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Babylonian Talmud: Tractate Sanhedrin

Folio 59a

But the precept of observing social laws is a positive one, yet it is reckoned? — It is both positive and negative.¹

R. Johanan said: A heathen who studies the Torah deserves death, for it is written, *Moses commanded us a law for an inheritance*;² it is *our inheritance*, not theirs.³ Then why is this not included in the Noachian laws? — On the reading *morasha* [an inheritance] he steals it; on the reading *me'orasah* [betrothed], he is guilty as one who violates a betrothed maiden who is stoned.⁴ An objection is raised: R. Meir used to say. Whence do we know that even a heathen who studies the Torah is as a High Priest? From the verse, [Ye shall therefore keep my statutes, and my judgments:] which, if man do, he shall live in them.⁵ Priests, Levites, and Israelites are not mentioned, but *men*: hence thou mayest learn that even a heathen who studies⁶ the Torah is as a High Priest! — That refers to *their own seven laws*.⁷

'R Hanania b. Gamaliel said: [They were also commanded] not to partake of the blood drawn from a living animal.'

Our Rabbis taught: *But flesh with the life thereof, which is the blood thereof, shall ye not eat*;⁸ this prohibits flesh cut from the living animal. R. Hanina b. Gamaliel said: It also prohibits blood drawn from a living animal. What is his reason? — He reads the verse thus: flesh with the life thereof [shall ye not eat]: blood with the life thereof shall ye not eat. But the Rabbis maintain that this reading teaches that flesh cut from live reptiles is permitted.⁹ Similarly it is said, Only be sure that thou eat not the blood: for the blood is the life,¹⁰ and thou mayest not eat the life with the flesh.¹⁰ But the Rabbis maintain that the verse teaches that the blood of arteries, with which life goes out, [is also forbidden as blood].¹¹

Why was it first enjoined upon the sons of Noah, and then repeated at Sinai? — As the dictum, of R. Jose b. Hanina. For R. Jose b. Hanina said: Every precept which was given to the sons of Noah and repeated at Sinai was meant for both [heathens and Israelites]; that which was given to the sons of Noah but not repeated at Sinai was meant for the Israelites, but not for the heathens. Now, the only law thus commanded to the children of Noah and not repeated at Sinai was the prohibition of the sinew that shrank [nervous ischiadicus], and in accordance with R. Judah's view.¹²

The Master said: 'Every precept which was given to the sons of Noah and repeated at Sinai was meant for both [Noachides and Israelites]'. On the contrary, since it was repeated at Sinai, should we not assume it to be meant for Israel only?¹³ — Since idolatry was repeated at Sinai, and we find that the Noachides were punished for practising it,¹⁴ we must conclude that it was meant for both.

'That which was given to the sons of Noah but not repeated at Sinai was meant for the Israelites, but not for the heathens.' On the contrary, since it was not repeated at Sinai, should we not assume that it was meant for the Noachides and not for Israel?¹⁵ — There is nothing permitted to an Israelite yet forbidden to a heathen. Is there not? But what of a beautiful woman?¹⁶ — There it is because the heathens were not authorised to conquer.¹⁷ But what of a thing worth less than a *Perutah*?¹⁸ — There it is because the heathens do not forgive.¹⁹

'Every precept which was given to the sons of Noah and repeated at Sinai was meant for both [Noachides and Israelites]'.

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Original footnotes renumbered. See [Structure of the Talmud Files](#)

1. Positive: In dispense justice; negative: to refrain from injustice. But the Sabbath is entirely positive.
2. Deut. XXXIII, 4.
3. This seems a very strong expression. In the J. E. (loc. cit.) it is suggested that R. Johanan feared the knowledge of Gentiles in matters of Jurisprudence, as they would use it against the Jews in their opponents' courts. In support of this it may be observed that the Talmud places R. Johanan's dictum (which, of course, is not to be taken literally) immediately after the passage dealing with the setting up of law courts by Gentiles. It is also possible that R. Johanan's objection was to the studying of Oral Law by Jewish Christians, as the possession of the Oral Law was held to be the distinguishing mark of the Jews. It is significant that it was R. Johanan who also said that God's covenant with Israel was only for the sake of the Oral Law. (Cf. Ex. Rab. 47.)
4. In Pes. 49b two opinions on the reading of this verse are recorded. One view is that it should be read, Moses commanded us a law for an inheritance (*morasha* [H]), in accordance with the Scriptural text. Another version is Moses commanded us a law for a betrothal (reading *me'orasah* [H]=[H] i.e., as

