

Insights into Halacha

- Rabbi Yehuda Spitz

Ohr Somayach (yspitz@ohr.edu)

The Gid HaNasheh Incongruity

In Parshat Vayishlach, after Yaakov Avinu's epic battle with Eisav's guardian angel, where he got injured in his hip socket, we are given a Biblical commandment, the third and last of the whole sefer B'reishit, that Bnei Yisrael may not partake of the Gid HaNasheh, the sciatic nerve, of any animal. Additionally, there is a Rabbinic prohibition on eating from the outer sinew of the animal's thigh tendon. The Sefer HaChinuch writes that this mitzva actually serves as a constant reminder that eventually we will be redeemed from this protracted exile.

To fulfill this mitzva properly, every last trace of said nerves and the fat covering the sciatic nerve must be removed as well. This act is called NIKUR, a.k.a. treibering, deveining, or porging the forbidden nerves and fats, and it takes an expert to do it properly.

Trouble was the Traveling Treiberer

One of the most outstanding experts in hilchot nikur known was Rav Yonason Eibeshutz zt"l (1690-1764), one of the greatest Torah giants of

this period and famed author of 89(!) works, including the renowned Yaaros Devash, Urim V'Tumim, and Kreisi U'Pleisi. In the latter sefer, in his commentary to the laws of Gid Hanasheh, Rav Yonason recorded a fascinating historical incident, which posthumously sparked a raging halachic controversy.

He related that an expert porger came to town (Prague) claiming that the sinew that Jews have been removing for centuries was the wrong one! This treiberer alleged that a different sinew was the true Gid HaNasheh. The ramifications of his claim were gargantuan, for if it were deemed accurate, consequently all of World Jewry would have, chas v'shalom, been eating non-kosher from time immemorial!

Rav Yonason writes that he showed this fellow the error of his ways as the sinew this porger was referring to was found exclusively in male animals, and could therefore not possibly be the correct one, for it states in the "SMAg (ostensibly the Sefer Mitzvot HaGadol, written by Rav Moshe of Coucy in the 13th century, Negative Commandment 139) that the prohibition of Gid Hanasheh applies to both males and females". With his vast knowledge and expertise, Rav Eibeshutz thus averted potential communal disaster. He concludes his passage reiterating

the importance and necessity of a porger's proficiency and capability.

Kreisi Controversy

However, as many puzzled people later pointed out, this logic seemed inherently flawed, as this quote does not actually appear in the SMaG! The SMaG in his actual quote (Mitzvot Lo Ta'asei 139) was referring to people, not animals! In other words, he wrote that women were similarly obligated in keeping this prohibition as men do. They wondered, is it possible the great Rav Eibeshutz could have made such a simple mistake? And, if so, what was it that the Kreisi U'Pleisi showed this traveling treiberer that refuted his claims? Many scholars over the years searched for a proper solution to this perplexing conundrum.

One suggestion was that the porger was unlearned, and Rav Yonason wanted to expose his ignorance and therefore set a trap to easily refute him. The issue with this is that, by Rav Yonason's own testimony, the porger was a "Talmid Chacham and expert", which would negate this solution.

The Pischei Teshuva cites the Toldot Adam, who takes a different approach and makes an example out of this story as proof that even Gedolim can err. Following this would mean that one may not partake in

eating said meat without removing both sinews. Although the Toldot Adam's intent was merely to uncover the truth, he unwittingly fueled the fires of the Haskala, as one of their primary goals was the undermining of Rabbinic authority. In fact, this author personally heard noted historian Rabbi Berel Wein aver that the Haskala used this story as propaganda to sway the masses.

On the other hand, many Rabbinic luminaries wrote responsae, including a tremendous pilpul by the Chatam Sofer, not only defending the Rav Eibeshutz's words from attack, but actually each citing different proofs and logic how his shita is truly correct, that the Gid HaNesheh must be present in both male and female animals.

Several authorities wrote that it must be a printing mistake and the correct point of reference was the S-H-G, referring to the Sefer Halachot Gedolot, a ninth century Halachic code which contains a section on hilchot treifot, who actually does imply that the Gid HaNasheh is found in both male and female animals. Others feel that he meant "a sefer mitzvot gadol", meaning a big book of mitzvot, possibly referring to the Sefer HaChinuch (mitzva 3), who implies this as well.

V'HITZDIKU ET HATZADIK

However, the whole truth did not

actually come out until 1930, when a rabbi in Los Angeles, Rabbi Shlomo Michoel Neches, wrote in the Shaarei Tzion Torah Journal that he had in his possession an original manuscript of the Kreisi U'Pleisi, and the words SMAG were crossed out by Rav Yonason Eibeshutz himself, and written on top of them were the letters S-H- N (which stood for Seder Hilchot Nikur, referring to the Seder HaNikur of the Baal Ha-Itur. There it was written explicitly that the Gid HaNasheh that both men and women are forbidden from consuming is found in both male and female animals. Finally and justly, a Gadol HaDor was vindicated - 165 years after his death!

Although we had to wait over a century and a half to attain clarity on this halachic mystery, it is imperative that we realize that our true mesorah (in this case - all the way back to Yaakov Avinu!) is rock solid and our chachamim are given special SIYATA DISHMAYA to arrive at the correct halachic conclusions. It might take a century or even a millennium, but in the end we clearly see why our chachomim are called EINEI HA-EIDA.

Postscript: Interestingly, and quite apropos, this fascinating historical episode has had a recent, and equally fascinating, addendum. Apparently, Rabbi Neches's sefarim, including his original copy of the Kreisi U'Pleisi,

were donated to the UCLA Research Library. Several scholars traveled there to see Rav Eibeshutz's original amendment and came upon an astonishing discovery. It turns out that it was not the handwritten correction of that renowned Rav Yonason Eibeshutz, but that of another, later Rav Yonason Eibeshutz, who lived at least a century after the first. This second Rav Eibeshutz, a Torah scholar of note, was the Av Beit Din of Lashitz, Poland, and author of Shu"t Tiferes Yonason. Apparently, this was his personal copy of Kreisi U'Pleisi, and he was the one who made the amendment which was later proven accurate in shedding light on the original Rav Yonason's puzzling citation, and not the author himself[21]. Either way, and whichever Rav Eibeshutz, we manifestly see the Divine orchestration involved in clearing up this complicated complexity of historical record.

For any questions, comments or for the full Mareh Mekomot & sources, please email the author: yspitz@ohr.edu

Rabbi Yehuda Spitz serves as the **Sho'el U'Meishiv** and **Rosh Chavura** of the **Ohr Lagolah Halacha Kollel** at **Yeshivas Ohr Somayach** in **Yerushalayim**. He also currently writes a contemporary halacha column for the Ohr Somayach website titled **"Insights Into Halacha"**.

ohr.edu/this_week/insights_into_halacha/

Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority.

Rabbi Yehuda Spitz's English halacha sefer, "Food: A Halachic Analysis" (Mosaica/Feldheim) containing over 500 pages featuring over 30 comprehensive chapters discussing the myriad halachic issues pertaining to food, is now available online and in bookstores everywhere."