

PART VIII

ESTABLISHMENT OF LAWS AND COURTS

Details of the following twenty-one obligations and six prohibitions, that are included in this commandment and its offshoots, are explained in this section and in *Sheva Mitzvot HaShem*, Volume 3 (*Dinim*):

1. For a Gentile society to establish laws and ordinances. This includes: (a) to establish courts in which judges adjudicate regarding transgressions of the Seven Commandments, (b) for judges to adjudicate in court cases regarding all other matters that pertain to maintaining a stable society, and (c) to establish laws and rules for judging in courts about matters beyond the Seven Commandments that need to be regulated for the society, such as beneficial laws for commerce, according to the understanding of the lawmakers.
2. To compel and strive to guide Gentiles to accept and fulfill the details of their Seven Commandments and behave in a good and upright way. This includes the obligation to educate others in good and proper ways of life.
3. Not to cause someone to err or deviate from proper ways of living, nor cause someone to have an obstacle in his life, nor lead or aid someone to transgress one of the Torah's laws that he is obligated to observe.
4. To involve oneself in charity and acts of kindness for the poor and needy.
5. It is a moral obligation to associate oneself with good influences, and to distance oneself from bad or harmful influences (especially from idolatry).
6. To work on self-improvement, and to educate and guide oneself in proper character traits, attitudes and ideals. This includes fulfillment of all logical obligations, such as the obligation for Gentiles to honor their parents.
7. In the tendency to personally judge others (especially in speech or writing) it is a moral obligation to give benefit of the doubt and see the good in others. This includes seeking to make compromises and bring peace between people.
8. To ensure that the people are being correctly and fairly judged within the courts, which includes appointing only judges and police officers who are qualified and fitting for their positions.
9. Gentiles are obligated to accept a judgment that a valid court has ruled for them based on valid laws, and not to decide cases outside of the legal system.
10. For empowered Noahide courts to judge matters of the Seven Commandments according to the relevant Torah laws; other cases that involve laws which are agreed upon by the society should be judged according to the understanding of the judges, within the proper guidelines.

11. To judge righteously without perversion or delay of justice, or favoritism.
12. Judges are obligated to hear cases of oppressed and unfortunate people.
13. For a judge not to remove himself from judging due to worry or fear about reprisals that might be made against him.
14. Not to accept or offer a bribe that touches on judgment of a court case.
15. To ensure that the judges and witnesses are men in capital cases that involve transgression of any of the Seven Commandments.
16. That judges and witnesses in cases involving a transgression of the Seven Commandments may be closely related to someone involved in the case.
17. To judge cases that involve transgression of one of the Seven Commandments specifically based on true testimony of one or more valid witnesses.
18. In Rambam's opinion: for a valid witness to come to court to testify about what he knows in a case of violation of one of the Seven Commandments.
19. Not to give false testimony to a court of law.
20. Not to hire a false witness to give false testimony to a court of law.
21. To investigate and determine if testimony given to a court of law is true.
22. If an adult Gentile transgressed one of the Seven Commandments and was convicted for this by a Noahide Court (i.e., a court that judged him in accordance with the Torah laws for Gentiles, and was authorized to do so by the majority of the society), the court is obligated to sentence him to death and carry out the execution (if that is the punishment that is required in the law), rather than accepting a ransom to spare his life.
23. To distinguish between deliberate, inadvertent, or coerced transgressors, and to apply the correct standards for judging those different types of cases.
24. To correctly establish the laws of inheritance for Gentiles.
25. To appoint police officers to enforce a court's rulings, and by extension, to establish proper laws and rules of government that are agreed upon by the majority of the people, by which "the law of the land is the law".
26. If a society's government is been accepted by the majority of the citizens, they are obligated to accept its laws which are equal for all them. The courts are to punish properly convicted offenders according to the laws, but a law that violates any detail of the Seven Commandments is invalid and forbidden.
27. For a Gentile court not to convict or execute someone who prophesies falsely in the name of God, but rather to hand such a false prophet over to be judged by the Supreme Sanhedrin of the Jews, if it is functioning.

INTRODUCTION

The Social Obligation of Justice

by Rabbi Dr. Shimon D. Cowen

Director, Institute for Judaism and Civilization, Melbourne, Australia

The Noahide precept of justice, or *dinim*, is the obligation, incumbent upon societies, to establish the rule of law through courts in every district of the land. It is, however, not simply the establishment of law and order (however that might be) specifically in reference to the Noahide Laws, which have somewhat of a parallel in secular legal philosophy that might be called an order of “natural justice.” In actuality, it is the Divine template for human conduct, set out in the Hebrew Bible and its Oral tradition. This is what Rambam intends when he states that the Noahide precept of establishing a system of justice is for the purpose of ruling on the other six universal Noahide Laws. That is to say, justice itself is one of the Noahide Commandments, with its own parameters, and its purpose is to judge in relation to, and to enforce the observance of, the other six Noahide Laws.

In defining the precept of *dinim*, the words of Rambam are “to judge in relation to these six [other] precepts” and this is understood to exclude judgment in certain areas where punishment is given over to the hands of Heaven¹ instead of the courts. Still it would appear that the precept applies to three areas: (a) the actual prescriptions in the Noahide Laws as set out in the Biblical revelation to Moses at Sinai, and elucidated in the Oral tradition which also derives from Sinai; (b) an area of rules and arrangements in the realm of justice, mandated by reason for the purposes of social order, where the rightness of this reason is generally informed by the rationally grasped precepts given to the Jewish people, but for which the same prescription of detail does

¹ Such as Rambam details in *Laws of Kings*, 10:6-9. See Rabbi Yehuda Gershoni, *Mishpat HaMeluha* on *Laws of Kings* 9:14. Nevertheless, even for those transgressions which are not to be judged by a Noahide court, it is incumbent to publicize and teach those laws and even apply limited punishment to offenders when they are broken, for the transgressions are serious in the eyes of God, and may even entail the spiritual death of the person's soul, as in the case of creating new (man-made) religions and religious commandments, for example.

not necessarily apply to Gentiles as it does for the Jewish people;² (c) a domain of adopted stringencies, whereby higher standards of justice (judged by reference to the Jewish ideal of “absolute justice”) are taken on and become part of Noahide law.³

The normative legal system is thus not a mere reflection of community values or a repository of statutes given by a legislative body, but of the Noahide Code, *within which* community values – including legislated laws and norms – are included so long as these are consistent with the Noahide laws. Judges, lawmakers and the enforcers of law all need to be cognizant of this higher, universal code. Where there is doubt as to the parameters of Noahide law in regard to new matters, the filling of this gap can be done only by a qualified Orthodox Rabbinic authority in the Noahide laws.⁴

The function of *dinim* is also put “negatively”: to disallow disorder. Here Rambam writes that the function of courts under Noahide law is to “warn the people” against its infringement. This presupposes a stance of practical responsibility⁵ on the part of the State’s agencies of justice: both of the constituted sovereign authority and the judiciary.

The precept of *dinim* is important even in societies with high standards of impartiality and freedom from corruption in the administration of justice. This is because personal value judgments and beliefs enter the rulings of judges, resulting in decisions which are at variance with the Noahide Laws. This is seen in rulings permitting homosexual “marriage,” elective abortion, and euthanasia. The judge must first and foremost know and be beholden to the Noahide Laws as the ethical conditions for all human-made law and its adjudication.

² As we find in the general discretion given to the Jewish king and Jewish courts to rectify social order, which are in fact founded on *Noahide* law.

³ As the Lubavitcher Rebbe learns in the view of Rashi, *Likkutei Siḥot*, Vol. 5, p. 190. See Rabbi J.D. Bleich in “*Mishpat mo’ves b’dinei b’nei Noaḥ*” in the *Sefer HaYovel* for Rabbi Y.B. Soloveitchik, pp. 203-204, where he quotes an opinion that the punishment intended for Tamar (Genesis 38:24) was for her supposed transgression of a prohibition *introduced* by the court of Shem.

⁴ See *Likkutei Siḥot* Vol. 29, p. 98, where a Noahide judge is prohibited from “filling a gap,” under the general prohibition to a Noahide to *m’hadash da’at* (extrapolate to a new application of Torah Law) (*Laws of Kings* 10:10).

⁵ The functions of a Noahide judge are (a) to set forth the relevant rulings and (b) to see to it that they are carried out. See *Likkutei Siḥot*, Vol. 29, p. 98.

CHAPTER 1

The Obligation for a Gentile Society to Set Up a Judicial System

1. Adam was commanded regarding the prohibition of murder and the obligation to establishment justice.¹ God later repeated the prohibition of murder to Noah, and commanded him regarding the punishment of a murderer, as the verses state, “But, your blood of your souls I will demand ...; but of man, of man for his brother, I will demand the soul of man. Whoever sheds the blood of man, among man, his blood shall be shed; for in the image of God He made man.”²

The warning, “But, your blood of your souls I will demand, etc.,” refers to the prohibition of murder, while the verse, “Whoever sheds the blood of man, among man, his blood shall be shed...,” refers to the commandment to judge and penalize the murderer.³ The Sages inferred this command from the following explanation of the above verse: “Whoever sheds the blood of man” (referring to the murderer) “among man” (is prosecuted in court by a man who is qualified to testify); “his blood shall be shed” (he is given capital punishment by the court).⁴

Just as Gentiles are commanded to judge the case of the murderer, they are also obligated to likewise bring to justice those who transgress the other Noahide commandments.

The reason for the Noahide commandment of *Dinim* (Hebrew for *Judgments*) – meaning the establishment of a justice system – is clear: to keep order and morality in the world, and not let society degenerate to a state of lawlessness in which people are killing, extorting, stealing and harming each other. In the words of Rabban Shimon ben Gamliel:⁵

¹ Tractate *Sanhedrin* 56, Rambam *Laws of Kings* 9:1.

² Genesis 9:5-6.