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something betrothed, consecrated to us, from [H]= [H]). On the first view, this prohibition is included in that of robbery; on the second, in that of adultery.

5. Lev. XVIII, 5.
6. Which includes observing.
7. It is meritorious for them to study these; but **not laws which do not pertain to them.**
8. Gen. IX, 4.
9. V. *infra* 59b.
10. Deut. XII, 23. Thus, the blood being equated with the life, it may not be eaten whilst 'the life' is with the 'flesh', i.e., whilst the animal is alive.
11. The prohibition of blood is mentioned in the same chapter in connection with the slaughtering of the animal: 15 seq., Notwithstanding thou mayest kill and eat flesh in all thy gates ... Only ye shall not eat the blood. Now, owing to this juxtaposition, I might think that only the blood that gushes forth from the throat when the animal is slaughtered is forbidden. Therefore the second injunction in v. 23 equates the prohibition of blood with that of flesh cut from the living animal. Just as the latter is forbidden in itself, so the former is forbidden irrespective of any connection with slaughtering. In Ker. 22a R. Johanan and Resh Lakish dispute as to what is meant by 'the blood with which life goes out'.
12. R. Judah maintains that this was forbidden to the children of Jacob, who, living before the giving of the Law, are accounted Noachians. But the Rabbis maintain that this was given at Sinai, but that Moses when writing the whole Pentateuch, was commanded to insert it in Gen. XXXII, 33, so as to elucidate its reason.
13. For if it were not so repeated, it would be natural to suppose that its application was a universal one. Hence its repetition would seem to limit it to Israel.
14. V. p. 382, n. 3.
15. The stand point of this objection is that the code promulgated at Sinai to the Israelites should cancel any previous code not given specifically to them.
16. V. *supra* 57a.
17. I.e., Palestine. For even the Israelites were permitted this only in the course of their conquest of Palestine, but not otherwise.
18. The theft of which is regarded as an offence by heathens but not by Jews. V. *supra* 57a.
19. Actually, it would be theft in the case of a Jew too, but that Jews are not particular about such a trifle, and readily forgive. Heathens, however, do not forgive, and therefore it is theft in their case.

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Sanhedrin 59b

But circumcision, which was given to the Sons of Noah, for it is written, Thou shalt keep my covenant,¹ and repeated at Sinai, And in the eighth day the flesh of his foreskin shall be circumcised,² yet was meant for Israel, and not for the Noachides? — That repetition was inserted to permit circumcision on the Sabbath, by interpreting, on the day [whichever it is], and even on the Sabbath.³

But procreation, which was enjoined upon the Noachides, for it is written, And you be ye fruitful and multiply,⁴ and repeated at Sinai, as it is written, Go say to them, get you in to your tents again⁵, was nevertheless commanded to Israel but not to the heathens? — That repetition was to teach that whatever has been constitutionally forbidden by a majority vote requires another majority vote to abrogate it.⁶ If so, may we not say of each [of the Noachian laws] that it was repeated for a definite purpose?⁷ — He means this: why should the prohibition be repeated?⁸

'Now the only law [thus commanded to the children of Israel and not repeated at Sinai] was the prohibition of the sinew that shrank [nervus ischiadicus], and in accordance with R. Judah's view.' But these⁹ too were not repeated.¹⁰ — These two were repeated, though for a purpose, but this was not repeated at all.

