YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**TORAH STUDY**

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**Shiur #08: *Talmud Torah* for Non-Jews**

Toward the end of our previous *shiur*, we noted that there may be a qualitative distinction between the Written Torah and Oral Torah, in the sense that only the latter reflects the unique covenantal relationship between God and the Jewish people. We will pick up on that theme in this week’s *shiur* as we explore a prohibition that, as we noted briefly last week, might be seen as an outgrowth of this notion of covenant: the prohibition of Torah study for non-Jews. To that end, this *shiur* will consider two schools of thought regarding the basis for this prohibition, its scope, and its wider connection to the themes of *talmud Torah*.

The Babylonian Talmud cites two texts to establish the unique connection of the Jewish people to the Torah:

Moshe commanded us the Torah, inheritance of the congregation of Ya’akov. (*Devarim* 33:4)

He has revealed his word to Ya’akov, His laws and decrees to Yisrael.He has done this for no other nation; they do not know his laws. Praise God! (*Tehillim* 147:19-20)

The first is cited in *Sanhedrin* 59a, as the Gemara explores two ways to read the verse: either literally, in which case the Torah is the inheritance (*morasha*) of the Jewish people; or exegetically, in which case the Torah is the betrothed (*me’orasa*) of the Jewish people.

Rabbi Yochanan said: “A non-Jew who engages in Torah study is liable to receive the death penalty, as it is stated: ‘Moshe commanded us the Torah, inheritance of the congregation of Ya’akov’ — it is an inheritance for us, but not for them.”

Then why is this not included in the Noahide laws? ]It may be subsumed under the existing laws:] according to the one who reads it as *morasha*, the non-Jew would be stealing it; according to the one who reads it as *me’orasa,* the non-Jew would be like one who [commits adultery with] a betrothed maiden, who is liable to receive stoning.

This was challenged with a *baraita*: “Rabbi Meir would say: ‘From where is it derived that even a non-Jew who engages in Torah study is considered like a High Priest? It is derived from that which is stated: “[You shall therefore keep My laws and My decrees,] which if a man does he shall live by them” (*Vayikra* 18:5). Priests, Levites or Israelites are not specified, but rather “a man,” which indicates mankind in general. You have therefore learned that even a non-Jew who engages in Torah study is considered like a High Priest.’”

However, there, in the *baraita*, the reference is to a non-Jew who engages in the study of their seven *mitzvot*.

It is a *mitzva* for a non-Jew to study the *halakhot* that pertain to the seven Noahide *mitzvot*, and any human being who does so is highly regarded.

This *sugya* is important for a number of reasons:

1) The Gemara points to the severity of the prohibition for non-Jews to study Torah. Whether or not we take the punishment literally (Rambam does not, but Ran does), the seriousness is clear.

2) As we will explore in greater depth later on, the Gemara’s comparison of this *issur* to theft and adultery may open the door to an understanding of the logic for the prohibition.

3) Though there remains a ban against Torah study, the surface reading of the Gemara seems to indicate that a non-Jew is to be congratulated, even revered, for studying the seven Noahide laws.

*Chagiga* 13a cites the second proof text:

Rabbi Ammi further said: “The teachings of the Torah are not to be transmitted to a non-Jew, for it is said ‘He has done this for no other nation; they do not know his laws.’”

This passage raises an immediate problem: Why does the Gemara need to cite a separate source proscribing the teaching of Torah to non-Jews? If non-Jews are barred from Torah study, as we see in *Sanhedrin*, it should be prohibited to teach Torah to non-Jews on the basis of the prohibition against placing a (metaphorical) stumbling-block before a blind person, which applies to a Jew’s interactions with non-Jews as well as Jews (see *Avoda Zara* 6b).

Tosafot (*Chagiga* ad loc. s.v. *Ein*) conclude that the second *sugya* informs us that a Jew may not teach Torah to a non-Jew even when the stumbling-block prohibition does not apply, for example when there is another non-Jew present who would like to teach him Torah. Since the non-Jew who wishes to learn Torah will inevitably find a teacher, one would not be placing a stumbling-block before the blind; nevertheless, the source in *Tehillim* would forbid a Jew from teaching such a person. According to Tosafot, then, there are in fact two independent prohibitions that pertain to our topic. For the purposes of our *shiur*, we will not draw a sharp distinction between the two. Still, it is worthwhile to bear Tosafot’s distinction in the back of our minds.

It is also worth noting that Rambam appears to reject this distinction; he cites only the line from *Sanhedrin* (*Hilkhot Melakhim* 10:9). While he does mention in another *halakha* that a Jew may not teach Torah to a non-Jewish slave (*Hilkhot Avadim* 8:18; this law is cited in *Shulchan Arukh* as well, *YD* 267:71), there is no indication in Rambam’s treatment of our subject that this is to be viewed as a distinct prohibition of teaching a non-Jew Torah.

What is the reasoning for the prohibition against Torah study by a non-Jew? We may point to two basic schools of thought. Sometimes partly motivated by a desire to legitimize contemporary practice, some seek to offer more technical or extrinsic explanations. Meiri (*Sanhedrin* ad loc. s.v. *Ben Noach*) contends that there is no intrinsic prohibition. Instead, the reason a non-Jew may not study Torah is that the Jewish community may think that this induvial is in fact Jewish “and will come to err in following this one’s ways.” In other words, Jews will be misled regarding matters of halakhic practice because they incorrectly assume the learned individual is a practicing Jew.

