

Maimonides Laws of Kings

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CHAPTER EIGHT

By Rabbi Eliyahu Touger

1. When the army's troops enter the territory of gentiles, [\[1\]](#) conquering them and taking them captive, they are permitted to eat meat from animals that died without being ritually slaughtered or which were **trefe**, [\[2\]](#) and the flesh of pigs and similar animals, if they become hungry and can only find these forbidden foods. [\[3\]](#)
2. Similarly, they may drink wine used in the worship of idols. [\[4\]](#) This license is derived by the Oral Tradition [\[5\]](#) which interprets Deuteronomy 6:10-11: "God... will give you... houses filled with all the good things" as "pigs' necks and the like." [\[6\]](#)
3. Similarly, a soldier may engage in sexual relations with a woman [\[7\]](#) while she is still a gentile [\[8\]](#) if his natural inclination overcomes him. [\[9\]](#) However, he may not engage in sexual relations with her and then, go on his way. [\[10\]](#) Rather, he must bring her into his home as Deuteronomy 21:11 states "If you see a beautiful woman among the prisoners... You shall bring her into the midst of your home..." [\[11\]](#) It is forbidden for him to engage in sexual relations with her a second time

until he marries her. [\[12\]](#)

4. Relations with **ayefat toar** are only permitted while she is in captivity as the verse states " If you see... among the prisoners." [\[13\]](#)

This license is permitted whether the woman is a virgin or not, even if she is married, [\[14\]](#) for the gentiles' marriages are not recognized. [\[15\]](#)

A number of laws are derived from the exegesis of the verse from Deuteronomy quoted above: "And you desire" – even though she is not beautiful. [\[16\]](#)

"Her" – and not another. He may not engage in sexual relations with two women.

"You may take her as a wife" – He may not take two women as captives with the intention of engaging in relations with one and saving the other for his father or brother. [\[17\]](#)

What is the source which teaches that he may not pressure her in the midst of the war? Deuteronomy 21:12 states: "You shall bring her into the midst of your home..." Thus, he must bring her into an (vacant) [\[18\]](#) place and then, engage in relations with her. [\[19\]](#)

5. A priest is also allowed relations with **ayefat toar** initially. For the Torah only permitted relations as a concession to man's natural inclination. [\[20\]](#) However, he is not permitted to marry her afterwards, for she is a convert. [\[21\]](#)
6. What is the procedure which a Jew must follow regarding **ayefat toar** after he had relations with her once while she is still a gentile? If she desires to enter under the wings of the **Shechinah**, [\[22\]](#) he may have her immersed in a mikveh [\[23\]](#) for the purpose of conversion immediately. [\[24\]](#)

If she does not accept the Jewish faith, she should dwell in his house for thirty days, as *ibid.* 21:13 states: "She shall mourn her father and mother for thirty days." [25] Similarly, she should mourn the abandonment of her faith. [26] Her captor should not prevent her from crying. [27]

She must let her nails grow and shave her head so that she will not appear attractive to him. [28] She must be together with him at home. [29] Thus, when he enters, he sees her; when he leaves; he sees her, so that he becomes disgusted with her. [30]

He must be patient with her so that she will accept the Jewish faith. If she accepts Judaism and he desires her, [31] she may convert and immerse herself in the mikveh for that purpose, like other converts. [32]

6. A captor must wait three months before marrying his captive: the month of mourning and two months following it. [33]

When he marries her, he must give her **Kiddushin** and a **Ketubah**. [34] If he does not desire her, he must set her free. [35] If he sells her, he violates a negative commandment, [36] as Deuteronomy 21:14 states: "You may not sell her for money." [37] Should a captor sell his captive, the sale is invalidated and he must return the money. [38] Similarly, if after having relations with her, he forces her to become a servant, he violates a negative commandment [39] from the time he makes use of her as states: *lo titamar boh*. That phrase means "he should not make use of her." [40]

7. Her captor must be patient with her for twelve months if she refuses to convert. [41]

If she still refuses after this interval has passed, she must agree to accept the seven universal laws commanded to Noah's descendants [42] and then, she is set free. Her status is the

same as all other resident aliens.[\[43\]](#)

Her captor may not marry her, for it is forbidden to marry a woman who has not converted.[\[44\]](#)

8. If she conceives after the initial relations with her captor, the child has the status of a convert.[\[45\]](#) In no regard is he considered as the captor's son,[\[46\]](#) for his mother is a gentile. Rather, the court immerses him in the mikveh and takes responsibility for him.[\[47\]](#) Tamar was conceived from King David's initial relations with a **yefat toar**,[\[48\]](#) but Avshalom was conceived after marriage.[\[49\]](#) Thus, Tamar was only Avshalom's maternal sister[\[50\]](#) and thus, would have been permitted to Amnon.[\[51\]](#) This can be inferred from the statement II Samuel 13:13: "Speak to the king, for he will not withhold me from you."
9. A **yefat toar** who does not desire to abandon idol worship after twelve months[\[52\]](#) should be executed.[\[53\]](#) Similarly, a treaty cannot be made with a city which desires to accept a peaceful settlement until they deny idol worship, destroy their places of worship, and accept the seven universal laws commanded Noah's descendants.[\[54\]](#) For every gentile who does not accept these commandments must be executed[\[55\]](#) if he is under our undisputed authority.[\[56\]](#)
10. Moses only gave the Torah and mitzvot as an inheritance to Israel,[\[57\]](#) as [Deuteronomy 33:4] states: "[The Torah...] is the inheritance of the congregation of Jacob,"[\[58\]](#) and to all those who desire to convert from among the other nations, as [Numbers 15:15] states "the convert shall be the same as you."[\[59\]](#) However, someone who does not desire to accept Torah and mitzvot, should not be forced to.[\[60\]](#)

By the same regard, Moses was commanded by the Almighty to compel all the inhabitants of the world to accept the

commandments given to Noah's descendants.[\[61\]](#)

If one does not accept these commands, he should be executed.[\[62\]](#) A person who [formally] accepts these [commands] is called a resident alien. [This applies] in any place.[\[63\]](#) This acceptance must be made in the presence of three Torah scholars.[\[64\]](#)

Anyone who agrees to circumcise himself[\[65\]](#) and [allows] twelve months to pass without circumcising himself is considered as one of the nations.[\[66\]](#)

11. Anyone who accepts upon himself the fulfillment of these seven mitzvot and is precise in their observance is considered one of "the pious among the gentiles" and will merit a share in the world to come.[\[67\]](#)

This applies only when he accepts them and fulfills them because the Holy One, blessed be He, commanded them in the Torah[\[68\]](#) and informed us through Moses, our teacher, that Noah's descendants had been commanded to fulfill them previously.[\[69\]](#)

However, if he fulfills them out of intellectual conviction,[\[70\]](#) he is not a resident alien, nor of "the pious among the gentiles,"[\[71\]](#) nor of their wise men.[\[72\]](#)

[\[1\]](#). Some texts substitute idolaters for the latter term.

These leniencies are only permitted when the army enters enemy territory. Though certain Rabbinic obligations are relaxed within **Eretz Yisrael** (See Chapter 6, Halachah 13), all Scriptural prohibitions must be observed.

[\[2\]](#). Implied by that term is an animal which possesses a blemish, wound, or ailment that will cause it to die within twelve months (**Chullin** 3:1).

[3]. The soldiers are only allowed forbidden foods if they have no alternative. However, they need not be on the point of starvation. This leniency was granted for were they required to forage for kosher food, they would place themselves in danger of enemy attack (Radbaz).

[4]. **Yayin Nesech** in Hebrew. The prohibition against drinking **Yayin Nesech** is included as one of the Torah's 613 mitzvot. In addition, the Sages forbade drinking all wine touched by a gentile. See Hilchot Ma'achalot Assurot, Chapter 11.

The Ramban (Deuteronomy 6:10) objects to this ruling, maintaining that license was only granted in regard to the Rabbinic prohibition. However, **Yayin Nesech** itself is forbidden even during wartime. Other commentaries support his argument noting that idol worship and anything associated with it is included among the three sins for which a person should sacrifice his life rather than transgress.

However, other authorities defend the Rambam's decision, noting that licentious sexual behavior is also one of these three sins for which for which a person should sacrifice his life and, as stated in the following halachah, soldiers are allowed relations with gentile women in wartime (Or Sameach).

[5]. See **Chullin** 17a.

[6]. The Ramban (ibid.) questions the Rambam's statements, noting that this verse refers to the occupation of **Eretz Yisrael** during the time of Joshua. During the entire fourteen years when **Eretz Yisrael** was settled, there was no obligation to keep any of the dietary laws even outside of a battle situation. If so, how can this license be extended to the circumstances at hand?

However, the Rambam's logic can be explained as follows: Since we see that the Torah relaxed the dietary laws entirely during the conquest of **Eretz Yisrael**, we can assume that temporary

license would be granted in other conquests (Radbaz)

[\[7\]](#). Deuteronomy 21:10-11 states:

When you go out to war against your enemies, God will give them over to your hand, and you may take captives. If you see a beautiful woman among the prisoners and desire her, you may take her as a wife.

The Torah permits this relationship only as a concession to man's natural desires. Were the Torah to unequivocally forbid intimacy with captive women, the prohibition would probably be ignored. Hence, certain strictures are instituted so that soldiers could release their natural desires without leading to total licentiousness and a breakdown of Jewish morality and family life (@82Kiddushin@81 21b

[\[8\]](#). There are other authorities who forbid all intimacy during wartime. Relations are not permitted until the woman is brought home and undergoes the mourning procedures mentioned below. This is still a "concession" to man's natural tendencies for the soldier realizes that ultimately, he will be able to consummate his desires (Ramban, Deuteronomy, @14ibid.@13; Rashi commenting on **Kiddushin** 21a; Jerusalem Talmud, **Makkot** 2:6).

[\[9\]](#). **Sefer HaMitzvot** (positive commandment 221) and **Sefer HaChinuch** (mitzvah 532) include the laws associated with relations with a captive woman, **yefat toar** in Hebrew, as one of the 613 mitzvot of the Torah

However, though taking a **yefat toar** was permitted, the Sages looked askance at this practice. They cite the example of King David who took Ma'akah, the daughter of Talmai, King of Geshur as a captive wife. Concerning their marriage, **Midrash Tanchuma** comments:

See what came out of their union! Avshalom, who desired to kill his father..., was born. A controversy broke out in Israel and myriads were killed, including the wisest men of the land...

[10]. Judaism views sexuality and responsibility as fundamentally interrelated. Were a soldier permitted to engage in sexual relations with a woman and then, abandon her without any further ties, he would begin to view sexuality as cheap and commonplace. Hence, the Torah instituted the practices described in the following halachot (Guide to the Perplexed, Vol. III, Chapter 41).

[11]. The **Minchat Chinuch** asks why the Rambam makes a blanket statement that the soldier is required to bring a **yefat toar** into his home. As mentioned in Halachah 5, the Sages did not approve of marriage to a **yefat toar** and were pleased when her captor did not desire her and set her free. Hence, ideally, it would seem preferable for the soldier to lose his desire for the woman immediately, free her at that time, and never bring her home.

Possibly, the Rambam's statements can be understood on the basis of the **Meiri's** commentary, **Kiddushin** 21a. The **Meiri** writes that relations with a **yefat toar** are only permitted when the soldier intends to marry her. If he does not have that intention, all relations, even a single experience, are forbidden. (Note, however, Halachah 4 which states that a priest is permitted to engage in relations with a **yefat toar** even though he is not permitted to marry her.)

[12]. See Halachah 6.

[13]. Once a captive woman has been enslaved as a servant, intimacy with her is forbidden (**Kiddushin** 21a).

[14]. The word *eishet* used in the above verse can be rendered both as “woman” or “wife of.” On that basis, **Kiddushin** (ibid.) derives this law.

[15]. **Sanhderin** 52b teaches that a Jew is not liable for transgression of the prohibition against adultery if he has relations with a gentile’s wife. However, though a Jew is absolved for punishment for such an act, a gentile is liable. One of the seven mitzvot which the gentiles are obligated to fulfill is the prohibition against adultery. See Halachot 1 and 5 of the following chapter.

[16]. Though the verse mentions “a beautiful women,” by using the word “desire,” it implies that the attractiveness of the woman is not the determinant factor. As long as the man desires her, these laws apply (**Kiddushin**, ibid.).

[17]. He may not take even one woman for the sake of another person and not for himself (**Tosafot**, **Kiddushin** 22a).

[18]. This word is lacking in the printed texts of the Rambam and was added on the basis of manuscripts brought from Yemen.

