

OVERVIEW of the Daf

1) A gentile who studies Torah

R' Yochanan rules that an idolater who studies Torah is liable to death.

The reason this is not included in the seven Noahide laws is explained.

This ruling is unsuccessfully challenged.

2) Blood of a living animal

A Baraisa is cited that elaborates on R' Chanina ben Gamliel's position that gentiles are prohibited from consuming blood.

In the course of citing this Baraisa the Gemara explains how Rabanan who disagree understand the verses differently.

3) The applicability of Noahide laws to Jews

R' Yosi bar Chanina taught that laws told to Noahides and repeated at Sinai are intended for all people.

This principle is unsuccessfully challenged.

R' Yosi bar Chanina taught that laws told to Noahides and not repeated at Sinai were intended for Jews.

This principle is unsuccessfully challenged.

The principle that laws repeated at Sinai are intended for all people is unsuccessfully challenged from the mitzvos of bris milah and procreation.

The Gemara explains why these are not considered mitzvos that were repeated at Sinai.

Another unsuccessful challenge to this principle is recorded.

An alternative explanation why gentiles are not obligated in bris milah is explained.

4) Eating the limb of a living animal

R' Yehudah in the name of Rav teaches that Adam was not permitted to eat meat and it became permitted during the time of Noach.

How we know that Noach was prohibited from eating a limb of a living animal but permitted to eat insects is explained.

Numerous unsuccessful challenges to the assertion that Adam was prohibited from eating meat are presented.

R' Zeira asks a question based on the last challenge.

R' Avahu responds to that challenge.

5) Sorcery

The Gemara begins to explore R' Shimon's rationale for including sorcery in his list of Noahide laws. ■

Distinctive INSIGHT

Adam HaRishon was not allowed to eat meat

אמר רב יהודה אמר רב אדם הראשון לא הותר לו בשר לאכלה,
דכתיב לכם יהיה לאכלה ולכל חית הארץ, ולא חית הארץ לכם

The רמ"ה explains that when Rav Yehuda in the name of Rav reports that Adam HaRishon was prohibited from eating the flesh of animals, this prohibition included eating fish and insects (grasshoppers). This is clear from the upcoming question of the Gemara against the rule of Rav Yehuda from the verse in Bereshis 1:28. There, we see that man was given dominion over the fish of the sea and the birds of the sky, which the Gemara assumes to mean that man could even eat these species. We see, therefore, that the Gemara understood that Rav Yehuda taught that Adam was not allowed to eat any other living creature.

The Rishonim note that the Gemara earlier (56a) taught that Adam was given seven mitzvos, and among them is that it was prohibited for him to eat **אבר מן החי**, a limb from an animal that is still alive. If it is true that he was not allowed to eat from any other creature at all, what would be the significance of being given a mitzvah not to eat from flesh of a live animal?

Several approaches are offered to answer this question. Rashi (57a, **ד"ה למשרי בשר**) holds that Adam HaRishon was only prohibited from eating other creatures that had died. However, he would have initially been allowed to eat a limb which fell or was cut off from a live animal. This is why the verse specifically prohibits **אבר מן החי** also.

Tosafos (56b, **ד"ה אכל**) explains that Adam was prohibited from killing an animal and eating its flesh. However, if an animal died on its own, he would be allowed to eat it. He was also allowed to eat a limb of a live animal that fell off or was cut off, until the Torah specifically prohibited **אבר מן החי** as well.

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REVIEW and Remember

1. Why is a gentile prohibited from studying?

2. What is an example of a mitzvah that was given to Noahides but not repeated at Sinai?

3. Why aren't the descendants of Yishmael and Esav obligated in bris milah?

4. How did R' Shimon ben Chalafta save himself from a pack of roaring lions?

HALACHAH Highlight

Stealing less than a perutah

והרי פחות משה פרוטה

But what about the case of stealing less than a perutah?