An alternative answer is this:¹¹ Circumcision was from the very first commanded to Abraham only [and not to the Noachides in general]: Thou shalt keep my covenant, therefore, thou and thy seed after thee in their generations,¹² meaning, thou and thy seed are to keep it, but no others. If so, should it not be incumbent upon the children of Ishmael [Abraham's son]? — For in Isaac shall thy seed be called.¹³ Then should not the children of Esau be bound to practise it? — In Isaac¹⁴, but not all Isaac. R. Oshaia objected: If so, the children of Keturah should have been exempt!¹⁵ — Did not R. Jose b. Abin, or as others say, R. Jose b. Hanina, state: [And the uncircumcised man child whose flesh of his foreskin is not circumcised, that soul shall be cut off from his people:] he hath broken my covenant¹⁶ — this extends the precept [of circumcision] to the children of Keturah¹⁷

Rab Judah said in Rab's name: Adam was not permitted to eat flesh, for it is written, [Behold I have given you all the herbs, etc.] to you it shall be for food, and to all the beasts of the earth,¹⁸ implying, but the beasts of the earth shall not be for you.¹⁹ But with the advent of the sons of Noah, it was permitted, for it is said, [Every moving thing that liveth shall be meat for you:] even as the green herb have I given you all things.²⁰ Now one might think that the prohibition of flesh cut from the living animal does not apply to them [sc. the Noachides]: therefore the Writ teacheth, But flesh with the life thereof, which is the blood thereof, shall ye not eat.²¹ One might think that this prohibition applies even to reptiles; therefore it is stated — but.²² How is this implied? — R. Huna said [But flesh with the life thereof, which is] the blood thereof: this shews that the prohibition applies only to those creatures whose flesh is distinct from their blood [in its prohibition]; excluding reptiles, whose flesh is not distinct from their blood.²³

An objection is raised: And rule over the fish of the sea;²⁴ surely that means that they should serve as food?²⁵ — No. It refers to toil.²⁶ But can fish be made to work? — Yes, even as Rahabah propounded: What if one drove [a waggon] with a goat and a shibbuta?²⁷ Come and hear: and over the fowl of the heaven.²⁸ Surely this is in respect of food? — No. It refers to toil. But can fowl be made to work? — Yes, even as Rabbah, son of R. Huna propounded: According to the ruling of R. Jose b. R. Judah, what if one threshed [corn] with geese or cocks?²⁹

Come and hear: And over every living creature that moveth upon the earth!³⁰ — That refers to the serpent. For it has been taught: — R. Simeon b. Manassia said: Woe for the loss of a great servant. For had not the serpent been cursed, every Israelite would have had two valuable serpents, sending

one to the north and one to the south to bring him costly gems, precious stones and pearls.³¹ Moreover, one would have fastened a thong under its tail, with which it would bring forth earth for his garden and waste land.³²

A [further] objection is raised: R. Judah b. Tema said: Adam reclined in the Garden of Eden, whilst the ministering angels roasted flesh and strained wine for him. Thereupon the serpent looked in, saw his glory, and became envious of him?³³ — The reference there is to flesh that descended from heaven. But does flesh descend from heaven? — Yes; as in the story of R. Simeon b. Halafta, who was walking on the road, when lions met him and roared at him. Thereupon he quoted: The young lions roar after their prey;³⁴ and two lumps of flesh descended [from heaven]. They ate one and left the other. This he brought to the schoolhouse and propounded: Is this clean [fit for food] or not? — They [sc. the scholars] answered: Nothing unclean descends from heaven. R. Zera asked R. Abbahu: What if something in the shape of an ass were to descend? — He replied: Thou howling yorod:³⁵ did they not answer him that no unclean thing descends from heaven?³⁶

'R. Simeon said, They were also forbidden to practice sorcery.' What is R. Simeon's reason? — Because it is written,

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Original footnotes renumbered. See [Structure of the Talmud Files](#)

