

OVERVIEW of the Daf

1) **MISHNAH (cont.):** The procedure for the trial of a blasphemer is described.

2) **The prohibition of blasphemy**

A Baraisa teaches that liability for blasphemy when one "blesses" God's name with His name.

Shmuel provides the source for this ruling.

The Gemara elaborates on how we know that the term **נוקב** means to blaspheme rather than something else.

A Baraisa teaches that gentiles are also included in the transgression of blasphemy but they are killed by beheading rather than stoning.

An alternative source for inclusion of gentiles in the prohibition against blasphemy is noted.

R' Yitzchok Nafcha explains why both sources are needed.

It is noted that according to R' Yitzchok Nafcha there is a dispute between R' Meir and Chachamim whether a gentile is liable for blaspheming with a subordinate name and this is at odds with R' Meisha who maintains that all opinions agree that a gentile is liable for blaspheming with a subordinate name of God.

The exchange between these two opinions is explained.

3) **Seven Noahide laws**

A Baraisa enumerates the seven laws that gentiles must observe and then presents Tannaim who add additional commandments to that list.

R' Yochanan presents one exposition as the source for the Noahide laws.

R' Yitzchok presents an alternative exposition.

The difference between these expositions is explained.

Rava unsuccessfully challenges that this case represents the difference between these two opinions.

Whether gentiles are commanded about civil law is challenged.

After numerous unsuccessful attempts to resolve this challenge Rava explains that the difficult Baraisa follows a minority opinion, the Yeshiva of Menashe, which does not include civil law amongst the list of seven Noahide laws.

The exposition of this minority opinion is unsuccessfully challenged. ■

Distinctive INSIGHT

The seven mitzvos commanded to the gentiles

תנו רבנן שבע מצוות נצטוו בני נח

On our daf, Chazal explain that the seven Mitzvos which were given to the gentiles were transmitted to them orally. We conclude this fact from the verse which tells us (Bereshis 2:16), "And Hashem commanded (ויצו) man." The word "ויצו" always refers to those Mitzvos which were transmitted orally. This clearly implies that they were a part of the Oral Torah which was given to the other nations.

Chazal tell us (Avoda Zara 2b) that in the future, the nations of the world will claim that they did not accept the Torah when it was offered them because they were not coerced as Israel was. "Did you force us to accept it as You forced Bnei Yisrael by holding the mountain over them?" But how are we to understand their argument, asks the Rabbeinu Tam of Orleans, if we accept the explanation of the Midrash Tanchuma that Bnei Yisrael readily accepted the Written Torah, and it was only in respect to the Oral Torah that coercion was involved? Does their argument continue to have any force after this Midrash is taken into account?

Rabbi Yitzchak Sender cites Rav Shlomo Fisher, שליט"א, who offers the following answer to this question. Hashem will reply to the counter claim of the nations in the following way. "The Holy One, blessed be He, will then ask them, did you then fulfill the seven commandments which I commanded you?" At first sight, we might question whether this in fact answers their complaint. But on closer examination, we can appreciate its force. In the course of time, the nations failed to observe these seven Mitzvos. Israel, on the other hand, observed all of them, even before they were given the Torah. This demonstrated Israel's willingness to adhere to the Oral Law.

Thus, when Hashem concluded his argument to the nations, He maintained, "If you were not even willing to observe seven commandments which were transmitted to you orally, what good would it have done to force you to accept the whole Torah?"

But as for forcing Bnei Yisrael to accept the Oral Law, we know from the Midrash Tanchuma that the coercion was of a different nature. Its purpose was to help them reach their highest spiritual potential and to reveal their deepest spiritual desire, which was to live their lives according to the entire Torah. If there was no such potentiality in the spiritual makeup of the other nations, there was no point in trying to coerce them to accept the Torah. ■

HALACHAH Highlight

Liability for gentiles not enforcing civil law

שבע מצות נצטוו בני נח : דינין וכו'

Seven laws were commanded to Noahides: Civil law etc.