[19]. The **Kessef Mishneh** writes that the soldier must take his captive to a city to have relations with her. Other commentaries offer different interpretations. However, all share the same basic theme. Sexual relations must be carried out in a private place without the knowledge of the other soldiers.

[20]. A priest also has natural desires. Were a captive woman forbidden him, he might be overcome by his instincts and violate the prohibition (**Kiddushin** 21b).

[21]. As mentioned in **Hilchot Issurei Bi’ah** (18:3), a priest may not marry a convert.

[22]. The latter phrase is a euphemism for conversion based on Boaz’s blessing to Ruth (1:12): “May a full reward be granted

you by God, Lord of Israel, under whose wings you have taken shelter.”

Like other converts, before conversion, she must accept all the obligations of Torah and mitzvot.

[23]. For a woman, the conversion process involves, immersion in a mikveh and acceptance of the mitzvot (**Hilchot Issurei Bi'ah** 14:5-6).

[24]. The mourning practices described below are only necessary if the woman hesitates to adopt Torah and mitzvot. If she willingly desires to convert, none of these rites are required (**Yevamot** 47b).

[25]. On a number of occasions, e.g., Numbers 20:29, Deuteronomy 34:8, the Torah mentions one month as a complete period of mourning. A similar concept is expressed in Jewish law, see **Hilchot Evel** 6:1-2.

This mourning period was instituted to affect both the man and the woman: The man was intended to continually confront this woman while she was mourning. Seeing her in this state, he would lose his original desire (**Sifri**, Rashi).

From the woman's perspective, this period was an act of mercy, granting her an opportunity to release the grief and sorrow she felt about her forced abduction from her native country and her ruptured family ties. It also represented a purification process, during which the woman was cleansed of the idolatrous practices of her native land (Guide to the Perplexed, Vol. III, Chapter 41).

[26]. **Yevamot** 48b relates that Rabbi Akiva interprets the terms “father” and “mother” as euphemisms for idol worship. Similarly, Jeremiah 2:27 chides the people for “saying to a

stock of wood: You are my father;' and to a stone: You brought me forth.

[27]. Rather, he should treat her with mercy and kindness.

[28]. She was required to shave her head to diminish her beauty. This practice also served as a sign of purification and acceptance of a new status (Chizzkuni). Compare to Leviticus 14:8 which describes the initiation of the Levites, and to Numbers 8:7, which describes the purification of a Nazirite.

[29]. The soldier is required to bring his captive to his own home. He is not permitted to find her another dwelling in which to undergo these procedures.

[30]. And set her free, rather than marry her.

[31]. Yemenite manuscripts of the **Mishneh Torah** substitute "and she desires him" for the latter phrase. The change answers a significant question: Can the woman's captor marry her against her will or must she desire him?

The Ramban and other commentaries accept the principle that the woman's consent is not required for the marriage. Certain opinions maintain that though the Rambam differs regarding forced conversion (see below), he accepts this opinion regarding marriage. However, based on those manuscripts, it appears that after conversion, the **yefat toar** is considered as any other Jewess and cannot be married against her will.

[32]. The Rambam requires the captive woman to willingly accept Judaism. In contrast, the Ramban maintains that she may be converted and married against her will.

[33]. This three month waiting period is not instituted because of the particular circumstances associated with a **yefat toar**, but rather, is a condition imposed on every woman who converts to Judaism.

It would take three months for a woman to realize whether she was pregnant. Thus, the Sages instituted this waiting period in order to determine the pedigree of lineage of any children born to female converts. **Hilchot Gerushin** 11:21 relates that even if a gentile couple convert together, they are forced to separate for three months to differentiate between children conceived before their entry into Judaism and those conceived afterwards.

Similarly, in this instance, the captive woman must wait three months to determine when a child born to her was conceived. As mentioned in Halachah 8, even if she conceived from the original relations permitted her and her captor, that child is not considered his and hence, also has the status of a convert.

[\[34\]](#). See Chapter 4, Halachah 4, for a definition of these terms. After her conversion, the **toar** is granted all the rights possessed by any other Jewish woman.

[\[35\]](#). In this instance as well, she is granted all the rights of any other female convert.

[\[36\]](#). The **Sefer HaMitzvot** (negative commandment 263) and the **Sefer HaChinuch** (mitzvah 533) include this prohibition as one of the Torah's 613 mitzvot. In the Guide to the Perplexed (ibid.), the Rambam writes that this prohibition applies from the time the captor engages in relations with his captive (see below).

[\[37\]](#). The **Sifri** explains that in addition to the explicit prohibitions against sale of the captive woman, she may also not be bartered, exchanged, or given to another Jew as a servant.

[\[38\]](#). **Tamurah** 4b relates that any business transaction that violates a Torah prohibition is automatically nullified.

[39]. The **Sefer HaMitzvot** (negative commandment 264) and the **Sefer HaChinuch** (mitzvah 534) also include this prohibition as one of the Torah's 613 mitzvot.

In this instance as well, the prohibition begins from the time of relations, as implied by the verse (ibid.): "You may not sell her for money or keep her as a servant after taking advantage of her."

[40]. The **Sifri** notes that the root amar is Persian for servant and is rarely used in Hebrew.

[41]. A similar interval is granted to a Canaanite servant to decide whether he is willing to become circumcised and accept the mitzvot in which he is obligated (**Hilchot Milah** 1:6).

During this entire period, the captor may neither engage in sexual relations with her or use her as a servant.

[42]. See Halachot 10 and 11 of this chapter and Chapters 10 and 11 for an explanation of those laws.

[43]. The latter term is a translation of the Hebrew, ger toshav. As explained in Halachah 10, it refers to a gentile who accepts upon himself the observance of the seven mitzvot. The term is appropriate for such a gentile is entitled to settle in **Eretz Yisrael**. For when the Jews have undisputed rule over the land, they are forbidden to allow a gentile who has not accepted the seven mitzvot to dwell there for one moment. See **Hilchot Avodat Kochavim** 10:6, **Hilchot Issurei Bi'ah** 14:7.

[44]. Deuteronomy 7:3 mentions the prohibition against marrying a gentile. It also applies to a resident alien.

[45]. The child only receives the status of a convert after he undergoes the conversion process. Before then, he is a gentile as any child born from relations between a Jew and a gentile

woman.

[46]. **Yevamot** 23a comments: "A son born to you from a gentile woman is called her son and not yours." Thus, this child has no relation to his natural father in regard to inheritance or Jewish lineage.

[47]. **Ketubot** 12a relates that a Jewish court may convert a minor. When he comes of age, he has the right renounce the Jewish faith and return to gentile practices.

The **r Sameach** notes that it is only necessary for the child to be immersed in the mikveh if the mother delays her conversion until after his birth. If she converts while pregnant, her immersion is sufficient for her child as well. Needless to say, if the child is male, he must be circumcised as a convert as well.

[48]. While David ruled as King of Judah in Hebron, he conquered Talmai, king of Geshur and took his daughter, Ma'aka, as a **yefat toar** (See commentaries, II Samuel 3:3).

conceived from those relations and bore a daughter, Tamar. Tamar was extremely beautiful and Amnon, David's oldest son fell in love with her. He literally fell sick with love. His friends noticed him wasting away and helped him contrive a scheme to rape her.

Amnon feigned to be seriously ill and when David came to visit him, he requested that his father have Tamar prepare food for him. Unaware of Amnon's intent, David consented and sent his daughter to him. When she came, Amnon ordered all his servants to leave and took hold of the girl. She protested, begging him to marry her: "Speak to the king, for he will not withhold me from you." Amnon refused, wanting to only to fulfill his desires.

After consummating his passion, Amnon became obsessed with hate for Tamar. His despise for her exceeded his previous

attraction. He sent her away rudely and paid no further attention to her. Avshalom, Tamar's brother, was enraged at the episode. He bided his time and when he had an opportunity, slew Amnon in revenge (II Samuel, Chapter 13).

[49]. Hence, he could have been considered David's heir.

[50]. The r **Sameach** notes that Ma'aka must have converted before Tamar's birth. Thus, she was considered the child's halachic as well as natural mother. Otherwise, halachically, Tamar would not have been considered her daughter and hence, would have had no relation to Avshalom.

[51]. For there was no relation between them.

[52]. The **Kessef Mishneh** questions why the captive woman is allowed to worship idols for such a long time. In no other instance is such tolerance shown. The commentaries suggest that this leniency was granted because she was forcefully possessed.

[53]. Regarding the captive woman's release, Deuteronomy 21:14 states: ,vishilachta which literally meaning: "You shall send her to herself." On this phrase, the **Midrash HaGadol** comments: "Send her to herself,' but not to her gods."

[54]. See Chapter 6, Halachah 1.

[55]. See Chapter 9, Halachah 14.

[56]. In **HilchotAvodah Zarah** 10:6, the Rambam writes that no idol worshippers should be allowed to live among us "when the hand of Israel is powerful over them." The extent of the authority the Jews must yield is a matter of question among the commentaries.

It appears that throughout the second Temple period, though Judeah existed as an independent country, the Sages did not

exercise this authority. Similarly, in **Eretz Yisrael** today, there are few, if any, Torah leaders who feel justified to assume such powers.

[57]. Chapter 10, Halachah 9, states that a gentile who studies Torah is worthy of death at the hand of God.

[58]. Just as an heir becomes the legal owner of all possessions left to him, the Torah, our national heritage, belongs to each Jew, regardless of background or upbringing.

[59]. With the exception of certain restrictions based on **yichus**, pedigree of lineage, converts are granted the same privileges and responsibilities as native-born Jews. They have a full share in the Torah.

[60]. In the Talmudic era, the later Hasmonean kings conquered the Idumeans and forcibly converted them to Judaism. What were the results of this act? Herod, an Idumean, became King of Judah and ruled the land as a cruel tyrant.

[61]. This obligation is dependent upon every individual in every era. The **Tosafot Yom Yov (Avot 3:14)** relates:

As the Rambam writes, we were commanded by Moses [to compel the gentiles to accept the seven commands]. If this applies to compulsion at the point of the sword, with threats of execution,... it surely applies regarding compulsion through persuasion, to lead their hearts to the will of their Creator.”

The Jews must serve as “a light unto the nations” (Isaiah 42:6) teaching them the seven mitzvot and instructing them in proper behavior (See the commentary of the Radak on the above verse). Similarly, the **Chatam Sofer (Choshen Mishpat, Responsum 85)** writes that it is a mitzvah to guide the gentiles in the service of God.

This particularly applies in the present age, when there is far greater communication between Jews and gentiles than ever before. The Jews should take advantage of this phenomenon. Rather than be influenced by the gentiles, they should utilize this freedom of communication to convince the gentiles to accept their seven mitzvot.

With this halachah, the Rambam begins a different section of **Hilchot Melachim**. These two halachot, and, similarly, the following two chapters, deal with the seven mitzvot the gentiles are obligated to perform. Afterwards, the final two chapters deal with the coming of Mashiach.

An important principle is implied by this sequence. Jewish thought relates that God rewards our behavior “measure for measure.” One of the fundamental achievements of Mashiach will be the refinement of the gentile nations. As the prophet Tzephaniah 3:9 declares: “I will transform the peoples to a purer language that they all will call upon the name of God and serve Him with one purpose” (see Halachah 11:4). As a preparatory step to merit these rewards, we must involve ourselves in the refinement of the gentiles by motivating their acceptance of the seven mitzvot.

[\[62\]](#). In contrast to the previous principles, this law only applies when the Jews have undisputed authority over **Eretz Yisrael**. See Chapter 9, Halachah 14.

[\[63\]](#). The laws regarding resident aliens only applied while the entire Jewish people lived in **Eretz Yisrael** (**Hilchot Avodat Kochavim** 10:6). Nevertheless, in that era, a gentile could accept the obligations of a resident alien in any land.

[\[64\]](#). Thus, comprising a court of law. The resident alien’s acceptance of the seven mitzvot requires the presence of a court as does a gentile’s conversion to Judaism.

[\[65\]](#). I.e. to convert.

[66]. In **Hilchot Avodat Kochavim**, Chapter 10, the Rambam outlines the rules governing our relations with our fellow Jews and those governing our relations with gentiles. After a gentile has waited twelve months, his original commitment to convert is no longer taken seriously and his status reverts from that of a potential proselyte to an ordinary gentile.

The above is based on the standard published text of the **Mishneh Torah** which reads k'min haumot. The Yemenite manuscripts of the **Mishneh Torah** read: kmin min haumot, meaning "as a non-believer from the gentiles." Such an individual is subjected to harsher treatment than most gentiles.

