is not mandated by Divine law.

The sentient, bodily existence of a human being can experience suffering, and this is to be heeded, but its alleviation is not an absolute[\[14\]](#). One’s life is not one’s own, that it may be destroyed at will through suicide. Yet the Divine law (by this we refer to the Noahide laws) might mandate a form of

suicide, such as allowing oneself to be killed rather than kill another, when forced to this choice. The preservation of the soul in the body is of immense value, but its preservation in the body under all circumstances is also not an absolute. A terminally ill person himself, let alone anyone else, cannot authorize the active termination of his life, because it is not his life. Yet the Divine law might mandate forms of passive euthanasia, by not requiring one to pursue the prolongation of a life in pain without prospect of cure. An unborn fetus is not one's, that it may be destroyed at will through abortion. But the Divine law could mandate destruction of an unborn fetus, where the unborn child physically threatens its mother's life. So also it permits to kill in mortal self-defense of oneself or another.

There are Divinely ordained norms of human conduct, and their proper application in consideration of particular situations, discloses the Divine Will through which human being is practically to serve G-d. A person can serve G-d though living and through dying. But in all these cases, Divine law operates; it is the source of principles and the application of those principles and human reason must be guarded against a "reasoning" which imports other principles and assumptions.

## **The family: true and false unions**

### **[4] The prohibition of forbidden sexual relations**

From a theological point of view, not only is the basic social *unit*, but also the most complete and fullest identity of an *individual* its participation in, heterosexual marriage. The Bible states, "Man *and* woman He created them" [\[15\]](#), and mystical commentaries interpret this to mean that husband and wife constitute an entire soul and an entire body. An

individual human being is thus intrinsically half a soul, half a person. Even prior to being married, he or she in some sense potentially relates to the "other half", wherever it may be [\[16\]](#). The sexual union with an ethical and institutional commitment defines a *person* as well as the fundamental *social* unit.

There are three categories of sexual offences prohibited by the Noahide laws. These are those (1) prohibited by reason of closeness, such as incest, (2) prohibited by marriage, namely adultery and (3) prohibited because they run against the created nature and essence of the person, namely homosexuality and bestiality.

Incest constitutes perhaps the most "natural" universal prohibition [\[17\]](#). Adultery represents a destruction of the fundamental social composite. Homosexuality and bestiality are strange and contrary to the nature of human identity: the whole *essential* human being was not created as two men or women or as a human and an animal.

The argument that false sexual unions could be justified where they are freely and "faithfully" contracted, employs a mistaken notion of freedom. The philosophers of the Enlightenment set forth freedom and personal liberty as ideals because they believed that it brought forth a human essence: individual human autonomy realized and expressed through the act of choice. Freedom is good because through it a person becomes what he or she "is". From a religious point of view, the freedom to contract a sexual union with the same-sex human being or with an animal is not freedom, but rather enslavement and alienation of human essence. And in that a human being belongs to G-d with the task to serve G-d, there is no more permission to pervert that essence than there is to remove it by killing it.

The argument, that a human being is created a homosexual and "genetically" has no choice but to be one, is similarly false,

before entering into any “scientific” debate on the matter. Quite simply, G-d, Who creates and sustains human beings, has instructed the human being against homosexual practice. That G-d should have created and sustained humans as something which makes it impossible for them to do what He has instructed them to do, is false. A person is not compelled to be a homosexual, just as he is not compelled to be a thief. Whilst a person may have strong impulses in that direction, that is an animal nature, which G-d has instructed humans, through the guidance of their spiritual faculty – with suitable effort and assistance – to contain and transform.

## **Economy: the integrity and reciprocity of human dealings**

### **[5] The prohibition on theft**

Life itself is threatened by the violence of murder, property by theft. Theft, like murder, is a crime patently injurious of social order. The Rabbis stated that the prohibition on theft is so natural and obvious that had it not been biblically given we would have learnt it from ants: namely, from their social character and non-infringement of what belongs to others[18]. Indeed property – owned goods, tools and skills – the object of theft, is the material of human economic activity, which in turn founds social organization. When Proudhon said that “property is theft”, he was saying that the *capitalist order* of property (not property *per se*) is theft, and his paradoxical formulation points to the reality that theft endangers property, and is the fundamental crime against basic human economic order[19].

Theft is a *wresting* of property from persons, contrary to the notion of the reciprocal contract and exchange, characteristic of civilized economy. Deceptive advertising, unfair competition, fraudulent benefit from work conditions, all

impair the basic reciprocity, the openness and integrity of human dealings. It disaggregates society as a stable order created for the mutual economic satisfaction of needs.

There is a strong spiritual dimension to the issue of theft. For theft, which proceeds by stealth, does so that it not be seen. If not other people, G-d, however, sees the deed, and for this reason theft bespeaks a great deficit in the fear of G-d, for the individual is not perturbed by the “seeing eye” of G-d. Daylight robbery, on the other hand, might indicate a “higher” consciousness of G-d in this respect, but on the other hand, it borders on murder, since it forcefully wrests from its owners[\[20\]](#).

Often a logic of *personal* justice operates to rationalize theft: that the system owes me, or that it has unjustly withheld the item from me or that its requiring of me such and such is inherently unjust. Here comes the principle, that so long as laws are legitimate, in the sense to be discussed in connection with the seventh Noahide law, stealing is an offense against the Divinely sanctioned value of *social order*.

### **3. Transcultural norms**

#### **Relationships to nature**

#### **[6] The prohibition on cruelty to animals: in consuming the limb of a living animal**

The variety of cultures, determined principally by the major world religions, indicate a variety of attitudes towards the “world”. In the analysis of Max Weber, Judaism, Christianity and Islam display a theocentric character, oriented towards “world-overcoming” and “world-mastery”. On the other hand, the Eastern religions, Hinduism, Buddhism, Confucianism and Taoism

were more cosmocentric (i.e. world-centred), oriented more to “world-flight”, and in the case of Confucianism, to “world-adjustment”. These differences of posture to the world find a reflection in the attitude to killing and eating animals. Vegetarianism is found widely in the Eastern religions (except Confucianism), and not in the first group.

Whilst the prohibition on consuming the limb of a living animal has clearly to do with disallowing cruelty to animals, it is not a mandate for or against vegetarianism. Nature, whilst a creation of G-d and often reflecting G-dliness, was never, as a whole, sacred[21]. Nor is humanity its “steward” in the sense of preserving it in particular state. The verse in Genesis[22], which speaks of the subduing of the creation by human beings is not a license for power and dominion for its own sake. Humankind was placed in the Garden of Eden to “work it and to protect it”[23], in short, to elevate it. The task of humanity is much rather to redeem nature. The savagery of animals one to another is a defect in animals as indicated by the prophecy of Isaiah, with its *redemptive* vision of the lion lying down with the lamb, envisages, through human conduct, a transformation in the nature of animals[24].

Perhaps the major transaction between humans and the animal world is eating. A person should eat, not simply to gratify desire, but also mindful that this food is given by G-d and should be consumed for a higher purpose. That higher purpose might simply be to gain strength to perform good and useful deeds. This intention, as explained in mystical commentaries[25] on the Bible, also rectifies the animal by attaching the Divine spark within it, to G-d. This in turn explains the significance of the prohibition on the consumption of the limb of a living animal.

Adam had, through his Divine service, so elevated the animal realm that there was no need for their consumption by human beings, to reattach them to the Divine. This is why Adam was a vegetarian and why humans were not permitted to slaughter meat

for consumption. It was only with the subsequent corruption of the animal world (on account of human misconduct), that humanity from the time of Noah was permitted to eat meat. For then meat could undergo an elevation through its consumption by humans with a higher purpose. This does not make the consumption of meat mandatory, but invests the permission to eat meat with considerable responsibility.

At this point there entered the major qualification that the limb of a *living* animal not be consumed for reasons apart from the issue of cruelty. In utilizing and incorporating something for a higher purpose, it must first be a material capable of, and fit for, elevation. Otherwise, the object itself can overcome and bring down the person who has come to elevate it. Certain things are intrinsically incapable of elevation. Amongst these is the animal's *life*, its raw animal vitality: whilst it is in the flesh, the animal cannot be elevated through eating. The animal must first be slaughtered, and then its flesh is capable of elevation. Thus the concept of the elevation of nature is also at the heart of the prohibition on consuming the limb of a living animal.

The transcultural norm of the Noahide laws here teaches that the animal world is to be elevated materially and spiritually through its incorporation in the Divine service of human beings. If human beings live to sanctify the creation, then the animals, which they have used, benefited from and consumed, become part of that service. Thus, Noahide law permits the consumption of animal flesh after slaughter. It would also permit the use of animal experimentation for the benefit of human beings. In all these cases, however, it teaches to minimize the suffering of animals.

## **Legitimate legal systems**

## **[7] The prohibition upon failing to establish processes of justice**

In his sociology of authority and “domination”, Weber delineated three general kinds of legitimate legal-political order. These were societies (1) where tradition furnished the basis of the legitimacy of a set of substantive laws with its governmental-administrative order; (2) where their basis was the charismatic qualities of the leadership; and (3) where the basis is the rational procedures through which political leaders were appointed and laws made (the rational-legal order). This typology admits a wide variety of historical societies. It does not, however, tell us anything about the substantive or normative validity of these systems’ values. Its focus is on the sociological bases of the authority, rather the objective normative validity of the substance, of law and social process.

The Noahide commandment of processes of justice relates, according to the commentator Rashi, is akin to the notion that the “law of the land is law” (*dina d’malchusa dina*) namely, secular law in the fiscal-administrative realm (not contradictory to Jewish law) which the Torah recognizes as binding upon a Jew<sup>[26]</sup>. As Maimonides rules, the commandment is to establish courts which will enforce the other Noahide laws, by means of processes (and with fiscal-administrative regulations) which are discretionary and culturally variable.

Whilst law in this category could have a variety of expressions, one may learn from its comparison with the notion of the “law of the land is law”, as binding upon a Jew, in respect of the criteria which make secular laws acceptable. Maimonides sets these out in “the laws of robbery and lost property” in relation to the question of whether one may purchase land confiscated by a non-Jewish king from his subjects. Namely, is this land in the category of “stolen” land, in which case the general stricture against receiving

stolen goods applies, or not?

The first criterion for the normative legitimacy of a legal rule or value is that the conduct of a secular system has to be *consistent* and non-arbitrary in its application. Thus Maimonides writes

...the law of all kings permits them to confiscate all the property of those ministers with whom they are displeased, and the king has therefore canceled the owner's original right to it, so that the courtyard or field in question is regarded as ownerless, and if one buys it from the king, he becomes its lawful owner. But if a king takes the courtyard or field of one of the citizens, *contrary to the laws he has promulgated*, he is deemed a robber, and the original owner may recover it from anyone who buys it from the king [\[27\]](#).

An extension of this criterion is the *openness* of the legal system, as distinct from one which involves "non-public" acts of terror and persecution. This would rule out tyrannical states such as Nazi Germany and Stalinist Russia and societies in which corruption is rife. The public profile of law is in such cases inconsistent with its (often secret or private) execution. Its illegitimacy consists in the promulgation of judgments "...not in accordance with a law known to everyone but by doing violence to [... a particular] person" [\[28\]](#).

The conduct of law and government is moreover binding inasmuch as the subjects subscribe to the authority of the sovereign (or to the law-making body). Legitimacy thus reflects an element of *consensus* in relation to the existing system of authority. Maimonides formulates an empirical criterion to express the consensual foundation of the legitimacy of a legal-political system:

All the above rules apply only to a king whose coins circulate in the localities concerned, for then the inhabitants of the country have accepted him and definitely regard him as their

master and themselves as his servants. But if his coins do not circulate in the localities in question, he is regarded as a robber who uses force, and as a troop of armed bandits, whose laws are not binding. Moreover, such a king and all his servants are deemed robbers in every respect. [\[29\]](#)

Where there is no, or only marginal, black-market activity, we have a measure of the legitimacy of the order. For then the patterns of economic activity and exchange correspond to legal and political realities. There exists stable, orderly, civilized society.

[\[1\]](#) From a letter to Robert Wilbrandt, April 2, 1913, cited by W.J. Mommsen, *Max Weber und die deutsche Politick, 1890-1920*, and which is taken as the motto of W. Schluchter's book, *The Rise of Western Rationalism* (transl. G. Roth), Berkeley and LA: University of California Press, 1981:

[\[2\]](#) Rabbi M.M. Schneerson, *Likkutei Sichos*, Vol. 26, p. 137 cited in the anthology of writings of Rabbi Schneerson on the Noahide Laws, *Kol bo'ei olam*. The editor of the latter work contrasts this with a seemingly contrary statement in *Likkutei Sichos*, Vol. 7, p. 33, fn.18.

[\[3\]](#) See S.D. Cowen, "Foundations of the Noahide Laws" in *Journal of Judaism and Civilization*, Vol. 2 (5760/1999).

[\[4\]](#) *Mishneh Torah*, "Laws of Idolatry and its practitioners", chapter 1.

[\[5\]](#) This term is not employed by Maimonides, but is found in the *Remo*, *Shuchon Oruch*, *Orach Chayim* 156.

[\[6\]](#) There are also views that this is mandatory for a Noahide. See *Sha'alos u't'shuvos V'shov HaKohen* 38 and *Sha'arei Efraim* 24.

[\[7\]](#) With the option of an affirmation.

[8] 1964 printing, Vol. 3, p. 763.

[9] Certain doctrines which actually subscribe to a theory or philosophy of anarchy would be similarly be considered principled, as distinct from this fundamentally idle or indifferent destruction of values.

[10] See Maimonides, *Mishneh Torah*, "Laws of the murder and physical protection" 4:9

[11] Cf the definition of the State by Max Weber as "that human society, which, within a particular area... (successfully) claims for itself the monopoly of physical violence" *Wirtschaft und Gesellschaft*, 5th edn, Studienausgabe, Tuebingen: J.C. B. Mohr(Paul Siebeck), 1972, p. 821.

[12] See *Likkutei Sichos*, Vol. 5, p. 161.

[13] *Selichos*, and in the prayers of the High Holidays, Rosh HaShonah and Yom Kippur.

[14] As distinct from the argument of Peter Singer in *Animal Liberation*, for whom this constitutes the sole significance of a human or animal being.

[15] Genesis 1:27.

[16] See *Likkutei Sichos*, Vol. 31, pp. 95-6.

[17] See Levi Strauss, *The Elementary Structures of Kinship* (transl J.H.Bell et. al.) Boston: Beacon Press, 1969), ch. 1. Though see also *Likkutei Sichos*, Vol. 5, pp. 273-74.

[18] Talmud, Tractate *Eirubin* 100b.

[19] See George Lichtheim, *A short history of socialism*, London, Weidenfeld & Nicolson, 1970 who speaks of Proudhon's doctrine of the mutualism of property, whilst maintaining that workers should own their own tools.

[20] See *Likkutei Sichos*, Vol. 32, pp. 112-119.

[21] Such a concept , indeed, may be idolatrous. See M. Gerstenfeld, “Neo-paganism in the public square and its relevance to Judaism”, *Jewish Political Studies Review*, 11: 3-4, Fall 1999 and his monograph *Judaism, Environmentalism and the Environment – Mapping and Analysis*, Jerusalem: The Jerusalem Institute for Israel Studies & Rubin Mass Ltd, 1998.

[22] Genesis 1:26.

[23] Genesis 2:15.

[24] See Isaiah, ch. 11.

[25] *Baer Mayim Chayim* on Genesis 9:4.

[26] Rashi, Talmud Tractate *Gittin* 9b. Whilst there are some views that the laws of the Noahides within the category of “legal processes” are to resemble Jewish laws and institutions (commentary of Ramban on Genesis 34:13), there are authoritative opinions, as mentioned within, that this is not so.

[27] *Mishneh Torah*, “The laws of robbery and lost property”, 5:13. Emphasis added.

[28] *Ibid.*, 5:14.

[29] *Ibid.*, 5:18.

## Chapter 2

# FOUNDATIONS OF THE NOAHIDE

# LAWS

*Theological perspectives*

## 1. In the image of G-d

### The soul and the resonance of the Divine[1]

Jewish thought addresses not only the Jewish people but also general humanity. Whilst there are differences in the spiritual personality of Jew and non-Jew and the Torah provides different directives for each, there is an important area which is common to non-Jew and Jew alike. This commonality relates to the phrases used in the Torah “Let us make man in Our image and as Our likeness”[2] and, later on, that mankind was created “in the image of G-d”[3]. These phrases apply to all humanity[4].

The sense in which human beings exist in the “image of G-d” refers to a *faculty* found in mankind, termed by Jewish thought the “intellectual soul”, by which it means the intellectual being or characteristic of humans. The expression in the Hebrew of the Bible is *b'tzelem Elokim*, “in the likeness of *Elokim*”. Commentaries explain that the word *Elokim* to refer to the angels[5]. The intellectual soul of man, to which this term refers, thus has a likeness to the angels. Angels (*m'lochim*, literally “emissaries”) are spiritual beings without a body. They have no conflicts between their intellectual attachment to the Divine and feelings arising from a bodily existence, since they do not possess a body. Similarly, the intellectual soul of human beings has in common with angels that it is intrinsically or potentially *removed* from physicality, from bodily drives and emotions. Human intellect is capable of independent attachment

to G-dliness.

The difficulty for the human intellect, unlike an angel, is that it resides in a body together with what is termed the “animal soul”, the bodily, emotional personality of a human being[6]. This has consequences for intellect itself. Thus, it has been stated[7] that the nature of the reasoning of intellect is that it builds on, and applies, first principles, and does so also by means of certain rules or styles of reasoning. But whilst reason can faithfully and rigorously apply and develop first principles, it is not the source of those first principles, nor is it the source of its particular style of reasoning. Reason as a pure instrument is thus forced in all honesty to acknowledge that which is other than reason, that with which reason works.

The first principles with which reason work have been termed “dispositions” (*ha'nochos*) [see note on the meaning of ethics from ethics textbook]. They arise in personal and cultural *will* (called by the Lubavitcher Rebbe *r'tzono ha'tov*). Certainly much of the social, human and behavioural sciences will acknowledge the pre-set biases or dispositions in knowledge and judgment and recent philosophy follows suit. Particular systems of reasoning or works of human creativity are, however, *validated* by the essentially arbitrary bases – preferences and dispositions which have been rationally expressed as assumptions – that condition them.

That which, on the other hand, makes intellect receptive not to the dispositions of personal will, but instead directs intellect to the Divine, is a fundamental humility, self-negation, called in Jewish thought *bitul*. The recognition of G-dliness and the content of Divine revelation as “authoritative”, as the “life” of creation involves seeing the creatureliness of mankind including human intellect (not to mention feeling). This is a spiritual perception of intellect: a possibility of intellect.

If the outcomes of reason follow from the arbitrarily selected assumptions and rules of reasons, how could *in terms of reason*, the orientation of intellect to the Divine rather than any other starting point, be defended? The answer to this is in the spiritual quality itself which resides within – which is the true “soul” of – human intellect[\[8\]](#). The truth of the Divine is measured by the resonance, or the chord, which it finds in the human *soul*, whereby the G-dly in mankind recognizes and resonates with G-dliness at large. Intellect can verify this perception once experienced, but it is certainly not compelled to come to this perception. Indeed, this native, spiritual sense of the intellect has more often than not been concealed.

### **The commandments and the modelling of the Divine**

A second significance of the term “in the image of G-d”, the commentaries state[\[9\]](#), is that, by its essence, mankind “rules”: just as G-d rules over the lower realms, so also man can and should rule over the lower realms, over the physical realm of nature. In the microcosm this would mean, and is so explained elsewhere that the intellectual soul has the ability to rule over the lower “nature” of man: to direct and refine emotion. Feeling is implanted in animal nature and in the animal with man. The raven, our Sages told us, has a quality of cruelty; whilst another is kindly disposed by its nature. Unlike the animal, however, no human being need be *impelled* by emotion since intellect is able to prevail over it.

Jewish thought presents human nature as composed of a number of attributes – *chesed* (love), *g'vurah* (severity or discipline), *tiferes* (harmony) and so forth – which are also the names of Divine attributes[\[10\]](#). The difference is that in the animal nature of human beings these emotions can also take on an unholy expression. Love can be other-directed or it can be venal and self-indulgent. So too the quality of severity could express itself in self-discipline and sanctification or it could take on the face of violence and aggression[\[11\]](#). The

significance of the commandments of the Torah, the knowledge supplied in Torah is to convert the attributes of human nature into their Divine expression. The Divine commandments, Maimonides writes, were given to “*rectify behaviours and to make deeds upright*” (*l’saken hadei’os u’l’yuasher hama’asim*[\[12\]](#))– through the 613 commandments of the Jew, and similarly, we might argue through the seven Noahide laws of the gentile.