Similarly, R. Yechiel Weinberg (*Seridei Esh* 2:56) interprets the view of the Rambam as seeing the prohibition against Torah study as part of a larger ban against non-Jews who seek to establish a new, independent religion. In this view, if the non-Jew studies merely in order to understand the precepts of Judaism, the prohibition is inapplicable.

This approach is supported by a striking ruling of Rambam (Responsum #249, Blau Edition): one may teach Torah to Christians but not Muslims. His argument is that whereas the Christians accept the divine authority of *Tanakh*, Muslims do not. Therefore, when teaching Torah to Muslims, they are more likely to challenge the basic teachings of the Torah, thereby undermining Jews’ faith. This distinction —which is hotly debated and may be inconsistent with Rambam’s rulings in *Mishneh Torah* — dovetails with Meiri’s later interpretation for the reasoning of the prohibition.

Based on the language of the Gemara itself, however, a more intrinsic reading of the prohibition emerges. Recall the Gemara’s suggestion to categorize a non-Jew’s Torah study as theft of the Jews’ inheritance or adultery with the Jews’ betrothed. Both suggestions seem to underscore that the prohibition stems from the unique relationship between God and the Jewish people, and that the Torah serves as the fulcrum of the covenantal relationship between the two.

A number of Rishonim lend support to this interpretation. Returning to Tosafot, their reading of *Chagiga* 13a as presenting an additional prohibition is significant. In particular, the text from *Tehillim*, which emphasizes that God gives His laws to Jews alone, lends support to this more essentialist reading of the prohibition.

Other commentaries offer additional solutions to Tosafot’s problem, in the process further buttressing the intrinsic reading of the *issur* of teaching Torah to non-Jews. Meiri and Maharsha, in a highly controversial manner, explain that *Chagiga* adds a layer of prohibition even for one who teaches the seven Noahide laws to non-Jews. We noted earlier that *Sanhedrin* 59a, taken at face value, seems to indicate that a non-Jew is rewarded handsomely for studying the Noahide laws. Nonetheless, Meiri and Maharsha’s position points to the context of the second chapter of *Chagiga*, which discusses secret areas of Torah that are subject to significant restrictions. They therefore suggest that *Chagiga* means to outlaw the study of deeper secrets in Torah that are tied to the Noahide laws.

This bar against teaching the esoteric parts of Torah to non-Jews, while not working particularly well with Meiri’s own comments in *Sanhedrin* (possibly Meiri holds that there are two distinct prohibitions), does seem to work nicely with the intrinsic interpretation of the prohibition: the esoteric parts of Torah are reserved uniquely for the Jewish people, and are not to be given away to others. Along similar lines, Iyun Ya’akov, pointing to the term “transmitted” (“The teachings of the Torah are not to be transmitted to a non-Jew”), suggests that the Gemara is outlawing handing Torah writings to non-Jews. Because the Torah is comprised of the names of God, this is tantamount to handing over divine secrets.

This approach, which sees the *issur* of teaching Torah to non-Jews as rooted in the concept that the Torah is a treasured gift given by God to the Jewish people , symbolizing their covenantal relationship, helps to account for a number of additional sources. First, as noted in our last *shiur*, Maharatz Chayot (*Sota* 35b s.v. *Li-dvarekha*), Yehuda Ya’aleh (*OC* 1:4) and Netziv (*Meshiv Davar* 2:77) claim that the prohibition is limited to the Oral Torah; the Written Torah may be taught without reservation. While this assertion is hotly disputed (see, for example, Responsa *Vayomer Yitzchak* *OC* 21), it fits perfectly with the rabbinical notion that the covenant was particularly crafted around the Oral Torah.

This also helps to account for the similarity between our subject and the Gemara’s parallel ruling that a non-Jew who rests on Shabbat is liable to death, as Reish Lakish declares on the previous page (*Sanhedrin* 58b). The common denominator between Shabbat and Torah study is that both are emblematic of the covenant between God and His people; it is highly reasonable, therefore, that the Gemara goes out of its way to exclude non-Jews from both categories.

Finally, a number of Acharonim make the striking suggestion that a non-Jew is not precluded from all forms of *talmud Torah*. Tiferet Yisrael (*Zevachim* 14:36) and Seridei Esh (2:56) contend that a non-Jew who studies without in-depth analysis does not fall under the rubric of this prohibition. (See also Yehuda Ya’aleh *OC* 4). Indeed, I once heard HaRav Mosheh Lichtenstein propose precisely this distinction.

This striking suggestion also fits well with the approach we outlined previously. As *Midrash Tanchuma (Parashat Noach* 3, cited in our prior *shiur*) underscores, it is not only the content of Torah, but its intensive study, that, for Rabbinical Judaism, forms the backbone of our covenantal relationship with God. Therefore, one can argue that a non-Jew who hears a lecture in no way compromises that unique covenantal relationship; he or she has merely listened to a *shiur*.

We have seen, then, that the notion that Torah is the crux of our *brit* with God finds echoes in the *sugya* of *talmud Torah* for non-Jews. Not only does this approach seem to emerge quite naturally from the language of the *sugyot* in both *Sanhedrin* and *Chagiga*, it has echoes in the later commentaries as well. This “intrinsic” view on the one hand might imply a stricter application of the prohibition than Meiri’s extrinsic reading, but it also might account for distinctions between study of the Written and Oral Torah, and, fascinatingly, even between different modes of study.

Having concluded our analysis of the relationship between the Written and the Oral Torah, next week we will consider the prerequisites necessary for one to properly engage in *talmud Torah*.