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RABBI JONATHAN EIBESCHUETZ

AND

THE PORGER

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מו"ה משה בן מו"ה חיים שמואל ז"ל

נפטר יום א' דראש השנה תש"ס לפ"ק

שרה בת הרה"ג אברהם ז"ל

נפטרה ה' שבט תשנ"ח לפ"ק

Morris and Sarah Landesman

who devoted their lives

to

תורה, עבודה, וגמילות חסדים

in

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RABBI JONATHAN EIBESCHUETZ

AND

THE PORGER:

A Study in Heresy, Haskalah, and Halakhah

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1. Introduction

The distinguished eighteenth century rabbi, talmudist, and kabbalist, R. Jonathan Eibeschuetz (1690-1764), is remembered mostly for his seminal contribution to rabbinic literature, and rightly so. *אורים ותומים*, (שלחן ערוך: יורה דעה on כרתי ופלתי), *יערות*, (on Maimonides' Code), *בני אהובה*, (שלחן ערוך: חושן משפט on דבש (a collection of sermons)), and *אהבת יהונתן* (on the הפטרות) are, perhaps, his most famous works. There were many others. A comprehensive bibliography (published in 1964) lists 119 separate entries – representing some 35 different titles – of published editions of books by R. Jonathan Eibeschuetz.¹ One suspects that if the list were compiled today, the number of entries and titles would, at the very least, be doubled. Other writings of R. Jonathan, whether talmudic or kabbalistic, are still in manuscript form, awaiting publication.²

¹ Naftali Ben-Menahem, ed., *מפעל הביבליוגראפיה: חוברת לדוגמה*, Jerusalem, 1964, pp. 13-24.

² Virtually all the major libraries of Judaica contain manuscripts of talmudic lecture notes recorded by R. Jonathan Eibeschuetz' disciples. A *ראש ישיבה* for some 50 years, and a popular one at that, he probably taught thousands of students, almost all of whom took notes. Cf. R. Jonathan Eibeschuetz, *לוח ערות*, Altona, 1755, pp. 43b and 50b. Much of the material remains unpublished, despite the occasional excerpts that have appeared in Torah periodicals, such as *מוריה* and *כרם שלמה*. Kabbalistic manuscripts by R. Jonathan Eibeschuetz, fewer in number, can be found – among other libraries – at

Such a rich and variegated literary legacy presupposes a lifetime devoted entirely to study. One imagines a pious recluse, surrounded by books, who did nothing but study and write. In the case of R. Jonathan, nothing could be further from the truth. Bold and imaginative, R. Jonathan Eibeschuetz was not one to shy away from the exigencies of real life. In Prague, he confronted missionaries and priests and was involved in Jewish-Christian disputes.³ In Vienna, he cultivated relationships with courtiers and Royal officials – in order to advance the cause of the Jewish community.⁴ Personal acquaintances included the Sabbatian rogue, Nehemia Hiyya Hayon (d. circa 1730);⁵ the controversial kabbalist, R. Moshe Hayim Luzzatto (d. 1746);⁶ and the founder of the Haskalah, Moses Mendelssohn (d. 1786).⁷ Precisely because he was perspicacious, witty, and politically well-connected, he made friends – and enemies – easily. His charismatic personality attracted admirers and disciples, even as his every success became a target for his enemies, often fueled by misdirected

the Bodleian Library in Oxford and at the Institute of Oriental Studies of the Russian Academy of Sciences in St. Petersburg.

³See, e.g., Gershom Scholem, “ידיעות על השבתאים בספרי המסיונרים,” *במאה הי"ח* 9(1944), pp. 34-35. On R. Jonathan and the Jesuit Father Francisco Haselbauer, see David Leib Zinz, *גדולת יהונתן*, Piotrkow, 1930, vol. 1, pp. 12-13. One missionary had the following to say about R. Jonathan: “This Jonathan is the only real scholar in Prague; he poses difficult questions. The Fathers sometimes need to engage in 2 to 3 days of research in order to provide him with an answer” (Scholem, p. 34, n. 42).

⁴Zinz, *op. cit.*, pp. 14-15.

⁵They met in Hamburg in 1713. See Zinz, *op. cit.*, p. 11.