1. Gen. XVII, 9. Abraham and his descendants until Sinai are also accounted sons of Noah.
2. Lev. XII, 3.
3. Hence, being repeated for a purpose, the above principle does not apply to it.
4. Gen. IX, 7.
5. Deut. V, 27. This is interpreted as a command to resume their marital obligations, which were suspended for three days before the Revelation, v. Ex. XIX, 15.
6. Although the prohibition in Ex. XIX, 15 was explicitly limited to three days, yet after that it did not cease automatically, but was formally abrogated. This proves that any prohibition constitutionally imposed, as by a majority of the Sanhedrin, even for a limited period, must be constitutionally repealed thereafter. Hence the repetition being necessary, it is not subject to the general principle. — So Rashi. Tosaf however, (here and in Bezah 5a) maintains that a temporary prohibition automatically ceases at the end of its period. Accordingly, Ex. XIX, 15 is to be translated: Be ready against the third day (for God's Revelation); approach not your wives (for an unspecified period). Tosaf. therefore substitutes this explanation: A prohibitory measure, constitutionally passed, does not automatically cease when its reason no longer exists. Thus in this case the prohibition was obviously on account of the approaching Revelation, yet after the Revelation, when there was no longer any reason for its continuance, it had to be formally revoked.
7. E.g., idolatry, to shew which acts of devotion are forbidden; incest, to teach its punishment.
8. I.e., if some additional detail had to be taught, that alone could have been stated without repeating the basic law. Such repetition must have been to enlarge its scope, as embracing both Israelites and heathens.
9. I.e., circumcision and procreation.
10. For, as explained above, their repetition being for a definite purpose, is not a repetition at all.
11. This is in answer to the first difficulty of circumcision having been given to the Noachides and repeated at Sinai.
12. Gen. XVII, 9.
13. Ibid. XXI, 12.
14. Heb. [H] the [H] (in) being taken as partitive preposition.
15. Keturah was Abraham's wife after Sarah's death, by whom he had six sons. Gen. XXV, 1f. According to the verse For in Isaac etc. these should not have been included in the precept.
16. Gen. XVII, 14.
17. This is the reply. The verse teaches the inclusion of the immediate sons of Keturah, but not of their descendants.
18. Gen. I, 29f.
19. I.e., the herbs, etc. have been given to you and to the beasts of the earth, but the beasts of the earth have not been given to you for food.
20. Ibid. IX, 3.
21. Ibid. 4.
22. Heb. [H]. It is a principle of Talmudic hermeneutics that the particles *akh* (but) and *rak* (save) always indicate a limitation or exclusion. Here *akh* is interpreted as teaching the exclusion of reptiles from the law under discussion.
23. The mention of blood is redundant, for the verse should have read, but flesh with the life thereof shall ye not eat, meaning, whilst life is in it thou must not eat its flesh; it being self evident that the life force lies in the blood. The redundancy teaches that this applies only to those creatures that have a separate prohibition for its flesh (cut from, the living animal), and a separate one for its blood. But the blood of reptiles is not separate from its flesh and is forbidden by the same injunction, there being no separate law. Hence they are excluded from the present verse.
24. Ibid. I, 28.
25. This was said to Adam.
26. Adam was given dominion over the lower creatures, to make them work for him.
27. Name of a fish, conjectured by Jastrow to be the mullet (*Cephalus*, v. Payne Smith, *Thesaurus Syriacus* 4029). The problem raised is whether this would involve the transgression of the prohibition, Thou shalt not plow an ox and ass together, Deut. XXII, 10.
28. Continuing the verse.
29. V. B.M. 91b. The problems raised in connection with the prohibition, Thou shalt not muzzle the ox when he treadeth out the corn. Deut. XXV, 4 shows that birds may be utilized for service.
30. The Heb. [H] translated 'living creature', denotes literally a wild animal, which cannot be put to service, but can only be caught and eaten.
31. Heb. [H] from [G] (Levy) or [G] (Krauss).
32. Thus the Serpent was intended to be put to service before it was cursed.
33. This proves that flesh was permitted to Adam.
34. Ps. CIV, 21.
35. Yarod is a bird of solitary habits, or a jackal (Rashi). The meaning is: what a foolish question to ask!
36. Hence thy supposition is an impossible one; and if it did happen, it would be fit for food.

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