³ Tractate *Sanhedrin* 57a. There must be a command to all Gentiles to execute a murderer who is found guilty in a just court, for if not, there would be no permission for a court to execute any person. The permission to do so is found in the command, “...his blood shall be shed,” and therefore a righteous Gentile society is not only permitted, but also obligated to authorize a just court to execute a murderer. (See topic 11 below for when this can apply.)

⁴ Tractate *Sanhedrin* 57b; *Bereishit Rabbah* ch. 34; *Targum Onkelos*, *Targum Yonatan ben Uziel*, Rashi, and Ramban on Genesis 9:5-6.

⁵ Tractate *Avot* (*Ethics of the Fathers*) 1:18.

“The world endures by virtue of three things – justice, truth, and peace, as it is stated,⁶ ‘Administer truth and the judgment of peace in your gates.’” Another reason for this commandment is that in order to keep a spirit of Godliness in the world, one must be concerned with the establishment of a society according to God’s will, in which people keep their Divine commandments that concern a person’s obligation to God and to one’s fellow human beings.

2. What is involved in the obligation of *Dinim*? Gentiles are commanded to set up proper judges and law enforcement officers in every inhabited area and city,⁷ who will be empowered to judge in matters of the Seven Noahide Commandments, to urge the people to observe the laws, and punish offenders.⁸

It is an obligation for Gentile judges to decide the correct laws for Gentiles according to their Seven Commandments, such as whether or not a particular action directly violates one of these seven Divine commandments. For example, a qualified judge would decide whether a particular action falls directly under the Noahide prohibition of idolatry, or whether the action is an offshoot of idolatry and is

⁶ Zehariah 8:16.

⁷ Tractate *Sanhedrin* 56b and Meiri *ibid.*; Ramban on Genesis 34:13.

⁸ Based on Rambam, *Laws of Kings* 9:14. In his words, the seventh Noahide commandment is that “they are obligated to set up judges and magistrates in every major city to render judgment concerning these [other] six commandments and to admonish the people [regarding their observance].” (It appears from his statement that Gentiles are not obligated to appoint judges in every town, which is supported by his later statement in *ibid.* 10:11, “The Jewish Court [one that follows Torah Law] is obligated to appoint judges for these resident [*Ger Toshav*] Non-Jews [who are residing in the Land of Israel among the Jews]” – assumedly, these are lower judges and officers of law to carry out the judgment in smaller cities.) With this opinion, he disagrees with Ramban (on Genesis 34:13), who is of the opinion that these judges are only to judge monetary matters. However, it is clear even according to Ramban, although he does not state it explicitly, that one who transgresses one of the six prohibitory Noahide commandments is liable, and also that no one may give him any punishment for transgressing them unless he is given a fair trial. This can also be seen from the fact that Ramban does not mention the obligation to judge a murderer, although it is clear from the scriptural text that this is required.

therefore forbidden yet not punishable; or whether a woman is considered married and forbidden to another man; or whether a sum of money belongs to a specific person, and therefore another person who takes it would be liable for stealing; and all similar matters.⁹

The ruling explained earlier in Part I, topic 5:4 – that because of their prohibition of making a new religion, a Noahide Court may not on its own decide a question that arises about the *halahá* (Torah Law) regarding one of the Seven Commandments, and must rather let a Jewish Court decide the *halahá* – applies to establishing a **new** ordinance in regard to one of the Seven Commandments. However, they are permitted to clarify whether a certain situation falls under a category of the pre-defined Seven Commandments, and into which category it falls, as this would not be considered an establishment of a new law.¹⁰

Within the scope of the Seven Noahide Commandments, the prohibition against establishing a “new commandment” only applies to those aspects of the commandments that were given by God Himself as part of the Torah of Moses from Sinai, since the establishment of Torah Law is not in the jurisdiction of Noahide Courts. The Noahide Courts may, however, establish the rules in regard to other laws that they take upon themselves, or matters that should be logically and morally binding, or monetary and business laws and the like, which the various countries have established for themselves.

In summary, a Noahide Court is not permitted to change the framework of the Torah’s laws of *Dinim* for Gentiles. Examples of such forbidden changes would be deciding that there is no obligation to have a court rule on monetary laws, or changing a detail of *halahá* in one of the other six Noahide Commandments. They have jurisdiction, though, to make decisions regarding monetary cases according to their understanding, and if they decide to change one of the laws that they have previously decided regarding monetary cases, they may do so as well.

The command for court judges to admonish the people about following the laws includes the obligations to teach the society what is

⁹ Responsa of *Yad Eliyahu*, ch. 38: “The main obligation of *Dinim* is to make clear rules, such as where there is doubt of whether an action is stealing; and even to clarify these laws before litigants come to court.” Also see Responsa *Maḥaneh Ḥayim*, vol. 2, ch. 22.

¹⁰ See *Likkutei Siḥot*, vol. 29, p. 98.

forbidden and permitted, to warn them regarding these matters, and to have a system for preventing the people from transgressing the laws.¹¹

This includes the obligation of Noahide Courts to oversee the education system in the country, and to set the curriculum in a way that will teach the populace that which it must know, including: belief in God; the acceptance of the “yoke of Heaven” and the fulfillment of their Divine commandments, including all the details of the Seven Commandments; and all other moral obligations that are logically incumbent on Gentiles.¹²

A Noahide Court is also obligated to judge a Gentile in all situations of possible transgression, to decide whether and how the convicted transgressor is liable to be punished, and to carry out that punishment.

3. The Noahide commandment and obligation of *Dinim* is not only for Gentiles to judge and punish transgressors, but also to take care about the morality of society. This includes making moral laws to guard the populace from sinning,¹³ and any other laws necessary for the establishment of a just and peaceful society.¹⁴

Gentiles are therefore obligated within their commandment of *Dinim* to make righteous and beneficial laws that are effective for all the country, in all matters between people, such as laws in the areas of:

¹¹ Responsa *Maḥaneh Ḥayim* *ibid.*; *Ḥemdas Yisrael* 9:29.

¹² To quote the Sages in Tractate *Sanhedrin* 56b: “and He commanded them *dinim*, as it is stated (Gen. 18:19, about Abraham) ‘For I know him, in order to command his children and house after him, that they may keep the path of God.’ ” The simple meaning of the verse is a reference to educating one’s children about God’s laws. It is clear from Rambam’s words in *Laws of Kings* 9:14, “to admonish the people,” that educating the people about God’s laws is an obligation upon the courts as well.

¹³ See *Roke’aḥ*, ch. 366: “Gentiles are commanded as part of their obligation of *Dinim* to fix the weights and measures.” (This includes the obligation on the court to routinely check the stores to see if their weights, measures and scales are correct, as Rambam explains in *Laws of Theft* 8:20 in regard to the obligation of officers of the Jewish courts.) This applies in addition to the obligation of each individual to check his or her own weights and measures to avoid cheating, as explained above in Part VII, ch. 5.

¹⁴ In the wording of Rambam in *Laws of Kings* 10:11, “...so that the world will not become decadent,” or as in the wording of Meiri in Tractate *Sanhedrin* 56, “the laws of *Dinim* prevent the sins of theft and extortion.”

theft (e.g., requiring a thief to reimburse his victim),¹⁵ cheating, payment of a hired worker, holding back a worker's pay, obligations regarding watchmen, rape or seduction, monetary damages (e.g., by a person damaging someone financially, or by a person allowing his property to damage someone bodily or financially), bodily injury, lending and borrowing, other business transactions, and requirements for the courts to administer justice according to these laws.¹⁶ (In Part VII, the main laws of the Noahide Code are already outlined regarding theft, cheating, holding back a worker's pay, the obligations and pay of watchmen, rapists or seducers, monetary damages, and bodily harm.)

The people who write these laws which Gentiles may establish for themselves, and the judges who rule on the applications of these laws, must establish them according to their knowledge of the true needs of the country's population and the establishment of a moral society. They do not necessarily need to follow the Torah's monetary laws for Jews. Rather, they may rule similarly or differently based on their view of what is necessary for the specific society of their country. The laws must obviously conform to logical and moral standards, and they must not be like the evil and cruel laws of the Biblical city of Sodom, on account of which God utterly destroyed that metropolis.¹⁷

4. How does the obligation of *Dinim* for Gentiles to judge regarding their Seven Commandments (as explained above in topic 2) differ from their obligation to judge in monetary matters and other laws that their courts have decided on their own (as detailed in topic 3 above)?

A Noahide Court's judgment of the Seven Commandments from God may only follow the guidelines that the Torah of Moses has estab-

¹⁵ See Part VII, ch. 2, that a Noahide Court is permitted to pass judgment on the amount required for compensation for theft. They are also permitted to widen or narrow the prohibition of theft to specific circumstances. However, the basic prohibition of theft is ordained by God, so theft cannot be made permissible. The same applies for the prohibition of cheating: although a Noahide Court may determine logically what is considered cheating and at what point a sale is invalid, they cannot nullify the Divinely-ordained prohibition of cheating.

¹⁶ Ramban on Genesis 34:13; *Sefer HaĦinuĥ* Commandment 58; Rashi on Tractate *Gittin* 9b.

¹⁷ *Kol Ba'ei Ha'Olam*, p. 93.

lished,¹⁸ and they may not nullify or change these commandments or the punishments set for them.¹⁹ If a Noahide Court fails to administer this judgment, it has failed to observe the commandment of *Dinim*.²⁰

However, the court may judge monetary laws and other matters that fall under their jurisprudence, according to their own understanding. For example, they may decide what penalty to set for a rapist²¹ (who raped a woman who is not forbidden to him for marriage within Noahide Law, so he is therefore not liable to capital punishment from a Noahide Court on account of any of the basic Seven Noahide Commandments). The lawmakers may establish the penalty as either capital punishment or any other punishment that appears to them to be correct for their society. Likewise, they can decide to base their judgment on the testimony of one witness, or only at least two witnesses, or by their own examination of the evidence (including testimony from the victim), or by the confession of the defendant. The same applies to all other details of the judgment.