⁶They met in Prague in 1736. See R. Jacob Emden, *שבירת לוחות האון*, Altona, 1756, p. 40b. Cf. Meir Benayahu, “המגיד של רמח"ל,” *ספונות* 5(1961), p. 320.

⁷They met in Altona in 1761. See Ismar Elbogen, *et al*, eds., *Moses Mendelssohn Gesammelte Schriften Jubiläumsausgabe*, Berlin, 1929, vol. 16, pp. 2-3.

zeal and anger, and by petty jealousies. Chief Rabbi, דרשן, and ראש ישיבה *par excellence*, R. Jonathan would spend a lifetime defending himself against his enemies.⁸ It comes as no surprise, then, that during his lifetime, his enemies even accused him of heresy: some suggested that he was a secret believer in Christianity;⁹ others that he was a closet Sabbatian.¹⁰ Still others – incredible as it may seem – accused him of being an עם הארץ, literally an ignoramus, but in context the insult was intended to convey the message that he was a less than learned rabbi who was prone to gross rabbinic error.¹¹ What follows is an analysis of one such episode of false accusation against R. Jonathan Eibeschuetz.

2. The גיד הנשה

Doubtless, the biblical commandment concerning the גיד הנשה – the prohibition against the consumption of the sciatic nerve – is properly subsumed under the Mishnaic category of:

⁸See R. Jonathan Eibeschuetz, כרחי ופלחי, Altona, 1763, Introduction.

⁹See, e.g., R. Jacob Emden, ספר שמוש, Altona [despite the title page, which reads: Amsterdam], 1758-62, pp. 18b, 19b, and 26a. Cf. David Friderich Megerlin, *Geheime Zeugnuesse vor die Wahrheit der Christlichen Religion aus vier und zwansig neuen und seltenen Juedischen Amuleten*, Frankfurt and Leipzig, 1756.

¹⁰See, e.g., R. Moshe Hagiz' (d. ca. 1749) letter of 1725 to R. Aryeh Leib of Reisha, printed on the broadside למען דעת, Amsterdam, 1753. Cf. his letter of 1725 addressed to R. Michel Hasid of Berlin, in R. Joseph Praeger, גחלי אש (ms. Michael 106 at the Bodleian Library, Oxford University), vol. 1, fol. 62b-63a. For an account of R. Moshe Hagiz' attitude toward R. Jonathan Eibeschuetz, see Elisheva Carlebach, *The Pursuit of Heresy*, New York, 1990, pp. 177-179.

¹¹See, e.g., R. Jacob Emden, שבירת לוחות האון, pp. 16b and 38b.

הררים התלוין בשערה, שהן מקרא מעט והלכות מרובות.¹²

Mountains suspended from a hair, for they have little support in Scripture yet many laws.¹²

The prohibition appears only once in all of Scripture, in a narrative passage and not, as expected, in a legal one. The terse formulation at Gen. 32:33,

על כן לא יאכלו בני ישראל את גיד הנשה אשר על כף הירך עד היום הזה

That is why to this day the Israelites do not eat the *gid ha-nasheh* which is on the socket of the hip,

leaves much unsaid. Is the verse descriptive or normative? That is, is the verse describing a voluntary practice or is it legislating a prohibition?

What is the *גיד הנשה*? Does an animal have one or more than one? Does the practice apply to domestic animals (בהמות), to non-domestic animals (חיות), or both? Does the *גיד הנשה* have to be removed from sacrificial offerings that are not eaten? Does the prohibition apply to the *גיד הנשה* of a non-kosher animal? May a Jew derive benefit from the *גיד הנשה*, i.e. may he sell it to a Gentile? If not for the Oral Law, we would not know how to respond to any of these questions.¹³ Indeed, one can safely assume that Jewish sectarians, e.g., Samaritans, the Dead Sea sect, and Karaites also proffered responses to these questions – responses that differed considerably from those of rabbinic Judaism.¹⁴

¹² M. Hagigah 1:8.

¹³ In general, see the entry “גיד הנשה” in אנציקלופדיה תלמודית, Jerusalem, 1965, cols. 1-21.

¹⁴ Karaite dietary laws, for example, made it impossible for Karaites to patronize Rabbanite butcher shops. Similarly, Rabbanites found it impossible to patronize Karaite butcher shops. See Zvi Ankori, *Karaites in Byzantium*, New York, 1959, pp. 285-289.

