

## Parashas Vayishlach: The Gid Nanasheh Incongruity

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In Parshas Vayishlach, after Yaakov Avinu's epic battle with Eisav's guardian angel[1], where he got injured in his hip socket[2], we are given a Biblical commandment, the third and last of the whole sefer Bereishis, 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[3]. The Sefer HaChinuch[4] writes that this mitzvah actually serves as a constant reminder that eventually we will be redeemed from this protracted exile.

To fulfill this mitzvah properly, every last trace of said nerves and the fat covering the sciatic nerve must be removed as well. This act is called nikkur, a.k.a. treibbering, deveining, or porging the forbidden nerves and fats, and it takes an expert to do it properly[5].

### Trouble was the Traveling Treibberer

One of the most outstanding experts in hilchos nikkur known was Rav Yonason Eibeshutz zt"l (1690 - 1764), one of the greatest Torah giants of his period and famed author of 89(!) works[6], 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[7], 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 treibberer 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 veshalom 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 Mitzvos 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 (Mitzvos Lo Sa'aseh 139) was referring to people, not animals! In other words, he wrote that women were similarly obligated in keeping this prohibition as men do[8]. 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 treibberer that refuted his taynos? 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 and easily refute him[9]. 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 Teshuvah[10] cites the Toldos 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 Toldos Adam's intent was merely to uncover the truth, he unwittingly fueled the fires of the Haskalah, as one of their primary goals was the undermining of Rabbinic authority[11]. In fact, this author personally heard noted historian Rabbi Berel Wein aver that the Haskalah used this story as propaganda to sway the masses.

On the other hand, many Rabbinic luminaries wrote responsae[12], including a tremendous pilpul by the Chasam Sofer[13], not only defending the Rav Eibeshutz's words from attack, but actually each citing different proofs and logic how his shittah is truly correct, that the Gid Hanesheh must be present in both male and female animals.

Several authorities[14] wrote that it must be a printing mistake and the correct point of reference was the S - H - G (ג"ס), referring to the Sefer Halachos Gedolos, a ninth century Halachic code which contains a section on hilchos treifos[15], who actually does imply that the Gid Hanesheh is found in both male and female animals. Others[16] feel that he meant "a sefer mitzvos gadol", meaning a big book of mitzvos, possibly referring to the Sefer HaChinuch (Mitzva 3), who implies this as well.

"VeHetzdiku es HaTzaddik"

However, the whole truth did not actually come out until 1930, when a rabbi in Los Angeles, Rabbi Shlomo Michael Neches, wrote in the Shaarei Tzion Torah Journal[17] 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 (ג"ס, which stood for Seder Hilchos Nikkur, referring to the Seder HaNikkur of the Baal Hatur[18]. There it was written explicitly that the Gid Hanesheh 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[19]!

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 siyatta 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 chachamim are called "Einei HaEidah"[20].

Postscript: Interestingly, and quite apropos, this fascinating historical episode has had a recent, and equally fascinating, addendum. Apparently, Rabbi Neches' 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 Beis 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.

This article was written l'Zechus for Shira Yaffa bas Rochel Miriam v'chol yotzei chalatzeha for a yeshua sheleimah teikif umiyad!

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[1] Bereishis (end of Ch. 32). This follows Rashi's understanding (ad loc. 25, end s.v. vaye'aveik ish), based on the Midrash Rabbah (ad loc. 77: 3) and Midrash Tanchuma (ad loc. 8; who adds that the guardian angel of Eisav was Sama-el). However, there is another opinion, cited in Otzar HaMidrashim (ad loc.), that it was really the ma'alach Michoel that Yaakov fought, and not Eisav's guardian angel, in order to prove to Yaakov that he had nothing to fear from Eisav.

[2] Due to the dictum of 'Maaseh Avos Siman L'Banim' [see recent article titled 'Mysterious Omens and our Forefathers'] we are still feeling the repercussions of this act nowadays. See Chofetz Chaim al HaTorah to this parshah.

[3] Gemara Chullin (Ch. Gid Hanasheh, 91a - 93b); Shulchan Aruch (Yoreh Deah 65, 8).

