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Sanhedrin Daf 58

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Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**  
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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

**Arayos for a Ben Noach**

The *Gemora* cited a *braisa* where Rabbi Meir maintained that a Noahite is only warned regarding an *ervah* (a woman forbidden to marry) for which a Jew is executed.

The *Gemora* asks: Does Rabbi Meir truly hold like that? But it was taught in a *braisa* (in *Yevamos*): A convert whose conception was not in sanctity (his mother converted while she was pregnant with him), but his birth was in sanctity has maternal relatives, but he does not have paternal relatives. [A convert is regarded as a newborn child, and therefore he has no relationship to any pre-conversion relatives. Should his pre-conversion relatives subsequently become converted, they are regarded as strangers to him, and he might marry, e.g., his mother or sister. This is the Biblical law. But since, according to Rabbi Meir, idolaters themselves recognized the laws of *arayos* with respect of maternal relations, the Rabbis decreed that this should remain for a convert too, i.e., that he is forbidden to marry his maternal relations who were forbidden to him before his conversion, so that it should not be said that he abandoned a faith with a higher degree of sanctity than the one he has embraced.] If he married his maternal sister, he must separate from her, but if he married his paternal sister, he may remain with her. If he married a maternal sister of his father, he must separate from her, but if he married a paternal sister of his father, he may remain with her. If he married a maternal sister of his

mother, he must separate from her, but if he married a paternal sister of his mother, he may remain with her. Rabbi Meir says: He must separate from her (since there is a maternal element to this relationship). The *Chachamim* say: He may remain with her (it does not resemble a maternal sister). For Rabbi Meir held that if a convert marries any of the *arayos* (relatives forbidden to a man) on his mother’s side, he must separate from her; on his father’s side, he may remain with her. The *braisa* continues: He is permitted to marry his (older) brother’s wife (who was born not in sanctity; the Rabbis did not issue their decree regarding his brother’s wife since she is not a blood-relative) and his father’s brother’s wife and all other *arayos* are permitted to him. This includes his father’s wife. If an idolater marries a mother and a daughter and he subsequently converts, he may marry one of them and he must separate from the other. He should not marry them initially. If his wife dies, he is permitted to marry his mother-in-law. There are those that learn this *braisa* that if his wife dies, he is prohibited from marrying his mother-in-law. [It emerges that Rabbi Meir’s teaching that idolaters are forbidden those relations for which Jews would be subject to death, e.g., the father’s wife, is contradicted by his opinion stated in this *braisa* that a convert may marry his father’s wife or his mother-in-law since a Noahite is permitted to do so. It also states that he is forbidden in his sister, father’s maternal sister and mother’s maternal sister, although a Jew would not be subject to death for violating those prohibitions!?!]

Rav Yehudah said: This is not difficult, for the *braisa* there (*in Yevamos*) is stating the opinion of Rabbi Meir according to the view of Rabbi Eliezer, whereas our *braisa* is stating his opinion according to Rabbi Akiva. For it was taught in a *braisa*: It is written: *Therefore shall a man leave his father and his mother (and he shall cling to his wife)*. Rabbi Eliezer said: “His father” means “his father’s sister” and “his mother” means “his mother’s sister.” [These are the relatives a Noahite must leave – he may not marry them.] Rabbi Akiva said: “His father” means “his father’s sister” and “his mother” means “his mother” literally.

The *Gemora* continues with the *braisa*: “And he shall cleave,” but he may not have relations with a male; “to his wife,” but not to his fellow’s wife; “and they shall become one flesh” – this applies only to those that can become one flesh; animals and wild animals which cannot become one flesh with a man (*for no offspring will emerge from such a relationship*) are therefore excluded.

Rabbi Eliezer understood the verse as follows: “His father” means “his father’s sister” and “his mother” means “his mother’s sister.” The *Gemora* explains why “his father” cannot be referring to his actual father or his father’s wife. The *Gemora* also explains why “his mother” cannot be referring to his actual mother.

Rabbi Akiva understood the verse as follows: “His father” means “his father’s sister” and “his mother” means “his mother” literally. The *Gemora* explains why “his father” cannot be referring to his actual father. The *Gemora* qualifies that which Rabbi Akiva said that “his mother” means “his mother” literally that this is only his mother who was raped by his father, for if it would be referring to his father’s wife, she would already have

been forbidden to him based on the verse “his wife,” which teaches us that he may not marry his fellow’s wife.

The *Gemora* explains the point of dispute between Rabbi Eliezer and Rabbi Akiva.

The *Gemora* asks on Rabbi Eliezer: It is written: *And Amram took his aunt Yocheved as a wife*. Are we not referring to his maternal aunt (*i.e., his father’s maternal sister; this challenges Rabbi Eliezer’s opinion that a Noahite is forbidden from marrying his father’s sister*)?

The *Gemora* answers that she was his paternal aunt (*and therefore permitted to him*).

The *Gemora* brings a proof that a mother’s sister is forbidden to a Noahite from that which Avraham Avinu said to Avimelech regarding his wife Sarah: *And yet indeed she is my sister; she is the daughter of my father, but not the daughter of my mother*. Does not this prove that one’s mother’s daughter is forbidden? [This contradicts Rabbi Akiva’s opinion!?!]