It is therefore not surprising that medieval¹⁵ and early modern¹⁶ rabbinic authorities were quick to ban deviant practices by porgers (Hebrew: מנקרים) and labelled them as נוטים לצד מינות, i.e., as smacking of heresy. Apparently, there was an inherent relationship between deviant porging and heresy.

3. R. Jonathan Eibeschuetz: Master Porger

Aside from mastering all of the Torah, R. Jonathan Eibeschuetz was also a master porger. When in 1750, the professional porger, R. David Deitsch, published his *צינה דוד* – a landmark volume on the laws of deveining (הלכות ניקור), with special focus on the porging of the hind quarters – he received a warm letter of approbation from R. Jonathan Eibeschuetz.¹⁷ R. Jonathan wrote in part:¹⁸

ובקש להסכים על ידי להיותי בקי באומנות הזו ובקי בהן ובשמותן וראיתי
מה שכתב וגם דברתי עמו פנים אל פנים והלכתי עמו למטבחים וראיתי
כי אין בו שכולה.

He requested a letter of approbation from me, for I am expert in this profession, a master of all the [animal] parts and their names. I read what he wrote, conversed with him personally, and went with him to the abattoir and saw that he was flawless.

One of the other writers of a letter of approbation to the same volume, R. Zvi Hirsch Auerbach (d. 1788) of Worms, writes that when he saw the letter written by *אדוננו מורינו ורבינו* „

¹⁵ See *ספר מרדכי* to b.Hullin 89b, §659, ed. Vilna, 1886, p. 8.

¹⁶ R. Jacob Reischer, *שו"ת שבות יעקב*, Lvov, 1897, vol. 1, §57.

¹⁷ *צינה דוד*, Fuerth, 1750.

¹⁸ *Op. cit.*, immediately following the Introduction.

“there was no need for further investigation and he simply followed suit with an appropriate letter of recommendation.”

Whatever doubts anyone may have entertained about R. Jonathan's expertise as a porger were surely dispelled by R. Jonathan's account of a confrontation between him and an itinerant porger in Prague, published during R. Jonathan's lifetime in his *כרתי ופלתי* (Altona, 1763). The passage reads:¹⁹

והנה בזמני היה מנקר אחד אפילו בעל תורה ומומחה למאוד, ונשתבש בדעתו לומר על גיד אחר שהוא הגיד האמיתי, ועד היום הזה טעינו נחנו ואבותינו בגיד שאינו גיד שאסרה התורה, והיה הולך ושב בכל ארץ אשכנז ומרעיש הבריות עד שבא לפראג והציע דבריו לפני ולפני חכמי העיר הגאונים, ואני חקרתי ובדקתי את הדבר ומצאתי שזה הגיד אינו רק בבהמות זכרים ולא בבהמות נקבות, ואז הראתי לו סמ"ג²⁰ שכתב דג"ה נוהג בזכרים ונקבות, ועי"כ אשתקל מילוליה. ועכ"פ אין לסמוך בניקור כי אם על בקי וירא ה' מרבים,²¹ ומיום עמדי על דעתי שלמדתי הלכות ניקור להיות בקי בהן ובשמותיהן לא סמכתי על מנקר כי אם מה שהייתי מנקר בעצמי ויגיע כפי אכלתי.

In my day there was a porger, learned in Torah and quite expert. Nonetheless, he mistakenly proclaimed that a different sinew was the true *gid ha-nasheh*, and that to this very day we and our forefathers have erred, removing a sinew that in fact was not the one prohibited by the Torah! He travelled through all the German lands, creating an uproar, until he reached Prague – where he presented his argument before me and the great talmudic sages of the city. I investigated the matter and discovered that what he identified as the *gid [ha-nasheh]* was found only in male animals, not in female animals. I then showed him a passage from the Semag,²⁰ who

¹⁹ *כרתי ופלתי*, Altona, 1763, p. 62a-b.

