

## 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.<sup>1</sup> G-d 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 G-d He made man.”<sup>2</sup>

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.<sup>3</sup> 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).<sup>4</sup>

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:<sup>5</sup>

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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 can be found in the command, “...his blood shall be shed,” and once this has been given as a command, they are not only permitted, but obligated to execute a murderer.

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,<sup>6</sup> ‘Administer truth and the judgment of peace in your gates.’” Another reason for this commandment is that in order to keep a spirit of G-dliness in the world, one must be concerned with the establishment of a society according to G-d’s will, in which people keep their Divine commandments that concern a person’s obligation to G-d 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,<sup>7</sup> who will be empowered to judge in matters of the Seven Noahide Commandments, to urge the people to observe the laws, and punish offenders.<sup>8</sup>

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

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6. Zechariah 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.<sup>9</sup>

The ruling explained earlier in Part I, *Fundamentals of the Faith* 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 *halacha* (Torah Law) regarding one of the Seven Commandments, and must rather let a Jewish Court decide the *halacha* – applies to establishing a **new** ordination 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.<sup>10</sup>

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 G-d 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 *halacha* 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.

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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 *Machaneh Chayim*, vol. 2, ch. 22.

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

The command for court judges to admonish the people about following the laws includes the obligations to teach the society what is forbidden and permitted, to warn them regarding these teachings, and to have a system for preventing the people from transgressing the laws.<sup>11</sup>

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 G-d; 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.<sup>12</sup>

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,<sup>13</sup> and any other laws necessary for the establishment of a just and peaceful society.<sup>14</sup>

11. Responsa *Machaneh Chayim* *ibid.*; *Chemdas Yisrael* 9:29.

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

13. See *Rokeach*, 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 the weights 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 to avoid cheating, as explained in Part VII, *The Prohibition of Theft*, 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.”

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: theft (e.g., requiring a thief to reimburse his victim),<sup>15</sup> 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.<sup>16</sup> (In Part VII of *Sheva Mitzvot HaShem* on *The Prohibition of Theft*, 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 G-d utterly destroyed that metropolis.<sup>17</sup>

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15. See Part VII, *The Prohibition of Theft*, 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 G-d, 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 Ha'Chinuch* Commandment 58, Rashi on Tractate *Gittin* 9b. (There is some discussion whether Rambam includes this obligation as part of the commandment against theft or as part of the commandment of *Dinim*.)

17. *Kol Ba'ei Ha'olam*, p. 93.

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 G-d may only follow the guidelines that the Torah of Moses has set,<sup>18</sup> and they may not nullify or change these commandments or the punishments set for them.<sup>19</sup> If a Noahide Court fails to administer this judgment, it has failed to observe the commandment of *Dinim*.<sup>20</sup>

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 rapist<sup>21</sup> (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

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18. Based on G-d's command to Moses, as explained in the author's Introduction to *Sheva Mitzvot HaShem*, fn. 7.

19. *Mishneh Halachot* 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, *The Prohibition of Theft*, 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 Sichot* vol. 5, p. 190.)

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,<sup>22</sup> 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 failing to keep the commandment of *Dinim*.

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.

Likewise, if there are no permissible witnesses or judges within the rules for Noahide Courts (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*.<sup>23</sup>

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22. This is based on the explanation in Part VII, *The Prohibition of Theft* 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 courts 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*).

In this work, from this point on, all laws will be divided into two categories: (a) “fixed laws” – those commanded by G-d, 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 commandment for *Dinim* is obligatory for the whole society, both on the community<sup>24</sup> and the individual.<sup>25</sup> 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.<sup>26</sup> 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.

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24. This obligation falls more heavily on the shoulders of the ones who preside over the country, as they are in more control than the individual citizens within the country. Historically, this can be seen from what happened to the generation of the Flood (Gen. ch. 6-7), the people of Sodom (Gen. 19:1-25), and the city of Shechem (Gen. 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 G-d for their entire societies to be punished more severely. See Responsa *Machaneh Chayim*, vol. 2, *Orach Chayim* ch. 22, p. 62.

25. This is clear from Rambam, *Laws of Kings* ch. 9, in regard to Shechem. 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.