They can also judge a person who causes bodily harm to another according to their own decision, and if they decide to let the accused person go free based on the circumstances of the incident or a specific testimony, they have the permission to do so and are not considered as

¹⁸ Based on God's command to Moses, as explained in the author's Introduction to *Sheva Mitzvot HaShem*, footnote 7.

¹⁹ *Mishneh Halahot* vol. 7, ch. 255.

²⁰ This is clear from the opinion of Rambam, *Laws of Kings*, end of ch. 9; he is of the opinion that if the judges do not do so, they are liable. Even Ramban, who argues and says that they cannot be liable for inaction, still agrees that they have not fulfilled the commandment of *Dinim*.

²¹ See in Part VII, ch. 10, that one who rapes a woman (who is not forbidden to him for marriage within Noahide Law) is not held liable to capital punishment in a Noahide Court, since it does not fall within the category of one of the absolute Noahide Commandments. Therefore, this matter is within the jurisprudence of the society's lawmakers. This can be compared to the story of Judah and Tamar, in which she was initially sentenced to capital punishment (for assumedly having had relations with an idolater, which was declared by the court of Shem as forbidden and punishable by death); this enacted prohibition was one of the extra standards (beyond the Noahide Commandments) that was imposed by societies after the Flood to hold people back from idolatry and licentious sexual relations. (This explanation is brought in *Tosafot Sanhedrin* 56, and *Likkutei Sihot* vol. 5, p. 190.)

failing to keep the commandment of *Dinim*.²²

However, it is the obligation (as part of their commandment of *Dinim*) of these judges (or the society's lawmakers, as implied and understood in this context) to establish laws in the areas that fall under their jurisdiction, and they are forbidden to let such issues go completely ignored – for example, by deciding that one who rapes or injures another will not undergo any judgment or penalty. Any such lack of response to these matters (especially in an area where there is clearly a need for such laws) constitutes a failure to observe the commandment of *Dinim*. The determination of particular laws in these areas, and the penalties for their transgression, falls under the court system's own jurisprudence.

If there are no permissible witnesses or judges within the rules for Noahide Courts (yet there is, nevertheless, still an obligation to adjudicate in matters of the Seven Commandments), the existing court has permission to reach a judgment according to their own understanding. However, if the court excuses itself from judging the case altogether, they have failed to uphold the Noahide Commandment of *Dinim*.²³

In this work, from this point on, all laws will be divided into two categories: (a) “fixed laws” – those commanded by God, and (b) “resolved laws” – those involving areas other than the other six Noahide Commandments, or situations in which the judges cannot make a judgment within the Torah Laws for Noahide Courts (e.g., due to lack of acceptable witnesses), in which case they should judge according to laws of the land and their own justice system.

5. The Noahide Commandment for *Dinim* is obligatory for everyone in the whole society, both upon the community²⁴ as well as upon the

²² This is based on the explanation in Part VII, ch. 11, that one who injures another is not liable for transgressing the prohibitions of theft or murder (although Ramban is of the opinion that it would be considered theft), and therefore it is up to the court's decision as to how they will judge such a case.

²³ It appears that even according to Rambam (see topic 9 below), they are not liable for not keeping the commandment of *Dinim* under these circumstances, since there is no truly valid case for them to rule upon, according to the exact standards of justice within the purview of Noahide Law (and therefore this is not considered to be annulling the commandment of *Dinim*).

²⁴ This obligation falls more heavily on the ones who preside over the country, as they are in more control than the individuals within the country.

individual.²⁵ Although the obligation to establish a court system is upon the whole community, there is more responsibility placed in the hands of the ruling members of the society, who have the ability to determine that a system of laws will be established, and to fix any perversion in the judicial system.

6. The commandment for *Dinim* includes two general obligations: the positive command to establish justice, and the negative prohibition against perverting justice.²⁶ The positive command includes many details, among them the appointment of appropriate judges, the establishment of appropriate laws (including civil laws), and the obligation of the courts to judge and admonish the populace, as explained earlier. The negative prohibition includes the perversion of justice in any way, and includes many details,²⁷ such as:

- the prohibition for a judge to change the correct judgment because of his own wickedness, or because of a bribe or some reason that is not legally relevant, or to accept a bribe at all (see topics 2:4-8);
- the prohibition for a witness to testify falsely;
- the prohibition against changing the correct judgment in any way,

Historically, this can be seen from what happened to the Generation of the Flood (Genesis ch. 6-7), the people of Sodom (Genesis 19:1-25), and the city of Shehem (Genesis ch. 34, as explained by Rambam, *Laws of Kings* 9:14). Those calamities happened because the laws of *Dinim* were not kept. Although the original sins of these populations may have been in a particular area, such as idolatry, the lack of a valid system of justice made the proliferation of other serious sins even more widespread, and it was therefore decreed by God for their entire societies to be punished more severely. See Responsa *Mahaneh Hayim*, vol. 2, *Orah Hayim* ch. 22, p. 62.

²⁵ This is clear from Rambam, *Laws of Kings* ch. 9, in regard to Shehem. This can also be seen from the discussion in Tractate *Sanhedrin* 57b regarding whether women are obligated in the commandment of *Dinim*, which shows that this is an obligation upon the individual.

²⁶ Tractate *Sanhedrin* 59a.

²⁷ Rashi on *ibid.* 59a, Meiri on *ibid.* 57, and Ramban on Genesis 34:13. (This is unlike the Torah's commandments for Jews, which are divided into many individual detailed commandments, 613 in number, whereas the Noahide Commandment of *Dinim* is the overall general commandment that includes all these related details, as explained in Part VII, last footnote to topic 1:1.)

or intimidating a plaintiff, a witness or the judges from the process of obtaining a correct judgment.

All such matters constitute perversion of justice and failure to uphold the commandment of *Dinim*.

The individual's obligation of *Dinim* includes coming to court for a judgment, and not taking matters into one's own hands with coercion.²⁸ See Part VII, topics 4:5-8, regarding when it is permissible for a Gentile to take matters into his own hands in a monetary dispute.

7. There is an opinion that part of a Gentile's obligation of *Dinim* is to respect judges and not curse them.²⁹ Included in this injunction is the prohibition against cursing a king or ruler of the country, since the ruler is responsible for establishing the law and order in the country. This follows the concept in the verse (Exodus 22:27),³⁰ "You shall not curse a judge, and you shall not curse a leader among your people."

8. Although a Gentile woman is not obligated in the commandment of *Dinim*, she is nevertheless obligated to uphold the law, such as when she is asked by the court to testify in certain cases (see *Sheva Mitzvot HaShem*, Part VIII, Chapter 9), and she is surely forbidden to obstruct the law or societal morality (see topic 6 above).³¹

9. A Gentile is liable to capital punishment for transgressing the injunction of *Dinim* that is commanded by God to all Gentiles, in

²⁸ See *She'iltot*, ch. 2, regarding the Torah Law for a Jew, and *Ha'amek Sha'aloh* ch. 2, regarding the Torah Law for a Gentile.

²⁹ See *Shulhan Aruh Hoshen Mishpat* 8:4, which says that the community must honor a judge, clearly implying that it is forbidden to disrespect him. See also *Hemdat Yisrael* on Rambam, *Laws of Kings* ch. 9, that the prohibition for a Gentile to curse a judge comes from the Noahide prohibition of cursing God. This is also implied from Rashi on Tractate *Sanhedrin* 56b. See also *Mitzvot HaShem* by Rabbi Yonatan Shteif, p. 377.

³⁰ See *Mitzvot HaShem*, p. 453.

³¹ See Meiri on Tractate *Sanhedrin* 56, that all the Noahide Commandments apply equally to men and women. It appears that although Gentile women are not liable for capital punishment for obstructing justice (as written in *Mesheh Hohmah*, that for this reason they were not killed along with the men of Shehem), it is still forbidden for them to hinder the process of justice at all.

regard to those aspects of *Dinim* that are set Torah Laws. Therefore, a judge who perverts and changes the law intentionally, due to his own wickedness or a bribe, deserves capital punishment.³²

Regarding a court or individual judge that neglects the duty to judge a case involving one of the Seven Noahide Commandments,³³ there is an argument among the Torah-law opinions. Rambam³⁴ is of the opinion that any party involved in the neglect of the duty to judge is liable – be it the individual judge, the court or any witness who fails to testify. Ramban³⁵ disagrees and holds that one can only be liable to capital punishment for doing a forbidden action (for example, a judge who delivers a perverted judgment), but not for a neglectful inaction.

10. It is forbidden for someone acting as an individual to execute a person who has transgressed one of the Seven Noahide Commandments. Rather, the offender must be judged by a court³⁶ and receive his penalty from the court. One who goes ahead and kills the transgressor

The determination as to whether a woman can be liable for bribing a judge may be dependent on an argument between Rambam and Ramban. Rambam (as explained in *Sheva Mitzvot HaShem*, Part VIII, ch. 10) is of the opinion that one who knows a relevant testimony but willfully does not testify is liable, so one who actively gives a bribe is liable. It is possible that Ramban, who says that one who gives false testimony is liable, may not agree that one who gives a bribe is liable, since the former directly obstructs the judge from making a just decision, whereas the latter is merely assisting the transgression of the judge; therefore, the judge would be the liable party, since he accepted the bribe and carried out the deed of perverting his judgment.

³² Tractate *Sanhedrin* 57a.

³³ It is clear that even according to Rambam, a Gentile would only be liable for not judging a transgression of the Seven Noahide Commandments, and he is not liable for not judging monetary matters or the like.

³⁴ Rambam, *Laws of Kings*, ch. 9. See *Sheva Mitzvot HaShem*, Part VIII, topic 10:6 and footnotes there.

³⁵ Ramban on Genesis 34:13. This is also the opinion of Ran (Rabbeinu Nissim), on Tractate *Sanhedrin* 56.