²⁰ R. Moses of Coucy (13th century), *ספר מצות גדול*.

writes that the *gid ha-nasheh* needs to be removed from male and female animals. With that, his argument was silenced. The upshot is that with regard to deveining, one should rely only on an expert who is also a God-fearer of long standing.²¹ Indeed, from the day I matured intellectually and learned the laws of deveining, becoming expert in them and in the names of all their parts, I never relied on a porger. Rather, I ate only what I myself deveined and “the fruit of the labor of my hands did I eat.”

In brief, R. Jonathan Eibeschuetz was Chief Rabbi, דרשן, ראש ישיבה, and master porger.

4. R. Jacob Emden's Perspective

The distinguished Gaon, R. Jacob Emden (d. 1776), R. Jonathan's bitter adversary, readily admitted that R. Jonathan was a master porger. But what everyone else saw as virtue, was viewed by R. Jacob Emden as vice. In his *ויקם עדות ביעקב* (Altona, 1755-6), after issuing a call for the expulsion of R. Jonathan Eibeschuetz and his followers from the Jewish community, R. Jacob Emden writes:²²

בפרטות שחטאו והחטיאו וגרמו מכשול לזולתם, ביחוד באכילת בשר אחוריים שאמר להם שנקר אותו, ושלח ממנו מנות להאכילם עד אשר יצא מאפם, ולפי הנראה והנשמע הבשר הלז ששולח להם מלא חלב, ונתכוין להכשילם בודאי דווקא בחלבו של גיד הנשה (שהאחוריים יונקים ממנו)

²¹ See Neh. 7:2 and Rashi's comment *ad loc.*

²² *ויקם עדות ביעקב*, Altona, 1755-56, p. 48b.

כמו מעשה שב"ץ ימש"ו ג"כ,²³ כמו שהועד עליו מגדולי ישראל שחשב זה לתקון גדול.²⁴ (ונראה שטעמו על פי דרך שיטתו היה, לפי שחשב שכבר בא משיח ונתקן ירך יעקב, וידוע ג"כ מ"ש בס"ה לפי מה שארז"ל שס"ה גידין שבאדם הם כנגד שס"ה ימי השנה,²⁵ וט"ב כנגד גיד הנשה כי על כן אסור ט"ב באכילה, ונרמז בכתוב ע"כ לא יאכלו ב"י א"ת ר"ת תשעה אב, דהא בהא תליא, כל זמן שאין אוכלין בט"ב אין אוכלין גיד הנשה, וכשהותר ט"ב הותר גה"נ,²⁶ ומאחר שהתירו פרוצים לאכול בט"ב ממילא הותר להם גם גה"נ, אדרבה נחשב להם למצוה.) תפח רוחם ותדאיב נשמתם של רשעים הללו פורקי עול תורה ומצות, ונראה לעין שכל מי שאכל מזבח וטעם בשר אחוריים שלו נכנס בו הטעם כארס בכעוס,²⁷ היה לאחור ולא לפנים, ובזה פרש רשת לרגלם השיבם אחור.

This is particularly necessary because they sinned, and caused others to sin and stumble. This is especially the case regarding the hind quarters, which he [R. Jonathan] informed them that he had deveined. He sent them portions of it which he fed them with until it came out of their nostrils. According to what has been seen and heard, the meat he sends them is full of fat. Doubtless, he intended to cause them to stumble by having them consume the fat of the *gid ha-nasheh* (whose blood vessels nourish the hind quarters) just as Shabbetai Zevi did, may his name and memory be blotted out as well.²³ For great rabbinic scholars have testified concerning him [Shabbetai Zevi], that he considered this a great rectification.²⁴ (It would seem that his reason for this practice is consistent with his overall view. For he believes that the Messiah has come and the [wrenched

²³ On Shabbetai Zevi's ritual consumption of the forbidden fats, see Gershom S. Scholem, *Sabbatai Sevi*, Princeton, 1973, pp. 242-243, 387, and 459.