Along these lines various authors[\[13\]](#) have written that the individual Noahide laws rectify – and have sought to identify – specific temperamental qualities (*middos*). The prohibition of murder comes to refine the characteristic of *g’vurah* (severity) from its degenerate expression (ultimately) in murder into the holier expression of self-discipline. The prohibition of forbidden sexual relations rescues *chesed* (loving kindness) from self-directed gratification to other directed kindness. But, whatever the correspondences between the Noahide laws and particular qualities of character may be, the basic notion remains that they have to do with a modelling of character which “resembles” the Divine. This notion of the modelling of the Divine does not mean that qualities of “kindness” and “severity” or “judgment” inhere in, or define, G-d. Rather, in the way G-d *practises* kindness, so should we; in the way G-d *practises* judgment, so should we.

The extension of a human personality modelled on the Divine is a harmonious and orderly society. The practical goal of the Noahide laws is thus manifested in the notion of civilized society: both in terms of the relationships of human being with G-d, and with other human beings. This ideal has been called by the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, “*yeshuvo shel olam*”, the “settled inhabitation of the world”[\[14\]](#). This is not simply an “ideal”, a “plus”. Its absence is seen as something profoundly negative. An uncivilized world is a barbaric world. For since the world was

created for a purpose, namely, the manifestation of G-dliness in it through the agency of mankind, both Jewish and non-Jewish, when there is a vitiation of this purpose through essentially barbarous human conduct, it is as though the purpose of human existence has been forfeited[15].

This is why the violation of the Noahide laws are associated with the “liability” of death. It does not mean that the Jewish people, who were instructed by Moses, at the command of G-d, to bring the nations to observance of these laws, have the legal possibility of carrying out this penalty[16]. The practical significance of the sense of the “liability to death”, associated with violation of the Noahide laws is the forfeiture of the purpose of the existence of human beings, who were created in the first place to carry out the settled and civilized inhabitation of the world, and have vitiated that purpose[17].

## **Non-Jews and Jews**

What can keep the intellectual soul trained on G-d and the Divine commandments, rather than its being submitted to personal will[18]? Whilst the intellectual soul is potentially sovereign over emotion, its “proximity” to emotion is its weakness. To be attuned to the G-dly and to remain attuned, the intellectual soul has in the Jew the *wholly* separate pilot of the “G-dly soul”.

Even though this spiritual faculty in the Jewish people has a pre-history, its “installation” relates significantly to the exodus from Egypt and the receiving of the Torah, through which there occurred what is termed the “choosing of the Jewish people”. This meant an historical-spiritual bonding of the Jewish people with G-d, becoming, so to speak, part of their “spiritual genetics”. It is expressed in the notion that a Jew inwardly steadfastly recognizes and cannot be separated

from G-dliness. It is true that this spiritual consciousness can be covered over: there are Jews who are unobservant. But this spiritual attachment is latent and resurgent. It readily emerges at critical times[\[19\]](#).

There is a famous law in the Code of Maimonides[\[20\]](#) defining a righteous gentile as one who performs the Noahide laws not simply because they make sense, but because they have been commanded by G-d to Moses in the Torah. This is a statement of attachment to the Jewish people and to *their* attachment to G-d through Torah[\[21\]](#). Thus innermost awareness of G-d, through the G-dly soul, not only keeps the intellectual soul of a Jew, at least in some sense latently, trained on the Divine. In a wider sense, it constitutes also that which the prophet referred to as a “light to the nations[\[22\]](#)”.

Not only is this light focussed by the Jewish people upon the nations, and indeed Maimonides rules that the Jewish people are obliged to see to the moral conduct (the observance of the Noahide laws) of the nations. There is, however, a sense also in which the *soul* faculty (however consciously or unconsciously) of the nations *knows* the Jewish people to be their beacon. This dimension in humanity derives a vitality from the Jewish people and *desires* to be attached to them and to assist them; and through this more deeply to tap into the Divine[\[23\]](#).

Not only are the Jewish people a beacon or a light, in the words of the prophet, to the nations in the sense that it is there for those who *wish* to chart their course by it. Maimonides rules that the Jewish people have an obligation to *bring* the nations to fulfilment of their commandments[\[24\]](#). This, as the Lubavitcher Rebbe has pointed out, is not based upon any particular means of influence nor is it limited by its immediate prospects of success[\[25\]](#). Only of Moshiach is it stated (at the very end of Maimonides Code[\[26\]](#)), that he will effectively be able to bring the entire world to the service of G-d inclusive of fulfilment of the Noahide laws. The

service of Jews in influencing the gentile world up to that time, is of an essentially preparatory nature[27]. At the time of Moshiach, a great Jewish leader of prophetic dimensions, there will be the revelation of a Divine “light”, of G-dliness, which will drive away moral darkness from the nations. We cannot know how this rectification of the world will be. Certainly the prevailing spirit in Chassidic thought, in relation to the propagation and establishment of the Noahide laws, is in a manner of “paths of peace” consonant with the Biblical verse, invoked by Maimonides[28], that “G-d is good to all and His mercies are with all his creatures” [29].

## **2. Rival philosophies of Noahidism**

### **Two approaches**

Whilst the obligation upon the Jewish people to influence the nations to keep the Noahide laws, as mentioned above, applies at all times, it has until recently not been vigorously practised. A reason for this, sanctioned by Torah itself, is the fact of danger. This was due to the vulnerability of the Jewish people in the context of a general society antagonistic to them. Yet at this critical juncture in history, when it appears that Jews can proceed without fear to teach and influence the non-Jewish world quite explicitly with regard to the Noahide laws, and as Noahide movements emerge, there opens up an issue of fundamental philosophical difference of approach to Noahidism.

Two fundamental approaches emerge. One of these is the classical orthodox Jewish tradition, which can be documented in Maimonides, the Maharal of Prague and the writings of Rabbi Menachem Mendel Schneerson. This is at the foundation of first section of this essay. The other stems from relatively recent writings associated with the names Benamozegh and Palliere.

In 1955 there was published for the first time an English translation of a work written in French by a Moroccan-born Jew, Elijah Benamozegh, who for 50 years held a Rabbinical post in Livorno in Italy. His life spanned the years 1823-1900 and was marked by prolific writing and a thoroughgoing acquaintance with the secular learning of his time. His name and quotations from his work appear in a number of recent orthodox works in English on the Noahide Laws, but these come through and are quoted in the book, *The Unknown Sanctuary*, of a French gentile, Aime Palliere, whom Banamozegh inspired to a life of Noahidism. A reprint of Palliere's book, with a new introduction by David Novak, appeared in 1985[30]. Palliere is presented by some as the gentile "high priest" of Noahidism. His work shows a fundamental consonance with that of Benamozegh, whose thought he faithfully propagated.

It would appear that until the recent appearance of a new English translation, *Israel and Humanity*[31], Benamozegh's work *itself* has been little known (notwithstanding the Hebrew edition and translation which appeared in 1967). In emerging contemporary writings on Noahidism positions are being taken up which correspond with each of these positions. Some, residing within the orthodox tradition, quote the writings of Benamozegh and Palliere sympathetically, but it would appear that they have not made a systematic analysis of these works, which in fact are at variance with their positions. The purpose of the following is bring out the essential difference between these two philosophies of Noahidism.

## **The distinct tasks of Jew and non-Jew**

The crux of the issue is the notion – which has always agitated Jewish apologists – of the difference and chosenness of the Jewish people, in relation to the other nations of the world. For traditional Jewish thought, the chosenness of the

Jewish people relates to the idea, noted above, that they acquired a level of spiritual perception and connectedness, during the exodus from Egypt and the revelation at Sinai, associated *transcendent* G-dliness. This relates to G-dliness which infinitely surpasses the creation and in fact engenders it *ex nihilo* into being. It is to be contrasted with the perception and level of *immanent* G-dliness, a “contracted G-dliness” which resides and manifests itself within the creation. In the words of the Maharal of Prague, the Jewish people acquired an attachment to transcendent G-dliness, making their existence *nivdal* (“separate”) from the ordinary realm of nature, and characterized by a miraculous Providence[\[32\]](#).

The intellectual soul of the gentile, on the other hand, is concentrated in the capacity to relate to the way in which Divine contracts and enclothes itself within creation, to *immanent* G-dliness. This spiritual difference between Jew and non-Jew is reflected, according to the Maharal, in the differences between the commandments applying to the Jewish people on the one hand, and to the gentile nations, on the other. The Jewish people have the multiplicity of six hundred and thirteen commandments reflecting their intense connectedness to a level of G-dliness transcending the creation. The gentile nations on the other hand, whose relationship to the Creator is more via the creation itself, have the less complex bond of seven general commandments[\[33\]](#), even though these are widely ramified.

The “choseness” of the Jewish people is therefore not connected with “domination”[\[34\]](#) or “exclusiveness”. It signifies the bonding with a level of transcendent G-dliness[\[35\]](#) expressed through the performance of six hundred and thirteen commandments. Jew and non-Jew have a partnership to fulfil in which each has a crucially complementary service to perform. The Sages of the Talmud themselves spoke of the greatness of a non-Jew occupied in the study of the Torah in

relation to the Noahide laws in terms comparable to that of the service of the High Priest of the Jewish people[36]. The complementary roles of Jew and non-Jew are both integral to the notion of redemption.

Two of Maimonides thirteen principles[37] of the faith – the Messiah and Resurrection – relate to a notion of redemption in traditional Jewish thought. As this is formulated in Chassidic thought, it means the transcendent – boundless, supernatural – Divinity will be drawn into, and manifested within, the “ordinary” frameworks of life: that the miraculous will be inserted in the “Mundane”, and that this will itself constitute the greatest revelation of the Creator and reward for humankind. In this scheme, as explained in Chassidic thought, the function of the seven Noahide laws is to fashion an orderly and civilized world – in which immanent G-dliness is manifested – as the fundament *upon which* the drawing of the higher transcendent revelation into this world by the service of the Jewish people, can take place[38].

Benamozegh’s thought seems to repress the distinction between the transcendent and immanent spiritual orientations of Jew and non-Jew[39]. It is true that he distinguishes between what he calls the more mystical and suprarational character of the “Mosaic” law and the more “rational” and worldly religions, but in the end he sees these as two sides of the one revelation and the one teaching. The Jewish preoccupation is with the pure monotheistic idea, the unity of the Divine; the nations have focussed on aspects of the Divine, which they have transfigured into divinities in their own right. Judaism becomes therefore the sum of the individual deities, which are the “partial” truths of nations[40]. This he seeks to support with what he regards as an “emanationist” doctrine of the Kabbalah, whereby the transcendent Creator actually resides in the creation, which then become so many facets of His unity[41].

Benamozegh is arguably much closer here to the neo-Platonist

philosopher Plotinus and to non-Jewish mystical philosophers such as Bruno and Ficino[42] than to Jewish Kabbalah. For one of the basic notions of Kabbalah is that the “world” the creation as it is, is a “damaged” world in which Divinity has been driven into concealment rather than being revealed within it. Benamozegh’s approving quotations from Spinoza[43] only strengthen the impression that the Creator of the Jewish people is not truly transcendent, but only an immanent extrapolation from the creation itself. Benamozegh presents Judaism as relating essentially to the same plane as Noahidism. He sees the particular laws (“Mosaism”) of the Jewish people as intended simply to suit them for the role of trustee in the implementation of a universal religion of mankind (“Noahidism”). That is, instead of introducing transcendent G-dliness into creation, their task is simply to assist the Noahide manifestation of G-dliness immanent within creation, propagated through the seven Noahide laws[44].

Benamozegh’s removal of the transcendent/immanent distinction between the spiritual service of Jew and non-Jew or of Judaism and Noahidism produces a different vision of the redemptive goal of creation, set out in Torah. In Benamozegh’s view, humankind – Jew and non-Jew as a collective agency – is seen simply to work gradually on its own perfection, but without any fundamental, qualitative transformation of creation of the kind suggested in traditional Jewish sources. If, as Benamozegh wishes to argue, Israel and humanity are basically two perspectives of the one thing, then the gods of the nations are a very disturbing aggregate reflection of the one Creator of the Jewish people. Indeed Benamozegh seems to express equivocations about this at the end of his book, where he laments the persecutions of the Jewish people by the adherents of the world religions, seeing only “now” an emerging tolerance and acknowledgment of Jewish monotheism on the part of the nations.

Palliere, rather than presenting the nations as setting the

stage for the introduction of transcendent G-dliness into the creation by the Jewish people, similarly inverts this relationship. He makes the Jewish people ministers of a universal Noahidism. He quotes Benamozegh, that “not only has the Noachide law never ceased to be in force, but even Israel, with its special code, Mosaism, was created for it, to safeguard it, to teach it, to spread it” [45]. The entire significance of the Mosaic law, is not to effect the transformation of creation and humanity, and to provide a conduit for the introduction of transcendent G-dliness into the creation, but simply a regime to make the Jewish people fit to act as a priesthood for Noahidism.

## The practical consequences

The basic difference in the philosophical understanding of the relationship between the Jewish people and the gentile nations has practical consequences for another issue in Noahidism, the authority of the Oral Law, *Torah sheb'al peh*. Maimonides in the Introduction to his great Code lays down the principle that the giving of the Torah was not only as a written text but also with a body of interpretation. It is impossible, according to this principle, for the meaning of the scriptural verses (in this case, the verses in Genesis from which the Noachide laws are learnt) to be comprehended without the tradition of commentary passed from generation to generation embodied in the Rabbinic tradition. Its transmission is characterized by an attitude of profound *bitul* – humility, deference and receptivity – towards the body of detailed commentary of previous generations, going all the way back to the interpretation – the Oral Law – given to Moses at Sinai. The ability to derive new rulings and applications of the law is something for which the Jewish people, and within it the Rabbinic tradition, are uniquely fitted.

Similarly, the source of the authority of the Noachide laws is not an “independent “ tradition which goes back to Adam and

Noah, but the giving, at Sinai, of the Torah, which makes known that the gentile nations had previously been instructed in these laws and gives these laws a *new* authority. In the words of Maimonides, the righteous gentile is one who has taken upon him or herself to perform the Noahide laws specifically

...because the Holy One blessed be He commanded concerning them in Torah and *made known through our teacher Moses* that the sons of Noah have *previously* been commanded in them[46].

The giving of the Torah at Sinai to Moses, *both* in its written and oral forms, is thus the source of *authority* and *interpretation* of the Noahide law. Contrary to this is the view that the Noahide law is essentially independent of Sinai. Palliere puts this plainly. Noahidism is “the religion of the patriarchs for the Gentiles”[47], “the religion *preserved* by Israel to be transmitted to the Gentiles”[48]. This is a view which separates the Noahide laws from the transcendent beacon and guide of the Jewish people and makes them into an autonomous tradition which antedates Sinai. The Oral law, the Rabbinic tradition, which stems from Sinai, for this philosophy of Noahidism becomes irrelevant.

From the traditional point of view, the Oral Law, maintained within the Rabbinic tradition, is of course the living fount of adjudication and application of the Noahide laws is vitally important for the Noahide Laws. Without it one cannot know the meaning and details of the Noahide laws cryptically set forth in Scripture. Moreover, just as the Oral Law sets for the teaching of Torah in matters of halachah, so too does it provide us with the philosophical outlook of Torah and with the instruments of biblical exegesis and historical interpretation, which no independent “bible study” can supplant.

Benamozegh seeks to adduce arguments from his own interpretations of biblical verses, interpretations which are

sometimes at variance with (or indifference to) those of great figures of the oral Tradition. When, similarly he makes historical judgements which are similarly at variance with the Oral Law, this is fraught with more obvious consequences. Thus, he makes a parenthetical statement in his Conclusion, that Jesus “was a good Jew who did not dream of founding a rival church”[\[49\]](#). Making a “pristine, restored” Christianity into the carrier of Noahidism rather than the Noahide laws, together with their detail, set out in the Oral law, is profoundly problematic.

Palliere similarly validated Christianity in its supposedly “pristine” form, which he sees as excluding the doctrine of incarnation, as the legitimate extension of Judaism to the nations. In his words, “one cannot find any lack of continuity between the Hebrew Bible and the Gospel”[\[50\]](#). Jesus becomes for him the prototype of a Noahide: “I said to myself that I was no longer a Christian in the proper sense of the word, but a Jew, probably as Jesus had been a Jew”[\[51\]](#). This view of Jesus is not the view of Maimonides[\[52\]](#) or of Torah sources in general.

One cannot expect the young Noahide movements to have knowledge of the dynamics and methods of the oral, Rabbinic traditions, together with its ways of resolving the various strands of opinion amongst the Sages of the Jewish People down to the present day. But it is important for them to know that when they seek instruction about the righteous gentile existence, it can only be through the filter of the living Rabbinic tradition.

[\[1\]](#) I am grateful to Rabbi Dovid Zirkind for comments on this essay.

[\[2\]](#) Genesis 1:26

[\[3\]](#) *Ibid.* 1:27

[4] See Rabbi M. M. Schneerson, *Likkutei Sichos* (NY: Kehos), Vol. 15, pp. 58-62 and the discussion in S.D. Cowen, "The concept of a person: reflections on Judaism and psychotherapy" in *Journal of Judaism and Civilization*, Vol. 1, pp. 26-28.

[5] See *Rashbam* and *Chizkuni* on Genesis 1:27

[6] See the discussion in Cowen, "The concept of a person...", *op. cit.*, together with the references cited there.

[7] For the following see *Likkutei Sichos*, Vol. 2, p.561.

[8] See Rabbi M.M. Schneerson, *Sefer Maamorim 5713*, p.361. This reference was kindly drawn to my attention by Rabbi Dr. A.L. Solomon.

[9] See *Chizkuni* on Genesis 1:26.

[10] Or 's'firos'. These are attributes not in the sense that they inhere in G-d, but that describe his actions or ways, as described below.

[11] See "The concept of a person...", *op. cit.*, pp. 28-30.

[12] *Hilchos T'mura* 4:13.

[13] See Rabbi Y. Bindman, *The Seven Colours of the Rainbow* (San Jose, California: Resource Publications, 1995) ostensibly based on writings of Rabbi Yitzchok Ginzburg. See the afterward to the translation of the "Maharal on the Noahide laws".

[14] "Yeshuv ha'olam". See for example *Likkutei Sichos*, Vol. 5, pp.159-60, Vol. 20, p.140.

[15] See *Likkutei Sichos*, Vol. 5, p. 160.

[16] See Maimonides, *Mishneh Torah, Hilchos Avodas Cochovim* 10:6, *Ra'avad* and *Kesef Mishneh* on *Hilchos Milah* 1:6.

[17] I am grateful to Rabbi Chaim Gutnick *zichrona*

*livrocho* for elaboration of this point.

[18] Cf the concept of *r'tzono hatov* above. This is a term also used by Lionel Trilling to refer to the unleashed emotional complex in man, in a virtually Freudian sense. See the second part of the discussion on "Lionel Trilling and Jewish Tradition" in this volume.

[19] This is a notion expressed repeatedly in Chassidic thought, elaborated already in the *Tanya* of Rabbi Schneur Zalman of Liadi. The notion is also there in the writings of the Maharal of Prague. See S. D. Cowen, *Jewish Thought in Context 2<sup>nd</sup> edn* (Melbourne: Monash University, 1998), pp. 53-54.

[20] *Hilchos M'lochim* 8:11.

[21] *Likkutei Sichos*, Vol. 15, pp. 61-62.

[22] Isaiah 49:6.

[23] See *Likkutei Sichos*, Vol. 20, p.142-3.

[24] *Hilchos M'lochim* 8:10. The Lubavitcher Rebbe based his campaign to influence the nations towards fulfilment of the Noahide laws, based principally upon the ruling of Maimonides. See, on the positions of other Rishonim in this regard, the discussion by Rabbi Michael J. Broyde, "The Obligation of Jews to Seek Observance of Noahide Laws by Gentiles: a Theoretical Review", in *Tikkun Olam – Social Responsibility in Jewish Thought and Law* (ed. David Shatz, Chaim I. Waxman and Nathan J. Diament), Northvale, New Jersey: Jason Aronson, 1997).

[25] Except where there is an issue of danger in promoting these mitzvos publicly, which explains why there is relatively little record of Jewish activity in this regard until recently (*Likkutei Sichos*, Vol. 26, pp. 141-42. This reference kindly shown to me by Rabbi M. Lipskier). See Rabbi M.M. Schneerson, *Shaarei Halachah u'Minhag*, Vol. 3 (*Yoreh*

*Dei'ah*), *simen* 20 at length on the enduring obligation to influence the nations, even if this cannot be done in a manner of “forcing”.

[26] *Hilchos M'lochim* 11:4.

[27] *Likkutei Sichos*, Vol. 23, p. 175.

[28] See the end of ch. 10 of *Hilchos M'lochim*.

[29] Psalms 145:9. See *Likkutei Sichos*, Vol. 23, p. 175, f n. 45.

[30] *The Unknown Sanctuary – A Pilgrimage from Rome to Israel*, transl. Louise Waterman Wise, new edition with preface by David Novak, New York: Bloch Publishing Company, 1985.

[31] Translated with an introduction by Maxwell Luria (Mahwah, New Jersey: Paulist Press, 1995).