Ramah¹ explains that the Gemara here seems to imply that there is no prohibition for a Jew to steal less than a perutah. This would be inconsistent with the Gemara earlier (57) that implies that it is Biblically prohibited for a Jew to steal less than a perutah. The stringent position is the one adopted by Shulchan Aruch² prohibiting theft of even less than a perutah. Vilna Gaon³ offers a different explanation of our Gemara. The Gemara should not be understood as following the position that it is permitted to steal less than a perutah; rather the discussion is whether one who stole less than a perutah is obligated to return that stolen money. Accordingly, a Jew is not obligated to return stolen money if it does not amount to a perutah whereas a gentile is obligated to return stolen money even though it does not amount to a perutah. Ramah, in fact, mentions this interpretation of the Gemara but rejects it. One reason he rejects this explanation is that the language of the Gemara implies that the discussion is whether one could steal less than a perutah and not whether there is an obligation to return the money once it was stolen. Furthermore, there is no source that indicates that a gentile is obligated to return stolen property once the transgression has been committed.

A third explanation is given by Aruch Laner⁴. The Gemara follows the opinion that it is prohibited to steal even less than a perutah but there is still a difference between a Jew and gentile concerning this prohibition. A Jew who steals less than a

(Insight...continued from page 1)

ram writes that Adam was never told not to eat the flesh of other creatures. It was understood, however, that he also did not have permission to eat other creatures until he would be given express permission to do so. Therefore, in the meantime, he was therefore not allowed to eat from the flesh of other creatures. If he would have eaten meat at this point he would not have been liable for the death penalty, as was the law for violation of any of the laws which were explicitly stated. Now that he was commanded specifically regarding אבר מן החי, had he eaten אבר מן החי he would have been liable for death.

Rambam (Hilchos Melachim 9:1) writes that Adam HaRishon was only commanded six mitzvos, not seven, and אבר מן החי is the one not appearing in his list. Kesef Mishnah explains that Rambam was bothered by the question of Tosafos, that there was no need for the warning against אבר מן החי because he was not allowed to eat meat that time under any circumstances. The Gemara which associates the law of אבר מן החי to the verse is to be understood to be an אסמכתא and not a bona fide teaching. ■

perutah does not violate the prohibition of לא תגזול since that prohibition is limited to those stolen items that the thief is obligated to return and there is no obligation to return less than a perutah. The specific prohibition falls under the rubric that even a partial measure of a sin is a sin (חצי שיעור). Concerning a gentile there is no difference between a perutah and less than a perutah and he would be executed regardless of the amount that was stolen. ■

1. יד רמ"ה לסוגיין.
2. שו"ע חו"מ סי' שמ"ח סעי' א'.
3. ביאור הגר"א לחו"מ סי' שמ"ח אות א'.
4. ערוך לנר לסוגיין. ■

STORIES Off the Daf

The counsel of the wise

"עכו"ם העוסק בתורה חייב מיתה..."

Mendel Beilis stood accused of a blood libel—murdering a non-Jewish boy to use his blood for matzah. Although only one man stood before the court, he actually represented the entire Jewish people, since the accusation was that the holy Torah called on Jews to steal the non-Jew's money and use their very blood for nefarious purposes.

A compilation of damning questions was composed by the prosecutors with the aid of vocal anti-semites and the situation

looked bleak for both Beilis and the Jewish people as a whole. The trial was held in Czarist Russia, a land infamous for centuries of Jew hatred. The court required Moscow's Chief Rabbi, Rav Yaakov Mazah, zt"l, to reply to their "proofs," and he did so with such skill and wisdom that Beilis was eventually acquitted.

The greatest sages of that generation were consulted for answers to these questions in preparation for the trial, and many of the most difficult were fielded by Rav Meir Shapiro. One question that seemed almost impossible was from today's daf. There we find that a non-Jew who learns Torah is liable to the death penalty. It is easy to imagine what a good

prosecutor could do with this seemingly murderous statement.

But Rav Meir's reply immediately silenced the prosecution. "If a court attempts to punish a non-Jew for failing to observe the seven mitzvos incumbent on all non-Jews, he can claim that he did not know that he was obligated to observe those commandments he disregarded since he never had the opportunity to learn Torah. But if the non-Jew did learn Torah, he is liable to the death penalty for any breach of the seven Noachide commandments. He can no longer give the most obvious excuse, since he has learned and did indeed know better."¹ ■

1. האור המאיר, עי' ק"ל ■