²⁴ See, e.g., the rabbinic testimony recorded in R. Joseph Praeger, *op. cit.* [above, note 10], vol. 1, fol. 29a-32a.

socket of the] thigh of Jacob has been rectified. Also well known is the passage in the Zohar relating to the talmudic saying that human beings have 365 veins which parallel the 365 days of the year.²⁵ The *gid ha-nasheh* parallels Tish'ah be-Av, which is why one is forbidden to eat on Tish'ah be-Av. This is alluded to in Scripture by the verse: *The Children of Israel do not eat 'et* [את], 'et [את] being the abbreviation of Tish'ah Av. The one is dependent upon the other. When one is not permitted to eat on Tish'ah be-Av, one may not eat the *gid ha-nasheh*. When it is permissible to eat on Tish'ah be-Av, it is also permissible to eat the *gid ha-nasheh*.²⁶ Since the flagrant violators have ruled that it is permissible to eat on Tish'ah be-Av, it follows that it is also permissible to eat the *gid ha-nasheh* – indeed, they consider it obligatory!) Regarding these wicked ones who cast off the yoke of the Torah and the commandments, may their spirits be extinguished and may their souls pine away. It is public knowledge, regarding anyone who ate from his meat and tasted the hind quarters [he deveined], that what he consumed entered his body like snake venom.²⁷ He then

²⁵ See ספר הזוהר to Gen. 32:33, ed. Margulies, Jerusalem, 1964, vol. 1, p. 170b. Cf. b.Makkot 23b. For R. Jonathan Eibeschutz' analysis of the Zohar passage, see יערות דבש, ed. Or ha-Sefer, Jerusalem, 1988, vol. 2, pp. 111-112.

²⁶ This, of course, is a Sabbatian interpretation of the Zohar passage: the Zohar does not state that when it is permissible to eat on Tish'ah be-Av, it is also permissible to eat the *gid ha-nasheh*. See, e.g., Leopold Loew, "Zur Geschichte der ungarischen Sabbathaer," in his *Gesammelte Schriften*. Szegedin, 1898, vol. 4, p. 446. Cf., however, the "traditional" sources cited in R. Pinhas Zelig Schwartz, גבעת פנחס, Brooklyn, 2004, pp. 135-137. On the Sabbatian annulment of the fast of Tish'ah be-Av, see Scholem, *op. cit.*, pp. 628 ff.

²⁷ Cf. b.Shabbat 62b.

fell over backwards, not forwards. Thus did he spread a net at their feet; he caused them to fall over backwards.

R. Jacob Emden repeated this accusation throughout his writings.²⁸ Here we have a striking example of the inherent relationship between alleged deviant ניקור and heresy. Interestingly, if R. Jonathan Eibeschuetz was a lifelong Sabbatian (as R. Jacob Emden claimed), R. Jonathan would have done better by remaining silent when challenged by the porger in Prague – or better yet – he should have supported his argument. Sabbatians wanted Jews to eat the forbidden fats and the true גיד הנשה. By refuting the porger's argument, R. Jonathan guaranteed that all Jews would continue to remove the true גיד הנשה and refrain from eating it.

5. The Perspective of the Haskalah

R. Ezekiel Feivel b. Zev Wolf (d. 1833) would serve with distinction as מגיד מישרים and מורה צדק of Vilna from 1811 until his death.²⁹ Prior to that, he served as מגיד מישרים and מורה צדק of Deretschin, a town northwest of Slonim, in what is today Belarus. While at Deretschin, in 1809, he published volume 2 of his תולדות אדם, a moralistic work in the form of a biography of R. Shlomo Zalman of Volozhin (d. 1788). R. Shlomo

²⁸ See, e.g., R. Jacob Emden, עקיצת עקרב, Altona, 1753, pp. 9b-10a; cf. his בית יהונתן הסופר, Altona, 1763, p. 11a-b. See also R. Joseph Praeger, *op. cit.* [above, note 10], vol. 3, fol. 57a-58b, §36.

²⁹ In general, מורה צדק was the title given to anyone appointed to serve as an official דיין of the Jewish community. The מגיד מישרים, often aside from serving as a דיין, was the official דרשן and מוכיח of the Jewish community. See, e.g., Hillel Noah Steinschneider, עיר ויילנא, Vilna, 1900, pp. 82 and 102.