³⁶ *Sefer HaHinuh* Commandment 409, based on the verse, “And the murderer shall not be killed until he stands trial” (Numbers 35:12). Although this command is a specific precept given to Jews, it appears that as part of the laws of *Dinim*, a court must judge an accused murderer, rather than individuals taking the law into their own hands.

before the court has decided on a death penalty is considered as failing to uphold the command of *Dinim* (in addition to his sin of murder – and for that alone he is liable to capital punishment – unless the accused was a murderer who escaped from the court, as explained in Part V, topic 1:25, and *Sheva Mitzvot HaShem*, Part VIII, Chapter 13).

As part of the prohibition of failing to uphold the commandment of *Dinim*, it is also forbidden to appoint any person to a court if the person is not qualified to judge, either to judge a case or to carry out a judgment from the court. (This does not include a monetary dispute, in which the two parties may appoint a mediator to reach a settlement for them; that is a valid act under the commandment of *Dinim*, as explained in Chapter 3 below.)

11. All the precepts mentioned above comprise the main components of the commandment for *Dinim*, as given for all Gentiles by the Torah of Moses. **The Rabbinical authorities of our generation wrote that the Torah Laws concerning an obligation for Noahide Courts to administer capital punishment apply *only* if the majority of the society's population believes in the One True God and specifically observes the Seven Noahide Commandments as Divine commandments that they accept upon themselves.** In that situation, an individual who leaves the behavioral boundaries of the society to transgress one of those commandments is liable to the specified punishment from a Noahide Court.

If, however, the majority of the society's population does not believe in the One True God and observe the Seven Noahide Commandments (for example, if as a whole they regularly permit transgression of at least one of these commandments), the courts of that society are not permitted to sentence a transgressor of one of the Seven Noahide Commandments to receive the death penalty on the basis of the Torah Law.³⁷

³⁷ See *Hazon Ish Bava Kama* 10:16, that if Gentile witnesses and judges do not fully keep the Seven Noahide Commandments, due to this being the case for society at large, then even though they are considered trustworthy by society and do observe law and order (and uphold the command for *Dinim* as such), they are nevertheless forbidden to charge someone as liable for the death penalty, since these witnesses and judges do not accept the “yoke of Heaven” and their Seven Commandments.

(However, if the courts decide that it is necessary to apply the death penalty for murder in order to bolster the safety of the society, they are permitted, but not required, to execute convicted murderers.)³⁸

12. Even if most of the Gentiles in a certain country do not abide by the Seven Noahide Commandments as Divine precepts, but instead they observe the basic obligations of some of the Noahide Commandments based on their own morality and logic – for example, abiding by the prohibitions of theft and murder, and judging transgressors in an upright manner, by establishing their own courts to sentence transgressors for theft, murder, injury and the like, and to decide in monetary cases – this is considered for them as a *partial* fulfillment of their commandment of *Dinim*.

Likewise, if the courts in such societies do not sentence violators of the Seven Noahide Commandments to capital punishment, but rather sentence them to confinement in jail or other punishments,³⁹ they are nevertheless keeping the principle of the commandment of *Dinim*, in that they are keeping society from reverting to chaos, and the main

See *Igrot Moshe Hoshen Mishpat* vol. 2, ch. 68, by Rav Moshe Feinstein. **For the author of the present work, it is obvious that Rav Feinstein's opinion is that the non-Noahide Gentile courts in our modern secular societies may not impose a death penalty, even for murder, unless they see that extenuating circumstances are forcing them to do so specifically for murderers, as when the society becomes unchecked in transgressing this basic command.**

³⁸ *It is clear that the permission to execute convicted murders must be applied based on uniform guidelines that are set by the society's legal system, and not based on case-by-case personal whims or prejudices of individual judges or others who are assigned to declare what punishment will be given.

³⁹ However, if the majority of a society correctly accepts all of the Noahide Commandments, then it appears that in the opinion of Rambam, if there is an empowered court that fully accepts the Noahide Commandments as given by God and correctly judges cases within the Seven Commandments according to the commandment for *Dinim*, but it decides as an option not to execute a convicted Gentile transgressor who is liable to capital punishment according to the Torah Law – then it has not fulfilled the commandment of *Dinim*. In such a case, the judges themselves are liable in the opinion of Rambam (but not in the opinion of Ramban, as explained in topic 9 above).

purpose of this commandment is to establish a society that protects its citizens from being wronged by one another.⁴⁰

Therefore, an observant Noahide who has the ability and knowledge to judge is permitted and has a duty to become a judge for a non-Noahide Gentile court, in order to establish law and order in the society as much as possible, even if (due to the circumstances in his country) he is unable to administer justice by the guidelines of the Noahide Code. Likewise, an observant Noahide who is able to give testimony on a certain matter, or has reason for a lawsuit against another person, must go to these courts and testify or bring the case before them, because those judges for the country are bringing a degree of righteousness and morality to the society.

(If it is clear that the justice system of the country is corrupt, it is forbidden for a person to participate in such judgments, either as a judge, witness, or litigant.)

There is no obligation for observant Noahides to set up their own Noahide Courts if they are a minority in a country that has a generally just society.

13. Every nation and country is obligated to appoint judges in order to bring justice to them (as explained above in topic 2). In every district there should be a court, and in every city there should be one or a number of judges. There should also be a highest appellate court to deal with issues that apply to the whole nation, and to oversee all the lower courts to make sure that they are judging correctly and keeping their obligation to abide by the command for *Dinim*.⁴¹

⁴⁰ As explained by Rashi on Genesis 11:9, God's destruction of the Generation of the Flood, and of the metropolis cities of Sodom, was a harsher punishment than that given to the Generation of the Tower of Babel, who were not destroyed but only dispersed with 70 different languages. God applied these different punishments because the former people sinned against both God and their fellow men, whereas the latter only sinned against God, and not against their fellow men.

⁴¹ This is comparable to the Jewish commandment to set up a Supreme Court, called the Great Sanhedrin, which is to be responsible to oversee the lower courts, as explained by Rambam, *Laws of Courts* 2:8 and ch. 5, and Ramban on Deuteronomy 7:18.

However, no Gentile court of one nation has permission to judge people of another nation.⁴² This applies equally to judging all the people of a foreign nation, or one community within a foreign nation, or one detail of their affairs, since the people of one nation do not have jurisdiction to judge the people of another nation.

Therefore, there is no Torah-based obligation for any Gentile nation to extradite a foreigner who has fled from his own country's justice system, although they may do so if they wish. However, it appears that as a logical moral code for all societies, if the country that is holding the fugitive from justice knows that the person deserves to be brought to trial for committing a crime, it is proper to extradite the fugitive, in order to support justice and morality for the whole world.

⁴² See Responsa of *Maḥaneh Ḥayim* vol. 2, *Orah Ḥayim* ch. 22, in explanation of the words of Rambam that the people of Shehem were liable for not exacting justice: there is nonetheless no obligation for one city to judge the lawless society of another city. In this opinion, it was for this reason that Jacob was angry at his sons Shimon and Levi for executing judgment when they were not obligated to do so. This is the simple understanding of the words of Ramban on Genesis 34:13: "However, the matter was not given over to Jacob and his sons that they should execute justice against them [the Canaanites]."

See also Ramban on Genesis 19:8 and Deuteronomy 16:18, and *Sifri* and Malbim on Deuteronomy 16:18.

CHAPTER 2

**The Prohibition Against Perverting the Course of Justice
or Taking a Bribe**

1. Every judge is commanded and warned to judge righteously,⁴³ as it says, “You shall not commit a perversion of justice; you shall not favor the poor and you shall not honor the great; with righteousness shall you judge your fellow.”⁴⁴ It also says, “Do not pervert the judgment of your poor person in his grievance.”⁴⁵ It also says, “You shall not pervert the judgment of a proselyte or orphan.”⁴⁶ The Bible repeatedly warns a number of times about the perversion of justice,⁴⁷ especially concerning the perversion of justice for those who are weak, because the judge has to strengthen his resolve to the utmost to protect their rights before violent and strong people who try to oppress them, and the judges are likely to ignore their distress.

2. It is forbidden for a judge to pervert a judgment, which includes convicting the innocent or vindicating the guilty,⁴⁸ whether in monetary cases or in cases of capital offense. Even regarding a defendant who is known to be wicked, it is forbidden to pervert the judgment by condemning him if there is insufficient evidence to prove that he violated the law in the case that has been brought to the court.⁴⁹ This is stated regarding monetary cases in the verse, “Do not pervert

⁴³ From *Ħasdei Dovid Tosefta* end of Tractate *Avodah Zarah* and *Minĥat Ħinuĥ* Mitzvah 235, this is also obligatory on Gentiles as part of their commandment of *Dinim*.

⁴⁴ Leviticus 19:15.

⁴⁵ Exodus 23:6.

⁴⁶ Deuteronomy 24:17.

⁴⁷ See Rambam, *Laws of Courts* 20:12.

⁴⁸ Rambam, *ibid.* 20:6.

⁴⁹ See *Ĥatam Sofer Likutim* ch. 14, and *Minĥat Ħinuĥ* Commandments 81 and 233, that this verse also applies to Gentiles. Obviously, the judge must use his discretion when a case has reasonable doubt; it is only prohibited for him to make judgment based on a personal estimation of the righteousness of a litigant. See *Sheva Mitzvot HaShem*, Part VIII, topic 5:9.

the judgment of your poor person in his grievance.”⁵⁰ (About this, the Sages explained that “poor” means poor in observance of his commandments, meaning that because he is sinful, he has no merits in the eyes of the judge.) And regarding cases of capital offense, it is stated, “do not execute the innocent or the righteous.”⁵¹ If “the innocent” is stated, what extra meaning is added by “the righteous”? It refers to a defendant who should be declared “righteous,” i.e. not guilty, in his court trial, because even if he is known to have committed crimes in the past, there is not enough legal evidence to convict him in the present case, and certainly the judge must therefore not take this opportunity to have him put to death.⁵²

It is obvious that it is forbidden for a judge to pervert justice for the sake of someone whom he wishes to gain favor from or to promote, for whatever reason. Judges are warned against all these things,⁵³ which are all included in the precept of, “you shall not commit a perversion of justice,” that was cited above. Someone who violates one of these prohibitions has transgressed the Noahide commandment of *Dinim*.