[32] Chassidic thought goes further to speak of a bonding of the Jewish soul with a level of quintessential or absolute G-dliness, higher than transcendental G-dliness. See S.D. Cowen, *Jewish Thought in Context*, p.109-110.

[33] See *Tiferes Yisroel*, ch. 9.

[34] *Hilchos M'lochim* 12:4.

[35] And to absolute G-dliness (*Atzmus*); see fn.32.

[36] Sanhedrin 59a.

[37] Set out in his *Pirush Hamishnayos*, introduction to the tenth chapter of Sanhedrin.

[38] See *Likkutei Sichos*, Vol. 20, p.140, Vol. 5, p. 159ff, Vol. 15, 150.

[39] This distinction receives some lipservice on p. 71, which he also seeks to reinforce by reference to the Kabbalah.

However, it becomes clear, that the transcendence is not a genuine transcendence, as will be noted below.

[40] *Israel and Humanity*, p. 47, where he writes “Nothing can be more natural than to use the name ‘Father’ for Being itself, as substance, and ‘isms’ for His attributes”. Or, as on p.268, where he writes “of the various divinities of paganism, in which Judaism taught their adherents to discover the scattered fragments of divine Truth”. Similarly on pp. 300-1, he states his view that the gods of the nations are hypostasized aspects of the One, true G-d. In this, his thought represents more neo-Platonism and Gnosticism than authentic Kabbalah. See Moshe Idelsohn’s concluding essay in the volume, where he speaks approvingly of Benamozegh’s matching of these latter doctrines with the Kabbalah, p. 379. Note also Benamozegh on page 99, where he writes that “an uninterrupted ladder joins all levels of existence, from the most sublime to the most ephemeral”, but this is used in a neo-Platonist, Plotinian way rather than in accordance with the concept of *tzimtzum* and the phenomenon of evil, as found in works of classical Judaism such as the *Sha’ar hayichud v’ho’emunah* of Rabbi Schneur Zalman of Liadi.

[41] *Israel and Humanity*, p. 96 et passim.

[42] *Israel and Humanity*, pp. 221, 316.

[43] *Ibid*, pp. 204, 256.

[44] *Ibid.*, p. 316 et passim, where the significance of the Jewish people is as a priesthood to the nations. This point is brought out more explicitly in Palliere (see below).

[45] *The Unknown Sanctuary*, p. 144.

[46] *Hilchos M’lochim* 9:11, emphasis added.

[47] *The Unknown Sanctuary*, p.136

[48] *Ibid.*, p. 135, emphasis added.

[49] *Israel and Humanity*, pp. 329-30.

[50] *The Unknown Sanctuary*, p.119.

[51] *Ibid.*

[52] *Hilchos M'lochim* 11:4.

## Chapter 3

# RATIONALITY AND THE NOAHIDE LAWS

*Philosophical perspectives*

### 1. The realm of belief

#### **Weber and Russell: the negation of a transcendent realm**

Both Max Weber and Bertrand Russell dismissed the *objectivity* of supra-rational, religious values. To say this of Weber might at first seem strange. A great deal, possibly even the major focus of his work, was the historical sociology of religion, particularly as this served his analysis of the rise of western modes of rationalization and capitalism. His sociology interpreted historical forms of social, economic and cultural organization in terms of their orientation to complexes of – primarily religious – values. Yet, concerning the objective reference of religious worldviews (*Weltanschauungen*), he wrote that we

have to know that we cannot read the *meaning* of the world in the results of its [scientific] investigation, no matter how

perfect, but must instead be in a position to create that meaning ourselves; that *'Weltanschauungen'* can never be the product of advancing empirical knowledge; and that therefore the highest ideals, which move us most powerfully, are worked out for all time only in the struggle with other ideals, which are just as sacred as ours are to us.[\[1\]](#)

That is, notwithstanding a formal respect for beliefs, in which the next must be judged as "sacred" as ours, and an irruptive nostalgia for a commitment to ultimate values, Weber saw these as being merely personal and without objective truth, ultimately a "polytheism" of "warring gods".

In regard to Weber's position on religion, Max Scheler[\[2\]](#) wrote,

Weber...equates the 'subjective' with the 'personal' instead of with maximal and hypernormal [*übernormal*] objectivity, and is uninterested in the merely general values and purposes of life

The rejection by Weber of the reality of the object of religious belief, as distinct from the objectivity of rationality and science, is made explicit by Bertrand Russell, in an essay entitled "Mysticism and Logic"[\[3\]](#). Russell sets up four oppositions between mystical-religious and logical or rational modalities of thought. These are that (1) mystical thought rests on intuition or insight whilst rational thought is discursive; (2) mystical thought sees unity where logical thought sees plurality; (3) mystical thought ignores time whilst logical thought recognizes its reality; (4) mystical thought sees evil as illusory, whilst logical thought clearly and empirically discerns good and evil.

The very opposition between the requirements of rational thought and the mystical, religious view is for Russell sufficient to strip the latter of objectivity. Should one, however, wish to distinguish mystical[\[4\]](#) from "more" rational religious views, Russell deals with this also in the essay,

“Why I am not a Christian” [5]. There he seeks to dispose of arguments for the existence of G-d, which are based on rational lines of thought: in terms of time, space and causality. He rejects the “first cause” theory of the existence of G-d, which pursues a regress until a first Principle is discovered, by stating that there is no compelling reason to presume that the world *has* a first cause. Against the “natural law argument” he argues that if there is good reason for the creation being the way it is, then one is making this order or standard anterior to the Creator, so why does one need a Creator? He rejects the argument from design, by asking simply, who says the design is good? He then rejects what he finally puts forward, as the moral argument, namely that “that there would be no right or wrong unless G-d existed” [6], by saying again that if right and wrong is by G-d’s command, then again one is making right and wrong anterior to G-d, since one is not maintaining that G-d is above and ultimately “indifferent” to good and bad.

These arguments for the existence of G-d (rejected by Russell), place G-d *inside* the framework – time, space and causality – of *immanent* reality, instead of being their *transcendent* Creator, existing, as the “mystic” and indeed the Noahide [7] ultimately sees, beyond these categories. Here, the religious Noahide can respond with the reported remark of a contemporary Jewish sage: the “G-d, in which you do not believe, I also do not believe”. The G-d, to whom *belief* pertains, transcends the immanent, created realm of time, space and causality.

### **Noahide theology: the objectivity of a transcendent realm**

From a Noahide theological point of view, the Weberian perspective – that there is no objective transcendent reality – is *obviously* false to the organ of *belief* [8], the soul. Noahide theology maintains that the soul “knows” G-d in that the human soul is a (lesser) likeness of G-d. Like is a receptor for like. The soul “sees” or “picks up” the Divine in

that it has an intrinsic affinity for it. The ability to see spiritually, and the potential for all human beings spiritually to see the same thing, relates to the universal constitution of the human soul in the image of G-d. The presence of a common root spirituality in all humanity cannot be proven or refuted "rationally". Rather, it could only be confirmed through a process of growing native spiritual resonance, *when* presented to, or evoked in, individuals of different cultures. The common recognition of the Divine through the common spiritual constitution with which human beings are endowed, is, according to biblical tradition and its commentaries, to become fully manifest in the redemption of humanity.

Russell's objection, that the mystical or religious principle vitiates rational discourse and scientific activity is also disposed of by Noahide theology. This can be understood by way of the introduction, that there in fact simultaneously exist two dimensions of reality, the result of the operation of two different Divine powers in creation. One is a "transcendent" Divine power which relates to the factual existence of all things in creation, namely their being engendered constantly into existence *ex nihilo*. This is the source of their ultimate unity<sup>[9]</sup>. At the same time there operates in conjunction with this infinite, transcendent Divine power, another Divine power – of "contraction" – which, analogously to a coloured filter over a white light, functions to screen out that "infinite" creative light and to delineate, so to speak, the finite and specific forms of things. These two powers – an infinite engendering one and a delimiting one – are issued and coordinated by G-d in the act of creation.

Now, the fact that the entities of creation are left with a finite form and coexist in great multiplicity and differentiation is in no contradiction to the infinite engendering power, the continuous fount of their existence. This is because the unitary transcendent engendering force,

from "G-d's [- the transcendent -] perspective", is wholly unaffected by the contraction, which presents division and multiplicity from the perspective of the creation, such that the finite creatures should be shielded from all but the modicum of vitality required for their internal enlivening. The world fashioned by the power of contraction, articulates what we immanently know as "nature", with its framework of time, space, causalities and other structures. These are dealt with through the categories of another created, natural entity – human intellect. Behind the surface of nature, which is all the secularly thinking mind can perceive, however, functions the unified engendering life force, with qualities which transcend human understanding, but which the soul accesses ("sees") through belief.

This removes the "contradiction" posited by Russell (1) between the "mystical" intuition of the *soul*, which accesses the deeper reality, and the "discursive" grasp by reason of the surface, contracted, reality of nature and creation. Russell mistakenly makes them compete on the one immanent plane of reality. The appreciation of the coexistence and co-operation of these two dimensions of reality also dissolves the other (remaining three) oppositions which Russell posits between mysticism and logic, since these simply relate to the different dimensions of existence.

Thus, (2) the *transcendent* reality – or Divine power – continuously founding things *is* unified, whilst the power of contraction *does* produce multiplicity on the surface of immanent reality. Unity and multiplicity are not contradictory but co-function on different planes of reality. (3) The most primary element [\[10\]](#) of structure effected through the power of contraction is time, associated with change and sequence. On the other hand, the transcendent aspect of creation, as indicated in the etymology of the tetragrammaton (the ineffable name of G-d, signifying "was", "is" and "will be" all as one) is wholly beyond time. So also, (4) good and evil

are both matters of indifference vis-à-vis a transcendent Creator. Yet, in terms of the contracted, immanent creation which He sustains and allows the human actors to influence, good and evil become distinct realities and alternatives. Reason and *its* realm, immanent created reality, exist *within* the envelope of a transcendental order.

Belief accesses not only the Divine source of creation, but also the values, known also as Divine attributes, transcendently imparted through revelation. These attributes, paralleled in the human soul, also find translation into the Divine commandments in general and the Noahide laws in particular.

## 2. The realm of reason

### **Weber and Kant: rationality and the harmonization of human goals**

Whilst, consistent with his view of the ultimate subjectivity of human ends, Weber could not posit an ethic of ends, he at the same time introduced an ethical notion of rationality. In his essay "The Profession and Vocation of Politics"[\[11\]](#) he adumbrated an "ethic of responsibility" (*Verantwortungsethik*), which states this doctrine of ethical rationality. This Weber contrasts with an "ethic of conviction" (*Gesinnungsethik*) where substantive ends absolutely and with little sense of consequences, dictate action. Indeed, Weber recognized the value of passionate attachment to ideals in the politician, and that this passion will inevitably be rooted in *personal* belief. The function of the "ethic of responsibility", however, is to moderate these value standpoints with some measure of rationality (as is to be explained).

Weber himself made approving reference to Kant's ethical doctrine[\[12\]](#), and it is this which invites comparison of the

Weberian with the Kantian ethic. Now, Weber's "ethic of responsibility" is unlike Kant's in certain important respects. It is not, in the words of Wolfgang Schluchter, a "cognitivist" reflexive ethical principle like that of Kant, which is applied to *produce* an ethic. This would be established in Kant on the principle of the "categorical imperative" ("Act only on that maxim whereby you can at the same time will that it should become a universal law"). Values for Weber, as noted, much rather represent prior commitments. Rather, Weber's is a "criticist" reflexive principle [13], that is to say, one which seeks to make as rational as possible a position which has arisen through belief or personal conviction. Nevertheless the elements of rational thought in Kant's teaching – freedom, consistency and reciprocity of perspective [14] – do bear consideration for the way in which they are applied in Weber's ethical thought.

The role of the Kantian ethical principle of *freedom* in Weber's thought is understood with the introduction that, according to Kant, the human being, has an emotional nature *and* a rational self; these belong respectively to the sensible – i.e. emotional, sensual – world and the intelligible – i.e. rational – world. Only in the latter world is the human being "free" (i.e. undriven) [15]. The concept of ethical duty follows from the fact that this is a law, which I give myself and to which I submit because I have given it. This concept of rationality implies an ability, and the exercise of the ability, to rise above passion and impulse, not to submit uncritically to its dictation, but to accept or reject it freely. Passion, as we have noted, is part of the requirements of a politician, in Weber's eyes. But this must be equally moderated by responsibility in pursuing an ethical stance: to exercise, in Weber's words, "*judgment*, the ability to maintain one's inner composure and calm while being receptive to realities, in other words *distance* from things and people" [16].

Secondly, there is the Kantian requirement to think *consistently* and without contradiction. In Weber this means thinking through the chain of value assumptions in a political-ethical stance as well as the consequences of all of these values once incorporated into action. Indeed this is one of the first characteristics of rational organizations and of rationality in general. It pursues the consequences of positions and it seeks their formal coherence. Through it, one comes to know

(1) the unavoidable means and (2) the unavoidable consequences [as well as] (3) the thereby incurred conflict of various possible value responses with one another in terms of their practical consequences.[\[17\]](#)

In relation to the third aspect of Kantian rational thinking, it would appear that Weber departs from the Kantian notion of universalizability, expressed in Kant's notion of the categorical imperative. For this notion was set up formally to establish principles of action, whereas, for Weber, value positions cannot be ultimately grounded. Rather, Weber appreciates an ethic which comprehends non-agreement and seeks clearly to delineate and discuss the area of difference. In the context of necessarily "collisional" viewpoints, it is not a matter of "understanding" or "forgiving" the other[\[18\]](#), but rather to know "that, why and in which areas one *cannot* come to an understanding"[\[19\]](#). In one place, Weber puts it thus:

To what extent a goal justifies unavoidable means and so also the other [consideration]: to what extent undesirable consequences will have to be assumed, as well as finally, how conflicts between several desired or necessary goals which come concretely into conflict with each other, can be managed., This in plain terms is the issue of choice or compromise[\[20\]](#).

What remains of Kantian universalizability in Weber's work, in Schluchter's phrase, has to do with an ethic of value

discussion:

The universalizing principle as a principle of critical examination requires an ethic of dialogue. The basic principle of such an ethic of dialogue can be formulated, in analogy to Kant's philosophy of religion, in the following manner: You ought to move from the ethical state of nature, where your conviction is continuously threatened by self-deception, to the state of concrete value discussions, because the latter are capable of producing self-clarification and a sense of responsibility, both of which have to be pursued by anyone seeking to satisfy the imperative to be rational. [\[21\]](#)

The task of the ethical person, is to *reduce* the one-sidedness of one's standpoint, to modify it in the sense of displaying a universal regard for other persons and their positions, notwithstanding one's commitment to a personal goal. It is this which mediates values with rationality.

### **The Noahide laws: rationality and worldly integration of the Divine**

The features of rationality found in ethics, discussed above – freedom of intellect (from drivenness), the probing for consistency and the harmonization of perspectives – all find their counterpart in the Noahide laws. The difference here is that we are not dealing here with “autonomous” individual wills and purposes, but rather the individual parts which humans have in the *Divine* purpose, as themselves having been created in the Divine image.

The Kantian notion of freedom is connected with the sovereignty of intellect. This is meritorious inasmuch as it signifies the *sovereignty* of reason over drivenness. But from a Noahide point of view this is insufficient. Intellect must take its first principles from somewhere [\[22\]](#): if not from unreflected passion, or ultimately unquestioned assumptions

and predispositions, then from some other “unquestionable”, “non-rational” and yet true source. The Noahide laws here open up the vista of the “service of G-d”. In freeing itself from the driven-ness of emotion, intellect should now and next become receptive to the knowledge of the soul, the imitation of the Divine. Moreover, only when intellect has first subordinated itself to belief, and to the information of belief, does it fully free itself from the sway (“the bribery” [\[23\]](#)) of emotional and dispositional biases.

It is, moreover, through self-subjugation (*bitul*) to a common spiritual source that possibility of the unification, articulation and harmonization of individuals becomes possible. When the purpose and concern of individuals, is of “one kind” [\[24\]](#), one has the grounds on which unity is feasible. This is neither a historically-relative substantive (Weberian) or an abstract-formal (Kantian) ethics. It is an intellectual alignment with the imitation of G-d. The soul so oriented is called “intellectual” (*sichli*) – the “intellectual soul” (*nefesh hasichlis*).

The attuned intellectual soul further becomes an instrument for the prescriptive regulation of human existence as an extension of the Noahide laws. Indeed, the Sages said, “had the Torah not been given, we would have learnt modesty from the cat and [the prohibition of] theft from the ant” [\[25\]](#), which maintains order within its colony. Intellect would have selected and utilized these models. So also all forms of behaviour which the healthy intellect deems requisite, such as the keeping of one’s word [\[26\]](#), or additional strictures assumed to protect moral [\[27\]](#) standards become mandatory as Noahide law.

The Noahide laws are, secondly, associated with the allaying of conflict. This is the aspect of rationality, which, in Weberian terms, thinks through the consequences for oneself and others of one’s individual position. The opposition to conflict is expressed in the notion of settledness, of

purposive, constructive and so co-operative activity, in the goal of “the settling of the world” (*yeshuvo shel olam*)[\[28\]](#), or in the verse that world “was created not for chaos but to be settled”[\[29\]](#). This is further intimated in that the Noahide laws are negative laws, which mitigate conditions of disorder (not to blaspheme, not to steal, not to murder and so forth). Noahide law opposes barbarism. It seeks to create order by opposing chaotic phenomena. It wants human beings not to be engaged in destructive and socially disintegrative activities. Consistency in the moral realm, as Weber abstracted this Kantian category, as concern for the conflictual consequences of one’s moral position, has its counterpart in the Noahide laws in the sense in which one’s service of G-d has to “sit with” and “in” worldly order (*his’yashvus*). The regard for others is motivated by the notion that one’s service of G-d should be *accommodated in the world*[\[30\]](#).

Finally, there is the sense in which, not simply negatively – as opposing disorder – but positively, the Noahide laws are intended to implant *peace* in the world. This peace has a quality, apart from freedom from chaos: especially when this is a peace, which realizes the identities of individuals in terms also of their relationships with the Divine. It is explained by the Maharal of Prague[\[31\]](#) that at the beginning of the creation, the Divine Presence rested – that is, there was a *revelation* of G-dliness – in the world. The condition for this was the observance of the Noahide laws. Through the transgression of these laws, the Divine Presence “departed” by degrees from the world. It was not until the revelation at Sinai that the Divine Presence returned to the world. It took the totality of the revelation of the six hundred and thirteen commandments given to the Jewish people to re-establish this manifestation of the Divine in the world. The Noahide laws, which were reiterated in this revelation, and now take their force and authority from Sinai[\[32\]](#), were an essential element of this reconnection[\[33\]](#). The retrieval of this state and the ascent beyond it is the work of Jews through their

commandments and of non-Jews with the Noahide laws. The quality of that (heightened) peace – suffused with the Divine – is expressed in the words of Maimonides:

In that era, there will be neither famine nor war, envy or competition, for good will flow in abundance and all the delights will be [as common] as dust. The occupation of the entire world will be solely to know G-d[\[34\]](#).

### 3. The rightness of reason

## Weber and Aristotle: rationality and natural success

Weber's ethic of responsibility sought to modify prior value commitments through calculation of their consequences. In so doing, its purpose was also to make actions realistic and assured of some degree of *success* ("success-value" [*Erfolgswert*]).[\[35\]](#) It is attuned to what Weber calls "the autonomous logic of the world"[\[36\]](#) as distinct from the "irrationality of consequences"[\[37\]](#) embarked upon through a pure ethic of conviction.

The significance of success, as a criterion for ethics, is developed in Aristotle's thought. Central to his ethics is the famous doctrine of the "mean" as a rule and criterion for ethical conduct,[\[38\]](#) associated in the *Nicomachean Ethics*, with the notion of "success."[\[39\]](#) Success has frequently a material, natural sense, similar to the promotion of physical health.

P. Huby[40] draws attention to an analogy in Aristotle between the wise ethicist and the physician. Aristotle's approach is

... to draw a distinction between the good man and the bad man, which he takes to be similar to the distinction between a healthy man and a sick one. The healthy man has a taste for food that is truly wholesome, while the sick man may fancy other things. In the same way, the good man wishes for what is truly good, but the bad man has a variety of wishes, and in particular is led astray by pleasure[41].

Marvin Fox also describes Aristotle's doctrine of the mean as a highly naturalistic one. The mean is good in that it accords with the "principle that *nature* always seeks the middle way"[42]. It copies, in Weber's words, the purported "*autonomous* logic of the world".