[67]. This principle can be derived from the Mishnah's statement (**Sanhderin** 90a) that Bilaam will not receive a share in the world to come. It can obviously be inferred that the righteous of the gentiles will be granted a portion in that eternal good.

The **Zohar Chadash** (Ruth 78:4) relates that though the pious gentiles will merit a portion in the world to come, their portion will be separate from that of the Jewish people.

[68]. In the Introduction to his Commentary on the Mishnah (conclusion of section 8), the Rambam writes:

The masses of people were created to be "company" for the wise that they not be alone... Everything in this world is only intended for the sake of a man who is complete in wisdom and deed... as implied by our Sages' statement: "All that God possesses in this world are four square cubits of Halachah."

Similarly, our Sages comment that bereishit, the first word of the Torah, can be broken up into two words: beit reishit, "two firsts"; implying that the world was created for the sake of two things that were called "first": Israel and the Torah.

Accordingly, on one level, the purpose of the fulfillment of

the seven mitzvot is to establish a stable world and a moral and hence, thriving society. However, this purpose is not an end in itself, but rather a means to allow the Jews to fulfill the Torah. Therefore, the gentiles' acceptance of the seven mitzvot must also contain an awareness of the fundamental importance of Torah.

[69]. Though these mitzvot were commanded well before the giving of the Torah, when the Moses received the Torah, these commandments were renewed. We see a similar example in regard to other mitzvot. In his commentary on the Mishnah (**Chullin** 7:6), the Rambam writes:

All the [mitzvot] we fulfill should be carried out because of God's command transmitted by Moses... We do not circumcise ourselves because Abraham circumcised himself, but because God commanded us, through Moses, to circumcise ourselves.

[70]. Without acknowledging them as Divine commands.

[71]. Thus, there are three levels in the gentiles' acceptance of their seven mitzvot: a resident alien who makes a formal commitment in the presence of a Torah court; "the pious among the gentiles," individuals who accept the seven mitzvot with the proper intent, but do not formalize their acceptance; and a gentile who fulfills the seven mitzvot out of intellectual conviction.

[72]. The Yemenite manuscripts of the **Mishneh Torah** substitute "but rather, of their wise men" for this phrase.

The difference between these two texts revolves around the extent in which a gentile is required to perceive his role in creation. According to the Yemenite texts, a wise man can perceive how the fulfillment of the seven mitzvot can lead to a stable society. Hence, he will commit himself to their fulfillment. However, it is piety, not wisdom, which will motivate an individual to carry them out for the sake of God and Torah.

According to the standard published text, the gentiles themselves must realize that their existence is only “for the sake of Israel and for the sake of Torah.” Anyone who does not understand that concept has not reached complete wisdom.

CHAPTER NINE

1. Six[1] precepts were commanded to Adam:
 - a. [the prohibition against] worship of false gods;[2]
 - b. [the prohibition against] cursing God;[3]
 - c. [the prohibition against] murder;[4]
 - d. [the prohibition against] incest and adultery;[5]
 - e. [the prohibition against] theft;[6][the command to establish] laws and courts of justice.[7]

Even though we have received all of these commands from Moses and, [furthermore, they are concepts] which intellect itself tends [to accept], it appears from the Torah’s words that [Adam] was commanded concerning them.

[The prohibition against eating] flesh from a living animal was added for Noah, as [Genesis 9:4] states: “Nevertheless, you may not eat flesh with its life, which is its blood.”[8] Thus there are seven mitzvot.[9]

These matters remained the same throughout the world until Abraham. When Abraham arose, in addition to these, he was commanded regarding circumcision.[10] He also [ordained] the morning prayers.[11]

Isaac separated tithes[12] and ordained an additional prayer service before sunset.[13] Jacob added [the prohibition against eating] the sciatic nerve.[14] He also ordained the evening prayers.[15] In Egypt, Amram was commanded regarding other mitzvot.[16] Ultimately,

Moses came and the Torah was completed by him. [\[17\]](#)

2. A gentile who worships false gods is liable provided he worships them in an accepted manner. [\[18\]](#) A gentile is executed for every type of foreign worship which a Jewish court would consider worthy of capital punishment. [\[19\]](#) However, a gentile is not executed for a type of foreign worship which a Jewish court would not deem worthy of capital punishment. Nevertheless, even though [a gentile] will not be executed [for these forms of worship], he is forbidden [to engage] in all of them. [\[20\]](#) We should not allow them to erect a monument, [\[21\]](#) or to plant an **Asherah**, [\[22\]](#) or to make images and the like even though they are [only] for the sake of beauty. [\[23\]](#)
3. A gentile who curses God's Name, [\[24\]](#) whether he uses God's unique name [\[25\]](#) or one of His other names, [\[26\]](#) in any language, is liable. This law does not apply with regard to Jews. [\[27\]](#)
4. A gentile who slays any soul, [\[28\]](#) even a fetus in its mother's womb, [\[29\]](#) should be executed [in retribution] for its [death]. [\[30\]](#) Similarly, if he slew a person who would have otherwise died in the near future, [\[31\]](#) placed a person before a lion, [\[32\]](#) or starved a person to death, he should be executed for through one manner or other, he killed. [\[33\]](#) Similarly, one should be executed if he killed a pursuer when he could have saved [the latter's potential victim] [\[34\]](#) by maiming one of [the pursuer's] limbs. [\[35\]](#) These laws do not apply with regard to Jews.
5. There are six illicit sexual relations forbidden to a gentile: [\[36\]](#)
 - a. his mother; [\[37\]](#)
 - b. his father's wife; [\[38\]](#)
 - c. a married woman; [\[39\]](#)
 - d. his maternal sister; [\[40\]](#)
 - e. a male; [\[41\]](#)

f. an animal.

[These prohibitions are derived from] the verse [Genesis 2:24]: “Therefore, a man shall leave [his father and his mother and cling to his wife and they shall become one flesh.”][42]

“His father” – alludes to his father’s wife;[43]

“his mother” – is to be understood simply;[44]

“cling to his wife” – and not his colleague’s wife; [45]

“his wife” – and not a male;

“They shall become one flesh”[46] – this excludes a domesticated animal, beast, or fowl for [man] can never become “one flesh” with them.[47]

[The prohibition against relations with a maternal sister is derived from] the verse [Genesis 20:13]: “She is my sister, my father’s daughter, but not my mother’s. [Thus,] she became my wife.”[48]

6. A gentile is liable [for relations] with [his mother even though] she was seduced or raped by his father [and never married to him]. She is, nevertheless, his mother.[49] He is liable [for relations] with his father’s wife even after his father’s death.[50] He is liable [for relations] with a male whether a minor or an adult[51] and with an animal whether young or old.[52] [In the latter instance,] the gentile alone is executed and not the animal.[53] We are only commanded to kill an animal with which a Jew [engaged in relations].[54]
7. A gentile is not executed for [adultery] with his colleague’s wife unless they engage in relations in the normal manner[55] after she had engaged in relations with her husband at least once. However, if she was merely consecrated or had undergone a wedding ceremony,

but had never engaged in relations [with her husband], one is not liable for engaging in relations with her, [56] as [Genesis 20:3] states: "For she has been possessed by [her] husband." [57] When does the above apply? When a gentile engages in relations with a gentile woman. [58] However, a gentile who engages in relations with a [married] Jewess is liable whether their relations were carried out in a normal or abnormal manner. [59] [Similarly,] a gentile who engages in relations with a Jewish maiden [60] who has been consecrated is stoned to death because of her as is the law regarding Jews. [61] If he engages in relations with her after she has undergone the wedding ceremony, but has not engaged in relations [with her husband], he is strangled to death as is the Jewish law. [62] However, if he engages in relations with a Jewish woman after she engaged in relations [with her husband] once, he is sentenced to be executed by decapitation [63] as if he had engaged in relations with a gentile woman. [64]

8. A gentile who singles out one of his maid-servants for one of his slaves [65] and, afterwards, engages in relations with her is executed because of her for [violation of the prohibition against] adultery. [66] However, he is not liable [for relations] with her until the matter has become public knowledge and everyone refers to her as "the wife of X, the slave." [67] When do [relations with] her become permitted again? When he separates her from his slave [68] and uncovers her hair in the market-place. [69] When is a gentile woman considered divorced? When [her husband] removes her from his home and sends her on her own or when she leaves his domain and goes her own way. They have no written divorce proceedings. [70] The matter is not dependant on the man's [volition] alone. [71] Whenever he or she decide to separate, they may [and then, are no longer considered as married.] [72]
9. A gentile is liable for [violating the prohibition

against] theft whether he stole from another gentile or from a Jew.[\[73\]](#)[This applies to] one who forcefully robs [an individual] or steals money,[\[74\]](#) a kidnapper,[\[75\]](#) an [employer who] withholds his worker's wages and the like,[\[76\]](#) even a worker who eats [from his employer's produce] when he is not working.[\[77\]](#) In all [such cases], he is liable and is considered as a robber. With regard to Jews, the law is different.[\[78\]](#) Similarly, [a gentile] is liable [for stealing an object] worth less than a **p'rutah**.[\[79\]](#) Thus, if one gentile stole [an object] worth less than a **p'rutah** and another [gentile] stole it from him, they are both executed because of it.[\[80\]](#)

10. Similarly, [a gentile] is liable [for violating the prohibition against] eating a limb[\[81\]](#) or flesh from a living creature.[\[82\]](#) [This applies] regardless of the amount involved, for [the specification of] minimum amounts only applies to Jews.[\[83\]](#) [A gentile] is permitted blood from a living creature.[\[84\]](#)
11. [The prohibition applies] to a limb[\[85\]](#) or flesh[\[86\]](#) that is separated from either a domesticated animal or a beast.[\[87\]](#) However, it appears to me[\[88\]](#) that a gentile is not executed for eating a limb [taken] from a living bird.[\[89\]](#)
12. Though one slaughters an animal, even if one severs the two signs [that distinguish it as having been slaughtered in a kosher manner],[\[90\]](#) as long as the animal moves convulsively,[\[91\]](#) the limbs and meat which are separated from it are forbidden to a gentile because of the prohibition against a limb from a living creature.[\[92\]](#)
13. All prohibitions that apply to a Jew regarding a limb from a living creature also apply to gentiles. Furthermore, there are instances where a gentile would be held liable and a Jew will not for a gentile is liable for a limb or flesh from a living creature whether from a domesticated animal or a beast, whether

from a kosher or non-kosher species.[\[93\]](#) Similarly, a gentile is forbidden [to partake of] a limb from a living creature for a limb or flesh which is separated from an animal that is moving convulsively even though a Jew has already severed the two signs.[\[94\]](#)

14. How must [the gentiles] fulfill the commandment to establish laws and courts? They are obligated to set up judges and magistrates in every major city[\[95\]](#) to render judgement concerning these six mitzvot[\[96\]](#) and to admonish the people [regarding their observance].[\[97\]](#) A gentile who transgresses these seven commands shall be executed[\[98\]](#) by decapitation.[\[99\]](#) For this reason, all the inhabitants of Shechem were obligated to die. Shechem kidnapped.[\[100\]](#) They observed and were aware of [his deeds], but did not judge him.[\[101\]](#) A gentile is executed [on the basis of the testimony of] one witness[\[102\]](#) and [the verdict of] a single judge.[\[103\]](#) No warning [is required].[\[104\]](#) Relatives may serve as witnesses.[\[105\]](#) However, a woman may not serve as a witness or a judge for them.[\[106\]](#)

[\[1\]](#). **Sanhderin** 56a relates that Adam was commanded regarding all seven commands. Nevertheless, the Rambam choose to quote from **Bereishit Rabbah** 16:6 which mentions the seventh command, the prohibition against eating flesh taken from a living animal, as being given to Noah. It appears that the Rambam chose the latter source because man was not permitted to consume flesh at all until after the flood. Together with the license to eat meat, God explicitly forbade Noah from eating flesh from a live animal.

[\[2\]](#). The Midrash derives all these six prohibitions from the

exegesis of Genesis 2:16: “And God the Lord commanded to man, saying: @53You may eat of all the trees of the garden...@54 As evident from Hoshea 5:11, tzav, “command,” serves as an allusion to the worship of false gods. This prohibition is discussed in Halachah 2.

[3]. The mention of God’s name develops an association between this verse and the prohibition against cursing God mentioned in Leviticus 24:16. This prohibition is discussed in Halachah 3.

[4]. The Hebrew terms translated as “to man” refer to the command against murder, as mentioned in Genesis 9:6. This prohibition is discussed in Halachah 4.

[5]. The word, “saying,” establishes an analogy between this verse and Jeremiah 3:1 which mentions this prohibition. It is discussed in Halachot 5-8.

