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Sanhedrin Daf 57

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Daf Notes is currently being dedicated to the neshamot of

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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

### ***Which Seven, and what is the Source?***

The *Gemora* questions the rationale of the *Tanna* of the Academy of Menasheh, who replaced justice and blasphemy with castration and cross breeding, in his enumeration of the seven Noahite laws. If he explains the verse of Hashem’s commandment to Adam as the original *braisa* did, then he should include justice and blasphemy, while if he does not explain it like the *braisa*, what is his source for any of the seven laws?

The *Gemora* says that he does not explain the verse like the *braisa*, but he rather learns that these seven apply to the Noahites from an explicit inclusion in the commandment for each one. The *Gemora* details the inclusions:

- Idolatry and immorality are learned from the generation of the flood. The verse says *vatishaches ha’aretz – the land was destroyed*, and the root of *shachas – destruction* is used elsewhere to refer to idolatry and immorality. Since they were punished for these sins, it indicates that they were commanded. The *Gemora* explains that the *braisa* understands that this verse only teaches us for what specific sin they were punished, but not that they were commanded.
- Murder is learned from the verse told to Noach after the flood that states that one who kills should be killed. Since the verse mandates a punishment, this indicates that it was commanded. The *Gemora* explains that the *braisa* understands that this verse is simply mandating how to kill one who violates a Noahite law.
- Robbery is learned from the verse told to Noach after the flood that states that Hashem gave everything to people, just like the wild greenery. The verse states

wild greenery to exclude greens grown in a private garden, indicating that privately owned property is not allowed to one besides its owner. The *Gemora* explains that the *braisa* learns that the verse is simply teaching that people were now allowed to eat meat.

- Meat from a live animal is learned from the verse told to Noach after the flood that states meat should not be eaten while it still is in its soul (i.e., blood), forbidding such meat explicitly. The *Gemora* explains that the *braisa* understands this verse to be teaching that the live meat of crawling creatures is permitted, since only an animal whose blood is distinct from its meat is prohibited.
- Castration is learned from the verse told to Noach after the flood that states that all should multiply in the land, mandating that all creatures be allowed to procreate. The *Gemora* explains that the *braisa* understands this verse to simply be a blessing to the creatures that they will expand in numbers.
- Cross breeding is learned from the verse in which Hashem told Noach to bring to the ark from the birds to its kind, mandating that all creatures segregate by species. The *Gemora* explains that the *braisa* understands that the verse is simply stating that animals enjoy the company of others of the same kind, rather than that of other species. (56b – 57a)

### ***What is a Capital Offense?***

Rav Yosef quotes the students of Rav that although there are seven Noahite laws, only three are capital offenses:

1. Immorality
2. Murder
3. Blasphemy



The *Gemora* explains that the verse explicitly condemns a murderer to death. The other are learned from the extra word *ish ish* – every man used when commanding Bnei Yisrael about these prohibitions.

Rav Sheishes expands this list to include idolatry, as it also is addressed to *ish ish*. Rav Nachman bar Yitzchak explains that although the *braisa* states that a ben Noach is *commanded* on aspects of idolatry which are capital offenses for a Jew, implying that they are not executed, the phrase *commanded* regarding a ben Noach means executed.

Rav Huna and Rav Yehuda say that a ben Noach is executed<sup>2</sup> for any of the seven Noahite laws, since once the verse stated that one (murder) is a capital crime, this indicates that they all are.

The *Gemora* challenges this from a *braisa*. The *braisa* defines the parameters of the Noahite prohibition of robbery, and states that for theft, robbery, or grabbing someone’s wife in battle, or any other such action, are all actions that a non-Jew may not do to anyone, but which a Jew may do to a non-Jew. Since the *braisa* stated that it is simply forbidden for a non-Jew, but did not say that he is liable, it implies that it is not a capital offense.