Nicholas Rescher spells out this model of "natural" rationality in the realm of ethics, most bluntly. He introduces a rationality of *ends* based on "real and legitimate interests":

If our ends (our goals and values) are themselves inappropriate – if they run counter to our real and legitimate interests – then no matter how sagaciously we cultivate them, we are not being fully rational. (A voyage to a foolish destination – no matter how efficiently conducted – is a foolish enterprise.)[43]

Rescher similarly puts it that "values that impede the realization of a person's best interests are clearly inappropriate"[44]. But what are these best interests of a human being? Do they include a reliance upon prayer or a forgoing of material wellbeing in order to fulfil precepts which are not comprehended by natural-scientific reasoning? Aristotle's keyword in relation to correct ethical conduct is the "flourishing" of a human being. But what does "to flourish", mean? Rescher explains it, along the lines of his

earlier quoted notion of “real and legitimate interests”, as objective “needs”:

The rationality of ends inheres in the simple fact that we humans have various *needs* – that we require not only nourishment and protection for the maintenance of health, but also information (‘cognitive orientation’), affection, freedom of action, and much else besides. Without such varied goods we cannot flourish as human beings – we cannot achieve the condition of human well-being that Aristotle called ‘flourishing’...The person who does not give these manifold desiderata their due – who may even set out to frustrate their realization – is clearly not being rational.[\[45\]](#)

In short the ethic is a biological one, the ethicist is a doctor, who recommends those values and preferences which best assure the human being’s negotiation of nature as a natural being. Nature is the sole “autonomous” reality and success and wellbeing flows from obeying *its* laws.

## **The Noahide laws and the spiritual orientation of reason**

If secular rationality is anchored within an immanent, natural concept of human success or flourishing, the Noahide laws and Noahide theology start from the opposite point of view. Nature is not “autonomous”: it is enlivened from a spiritual source. In its spiritual descent, it is capable of corruption, along with human intellect itself, a created entity within creation. What is of normative significance is not the successful negotiation (with all the hidden value-criteria in “success”) of nature and society, but rather the spiritual template of Divinely given values. It is these which not only possess normative authority, but also bring the true long term “success”, even in natural terms[\[46\]](#). Rationality, which wants efficacious normality, needs to remain attuned to the spiritual source which *defines* (and specifies the values

through which the human is meant to *effect*) the desired normality of nature and society.

This point is brought out in the comparison of Aristotle's doctrine of the mean, with an ostensibly similar teaching in Maimonides. The latter is found both in Maimonides "Introduction" – known as the *Eight Chapters (Shmoneh P'rokim)* [47] – to the Mishnaic work, *Ethics of the Fathers*, as well as in the section, "*Hilchos Dei'os*" [48], of his great halachic code, the *Mishneh Torah*. Here Maimonides appears to be saying something quite similar to Aristotle, namely that one should seek virtues which take up a middle position between extremes.

In some places Maimonides applies this rule quite straightforwardly. Thus liberality or generosity is the mean between the extremes of miserliness and squandering. Yet, as Marvin Fox observes, "Maimonides ...regularly invokes the rule of the mean, but just as regularly deviates from it" [49]. Thus between arrogance and humility, one should not seek a mean, but wholly embrace humility. Now in truth, Aristotle also says that there are some behaviours which are wholly and unqualifiedly bad, such as immoral relationships which allow of no moderation. The real difference, however, between the thinkers, is, as Fox writes, that Maimonides is not invoking a natural principle, but rather the imitation of the Divine: "physicians of the soul must be trained by Divine norms. They are not training man on the analogy of training a dog or a horse. Rather they are directing a human soul in its totality, towards the Divine ideal" [50]. Still, the question remains, why does Maimonides use the term "the mean" when he is in fact referring to a Divine norm? The term "mean" seems to imply a wholly natural concept, a midpoint between extremes.

This is understood first by reference to the idea that the "mean" in Maimonides is associated with the idea of reciprocity and harmony. The mean balances the extremes, not simply in the sense of averaging them, but because the

extremes are potentially able to agree to the mean. It represents the notion of peace or compromise between the extremes. In the words of the Lubavitcher Rebbe, a quality of character is called median “because it gives place to another” [51]. Maimonides states in the *Eight Chapters* that in the verse “Love truth and peace” [52], “‘Peace’ refers to the ethical virtues, for they will lead to peace in the world” [53]. “Peace” is the rational order of conduct in creation which Torah brings about. It is here called the “mean”. In short the “mean” refers to the central notion of rationality: that of peace, with its sense of balance and harmony.

Maimonides, moreover, states [54] that the halachic requirement to pursue conduct, which expresses the “mean”, is associated with the verse “and you shall go in His paths” [55]. The Lubavitcher Rebbe here asks a question. G-d’s “paths” are His commandments. Why then does Maimonides enumerate, beyond the totality of specific commandments, a *general* commandment to observe the commandments, contained in the verse “and you shall go in His paths?”

The answer [56] to this question proceeds from the knowledge that the commandments are individually intended to instil specific qualities in the human who performs them, as found in the statement of the Sages, “just as the Holy One blessed be He is called gracious, so should you be gracious; just as the Holy One blessed be He is called merciful, so should you be merciful...” [57] The Lubavitcher Rebbe explains that in order fully to actualize the qualities, which individual commandments are intended to implant in the agent (although some result is achieved even without this intention) there must be a “going” in them: “You shall go in His paths”. This refers to a spiritual ascent – accompanying the practical performance of the precept – accomplished through the attitude of *emunah* or belief, by which one seeks to “imitate G-d”. It is the spiritual service and aspiration to imitate G-d, which

achieves the right tuning of action that expresses and installs peace in the world. Spirituality attunes rationality.

This concept is elaborated in the sixth chapter of the *Eight Chapters* where Maimonides cites the words of the Sages that a Jew should not say with regard to the precepts which are *not* rationally grasped (such as the dietary laws and laws concerning ritual impurity) that he would find “impossible” – i.e. repugnant – the transgression of these laws. Rather, he should say “It is possible for me, but what shall I do? My Father in Heaven decreed against it” [58]. The reason for this is ostensibly that rationality should not seek to encroach upon a plainly supra-rational realm. However, Maimonides goes on to say that one *may not* say this regarding those commandments which *are* rationally grasped (such as not killing or stealing): they *should be* repugnant to reason. For, as the Lubavitcher Rebbe explains, one whose reason does not find them repugnant, has experienced a basic corruption in the qualities of personality [59]. Rationality without spiritual tuning – without the qualities acquired in the imitation of G-d – is itself corrupt.

[1] Quoted in L.A Scaff, *Fleeing the iron cage: culture, politics, and modernity in the thought of Max Weber*, Berkeley: University of California Press, 1989, p. 82.

[2] Max Scheler’s “Sociology and the Study and Formulation of *Weltanschauung*” in Lassman, P. and Velody, I. and Martins H., eds, *Max Weber’s ‘Science as a Vocation’*, London: Unwin Hypman, 1989, p. 89.

[3] *The Collected Papers of Bertrand Russell* Vol. 8, (J. G. Slater ed.), London: Routledge 1986.

[4] In printed “Discussion which followed the address” as an appendix to the paper “The Existence and Nature of G-d”, published in 1939 and reprinted in *The Collected Papers of Bertrand Russell*, Vol. 10, London: Routledge, 1966, Russell

states: 'On the one hand it [mysticism] is an emotion. On the other hand as a result of that emotion people come to certain beliefs" (p. 265). There Russell associates Islam, Buddhism and Taoism with mystical sentiment.

[5] Published in 1927 and reprinted in *The Collected Papers of Bertrand Russell*, Vol. 10.

[6] *Ibid.*, p. 186.

[7] On the concept of belief in relation to Noahide teaching, see Rabbi M.M. Schneerson, *Likkutei Sichos*, NY: Kehos, Vol 35, p. 28.

[8] The Hebrew term for belief is *emunah*, which has a sense of "fixity" or "firmness" or "trainedness" of the hand. It signifies the way in which the soul holds to its conviction of the existence of G-d by virtue of having "seen" G-dliness.

[9] In accordance with teaching of the Ba'al Shem Tov, that the creation has no measure of subsistence whatsoever, and without constant enlivening, it would revert to absolute nothingness, as before the six days of creation. See Rabbi Schneur Zalman of Liadi, *Sha'ar HaYichud V'ho'Emunah* ("The Gate of Unity and Belief"), which is the second book in his work *Tanya*. Much of the immediately forthcoming discussion is based on that book.

[10] *Likkutei Sichos*, Vol. 26, pp. 63ff.

[11] See the translation by R. Speirs in *Max Weber, Political Writings* (ed. P. Lassman and R. Speirs), Cambridge: CUP, 1994.

[12] Wolfgang Schluchter in his *Paradoxes of Modernity – Culture and Conduct in the Theory of Max Weber* (Stanford: Stanford University Press, 1996) quotes a fragment in Weber's writing, which states that "the Kantian imperatives [are]...valid analyses of certain of the simplest facts [*Tatbestände*] of the procedure [employed] in an ethical

judgment" (p.90). At the same time Schluchter remarks in a footnote (fn. 153) that the fragment at the same time indicates Weber's qualification of Kant's "ethical formalism". In Schluchter's words: "The attempt is made in the fragment to demonstrate that ethical formalism cannot provide a rule for making decisions, neither for conflicts within the ethical sphere, nor for conflicts between this and other value spheres."

[13] *Ibid.*, pp. 93-96.

[14] Schluchter brings to our attention a sentence in Kant's *Critique of Judgment*, which embodies these elements: "'(1) thinking for oneself, (2) thinking from the positions of each and all others, (3) always thinking in harmony with oneself'" (or thinking consistently)". (Quoting Kant, *The Critique of Judgment*, J.C. Meredith, trans. New York: Oxford University Press, 1982: B 158-60, A 156-58.)

[15] See the introduction by Theodor Valentiner to Kant's *Grundlegung zur Metaphysik der Sitten*, Stuttgart: Reclam, 1972, pp. 12-13.

[16] "The Profession and Vocation of Politics", *op. cit.*, p. 353

[17] "Der Sinn der Wertfreiheit" in Max Weber, *Methodologische Schriften*, ed J. Winckelmann, Frankfurt am Main: S. Fischer, 1968, p. 247. This and the following translations from "Der Sinn der Wertfreiheit" are those of the present writer.

[18] *Ibid.*, p. 243.

[19] *Ibid.*

[20] *Ibid.*, pp. 247-48.

[21] *Op. cit.*, p. 94.

[22] See *Likkutei Sichos*, Vol. 2, pp. 561-62.

[23] *Ibid.*, Vol. 4, p. 1118, fn 26.

[24] *Ibid.*, Vol. 29, p. 126.

[25] Talmud tractate *Eiruvin* 100b.

[26] Or at least not acting deceptively. See *Likkutei Sichos*, Vol. 5, pp. 147-48.

[27] See Rashi's commentary on Genesis 34:7, and *Likkutei Sichos*, Vol. 5, p. 147.

[28] *Likkutei Sichos*, Vol. 5, p. 159.

[29] *Isaiah* 45:18.

[30] Compare here *Likkutei Sichos*, Vol 22, p. 140.

[31] *G'vuros HaShem*, ch. 66. This piece is translated in the present volume.

[32] I.e. from their reiteration at Sinai, as distinct from their original instruction to Adam and Noah before Sinai.

[33] So that they also express the concept of peace, which specifically Torah brings into the world. See *Likkutei Sichos*, Vol. 39, pp. 35-6.

[34] Maimonides, *Hilchos M'lochim u'milchomoseihem* 12:5. (transl. Rabbi E. Touger), NY: Moznaim, 1987.

[35] See Schluchter, *op. cit.*, p. 48, who quotes and translates from Weber's essay "*Der Sinn der Wertfreiheit*": "I, for my part, will not try to dissuade the nation from the view that action is to be judged not merely by its success value [*Erfogswert*] but by its convictional value [*Gesinnungswert*] as well." That is to say, whilst admitting, the non-rational element of conviction, he describes the complementary rational criterion as "success value".

[36] Quoted and translated by Schluchter, *op. cit.* p. 283 fn. 43 from Weber, *Gesammelte Aufsätze zur Religionssoziologie*, Tübingen: J.C.B. Mohr (Paul Siebeck), 1920-21, Vol. 1, pp. 552-53.

[37] *Ibid.*

[38] See Book 2 of the *Nichomachean Ethics*.

[39] *The Nichomachean Ethics of Aristotle* (transl. Sir David Ross), London: Oxford University Press (series: The World's Classics), 1954 (1963), 2:6, p. 38: "Now virtue is concerned with passions and actions, in which excess is a form of failure, and so is defect, while the intermediate is praised and is a form of 'success'; and being praised and being successful are both characteristics of virtue."

[40] *Greek Ethics*, London: Macmillan, 1967.

[41] *Ibid.*, p. 54.

[42] *Interpreting Maimonides – Studies in Methodology, Metaphysics and Moral Philosophy*, Chicago: The University of Chicago Press, 1990, p. 102. Emphasis added.

[43] Nicholas Rescher, *Rationality*, Oxford: OUP, 1988, p. 96.

[44] *Ibid.*, p. 98.

[45] *Ibid.*, p. 104.

[46] See the discussion of Ecclesiastes (*Koheles*) in S.D. Cowen, "Above the sun, under the sun: a religious existentialism", *Journal of Judaism and Civilization*, Vol. 2, pp. 108-112.

[47] Chapter 4.

[48] Chapter 1.

[49] *Op. cit.* p. 121.

[50] *Ibid.* p. 121.

[51] *Likkutei Sichos, Vol. 29, p 126.*

[52] *Zachariah 8:19.*

[53] Translation by Rabbi E. Touger, “*Shmoneh Perakim*” [Eight Chapters] in Maimonides, *Pirkei Avot*, Jerusalem: Moznaim, 1994, p. 29.

[54] *Hilchos Dei’os, 1.*

[55] Deuteronomy 28:9.

[56] *Likkutei Sichos, Vol 4 , pp. 1130ff.*

[57] *Sifri, Eikev 11:22.*

[58] *Sifra, Parshas K’doshim* as quoted by Maimonides in the *Eight Chapters* (Rabbi Touger’s translation), *op. cit.*, p. 40.

[59] *Likkutei Sichos, Vol. 16, p. 248.*

## Chapter 4

# THE NOAHIDE LAWS AND HUMAN PERSONALITY

*Psychological perspectives*

## 1. Universal values

### The objectivity of universal values<sup>[1]</sup>

The spiritual is winning its place back into psychotherapy. This should be conceded not simply for practical or empirical

reasons: that most patients, if not therapists, avowedly and unashamedly believe in G-d, are helped in their recovery by this belief and for that reason, the therapist should make acknowledgment of the patient's belief [2]. Rather, the therapist has to ask a deeper question – whether this spiritual realm is indeed an objective one. For if it is, then the therapist also needs to connect with the spiritual in him- or herself, to establish the “therapeutic alliance” [3] also in this most potent realm, even though this is not their main area of training and expertise.

The discussion here is of the notion of objective universal values, and a *common* spirituality, which unite human beings, including the patient and therapist. This is counterposed to a relativism of (and hence also an objective scepticism [4] concerning) religious outlooks. For therapeutically applied, even if it were practically, empathically and conceptually possible for the therapist to take (and “enter”) a “spiritual history” of the patient and to use it for the mental restitution of the patient, there are methodological qualms. One is whether all “spiritualities” are authentic, and another whether indeed certain religious outlooks might themselves be symptomatic of personality disorder, rather than serving the restitution of mental health. Gordon Allport in the *Individual and His Religion* [5] already addressed this last point, and Elisabeth Lukas, the major living student of Viktor Frankl, writes that authentic human spirituality has to do not with simple “subjective meaning” [6], which could also include that of the terrorist. Rather, she notes, “the conscience [a term which Frankl blended with that of the soul and the spiritual sense in the human being]...is an appreciation of values, which is a precursor of all that is moral, that every human being instinctively carries within himself” [7]. Here is the reference to an *objective*, universal spirituality, which the therapist needs to know about in him- or herself, as well as in the patient.

In the Bible, the concept of the common spirituality of humanity is contained in the verse which states that the human being was “created in the image of G-d” [8]. That is to say, the soul possesses and parallels on a human scale Divine qualities, regardless of whether this is conscious in the person. Concerning the spiritual template of personality, Viktor Frankl wrote in the concluding sentence of his basic essay, “Ten theses concerning a ‘person’”: “The true discovery of the human, the *inventio hominis*, occurs in the *imitatio Dei* [the imitation of G-d]” [9].

### **The substantive character of universal values**

What is the *character* of the universal virtues derived from “the imitation of G-d”? First of all, in a moral discourse, one must be particularly cautious when considering virtues which pertain to the supposed valour of the *doer* without stating anything specific about the deed *done*. Qualities such as “honour”, “courage”, “competitiveness” and even “compassion” are ambiguous. Courage and loyalty are found among thieves. Competitiveness could express itself in an economic libertarianism, in which the weak go under. Compassion could be extended to persons and causes which really need correction of some kind: the indulgence of a child (or adult) crying for something which is not good for it, is not necessarily beneficial to the child (or adult).

This point is brought out by a story of the a saintly Rabbi – Meshulam Zusya of Anipoli – who, as the account goes –

learned a number of methods of serving his Creator from a thief: (a) He works quietly without others knowing. (b) He is ready to place himself in danger. (c) The smallest detail is of great importance to him. (d) He labours with great toil. (e) Alacrity. (f) He is confident and optimistic. (g) If he did not succeed the first time, he tries and tries again [10].

Here we see modesty or discretion, courage, attentiveness and

application, diligence, alacrity, a positive outlook, and perseverance – all in the service of theft. These virtues become virtues only when they possess a substantive, concrete orientation, which makes them *lawful* in a moral sense. Rabbi Meshulam Zusya honed and directed these valences of character in the concrete service of G-d, in performance of the laws of the Bible, elaborated through tradition[\[11\]](#).

What is the substantive *content* of this objective universal spirituality? Judaism, the original and “mother” religion of monotheism, has transmitted – as distinct from the more comprehensive and detailed code binding Jews – a code for all humanity. It is a body of seven laws – to be set out later in this essay – which biblically bind the descendants of Noah, the survivor of the flood and ancestor of general humanity.

The practical conduct of the Noahide laws actualize in the person, the spiritual template of the soul, intended by the Bible, in the words that the human being was “created in the image of G-d”. Frankl did not say what the content of the “imitation of G-d” was, and I have not found in his writings any mention of the Noahide laws. But, as discussed elsewhere[\[12\]](#), the values expressed in his writings indicate a general consistency with the Noahide laws.

### **Universal values as heteronomously (externally) willed**

If the “imitation of G-d”[\[13\]](#) becomes focussed and concrete in the person through the Noahide laws, it in turn becomes a moral (and a therapeutic) *force* when these laws are experienced as embodying Divine will, as *commandments*. By submitting to laws which are heteronomously willed – by G-d – the human being does not curtail his or her autonomy, but in fact realizes it. “Autonomy” in a secular Enlightenment sense, typically expressed itself in the “freedom” *from* religious control. The price of that view was that the “emancipated ‘I’” excluded the spiritual, the Divine within the person. When the “I” is seen essentially to be the soul, then the true exercise

of freedom is to bind oneself, notwithstanding many contrary inclinations, to a religious ideal, in order to actualize the “image of G-d” within the entire person.

It is this sense of virtue as Divine command, which also gives a person the true resource of will for personal transformation. For the deepest powers of will are rooted in conscience (or soul). This is distinct from the *willfulness* of emotion and brutish ambition, which the person knows (certainly at the level of conscience) ultimately not to be the ground of his or her being. Therapeutically, it is important for the individual to know what the ultimately healthy “I” is, upon the resources of which he or she calls. This “I” is not located in the shifting sands of emotion (the “bodily” existence of the person) or even of intellect with its susceptibility to the mere “rationalization” of predispositions[14]. The ultimate “I” is not my predicament, my distress, though the condition of body and mind are *my* condition. Rather the true locus of the fundamental person is in the citadel of the soul, above the bribery of emotion and the adjunctive rationalization[15] of intellect. From there the G-dly power within emerges to *help*[16] in dealing with the predicament of mind and heart in the course of therapy.

The “image of G-d” – actualized through the Noahide laws – is the root historical spiritual consciousness and, in many cases, *unconsciousness* of the various major world religions and cultures. The major world religions (including the Eastern religions[17]) and cultures descend from Abraham, who practised the Noahide laws. As something conscious, it is understood as the Biblically mandated foundation of civilization. This consciousness again surfaces and is articulated in a resolution of the United States Congress in 1991 in the following terms:

...Congress recognizes the historical tradition of ethical values and principles which are the basis of civilized

society...these ethical values and principles have been the bedrock of society from the dawn of civilization, when they were known as the Seven Noahide laws...[18]

## **2.The structure of human personality**

### **Internal dimensions of personality**

**The bodily dimension.** The human being, as explained by the Maharal of Prague, is a composite of body, intellect and a higher unitary existence of mind and body. The principal feature of the *bodily* existence of a person is *desire*, This was the true insight of classical psychoanalysis in relation to *eros*, though it did not adequately distinguish between raw libido and its higher transformation into (or fusion with) love. Hence, desire can be precoccupied with self-gratification or it can be incorporated into a fusion and union with another, *to which* one brings oneself, and through which one actualizes oneself[19].