[6]. This is derived from the license granted by the verse to eat from the trees of the garden, implying that otherwise, Adam would have been forbidden to do so because the property did not belong to him. This prohibition is discussed in Halachah 9.

[7]. This command is inferred from the word Elohim. For although that term also means “Lord,” Exodus 22:27 uses that term in reference to a judge. This command is discussed in Halachah 14.

[8]. This prohibition is discussed in Halachot 10-13.

[9]. Other commentaries explain that gentiles are obligated to perform other mitzvot, for example, honoring one’s parents (See Rashi, Genesis 11:32) and charity (See Eichah 4:6). The Ran (**Sanhderin** 56b) relates that the number seven only applies to prohibitions. However, there are other positive commands that gentiles are obligated to fulfill.

[\[10\]](#). Genesis 17:10 related God's command to Abraham: "This is My covenant between Me and you and your offspring... Circumcise every male."

As the Rambam writes in Chapter 10, Halachah 7, from that time onwards, the Jews were obligated to observe the mitzvah of circumcision. However, Leviticus 12:3 repeats the command to circumcise. In his Commentary on the Mishnah (**Chullin** 7:6), the Rambam explains the need for this repetition:

All the [mitzvot] we fulfill should be carried out because of God's command transmitted by Moses... We do not circumcise ourselves because Abraham circumcised himself, but because God commanded us, through Moses, to circumcise ourselves.

At Mount Sinai, the Jews were singled out by God to be "a kingdom of priests and a holy nation." Thus, the mitzvot given then differ, in purpose as well as in number, from the mitzvot given the gentiles. The gentiles' seven mitzvot are intended to establish a stable and moral society. The purpose of the 613 mitzvot is to establish a complete bond between God and every aspect of man's personality.

Similarly, the mystical nature of the commands differ. **Kiddushin** 31a relates that one who carries out a mitzvah in fulfillment of God's command is greater than one who does so out of his own volition. Why? Because by fulfilling a mitzvah commanded by God, man steps beyond his humanity and performs deeds that are Godly in nature. This quality was granted to the mitzvot at Sinai and not beforehand. Consequently, all the mitzvot previously commanded to the forefathers had to be repeated.

[\[11\]](#). Genesis 19:27 relates how "Abraham rose early in the morning, [hurrying] to the place where he stood before God." **Berachot** 26b infers that this applies to his morning prayers.

Kiddushin 82a states that Abraham fulfilled the entire Torah

before it was given. This statement raises a question: Why does the Rambam only mention circumcision and the morning service as mitzvot which Abraham performed?

The commentaries explain that the Rambam only mentions those commands explicitly mentioned or clearly alluded to in the Torah. Furthermore, it is possible that the manner in which the Abraham and his descendants fulfilled the other commands differ from the manner in which we fulfill them today. For example, the **Zohar** writes that Ya'akov's placing the rods before Laban's sheep drew down the same spiritual energies as our donning of Tefillin.

[\[12\]](#). Genesis 26:12 mentions how "Isaac reaped one hundred measures." **Bereishit Rabbah** 64:6 explains that he measured his crop in order to give tithes.

The Ra'avad questions why the Rambam does not count tithes as one of the mitzvot instituted by Abraham for Genesis 14:20 explicitly mentions Abraham's separation of tithes. The commentaries explain that Isaac and not Abraham, originated the mitzvah of tithing produce as mandated by the Torah. Abraham tithed the booty he conquered in war. In contrast, according to Scriptural Law, the mitzvah to tithe applies only to certain agriculture products.

[\[13\]](#). Genesis 24:63 relates how "Isaac went out in the fields to pray toward evening."

[\[14\]](#). Genesis 32:26 relates that when Jacob was wrestling with Esau's archangel, the latter was able to dislocate Jacob's hip joint. Verse 33 continues: "Therefore, the children of Israel do not eat the displaced nerve on the hip joint." The nerve in question is the major nerve of the lower extremity, running down the back of the leg.

[\[15\]](#). Genesis 28:11 relates that "Jacob encountered the place and spent the night there, because the sun had set." **Berachot** (ibid.) explains that implied by the Hebrew is

the recitation of the evening prayers.

[\[16\]](#). The **Kessef Mishneh** questions the source for the Rambam's statements, asking which mitzvot were commanded to Amram. Some commentaries point to the statements of the **Mechiltah** (Exodus 19:10) that before the giving of the Torah, Moses reviewed the mitzvot which the Jews had been given in Egypt. Since Amram served as the leader of the people, these mitzvot were probably given to him.

Others explain that the **Mechilta** could be referring to the mitzvot of matzah, marror, and the other elements of the Passover sacrifice given to Moses and not mitzvot given to Amram. They suggest that the Rambam is referring to the mitzvot of divorce and marriage. When Pharaoh commanded the Egyptians to drown the Jewish babies, Amram divorced his wife. Later, at the suggestion of his daughter, Miriam, he remarried her.

[\[17\]](#). As explained above, there is a difference between the mitzvot given to the gentiles and those commanded the Jews.

[\[18\]](#). Every false god has an accepted manner in which its adherents serve it. The idol worshippers established many [different] services for each particular idol and image. The service of one does not resemble the service of another (**Hilchot Avodat Kochavim** 3:2). A person does not incur the death penalty unless he worships a false god in its appropriate manner.

[\[19\]](#). In addition to the sin of serving an idol in its appropriate manner, the death penalty is also given for bowing to one, sacrificing to it, offering incense to it, or pouring libations to it, even if the idol is generally not served in that manner (ibid. 3:3).

[\[20\]](#). For example, kissing the idol, embracing it, washing it, sweeping before it, and similar acts of affection and reverence (ibid. 3:6).

[21]. A structure which attracts people and motivates them to gather around it. Construction of such a structure is forbidden even as an act of reverence to God (ibid. 6:6).

[22]. A tree which is worshipped (ibid. 8:3). The **Zohar** (Vol. I 49b) relates that worshippers of the moon would employ such trees in their services.

[23]. This is not a general prohibition against all artwork. In **Hilchot Avodat Kochavim** 3:10, the Rambam explains that it only applies to sculptures of human faces. Other images and paintings, imprints, and tapestries of humans are not forbidden.

[24]. The Rambam uses the word berach which literally meaning “blesses” as a euphemism.

[25]. **Hilchot Avodah Zarah** 2:7 explains that this refers to the name Adonai and, of course, the name Y-H-V-H which is only to be mentioned in the Temple.

[26]. The term kinui implies any name used to describe God and not necessarily, one of the seven names, e.g., El or Shaddai which are holy and may not be erased.

[27]. **Hilchot Avodat Kochavim** (ibid.) explains that a Jew is only liable if he mentions either the name Adonai or the name Y-H-V-H in the curse.

The obligation of gentiles in instances where Jews are exempt is not accepted by all Talmudic authorities (Note **Sanhderin** 56a). The **Kessef Mishneh** questions why the Rambam follows the more severe opinion.

[28]. Intentionally, see Halachah 10:1.

[29]. This refers to a person who intentionally delivered a blow to the mother which caused the fetus to die. A Jew would not be held guilty of murder for such an act (See Exodus 21:22, **Hilchot Chovel UMazik** 4:1). However, a gentile is

considered liable.

It is obvious from this statement that abortion is equated with murder and is only permitted in certain instances where the mother's life is threatened.

[30]. Genesis 9:6 states: "He who spills human blood shall have his own blood spilled."

[31]. This refers to a person who is **trefe**, possessing a blemish or illness which would cause his death within twelve months. A Jew who kills such a person is not given the death penalty (**Hilchot Rotzeach** 2:8).

[32]. Other texts substitute "in a lion's mouth" for the latter phrase.

[33]. With regard to a Jew who commits such an act, **Hilchot Rotzeach** 3:10 states:

A person who... starves a colleague to death or... sets a dog or snake upon him: in all cases of this nature, the person is not executed. Nevertheless, he is considered a murderer and the One who avenges blood will seek his blood.

[34]. A person is allowed to kill a person who is trying to kill or rape another individual (**Hilchot Rotzeach** 1:6-12). However, this leniency is only granted when there is no other alternative.

[35]. For he is not allowed to kill him. In contrast, if a Jewish pursuer kills a Jewish attacker under similar circumstances, "he is considered guilty of murder and obligated to die. However, he is not executed by the court" (ibid. 1:13).

[36]. There are many more relationships forbidden to a Jew. See Leviticus, Chapter 17, **Hilchot Issurei Bi'ah**, Chapters 1 and 2.

[37]. This applies even if she is not his father's wife. See the following halachah.

[38]. This applies even if she is not his mother, and even after his father's death.

[39]. As mentioned in the commentary to Chapter 8, Halachah 3, a Jew is not liable for adultery if he engages in relations with a gentile's wife. Nevertheless, the marriages of gentiles are significant for other gentiles and they are executed for committing adultery.

[40]. But not his paternal sister as obvious from the verse quoted below.

[41]. I.e., homosexuality.

[42]. This verse concludes the Torah's description of the creation of Eve and Adam's union with her. Thus, it serves as a guide for the sexual behavior of all his descendants.

[43]. For otherwise, there would be no need for such a prohibition for relations with males are explicitly forbidden.

[44]. It is interesting to note that there is no prohibition against relations with a daughter.

[45]. Halachah 7 explain that this refers to a woman who is married (**nissuin**) and not merely consecrated (**erusin**).

[46]. Give birth to children (Rashi, on Genesis, *ibid.*).

[47]. I.e., children can never be born from such a union.

[48]. Abraham made this statement to Avimelech to excuse his behavior in calling Sarah his sister rather than his wife. Abraham explained that she was like his sister (she was his father's granddaughter). However, he was allowed to marry her because they shared a common paternal ancestor, but not a common maternal ancestor.

[49]. This law is derived from the inclusion of two prohibitions; one against relations with one's father's wife and one against relations with one's mother. If the prohibition against relations with one's mother only applied to a woman married to one's father, only one prohibition would be necessary (**Sanhderin** 58a).

[50]. If not, there would be no need for this prohibition for she would be forbidden as any other married woman (ibid.).

[51]. A Jew is only liable for relations with a male nine years and over. Below that age, the Torah does not consider the child as sexually developed (**Hilchot Issurei Bi'ah** 1:14). The **Kessef Mishneh** favors the view that the same laws apply to a gentile as to a Jew. The Radbaz maintains that a gentile is liable no matter what the age of the child.

[52]. The age of an animal is of no significance whatsoever. A person is sentenced to death for relations with an animal even on the day of its birth (ibid. 1:16).

[53]. The question of executing the animal was debated and left undecided by **Sanhderin** 55a. Since no decision was reached, the death penalty is not administered.

[54]. The animal is also executed lest it be seen in the street and the passersby comment: "See that animal! So and so was executed for having relations with it."

[55]. I.e., vaginal, rather than anal intercourse.

[56]. "Before the Torah was given, a man would meet a woman in the market-place, if both he and she desired to marry, he would bring her to his home and possess her privately, thus, making her his wife."

"Once the Torah was given, the Israelites were commanded [as follows]: Should a man desire to marry a woman, he must first acquire her in the presence of witnesses. Afterwards, she will

become his wife" (**Hilchot Ishut** 1:1).

The latter paragraph describes the two stages in Jewish marriage: **kiddushin** and **nissuin**. Only a Jew is obligated to marry in this fashion. For a gentile, the law remains as it was before the giving of the Torah and the marriage bonds are established through sexual relations alone.

[57]. – When Avimelech took Sarah, Abraham's wife, God employed this phrase to warn him that relations with her were forbidden. From the use of the phrase "possessed by her husband" as opposed to "another man's wife" or the like, our Sages derived that the marriage bond was established through sexual relations.

[58]. For capital punishment in the same manner as a Jew. With regard to relations with a Jewess, a gentile sexual offender is never granted greater leniency than a Jew.

[59]. Leviticus 20:22 uses a plural term, *mishkavei ishah* to describe sexual relations. This expression was chosen to teach us that one is liable for two forms of intercourse, vaginal and anal (**Sanhderin** 54b).

[60]. The latter term refers to a virgin girl between the ages of twelve and twelve and a half.

[61]. See Deuteronomy 22:23-24. In this specific instance, a more severe penalty is given than in other cases of adultery.

The Jerusalem Talmud (**Kiddushin** 1:1) mentions that whenever a gentile is given the same punishment as Jews, his trial is also governed by the same laws. Generally, a gentile's trial is decided by a single judge on the basis of the testimony of a single witness. In this instance, there is obligation for twenty-three judges, two witnesses, a warning and all other elements required in capital cases involving Jews.