3. What is included in the prohibition of “you shall not favor a poor person”? It is forbidden for a judge to have mercy on a poor person in judgment, and he should not say to himself, “This man is poor, and his opponent is rich, and it is appropriate that the rich man should support the poor man [because he needs charity]. Therefore, I will award the monetary judgment to the poor man, and as a result he will be supported in dignity.”

The prohibition of “you shall not respect a great man” means that if a case comes before a judge between a rich wise man and a poor simple man, the judge should not favor the rich wise man. For example, the judge should not ask the rich man about his well-being, because with this the judge is showing favoritism, and when the poor man sees this, he will become bewildered and will stumble in his arguments or withhold them, and then the resulting judgment will not be fair. Similarly, the judge should not say to himself, “How can I find this honorable person guilty in judgment, and then as a result he will be

⁵⁰ Exodus 23:6 and *Mehilta* there; Rambam, *Sefer HaMitzvot* Neg. Com. 278.

⁵¹ Exodus 23:7.

⁵² *Mehilta* and Ibn Ezra on Exodus *ibid*.

⁵³ See *Sefer HaHinuh* Commandment 233.

embarrassed? I will declare him to be innocent, and after that I will tell him privately that he is really guilty and responsible to pay the amount.” A judge should not do any such things; rather, he should promptly decide and hand down the correct legal judgment, without showing favor to either litigant for any reason.⁵⁴

4. It is forbidden for a Gentile judge to take a bribe, for this directly results in a perverted judgment.⁵⁵ Even taking a bribe to give a correct judgment is forbidden,⁵⁶ for the Torah declares twice, once in Exodus – “You shall not accept a bribe, for a bribe will blind the clear sighted and corrupt words that are right”⁵⁷ – and again in Deuteronomy: “You shall not pervert justice; you shall not show favoritism, and you shall not take a bribe, for bribery blinds the eyes of the wise and perverts just words.”⁵⁸ Bribery perverts the opinion of the judge, because from the moment he accepts a bribe, his opinion leans (away from the proper and unbiased judgment) because of the bribe that he received,⁵⁹ and he does not judge fairly.⁶⁰

It is also forbidden for a judge to take bribes from both litigants, even if he takes an equal sum from both of them.⁶¹

5. A judge has to be very careful not to take a bribe. If a judge feels that because of some favor that one of the litigants once did for him, his opinion is leaning in that person’s favor, he is obligated to invalidate himself from judging in that case, because he might not

⁵⁴ *Shulhan Aruh Hoshen Mishpat* 17:10.

⁵⁵ Ramban on Genesis 34:13, in the name of the Jerusalem Talmud.

⁵⁶ Rambam *Laws of Courts* ch. 23; *Shulhan Aruh Hoshen Mishpat* ch. 9.

⁵⁷ Exodus 23:8.

⁵⁸ Deuteronomy 16:19.

⁵⁹ Rashi on Deut. 16:19 – one may not take a bribe, even to give a just sentence, for once one takes a bribe it is not possible to turn against the giver.

⁶⁰ As explained in footnote 27, the Noahide Law of *Dinim* is the overall commandment that includes all the details which for Jews are individual commands, as explained in Part VII, last footnote to topic 1:1. It is also clear from Ramban mentioned earlier that a Gentile judge may not take a bribe even where he has decided to make just sentence.

⁶¹ *Ha’Amek Davar* on Exodus 23:8; *Birkei Yosef*, brought in *Pishei Teshuva* on *Shulhan Aruh Hoshen Mishpat* 9:3 regarding a Gentile judge.

make a fair judgment.⁶²

It is forbidden for a judge to accept a gift from a litigant who gives it in order that he be found innocent in judgment. This prohibition of accepting a gift from a litigant applies even after the judge has completed his deliberation and already decided what his correct legal ruling is, and has already delivered the verdict or stated the law, because this is similar to bribery.⁶³

Just as it is forbidden for a judge to take a bribe, so too it is forbidden for a policeman to take a bribe to absolve himself from fulfilling his responsibility.⁶⁴

6. A judge who took a bribe is invalid to judge from that point on, and his judgments are not to be regarded as the law – not in the case in which he took the bribe, and not in any case that he will judge in the future.⁶⁵ However, the judgments that he made before he took the bribe are not invalidated.⁶⁶

7. It appears that according to the law, a Gentile judge who took a bribe is not obligated to return the bribe, for it was given to him as a gift.⁶⁷ It is clear that the society's legal system has permission to institute that the bribe may be taken away from the judge, and this enactment would be proper. It has already been explained that they are obligated to rescind his decision that he passed, remove him from his position as judge and punish him for taking the bribe (as explained in *Sheva Mitzvot HaShem*, Part VIII, topic 2:9).

8. Just as it is forbidden for a judge to take a bribe, it is obvious that

⁶² *Shulḥan Aruḥ Ḥoshen Mishpat* 9:1,2.

⁶³ See Rema *Ḥoshen Mishpat* 34:18.

⁶⁴ See *Kli Ḥemda*, *Shoftim* 97b.

⁶⁵ *Shulḥan Aruḥ Ḥoshen Mishpat* 7:9. After a judge has taken a bribe once, he is considered to be a sinful person and is unfit to even testify in court from then on (unless he does complete repentance), and any future cases he judges are invalid. This is clear from *Sefer Meirat Einayim Ḥoshen Mishpat* 9:13.

⁶⁶ See *Prisha Ḥoshen Mishpat* ch. 9, *Urim Ḥoshen Mishpat* 9:7, and *Pisḥei Teshuva Ḥoshen Mishpat* 9:10, regarding one who is paid by litigants to judge their cases. Unless there is proof or a very strong reason to believe that he was previously untrustworthy, the past judgments he made are still valid.

⁶⁷ See *Shulḥan Aruḥ Ḥoshen Mishpat* ch. 9.

the prohibition also applies to the one who gives it, because he is causing the judge to transgress and pervert justice,⁶⁸ and indeed he transgresses the commandment of *Dinim*.

There is no difference between a monetary bribe or any other favor or benefit; it is all considered bribery – for example, when a litigant pays any of the judge’s debts,⁶⁹ or giving a bribe through others to be given to the judge.⁷⁰

9. The Sages taught that any judge who charges money from litigants in order to judge them, that his judgments are invalid.⁷¹ Even though this was said regarding the judgment of the Jewish people, nevertheless, it is obvious that every society or government of Gentiles is obligated to establish a salary for their permanent judges and officers, that will be arranged from the public funds (of the region or city), so that they should be paid handsomely and not be dependent on getting paid through the goodwill of the ones being judged.⁷² This is because a judge who takes money from litigants is acting very similarly to taking a bribe, and this will lead to perversion of justice.

If it is the custom in a certain place that a permanent judge takes an equal sum of money from every litigant that comes before him, then it is permitted, since all the people in that place accept that they will act in this way, and the payment is known and fixed.⁷³

10. This above law pertains to a permanent judge (established by the government, or the like), before whom the litigants are forced to be judged. Therefore, the public is obligated to arrange that his salary be

⁶⁸ *Shulhan Aruh Hoshen Mishpat* ch. 9 explains that this is prohibited for a Jew under the Jewish commandment, “You shall not put a stumbling block before the blind.” Although that precept is not incumbent upon Gentiles, it has been explained in Part I, ch. 4, that it is forbidden for Gentiles to do this. It is also possible that one who gives a bribe transgresses the prohibition of “You shall commit no injustice in judgment;” see *Or HaHayim* on Leviticus 19:16, and topic 1:8 and the footnote to topic 1:8 above.

⁶⁹ *Panim B’Mishpat* 9:11.

⁷⁰ *Hatam Sofer Likutim* ch. 14.

⁷¹ Tractate *Behorot* 29; *Shulhan Aruh Hoshen Mishpat* 9:5.

⁷² *Tur Hoshen Mishpat* ch. 9.

⁷³ *Urim Hoshen Mishpat* 9:9.

fixed according to their collective opinion, so that he will judge truthfully and fairly. But if a judge is asked by litigants to judge them in a monetary case (as an occasional private manner, and not because it is required by the government's law, so it is considered a type of arbitration), or to arrange a compromise for them, then he is permitted to establish his payment in advance according to the discussion he has together with both of them, because they have willingly accepted his authority over their dispute.⁷⁴

In addition, this payment must be made in advance⁷⁵ by both litigants (in front of each other,⁷⁶ so that neither of them will suspect the other or the judge); otherwise, it is not a fair judgment. This is because arbitration and compromise are also considered to be types of judgment, and it is forbidden for a judge who arbitrates or arranges a compromise to take bribery or pervert the judgment against one of the sides, for this is theft and a violation of the principles of *Dinim*. And if a litigant tells the arbitrator or the one arranging the compromise, "If you will find me innocent, I will give you such-and-such a sum of money," then that is complete bribery.⁷⁷

11. A judge is permitted to take an additional payment for any other necessary expenses (such as upkeep of his office), but if a judge gives undue raises to his assistants and liberally increases their expenditures or the like (at the expense of the public or a private person), then this person is displaying greed, and it is disgraceful.⁷⁸

12. Included in the precepts of "Do not pervert the judgment" and "You shall not commit a perversion of justice" is the prohibition of causing suffering by prolonging the decision of judgment.⁷⁹ This

⁷⁴ Shaḥ Ḥoshen Mishpat 9:7, and Ḥohmat Shlomo there.

⁷⁵ See *Sefer Meirat Einayim Ḥoshen Mishpat* 9:14, that it is sufficient to establish payment before the case begins.

⁷⁶ Shaḥ Ḥoshen Mishpat 9:6.

⁷⁷ See Responsa of *Pani'im Me'rot* vol. 2, ch. 159, and *Aruḥ HaShulḥan* 9:6.