[4] Sefer HaChinuch (Mitzvah 3). Several Rishonim, including the Ramban (Bereishis Ch. 32: 26), Rabbeinu Bachaya (ad loc.), Rashba (Chiddushei Agaddos, Chullin 91a), and Ra'ah (Pekudas HaLeviim, Brachos 33b), as well as the Midrash Rabba (Parshas Vayishlach 78, 5), also imply this message. See the Machon Yerushalayim version of Sefer HaChinuch (Mitzvah 3, footnote 3) at length.

[5] See Shulchan Aruch and Rema (Yoreh Deah 65, 13 & 14), and their commentaries.

[6] See preface to sefer 'Chacham HaRazim - Rabbi Yonason Eibeshutz'.

[7] Kreisi U'Pleisi (Yoreh Deah 65, Kreisi 16).

[8] See for example, the Baruch Taam's glosses to the Kreisi U'Pleisi ad loc. Although others, including the Tzemach Hasadeh (on Yoreh Deah 65, pg. 41), assumed he meant the SMAK, it is also not found there; neither is it in the Rambam's Sefer HaMitzvos (Mitzvos Lo Sa'aseh 183). See also Rav Shmuel Ashkenazi's Alpha Beta Tinyeisa D'Shmuel Ze'ira (vol. 1, pg. 195 - 196).

[9] See Hegos B'Parshiyos HaTorah by Rabbi Yehuda Nachshoni, on Parshas Vayishlach, pg. 137.

[10] Pischei Teshuva (Yoreh Deah 65, 2), citing the Toldos Adam (Rav Yechezkel Feivel Wolfe of Vilna; vol. 2, Ch. 15, pg. 237).

[11] Paraphrase from Professor Shnayer Zalman Leiman's excellent "Rabbi Jonathon Eibeshuetz and the Porger" (pg. 16). Thanks are due to Rabbi Eliezer Brodt, author of Bein Kesseh L'Essor and Lekutei Eliezer, for providing me with this important source.

[12] Including the Mahar"i Assad (Shu"t Yehuda Ya'aleh, Yoreh Deah 102), Rav Shlomo Kluger (Shu"t Tuv Taam V'Daas, Mahadura Kama vol. 1, 100) [neither of whom actually approved of the Chasam Sofer's pilpul], the Butchatcher Gaon (Daas Kedoshim, Yoreh Deah 65, Hilchos Giddin HaAssurin 4; see explanation in Gidulei HaKodesh there, 1), the Ginzei Yosef (Shu"t 96, 2, quoting the Einei Yisrael), the Mahar"i HaLevi (Shu"t vol. 1, end 36, s.v. mah shetamah), and the Arugas Habosem (Shu"t Yoreh Deah 64, 4). See also Rav Moshe

Yosef Shapiro of Prague's 'Bris Avraham' (Parshas Vayishlach) who, quite thoroughly argues on the whole premise of those who questioned Rav Eibeshutz, as once the Torah wrote that Bnei Yisroel may not partake of any Gid Hanasheh, it is patently obvious that it must occur in all kosher beheimos, with no differentiation between male and female. Additionally, as the Rambam writes in his preface to his Pirush HaMishnayos regarding the Torah's 'Pri Eitz Hadar' being identified as the Esrog, once we have a Mesorah L'Doros dating back to Moshe Rabbeinu, all other so-called 'proofs' to the contrary immediately fall off. Therefore, he avers, the same would apply here as well regarding the Gid Hanasheh.

[13] Shu"t Chasam Sofer (Yoreh Deah 69), cited approvingly by the Pischei Teshuva (ibid.) and Shu"t HaRava"z (Yoreh Deah 111). The Aruch Hashulchan (Yoreh Deah 65, 25, in the brackets) might be referring to this solution as well.