The Ran (**Sanhderin** 57b) does not accept this opinion. He

brings proofs that the Babylonian Talmud, on which basis halachah is decided, does not differentiate between this case and other trials involving gentiles.

[62]. Once a couple have undergone the wedding ceremony, the penalty for adultery changes from being stoned to death to strangulation, a less severe means of execution.

[63]. Although a Jew would be sentenced to strangulation for the same sin.

[64]. In the former instances, no punishment would have been exacted for relations with a gentile woman. Hence, the offender is punished according to Jewish law. However, when a parallel offence exists among the seven mitzvot, a gentile is punished accordingly. Decapitation is considered a more severe means of execution than strangulation.

[65]. The slave must also have engaged in relations with the maidservant for the issue of adultery to be raised (Radbaz).

[66]. **Sanhderin** 57a mentions that a master should be executed for such an act. However, the reason for his execution is a matter of debate among the commentaries.

Rashi maintains that there is no concept of marriage with regard to slaves. The master is violating the prohibition against theft, taking the woman he had given to his slave, but not adultery. The Rambam does not accept this view for the slave never really acquired the woman. Nor does he have the potential to do so, for "everything acquired by a servant becomes his master's property" (Radbaz).

[67]. The fact that the slave had relations with her is not sufficient to establish a bond between them for slaves were known for their lewdness. Their "marriage" is not recognized until the matter is publicly accepted.

[68]. The masculine conjugation of the verb is used implying

that it is the master who performs this act.

[69]. Married women are obligated to cover their hair (**Shulchan Aruch, Even HaEzer** 115). Even gentiles would observe this practice.

[70]. A Jew who desires to divorce his wife must give her a bill of divorce (**get**). This document must be composed by a scribe with expertise and training regarding all the particular laws involved. In contrast, gentiles do not require such a document. Their separation constitutes divorce.

Modern commentaries question whether these laws still apply to gentiles in the present age when most countries have instituted formal divorce proceedings. Since these proceedings are recognized by their court system and the laws established by a country must be observed by its inhabitants, a woman may be considered married until formally divorced.

[71]. This differs from Jewish law. According to Scriptural Law, a husband must initiate divorce and does not need his wife's consent. In the Middle Ages, Rabbenu Gershon decreed that a woman may not be divorced against her will. However, the husband must willingly decide to grant the divorce.

[72]. The Rambam's statements are based on the Jerusalem Talmud (*ibid.*) which states that the gentiles "do not have divorce." The Ran (**Sanhderin** 58b) quotes an opinion which interprets that statement to mean that divorce is absolutely forbidden to a gentile couple.

[73]. The converse is also true. A Jew is prohibited against stealing from a gentile (**Hilchot Genevah** 1:2). However, he is not given the death penalty for such an act.

[74]. Genevah in Hebrew. In contrast to *gezeilah*, "robbery," *genevah* involves taking someone's money secretly without the owner's or the public's knowledge (**Hilchot Genevah** 1:3).

[75]. The command “Do not steal” in the Ten Commandments refers to kidnapping. **Sanhderin** 57a explains how this prohibition applies to gentiles.

[76]. For example, withholding rent due a landlord or the fee charged for the hire of a utensil or other property.

[77]. Deuteronomy 23:25 grants a worker the privilege of eating from the produce he is harvesting. However, this right is only given while he is actually working. Afterwards, taking from the produce is forbidden.

[78]. Though a Jew is also prohibited against all the above, there are different prohibitions involved. He is only labeled a robber if he forcibly taking money in the open.

[79]. A **p’rutah** was the smallest coin of the time. A Jew is also forbidden to steal this minimal amount. However, should he do so, the matter is not taken to court for surely, the owner is not concerned about the loss of such an insignificant amount (**Hilchot Gezeilah** 1:6).

[80]. With regard to Jews, though it is forbidden to steal from a thief, the fine the second thief is obligated to pay differs from that required of the first. See **Hilchot Genevah** 1:17.

[81]. The term limb implies a bone with sinews and nerves as well as meat.

[82]. The **Sha’agat Aryeh** explains that there is a problem implicit in the Rambam’s statements: A gentile is liable for eating even the slightest amount of meat. Since it is impossible for him to eat a limb that has no meat on it whatsoever, it appears superfluous to mention two prohibitions: one against eating a limb and the other against eating meat.

[83]. A Jew is also bound by these prohibitions. However, he

is not liable for punishment until he consumes a minimum measure, the size of an olive (approx. one ounce), of these forbidden foods. **Eruvin** 4a explains that the concept of minimum amounts is part of the oral tradition which was given to Israel alone. Hence, the gentiles are liable for eating even the slightest amount of meat.

[84]. Genesis 9:4, the source for the prohibition against eating flesh from a living animal, states: "You may not eat flesh with its life, which is its blood." Nevertheless, **Sanhderin** 59a relates that this verse does not prohibit a gentile from drinking blood taken from a living animal. In contrast, a Jew is prohibited against drinking all blood, whether taken from an animal before its slaughter or afterwards.

[85]. The term limb implies a bone with sinews and nerves as well as meat.

[86]. In **Hilchot Ma'achalot Assurot** (5:2), the Rambam writes:

One is not liable for [the prohibition of] a limb from a living creature unless the limb is separated... with its flesh, sinews, and bones.

However, if only flesh is separated from a living creature, [a person who eats it] is liable for [the prohibition against eating] **trefe** [meat], but is not liable for [the prohibition against] a limb from a living creature.

The **Kessef Mishneh** notes that a gentile is permitted **trefe** meat and questions why he is prohibited against eating flesh from a living animal.

The **Lechem Mishneh** replies that the prohibition for Jews and for gentiles are derived from different verses. The verse that prohibits a gentile from eating a limb from a living creature states; "You may not eat flesh with its life," explicitly mentioning flesh.

[87]. Though the Torah occasionally differentiates between these types of animals, in this instance, the same laws apply.

[88]. Throughout the **Mishneh Torah**, the use of this expression implies that the Rambam does not have an explicit Talmudic or Midrashic source to substantiate his statements. However, an analysis of the different references to the subject leads to this conclusion.

[89]. The Ra'avad does not accept this statement and maintains that a gentile is liable for eating flesh from a living bird. He is only exempt from eating flesh from a living creeping animal, *sheretz* in Hebrew.

The Radbaz defends the Rambam's statements, noting that though **Chullin** 101b obligates Jews for eating flesh taken from a living bird, gentiles may be exempt from that prohibition. The verse which describes the gentiles' prohibition mentions, *basar* "meat." **Nedarim** 54b relates an argument among the Sages where meat from a bird is considered "meat" or not. Thus, though a gentile is forbidden from eating such meat, he is not executed as punishment.

[90]. Kosher slaughter involves slitting the gullet and the wind-pipe. Once this is done, the animal will surely die within moments.

[91]. After slaughter, an animal will frequently move its limbs convulsively for a short time.

[92]. The animal is considered alive until it stops moving. The Radbaz states that although a prohibition exists, since the animal has been ritually slaughtered, a gentile is not executed for violating this prohibition.

[93]. In contrast, a Jew is only liable for eating a limb from a kosher species (**Hilchot Ma'acholot Assurot** 5:1). The prohibition against a Jew's eating such meat is derived from the verse (Deuteronomy 12:23): "Do not eat the flesh with its

life.” **Chullin** 102a explains that the prohibition only applies to flesh that we are permitted to eat. Such an exclusion does not apply regarding gentiles.

[94]. A Jew is not held liable under such circumstances. **Chullin** 121b permits a gentile to eat flesh from an animal slaughtered in this fashion and the Rashbah and other authorities accept this view. However, the Rambam follows **Chullin** 33a which forbid a gentile from eating this meat.

[95]. **Hilchot Sanhderin** 1:1 obligates the Jews to set up courts “in every major city and town.” However, that obligation applies only in **Eretz Yisrael**. In the Diaspora, they are only obligated to establish courts in every major city (ibid. 1:2). Similarly, gentiles need not establish courts in towns.

[96]. The Ramban (Genesis 34:13) disagrees and explains that the main function of these courts was not to deal with the ritual elements of these mitzvot, but rather to deal with civil cases, e.g. petty theft, wage disputes, and fraud.

[97]. To cite a parallel: **Tanna D’bei Eliyahu** (Chapter 11) also stresses that a court’s responsibilities extend beyond the realm of judgement: “The **Sanhderin** is obligated to tie iron garters around their loins, lift their robes above their ankles... and travel throughout the villages of Israel... teaching the nation.”

[98]. In contrast to a Jew, a gentile offender is executed for the violation of even the slightest command. As mentioned in the commentary to Halachah 1 of this chapter, the gentiles were created in order to allow for the maintenance of a stable and orderly world. All the seven commands have that intent. Hence, by violating one of those seven commands, they contradict their very purpose for existence.

[99]. See the commentary to Chapter 3, Hachahah 8.

[\[100\]](#). Genesis 33:18 relates that during Jacob's return journey from Padan Aram to his father's home, he camped outside the city of Shechem. Shechem, prince of the city, kidnapped Dinah, Jacob's daughter, and raped her.

[\[101\]](#). As retribution, Shimon and Levi, two of Jacob's sons slew every male in the entire city.

The Ramban (ibid.) does not accept the Rambam's interpretation of those events. He notes that Jacob severely reprimanded his sons for their behavior and did not forgive them even on his deathbed. Had Shimon and Levi administered just and due punishment, Jacob surely would not have criticized them in this fashion.

Other commentaries defend the Rambam's opinion, explaining that Jacob did not object to the sentence administered by his sons, but rather to the guile which they employed in order to enable them to execute it (see Genesis 34: 13-25).

[\[102\]](#). Two witnesses are required for even the slightest case in Jewish law (**Hilchot Edut 5:1**).

[\[103\]](#). In Jewish law, capital cases are decided by 23 judges (**Hilchot Sanhderin 5:2**).

[\[104\]](#). In contrast, a Jew is not punished for violation of a sin until he is warned that the act he is about to commit is a sin and that, in retribution, the appropriate punishment is given (**Hilchot Sanhderin 12:1-2**).

[\[105\]](#). **Hilchot Edut**, Chapter 13 describes the relatives whose testimony is not accepted in court in cases involving Jews.

[\[106\]](#). She is also disqualified in Jewish law (**Hilchot Edut 9:2**).

CHAPTER TEN

1. A gentile who inadvertently violates one of his commandments is exempt from all [punishment][\[1\]](#) with the exception of a person who kills inadvertently.[\[2\]](#) [In such an instance,] the redeemer of the blood[\[3\]](#) is not executed for slaying [the killer],[\[4\]](#) nor may the latter [seek asylum] in a city of refuge.[\[5\]](#) However, the court will not execute him. When does the above apply? When he inadvertently violates a command without [sinful] intention; for example, a person who engages in relations with his colleague's wife under the impression that she is his own wife or unmarried.[\[6\]](#) If, however, one knew that she was his colleague's wife, but did not know that she was forbidden to him or it occurred to him that this act was permitted[\[7\]](#) or one killed without knowing that it is forbidden to kill,[\[8\]](#) he is considered close to [having sinned] intentionally and is executed. This is not considered as an inadvertent violation. For he should have learned [the obligations incumbent upon him] and did not.[\[9\]](#)
2. A gentile who is forced by another person to violate one of his commandments is permitted to transgress.[\[10\]](#) Even if he is forced to worship false gods, he may worship them.[\[11\]](#) For [gentiles] are not commanded to sanctify God's name.[\[12\]](#) A gentile minor, deaf-mute, or fool[\[13\]](#) is never given punishment for they are not [bound by any] commandments.[\[14\]](#)
3. A gentile who converted, was circumcised, and immersed [in the mikveh],[\[15\]](#) and, afterwards, decided to forsake God and revert to his previous [status as] a resident alien is not granted permission to do so. Rather, he must remain as an Israelite in all matters or be executed.[\[16\]](#) If he was a minor and immersed by the court,[\[17\]](#) he may repudiate [his conversion] when he attains majority and assume the status of a resident alien alone.[\[18\]](#) However, if he does not object as soon as he attains majority, he is no longer given the opportunity to object and his [status] is that of a

righteous convert.[19]Therefore, if a Jew has relations with a girl below the age of majority[20] who was immersed [in the mikveh] by a court,[21] the money due her as payment of her **ketubah**[22] or as a fine for raping her[23] or seducing her[24] is placed in the custody of the court until she attains majority and does not repudiate her conversion. [This step is taken] lest she take the money, attain majority, and then, repudiate her conversion. Thus, she would derive benefit as a gentile from monies to which she is only entitled according to Jewish law. [25]

