

THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH PROJECT

The Noahide Laws - Lesson Thirty Five



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Introduction to Ever Min HaChai



Introduction

We now start our study of the dietary laws that apply to Noahides. The most important prohibition in this arena is *ever min ha-chai*, that of a limb taken from a living animal. Though it may, at first, seem like a narrow prohibition, it actually involves a number of details.

When Was *Ever Min HaChai* Given?

As we should recall from a very early lesson, the Talmud derives all Seven laws from Genesis 2:16:

And the L-rd, God, commanded the man, saying: "Of every tree of the garden you may surely eat."

Ever Min HaChai, besides being derived from this verse, was also commanded directly to Noah after the flood. There are two opinions as to the reason for this repetition. Both of these interpretations are tied to another Talmudic debate as to whether or not Adam was permitted to eat meat:¹

¹ See Sanhedrin [57a](#), [59b](#).

- [Rashi](#)² & [Tosafos](#)³ – Both hold that, as the Talmud states, all seven laws were given to Adam at the time of creation. This would include *ever min ha-chai*. Of course, *ever min ha-chai* would only be relevant if Adam was permitted to eat meat at this time. According to Rashi and Tosafos, Adam was permitted to eat meat; however, he was not allowed to kill animals for food. Adam was only allowed to eat animals that had died on their own. It was not until after the flood that Man received permission to kill animals for food.
- [Maimonides](#)⁴ – Maimonides understands the Talmud’s derivation of the Noahide laws from Genesis as *Asmachta*, a supporting allusion to the existence of the laws prior to the time of Noah. It is not a hard-and-fast source for their derivation. Based upon a much simpler reading of the Torah text, Maimonides proposes that man was not given permission to eat meat at all until after the flood. Therefore, Adam could not have been commanded regarding *ever min ha-chai*. It was only after the flood, when man was permitted from eating meat, that God gave the commandment against *ever min ha-chai*.

Both **Tosafos**, **Rashi** and **Maimonides**, however, agree to the following points:

- At creation, Adam was given the right to use animals for any useful tasks as the Torah teaches:⁵

And God blessed them; and God said unto them: ‘Be fruitful, and multiply, and replenish the earth, and subdue it; and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that creeps upon the earth.’

- This permission, however, did not extend to killing animals for food.⁶

²To Sanhedrin 57a.

³To Sanhedrin 56b.

⁴*Mishneh Torah, Hilchos Melachim 9:1.*

⁵Gen. 1:28.

⁶Sanhedrin 59a.

Considering these two points, of the utility of animals for human need vs. the prohibition of killing them for food, the question naturally arises: Was Adam allowed to cause pain or suffering to animals?

***Tzaar Baalei Chaim* – Animal Cruelty**

The prohibition against animal cruelty, *tzaar baalei chaim*, applies to Noahides.⁷ The exact details of this prohibition will be examined in greater detail in a future lesson. For the purposes of this lesson, though, we at least need to know that it applies and will be relevant to our study of the laws of *ever min ha-chai*.

The Commandment to Noah

In the times of Noah, all agree that man was given permission to now to kill animals for the sake of food:

The fear of you and the dread of you shall be upon every beast of the earth and every bird of the sky, upon everything that moves on the earth and upon all fish of the sea; into your hand they are given. Every moving thing that has life shall be yours for food; I have given them unto you like the green herbage.

The commandment of *ever min ha-chai* was either given here for the first time, or reaffirmed in light of this permission to kill animals for food:

*But flesh with its soul, its blood, you shall not eat.*⁸

The Talmud in Tractate [Sanhedrin 59a](#) explains that this verse is the prohibition of *ever min ha-chai*.

Ever Min HaChai vs. the Verses

The term *ever min ha-chai* is a Talmudic paraphrase of the source verse for the prohibition. It is a much more convenient and, indeed, specific way of referring to the law. However, it contains a subtle weakness.

Ever min ha-chai is often translated as “a limb torn from a living animal.” This is a terrible translation! The verse in the Torah states simply:

⁷ See *Sefer Toldos Noach* I: 26:11; *Sefer Sheva Mitzvos HaShem* IV: 1 Haarab 3. See also [Sefer Chassidim](#) 666.

⁸ Gen. 9:4.