[14] Including the Mishmeres Shalom (Yoreh Deah 65, Mishbetzos Zahav); Rav Avraham Shimon Traub, the Kaidan Gaon, in a new edition of Sefer Halachos Gedolos (pg. 296) that he published; the Ginzei Yosef (ibid.); and Rav Yosef Adler (cited in Shu"t Mishnah Halachos vol. 3, 67). The Tzitz Eliezer (Shu"t vol. 8, 25, 2 and vol. 18, 63, 6 s.v.v'ani) actually prefers this amending to the later one, opining that Rabbi Neches must not have been able to read Rav Yonason's handwriting clearly.

[15] BeHa"G (61, Hilchos Treifos pg 129a; exact location cited in Maadanei Hashulchan, Yoreh Deah 65, footnote 118). Still, others feel that the BeHa"G's words are also not entirely clear that he was referring to female animals; see Haghos Rav Ezriel Hildesheimer to the BeHa"G (ad loc.), Chadrei De'ah (ad loc. 8), Giluy Daas (ad loc. 7), and Daas Yonason (glosses on the recent Zichron Aharon version of the Kreisi U'Pleisi 65, 16).

[16] See Shu"t Mishnah Halachos (vol. 3, 68, s.v. u'mah). One can also infer this from the Minchas Chinuch's comments (Mitzva 3, 13).

[17] Shaarei Tzion Torah Journal(Choveret HaYovel 1930, 25) - under the title "VeHetzdiku es HaTzaddik" - "The Tzaddik Was Justified" (Devarim Ch. 25, verse 1); also printed in HaPardes Journal (vol. 4, Journal 1: 10 pg. 18 - 19). This important historical tidbit is found in Pardes Yosef (Parshas Vayishlach, 33 s.v. uv'kru"p), as well as in Torah Shleimah (Parshas Vayishlach, 169), and Shu"t Tzitz Eliezer (ibid.). It is also added as an important footnote in many recent editions of the Shulchan Aruch, some printed with the words "mitzvah l'farsem".

[18] Seder HaNikkur (Shaar HaRishon, Hechsher HaBassar 8b - exact location cited in Maadanei Hashulchan Yoreh Deah 65, footnote 118), also brought in the Tur (end Yoreh Deah 65), as well as in Rabbeinu Yerucham (Nesiv 15, 14, pg. 128b). According to Professor Leiman (cited above) the version Rav Eibeshutz showed the porger was the 1577 version with the glosses of Rav Tzvi Bochner, a master treibberer and contemporary of the Rema, as there are those [see Prishah (Yoreh Deah 65, 56) and Shu"t Mishnah Halachos (vol. 3, 68 s.v. bram and s.v. mevuar)] who explain that in other versions, the words "male" and female" are actually referring to types of muscles, not the gender of the animals.

[19] Also thereby proving that Rav Eibeshutz chose the right name for his sefer, Kreisi U'Pleisi - See Gemara Brachos (4a) and Rashi (ad loc. s.v. shekorsim).

[20] Parshas Shelach (Bamidbar Ch. 15, verse 24). Interestingly, this author has seen it averred that history has proven that in the whole sefer Kreisi U'Pleisi on all of Yoreh Deah only one (!) actual mistake was found,

but it turns out that it was clearly an error in Geometry - see Kreisi U'Pleisi (Tiferes Yisrael, Yoreh Deah 190, 14) and the Kitzur Shulchan Aruch's Lechem V'Simlah (ad loc. Simlah 11). This will Bezt"r be addressed fully in this author's upcoming maamar in Kovetz Eitz Chaim (vol. 25).

[21] See Rabbi Yaakov Yitzchok HaKohen Miller's maamar in Kovetz Hama'eyan (vol. 215; Tishrei 5776, pg 100 - 102), with pictures of the title page and amendment of Rabbi Neches's copy of Kreisi U'Pleisi. Thanks are due to R' Moshe Boruch Kaufman and R' Dovid Wasserlauf for pointing out this startling recent development in the saga of Rav Eibeshutz and the traveling treibberer.

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.

L'iluy Nishmas the Rosh HaYeshiva - Rav Chonoh Menachem Mendel ben R' Yechezkel Shraga, Rav Yaakov Yeshaya ben R' Boruch Yehuda.