⁷⁸ *Shulḥan Aruḥ Ḥoshen Mishpat* 9:4.

⁷⁹ See Rambam *Laws of Courts* 20:6; *Sefer HaḤinuh* Commandment 233. It appears that it is even forbidden to delay a verdict in a capital case, as explained in Rambam *Laws of Courts* ch. 11. See *Sheva Mitzvot HaShem*, Part VIII, topic 13:13.

means holding back from judging a certain case because the court pushes aside upholding the law, especially if it is done by extending the trials of weak people such as orphans and widows. Regarding them it is stated, “You shall not oppress any widow or orphan,”⁸⁰ because their souls are downcast,⁸¹ and they do not have the power to demand from the judges to judge their cases promptly (or at all). Regarding judges who prolong in deciding the law for the cases of weak people, the prophet says, “The orphan they do not judge, and the quarrel of the widow does not come to them. ‘Therefore,’ says the Master, the Lord of Hosts, the Mighty One of Israel, ‘Oh, I will console Myself from My adversaries, and I will avenge Myself of My foes.’”⁸²

Prolonging the decision of judgment is included in the prohibition of “You shall not commit a perversion of justice” because procrastinating to make a decision in judgment causes the wronged person a loss of time and money as well as great pain, and sometimes, because the judgment is pushed off (repeatedly), the plaintiff loses hope of receiving fair judgment. In this case, both oppression and perversion of justice are committed through the withholding of judgment.

13. Included in the prohibition of extending and pushing off a legal judgment is that which the Sages referred to, “A judgment of a *maneh* [a large sum of money] should be as esteemed in your eyes as the judgment of a small coin.”⁸³ This means that if a case of a small coin comes before a judge and he has begun to hear the case, he should not stop and push it away (thereby delaying the judgment of the case) in favor of hearing another case involving a large sum of money that was waiting next in line. Instead, the legal proceedings and judgment of the case at hand, whether it is a small or large matter, should be judged first.⁸⁴ This is also what Moses commanded to the judges of the Jewish

⁸⁰ Exodus 22:21. See *Mehilta* there, and *Sha'arei Teshuva* of Rabbi Yonah (*Sha'ar Shlishi*, ch. 24).

⁸¹ Rambam *Laws of Personality Development* ch. 6; *Sefer HaHinuh* Commandment 65.

⁸² Isaiah 1:23-4.

⁸³ *Shulhan Aruh Hoshen Mishpat* ch. 10.

⁸⁴ Tractate *Sanhedrin* 8a, *Sefer Meirat Einayim Hoshen Mishpat* ch. 10.

people: “You shall not show favoritism in judgment, small and great alike shall you hear.”⁸⁵

14. Similarly, a judge is forbidden to delay his judgment of case (meaning, he draws out the judgment for an unnecessary time), by lengthening matters that are clear, in order to cause pain to one of the litigants, or to the one who is guilty. This is included in the rule of “You shall commit no injustice in judgment.”⁸⁶

The rule of the matter is this: anyone who pushes off the judgment is unjust; whether it is in carrying out the discussions and judgment, lengthening the judgment, or in carrying out the decision, it is causing suffering by delaying judgment, and it is included in the prohibition of “You shall not commit a perversion of justice.”

⁸⁵ Deuteronomy 1:17. See *Sheva Mitzvot HaShem*, Part VIII, ch. 7.

⁸⁶ Leviticus 19:15. See Rambam *Laws of Courts* 20:6; *Shulḥan Aruḥ Ḥoshen Mishpat* 17:11.

CHAPTER 3

Monetary Laws, and Laws of Mediation and Arbitration

1. It has already been explained in Chapter 1 that included in the Gentiles' obligation of the commandment of *Dinim* is the obligation to judge in cases of a claimant and a defendant.⁸⁷

Which are cases of a claimant and a defendant?

This would include every monetary case that arises by the claim for money between a man and his fellow, such as:

- cases of robbery and theft in which the robbed victim claims that the robber should return to him that which was stolen;
- cases of fraud in which the buyer sues the seller for fraud in price or similar things;
- cases of exploitation and an employee's salary in which the exploited claims payment that is due to him;
- cases of guardians in which the one who entrusted his article claims the article entrusted to the guardian;
- cases of lenders and borrowers;
- cases of business transactions such as when one side reneges on the agreement, or when the buyer claims that there is a blemish in that which he purchased, and any claims similar to these,
- similarly, cases of partners who come to divide their possessions.

Any sum of money about which there is an argument between a man and his fellow, and they are not able to come to agreement between themselves about what each of them is due, the court is obligated to judge their case, for the sake of justice and peace.

Also, Gentiles are obligated to judge in cases of bodily harm or harm to life (and the principles of these things have already been explained in the laws of murder and theft), and damages to property or possessions.

It has already been explained in Chapter 1 that these laws are not decided according to Torah as to what is the law for each one of them, but instead it is the responsibility of the Gentile societies and law-makers to discuss these matters and to pass fair laws in each matter

⁸⁷ *Sefer HaĤinuĥ* Commandment 58; see *Minĥat Ĥinuĥ* there.

and in each detail of these laws, and to judge in each case as pertains to that situation according to the laws they establish.

2. Included in the commandment of *Dinim* for Gentiles is to make compromises between the litigants,⁸⁸ as it says,⁸⁹ “that they keep the way of the Lord, doing righteousness and justice,” and justice means compromise.

A compromise is a judgment of peace, as it says, “Administer truth and the judgment of peace in your gates.”⁹⁰ What is a type of judgment that has peace in it (meaning agreement and appeasement between the two sides)? This is a compromise.⁹¹

3. Therefore, the correct procedure in light of Torah is that initially the judge should suggest and say to the litigants, “Do you desire a judgment or a compromise?”⁹² It is also a righteous practice on the part of the judge to attempt to make a compromise between the two litigants and to convince them to do this, and also after he heard their claims and he knows in which direction the judgment will lean, it is still a righteous practice to make a compromise.⁹³ If they agree to make a compromise, that is preferable to making a judgment, but the

⁸⁸ Rashi and Meiri on Tractate *Sanhedrin* 56b. See *Mesheḥ Ḥōḥmah* on Genesis 18:19 which God said about Abraham, that compromise (“righteousness” in this verse) precedes judgment, and for Gentiles, even if a judge knows the decision to which the law is inclined, it is righteous to make a compromise between the litigants (and only if they are persistent in demanding a legal ruling should the judge do so).

⁸⁹ Genesis 18:19.

⁹⁰ Zehariah 8:16.

⁹¹ Tractate *Sanhedrin* 6b.

⁹² Rambam, *Laws of Courts* ch. 22; *Shulḥan Aruḥ Ḥoshen Mishpat* ch. 12.

⁹³ *Shulḥan Aruḥ* *ibid.* 12:2. See *Ethics of the Fathers* 4:7, “Rabbi Yishmael [the son of Rabbi Yosay] said, ‘[A judge] who refrains from handing down legal judgments [but instead seeks compromise between the litigants] removes himself from enmity, theft, and [the responsibility for] an unnecessary oath; but one who aggrandizes himself by [eagerly] issuing legal decisions is a fool, wicked and arrogant.’”

litigants are not obligated to accept the compromise that the judge will make unless they made a commitment to do so.⁹⁴

Even though it is a righteous practice to make a compromise, if the judge recognizes that there is a real theft or exploitation committed by the defendant, it is a preferred righteous practice to save the exploited person from the hand of the one who exploited him. Therefore, the judge should make an unequivocal judgment, and he should not make a compromise that will cause loss to the exploited and an unfair gain to the exploiter. Only if he has no ability at all to pass judgment and fairness against the wicked person and remove the theft (the stolen goods or payment) from his hands, then he should make a compromise from lack of any better available choice.⁹⁵

4. Just as the judge must create equality between the two litigants and listen to their words equally, so too in a compromise. The compromise that the judge suggests must be equal, and not show preference to one side more than the other,⁹⁶ because it says,⁹⁷ “Justice, justice you shall pursue.” In the doubled language of this verse, one directive for justice refers to justice in judgment, and the other directive for justice refers to justice in compromise.⁹⁸

5. Even after a litigant accepted a compromise in his demands and committed himself to the decision according to the legal procedure, if he finds a proof or testimony that was hidden from him at the time that they made the compromise, and the judgment should be changed in a substantial manner because of that proof, he may go back and change what he accepted because his compromise and his monetary waiver were made in error.⁹⁹

Similarly if the judge erred in the compromise with a very big error that leaned the judgment of the compromise to one side in a manner

⁹⁴ *Shulhan Aruh* *ibid.*, 12:7.

⁹⁵ See *Pishei Teshuva Hoshen Mishpat* 12:4.

⁹⁶ *Shulhan Aruh Hoshen Mishpat* 12:2.

⁹⁷ Deuteronomy 16:20.

⁹⁸ *Sefer Meirat Einayim Hoshen Mishpat* 12:7.

⁹⁹ *Shulhan Aruh Hoshen Mishpat* 12:14,15 and end of ch. 25; *Sefer Meirat Einayim* *ibid.* 25:7.

that was not appropriate, the litigant who lost out may appeal and bring it to judgment again.¹⁰⁰

6. Two litigants are permitted to arrange for themselves one arbitrator or a number of arbitrators who will hear their case and pass judgment.¹⁰¹ It seems to me that arbitration (by Gentiles) is a sub-category of making a compromise which is part of the commandment of *Dinim*, and just as the judge is obligated to try to make a compromise as explained above, similarly, if the litigants agree to make a compromise between themselves either on their own or through an arbitrator whom they both accept, then this is compared to a compromise arranged by a judge; i.e., it is considered to have fulfilled the commandment of *Dinim*.