The desire of the material or bodily aspect of the person also has other objects. It desires to eat, it desires possessions. Thus the quality of the body is its *wanting*, though that wanting could take an altruistic form for another or even in relation to itself[20] – a disinterested concern for its maintenance (as distinct from indulgence). Gordon Allport, who was primarily concerned with the emotive personality of the human spoke its character of striving, its desire for *actualization*. The affective nature of the human being wants to enlarge itself in some sense, it wants and drives to *incorporate*, or meet with its objects.

**The intellectual dimension.** The distinguishing quality of the intellectual or cognitive dimension of the human being is, in the words of Viktor Frankl, its ability to *transcend* the predicament of the body, the affective, bodily self. As such it is capable of abstraction. The intellectual self *judges*, it

conceptualizes. It has the *ability* to hold back from affect and to judge it.

Here too, however, it is capable of both altruistic and perverse applications. The impulse to transcendence is to establish a generality or totality of meaning. The question is, whether the act of transcendence genuinely transcends one's partial, emotive self, or whether it absolutizes partiality[21], in short whether it rationalizes self-interest into a absolute principle. That is to say, whether affective interests, the object of one's bodily or emotional or dispositional wanting, effectively "bribe" and drive the ostensibly "dispassionate" scheme of reason[22].

One can see this from the number of morally acceptable and unacceptable meanings formulated by intellect, which express prejudice or are re biased by predispositions. Where, however, intellect functions *dispassionately* in such a way as to craft and utilize emotion in the service of a *higher ideal*, it has achieved proper function. The assurance that intellect is "in charge of emotion" and not vice versa, is when intellect is receptive to that which is higher, above both it and emotion, that is, the conscience or the soul.

**The unitary dimension.** The unitary dimension[23] of the person is that level at which intellect (or the intellectual soul) and the bodily function as a composite identity. This is the "whole" person, and at the same time is expressed and embodied as a distinct faculty or level of personality. This level demonstrates two salient characteristics, brought out in a passage of the Talmud. In it, the question is related:

How could the body and the soul [both exempt] themselves from judgment? The body says, the [intellectual] soul is the sinner, for since it departed from me, I am left like an inanimate stone in the grave. The soul says, The body has

sinned, for since I parted from it, I have flown through the air like a bird[24].

In response the following parable[25] is presented. Two delinquent watchmen of an orchard. One was able-bodied but blind, the other lame but seeing. Neither could get to the fruit on the trees, one because of lameness, the other because of blindness. So the lame, seeing one, got on the shoulders of the tall, blind one and together they were able to take the fruit. The analogy with body and soul is clear.

The question indicates that without the union of the body and soul (in terms of the discussion of the Maharal of Prague, the reference is to the intellectual soul, consciousness or mind) there is no living person. The answer indicates that as a living whole, both body and consciousness participate in responsibility.

*Life* and the *responsibility* of a living person go together. In theological terms, a person is created to serve G-d – to fulfil a Divine purpose in the creation. The negation of life vitiates this ultimate responsibility and the sanctification and elevation of life is its ultimate *fulfillment* of purpose. The unitary person is characterized by his or her stance to life itself.

### **The external domains of human personality[26]**

**The domain of the “natural” self.** The borderland between animality and humanity, that which makes the person a *human* being is his or her ability to achieve some control of impulse or instinct. Broadly speaking there are three levels in this relationship. The *first* is the inability of the person to regulate impulse even at the most basic level, to delay the gratification of an impulse which in a matter (even of a brief ) time, will be available. At person at this level, is generally unable to follow other, specific imperatives.

The second is the ability to delay gratification, but the inability in certain cases to resist a desire, for which gratification will not normally come in the course of time. For such a person other imperatives are meaningful though it is possible that the person will not be successful in keeping all of them.

The third and highest level is the complete control of desire, such that other transgressions are in fact unthinkable. Hence, the relationship to the natural self, is the prior regulatory issue with which a person must seek to deal, before coming to moral issues all together.

**The personal domain.** The personal domain is the domain in which the individual relates to him or herself and creates a *private* identity. In a secular parlance this might be called a realm of personal morality. This realm bears upon the *personal* integrity of the individual, not “public” areas which are regulated because of possible infringement by another person. Typically the areas of belief[\[27\]](#) and expression[\[28\]](#) termed “private”.

It is also interesting to note, however, that sexual morality, except where it constitutes an assault on another, such as rape or where it could be said to carried out without proper consent, such as with a minor, is also classed as something private. Wherever sexual relationships are entered upon by “mature, consenting partners”, there is no supposedly no “victim” even in aberrant relationships. Hence, this is not a *public* relationship, an area in which people are susceptible to – and warrant protection from – harm and infringement.

The religious conception of this realm is its denotation as the realm “between the human and G-d” rather than the “private” realm. For, from a religious point o f view, there is no such notion as something which is “private”: even if

such a realm is not seen by others, it is seen by G-d. This is not simply a question of surveillance and judgement before others. It has to do with the issue of who and what the person is, before coming to deal with others. The human being is responsible not solely in terms of what he or she contracts with others, but also in terms of what they are in the *space* of his or her *own* being, and this is "before G-d".

**The interpersonal domain.** The interpersonal (social) domain of personality subsumes and integrates the other domains. Society aggregates and articulates individuals into an organized whole. The interpersonal realm appears to have an "ultimate" – or at least, a greater – significance over what happens in the personal realm. The reason for this is that in Noachide theology, the Creation exists *for the sake of the human being*: not for simple domination, but rather for cultivation and peaceful settlement (and ultimately, redemptive transformation) by the human being. This cultivation and refinement is necessarily a collective and interactive one. Hence society in a sense is and stands for the "world" more than the individual *personal* ("private") lives of human beings.

At the same time, the personal – supposedly "private" realm fundamentally affects the interpersonal, "public", interpersonal one. For the relationships *between* persons, which all agree allow of regulation, are not a matter of simple "rationality": they are themselves subject to corruption. People will agree that murder, theft and violation of processes of justice are bad. But, does the prohibition of murder include mercy killing, abortion on demand? Does the prohibition of theft allow deceptive advertising? Are all forms of adversarial litigation just? The honing of conscience, the moral sense, which properly informs interpersonal conduct, *begins* in the personal realm.

Conversely, a *social order* which exemplifies cooperation and mutual regard, but which in the personal realm is corrupt is

also ultimately vitiated in that it exists to serve individuals with corrupt goals. Such was the case in the Biblical example of the Tower of Babel, where the builders were entirely united with one another, but in the common purpose of struggling with G-d.

### 3. Universal values and the structure of personality

Relation to natural self basic impulse control: cruelty to animals	<b>Bodily</b>	<b>Intellectual</b>	<b>Unitary</b>
<b>Personal</b>	forbidden sexual relations	prohibition of idolatry	prohibition of blasphemy
<b>Interpersonal</b>	prohibition of theft	Prohibition of injustice	prohibition of murder

**The relation to the natural self: prohibition of cruelty to animals**[\[29\]](#)

The prohibition of cruelty to animals in the Noahide laws is expressed in the prohibition on the consumption of the limb of a living animal. The Maharal of Prague explains that this conduct relates to an inability of a human being to delay the gratification of impulse. For, even though the animal can be readied for consumption through slaughter, the person, who consumes whilst it is still alive, cannot wait. Associated with this degree of self-absorption in desire is the cruelty countenanced by one, who consequently has no empathy with the objects of his or her desire.

The total partiality to impulse within swings into to complete indifference to the other. In this infancy of human development, which may yet be afraid to act consciously against society or against G-d in "adult sins", one may yet wreak havoc with that which is essentially helpless, and which

cannot retaliate: the animal (and needless to say, the physical and vegetative environment).

### **The personal-bodily realm: sexual morality**

It is clear that sexual morality has to do with bodily desire in the personal realm. What interests us here is why it should be seen as private and personal. A negative reason, given above, is that it does not necessarily involve infringement or harm to another, since even where it is forbidden, it may be based on consent. The reason for including it in this category is that sexuality has a great deal to do with self-identity. The sexually bonded married couple understands, and there theological grounds for its understanding, itself as a unit. The person exists prior to the union, but there is a fundamental “filling out” of the person through this relationship. Hence the Biblical expression: “man *and* woman He [G-d] created them” [\[30\]](#): that is to say the person has ultimate identity by virtue of participation in this union and man and woman are each halves of the one body and soul. Adultery, incest, bestiality – all prohibited by the Noahide laws – represent a confounding of one’s identity as one bonded to one’s proper wife, one’s essential body-and-soul partner. So also the other sexual unions prohibited by the Noahide laws, confound the identity of the person who participates in them.

### **The personal-intellectual realm: the prohibition of idolatry**

Idolatry is a cognitive attitude which views a part of creation as “absolute”, as the all. It fetishizes a particular entity, which might range from a primitive totem to “money” and “material success” in westernized societies. It is a misuse of the intellective generalizing faculty to rationalize an object of personal affect. Recent instances of terrorism, which proceed with a religious language, could be regarded as an idolatry: the establishment of a *particular* group ethos through violence has been made absolute (subordinate to, or

coexistent with, no other consideration) by its adherents. The positive, antithetical value is that of authentic transcendence, an altruism which is genuinely other-directed, which rigorously looks beyond the self, its group identity and its interests (the partialities of emotion and personal predilection); in other words, which achieves a genuine transcendence, by turning to G-d.

### **The personal-unitary realm: the prohibition of blasphemy**

Blasphemy, the reviling of the Divine, is performed through speech. Speech is a quintessential human faculty, which calls upon both the bodily and intellectual aspects of the person. It is a physical expression of thought. The animal makes sounds, through which it facilitates or preserves a *material* existence. In the human being, the physical act of speech also serves an intellectual or conceptual purpose. Speech expresses the unitary person. Blasphemy, the ultimate misuse of speech engages as its *vehicle*, the unitary, the “whole” person.

The whole person, as adumbrated above, is the *living* person. Similarly the *object* of blasphemy relates to the whole person. Blasphemy, having already acknowledged G-d (which makes the act of blasphemy “meaningful”[\[31\]](#)), is directed towards the Principle of life, G-d. Hence in blasphemy, literally the cursing of G-d, is the attack by the unitary (the *living*) person on the Principle or Foundation of the person’s *own* life[\[32\]](#).

### **The interpersonal-bodily realm: the prohibition of theft**

The major expression of unrestrained desire in the interpersonal realm is directed to the property of others. Theft is the act, which incorporates and appropriates another’s property his or her substance, in a way which, while not as intense or as final as murder, is yet comparable to murder. It infringes the other’s *being*[\[33\]](#).

The opposite to this is regard for the other's property and the measures of extra consideration which are to be found in restoring lost property or in taking measures to protect other's property from harm. Nevertheless, the Noahide law is concerned here, as elsewhere, to negate undesirable conduct rather than to demand, as basic, a measure of "elevated" conduct. The latter, however, is clearly desirable and might conceivably be grasped as a higher level of performance of the negative commandment. Charity, though not amongst the seven Noahide laws is also incumbent upon Noahides.

### **The interpersonal-intellectual realm: the prohibition of injustice**

The sense of justice is a quality of reason applied to the interpersonal realm. The detachment – the balance of intellect – and its power of transcendence of emotive interest, is, at a minimum, linked to a consistent system of justice, though not necessarily one with symmetrical and reciprocal relationships. Its primary concern is to be non-arbitrary. It works on an intersubjectivity and predictability. Justice seeks the settlement of human conflict, its arbitration and resolution with reference to stable procedures and rules. Whilst it might accord privilege, it is marked by a thinking which excludes the *irruption* of personal interest.[\[34\]](#)

The perversion of justice is simply the *arbitrary* application of established principles and the capricious favouring of specific interests. Subjectivity has disturbed a previously known accepted mode of judgment between individuals. Though its outcomes are concrete, injustice is essentially a perversion of *reason*. The corrupt judge might not be a thief, but s/he has made theft a virtue.

### **The interpersonal-unitary realm: the prohibition of murder**

Murder, in a sense, is the greatest travesty which a human being can commit. Its object is the whole person. The slain

person, unlike one who has been harmed materially (robbed) or in a more spiritual sense (through implication in an aberrant sexual relationship, has been entirely annihilated. In destroying a person (where there was no warrant, based on self defence etc), one is, in the words of the Sages, as though one has destroyed "an entire world"[\[35\]](#). For this was the purpose of Creation, as mentioned above, that it be cultivated, settled and civilized by human beings. Adam was created alone, simply to heighten the importance and centrality to Creation of even a single individual[\[36\]](#). When a person is destroyed, the very Creation, enlivened for the sake of the service of a person becomes purposeless.

The travesty is not only of the object but also of the perpetrator. The act of murder is a crime and a perversion of the entire person: it is not simply a perverse act of, and against, the body (as in sexual transgressions or theft) or of, and against, reason (as in idolatry and injustice). Body and mind, which themselves are united in the concept of life, have come together to eliminate life, an entire person. It is one of the crimes of the unitary person against the nature and purpose of the unitary person: blasphemy is directed against the *Principle* of life, and murder against life *itself*.

[\[1\]](#) The following essay is in part based on – and constitutes a psychological schematization of – a fundamental essay of the Maharal of Prague, Chapter 66 of *G'vuros HaShem*, appended to this monograph

[\[2\]](#) See the results of the surveys carried out by R. D'Souza, "Do patients expect psychiatrists to be interested in spiritual issues?", *Australasian Psychiatry*, Vol. 10, No. 1, March 2002.

[\[3\]](#) See S.D. Cowen, "Universal religion, Viktor Frankl and Gordon Allport", *Journal of Judaism and Civilization*, Vol. 4, 2002, which offers an analysis of the Lubavitcher Rebbe's remarks on the failure of logotherapy to achieve the

dissemination it deserved, inasmuch as the therapist is not always a “living example”. I wrote: “The therapist has to be an example of that which spiritually, a human being *is*, in terms of spiritually *universal* values. Through this, a trans- or intersubjective resonance with the patient is achieved in that the therapist has thereby tapped into the (latent) *objective* soul powers of the patient.”, p. 90.

[4] See comments on Weber’s relativism in his doctrine of world-views, and his judgment of them as merely subjective meanings, in the chapter, “Rationality and the Noahide Laws”.

[5] *The Individual and his religion. A psychological interpretation*, New York: Macmillan, 1950. See the discussion by Kate Loewenthal, “A contemporary interface between religion and psychotherapy”, *Journal of Judaism and Civilization*, Vol. 4, 2002.

[6] Elisabeth Lukas, *Logotherapy Textbook* (transl. T. Brugger, Toronto: Liberty Press, 2000, p. 21.

[7] *Ibid.*, p. 23.

[8] Genesis, 1:27.

[9] Viktor Frankl, “Ten theses concerning a ‘person’” (transl. S. D. Cowen), *Journal of Judaism and Civilization*, Vol. 3, p. 10.

[10] Rabbi M. M. Schneerson (compiler and arranger), (transl. Rabbi Y. M. Kagan), *Hayom Yom – From Day to Day* (for 3 Iyar), N.Y.:Kehos, 5748 (1988), p. 50.

[11] It is interesting to note that the Renaissance thinker, Machiavelli, signaled as the primary virtue of the statesman, the quality of “*virtù*”, which has been variously translated as “prowess”, “valour”, “audacity”, “skill”, “civic spirit”, “virtuosity”, “ability” (see S.D. Cowen, *Jewish Thought in Context*, Melbourne, Monash University, 2000, p. 61.) And yet

all these are qualities of the Machiavellian statesman, whose conduct can shade into quite a few kinds of action unacceptable in terms of the Noahide laws. Virtues cannot be conceived simply as powers – valences – which adorn and suggest the noble empowerment of the doer. Rather, they have to be made and given substantive direction. Non-substantive values of character indicate only potentialities: courage, trustworthiness, loyalty, efficiency, competitiveness are all multi-valent.

[\[12\]](#) S. D. Cowen, “Viktor Frankl’s logotherapy and universal values”, paper presented to the 14<sup>th</sup> World Congress on Logotherapy, Dallas, 2003.

[\[13\]](#) See the criticism of the Thomist concept of the “image of G-d”, claimed, in accordance with Natural Law theory, actually to orient human personality. The point made here is that there is a fundamental *struggle* to actualize this “image” in the human being, not that it *in fact* guides the self. See S. D. Cowen, “Universal Religion, Viktor Frankl and Gordon Allport”, *Journal of Judaism and Civilization*, Vol. 4 (2002)

[\[14\]](#) See the “12 steps” of Alcoholics Anonymous, which patently appeal to G-d in the mustering of will: “1.We admitted we were powerless over alcohol – that our lives had become unmanageable. 2.Came to believe that a Power greater than ourselves could restore us to sanity. 3.Made a decision to turn our will and our lives over to the care of God as we understood Him. 4.Made a searching and fearless moral inventory of ourselves. 5.Admitted to God, to ourselves and to another human being the exact nature of our wrongs. 6.Were entirely ready to have God remove all these defects of character. 7.Humbly asked Him to remove our shortcomings. 8.Made a list of all persons we had harmed, and became willing to make amends to them all. 9.Made direct amends to such people wherever possible, except when to do so would injure them or others. 10.Continued to take personal inventory and

when we were wrong promptly admitted it. 11.Sought through prayer and meditation to improve our conscious contact with God as we understood Him, praying only for knowledge of His will for us and the power to carry that out. 12.Having had a spiritual awakening as the result of these steps, we tried to carry this message to alcoholics and to practice these principles in all our affairs".  
(www.alcoholicsanonymous.org.au)

[15] See Rabbi M.M. Schneerson, *Likkutei Sichos*, (NY:Kehos), Vol. 4, pp. 1114-1121.

[16] We are not here speaking solely of healing based on spiritual resolve, but of spiritual resolve in conjunction with complementary therapies.

[17] According the Talmud, *Sanhedrin*, 91a cited by the commentator Rashi on Genesis, 25:6.

[18] H.J. Res. 104

[19] See, for example, "Liebe und Sex" in V.E. Frankl, *Der Mensch vor der Frage nach dem Sinn*, München: Piper, 1979.

[20] Thus, it is recounted that the Sage, "Hillel, the Elder...when going to eat, used to say [to his students] that he was going to perform an act of kindness to the 'lowly and poor creature', by which he meant his body, which he regarded as if it were foreign to him", *Tanya – Likkutei Amarim* (Bilingual Edition – trans. Rabbi Nissan Mindel), Chapter 29.

[21] Allport spoke of the "proprium" in the person, the locus of "deeper motives and interests, lasting sentiments and prejudices", cited in S. D. Cowen, "Universal Religion, Viktor Frankl and Gordon Allport", *op. cit.*, p. 92.

[22] *Likkutei Sichos*, Vol. 4, *loc. cit.*

[23] This is the term which the Maharal uses: the *union* of body and *intellectual* soul

[\[24\]](#) *Sanhedrin*, 91a.

[\[25\]](#) *Sanhedrin*, 91a,b.

[\[26\]](#) That is to say, the domains in which the personality as a whole, in all its dimensions, as set out in the foregoing, acts.

[\[27\]](#) See the chapter, "A statement of the Noahide laws".

[\[28\]](#) Ostensibly blasphemy is a "private" issue, a personal expression. For the Noahide laws, however, the way a person speaks, is also something which needs to be lawful.

[\[29\]](#) This commandment relates, according to Rabbi M.M. Schneerson (the Lubavitcher Rebbe), to a concept of cruelty to animals. However, it is evident from a talk by the Lubavitcher Rebbe, that its basic concept is that of insensitivity to suffering (*Kol bo'ei olam*, 1:19). The two explanations of the Maharal of Prague (that the commandment relates to the basic level of impulse control, the ability to delay gratification) and of the Lubavitcher Rebbe (that it relates to cruelty to animals) can be reconciled as follows. The greater the self-absorption, and the less one is able to distance oneself from one's own desires, the greater is one's indifference to the other. Cruelty is most often the product of indifference to suffering, of awareness and empathy for the other. A great figure, such as Moses, whose self-displacement was absolute, was characterized by the greatest compassion and empathy for others.

[\[30\]](#) Genesis, 1:27.

[\[31\]](#) If the object of blasphemy, were not believed by the blasphemer, to be invested with sanctity, then the passion in blasphemy would go.

[\[32\]](#) One could add that it attacks or corrodes one's own quintessential identity, the soul, made in the image of G-d,

as it reviles G-d.

[33] Maimonides states it thus: "One who robs his fellow as much as a *p'ruta*, is as though he takes his soul..." (*Hilchos g'zeila v'aveida*, ch. 1). See the chapter, "A statement of the Noahide laws", on the prohibition of theft.

[34] The term "interest" is associated with bias, that which "rolls over" a procedure. The criterion of consistency overrides the irruption of emotion, the freedom of emotion to unbalance.

[35] "Accordingly, Adam was created alone in the world to teach that whoever destroys [and removes] one person from the world, is considered as having destroyed the entire world, and anyone who preserves one person in the world is considered as having preserved the entire world". Maimonides, *Hilchos Sanhedrin*, 12:3.

