

Chullin – Simanim

פרק ז – גיד הנשה

דף קא – Daf 101

1. גיד הנשה of Tanna who holds איסור כולל is not, but an איסור חמור is

Rav says that if one eats the גיד הנשה of a *neveilah*, Rebbe Meir holds he receives two sets of *malkus*, because the *neveilah* prohibition is an איסור כולל – an inclusive prohibition, i.e., it prohibits the rest of the animal in consumption, and therefore also takes effect on the גיד הנשה. The Chochomim disagree and say he only receives one set of *malkus*. They agree, however, regarding the גיד הנשה of an עולה, or שור הנסקל – an ox condemned to stoning, that the second prohibition of *kodashim* or שור הנסקל does take effect on the גיד הנשה. The Gemara seeks to identify this Tanna (the Chochomim), ליה, – דבאיסור כולל איסור חל על איסור ליה, *who, in the case of an inclusive prohibition, does not hold a prohibition takes effect upon a preexisting prohibition*, ליה, – איסור כולל באיסור חמור אית ליה, *but regarding an inclusive prohibition which is also a more stringent prohibition* (e.g., שור הנסקל or עולה, which prohibit the meat in any benefit), *he does hold* the second prohibition takes effect.

2. איסור כולל: one who became tamei after kodashim meat became tamei, and ate it

Rava identifies Rav's Tanna as Rebbe Yose HaGlili, who holds an איסור כולל does not take effect on a preexisting איסור: in a Mishnah, the Tanna Kamma says a טמא person who ate *kodashim* meat is liable (for a חטאת), whether it was *tamei* or *tahor*. Rebbe Yose HaGlili exempts one who ate *tamei kodashim*, since he only ate something *tamei*. The Rabbanon object that even one who ate *tahor* meat, as soon as he touches it, it becomes *tamei*! Rava explains Rebbe Yose HaGlili's position: if he was *tamei* before the meat became *tamei*, everyone agrees he is liable as a *tamei* person eating *kodashim* (since that prohibition took effect first). Their *machlokes* is ואח"כ נטמא הגוף – *where the meat became tamei first, and the person became tamei afterwards*, prohibiting him from eating any *kodashim* meat. The Rabbanon hold an איסור כולל takes effect, דמגו דמיחייב אחתיכות טהורות דעלמא, *for since he becomes liable for eating tahor pieces (of kodashim), he also becomes liable for eating a tamei piece*. Rebbe Yose HaGlili does not hold איסור כולל takes effect on a preexisting איסור.

3. Machlokes if גיד הנשה was prohibited before סיני

The Mishnah on the previous Daf recorded a *machlokes* in which Rebbe Yehudah said the גיד הנשה prohibition applied to Yaakov's descendants, even before the Torah was given. In a Baraisa, the Chochomim reply that the *passuk* does not say: "Therefore, the children of Yaakov shall not eat [the גיד הנשה]," but "the children of Yisroel," and they were not called "בני ישראל" until סיני! Rather, it became prohibited at Sinai, – אלא שנכתב במקומו, *but it was written in the appropriate place*, לידע מאיזה טעם נאסר להם – *for the Jews to know the reason* [the גיד הנשה] *was forbidden to them*. Rava objects that a *passuk* says the "בני ישראל" transported Yaakov their father (when descending to מצרים, long before סיני! The Gemara answers that this took place after Yaakov's struggle with the מלאך, when Hashem gave him the name Yisroel. The prohibition did not take effect at that time, because ובי תורה פעמים פעמים – *was the Torah given at different times?* That point in time was neither the time of the incident, nor the time the Torah was given.

Siman – Kaw (Birdwatchers)

The **birdwatchers yelled, "Kaw! Kaw!"** in astonishment as two *issur*-detecting birds hovered over the גיד הנשה of an *issur* because it's *issur* is חמור, after they showed that they don't hold of איסור כולל by flying straight over the טמא man who was eating *kodshim* that became טמא before he did, as another flock of birds hovered over a mountain named Sinai in the shape of a גיד הנשה.

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3 things to remember

1. שור נסקל or עולה of גיד הנשה: Tanna who holds איסור כולל is not חל, but an איסור חמור is
2. איסור כולל: one who became *tamei* after *kodashim* meat became *tamei*, and ate it
3. *Machlokes* if גיד הנשה was prohibited before סיני