4. A gentile who converts after cursing God's name, worshipping false gods, engaging in relations with a colleague's wife, or killing a fellow gentile[26] is exempt [from punishment].[27][In contrast,] if he converted after killing a Jew[28] or having relations with a Jew's wife, he is liable.[29] He is decapitated for [killing] the Jew[30] and strangled to death for engaging in relations with a Jew's wife.[31] [He is given the latter punishment] because the laws governing him have changed.[32]
5. It has already been explained that gentiles are always executed by decapitation[33] except in cases when one engages in relations with the wife of a Jew or a consecrated maiden. [In the latter instance,] he is stoned to death.[34]If he engaged in relations with a Jew's wife after they married, but before they ever engaged in relations, he is executed by strangulation.[35]
6. According to the Oral Tradition,[36] gentiles are forbidden to cross-breed animals and graft different species of trees together.[37]However, they are not executed for [violating this prohibition.][38]A gentile who gave a Jew a blow is liable to die[39] for causing even the most minimal damage.[40] Nevertheless, he is not executed.[41]
7. Only Abraham and his descendants were commanded

regarding circumcision as [Genesis 17:9-10] states: “[Keep My covenant,] you and your offspring... [circumcise every male].”[\[42\]](#) The descendants of Ishmael are excluded as implied by [Genesis 21:12]: “It is through Isaac, that your offspring will be called.”[\[43\]](#) Esau’s [descendants] are also excluded,[\[44\]](#) for Isaac told Jacob [Genesis 28:4]: “May [God] grant Abraham’s blessing to you and your descendants,” implying that only he is the true offspring of Abraham who maintains his faith and his upright behavior. Thus, they [alone] are obligated in circumcision. [\[45\]](#)

8. Our Sages related[\[46\]](#) that the descendants of Keturah who are the offspring of Abraham that came after Isaac and Ishmael[\[47\]](#) are also obligated in circumcision.[\[48\]](#) Since, at present, the descendants of Ishmael have become intermingled with the descendants of Keturah,[\[49\]](#) they are all obligated to be circumcised[\[50\]](#) on the eighth day.[\[51\]](#) However, they are not executed for [failure to perform this mitzvah].[\[52\]](#)
9. A gentile who studies the Torah[\[53\]](#) is obligated to die.[\[54\]](#) They should only be involved in the study of their seven mitzvot.[\[55\]](#) Similarly, a gentile who rests,[\[56\]](#) even on a weekday, observing that day as a Sabbath,[\[57\]](#) is obligated to die. Needless to say, [he is obligated for that punishment] if he creates a festival for himself.[\[58\]](#) The general principle governing these matters is: They are not to be allowed to originate a new religion or create mitzvot for themselves based on their own decisions.[\[59\]](#) They may either become righteous converts and accept all the mitzvot or retain their statutes without adding or detracting from them. If [a gentile] studies the Torah, makes a Sabbath, or creates a [religious] practice, a [Jewish court] should beat him,[\[60\]](#) punish him,[\[61\]](#) and inform him that he is obligated to die.[\[62\]](#) However, he is not to be executed.
10. We should not prevent a gentile who desires to perform

one of the Torah's mitzvot [63] in order to receive reward from doing so, [64] [provided] he performs it as required. [65] If he brings [an animal to be sacrificed] as a burnt offering, we should receive it. [66] If a gentile [who observes the seven mitzvot] gives charity, we should accept it from him. It appears to me that it should be given to the Jewish poor for the gentile [may] derive his sustenance from the Jews and they are commanded to support him [if necessary]. [67] In contrast, if an idolater gives charity, we should accept it from him [68] and give it to the gentile poor. [69]

11. The Jewish court is obligated to appoint judges for these resident aliens [70] to judge them according to these statutes so that the world will not become decadent. [71] If the court sees fit to appoint the judges from [the resident aliens] themselves, they may. If it sees fit to appoint them from among the Jews, they may.
12. Should two idolaters [72] come before you to [have their dispute] judged according to Jewish law. [73] If they both desire to be judged according to Torah law, they should be judged [accordingly]. If one desires [to be judged according to Torah law] and the other does not, [74] they are only forced to be judged according to their own laws. [75] If there is [a dispute between] a Jew and an idolater: If the Jew will fare better according to their laws, they are judged according to their laws. [When the judgement is rendered, the judges] explain: "Your law obligates this judgement." If the Jew will fare better according to our laws, they are judged according to Torah law. [When the judgement is rendered, the judges] explain: "Our law obligates this judgement." [76] It appears to me that this approach is not followed in regard to a resident alien. Rather, he is always judged according to their laws. [77] Similarly, it appears to me that in regard to respect and honor and also, in regard to charity, a resident alien is to be treated as a Jew for behold, we are commanded to sustain

them as [Deuteronomy 14:21] states: “[You may not eat any animal that has not been properly slaughtered...] give it to the resident alien in your gates that he may eat it.”[\[78\]](#) Though our Sages counseled against repeating a greeting to them, that statement applies to idolaters and not resident aliens.[\[79\]](#) [However,] our Sages commanded us to visit the gentiles when ill, to bury their dead[\[80\]](#) in addition to the Jewish dead,[\[81\]](#) and support their poor in addition to the Jewish poor for the sake of peace.[\[82\]](#) Behold, [Psalms 145:9] states: “God is good to all and His mercies extend over all His works” and [Proverbs 3:17] states: “[The Torah’s] ways are pleasant ways and all its paths are peace.”[\[83\]](#)

[\[1\]](#). In contrast, a Jew is obligated to bring a sin offering for the inadvertent violation of a negative command.

Makkot 9a,b derives the exemption of a gentile from Avimelech’s dialogue with God after he took Sarah (Genesis 20:3-7). God told Avimelech that he was liable to die. Avimelech protested that he did not know she was married and hence, had acted inadvertently. God replied that generally, an inadvertent offence is pardoned. However, in this instance, Avimelech would be held responsible. If his servants had not pressured Abraham concerning Sarah, he would never have said she was his sister.

[\[2\]](#). In such an instance, a Jew is exiled to a city of refuge (See **Hilchot Rotzeach**, Chapter 5).

[\[3\]](#). A relative of the deceased who desires to avenge his death.

[\[4\]](#). However, he is not obligated to do so (see **Hilchot Rotzeach** 5:10).

[\[5\]](#). The **Lechem Mishneh** notes that this applies to a gentile

who has not formally accepted the responsibilities of a resident alien. In regard to a resident alien himself, **Hilchot Rotzeach** 5:4 explains that he is executed for inadvertently slaying a Jew. However, if he inadvertently kills another resident alien, he may seek asylum in a city of refuge as Numbers 35:15 states: "These six cities will be a place of refuge for the Israelites, converts, and residents among them" (ibid. 5:3).

[6]. In such an instance, the gentile has no intent to violate God's will. The commentaries explain that he is only freed of liability if he was misled concerning the identity of the woman with whom he engaged in relations. Otherwise, he is responsible to check to make sure no prohibition is involved.

[7]. Certainly, one should realize that relations with another person's wife are not permitted.

[8]. **Makkot** 9a relates that, in a similar circumstance, a Jew is not allowed to seek asylum in a city of refuge. Though he is not executed by the court, he must always live in dread of the redeemer of the blood (**Hilchot Rotzeach** 6:5).

[9]. As mentioned at the conclusion of Chapter 8, all the seven mitzvot are concepts that can and should be intellectually comprehended. Every individual should appreciate these basic statutes or, at the very least, realize the need for rules within a society and seek guidance from others.

[10]. In contrast, a Jew is obligated to sacrifice his life rather than transgress three sins: idol worship, murder, and illicit sexual relations. Furthermore, when the gentiles attempt to stamp out Jewish practice, we are obligated to sacrifice our lives for the performance of other mitzvot (See **Hilchot Yesodei HaTorah** 5:1-4).

Hilchot Yesodei HaTorah 5:6 relates that similar principles apply with regard to remedies. If a person is ill and can be

healed by the violation of one of the Torah's commands, e.g. eating non-kosher food, he may violate that command in order to save his life or health. In this instance as well, a differentiation is made regarding the three sins mentioned above. Even if a Jew is deathly ill, he may not violate these commands.

The commentaries question whether a gentile may heal himself through the violation of the seven mitzvot. The wording used by the Rambam "be forced by another person" might imply that only under such circumstances may a gentile violate the seven commands. License is granted because he is not acting voluntarily. In contrast, the willful transgression of a command, even for the sake of a remedy, is not permitted.

However, this differentiation is not accepted by all opinions. Many explain that even in this instance, a gentile may violate a command to save his life.

[\[11\]](#). II Kings, Chapter 5 relates how Elisha, the prophet, cured Naaman, commander of the Syrian forces, of leprosy. After his miraculous cure, Naaman exclaimed "Now, I know that there is no God in all the earth except in Israel."

Naaman willingly accepted the seven commandments. However, he made one provision: "May God pardon his servant when my master goes down to the house of Rimmon and prostrates himself there. For my master leans on my hand and I also prostrate myself." Elisha made no comment, seemingly indicating that his behavior was acceptable (**Sanhderin** 75a).

[\[12\]](#). The commandment to sanctify God's name states (Leviticus 22:32): "I shall be sanctified in the midst of Israel;" implying that it only applies to Jews (Jerusalem Talmud, **Sh'vi'it** 4:3).

[\[13\]](#). For they are not capable of taking responsibility for their conduct.

[\[14\]](#). According to Torah law, Jewish children are not obligated to perform any mitzvot. Nevertheless, our Sages required their parents to train them in the observance of Torah and mitzvot. The commentaries question if gentiles are also obligated to train their offspring regarding their mitzvot.

[\[15\]](#). Conversion requires these three steps (**Hilchot Issurei Bi'ah** 12:4).

[\[16\]](#). Judaism is not a faith which is merely intellectually accepted. Rather, it constitutes an essential part of one's being and defines one's very essence. Therefore, a Jew can never leave his faith. Regardless of his behavior, he will always remain a Jew.

The same principles apply to a convert. With his acceptance of Judaism and performance of the conversion rites, he becomes a full Jew. In this regard, no distinction can be made between him and a native-born Israelite. Thus, a return to his previous status is impossible.

[\[17\]](#). **Ketubot** 11a relates that a court has the right to take this step on the child's behalf for it is to his advantage to become part of the Jewish faith.

It must be emphasized that the court need not seek potential converts. However, if a gentile minor seeks to convert or a child's parents who have themselves converted wish their children to share their new faith, then, the court may take this step. Similarly, if the court feels that it is in the child's best interest to convert, they may convert him (**Kessef Mishneh**).

[\[18\]](#). A convert must willingly accept Judaism. Since a child is not responsible for his actions, his acceptance as a minor is not significant and he is given this choice when he attains majority.

[19]. The Ran (**Ketubot**, *ibid.*) questions when this objection must be made. No attention is paid to the objection if it is made when the child is a minor or after he attains majority. To require the statement to be made at the precise moment when the child reaches majority is difficult.

Thus, he concludes that the child must repudiate his conversion before attaining majority. Afterwards, if he does not resume Jewish practice before attaining majority, it is considered as if he never converted.

[20]. As will be explained, this applies whether they engaged in relations within or outside the context of marriage.

[21]. As part of the conversion process.

[22]. In the event the man marries her. The marriage contract includes a provision for a sum to be given the woman in the event of death or divorce.

[23]. Deuteronomy 22:29 requires a person who rapes a virgin girl to pay 50 silver shekels as a fine.

[24]. Exodus 22:15 obligates a similar fine to be paid for seducing a virgin girl. **Ketubot**, *ibid.*, specifies that these fines are only paid if the girl converts before the age of three.

[25]. Nevertheless, as soon as the obligation is incurred, the money is given to the court. Thus, in the case of divorce, the convert's husband will not think that he will be freed of the obligation of a **ketubah** and the rapist or seducer will have to take responsibility for his acts immediately.

[26]. The same law applies to a gentile who converts after eating flesh from a living animal, stealing, or ignoring his responsibility to judge his colleagues. However, since a Jew is not given the death penalty for these sins, the Rambam did not feel it necessary to mention them.

[27]. Rashi (**Sanhderin** 71b) explains that he is exempt from punishment because, as a Jew, the process by which he is to be judged has changed (he must be warned, two witnesses must observe him, etc.) and his sentence is changed. He receives a more severe death penalty (for cursing God or idol worship) or no penalty at all (for killing or engaging in relations with a gentile).