The *Gemora* responds: Now, is this truly difficult? Was she really his sister? She was actually his brother’s daughter, and therefore, whether by his father or mother, she would still be permitted to him. What Avraham was saying was as follows: I am related to her on my father’s side, but not on my mother’s side.

The *Gemora* asks on Rabbi Akiva from a *braisa*: Why didn’t Adam marry his daughter? It was in order that Cain should marry his sister, as it is written: *For I said, “The world shall be built up by kindness.”* It can be inferred from here that otherwise, she would have been forbidden!?



The *Gemora* answers: Once a sister was permitted, it remained so (*for all Noahites*). (57b – 58b)

### **Laws for a Noahite**

Rav Huna said: A Cuthean may marry his daughter (*for it is not specified in the verse*). But should you ask: If so, why didn't Adam marry his daughter? It was in order that Cain should marry his sister, as it is written: *For I said, "The world shall be built up by kindness."*

The *Gemora* cites another version: Rav Huna said: A Cuthean may not marry his daughter. Proof to this can be brought from the fact that Adam did not marry his daughter. But that is not a proof: The reason was that Cain should marry his sister, so that the world should be built up by Adam's kindness.

Rav Chisda said: A Canaanite slave (*owned by a Jew*) may marry his daughter and his mother. This is because he has lost the status of a Cuthean, but has not yet attained the status of a Jew. [*The decree against this was only after he converts – which the slave did not yet do.*]

When Rav Dimi came (*from Eretz Yisroel*) he said in the name of Rabbi Elozar in the name of Rabbi Chanina: A Noahite who allotted a slavewoman for his slave and then took her for himself is executed on her account (*for this is regarded as theft*).

Rav Nachman said: She is designated to the slave when people start referring to her as the slave of So-and-so.

Rav Huna said: she is permitted again from the time that she uncovers her head in the streets.

Rabbi Elozar said in the name of Rabbi Chanina: If a Noahite cohabits with his wife in an unnatural manner,

he is liable, for it is written: *and he shall cling to his wife*. This excludes unnatural intercourse (*for she will not cling to him due to her lack of pleasure*).

Rave asked: Is there anything for which a Jew is not liable and an idolater is?

Rather, Rava said: A Noahite who cohabits with his neighbor's wife unnaturally is exempt from punishment. This is because it is written: *To his wife*, and we infer that he shall not cling to his neighbor's wife; *and he shall cling*, which excludes an unnatural manner.

Rabbi Chanina said: If an idolater smites a Jew, he is liable to death, for it is written: *And he (Moshe) looked this way and that way, and when he saw that there was no man, he killed the Egyptian (for striking a Jew)*.

Rabbi Chanina also said: He who smites an Israelite on the mouth, is as though he has stricken the mouth of the Divine Presence.

(Mnemonic: *raises, his slave, Shabbos*.) Rish Lakish said: He who raises his hand against his fellow, even if he did not smite him, is called a wicked man.

Zeiri said in the name of Rabbi Chanina: He is called a sinner.

Rav Huna said: His hand should be cut off. Rav Huna had the hand cut off of someone who was constantly striking other people.

Rabbi Elozar said: The only remedy for him is to bury him.



Rabbi Elozar also said: The earth was given only to the mighty (*he must plow, water and weed in order to produce a successful crop*).

Rish Lakish said also: If one makes himself a slave to his land, he will be satisfied with his bread (*for he will have a successful produce*); if not, he will not be satisfied with his bread.

Rish Lakish also said: An idolater who keeps a complete day of rest, deserves death, for it is written: And a day and a night they shall not cease, and a master has said: Their warning is their death sentence.

Ravina said: Even if he rested on a Monday.

The *Gemora* asks: Why is this not included in the seven Noahide laws?

The *Gemora* answers: Only negative injunctions are counted, not positive ones (*that he has to get up and do something in order to transgress*).

The *Gemora* asks: But the establishment of civil laws is a positive commandment (*and it is included*)?

The *Gemora* answers: This law comprises both a positive act and a negative one (*and therefore it is counted as one of the seven*). (58b – 59a)

## INSIGHTS TO THE DAF

### *Egyptian's Execution*

Rabbi Chanina said: If an idolater smites a Jew, he is liable to death, for it is written: *And he (Moshe) looked this way and that way, and when he saw that there was no man, he killed the Egyptian (for striking a Jew)*.

Rashi writes that when Moshe saw an Egyptian striking one of the Jews, after prophetically confirming that the Egyptian had no future descendants who would convert to Judaism, he killed him and hid his body in the sand.

The Mizrachi asks: If the Egyptian hadn't committed a sin for which he should be killed, why did Moshe kill him? If he had committed such a crime, why didn't Moshe put him to death immediately, as the Torah doesn't differentiate in prescribing punishments for sinners based on their future descendants?

The Maharil Diskin answers that the Rambam writes that the punishment of death for this sin is only by the Hand of Heaven; it cannot be administered by an ordinary Court. Accordingly, Moshe could only kill the Egyptian by using the Divine Name of Hashem; this way, it would be an execution by the Hand of Heaven. This is why Moshe looked to see if any descendants would convert to Judaism, for this would prevent such a death from taking place. A court does not need to make such an investigation, but Hashem does.