The *Gemora* deflects this by saying that the *braisa* used the term *forbidden* since the second clause, relating to the Jew, used the term *permitted*. Although a similar *braisa* defining the parameters of the Noahite prohibition of murder says the Noahite is *liable*, this is because a Jew is not liable for murdering a Noahite, but is not permitted to do so. (57a)

**What Types of Robbery?**

The *Gemora* discusses the phrase “and any other such action” in the *braisa*, explaining what this clause includes, in relation to the actions listed:

- 1. Robbery:

a. The *Gemora* suggests it includes a case of a worker eating from the fruit he’s working with. The *Gemora* rejects this, since if it is at the end of the processing of the fruit, it is permitted for all, and if it is not, then it is bona fide robbery.

b. The *Gemora* suggests that it includes a case of robbery of less than a *perutah*. Although we assume that a Jew would forgive the small loss, he still will be pained, making a non-Jew liable. However, the *Gemora* rejects this, since such pain makes it bona fide robbery.

c. The *Gemora* concludes that it includes one who refrains from paying his worker. Since he didn’t grab anything from someone, it is not bona fide robbery, but it is similar.

**Grabbing a wife in battle**

The *Gemora* explains that the phrase includes a Noahite who had relations with a maid servant who was set aside to marry a slave.

The *Gemora* notes that the *braisa* discussing the prohibition of murder did not include this phrase. Abaye says that if it did, the phrase would include a case of one who kills a pursuer, when he could have immobilized him without lethal force, and would follow Rabbi Yonasan ben Shaul, who says that this is a capital offense. (57a – 57b)

**Noahite Justice System**

Rabbi Yaakov bar Acha found a document that stated that a Noahite is executed with one judge, one witness, and without a formal warning. The judge and witness may be related, but not female. Rabbi Yishmael says that a Noahite is executed even for killing an unborn fetus.

The *Gemora* discusses the textual sources for these rules. The verse mandating capital punishment for murder states:

Verse	Lesson

Edrosh – I [Hashem] will seek out (i.e., punish)	Even one judge (singular form of judging)
Miyad kol chaya – from the hand of all living	Even without warning (like an animal)
Edreshenu, umiyad ha’adam – I will seek it, and from the hand of a man	Even with one witness (a man)
Miyad ish – from the hand of a man	But not a woman (judge or witness)
Achiv – [for] his brother	Even his relative (e.g., brother)

The *Gemora* explains that Rabbi Yishmael learns his statement from the verse which states:

*shofech dam ha’adam – one who spills the blood of a man*  
*ba’adam damo yishafech – in a man, his blood will be spilled*

If we split the clauses of the sentence differently, the first phrase mandates capital punishment for one who spills the blood of a man *in* a man, i.e., a fetus. The other opinion differs, and follows the opinion of the *Tanna* of the Academy of Menasheh, who mandates strangulation for a Noahite. The verse is stating that he should be killed inside, i.e., by strangulation.

Rav Hamnuna challenges the statement that women are not included in the justice system, as the verse says that Hashem knows that Avraham will command his household (i.e., women) and sons (i.e., men) to follow charity and justice.

Rav Hamnuna answers that the women are included only in the charity of Avraham, and the men in the justice.

The *Gemora* clarifies that a female Noahite is punished for murder. Although the verse says that Hashem will seek out justice from the hand of man, the verse also says that one

who spills the blood of a man will be killed, including any murderer. Similarly, although the verse says that a man will cleave to his wife, a Noahite woman who commits adultery is killed, since the verse concludes by saying that they (husband and wife) will be one flesh, including the woman in the prohibition. (57b)

### **Immorality**

The *braisa* says that the extra phrase *ish ish – any man* used to introduce the rules of immorality include a non-Jew. Although the earlier *braisa* included Noahites in the rules of immorality from the command to Adam, this verse punishes a Noahite for immorality with a woman married to a Jewish man. The *braisa* thus continues that a Noahite is punished as per his justice system for immorality with his set of prohibited relations, but is punished as per the Jewish justice system for immorality with a Jewish wife.

The *Gemora* explains that if he commits adultery with a Jewish wife, we do not lighten his punishment by requiring the full Sanhedrin process. Rather, Rabbi Yochanan explains that if he commits adultery with a Jewish *naara meurasa – a young woman only formally married*, he is stoned, since this category only exists in the Jewish system, but not in the Noahite system.