Rambam¹ explains that Shimon and Levi had the authority to kill the people associated with Shechem because they failed to properly fulfill the mitzvah of דינין – civil law. This command was violated when they did not prosecute Shechem for the rape of Dinah, the daughter of Yaakov. Ramban² challenges this assertion from many different angles. One of his questions is that gentiles are killed for violation of civil law only when a judge renders a verdict based on false or fraudulent grounds since this represents a violation of the command (לא תעשה). The people associated with Shechem should not have been liable to execution since their violation of דינין was a violation of the positive command to set up courts which does not carry the punishment of death. Ran³ questions Rambam's premise that the people failed to put Shechem on trial. It is possible that there was a court in the city but they were powerless when the son of the city's leader was the perpetrator. As such, there is no reason the entire population of males should have been killed for the failure to prosecute Shechem.

Meiri⁴ comes to the defense of Rambam. When the Gemara later (58b-59a) discusses the parameters of דינין, the Gemara concludes that the mitzvah includes both positive and negative components and it is due to the presence of these negative components that it is included amongst the seven Noahide laws punishable by death. Included in the negative components of the mitzvah is the prohibition

REVIEW and Remember

1. What is the source that one must blaspheme with God's name to be punished with execution?

2. Which name of God carries the punishment of execution if used for blasphemy?

3. What is the source for the seven Noahide laws?

4. Is there a difference between civil law as commanded to Jews and civil law commanded to gentiles?

against allowing criminals to go unprosecuted. As such, the community is held responsible for not prosecuting Shechem, and this failure represents a violation of a negative prohibition, not merely a failure to fulfill a positive command. Or HaChaim⁵ offers an explanation why it was necessary for Shimon and Levi to kill all of the males of the city. He suggests that only Shechem and his father who were actively involved in the crime deserved to be killed. However, the residents of the city stood up to defend their leader and his son and thus they were killed since they prevented Shimon and Levi from carrying out the punishment that Shechem and his father deserved. It is for this reason the verses first mention the death of the male citizens and then the death of Shechem and his father. ■

1. רמב"ם פ"ט מהל' מלכים הי"ד.
2. רמב"ן בפירושו לבראשית ל"ד יג.
3. חידושי הר"ן דסוגיין.
4. בית הבחירה לסוגיין.
5. אור החיים לבראשית ל"ד כה-כו. ■

STORIES Off the Daf

The bitter lesson

"עשר מצות נצטוו ישראל במרה..."

Despite the hardship people experienced in poverty-stricken Eastern Europe, yet Torah observance was still the hallmark in many places there before WWII. In America, where things were better materially, the vast majority nevertheless failed to observe Shabbos because of the threat of financial hardship. When Rav Meir Shapiro of Lublin, zt"l, traveled to America to raise funds for his

yeshiva, he had the following painful experience:

"I was once walking to shul on Shabbos morning and was shocked to see a Jew davening at home with tallis and tefillin. I could not prevent myself from reminding this Jew, through his open window, that it was Shabbos. His answer still haunts me to this day. 'Yes, I know. But since I go to work it is like a weekday for me, so I obviously must don tefillin...'"¹

Once, the Imrei Emes of Gur, zt"l, was told that a certain chassid of his was violating Shabbos to make a living, רייל. The moment he heard this, the rebbe

summoned the man and gave him musar, ordering him to stop. The man attempted to defend his negative behavior. "Rebbe, if I do not profane the Shabbos it is going to be very bitter for me. What choice do I have?"

The rebbe responded with characteristic sharpness. "In Sanhedrin 56 we find that we were commanded to keep Shabbos at Marah. Of course Marah means bitter, as in maror. This is to teach that we must refrain from prohibited labor on Shabbos even if this makes life bitter for us!"² ■

1. רבי מאיר אומר, ע"י 38-39
2. בישישים חכמה, ע"י נ"ח ■