Most commentaries agree that this law applies even if a gentile converted after being sentenced to death. However, some authorities maintain that in such an instance, the death sentence remains in force. They base their opinion on **Hilchot Mamrim** 7:9 which explains that a rebellious son is only executed before he attains the age of thirteen and three months. However, if he is sentenced to death before that time and flees, he is executed even after he reaches that age.

[28]. As a gentile, he would receive the same punishment.

[29]. Though the process by which he is to be judged has changed, the sentence remains the same or is lighter. Hence, he is still held responsible for his deeds (ibid.).

[30]. As a gentile, he would receive the same punishment.

[31]. As a gentile, this deed would be punished by decapitation, a more severe form of execution.

[32]. See **Lechem Mishneh**.

A gentile who converted after stealing from a Jew must restore the stolen property. However, according to most authorities, a gentile who converted after eating flesh from a living animal is not punished by lashes as a Jew would be.

[33]. See Chapter 9, Halachah 14, Chapter 3, Halachah 8.

[34]. In the Yemenite manuscripts of the **Mishneh Torah**, the word "or" is omitted. Thus, the phrase reads "a consecrated maiden married to a Jew." This version is preferable because

relations with a married Jewess are punished by decapitation as explained in Chapter 9, Halachah 7.

[35]. This law is also mentioned in Chapter 9, Halachah 7. Indeed, the entire halachah is redundant. However, it is included to summarize the laws regarding a gentile's execution. Until now, all the sins mentioned carried the penalty of execution by the court. In contrast, though some of the violations mentioned in the following halachot are punishable by death by the hand of God, an earthly court administers no retribution.

[36]. **Sanhderin** 56b.

[37]. These prohibitions are included in the category of **kilayim**. Jews are also forbidden to grow different species of crops in the same field and wear garments that combine linen and wool. See Leviticus 19:19.

[38]. **Sanhderin** 57a considers it an accepted tradition that gentiles are only executed for the violation of seven sins.

[39]. By the hand of God.

[40]. **Sanhderin** 58b explains that Moses killed an Egyptian taskmaster (Exodus 2:11) for violating this prohibition.

[41]. The Maharshah (**Sanhderin, ibid.**) states that, as above, the Sages accepted the tradition that only seven mitzvot are punishable by death. Based on that decision, he explains that Moses' act was an exception. With prophetic intuition, Moses saw that no good would ever come from this Egyptian and therefore, slew him.

[42]. **Sanhderin** 59a,b relates that any mitzvah which was given before Sinai and repeated at Sinai is incumbent on both Jews and gentiles. However, circumcision is not governed by this principle for, as obvious from the verse quoted, it was specifically given only to Abraham and his descendants.

This halachah is included because the Rambam wanted to contrast the obligation of the descendants of Keturah mentioned in the following halachah with the obligation of the gentiles to keep their seven mitzvot. This halachah is a necessary preface to that law.

[43]. The verse implies that only Isaac is considered Abraham's spiritual progeny and it is through him, that he will attain posterity. Hence, his descendants and not those of Ishmael are obligated in circumcision.

[44]. **Yalkut Shimoni, Toldot**, relates that Esau circumcised his descendants as long as Isaac was alive.

[45]. **Sanhderin** 59b derives the exclusion of Esau from Genesis 21:12. The expression "through Isaac," *biYitzchak*, can also be rendered as "in Isaac," implying "not all of Isaac". It is curious why the Rambam quotes another source when an explicit Talmudic reference exists.

[46]. **Sanhderin** 59b.

[47]. Genesis 25:1 mentions that after Sarah's death, Abraham married another woman, Keturah. She bore him six sons.

[48]. Since they were born after God commanded Abraham to circumcise all his descendants, they are obligated to be circumcised.

[49]. Both settled in the Arabian desert.

[50]. Because of the doubt involved in their lineage.

[51]. As the Jews are. Ishmael was born before Abraham's circumcision and was circumcised at the age of thirteen. Many Arabs follow the custom of circumcising their children at that age.

In Jewish law, circumcision is a two staged process involving **milah** – cutting the foreskin, and **priyah** – ripping open the

thin membrane covering the crown of the penis. **Tosafot**(**Yevamot** 71b) states that Abraham (and thus, the descendants of Keturah) were not required to perform **priyah**. However, the Rambam does not make this distinction.

[52]. The commentaries ask a general question concerning this halachah: As explained in the notes to Chapter 5, Halachah 4, Sannecherib, king of Assyria conquered many countries and engaged in mass population transfers, thus, obliterating the national identity of most of Israel's neighbors. If so, why was the status of Keturah's descendants left unaffected?

[53]. Other than their seven mitzvot.

[54]. At the hand of God. **Sanhderin** 59a comments: Deuteronomy 33:4 states: "The Torah which Moses commanded us is the heritage of the children of Israel." "It is our heritage and not theirs." The passage continues, noting the connection between the word **morashah**, "heritage" and **meurasah**, "consecrated" and explains that a gentile's study of Torah is equivalent to adultery.

[55]. As mentioned in Halachah 8:10, the Jews have an obligation to instruct the gentiles in the performance of their seven mitzvot.

A gentile who is well versed in the particular laws involved in the observance of his seven mitzvot is worthy of more respect than a unlearned High Priest (**Sanhderin**, *ibid.*).

The seven mitzvot are by no means a narrow field of study. The **Meiri** (**Sanhderin**, *ibid.*) states that most elements of the Torah are included within them. For example, to observe the prohibition against the worship of false Gods correctly, one must become aware of God's unity with creation. Accordingly, a number of contemporary Sages have suggested the translation of certain basic Chassidic and Kabbalistic texts into English with the intent that they be studied by gentiles.

[56]. Genesis 8:22 records God's promise to Noah "As long as the earth lasts... day and night shall not cease." Yishbotu translated as "cease," can also be interpreted as "rest." Thus, **Sanhderin** 58b interprets the verse as a command prohibiting Noah's descendants from resting "day and night."

[57]. Rashi (**Sanhderin**, *ibid.*) explains that not only is a gentile is forbidden to fix a day as a day of rest, he is prohibited against taking a day off from work even to relax. In contrast, the **Meiri** maintains that the prohibition involves establishing a day of rest. However, a gentile is not prohibited against taking a vacation. The Rambam appears to follow the latter opinion.

[58]. The observance of a festival generally implies a religious content in addition to being a day of rest. Thus, it is surely forbidden.

[59]. At the conclusion of Chapter 11, the Rambam notes that Christianity and Islam have certain redeeming factors for they abolished paganism and "paved the way for the coming of the Moshiach." Nevertheless, in themselves, these faiths are forbidden and may not be observed even by a gentile.

[60]. As mentioned in Halachah 8:10, the Jews are obligated to compel the gentiles to observe their mitzvot. When we had undisputed rule over **Eretz Yisrael**, we were able to enforce these mitzvot by administering corporal, and, when required, capital punishment. Even when we no longer have this potential, we are obligated to do whatever possible to make sure the gentiles observe the statutes the Torah established for them.

[61]. I.e., take economic sanctions against him.

[62]. By the hand of God.

[63]. I.e., one of the 613 mitzvot commanded to the Jews aside from Torah study and the Sabbath.

[64]. A person who is not commanded to fulfill a mitzvah receives less reward from God for its observance than one who is commanded. Nevertheless, even in the latter instance, God acknowledges the person's deeds and grants him blessing.

A gentile may only fulfill mitzvot for the sake of reward. He is forbidden to accept them as obligations incumbent upon him. Thus, his intent must be the very opposite of a Jew's who serves God for His sake and not for his own.

The commentaries question the source for the Rambam's statements. Some point to the statements of **Kohelet Rabbah**, Chapter 1: In the Messianic age, God will proclaim: "Whoever has never eaten pork, come and receive a reward." Many gentiles will respond and come to receive their reward.

[65]. He must perform the mitzvah in all of its particulars as required by Jewish law. The Radbaz explains that mitzvot which require holiness and purity, for example, tefillin or mezuzah, should be withheld from gentiles.

[66]. The only sacrifice a gentile is allowed to bring is a burnt offering (korban olah) A peace offering or meal offering is not accepted from them. Even the libations which accompany the burnt offering may not be brought by the gentile and are purchased with communal funds (**Hilchot Ma'aseh HaKorbonot** 3:2,5).

[67]. Leviticus 25:35 states "When your brother becomes impoverished... come to his aid. Help him survive, whether he is an alien or a native [Israelite]" (See Halachah 12). Since such a gentile may benefit from Jewish generosity, charity given by him may be used for the Jewish poor.

[68]. **Hilchot Matanot Aniyim** 8:9 states that if a gentile king or official gives charity to the Jews we should accept it for the sake of peace. However, if no threat of harming our relations with them is involved, it is not proper to receive charity from them (**Lechem Mishneh**).

[\[69\]](#). Without publicizing the manner so that the gentile donor will not find out.

Two reasons are given why charity should not be accepted from gentiles:

a) The merit of their generosity will prolong their rule over the Jews (**Bava Batra** 10b).

b) The fact that Jews feel it necessary to receive charity from gentiles causes **Chillul HaShem**, the desecration of God's name, (Rashi, **Sanhderin** 26b).

[\[70\]](#). The Radbaz emphasizes that this obligation only applies if the gentiles do not establish their own court system first.

[\[71\]](#). The commentaries do not cite the source for this law. It is possible that it is derived from the obligation to compel the gentiles to accept the seven mitzvot mentioned in Halachah 8:10.

[\[72\]](#). In contrast to resident aliens.

[\[73\]](#). Though the gentiles are not obligated to follow Torah law, they may willingly accept it.

[\[74\]](#). Preferring to be judged according to the civil laws established by gentile society.

[\[75\]](#). There are a number of differences between Jewish business law and secular law. For example, Torah law requires two witnesses and does not accept circumstantial evidence. Similarly, the formal acts of transfer through which property is acquired differ.

[\[76\]](#). **Bava Kama** 113a, the source for this statement, continues:

"If there is no way to vindicate the Jew, try to trick the gentile," these are the words of Rabbi Yishmael.

Rabbi Akiva states: "We should not try to trick him lest it cause the desecration of God's name."

Rabbi Akiva's opinion is accepted as halachah.

[77]. As mentioned above, the Rambam uses the expression "it appears to me" when he has no explicit proof for his statements. Since we are commanded to sustain a resident alien, it is logical to assume that he is judged according to a single standard even though the outcome will not necessarily benefit a fellow Jew.

[78]. The verse concludes "or sell it to a foreigner." **Pesachim** 21b comments that it is preferable to give the animal to a resident alien (a gentile who observes the seven mitzvot) than sell it to "a foreigner" (one who does not).

There is a slight problem with the Rambam's statements. The Talmud makes the above statements on the basis of Leviticus 25:35 which states: "When your brother becomes impoverished... come to his aid. Help him survive, whether he is an alien or a native [Israelite]."

On the surface, it would be preferable to quote that verse for it directly commands us to help a resident alien. However, there is an advantage to the verse quoted by the Rambam. It clearly distinguishes between a resident alien and an idolater.

[79]. For the sake of peace, we are even allowed to greet idolaters. However, it is improper to show them the honor of repeating the greeting (**Gittin 61a**).

[80]. And comfort their mourners, **Hilchot Evel** 14:12.

[81]. Rashi (**Gittin 61a**) emphasizes that the gentiles should not be buried in the same cemetery. See **Sanhderin** 47a.

[82]. The Radbaz (**Hilchot Matanot Aniyim** 1:9) stresses that

gentiles are only given charity when they come together with the Jewish poor. If gentiles ask for alms alone, they may be refused. Other commentaries maintain that enmity may be aroused even under such circumstances and hence, suggest giving them charity at all times.

[\[83\]](#). The above apply only in the Diaspora or when the Jews do not have undisputed power over **Eretz Yisrael**. However, when the Jews have such power, we are not permitted to allow an idolater to dwell among us even temporarily (**Hilchos Avodat Kochavim** 10:6).

CHAPTER ELEVEN AND TWELVE

BS"D

The Lubavitcher Rebbe said we are the last generation of exile and the first of redemption

THE LAWS CONCERNING MASHIACH

Chapters 11 & 12 of Kings (Hilchos Melachim from the Mishneh Torah of the Rambam

Published by: Sichos In English

PUBLISHER'S FOREWORD

Since the time of the Rambam (1135-1204), it has been impossible to discuss the subject of Mashiach and the Era of the Redemption without direct reference to the last two chapters of his monumental halachic code, the Mishneh Torah. For example, it is these two chapters that form the basis of the whole of the next publication of Sichos In English – I Await His Coming Every Day: Studies by the Lubavitcher Rebbe, Rabbi Menachem M. Schneerson (shlita) on the Rambam's Conception of Mashiach and the Ultimate Redemption.