That which has been explained in *Sheva Mitzvot HaShem*, Part VIII, Chapter 5, that the regular court should force the two litigants to be judged before it, this applies when one of them or both of them do not want to be judged in any form of law (not in a court, not by a compromise, and not by arbitrators). But if they both agree to a compromise or to arbitration, then that is their prerogative and they are not forced to be judged by the law.¹⁰²

7. Arbitration is similar to a compromise in that they both need binding acceptance, because otherwise each side could renege on it. It is proper that each side should find for himself one arbitrator to be like a judge, and if they want, a third arbitrator as a judge, then they should choose a third arbitrator by mutual agreement, or they should grant permission to the two arbitrators who were already selected to choose for themselves a third arbitrator. The two sides should then write up a document of arbitration in which each side obligates himself to accept this arbitration as binding. And after they do this, neither side is able to disagree with these arbitrators or with their conclusion, or to demand that additional arbitrators be added on to the three¹⁰³ (with the

¹⁰⁰ See notes of R. Akiva Eiger on *Shulhan Aruh Hoshen Mishpat* ch. 12.

¹⁰¹ See *Kesef Mishneh Hilhot Sanhedrin* beginning of ch. 7; *Sefer Meirat Einayim* *ibid.* 13:1.

¹⁰² See *Shulhan Aruh Hoshen Mishpat* 3:1.

¹⁰³ *Ibid.*, 13:2.

exception of situations in which an error in the judgment is discovered, as mentioned above in topic 5).

8. Even though the process of arbitration is like reaching a compromise, it is similar to judgment (with the agreement of the litigants), in that the arbitrators are discussing between themselves how to judge and decide between the litigants. Therefore, all the prohibitions that apply to the judge in order to prevent perversion of justice also apply to the arbitrator; for example he is not allowed to take a bribe which will distort the judgment, and the arbitrator should not listen to the words of one litigant when not in the presence of his opponent.¹⁰⁴

Any payment to an arbitrator for his service of arbitration needs to be given by each side equally, because otherwise it would be a case of bribery and distortion in favor of one side.¹⁰⁵

9. If the arbitrators do not know how to judge or decide in a specific case, and they want to ask for advice from sages or other judges regarding the matter, they are permitted to do so, and the litigants may not prevent them from doing this, since they already obligated themselves with the arbitration.¹⁰⁶

¹⁰⁴ *Pishei Teshuva Hoshen Mishpat* 13:3.

¹⁰⁵ See *Aruh HaShulhan Hoshen Mishpat* 13:4.

¹⁰⁶ See *Shulhan Aruh Hoshen Mishpat* 13:6.

CHAPTER 4

Societal Morality and the Obligation of Doing Kindness

1. Though the commandment of *Dinim* is primarily focused on the conduct of the community, with the purpose of creating a just society, each individual is nevertheless part of this community and will necessarily impact society as a whole through his or her actions. Therefore, along with the obligations on the individual to uphold the command of *Dinim* as part of the general scope of the command discussed in topic 1:5 above, there are also additional obligations on the individual's conduct, as a sort of branch of the command of *Dinim*.

Though all these obligations are both logical and ethical and therefore obligatory as discussed in Part I, Chapter 3, they are also considered part of the commandment of *Dinim* since they are the just way to act towards another person, and the purpose of the obligations is identical to that of *Dinim*, which is to make a functional and orderly world.

2. "With righteousness shall you judge your fellow" (Lev. 19:15): This verse teaches us not only about the upholding of justice in the courts, but also the ethical and moral way for an individual to conduct his or herself. The Sages learned from this verse,¹⁰⁷ "Judge each person favorably,"¹⁰⁸ and they also taught regarding the necessity of reaching a compromise in order to preserve peace,¹⁰⁹ and that making peace is part of judging favorably and acting kindly.

3. Part of the obligation of judging favorably is the necessary effort that must be put out to persuade the other person to become more upright. This is the source of the prohibition explained in Part I, Chapter 4, that a Gentile may not lead another to stumble in sin, as it is obligatory to judge another favorably, which includes helping the other person to become more upright.

¹⁰⁷ *Torat Kohanim* and Rashi on Lev. 19:15. See Tractate *Sanhedrin* 32.

¹⁰⁸ See Rambam, *Sefer HaMitzvot* Positive Commandment 177; *Sefer Mitzvot HaShem* by R. Yonatan Shteif, p. 490.

¹⁰⁹ See *Ethics of the Fathers*, in: 1:12, "Hillel said: 'Be of the disciples of Aaron, loving peace and pursuing peace...'"

It is therefore befitting that any person who can assist others in teaching the foundations of belief in the One God and the obligations of one person to another and to God, must accept this great obligation. As previously explained in Part I, topic 3:1, Moses our teacher was commanded that all people must be compelled to accept the Seven Noahide Laws, and the obligation to persuade people to accept this is not only upon Jews, but also upon Gentiles. Any persons or groups who have influence – be they kings, governments, courts, or any individuals – and who have the ability to persuade and explain to someone about the obligation to observe the Noahide Laws, is required to do so.

4. It is self-explanatory that saving a person's life from a would-be murderer is also an aspect of pursuing justice, and therefore some say¹¹⁰ that it is obligatory for a Gentile to save another person, based on the above branch of *Dinim* (in **addition** to the obligation explained in Part V, topic 7:3).

5. If two boats are traveling towards each other and at their meeting point there is not enough space for both to pass at the same time without capsizing, one vessel must wait at a wider point until the other passes through. The same applies to two camel drivers that are passing through a narrow precipice in a mountain, where both cannot traverse at the same time or one would fall off; it is incumbent on one of the camel drivers to return backwards and let the other pass. How is it determined which one should go through first? First priority goes to the one carrying a load; if both are equal in this regard, the one who has an easier time turning to the side or back should do so. If both are still equal, then they should compromise between themselves or decide on a compensation for the one turning back (or to make a rotation of turns if this regularly happens).

The same applies to all situations in which a number of people want to do something but cannot do it simultaneously; it is incumbent upon them to act justly in regards to making order and setting priority, even in regards to who goes first when walking up stairs, etc. Regarding

¹¹⁰ See *Hemdat Yisrael* (Rambam, *Laws of Kings* 9:9) in the name of *Zehuta D'Avraham*, that a Gentile is obligated to save another's life under the command of *Dinim*.

such conduct, the verse says, “Justice, justice you shall pursue,”¹¹¹ i.e. one must pursue both a just decision in court, as well as a just compromise if there is no clear priority or weight towards one of the parties.¹¹²

6. It has previously been explained in Part I, Chapter 3, that the obligations which are logically incumbent, such as honoring one’s parents or being kind and charitable, are obligatory upon all Gentiles since they are the ways of upright conduct.

There are Rabbinic opinions which say that Gentiles are obligated to give charity (as an additional active commandment,¹¹³ beyond what is included in the specific Seven Noahide Laws, which only command about refraining from forbidden actions), and this obligation applies both to the community as well as the individual, to help the needy in any way possible.

Even those Rabbinic opinions that disagree and say that charity is not an explicit universal commandment, do agree that it is an obligation as part of the necessity to create a civilized world, by protecting and helping others.¹¹⁴ It is not permissible, nor is there any justification, for any community to hide from its poor constituents and not make efforts to help them. A community that ignores the poor is comparable to the historic cities of Sodom and Ammorah (Gomorra), and will eventually be destroyed as they were. Regarding these cities, the prophet Ezekiel said; “Behold, this was the sin of Sodom ... She and her daughters [her suburbs] had pride, fullness of bread and peaceful serenity, but she did not strengthen the hand of the poor and the needy. And they were haughty, and they committed an abomination before Me, so I removed them in accordance with what I saw.”¹¹⁵ The Sages said that the destruction of Sodom and Ammorah was only finally decreed on account of their not upholding the hand of the needy, and

¹¹¹ Deuteronomy 17:20.

¹¹² Tractate *Sanhedrin* 32; Rambam, end of *Laws of Murderers*; *Shulhan Aruh* *Hoshen Mishpat* 272:14; *Shulhan Aruh HaRav*, end of *Hilhot Ovrei Derafim*.

¹¹³ *Roke’ach* ch. 366; *Yad Ramah* and *Hidushei HaRan* on *Sanhedrin* 57b; and the approbation of *Netziv* for *Ahavat Hessed* of the Hofetz Hayim.

¹¹⁴ *Likkutei Sihot* vol. 5, p. 160.

¹¹⁵ Ezekiel 16:49-50.

because they prevented from their midst all efforts of charity and help to the poor.”¹¹⁶

7. Charity and kindness are the attribute of Abraham¹¹⁷, about whom God said,¹¹⁸ “For I have known (loved¹¹⁹) him, because he commands his children and his household after him, that they keep the way of the Lord, doing charity and justice ...” From all of Abraham’s qualities, God praised his exceptional kindness.

8. An act of kindness is greater than charity, as it can be done for the rich as well as the poor, and can be done both with money as well as bodily effort (such as visiting the sick, gladdening a bride and groom, and escorting a friend). As well, charity is done only for the living, whereas one can do kindness for the dead as well (such as eulogizing, escorting the bier and burying the dead).¹²⁰

Included in kind actions are visiting the sick, comforting the bereaved, paying for the expenses of the dead and arranging for a eulogy, and burying the dead with honor befitting the deceased and his or her relatives, making wedding arrangements, and inviting guests.¹²¹

9. What is included in making wedding arrangements? It is a great kindness to assist in finding fitting matches for men and women, and the same applies for marrying off one’s children, both with assistance in good advice and monetary help.

10. Kindness and charity can be done on many levels. A person should not mistakenly view the act of giving as only a kindness to others, as the act of giving is more beneficial to the giver than the recipient.

¹¹⁶ See Ramban on Genesis 19:5, and Tractate *Sanhedrin* 104b and 109a.

¹¹⁷ Rambam, *Laws of Gifts to the Poor* ch. 10.

¹¹⁸ Genesis 18:19.

¹¹⁹ Rashi on Genesis 18:19.

¹²⁰ Tractate *Sukkah* 49b.

