



Gid HaNeshe - Biryā

The seventh *perek* of *Chulin* centres around the *issur* of *Gid HaNashe* (the sciatic nerve). The *Mishnah* relates that if one eats a *kezayit* of a *Gid HaNashe*, one receives lashes by Torah law. This is consistent with most other prohibited foods. However, the *Mishnah* then adds that if one eats an entire *Gid HaNashe*¹, even if it contains less than a *kezayit*, one receives lashes.

Similarly, the *Mishnah* goes on to relate that if a *Gid HaNashe* were to be cooked in a stew with other *giddin* which are indistinguishable from it, such that we would not be able to simply extract the *Gid HaNashe*, all the *Giddin* are forbidden.

Ordinarily the Torah rules that in a case when a forbidden object was lost among others permitted objects which are indistinguishable to humans (for example, if one was to find meat in a street where most butchers were kosher, and one had no idea as to the source of the meat), then all the objects in the mixture become permitted. The Torah rules that in such a case we may resolve the doubt in favour of permissiveness because of the rule “*acharei rabim lehatot*.”² However, *Gid HaNashe* is treated differently. The *Gemara* asks why it has a separate, more stringent halacha, and answers, “*Biryā³ sha’ani*,” “a *Biryā* is different.”⁴ The *Rishonim* take a number of approaches to this rule.

Tosafot (*Chullin* 96a s.v. *May Ta’ama*) explains that foods are subject to the *halacha* of *Biryā* if the Torah tells you not to eat them directly. For example, the Torah tells us not to eat of the *Gid HaNashe*, and tells us not to eat specific birds. An incomplete bird or *Gid HaNashe* would be referred to as part of the bird or the *Gid*, and would therefore have a different name. However, for foods which are not subject to this *halacha*, such as *Neveilah* (meat not properly slaughtered), both a piece of an improperly slaughtered animal and the

entire animal together can be referred to as *Neveilah*. The word does not imply wholeness. The Torah is telling us not to eat an object with a particular name. Ordinarily the name is present only for a *kezayit* or more, however, with specific foods, the name is present even with a smaller quantity, as long as it is whole.

They further add the qualification that the *halacha* of *Biryā* only applies to foods which featured their prohibition from the moment they came into existence. A kosher bird, even if improperly slaughtered, would not have been created with that prohibition, it acquired it when the animal died. As such, *Tosafot* rule that it must have always been forbidden with this specific prohibition, and must be whole, even if less than a *kezayit*.

*Ritva*⁵ suggests that there is a third condition. The *Gemara* in *Makkot* (17a) relates a *machloket* between *R’ Shimon* and *Raban* about a grain of wheat. *R’ Shimon* holds that a grain of wheat which was *tevel* (untithed) could render an entire granary forbidden if mixed in. *Rabbanan* disagree because “a *Biryā* coming from a being with life force is called a *Biryā*.” *Ritva* interprets this to mean that *Biryā* must come from an animal.⁶

*Ran*⁷ assumes that a *Biryā* may be *batel* (nullified), contrary to other *Rishonim*, if it is immersed in 1000 times its count, not 60 as with other forbidden foods. He seems to understand the general rule that an admixture of a forbidden food is only forbidden when the forbidden food imparts flavour as implying that eating is partially defined by the presence of flavour.⁸ As such, it becomes permitted to eat when the flavour is not perceptible. However, in the case of a *Biryā*, the mere act of consumption is forbidden, and as such it only becomes permitted if the *Biryā* itself has been rendered completely inconsequential in context.

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¹ The sciatic nerve alone and not the surrounding nerves and fat which are forbidden only by Rabbinic law.

² *Shemot* 23:2. Literally: we lean towards the majority

³ I will continue here with the convention that the word is to be pronounced “*Biryā*,” even though in fact it ought to be pronounced “*Briya*,” implying a complete creation.