[36] *Ibid.*

## Chapter 5

### SOVEREIGNTY, PERSONS AND THE NOAHIDE LAWS

#### *Legal-political perspectives*

#### **1.The sovereignty of G-d**

## **World society and the Noahide laws**[\[1\]](#)

The sources of modern international law are customary international law, based on practices which nations chose to observe; an International Court of Justice, to which nations elect to subscribe; a United Nations, the members of which stand in political relationships to one another, where also certain nations possess veto powers; and finally the

contractual activity of nations in treaty-making. The common feature of all of these aspects of international law is that they are essentially voluntary; they represent elective commitments of sovereign nations, which are bound to no moral or legal authority above their individual sovereign existences, except to the extent that they chose to subscribe or be bound by one. That authority, at all events, is not absolute.

This is the character of *modern* international law, the law which was formulated and practised in modern times since the Renaissance and the Enlightenment. It corresponds to the political reality of the rise of sovereign national entities. This law was historically preceded by a different political reality and different notions of law. In ancient and medieval times, before the emergence of sovereignty as a universal principle of states, there prevailed a notion of natural law. This was the concept of a concrete morality of universal application which governed states just as municipal or domestic law governs the individuals within a single state.

Typically, in its Roman law or medieval canon law expressions, this law was based on purportedly universal and immutable principles. The political reality corresponding to this natural law was that of the Roman empire – the *pax Romana* (the Roman peace) – and later, the political supremacy of the Catholic church in medieval Europe. A “natural”, universal morality was to arbitrate the laws of individual states. This was intended to be the law of *all* human beings and all states [\[2\]](#).

Roman and Catholic canon law historically lost their claims to be the universal law of humanity. There is a “new” candidate for a universal substantive law for all humanity. It is new only in the sense, that contemporary conditions for the first time have allowed public discussion of it [\[3\]](#), though in fact it is the most ancient of codes of universal law. These are the seven laws which bound Noah the biblical survivor of the

flood, and his descendants, humanity at large. Now, their authority comes from Sinai, where they were implied and reiterated in the Biblical, written text and expounded within the Oral law, both of which were given to Moses.

These are the laws which constitute the foundations, not only of domestic, but also international society. Thus war, where there are no legitimate grounds of self-defence, will also fall under the Noahide prohibition of murder<sup>[4]</sup>, just as it applies within societies. The conditions of peace, set out by Maimonides in the laws of kings and their wars, include acceptance of the Noahide laws, by a nation, vanquished in war<sup>[5]</sup>. Peace is established, to modify a phrase of J. F. Kennedy, ultimately not by pacts or deterrents, so much as by a culture of peace and common grassroots values supporting this peace in the societies constituent to the peace. These common values and belief, intrinsic to all human beings, are contained in the Noahide laws.

That the law of international order, of *world society*, is the concrete morality of the Noahide laws, is of interest not only from a legal point of view, but also from that of the theory of international politics. It is far from *Realpolitik* and notions of balance in mutual deterrence in an intrinsically lawless, anarchic world of sovereign nations. To the contrary, according to Torah, the order of the international community represents a moral imperium, arbitrated by suitably constituted and qualified courts of law. Hence, the first feature of a universal, Noahide law, which places nations "under G-d" is the continuity of national and international law. This does not remove authority from individual states (in their own administrative and fiscal arrangements)<sup>[6]</sup> nor does it seek to merge their cultural personalities, but it subjects them to the same law of humanity: the Noahide laws.

The fact that these laws are expounded in the tradition of the Oral – or Rabbinic – law, does not imply any concept of Jewish *political* suzerainty (supremacy). These laws, which are

part of Torah, are the law of G-d. Before the formation of the Jewish people, there were Noahide courts which arbitrated this law, and made enactments binding upon the nations in general[7]. Since the biblical revelation at Sinai, however, these laws – as part of Torah in general – are interpreted, where new questions arise, by those properly qualified to do so.[8]

### **The Noahide laws and the integrality of “public” and “private” morality**

The second feature of the Noahide laws in placing all persons “under G-d” is the inseparability of the laws relating to “private” morality, i.e. between the human and G-d, and those between person and person. Most pointedly this means that personal morality, including sexual morality, becomes a concern of Government and legislation, whether in regard to what it does (commission) or fails to do (omission). This is a delicate realm, calling for sensitivity in positive action, but Government certainly may not, for example, legitimize and facilitate sexual behaviours forbidden by the Noahide laws. Irrespective of whether and to what extent Government can do something about it, before G-d there is no distinction between the private and the public, between morality and law.

The integrality of the private realm (between the person and G-d) and the public realm (between persons) is borne out from a number of perspectives. Thus, it has been explained elsewhere that the prohibition on idolatry – a commandment in the personal realm – is primary among the Noahide laws: it represents the acceptance of the “King” (G-d), upon which is predicated the acceptance of the “King’s decrees”, the remaining Noahide laws[9]. Whilst a prohibition on blasphemy would appear closely related in the personal realm to the prohibition on idolatry, it is harder at first glance to see how laws bearing on sexual relationships have to do with one’s

relation to G-d. The answer to this would seem to be that it has to do in a very basic sense with the assertion of the spiritual over the physical in a human being. A “purity of...private life” [10] is also part of the general attunement to G-d – required by the “private” Noahide commandments – from which fulfillment of commandments in the public (interpersonal) realm obtains its authority and force. Indeed, Divine lawfulness is first authentically *accepted* in the personal realm.

Secondly, Divine lawfulness needs to be *extended* from the personal realm to the realm between persons. Even in the openly “rational” laws, such as the prohibitions of theft and murder, grey areas abound. Outright killing no one would support, but what of assisted suicide, euthanasia etc? Stealing money is prohibited, but what about forms of psychological deception and manipulation (called in Jewish law the “stealing of understanding”) practised in the market place? A legal system is one of the precepts of the Noahide laws, obviously operating in the realm between persons. But what of the technical use of the system, in such a way as to favor wealthier clients? The Noahide laws illuminate all these darker areas in the public realm, but they are extended *rigorously* to the public realm only by one of strong integrity in personal belief and practice – who is willing to accept Divine commands, a Divine will, rather than following the vagaries of personal reason.

It should be noted that the gentile societies which have most resiliently remained decent societies in the public realm – which have not succumbed to despotism and terror – are those which acknowledged the biblical source, if not the explicit detail of the Noahide laws themselves. These were societies which practiced what *in fact* was a basically unalloyed monotheism and were influenced by a tradition which is called “Hebraic”, as elaborated by Matthew Arnold in his discussion of the puritan strain in English culture, which is certainly

(and more so) manifest in American culture[\[11\]](#).

American society, which (though imperfectly and contradictorally) approximates Noahide ethos more than any other nation, congressionally endorsed the Noahide laws in 1991[\[12\]](#). It is also the most religious gentile nation on earth, in terms of the professing of a belief in one G-d, upon the part of ordinary Americans. On its currency is written the words "In G-d we trust", and the explicit moralism of American politics extends, notwithstanding certain historical "isolationist" episodes, to its relationship to the world society. Marxists, and other *materialistically* minded critics, might view the motives of Americans much more skeptically, as being driven by material interests, but then again it was Karl Marx, and those critics, who sought to remove G-d and the soul from human discourse.

## 2. Persons

### The norm of humanity

When we speak of persons – whether as individual constituents of a society or as collective cultures or societies – we find a concept of humanity in Noahide theology, which relates to persons, individually and culturally, in terms of their relationship to the Sovereign of the universe, G-d. In Hebrew (biblically, the original language of humanity) the generic term for human being (which is the name of the first individual human being, *Adam*, or in the ashkenasi pronunciation of Hebrew, *odom*) is explained etymologically to be related, not simply to the word *adama*, the earth, from which Adam was fashioned, as the Bible relates. It is also associated with the concept of *adama l'elyon*, "I resemble That which is above"[\[13\]](#).

What this signifies, as the Lubavitcher Rebbe explains in relation to the Jewish people – and this can be extrapolated

to the gentile[14] – is that the “entire concept and being of the of the Jewish body is that it should be a vessel to the soul: in order that the soul should be able to fulfil the will of G-d as this is en clothed in practical commandments...” [15]. That is to say the body is subordinated to the soul, not in an ascetic sense, but that the powers of the body are harnessed by it to Divine purposes.

In the Jewish people, the Maharal of Prague found the freeing and crystallization of the spiritual vis-à-vis the physical or material. This was a result of their special historical experience in the Exodus from Egypt and the biblical revelation at Sinai, through which they achieved their “essentially *removed [nivdal]* ” spirituality. This was distinct from the wholly *submerged* spirituality of the Egyptians, who represented the dominance of the physical, as expressed in their rife immorality; and also in the barbarous practices of the nations of Canaan, which represented the form – or essence – of materiality (or physicality) itself[16].

On the other hand, a person or national society in which the spiritual form has, or is returning to, clarity and preeminence (and may be called *odom* – resembling the Above), has to that degree realized its humanity. In the words of the Maharal of Prague, “... the G-dly image relates to the [gentile] person [*odom*] inasmuch as he [or she] is a person [*odom*] also, and this is obvious [*m’vuar*] “ [17].

Moreover the concept of balance and harmony of good values in action, which defines the person [*odom*] extends also to the concept of the gentile sovereign, the personification of the nation. For, where a sovereign refrains from theft and (other abuses of the Noahide laws), he or she has been worthy to receive an endowment of a Divine quality of judgment to be able to manage the stability and welfare of the state in balance and harmony. This is the spiritual significance of the law in Torah that the fiscal and administrative conduct of the State is binding on all, Jew and gentile alike (*dina*

*d'malchusa dina*), for the Sovereign administering this fundamental harmony is acting in imitation of the Divine[18].

## Human “autonomy”

From a Torah point of view, the essential function of a legal “person”, whether an individual or a state, is to carry out the will of G-d[19]. In contradistinction to this, there is a concept of human autonomy in its modern sense, going back to the Renaissance and the Reformation, which defines itself also in the context of the “separation of religion and state”, and in the freedom *from* the imperatives of religion. The social elaboration of this doctrine of autonomy in its liberal-democratic form is that the human being can and should be an “autonomous” independent, free entity insofar (this being the formulation of later liberal theory, as in J.S. Mill in *On Liberty*) as this not infringe the similar liberty and the rights of others. In Noahide doctrine, the will of the human soul is understood to be the desire to imitate the Divine. Its will coalesces with a Divine norm. In this case, the Renaissance and Enlightenment concept of human autonomy, is to be understood as the freedom of the person *from* this spiritual side of his or her being. It is the freedom of the material-volitional dimension of the human being. And indeed, this is precisely how the biblical account of the sin of eating from the tree of knowledge explains the entrance of free will, in as much as the human physical impulse gained a power which could occlude the soul and its imperatives.[20]

Whilst freedom of choice is a fundamental principle in Noahide theology, being free from compulsion and being able to chose, does not define the actualized essence of a human being. The essence of a human being according to *Noahide* concepts is not to be something other than, but rather to actualize the Divine Image, the spiritual faculty in humankind. What realizes that essence is the modeling of the Divine in man through

performance of Divine commandments (*mitzvos*) which *connect* a human being with G-d. In the case of a gentile, these are the seven Noahide laws set out in Torah for all humanity. For a Jew, it is the 613 commandments set out in Torah. The greatness of a human being, however is not *that* he or she can chose arbitrarily, but that choice is exercised to affirm the spiritual. By “submitting” to the commandments a person does not “nullify” or abrogate his or her significance. To the contrary: a life of fulfillment of Divine imperatives – which actualizes the Divine image within humans – *is* their significance[21]. Conversely, when a person is free “from” religion, he or she is in fact alienated from his essence and paradoxically this amounts to a form of enslavement[22].

Similarly, in the Noahide concept, the individual material personality of the person and the particular cultural personality of the society is not repressed as a result of the assertion of the spiritual. Rather, these become personal expressions or vehicles for the service of G-d. The greatness of a person or a society, consists also in the integration of its personality into the service of G-d.

The concept of the imitation of G-d is the imitation of Divine attributes, as these are expressed in the commandments[23] as discussed elsewhere[24]. At this point, however, it should be noted that the “Divine attributes”, are not attributes which actually inhere in G-d, for nothing could actually be said to define G-d Himself. Rather, it is explained that these attributes are the instruments or modalities which G-d chose to create, through which to *act* in the world. These modalities or attributes are replicated in the human soul – enabling a basic relationship and communication – “imitation” – between the person and the Divine, microcosm and macrocosm. These attributes, as they are employed by G-d, have a quality of transcendence, infinitude[25]. G-d’s kindness is not in the measure of normal human kindness, nor is His quality of mercy or of judgment.

Nevertheless, there are different levels or ways in which the human imitation of the Divine proceeds. One is the attempt to imitate the Divine attributes in their transcendent aspect: this draws holiness (in Hebrew, *k'dusha*, transcendent removed G-dliness) into the order of society and nature. Another is their imitation on the immanent plane, as they pertain to the harmonious internal maintenance of society and nature. Finally, there is a level of transgression and disregard for these qualities, resulting in harm to the social-natural order, which, so to speak, removes the Divine image from – or wholly submerges it within – the persons, societies and cultures, which transgress the precepts associated with these qualities. Each of these relationships to the imitation of the Divine ways expresses itself in a different kind of agency and mission (or in the last case, counteragency) in realizing the Sovereignty of G-d in the world.

### **3. Human agencies of the Divine**

#### **The Jew**

The Talmud states that everything in which a gentile has been prohibited by Torah, a Jew has also been prohibited [\[26\]](#). In addition, a Jew must also do what ever a gentile is required to do. A Jew is commanded to cleave to G-d's attributes, through fulfillment of the six hundred and thirteen commandments and to fulfil them in a manner of transcendence [\[27\]](#). Hence, most of the mitzvos incumbent upon Jews relate to acts, which appear supererogatory – go beyond and above, what would normally be required – in relation to the normal maintenance of the world. These are mostly strikingly expressed in a multitude of commandments relating to concepts of purity and holiness, including those associated with the service of the Temple. On a practical social level, they involve acts of social kindness. An example of this is

lending money without interest. Taking interest is in itself not a bad thing. It is the rental of money like the rental of any other item. By common societal standards, it could not be said to be evil and is permitted to Noahides. Nevertheless, a Jew is enjoined to lend without interest[\[28\]](#), as an extra measure of kindness, and similarly to take pains to return lost property.

In the first place these and a multitude of other supererogatory acts are required of a Jew only in relation to another Jew and in the context of the society of Jews, who are reciprocally obligated in them. However, their extension to a Noahide is permissible[\[29\]](#) and also desirable especially where those societies have *themselves* accepted these norms (such as which have lost-property offices) so that these acts are reciprocally meaningful. Similarly, a Noahide *may* take upon him or herself the commandments incumbent upon Jews with the exceptions of the Jewish Sabbath and certain modes of the study of Torah[\[30\]](#).

A Jew moreover has an obligation to sustain[\[31\]](#) – to provide livelihood, where necessary, for – the *ger toshav*, a non-Jew, who at the time when this procedure can take place[\[32\]](#), accepts before a religious court to keep the Noahide laws. There are those who state that in many respects a gentile nowadays, who accepts (even informally) the Noahide laws, has the same rule as the *ger toshav*[\[33\]](#). Just as the majority of the commandments given to the Jews go beyond the ordinary maintenance of the social order, so the function of their performance through Jews is to draw an *additional sanctity*, a transcendent holiness, into a social and world order which has already been stabilized by the nations following the Noahide laws[\[34\]](#).

## **The Noahide**

Ordinary pity and kindness, as well as the measured severity required to curtail forms of anti-social behaviour are all (Divine) attributes which find concrete embodiment in Noahide law, to preserve peace (*sholom*) and social order (*yeshuvo shel olam*). The seven Noahide laws represent *negative* commandments incumbent upon Noahides [35]. There is also a positive obligation upon Noahides to give charity [36]. Indeed, the Lubavitcher Rebbe states that, beyond the seven Noahide laws there are two further categories of laws mandatory upon Noahides [37]: (a) qualities of conduct, mandated by normal human decency (known by the spiritually informed intellect [38]) such as the keeping of one's word [39], ordinary modesty and so forth and (b) additional restrictions (and ordinances) which the nations have taken upon themselves.

The Noahide laws are generally held to be so evident and normal that one cannot plead ignorance or lack of warning to be exempt from liability for their non-observance [40]. The theoretical punishment of the Torah for transgression of the Noahide laws is death, although such a penalty could only be enforced at a time when the great Sanhedrin, the Jewish High Court, convened in its place on the Temple Mount [41], and it seems that even when that was the case, this penalty was almost never carried out. The significance of the theoretical death penalty in general, whether for Jew or non-Jew, is given in the words of *Rashi*, namely that "one has transgressed the will of one's Creator" [42]. In the case of the Noahide laws, it is that the very purpose for which a human was created, namely to settle the world peacefully has been contradicted and, and so also the essential point of the human being's existence has been vitiated [43].

In many places in the Talmud the terms for gentile (*goy* or *nochri*) without any further qualification (i.e. not the term which explicitly signifies "idolater") denotes idolatrous and barbarous peoples, such as those in whose midst the Jews lived. Already, however, a major late medieval

Rabbinic authority, the *Me'iri*, (who lived some 700 years ago) observed that most of the nations of his time in some broad sense observed the Noahide laws, following a life regulated by laws and conventions. Speaking in relation to certain penalties laid upon idolaters in relation to damages, he writes, "that for all those who follow the Noahide laws, their rule in relation to us is like our rule in relation to them and there is no favour towards ourselves. Needless to say this applies to orderly, civilized societies [*b'darhei dosos v'nimusim*]" [\[44\]](#). Closer to our time, the *Remo* [\[45\]](#), the author of the great Ashkenasi gloss on the *Shulchan Aruch* (the code of Jewish law) writes similarly, and this has clear halachic force. And the *Nodeh B'Yehudah* [\[46\]](#), a few hundred years after that, writes even more positively that the nations amongst which the Jewish people lived in his time "have basic religious belief in the creation of the world, in the prophecy of the prophets and the wonders related in the Torah and Prophets", and so have no comparison with the status of certain earlier barbarous peoples. This does not mean that all contemporary cultures are observant of the Noahide law, or that those which in some sense broadly are, are without imperfection in many areas of their observance. Yet there are societies which in many ways are exemplary: and this opens up the vista of human perfectibility described by the Talmud, which speaks of a gentile, occupied with the study and practice of his or her commandments as being like the High Priest of the Jewish people [\[47\]](#).

## **The barbarian**

The "idolater" – one who neither authentically recognizes G-d or His laws [\[48\]](#) – is whether individually or a collectively (as a culture), barbaric. Within an otherwise orderly domestic context, the idolater is typified in Torah sources as the social outlaw, the strongman or gangster (such as the tax farmer who takes what he wants above and beyond the amount

which the King had required[\[49\]](#)), both on a domestic and international level. The *Torah T'mima*[\[50\]](#) speaks of this category as one of individuals or societies, whose conduct disregards the intent of the Noahide laws (“maintenance of the world and society, security, life and possessions, mercy and pity upon creatures”) and moreover actively do the *opposite* – who kill, are sexually immoral, thieves, actively pursue forms of cruelty and so forth[\[51\]](#).

Society (both on a world and domestic level) has to deal with them as people, who, in different degrees are at war against society. How is one to relate to them? On the one hand, we find that, on the positive side, basic pity can be shown to those who are not actively at war with society. Thus Maimonides writes that a Jew is also to give charity to poor idolatrous non-Jews, to bury those of their dead, left without burial, alongside poor Jews[\[52\]](#).

On the negative side, one may not steal from them[\[53\]](#), though one may impose penalties upon them for anti-social behaviour. Thus the Mishnah[\[54\]](#) (the early codification of the oral law) discusses a case where people allow their livestock to roam and cause damage. If a Jew's livestock causes unforeseen and unpredicted damage to the idolater's livestock, there is no penalty upon the Jew, whilst the idolater must pay full damages. Maimonides explains that in this case no obligation was placed on the Jew to pay damages to the idolater, in those circumstances where *they* do not do this for one another. The Jew is not depriving them of an entitlement, which they conventionally possess. He is not violating reciprocity at that basic level. However, the Torah has placed upon the idolater a *penalty* to pay damages, when he or she causes damages, because of “their carelessness in mitzvos and because they do not remove damaging entities”[\[55\]](#). A removal of entitlement might be an infringement (and in terms of their own expectations, there is none here), but the exaction of a penalty is not[\[56\]](#). Through the penalty, however, they are

then motivated to a *higher* level of social responsibility. (When, however, they themselves, practice basic decency, then, in the words of the *Mei'iri*, quoted above, "their rule in relation to us is like our rule in relation to them and there is no favour towards ourselves").