¹²¹ Rambam, *Laws of Mourners* ch. 14. See *Roke’ah* ch. 366, who implies that Gentiles are obligated to invite guests either because it is a logical obligation or it is part of their obligation of charity. See Rashbam on Genesis 26:8, that the obligation of inviting guests preceded the laws given at Sinai, i.e., that it is part of a commandment to Gentiles.

Anyone who has pity on the poor is pitied by God.¹²² Therefore, a person should meditate that he is constantly requesting from God to provide the necessary livelihood, health and all other good things in life, and just as one depends on God to listen to his prayers, so must one answer the requests (and prayers) of the poor. One who has mercy on others is given mercy from Above, but one who closes his ears from hearing the cries of the poor should not wonder why God is not listening to him.

In this vein, the prophet says, “It has been told to you, O man, what is good, and what the Lord does require of you: only to do justly, and to love mercy, and to walk humbly with your God.”¹²³ “To do justly” refers to correct justice in courts; “to love mercy” refers to charity; and “to walk humbly with your God” refers to escorting the deceased and arranging for the expenses of weddings.¹²⁴

“To walk humbly with your God” also teaches that there is nothing finer than modesty, and there is nothing finer in the way of charity than giving to the poor with discretion.

11. There are eight levels of charity, each greater than the next.¹²⁵

1) The greatest level, above which there is no greater, is to support a fellow person by endowing him with a gift or loan, or entering into a partnership with him, or finding employment for him, in order to strengthen his hand until he need no longer be dependent upon others. In this way the poor person need not feel the embarrassment of having to accept alms. Therefore, such charity, by which the poor person is accepting the money in a respectable way, is more praiseworthy than if the poor person is given alms that he is embarrassed to accept.

2) A lesser level of charity than this is to give to the poor without knowing to whom one gives, and without the recipient knowing from who he received. In this circumstance as well, the poor person need not feel embarrassment at being the recipient of charity from any specific person.

¹²² *Tur and Shulhan Aruh Yoreh De'ah* ch. 247.

¹²³ *Mishnah* 6:8.

¹²⁴ *Tractate Sukkah* 49b.

¹²⁵ *Rambam, Laws of Gifts to the Poor* ch. 10, *Shulhan Aruh Yoreh De'ah* ch. 249.

Giving to a charity fund is similar to this mode of charity, and is a great deed, as the giver and receiver do not know who each other are.

3) A lesser level of charity than this is when one knows to whom one gives, but the recipient does not know his benefactor.

4) A lesser level of charity than this is when one does not know to whom one gives, but the poor person does know his benefactor.

5) A lesser level than this is when one gives to the poor person directly into his hand, but gives before being asked.

6) A lesser level than this is when one gives to the poor person after being asked.

7) A lesser level than this is when one gives inadequately, but gives gladly and with a smile, to encourage and pacify the recipient.

8) A lesser level than this is when one gives unwillingly and unhappily, causing the poor person embarrassment.

If one does give, but unhappily and with anger, he loses most of the merit of his giving.¹²⁶ One should not allow himself to feel or be openly haughty for the charity he has given, and if one does so, it is fitting that he not only lose his merit for helping the poor, but that he should even be punished (by Heaven for his haughtiness and the embarrassment he has caused to the poor).¹²⁷

It is permissible for another person to publicize a donor's work, so that others will honor the donor and learn from the donor's good actions.¹²⁸

12. A righteous Gentile should strive to give charity for the sake of Heaven alone, and not in order to merit rewards such as a livelihood or health, and surely not for his own honor (as this may cause him to lose his merit). Nevertheless, if one does give charity and then prays to receive some reward for this, the good deed still stands; however, it is not as great as if one gives with a pure heart.¹²⁹

¹²⁶ *Shah Yoreh De'ah* 249:9.

¹²⁷ *Rema Yoreh De'ah* 249:13, Tractate *Bava Batra* 10 in the opinion of Rabbi Yehoshua.

¹²⁸ See *Rema Yoreh De'ah* 249:13.

¹²⁹ See Tractates *Rosh HaShanah* 4 and *Bava Batra* 10, "one who gives a *selah* coin to a poor person so that his son should live, etc."

13. Helping one who is not needy is not considered charity. Such a person who takes from charitable funds is a thief and a swindler, as he swindles those who think they are giving true charity when this is not the case, and he is stealing the portions of those who are truly needy who now have less available to them.

Likewise, one should not give charity to one who collects unless it is clear that the collector is honest and is collecting for a just cause, as it is possible that the collector is a swindler and is using the community's money in an unnecessary and wrongful way.

This can be seen in the saying of the Sages, "We investigate a request for clothes but not for food," meaning that when a poor person whose identity is unknown says: "I am hungry, provide me with food," we do not investigate whether he is a deceiver (unless he is known to be a deceiver, in which case we do not give him anything). Instead, we provide him with sustenance immediately. However, if he asks for clothes or something less essential, we investigate whether he is a deceiver, and only if it is clear that he is truly in need do we give to him.¹³⁰

14. The greatest charity is redeeming captives, and this holds the highest priority before any other type of charity. One who neglects to help the plight of captives or is lazy in redeeming them (when he is able to do so) is considered as having blood (i.e., murder) on his hands.¹³¹

15. In all forms of charity, it is proper to prioritize the needy that are closer than those who are farther. One's immediate family members come before the extended family, one's neighbors before the indigent of the rest of the city, and the indigent of one's city before those of the whole country.¹³²

¹³⁰ Rambam, *Laws of Gifts to the Poor* ch. 7; *Shulhan Aruh Yoreh De'ah* 251:10.

¹³¹ Rambam, *Laws of Gifts to the Poor* ch. 8; *Shulhan Aruh Yoreh De'ah* ch. 252. (Note that there are situations in which ransom is not given, so as not to encourage kidnappers, if the ransom is intended as a type of blackmail upon the society to extract money – see *Shulhan Aruh Yoreh De'ah* 252:4.)

¹³² *Shulhan Aruh Yoreh De'ah* ch. 251.

16. If a Gentile who observes the Seven Laws desires to give charity through the Jews, it should be accepted from him. This charity money should be given to the Jewish poor, for a righteous Gentile who is in need may likewise receive sustenance from the Jews, and they are commanded to support him if necessary. In contrast, if an idolater desires to give charity through the Jews, it should be accepted from him and given to the Gentile poor.¹³³

If a Gentile gives charity through a Gentile charity collector, it is the collector's choice as to which poor people he will distribute the money to, or to which cause he will remit the charity.¹³⁴

17. If a Gentile gave charity to a synagogue, it may be accepted, provided the Gentile says, "I am donating it according to the intent of the Jewish people"¹³⁵ (i.e., that the Gentile donor is not going to be involved in deciding how those funds will be disbursed; generally such a gift is accepted, and should be dispersed in the appropriate manner based on the type of Gentile donor as detailed above in topic 16, and in topic 13 regarding gifts of food for the needy.)

Charity to the poor is greater than a donation to a synagogue in that it atones for one's sins, whereas a donation to a synagogue is considered only as a "burnt offering" to God.¹³⁶

18. This does not apply to donations that fund any project for construction, repair or upkeep within the walls of Jerusalem, and surely not to the Temple Mount or the Temple itself, as such funding must only come from Jews,¹³⁷ as written in Ezra, "It is not for you [Gentiles] together with us [Jews] to build a Temple for our God;

¹³³ Rambam, *Laws of Kings* ch. 10. Though it says there that the closer the needy person is, the more precedent he has, this does not apply to a collector who is able to distribute as he sees fit, as explained in *Shulhan Aruh Yoreh De'ah* 251:9.

¹³⁴ *However, charity money should not be given to, or collected for, any causes that are in violation of any precepts within the Noahide Code.

¹³⁵ Rambam, *Laws of Gifts to the Poor* 8:8, *Shulhan Aruh Yoreh De'ah* 259:4.

¹³⁶ *Shah Yoreh De'ah* 254:4.

¹³⁷ See Tractate *Erhin* 5; Rambam: *Laws of Endowment Valuations* 1:11, *Laws of Gifts to the Poor* 8:8, and *Laws of Shekalim* 4:8.

rather we, by ourselves, will build [it] ...,”¹³⁸ and in Nehemiah, “... but you [the Gentiles] have no portion nor charity nor remembrance in Jerusalem.”¹³⁹

19. The deed of inviting guests is a law enacted by Abraham for his descendants and those who follow in his ways, and is the way of kindness which he exemplified. He would feed the passersby and give them beverages to drink, and would escort them on their way. The reward for escorting is greater than all other ways of attending to a guest.

Indeed, inviting guests is greater than receiving the Divine Presence, as it says, “And he lifted up his eyes and saw, and behold! Three men were standing before him. He saw, and he ran to meet them from the entrance of the tent, and bowed toward the ground. And he said: ‘My Lord, if it please you that I find favor in Your eyes, please pass not from before your servant.’”¹⁴⁰ This tells us that Abraham was sitting¹⁴¹ in prayer before God, yet when he saw the guests, he asked permission from God to interrupt his prayer, and God’s revelation to him, in order to take care of his guests and invite them in. Therefore, it can be seen that inviting in guests is greater than receiving the Divine Countenance (in prayer).¹⁴²

Escorting a guest at the conclusion of one’s hospitality is greater than inviting a guest into the house, and indeed the Sages say that one who does not escort a guest as he leaves is as if he has spilled his blood.¹⁴³ How far must one escort a guest? One should walk the guest through the door and at least 4 cubits beyond the door,¹⁴⁴ and if the guest is a respectable person, the host must escort the guest according to the guest’s honor or need.

¹³⁸ Ezra 4:3.

¹³⁹ Nehemiah 2:20.

¹⁴⁰ Genesis 18:2-3.

¹⁴¹ *See Rashi on Genesis 18:1.

¹⁴² Tractate *Shabbat* 127a.

¹⁴³ Rambam, *Laws of Mourners* ch. 14.

¹⁴⁴ *Sefer Meirat Einayim Hoshen Mishpat* 427:11.