The negative prohibition includes the perversion of justice in any way, and includes many details,<sup>27</sup> such as:

- the prohibition for a judge to change the correct judgment because of his own wickedness, or because of some bribe or some reason that is not legally relevant;
- the prohibition for a witness to testify falsely;
- the prohibition against changing the correct judgment in any way, or intimidating a plaintiff, a witness or the judges from the process of obtaining a correct judgment.

All such matters constitute a perversion of justice and a 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.<sup>28</sup> See Part VII, *The Prohibition of Theft* 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.<sup>29</sup> 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,<sup>30</sup> "You shall not curse a judge, and you shall not curse a leader among your people."<sup>31</sup>

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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, *The Prohibition of Theft*, fn. 3.)

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 *Shulchan Aruch Choshen Mishpat* 8:4, which says that the community must honor a judge, clearly implying that it is forbidden to disrespect him. See also *Chemdat 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 G-d. 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. Exodus 22:27.

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 Chapter 9 below), and she is surely forbidden to obstruct the law or societal morality (as explained in topic 6 above).<sup>32</sup>

9. Regarding a court or individual judge that neglects the duty to judge a case involving one of the Seven Noahide Commandments,<sup>33</sup> there is an argument among the Torah-law opinions. Rambam<sup>34</sup> 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. Ramban<sup>35</sup> disagrees and holds that one can only be liable to punishment for a forbidden action (for *Dinim*, with would be

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32. 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 *Meshech Chochmah* that for this reason, they were not killed along with the men of Shechem), it is still forbidden for them to hinder the process of justice in any way.

The determination as to whether a woman can be liable for bribing a judge is dependent on an argument between the Rambam and Ramban. Rambam, as will be explained in Chapter 10 below, is of the opinion that one who knows a relevant testimony but willfully does not testify is liable, so therefore one who actively gives a bribe is surely 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, who would be the liable party for actually carrying out the deed of perverting his judgment due to the bribe he received.

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. Rambam (but not Ramban) is of the opinion that if one sees another transgressing any of the Seven Commandments and does not act as a witness (or a judge) to bring him to justice, then even only as a witness, he is held liable for not upholding the positive command of *Dinim*. (Regarding this opinion, see footnote 36 below.)

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

delivering a perverted judgment, for example), 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 court<sup>36</sup> and receive his penalty from the court. One who goes ahead and kills the transgressor 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, *The Prohibition of Murder and Injury*, topic 1:25, and Chapter 13 below).

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 will be explained in Chapter 8).

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 G-d and specifically observes the Seven Noahide Commandments as Divine commandments that they accept upon themselves.** In that situation,

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36. *Sefer Ha'Chinuch* 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. (Although it is written in *Minchat Chinuch*, Commandments 409 and 410, that a Gentile may serve as a single witness and a judge at the same time, it appears that this is only permitted for one who is fitting to be and is appointed as a judge of a Noahide Court, and this combined judge and witness would actually have to conduct a trial for the case.)

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 G-d 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.<sup>37</sup>**

(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.)<sup>38</sup>

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

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37. See *Chazon 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. Also See *Igrot Moshe Choshen 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. *Editor's note:* 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.

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,<sup>39</sup> they are nevertheless keeping the principle of the commandment of *Dinim*, in that they are keeping society from reverting to chaos, and the main purpose of this commandment is to establish a society that protects its citizens from being wronged by one another.<sup>40</sup>

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.)

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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 G-d 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).

40. As explained by Rashi on Genesis 11:9, G-d'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. G-d applied these different punishments because the former people sinned against both G-d and their fellow men, whereas the latter only sinned against G-d, and not against their fellow men.

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*.<sup>41</sup> However, no Gentile court of one nation has permission to judge the people of another nation.<sup>42</sup> 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.

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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 Deut. 7:18.

42. See the Responsa of *Machaneh Chayim* vol. 2, *Orach Chayim* ch. 22, in explanation of the words of Rambam that the people of Shechem 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 Ramban on Genesis 34:13; see also Ramban on Genesis 19:8 and Deuteronomy 16:18, *Sifri* on Deuteronomy 16:18, and Malbim *ibid*.