*But Flesh with its soul, its blood, you shall not eat.*⁹

The Talmud rephrases this prohibition as *ever min ha-chai*, which literally means “a limb/part from the living.” Let’s break it down:

- **Ever**, “a limb/part” – The verse states “flesh,” a broad term we will have to winnow down. Although the Hebrew word for “flesh” is sometimes used specifically for “meat,” in this context it means almost any part edible part taken from an animal. The Talmud rephrases it with the term *ever* to capture the broader meaning of the word for “flesh.” The intent of the prohibition is to prohibit anything separated from an animal while it lives.
- **Min**, “from” – The verse does not say anything about material being “taken” or “torn” from a living animal. Therefore, the method by which the material is separated from the animal is irrelevant. A limb remains prohibited even if it falls from an animal on its own. We should note that, according to this point and the previous one, even milk and eggs should be prohibited! Don’t draw any conclusions yet, though. We will discuss milk and eggs in the next lesson.
- **HaChai**, “the living” – This last term is very broad. In fact, it is too broad, because the actual verse contains a qualification that limits “the living” to which this it applies:

*But **flesh with its soul, its blood**, you shall not eat.*¹⁰

Note that this verse draws a distinction between the flesh and the blood of the animal. This distinction actually has an important place in Torah law.

For example, for Jews consuming horse blood violates an injunction against consuming blood (the punishment for which is *Kares*, spiritual excision). Eating the meat of a horse, however, is prohibited to Jews for a separate reason: the prohibition against eating the meat of non-kosher species (the punishment for which is lashes).

⁹ Gen. 9:4.

¹⁰ Gen. 9:4.

Our verse states the qualification ...*flesh with its soul, its blood...* to teach us that the prohibition of *ever min ha-chai* only applies to animals for which the Torah makes legal distinctions between their *flesh* and their *blood*.¹¹

There are many animals for which the Torah makes no distinction between their flesh and their blood. For these animals, the entire animal and all of its parts and pieces are included under one prohibition against eating. Since the Torah makes no distinctions for these animals, then *ever min ha-chai* does not apply to these animals.

To Which Animals Does it Apply?

Ever min ha-chai does not apply to *sberatzim*, a class of eight animals mentioned by the Torah in Lev. 11:29-30. This is because there is no distinction between their blood and flesh in Torah law. All of the commentaries agree that the common mouse and, most likely, the monitor lizard are among these eight creatures; however, there is disagreement as to the identity of the remaining 6. The following are the *sberatzim* with the various opinions as to their identity:

- **Choled** – The Talmud describes this as a predatory, burrowing animal that tunnels underneath houses.¹²
 - Weasel/ermine/martin, mole, or mole-rat - According to the [*Arukh*](#)
 - Rat – [*Targum Onkelos*](#), [*Tosafos Yomtov*](#)
 - Field Mouse – [*Targum Yonasan*](#)
- **Akhbar** – Most agree that this is the common mouse. Some include the rat under this term.
- **Tzav** – The Talmud¹³ implies that it is similar to a salamander or snake.
 - Toad – This is the opinion of Rashi to Lev. 11:29 and Niddah 56a. The Mishnah,¹⁴ and indeed many of the *Rishonim*, seem to compare it to a frog.

¹¹ Sanhedrin 59a – b.

¹² See Shabbos 107a.

¹³ Chullin 127a.

¹⁴ Tohoros 5:1. See Mishnah and Rishonim there.

- Tortise – [*Meam Loez*](#), [*Tiferes Israel*](#).¹⁵
- **Anakah**
 - Hedgehog or beaver – [*Radak*](#).
 - Gecko – [*Rabbeinu Saadia Gaon*](#)
- **Ko'ach**
 - Lizard – According to *Radak*. From the descriptions of the various commentaries, it is most likely the monitor lizard.¹⁶
- **Leta'ah**
 - Another species of lizard or great gecko.
- **Chomet**
 - Snail – Rashi.
 - Many other commentaries identify this as a skink.
- **Tinshemes**
 - Mole – Rashi to Chullin 63a.
 - A Burrowing lizard of some sort.

Further exempted from the prohibition of *ever min ha-chai* are all sea creatures, insects, arachnids, and snakes, frogs, and lizards. It is therefore permitted consume limbs from dolphins, crabs, lobster, etc. before the animal has actually expired. However, it is preferable done in a manner that minimizes the suffering of the animal (because of the prohibition of *tzaar baalei chaim* – animal cruelty). There are some further important clarifications to make:

- **Rodents** – because of the uncertainty in identifying all of the *sberatzim*, and the doubt is on a biblically prohibited matter, one must treat all rodents as if *ever min ha-chai* applies to them. The exception, however, is the common mouse. It is certain that the mouse is a *sberetz* and that *ever min ha-chai* does not apply to it.

¹⁵ To Tohoros ibid.

¹⁶ See Rav Saadia Gaon, in particular.

- **Seals, otters, walruses, etc.** – these mammals all live in the water as well as on land. Are they to be treated as sea creatures, and exempted from *ever min ha-chai*, or as land mammals and included in *ever min ha-chai*?
 - **Maimonides**¹⁷ - Classifies sea lions as sea creatures, which implies that they are exempted from *ever min ha-chai*.
 - **Chullin 127a** – If a mammal can travel on land of its own power, then it is considered a land animal in *halakhab*.
 - **Mishnah, Keilim 17:13** – The carcass of a sea lion is subjected to certain types of ritual impurity that do not apply to sea animals. Therefore, the sea lion must be a land animal.
 - **[Tzafnas Paneach](#)** on Maimonides – Based on many of the cited rebuttals, *Tzafnas Paneach* rejects Maimonides as the law.
 - **In practice**, seals, otters, walruses, and similar creatures are considered land animals and subject to *ever min ha-chai*.