The *Gemora* cites a *braisa* that says that if he commits adultery with a Jewish *na’arah meurasa*, he is stoned, but if he commits adultery with a fully married Jewish woman, he is strangled, just as a Jew would be, even though Noahites have the category of a fully married woman.

Rav Nachman bar Yitzchak says that the fully married woman in the *braisa* is one who has entered the *chupah*, but has not physically consummated the marriage. The category of a fully married woman exists for Noahites, but only once the marriage has been physically consummated. The *Gemora* cites a *braisa* to support Rabbi Yochanan. The *braisa* cites a dispute between Rabbi Meir and the Sages. Rabbi Meir says that a Noahite is only executed for



relations for which a Jew is executed, while the Sages say that relations that are only punished by Hashem for Jews still incurs execution for a Noahite. The *braisa* then states that if a Noahite had relations with a Jewish category of forbidden relations, he is executed as per the Jewish execution, while if he had relations with a Noahite category, he is executed as per the Noahite execution. The *braisa* concludes that the only case where he is killed as per the Jewish execution is a *naara meurasa*.

The *Gemora* explains that although a woman who is fully married, but has not physically consummated the marriage is a Jewish category, the author of this *braisa* is the *Tanna* of the Academy of Menasheh, who says that every Noahite execution is by strangulation. There is therefore no difference in punishment between the case of a wife who has physically consummated the marriage, and one who is legally fully married, as both are punished by strangulation. (57b)

## INSIGHTS TO THE DAF

### *Bnei Noach*

The *Gemara* (*Sotah* 10b) derives that it is better for one to throw oneself into a furnace rather than shame someone in public, from Tamar's refusal to identify Yehudah.

*Tosfos* notes the fact that traditionally one must give up one's life only for the three cardinal sins. What gives a person, especially a gentile, the right to sacrifice his life in order to avoid embarrassing someone?

The *Divrei Yatziv* (51) cites our *Gemora* which derives from *shofech dam ha'adam* that committing any form of bloodshed makes a gentile liable. As such, embarrassing someone which turns their face white, causes a loss of blood to the face, and should thus make one liable as a form of murder.

Perhaps for this reason, the *Gemora* makes a gentile liable for stealing even less than a *perutah's* worth. The pain that he brings to the victim will cause embarrassment, for which he is liable.

However, the *Gemora* (*Sotah* 10a) suggests that Tamar claimed to have converted, and then the *Gemora* suggests that she may have been asked if her father had perhaps accepted *kiddushin* money from a man on her behalf. If she converted, then perhaps the verse: *shofech dam ha'adam* (which applies to *Bnei Noach*) would no longer apply to her. Yet, if she converted, she would not be her (former) father's daughter any longer, so how could he have accepted *kiddushin* for her?

The *Divrei Yatziv* (*ibid*) suggests that a gentile father "owns" his daughter, as he would own a cow. As such, when Noach said about Cham & Canaan, "You will be slaves to your brother," it was not as a curse, but rather a *shibud*, where Noach obligated Canaan to serve Shem and Yafes (and their descendants). By the same token, the verse: *I have placed him as a master* is also a *shibud*, with which Yitzchok obligated Eisav. Such is also implied in the *Gemora* (*Eruvin* 43a) which states that when Moshiach arrives, all the nations of the world will be servants of the Jews.

## DAILY MASHAL

### *Nacheish Y'nacheish*

By: Rabbi Fleisher

It is written: *Ki nacheish y'nacheish ish asher komoni*. The Meshech Chachmah explains the double expression "*nacheish y'nacheish*." Rashi (Breishis 31:19) explains that Rochel removed her father Lavan's idols to distance him from the sin of idol worship, which is incumbent even upon the Noahites, as per our *Gemora*. Yosef told them that this is not an excuse, as it was obvious that even without the special goblet Yosef would continue divining, "*nacheish y'nacheish*," with another object.