The concept of such a penalty is hence to rectify a behaviour. It is already foreshadowed in the conduct of Abraham, related in the Midrash [\[57\]](#) who would receive wayfarers into his home and feed them. He would then ask them to thank G-d for the food. If they declined, he would present them with a high bill – shocking, but *justified* (not an act of theft) in terms of the difficulty of bringing provisions to his desert oasis – for the food they had consumed. This kind of action – a harsher *justice* for one who was ordinarily so kind – indicates that sometimes a measure of coercion is required to transform the coarseness of an individual or culture. The brazenness of the person would be "broken", but the intent was to reorient the individual, not to visit him or her with retribution [\[58\]](#).

At the same time, and indeed before the application of this form of coercion, Abraham would, by speaking about G-d and perhaps through the example of his person and conduct, seek to awaken a recognition of G-d on the part of those around him. Indeed the most profound "coercion", is that which individuals or cultures apply to themselves. This occurs especially when they experience a revelation of (especially a transcendent) G-dliness and respond by wanting to submit their minds and bodies as instruments of Divine purpose [\[59\]](#) and themselves experience the Redem

[\[1\]](#) I am grateful to Professor Arnold Loewy and to my wife, Miriam Cowen, for their critical comments on an earlier version of this essay.

[\[2\]](#) For a discussion and comparison of positive and natural law doctrines, see S.D. Cowen, "Eternal law and human

legislation: secular and Jewish perspectives", *Journal of Judaism and Civilization*, vol. 1, 5758/1998, pp. 68ff.

[3] See Rabbi Menachem Mendel Schneerson, *Likkutei Sichos*, Vol. 26, pp. 141-42, who explains that persecution for centuries, if not millennia, made dangerous the public discussion of this universal morality, set forth for humanity, in Jewish tradition.

[4] Rabbi S. Zevin, *L'Or HaHalachah*, pp.16-18.

[5] See Maimonides, *Hilchos M'lochim*, 6:1-3 in connection with the war of a Jewish king with gentile nations. It is not simply a question of submission or surrender, but a substantive subscription to the laws which make normative international society.

[6] As expressed in the concept of *dina d'malchusa dina* – the law of the land is law, also in the eyes of Torah. See below, Section 2.

[7] Such as the court of Shem, the son of Noah. See Talmud *Avoda Zora*, 36b, cited by *Or HaChayim* on Genesis 38:24. See also *Rashi* on Genesis 34:7.

[8] See *Likkutei Sichos*, Vol. 2, p. 98.

[9] *Likkutei Sichos*, Vol. 26, pp. 138-39.

[10] With which Grotius extolled Louis XIII, in his dedication of *De jure Belli ac Pacis*, Vol. 1 of the translation by F.W. Kelsey et al, NY: Oceana Publications, Inc, (reprinted 1964), p. 4.

[11] See Matthew Arnold, *Culture and Anarchy*, edited with an introduction by J. Dover Wilson, London: Cambridge University Press, 1960.

[12] Public Law 102-14, 102d Congress, 1<sup>st</sup> Session, H.J. Res. 104. The resolution begins with the following text:

“Whereas Congress recognizes the historical tradition of ethical values and principles which are the basis of civilized society and upon which our great Nation was founded;

Whereas these ethical values and principles have been the bedrock of society from the dawn of civilization, when they were known as the Seven Noahide Laws;

Whereas without these ethical values and principles the edifice of civilization stands in serious peril of returning to chaos...”

[13] See Rabbi Menachem Azariah Mipano, *Asora Ma’amoros, Ma’amar “Eim Kiol Chai”* 2, 53, cited in *Likkutei Sichos*, Vol. 10, p. 103 fn. 23. The term relates to the person’s *ability* to resemble the Divine, but actualizing this depends on his or her own choice.

[14] See below, in the name of the Maharal of Prague.

[15] *Likkutei Sichos*, Vol. 10, p. 104.

[16] See *G’vuros HaShem*, chapter 4.

[17] In *Sefer Netzach Yisroel* of the Maharal (*Netzach Yisroel*, ch. 11, p. 74).

[18] Rabbi DovBer, “*Bad Kodesh*”, letter 27 in *Igrois Koidesh – Admur Hazoken, Admur Ha’emtza’ee, Admur Hatzemach Tzedek*, NY: Kehot, 1987

[19] Inasmuch as the Divine will is enshrined in the Divine (Noahide) laws governing humanity. In regard to seeing to it that *others* should keep these laws, we find an explicit instruction in Torah (Maimonides, *Hilchos M’lochim* 8:10) that Jews should do all they can to induce the non-Jewish world to keep the Noahide laws. When non-Jews themselves participate in disseminating knowledge and strengthening observance of the Noahide laws in the world, they are participating in the redemptive task of humanity as a whole, in conjunction with

the Jewish people. The Congressional proclamation of 1991, mentioned above, can itself be seen as an act of this kind. See *Kol bo'ei olam*, pp. 189ff.

[\[20\]](#) See the commentary of *Rashi* on Genesis 2:25.

[\[21\]](#) America was first settled by a group which wanted freedom *of* (i.e. to be religious), rather than freedom *from*, religion. The concern that the state, in upholding religious (Noahide) values, could in fact be discriminating against *other* religious values, is at variance with the basic Noahide theological concept, that the Noahide laws in fact represent the *common* – essential and root-historical – spirituality of humanity.

[\[22\]](#) In the words of the Lubavitcher Rebbe, in regard to Jews: “When a Jew does not fulfil Torah and mitzvos... then, even though he looks as though he is “free” – without a yoke – and it is easier than fulfilling torah and mitzvos, this is in fact a form of unnatural servitude [*avodas perach*]. This is because conducting his life not according to Torah is the opposite of what his true essence and nature and demands.

This is analogous to the statement of our Sages that unnatural servitude means “(the work of men for women and) and the work of women for men”. Even though the work is an easier one for men, it is an “unnatural servitude” because it does not correspond to their habituation and nature” (*Likkutei Sichos*, Vol. 17, p. 75).

[\[23\]](#) It has to be remembered that these are not the *foundations* of the commandments, which originate in the Divine will, but are rather qualities expressed in, and inculcated through, the performance of the commandments.. See the chapter on “Rationality and the Noahide laws”.

[\[24\]](#) See the chapter “The Noahide laws and human personality”.

[\[25\]](#) See S. D. Cowen, *Jewish Thought in Context*, Melbourne:

Institute for Judaism and Civilization, 2001 (4<sup>th</sup> ed'n), pp. 35-36.

[26] See Talmud *Sanhedrin*, 59a.

[27] See here *Likkutei Sichos*, Vol 34, pp. 153-59 and especially fn. 56. So also *Likkutei Sichos*, Vol 37, pp. 72-78.

[28] Although this prohibition can by certain arrangements, known as a *heter iska*, be circumvented, the imperative of kindness as applied in interest-free loans remains wherever possible.

[29] See *Likkutei Sichos*, Vol. 12, p. 115; *Pischei Chshen, Dinei Aveidoh* 1:18 (with notes, including elaboration of the position of Rashi, which counters the above).

[30] Maimonides, *Hilchos M'lochim*, 10:10.

[31] See *Encyclopedia Talmudis*, Vol. 6, column 292.

[32] I.e. when the laws of the Jubilee year are practised (Maimonides, *Hilchos Issurei Bi'a*, 14:8).

[33] See Rabbi M. M. Schneerson, *Sha'arei Halachah uMinhag* (Vol 3, p. 56), which cites the Tzafnos Panei'ach that according to Maimonides (*Hilchos M'lochim*, 10:10), Jews are obligated to sustain also a Noahide, who accepts the seven Noahide laws, even without the formal acceptance of this in a Jewish court, made by the *ger toshav*. See also *Likkutei Sichos*, Vol. 26, p. 134, fn 23\*, which intimates that such is the view also of the *Tzemach Tzedek* in *Sha'alos u'T'shuvos, Yoreh Dei'ah*, 83.

[34] See *Likkutei Sichos*, Vol. 39, pp. 35-6, in addition to Vol. 34, pp. 53-59, mentioned above.

[35] *Sanhedrin* 58b. *Likkutei Sichos*, Vol. 5, p. 157.

[36] Based on Rabbeinu Nissan, *Chiddushei HaRan* on *Sanhedrin*

56b. The *Yad Rama* on *Sanhedrin*, 57b is also cited in *Likkutei Sichos*, Vol. 5, p. 157, fn. 54.

[37] See Hisvaduyos of Shavuos, 5747 in Rabbi M.M. Schneerson, *Toras Menachem* 5747, part 3, p. 429ff.

[38] See in general the chapter, "Rationality and the Noahide laws".

[39] See *Likkutei Sichos*, Vol. 5, p. 147.

[40] Maimonides, *Hilchos M'lochim*, 10:1.

[41] Maimonides, *Hilchos Sanhedrin* 14:11, and so would seem to the ruling according to the Lubavitcher Rebbe in *Sha'arei Halachah uMinhog*, Vol. 3, pp. 56 ff, but see Rabbi J.D. Bleich, "Capital punishment in the Noachide Code" in his *Contemporary Halakhic problems*, Vol 2, NY: K'tav, 1983, pp. 342-43.

[42] See Talmud, *Sanhedrin*, 10a.

[43] See *Likkutei Sichos*, Vol. 5, p. 160, cited above in the chapter "Foundations of the Noahide Laws".

[44] On *Bava Kama*, 38a.

[45] In *Shulchon Oruch*, *Orach Chayim*, 156..

[46] "*His'natzlus ham'chaber*".

[47] Talmud *Sanhedrin*, 59a.

[48] Even though such individuals and cultures may associate their belief with "G-d", one would have to say that *that* is their idolatry: that a *particular* interest, identity or entity is made absolute and is called "Divine".

[49] See *Bava Kama* 113b; and *Aruch HaShulchan*, *Choshen Mishpot* 348:2: "*ovdei cochovim anasim hakadmonim*".

[\[50\]](#) *Torah T'mima, Sh'mos 21: 277.*

[\[51\]](#) See also *Likkutei Sichos*, Vol. 5, p. 160.

[\[52\]](#) See end of chapter 10 of Maimonides, *Hilchos M'lochim*.

[\[53\]](#) Maimonides, *Hilchos G'neivah*, 1:1.

[\[54\]](#) *Bava Kama*, 4: 3.

[\[55\]](#) *Hilchos nizkei momon* 8:5

[\[56\]](#) Just as a parking fine is not an act of theft.

[\[57\]](#) *B'reishis Rabbo*, 49:4.

[\[58\]](#) See *Likkutei Sichos*, Vol. 15, pp. 122-128.

[\[59\]](#) See *Likkutei Sichos*, Vol. 23, p. 181

## Appendix

# APPENDIX

## THE MAHARAL OF PRAGUE ON THE NOAHIDE LAWS

### *(G'vuros HaShem, Chapter 66)*

*Translated and annotated by Rabbi Dr Shimon Cowen*[\[1\]](#)

Says Yehudah the son of Betzalel[\[2\]](#):

Everything has a purpose, and according to the nature of each thing is its purpose. Accordingly, if the work is an important and great one, it will fittingly also have an important goal. For it is inappropriate that there should be an inferior and lowly goal for an important work. How much more so with the works of G-d, all of Whose deeds are with wisdom and understanding, that all His deeds should be directed towards a goal, which is fitting to the deed.

We saw in the Exodus that G-d wrought very great, awesome deeds, and in His glory, Himself brought them out from Egypt. Accordingly, it is appropriate that there should be a purpose for this act – commensurate in importance with the act which G-d worked for the sake of that goal.

In Scripture we find that the purpose of the Exodus was that He should be the G-d of Israel, as is written at the beginning of the Exodus: “...I shall bring you out from beneath the burdens of Egypt...and I shall take you to Me as a people and I shall be your G-d...” [3]. [Then], at the end of the portion of *Tetzaveh* it is written “...Who brought them out of Egypt to dwell amongst them...” [4]. From [this] it is evident that the Exodus, from the outset, was in order that He should be their G-d. For this reason, the portions come in the order, initially that He brought them out of Egypt and afterwards gave them the Ten Commandments, the first of which is “I am the L-rd your G-d, Who brought you out of the land of Egypt; you shall have no other gods...” [5] and after that the other [of the Ten] Commandments and then the portion *V’ela hamishpotim* [setting forth much detailed civil law]...

Afterwards, He wanted to dwell amongst them, as is written: “They shall make Me a sanctuary and I will dwell amongst them” [6]. It is evident that the purpose of the Exodus was that He should be their G-d and that His Divine Presence should be in their midst.

We need to look into this goal: whether this should be

considered appropriate to [such] a great act. For it must be asked – after all, “the heavens are His throne and the earth His footstool[7]” and His Divine Presence is in the upper realms. Why then should He have chosen to dwell in the lower realms? In relation to His Divinity, ascent is more appropriate than descent. What need does [He] have in the lower realms, which are dust, maggots and worms?

If, however, it is the case that the entire purpose of existence depends upon His Divine Presence being in the lower realms, and that this is all important, the question disappears. [And this will be so] when one appreciates that G-d unites with the existing beings because they are caused by Him. For G-d, Who is the Cause of everything, desires what He has effected, and when there is a Cause, there is an effect[8]. It turns out that the bond of the First Cause with the existing beings is by virtue of the fact that He is their Cause and they have been effected by Him. We have already dwelt at length upon this special bond in conjunction with the verse, “And He called to him from within the bush”[9].

On the basis of this explanation, we must say that not the upper, but rather the lower, realms are [truly] united with G-d. For the fact that they are called “upper” realms, means that they [themselves] have an effect upon the lower realms and [themselves] are considered a cause. Rather, the lower realms, as the lower realms, are the essential effect. Accordingly, the true bond of the First Cause, which is the true cause, is with the lower realms, in that they are the true effect.

The Midrash, on the portion of *B'reishis*[10] states:

[The verse states:] “And they heard the sound of G-d the L-rd walking [*mis'halech*] through the garden towards the sun”. The word *m'halech* is not used [for “walking”], but rather *mis'halech* [which signifies jumping, or leaping in bounds]. The principal [dwelling place] of the Divine Presence

was [originally] in the lower realms. When Adam sinned, the Divine Presence departed to the first Heaven[11]. Cain sinned and It departed to the second Heaven. The generation of Enosh sinned and the Divine Presence departed to the third Heaven. The generation of the Flood sinned and the Divine Presence departed to the fourth Heaven. The generation of the Dispersion [which built the tower of Babel] sinned and the Divine Presence departed to the fifth Heaven. The people of Sodom arose and sinned and the Divine Presence departed to the sixth Heaven. The Egyptians arose in the days of Abraham and sinned and the Divine Presence departed to the seventh Heaven. Afterwards, seven righteous individuals [tzaddikim] arose and brought the Divine Presence down to earth: Abraham, Isaac, Jacob, Levi, Kehot, Amram [and] Moses, as it is written, "The righteous shall inherit the earth and forever *dwell upon it*[12]". Now, what [based on this verse] do the wicked do? Do they fly in the air?! [Rather, the meaning of the verse is not that] the righteous [dwell upon the earth, but that they] *cause* the Divine Presence *to dwell* upon the earth.

Now the explanation of this, as we have said, is that when the world was first created and there was no impairment in the effect [ – the world -] G-d joined with it, as befits the unity of the Cause and effect. The joining was solely with the lower realms, inasmuch as they were the true effect. [This lasted only] until sin was [manifested] in the effected beings, at which point a separation developed in that attachment, until there was no connection between the Cause and the effect.

These seven sins, committed by the effected beings [which caused the progressive departure of the Divine Presence were violations of] the commandments which [G-d] gave them from the beginning of the creation of His world. [These are the prohibitions on] consuming the limb of a living creature, blasphemy, idolatry, forbidden sexual relationships, courts [the prohibition upon arbitrary judgment

and arbitrary processes of justice], theft and murder. In these seven commandments consist the connection between the Cause and the effect[ed beings: that is,] through His decrees and commandments, in that the effect accepted the decree and commandment of the Cause. This is to be further explained in the work *Tiferes Yisroel*. Thus, as soon as man was created, G-d gave him seven commandments.

[Now,] it would appear that G-d chose these seven commandments because He desired that the human being should be good to Heaven and good to his or her fellow creatures" [\[13\]](#). A person's righteousness is established in these two dimensions, as the verse states: "Praise the righteous person, *for he is good*, since he consumes the fruits of his deeds" [\[14\]](#). [Its meaning for us here is unlocked by the question] asked in the first chapter of the Talmudic tractate *Kiddushin* [\[15\]](#): [Does this verse imply that] there is a righteous person who is good as well as a righteous person who is *not* good? To this the answer comes: "[one who is] good to Heaven and good to one's fellow creatures" is a righteous person who is *good*. One, who is good to Heaven, but not good to one's fellow creatures is a righteous person, who is not good".

Accordingly, G-d gave three commandments between the individual and his or her Creator, so that the person should not be bad to Heaven. These are [in relation to] forbidden sexual relationships [\[16\]](#), blasphemy [\[17\]](#) and idolatry. [Similarly,] He gave three commandments in the relationship with one's fellow creatures: theft (that one should not steal from another), courts of justice, and [the prohibition of] murder, so that one should not be bad to one's fellow creatures. The seventh commandment, [the prohibition on] consuming the limb of a living creature, is the starting point and foundation, from and upon which one will not come to the [other] transgressions. This commandment was given as an antidote to the bad impulse [in a person], such that he should not desire to eat and cut up an animal before its life has

left it. On account of his impulses, and in order to suppress them, the human being was given this commandment. Our Sages said, “The law of the young tree [namely that we must wait three years before consuming its fruit] cuts off the feet of the butchers and those who have marital relations with their wives who are still in a state of ritual impurity [*niddah*][\[18\]](#). ” [That is to say,] the Torah instructed a measure of three years [to wait before consuming the fruit of] a sapling – “three years they shall be *areilim* to you”[\[19\]](#) – but [there are such] butchers [who] are unable to wait for the life of the animal to leave it [before eating their flesh] and [those] who have marital relations with their wives, who are in a state of ritual impurity [*niddos*]and cannot wait until [their wives] immerse [in a *mikvah* – ritual bath – to purify themselves for marital relations]. Therefore, this commandment [prohibiting consumption of] the limb of a living animal [was given] so as [to train] oneself not to follow impulse. For if one does follow one’s inclination, in the end one’s inclination will tell one to do this and then to do that, until one transgresses *all* the prohibitions. Similarly, [we find] at the end of the Ten Commandments [given to the Jewish people], “You shall not covet”, for the sin of [simply following] desire is the beginning of all sins. Indeed the liturgical poet formulated it thus “in ‘you shall not covet’ [are] included all”, to tell you that all the commandments are included in “You shall not covet”, since if one does transgress in the sin of “you shall not covet”, one will come to transgress in general. For this reason [the prohibition on consuming] the limb of a living creature is enumerated seventh [as the comprehensive principle of all the Noahide commandments].

Now, to Adam, to whom meat was not permitted at all, G-d gave in place [of the prohibition of consuming the limb of a living creature] the commandment not to eat from the Tree of Knowledge, about which Scripture states that it was “goodly to eat and desirable to the eyes”[\[20\]](#) – so that he would not

follow his impulse [and take and eat it before it was permitted[\[21\]](#)]. It was this [unconstrained desire] which caused him to sin, as is written in the verse, that he was drawn after his inclination. He was therefore given [all] these commandments [i.e. the remaining six, since the realm of possible transgression had now been opened up, through his failure to keep this commandment].

Why was he give three commandments, in the dimension of the relationships between human beings and three commandments bearing on the relationship between G-d and the individual human being? [This is understood by way of the introduction that] the parts of the human being are body and soul[\[22\]](#). The human being as a whole comprises these parts, in that through them [together], the person receives the form of the human. This third dimension is like a house, which has as its parts wood and stones, but afterwards is made a house, compounded of both. It is something other than its parts and this [idea] has been explained before very many times.

[Proceeding though each of these two dimensions, in each of *their* three aspects, we have schematically the significance of these six commandments.] In order that one should not sin towards Heaven with his soul, G-d gave the person [the prohibition of] idolatry as the verse in *Ezekiel* states “in order to seize the House of Israel for what is in their minds [*b'libom*]”[\[23\]](#) which refers to idolatry. Concerning this, the Talmud in the chapter “*shilu'ach hakein*”[\[24\]](#) states, “Perhaps he entertains idolatrous *thoughts*”. For in none of the transgressions is thought reckoned a deed, except for idolatry (as it is written, “in order to seize the House of Israel for what is in their minds”) so the sin [pertains] to the soul [alone].

[Further, in the dimension of the person's relationship to G-d] forbidden sexual relationships relate to the [bodily component, the] flesh, on account of the impulse in the body which desires forbidden relationships. So it is explained in

various places that the sin of forbidden relationships relates to the body, as the Torah states [expounded in the Talmudic Tractate] *Sota*[\[25\]](#), that the sacrificial flour offering of the woman suspected of infidelity should be of barley [not wheat]: her act was the act of a donkey and so her offering should be [barley,] the food of a donkey. [We see that] the sin of forbidden sexual relationships is a physical, bodily one and this has been explained in various places.