These chapters conclude the final section (Hilchos Melachim – "The Laws Concerning Kings") of the final book (Sefer Shoftim

– “The Book of Judges”) of the Mishneh Torah, and are sometimes referred to separately as Hilchos Melech HaMashiach – “The Laws Concerning King Mashiach.”

The translation of this classic text which Sichos In English presents herewith is not only new, but – unlike almost all of the extant printed editions, even in the Hebrew original – expurgated. All the passages suppressed by various medieval Christian censors have been translated in full. They appear here in the footnotes that are keyed to the exact positions from which they were deleted.

It is hoped that this publication will give more and more readers access to one of the major primary sources on the subject of the coming of Mashiach.

– Sichos In English
24 Sivan, 5751 [June 6, 1991]

CHAPTER ELEVEN

1. In future time, the King Mashiach [\[1\]](#) will arise and renew the Davidic dynasty, restoring it to its initial sovereignty. He will rebuild the [Beis Ha]Mikdash (Holy Temple) and gather in the dispersed remnant of Israel. Then, in his days, all the statutes will be reinstated as in former times. We will offer sacrifices and observe the Sabbatical and Jubilee years according to all their particulars set forth in the Torah.

Whoever does not believe in him, or does not await his coming, denies not only [the statements of] the other prophets, but also [those of] the Torah and of Moshe, our teacher, for the Torah attests to his coming, stating: [Devarim 30:3-5]

And the Lord your G-d will bring back your captivity and have

compassion upon you. He will return and gather you [from among all the nations]... Even if your dispersed ones are in the furthest

reaches of the heavens, [from there will G-d gather you in]... G-d will bring you [to the land]...

These explicit words of the Torah include all that was said [on the subject] by all the prophets.

There is also a reference [to Mashiach] in the passage concerning Bilaam, who prophesies about the two anointed [kings]: the first anointed [king] [\[2\]](#), David, who saved Israel from her oppressors, and the final anointed [king] who will arise from among his descendants and save Israel [at the End of Days] [\[3\]](#). The following [quoted] phrases are from that passage: [Bamidbar 24:17-18]

“I see it, but not now” – This refers to David; “I perceive it, but not in the near future” – This refers to King Mashiach.

“A star shall go forth from Yaakov” – This refers to David; “and a staff shall arise in Israel” – This refers to King Mashiach.

“He shall crush all of Moab’s princes” – This refers to David, (as it is written [II Shmuel 8:2], “He smote Moab and measured them with a line”); “he shall break down all of Seth’s descendants” – This refers to King Mashiach, (about whom it is written [Zechariah 9:10], “He will rule from sea to sea”).

“Edom will be demolished” – This refers to David, (as it is written [Cf. II Shmuel 8:6 and 8:14], “Edom became the servants of David”); “his enemy, Seir, will be destroyed” – This refers to Mashiach, (as it is written [Ovadhiah 1:21], “Saviors will

ascend Mount Zion [to judge the mountain of Esau...]”).

- Similarly, in regard to the cities of refuge, it is stated [Devarim 19:8-9], “When G-d will expand your borders... you shall add three more cities.” This command has never been fulfilled. [Surely,] G-d did not give this command in vain, [and thus the intent was that it be fulfilled after the coming of Mashiach].

There is no need to cite prooftexts on the concept [of the Mashiach] from the words of the prophets, for all [their] books are filled with it.

- One should not entertain the notion that the King Mashiach must work miracles and wonders, bring about new phenomena within the world, resurrect the dead, or perform other similar deeds. This is [definitely] not true. [A proof can be brought from the fact that] that Rabbi Akiva, one of the greatest Sages of the Mishnah, was one of the supporters of King Ben Koziva, and would describe him as the King Mashiach. He and all the Sages of his generation considered him to be the King Mashiach until he was killed because of [his] sins. Once he was killed, they realized that he was not [the Mashiach]. The Sages did not ask him for any signs or wonders. Rather, this is the main thrust of the matter: This Torah, with its statutes and laws, is everlasting. We may neither add to them nor detract from them. [\[4\]](#)
- If a king will arise from the House of David who delves deeply into the study of the Torah and, like David his ancestor, observes its mitzvos as prescribed by the Written Law and the Oral Law; if he will compel all of Israel to walk in [the way of the Torah] and repair the breaches [in its observance]; and if he will fight the

wars of G-d; – we may, with assurance, consider him Mashiach. If he succeeds in the above, builds the [Beis Ha]Mikdash on its site, and gathers in the dispersed remnant of Israel, he is definitely the Mashiach. [5] He will then perfect the entire world, [motivating all the nations] to serve G-d together, as it is written [Zephaniah, 3:9], “I will make the peoples pure of speech so that they will all call upon the Name of G-d and serve Him with one purpose.”

CHAPTER TWELVE

1. One should not entertain the notion that in the Era of Mashiach any element of the natural order will be nullified, or that there will be any innovation in the work of creation. Rather, the world will continue according to its pattern. Although Yeshayahu [Yeshayahu 11:6] states, “The wolf will dwell with the lamb, and the leopard will lie down with the young goat,” these [words] are an allegory and a riddle. They mean that Israel will dwell securely together with the wicked gentiles who are likened to wolves and leopards, as in the verse [Yirmeyahu 5:6], “A wolf of the deserts despoils them, a leopard watches over their cities.” [In this era, all nations] will return to the true faith and no longer plunder or destroy. Instead, at peace with Israel, they will eat that which is permitted, as it is written [Yeshayahu 11:7], “The lion shall eat straw like the ox.” Similarly, other prophecies of this nature concerning Mashiach are analogies. In the Era of the King Mashiach, everyone will realize what was implied by these metaphors and allusions.
2. Our Sages taught: [Berachos 34b] “There will be no difference between the current age and the Era of Mashiach except [our

emancipation from] subjugation to the [gentile] kingdoms."The simple meaning of the words of the prophets appears to imply that the war of Gog and Magog [Yechezkal ch. 38] will take place at the beginning of the Messianic age. Before the war of Gog and Magog, a prophet will arise to rectify Israel's conduct and prepare their hearts [for the Redemption], as it is written: [Malachi 3:23] "Behold, I am sending you Eliyah(u) [\[6\]](#) [before the advent of the great and awesome Day of G-d]."

He will not come [in order] to declare the pure, impure, nor to declare the impure, pure; nor [will he come in order] to disqualify the lineage of those presumed to be of flawless descent, nor to validate lineage which is presumed to be blemished. Rather, [he will come in order] to establish peace in the world; as [the above prophecy] continues [Malachi 3:24], "He will bring back the hearts of the fathers to the children."

Some of the Sages say that Eliyahu will appear [immediately] before the coming of Mashiach.

All these and similar matters cannot be [clearly] known by man until they occur, for they are undefined in the words of the prophets. Even the Sages have no established tradition regarding these matters, beyond what is implied by the verses; hence there is a divergence of opinion among them.

In any case, neither the sequence of these events nor their precise details are among the fundamental principles of the faith. One should not occupy himself at length with the aggadot and midrashim that deal with these and similar matters, nor should he deem them of prime importance, for they bring one to neither the awe nor the love [of G-d].

Similarly, one should not try to calculate the appointed time [for the coming of Mashiach]. Our Sages declared: [Sanhedrin

97b] "May the spirits of those who attempt to calculate the final time [of Mashiach's coming] expire!" Rather, one should await [his coming] and believe in the general conception of the matter, as we have explained.

- During the Era of the King Mashiach, once his kingdom has been established and all of Israel has gathered around him, the entire [nation's] line of descent will be established on the basis of his words, through the prophetic spirit which will rest upon him. As it is written [Loc. cit., v. 3], "He shall sit as a refiner and purifier." He will purify the lineage of the Levites first, stating that "This one is a priest of defined lineage" and "This one is a Levite of defined lineage." Those whose lineage he does not recognize will be relegated to the status of Israelites. This is implied by the following verse: [Ezra 2:63] "The governor said to them, '[They shall not eat of the most holy things] until a priest arises [who will wear] the Urim and Tumim.'" From this verse one can infer that the genealogy of those presumed to be of unquestioned [priestly and levitical] lineage will be traced by means of the prophetic spirit, and those found to be of such lineage will be made known.

He will define the lineage of the Israelites according to their tribe alone; i.e., he will make known each person's tribal origin, stating that "This one is from this tribe" and "This one is from another tribe." However, concerning a person who is presumed to be of unblemished lineage, he will not state that "He is illegitimate," or "He is of slave lineage," for the law rules that once a family

has

become intermingled [within the entire Jewish people], they may remain intermingled.

- The Sages and prophets did not yearn for the Messianic Era in order that [the Jewish people] rule over the entire world, nor in order that they have dominion over the gentiles, nor that they be exalted by them, nor in order that they eat, drink and celebrate. Rather, their aspiration was that [the Jewish people] be free to involve themselves in Torah and its wisdom, without anyone to oppress or disturb them, and thus be found worthy of life in the World to Come, as we explained in Hilchos Teshuvah.
- In that Era there will be neither famine nor war, neither envy nor competition, for good things will flow in abundance and all the delights will be as freely available as dust. The occupation of the entire world will be solely to know G-d. The Jews will therefore be great sages and know the hidden matters, and will attain an understanding of their Creator to the [full] extent of human potential; as it is written [Yeshayahu 11:9], “For the world will be filled with the knowledge of G-d as the waters cover the ocean bed.”

FOOTNOTES

[1](#) In the original Hebrew, HaMelech HaMoshiach (lit., “the anointed king”); i.e., the Messianic King.]

[2](#) In the original Hebrew, the word here translated “anointed

[king]" is simply HaMashiach (lit. "the anointed one"); i.e., the Messiah. It is used interchangeably with the earlier phrase.]

3 At this point, before being censored by medieval Christian authorities, the Rambam's original text continued: "...and save Israel from the hands of Esav's descendants. This and two other such deletions have been copied verbatim in these footnotes from the celebrated Yemenite manuscript in the hands of Chacham Yosef Kapach of Jerusalem. (See footnotes 4 and 5, below.)]

4 At this point, the uncensored original text continued as follows:

"Whoever adds to [the mitzvot] or detracts from them, or misinterprets the the Torah, implying that the mitzvos are not intended to be understood literally, is surely a wicked imposter and a heretic."

5 The whole of the following passage was deleted from most of the editions published since the Venice edition of 1574.

"If he did not succeed to this degree or he was killed, he surely is not [the redeemer] promised by the Torah. [Rather,] he should be considered as all the other proper and legitimate kings of the Davidic dynasty who died. G-d only caused him to arise in order to test the multitude. As it is written [Daniel 11:35], "Some of the wise men will stumble, to purge, to refine, and to clarify, until the appointed time, for it is yet to come."

"Jesus of Nazareth who aspired to be the Mashiach and was executed by the court was also spoken of in Daniel's prophecies [Daniel 11:14], "The renegades among your people shall exalt themselves in an attempt to fulfill the vision,

but they shall stumble.”

“Can there be a greater stumbling block than [Christianity]?
All

the prophets spoke of Moshiach as the redeemer of Israel and their savior, who would gather their dispersed ones and strengthen their [observance of] the mitzvos. In contrast [the founder of Christianity] caused the Jews to be slain by the sword, their and the majority of the world to err and serve a god other than the L-rd.”

“Nevertheless, the intent of the Creator of the world is not within the power of man to comprehend, for [to paraphrase Yeshayahu 55:8] His ways are not our ways, nor are His thoughts our thoughts. [Ultimately,] all the deeds of Jesus of Nazareth and that Ishmaelite [i.e. Mohammed] who arose after him will only serve to pave the way for the coming of Mashiach and for the improvement of the entire world, [motivating the nations] to serve G-d together, as it is written [Zephaniah 3:9], “I will make the peoples pure of speech so that they will all call upon the Name of G-d and serve Him with one purpose.”

“How will this come about? The entire world has already become filled with talk of [the supposed] Messiah, as well as of the Torah and the mitzvos. These matters have been spread among many spiritually insensitive nations, who discuss these matters as well as the mitzvos of the Torah. Some of them [i.e. the Christians] say: “These commandments were true, but are not in force in the present age; they are not applicable for all time.” Others [i.e. the Moslems] say: “Implied in the commandments are hidden concepts that cannot be understood simply; the Messiah has already come and revealed them.”

“When the true Messiah king will arise and prove successful, his
[position becoming] exalted and uplifted, they will all return and

realize that their ancestors endowed them with a false heritage;
their prophets and ancestors cause them to err.”

6 The name of the prophet is occasionally spelled, as in this verse, without the final letter vav.