⁴ *Chulin* 100a. *Gid HaNashe* is not the only case of a *Biryā* creating these two differences. The *Gemara* has other examples, such as non-kosher birds (*Chulin* 102b, if one eats an entire non-kosher bird, one receives lashes, even if the bird was smaller than a *kezayit*) and insects (*Makkot* 17a).

⁵ *Makkot* 17a s.v. *verabanan*

⁶ He further distinguishes an egg from an impure bird because it contains liquid in it which would not be considered a part of the developing bird. *Tosafot* argue that *Rabbanan* made this argument to *R’ Shimon* according to his own view, but that they do not accept that coming from an animal is essential to the definition of *Biryā*.

⁷ Brought in *Ritva*, *Chullin* 91b s.v. *ufarkinanan*

⁸ This likely relates to the well known *machloket* acronym about if one who cannot taste food should make a *bracha* when eating.

Revision Questions

חולין ג' ז' – ו' א'

- What are the signs indicating that a *chagav* is kosher? (ג': ז')
- What are the signs indicating that a fish is kosher? (ז': ז')
- If a baby calf extends which limb outside its mother is it considered born and for what law is this important? (א': ז')
- How is an animal foetus different from the animal's other limbs? (א': ז')
- What is one advised to do if a *beheimah* is having severe difficulty in delivering its first offspring? (ב': ז')
- What are the two opinions regarding when a miscarried animal foetus is a *neveilah* and regarding which animals do they argue? (ג': ז')
- What is the law regarding an animal foetus that extended its limb outside the mother and was severed prior to the mother being slaughtered? (ד': ז')
- Explain the debate regarding the previous question when the limb was severed after the mother was slaughtered. (ד': ז')
- What is the law regarding a foetus found inside a slaughtered animal? (ה': ז')
- Regarding the previous question, which specific case is debated? (ה': ז')
- When does a severed leg render an animal a *treifah*? (ו': ז')
- What is an *ever medulda* and when is it *kosher* (after *shechita*)? (ו': ז')
- When is a placenta found in slaughtered animal able to become *tameh*? (ז': ז')
- What is the law regarding a placenta expelled from an animal that had not yet give birth? (ז': ז')
- What is the law regarding the animals and the people who slaughter a cow and its offspring on the same day:
 - When they are regular animals?
 - When they are *kodshim* and slaughtered outside the *Beit Ha'Mikdash*?
 - When they are *kodshim* and slaughtered inside the *Beit Ha'Mikdash*? (א': ה')
 - When the first is *chulin* and the second is *kodshim*, slaughtered inside? Outside?
 - When the first is *kodshim* and the second is *chulin*, slaughtered inside? Outside?
 - When they are both:
 - *Chulin* and the first is slaughtered inside and the second outside?
 - *Kodshim* and the first is slaughtered inside and the second outside?
 - *Chulin* and the first is slaughtered outside and the second inside?
 - *Kodshim* and the first is slaughtered outside and the second inside? (ב': ה')
- Does the law of *oto v'et b'no* apply today? (ה': ז')
- What is the law regarding the prohibition of *oto v'et b'no* when: (ג': ז')
 - One of the animals was a *treifah*?
 - One of the *shechitas* was invalid?
- How many sets of lashes does one receive if they: (ג': ז')
 - Slaughtered the mother animal and then its two children?
 - Slaughtered its children first?
- At what times in the year is a seller required to inform the buyer that he also sold the mother animal? (ה': ג')
- What other law applies to these times in the year? (ה': ד')
- What is the definition of one day for the law of *oto v'et b'no*? (ה': ז')
- To what animals does the law of *kisui ha'dam* apply? (א': ז')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
9 November י"ח חשוון	10 November י"ט חשוון	11 November כ' חשוון	12 November כ"א חשוון	13 November כ"ב חשוון	14 November כ"ג חשוון	15 November כ"ד חשוון
Chulin 6:2-3	Chulin 6:4-5	Chulin 6:6-7	Chulin 7:1-2	Chulin 7:3-4	Chulin 7:5-6	Chulin 8:1-2