Blasphemy relates to the human being composed of both body and soul. For in blasphemy, one sins with speech by cursing G-d and the category of a person is that of a living being which speaks. Speech is the distinguishing form [*tzura*] of the human being [as such] composed of both body and soul. Hence, with blasphemy, through speech, it is the person *as a whole* who has sinned – just as is done with the soul in idolatry and with the body in forbidden relationships – through speech, which embraces the whole person. Moreover, you should know, and this is the main point, that the reason why the sin of blasphemy implicates the human being as a whole is because one who sins in this way denies the basic Principle [G-d, the basis of existence] by cursing G-d, and if there is no basis, the person's [own] existence is nullified. He thereby sins with his whole person, and thereby his existence is utterly nullified. Just as with forbidden sexual relations, he sins with his body and with idolatry the sin attaches to his soul, so with blasphemy, the sin is fundamental and attaches to the person in totality.

This is the reason the Torah instructed that [upon pronouncing judgment on him, all the judges and witnesses] lay their hands upon the head of one who blasphemes and say to that person, “your blood is upon your head”: as though to say, you have brought it upon yourself; we have not caused it to you. For in all other sins, there might have been some argument in his favour, and if he is pronounced guilty in court, it is the court which is sentencing him to death but still there he

might have some argument in his favour to allow us to say that [by his conduct] he did not [really] bring his death upon himself. However, in the sin of blasphemy, in which one denies the basic Principle, there is no argument in his favour [\[26\]](#) at all. This is why they lay their hands upon his head and say to him “your blood is on your head” – because you caused it to yourself, you have no possible argument in your favour. This idea is elaborated in the work *Gur Aryeh*.

In the dimension that one should not be bad to [one’s fellow] humans, there are three transgressions [stipulated by the Noahide laws:] courts [i.e. the prohibition against arbitrariness in justice], theft and murder. In arbitrary justice the sin is with one’s soul, namely the perversion of true justice and uprightness, [the concepts of which are] found in the soul of man. For truth and uprightness are appraised in the soul. Accordingly, this is a sin of the soul, since uprightness and justice are apprehended only in the intellectual soul.

Moreover, when a person does not rightly carry out justice, this comes from a deficiency of the soul, for anyone who sees injustice must be aroused in his soul to [do] justice. This is why every judge has to have a strong and resolute mind [*leiv*] for justice. It is evident that justice comes from an arousal of the soul, and when one contemplates this properly, one will understand that justice is an act of the soul. So too in the [Midrash] [\[27\]](#) it is written: “Two things are at the left of the Holy One blessed be He – justice and the soul: justice, as it is written ‘And My hand takes hold of judgment’ [\[28\]](#); and in regard to the soul [it is written] “For in Your hand is the soul of all life” [\[29\]](#); and wherever the word “hand” [appears in Scripture], it refers to the left [hand]. The Torah is [here] saying, I created the soul in the place of judgment; it has gone out and sinned. That is why it is written [in conjunction with civil law], “When a *soul* will sin...” [\[30\]](#). For the soul seeks justice since it was created in

the place of justice and if there is injustice, it is reckoned to the soul as a sin. This is clear and simply grasped.

Now this commandment parallels [the prohibition of] idolatry, which is a commandment that one should not be bad to Heaven. For idolatry is called *Elokim acheirim* ["other gods"] and the judge is also called *Elokim* in all places. [In this regard] the Sages stated: "one who appoints a judge, who is unfit, is as though he planted an *asheirah* [a tree used for idolatrous worship]" [\[31\]](#). They represent the one notion in all respects and therefore, corresponding to the commandment, which G-d gave that one should not sin with other gods – this commandment being between the person and his Creator – He commanded in the dimension between fellow humans, that one should carry out true justice: not to sin in relation to a matter which is also called *Elokim*.

Theft parallels forbidden sexual relationships, as we find everywhere, that the Sages spoke of "theft and forbidden relationships, [things] which the soul of man desires". [\[32\]](#) We see that these things match each other. The main aspect of theft is the pursuit of money, and the desire for wealth and riches are physical matters like forbidden sexual relationships, simply that [theft is an infringement] between fellow humans.

Now forbidden sexual relationships and theft are not included in [the general category of] desire [the object of the prohibition on consuming the limb of a living creature]. For in forbidden sexual relationships, whereby one desires and pursues women [\[33\]](#), or theft, where one pursues wealth, this is not desire *alone* [and in *general* unbridled] but desire for a *specific* thing – to be led by sexual desire or to scramble after wealth. Desire [in general] is the desire for *whatever* one lacks, which [means that such a person] is a creature of desire [in general]. This is something else altogether, as will be explained, which derives from [an intellectually and spiritually unmediated, and so in a sense

immature, pre-fully human] *physicality* of the person, as will be explained. These matters are clear.

The sin of murder is between fellow human beings. This is a sin in which the entire person sins; the sin is not in a part, but rather in all of the person. [For] just as in the sin of blasphemy, where one denies the [Divine] Principle which is [the source of] everything [spiritual and physical], so this murderer spills the blood [of the person] totally. [That is to say, he destroys both the spiritual and the physical identity of the slain person], and hence this sin similarly implicates the entire person [both body and soul, both of which destroyed facets of humanity in the slain]. This is not like the sin in [the perversion of] justice or the sin involved in theft, where the sin is not such that the whole person sinning is corrupted – but rather only a part is corrupted. However, just as with blasphemy, where one denies the basic Principle entirely [and] it is as though there is no G-d, Heaven forbid, similarly this murderer in spilling the blood of the person completely, has sinned with his entire person[\[34\]](#).

The seventh [prohibition] relates to the [unmediated] physicality [*chomer*] of the person], from which desire arises such that a person is unable to hold back [from eating the flesh of the creature] before slaughtering [it]. This is the desire which comes from the physicality that constantly lacks and so lusts and desires to fill its lack.

[The Midrash goes on to] say that Adam came and sinned with desire when he took the fruit which he coveted, and the Divine Presence departed to the first Heaven. Cain came and sinned with murder [and] the Divine Presence departed to the second Heaven. The generation of Enosh came and sinned with idolatry, as the Sages stated in the chapter of the Talmud, “*Kol Kisvei*”: “The verse states, ‘One who keeps the Sabbath from being profaned...’ and next to it is written ‘Happy is the person [*enosh*] who will do this’ [\[35\]](#). From this [apposition is learnt] that anyone who keeps the Sabbath according to its

laws, even if he served idolatry like the generation of Enosh, will be forgiven. For it is written *m'chalalo* ['from being profaned'] but do not read it as *m'chalalo*, but rather as *mochul lo* ['he is forgiven']" [36]. His generation was the first to serve idolatry, as it is written 'then it was begun to call [the names of men and other beings] by the Name of G-d" [37], and the Divine Presence departed to the third Heaven.

[Then] came the generation of the flood and sinned with theft, as the verse states explicitly, "And the earth was filled with violence" [38] – other than this, no other sin is explicitly stated [in Scripture in relation to the Flood] – and the Divine Presence departed to the fourth Heaven. [After that] the generation of the Dispersion came and sinned with blasphemy when they said, "Let us build ourselves a city and a tower" [39] and make war with Him – this was blasphemy – and the Divine Presence departed to the fifth Heaven. [Then] there arose the people of Sodom and sinned [in the realm of] justice as is evident from the deeds, which are told of them, and of what the judges of Sodom did and how their judgments were, and the Divine Presence departed to the sixth Heaven. The Egyptians arose [next] in the days of Abraham and sinned [with forbidden] sexual relationships as is evident from the "practice of Egypt" referred to in the verse, "Like the practice of Egypt..." [40]. For this reason Pharaoh did not say to Abraham, "Behold, my land is before you..." [41] as Abimelech said to Abraham, since he acknowledged that the Egyptians were immersed in lewdness, and the Divine Presence departed to the seventh Heaven.

Now came Abraham, like whom no other had ever been as guarded in matters of forbidden sexual relationships. Concerning him, our Rabbis of blessed memory, said [42], "Put earth in the mouth of [i.e. silence] Job, who said, 'I have established a covenant with my eyes, so how could I have thought of a maiden'. [43] [That is, Job] did not gaze upon another, but upon his own he did gaze. However, Abraham, did not gaze even

upon his own, as [the verse] states, ‘Behold, now I have known that you are a woman of beautiful appearance’ [\[44\]](#)”. [That is to say,] up to that point of time, he had not recognized her [- his wife’s -] beauty, since he had not gazed at her. Accordingly, he brought the Divine Presence down to the sixth Heaven.

Isaac arose and was righteous in justice, in that he accepted upon himself with love the [Divine] attribute of judgment, when, [at the binding (*akeidah*)] he stretched forth his neck to be slaughtered. He was [thus] the opposite of the people of Sodom, who corrupted justice. And there is no difference between the judgment of Heaven [which was given to Isaac] and the judgment of earthly courts [which the people of Sodom perverted, for it is all justice. It is known that Isaac [embodied] the attribute of justice and therefore he drew down the Divine Presence to the fifth Heaven.

Jacob [then] came and sanctified [G-d’s] Name, as it is written in the verse, “And sanctify the Sanctified One of Jacob” [\[45\]](#). [Moreover] the third blessing [of the silent prayer (*Amidah*)] was established corresponding to Jacob, for the first three blessings correspond to Abraham, Isaac and Jacob. Even the angels sanctify in the name of Jacob, as it is written “blessed is the G-d of Israel [another name for Jacob]” [\[46\]](#), as explained [elsewhere, the concept] that the angels sanctify in the name of Jacob. Accordingly, he countered the people of the generation of the Dispersion who blasphemed the Name of G-d, and he [Jacob] brought down the Divine Presence to the fourth Heaven.

Levi [the son of Jacob] was the antithesis of theft, where [one] covets and takes what is not one’s. Levi was its opposite in that his entire tribe had no portion in the land [of Israel] or inheritance in the spoils [of war]. “G-d is his inheritance” [\[47\]](#). Levi was removed from money matters and from the pursuit of money and even that which should fittingly have come to him, was not his. [Now] if the tribe of Levi was not

so disposed, G-d would not have given them [this lot] – rather, only because [the tribe] was satisfied with what it had. Now, can we say [that this was the quality] simply of his tribe but not of [Levi] him[self]? This is impossible, for his tribe would not have acquired this quality, if not from their father, since the name Levi applies to the tribe as a whole. That is why he drew down the Divine Presence to the third Heaven.

Kehot [the son of Levi] is the contrary of idolatry. His family [within the tribe of Levi] served G-d with their bodies, carrying [parts of] the sanctuary and all their offspring were serving G-d with their bodies. [In this they were] different to the families of Gershon and Merari [also of the tribe of Levi] who had wagons [upon which to transport those parts of the sanctuary entrusted to them]. But the family of Kehot “shall carry on their shoulders”[\[48\]](#). And something which one serves with one’s body is [truly] called service. So also amongst their offspring were the *Kohanim* [the priests], upon whom was incumbent [also] an actual service [of G-d, that is to say, one performed with their bodies]. For this reason, he brought the Divine Presence down to the second Heaven.

Then came Amram, who was a person of such great righteousness that he did not sin [at all] and death did not come to him on his own account. The Sages said in the Talmudic Tractate *Bava Basra*[\[49\]](#) that Amram died only on account of the counsel of the snake [in the Garden of Eden]. That is to say, it was not appropriate that he should die, were it not for the snake, which had brought death to the world. Accordingly, he is the contrary of Cain, who took up the craft of the primordial snake and brought death to the world. Amram, however, did not die because of any sin of his own, and indeed he is the total opposite of Cain who brought death upon another. And even though it is the way of the world to bring death upon oneself through one’s own sin, Amram did not bring [it upon himself].

It follows that Amram was entirely life and Cain entirely death; and this is clear. For this reason, he brought down the Divine Presence to the first Heaven.

[Then] came Moses, who was a righteous person who separated from his wife. From this you know that desire was not to be found in Moses. For if he had possessed it, it would have been improper for him to separate from his wife, lest he come to sin. This is why we know that desire was absent from him. He is therefore the contrary of Adam, who possessed desire. For this reason, [at Sinai] he brought the Divine Presence down to earth, through which the Divine Presence returned to its original place.

At all events, we know from this that the [proper] place of the Divine Presence is upon earth, for the reason, which has been explained. Moreover, it will be clear how specifically the lower realms [humanity] deserved that the Divine Presence should [rest] in the lower realms, were it not for sin, which separates between existing beings and the First Cause.

*Translators Afterward: The Noahide laws and the Divine attributes (s'firos).*

An attempt has been made to correlate the seven Noahide laws with the Divine attributes or *s'firos* of *chesed* (kindness), *g'vurah* (might), *tiferes* (beauty), *netzach* (victory), *hod* (glory), *yesod* (foundation) and *malchus* (kingship). This was done in the book *The Seven Colours of the Rainbow*[\[50\]](#) by Rabbi Yirmeyahu Bindman. The correspondence which he posits are *chesed* – the prohibition on forbidden sexual relationships, *g'vurah* – the prohibition on murder, *tiferes* – the prohibition on theft, *netzach* – the prohibition on idolatry, *hod* – the prohibition on blasphemy, *yesod* – the prohibition on consuming the limb of a living animal, and *malchus*, the precept of courts. It appears that this schema was based on a teaching to this effect by Rabbi Yitzchok Ginzburg, published on the website of his

organization, *Gal Einei*. No sources are mentioned in either of these places for the suggested correspondence.

The Maharal was himself a great Kabbalist, who, however, in his writings does not use an overtly Kabbalistic vocabulary, but rather mediates Kabbalistic concepts through logical and philosophical constructs, as in this piece. Nevertheless, his account of the correspondence of the Noahide laws with the sequence of righteous individuals who restored them, and the sequence of the last six (of the nine) Heavens together with the earth, the seven stages through which the Divine Presence was brought down, suggests a different correspondence. One of these, Isaac, explicitly associated with the Divine attribute of *g'vurah* or (translated above as “might” but equally known as “judgment”) is associated by the Maharal with the prohibition on arbitrary justice (courts) – not murder. Moreover the Maharal organizes six commandments into three groups (one might say, “columns”) with internal affinities: (forbidden relations-theft, blasphemy-murder, idolatry-arbitrary justice [courts]) after which is that which sums them all up, the prohibition on eating the limb of a living animal, with the significance explained by the Maharal. Without wishing to spell out a correspondence of the Noahide laws with the *s'firos*, the translator not having seen this explicitly in any source, it seems to the translator that there are sufficient grounds, based on this essay of the Maharal, to doubt the other suggested correspondence.

[1] Gratitude is due to Rabbi David Coney for helpful comments and suggestions on a draft of this translation. Notes of the translator are placed in square brackets.

[2] [The Maharal (Rabbi Yehudah Arie'el Loeve) adds the blessing after the name of his father (Betza'el): “whose remembrance is for the life of the world to come”- Trans.]

[3] Exodus 6:6-7.

[4] *Ibid.*, 29:46.

[5] *Ibid.*, 20:2.

[6] *Ibid.*, 25:5.

[7] *Isaiah* 66:1.

[8] [Note that representing G-d as a Cause, which entails an effect, applies only at the level at which G-d chooses to enter the realm of existence, shared by created beings. As Maimonides writes, however, and is elucidated in Chassidic thought, there is a level at which G-d is wholly beyond this, and there apply Maimonides' words in *Hilchos Dei'os* 1:3: "If one would imagine that all other beings did not exist, He would not cease to exist with their cessation of existence." This is a level beyond ordinary causality. See Rabbi M. M. Schneerson, *Sefer HaSichos 5751*, NY:Kehos – Trans]

[9] Exodus 3:4.

[10] *B'reishis Rabbah*, parshas *B'reishis* 19:7.

[11] [One should here note that in Jewish cosmology, as set forth in Maimonides, *Hilchos De'ios*, chapter 3, the universe is comprehended as a number of spheres – in all nine – encompassing the earth in their centre. The first heaven is the first or innermost of these spheres, around the earth – Trans.]

[12] Psalms 37:29.

[13] As indicated in the immediately forthcoming quotation from the Talmud.

[14] *Isaiah* 3:10. [The translation here follows the interpretation of the commentary *M'tzudos Dovid*. – Trans.]

[15] 40a.

[16] [It needs to be explained why this is in the category of “bad to Heaven”. The reason would seem to be that the partners to a forbidden sexual relationship could both consent, so that formally neither has “violated” the other. Rather, the transgression is against the personal identity of a person, created in the image of G-d. A degradation of the person is a degradation of the One in Whose image, he or she has been made. Compare here the commentary of Rashi on Deuteronomy 21:23 – Trans.]

[17] [Called by its opposite “*bircas HaShem*”, literally “blessing HaShem” – Trans.]

[18] Talmud, Tractate *Beitzah* 25b.

[19] Leviticus 19:23.

[20] Genesis 3:5.

[21] [See Rabbi M.M. Schneerson, *Likkutei Sichos* (NY: Kehos), Vol. 3, p. 747, where based on the Midrash (Breishis Rabbo) and other sources, he explains that the prohibition had a duration of only three hours – Trans.]

[22] [Note that the Maharal will call this the *nefesh hasichlis* or “intellectual soul” later in connection with the discussion of the Noahide commandment concerning courts and justice. This is important because we need to distinguish between the soul in its spiritual root, where it possesses a purity, which we might call the Divine spark, and the intellectual soul which is *capable* of sinning, as we say: He sins *with his soul* – Trans.]

[23] 14:5.

[24] Tractate *Chulin* 142a.

[25] 14a.

[26] [Since he has directly reviled the basis of his existence

– Trans.]

[27] See *D'vorim Rabbo* 5:4.

[28] Deuteronomy 32:41.

[29] *Job* 12:10.

[30] In a number of places in the portion *Vayikro*.

[31] Talmud, Tractate *Sanhedrin* 7b.

[32] Talmud, Tractate *Chagiga* 11b.

[33] [The Maharal has earlier quoted the Talmud which, from the law of (abstaining from the fruit of) the young trees for three years, rebukes those who eat the flesh of an animal which has not yet been slaughtered and those who have relationships with their wives before waiting for them to purify themselves. The concept is here explained in two stages. First this desire is regarded as a general desire, for whatever the person lacks. It is desire, which is ultimately exemplified by the infant, who is unable to check, repress or sublimate any desire which it feels. The person, who desires something specific, such as forbidden relationships or theft, has at least been able to suppress *other* desires. It is simply that in some specific area, he cannot contain desire. According to this, however, the question arises: why here does the Maharal exemplify this *general* desire with the quotation from the Talmud, which indicates that such desire leads a person to have relations with his wife, before she emerges from a state of ritual impurity. After all, this is also in the category of a forbidden relationship, like the forbidden sexual relationships which are the subject of a separate, *specific* Noahide law. The answer to this is in the difference between the two forbidden relationships. Those forbidden relationships covered by the specific Noahide law against forbidden sexual relationships relate to persons, who will always remain forbidden to a person: very close

relatives, homosexuality, and a person who is married to another, in that they are and remain married to another. On the other hand, one's wife can eventually emerge from her ritual impurity, just as the fruit of the tree will become permitted in the course of time (after the first three years) and so also the flesh of the animal will be permitted once it has been slaughtered. All that is required is that one *wait*. In general, we have a principle that a person can constrain desire and resist temptation *now* because he has "bread in his basket" (*pas b'salo*), that is to say, what he wants *will* become available to him. The general desire, at which the prohibition of consumption of the limb of a living animal is aimed, is general in the sense that it cannot bear any delay in its gratification; it is wholly unmediated. So also, as mentioned above (in a footnote), the duration of the prohibition upon the fruit of the tree of knowledge – an instance of the generic prohibition on consuming the limb of a living creature – was only for three hours, and Adam was unable to *wait* this time – Trans.]

[34] [The infringement of something spiritual is a defect of the soul of the sinner; the infringement of something physical is a defect of the physical nature of the sinner (a sin with the body). Hence when there is an infringement (with blasphemy) against G-d, the Source of all, both spiritual and physical, the whole person is implicated and tainted. When the person sins against the entire existence (spiritual and physical) of a person, through murder, the entire person of the sinner is similarly implicated and tainted – Trans.]

[35] *Isaiah* 56:2.

[36] In the Talmudic tractate *Shabbos* 118b.

[37] *Genesis* 4:26.

[38] *Ibid.*, 6:13.

[39] *Ibid.*, 11:4.

[\[40\]](#) Leviticus 18:3.

[\[41\]](#) Genesis 18:19.

[\[42\]](#) Talmud Tractate, *Bava Basra* 16a.

[\[43\]](#) *Job* 31:1.

[\[44\]](#) Genesis 12:11.

[\[45\]](#) *Isaiah* 29:23.

[\[46\]](#) See *Psalms* 41:14 quoted in the Midrash, *Bamidbar rabbo* 4:1.

[\[47\]](#) Deuteronomy 10:9.

[\[48\]](#) Numbers 7:9.

[\[49\]](#) 17a.

[\[50\]](#) San Jose: Resource Publications, 1995.