What Is Called *Basar*-Flesh?

The source verse prohibits *Basar*–flesh–from a living animal. This means that one is only liable for punishment for having eaten *Basar* from a living animal. However, this is a broad term which applies in various ways. Additionally, any prohibition against eating something only applies if that item is considered fit for consumption. The criteria for this determination are complex and require the expertise of a *posek*.

The following is a basic guide. Again, note that we are dealing with what is called *Basar* for the sake of liability. Eating anything from a living animal is prohibited even if one does not incur punishment for doing so:

- **Bones** – Because bones are not considered fit for human consumption, they are not called *Basar*.¹⁸ One should not eat them, however.¹⁹ However, bone marrow is considered *Basar*–flesh.²⁰

¹⁷ [Hilchos Maachalos Assuros 2:12](#).

- **Tendons & Sinews** – Although not considered *Basar*, their consumption is prohibited. However, one is not liable to punishment for eating them.²¹
- **Hooves, horns, feathers** – These parts, even their soft inner parts, are not called *Basar*, and therefore *ever min ha-chai* does not apply.²² Again, however, they should not be consumed.²³
- **Flesh of Birds** – Although the prohibition applies to birds just as it does to land mammals, one is not liable to punishment for consuming bird flesh.²⁴
- **Hides & Skins** – Hides and skins are sometimes called *Basar* and sometimes not. Any questions of *ever min ha-chai* that may arise regarding hides or skins should be presented to a *posek* who is an expert in the Noahide laws.²⁵
- **Placenta** – A placenta expelled naturally by an animal may be eaten and is not included at all in the prohibition of *ever min ha-chai*. However, if it is removed from the animal before it gives birth, then it is prohibited as *ever min ha-chai*.²⁶
- **Blood** – Blood is not included in the prohibition of *ever min ha-chai*. As we mentioned above, the Hebrew word *Basar* – flesh – is broad and includes almost all parts of the animal, including its blood. However, the source verse makes a distinction between blood and flesh:

¹⁸ [Hilchos Maachalos Assuros 4:18](#). This is true even if the bones are ground or powdered. Even soft chewable bones are exempted. See [Hilchos Avos HaTumah 3](#) and [Hilchos Korban Pesach 10](#).

¹⁹ Rama, YD 62.

²⁰ *Tosefta*, *Pesachim* 6:8.

²¹ See [Hilchos Korban Pesach 10:8](#) and the commentary of the *Raavad* there.

²² [Hilchos Maachalos HaAssuros 4:18](#) & [9:7](#). See also *Avos HaTumah* [1](#), [3:9](#).

²³ See n. 19, above.

²⁴ [Hilchos Melachim 9:10](#) and *Kesef Mishnah* there.

²⁵ Maimonides, [Hilchos Maachalos Assuros 4:18](#), states that hides and skins are not considered fit for consumption and that *ever min ha-chai* does not apply to them. This is even in a case when they are fully cooked and made appetizing (see Rashi to *Chullin* 77b). However, this is only the law for certain hides. “Soft” hides are considered *Basar* and are subject to *ever min ha-chai*. See Rashi to *Chullin* 122a and [Maachalos Assuros 4:20-21](#).

²⁶ This distinction may be derived from [Maachalos Assuros 5:13](#) and the comments of the *Raavad* there.

But flesh with its soul, its blood, you shall not eat.

Maimonides²⁷ and [Keseif Mishnah](#),²⁸ based on Sanhedrin 59a, explain that this prohibits *Basar* taken from an animal while it is living, but not blood taken from an animal while it is living. Blood may be consumed by Noahides even if it is taken from an animal while it is living.

Summary of the Lesson

1. Ever min ha-chai was either given to Adam or to Noah. This depends on whether or not Adam was permitted to eat meat.
2. Noahides are enjoined against animal cruelty. The details of this will be discussed in a future lesson.
3. The prohibition applies to any *Basar* – flesh – that came from an animal while it was living. It does not matter how this flesh was removed from the animal.
4. Torah study should be increased on this day.
5. The prohibition applies onto to animals for which the Torah makes a legal distinction between their blood and their flesh. This means that aquatic animals, bugs, and most reptiles and amphibians are not included in this prohibition.
6. Only that which is defined as edible and is called *Basar* is prohibited as ever min ha-chai. Nevertheless, one should refrain from eating anything separated from a living animal. While this theoretically includes milk and eggs, we will explain their details in a future lesson.

²⁷ [Maimonides Hilchos Melachim 9:10](#).

²⁸ Ibid.