Zalman, affectionately called R. Zelmele, was a younger brother of R. Hayyim of Volozhin (d. 1821) and a favorite disciple of the Gaon of Vilna (d. 1797). Ostensibly a biography of R. Shlomo Zalman, *תולדות אדם* was in fact a classic volume of Jewish thought that tells as much about R. Ezekiel Feivel as it does about R. Shlomo Zalman. Modern scholarly investigation has shown that R. Ezekiel Feivel appropriated passages from the writings of Azariah de Rossi (d. 1578), Moses Mendelssohn (d. 1786), Naftali Hertz Wessely (d. 1805), and others, often without proper attribution, and inserted them into his *תולדות אדם*.³⁰ For our purposes, it is important to note that the Maggid of Deretschin – and later of Vilna – felt quite comfortable reading, and appropriating passages from, works that played a formative role in establishing the agenda of the Maskilim in Berlin.³¹

At one point, R. Ezekiel Feivel gathers the evidence for rabbinic error. Rabbis too are mortals and are prone to err on occasion. The moral lesson for us, explains R. Ezekiel Feivel, is that no one should be overconfident. Rather, everyone should be open to criticism and correction. Among his samples of rabbinic error, R. Ezekiel Feivel adduces the *כרתי ופלתי* passage cited above, and then adds the following:³²

הנה נתנו לבנו לתור אחר מקור הדברים האלה בסמ"ג חלק ל"ת (סי' קל"ט)
אשר שם נתבאר דיני גיד הנשה,³³ בקשנו שם ולא מצאנו שום רמז וזכרון

³⁰ See Isaac Baer Levinsohn, *יזרעאל*, Warsaw, 1903, pp. 32-43. Cf. Shraga Abramson, "דפוסי מוסר השכל ותולדות אדם לר' יחזקאל פייוויל," *סיני* 72(1973), pp. 100-143.

³¹ See Immanuel Etkes, "לשאלת מבשרי ההשכלה במזרח אירופה," *תרביץ* 57(1987), pp. 102-104. Cf. Edward Breuer, "The Haskalah in Vilna: R. Yehezkel Feivel's *Toldot Adam*," *Torah U-Madda Journal* 7(1997), pp. 15-40.

³² *תולדות אדם*, Jerusalem, 1987, vol. 2, chapter 16, p. 237.

³³ See above, note 20.

דברים מזכרים ונקבות. יגענו לבקש ולחפש בסמ"ק, כי אמרנו אולי משגה וטעות סופר הוא סמ"ג במקום סמ"ק,³⁴ גם שם לא הונח לנו כי לא יזכר ולא יפקד שמה ענין זכרים ונקבות בדין זה. לא מנענו לבנו מלבקש בספרי הפוסקים עם יגיעה רבה וחפוש רב, אבל כאשר הלכנו כן באנו, יגענו ולא מצאנו לשון זה גיד הנשה נוהג בבהמות זכרים ובבהמות נקבות בשום פוסק. אבל האמת עד לעצמו כי אולי היתה כונת הגאון ז"ל על ספר המצות של החינוך שכתב בסדר וישלח בדיני גיד הנשה בלשון זה: ונוהגת מצוה זו בכל מקום ובכל זמן בזכרים ובנקבות.³⁵ ועלתה על מחשבתו שכונת החינוך הוא שמצוה זו נוהגת בבהמות זכרים ובבהמות נקבות. אולם שגיאה גדולה היא מאד, כי כונת החינוך הוא שמצוה זו נוהגת אצל אנשים ונשים דהיינו זכרים ונקבות בני אדם, ולא מחשבות הגאון מחשבותיו של החינוך לומר שדין זה נוהג בזכרים ונקבות בהמות, שהרי כמעט אצל כל מצות ל"ת כמו חמץ ושבת והרבה כמוהם כותב לשון זה, נוהגת מצוה זו בזכרים ונקבות.

ומעתה ישא כל אדם ק"ו בעצמו, אם תנינים כאלו בחכי השגיאות הועלו, מה יעשו דגי הרקק כמוני להנצל מהם,³⁶ לכן ראוי לחבב מאד מאמר החכם שאמר מקבל אני האמת ממי שאמרו, ובשוא קצתי.³⁷ והשם ינחני בנתיבות האמת והצדק כי באלה חפצתי.³⁸

We turned our attention toward locating the source of these words in the Semag (list of negative commandments, §139), where the laws of *gid ha-nasheh* are explicated.³³ We searched there but could find no reference to, or mention of, "males and females." We exerted ourselves and searched in the Semak, for we said: Perhaps this is a scribal error, "Semag" being printed in

³⁴ R. Isaac of Corbeil (13th century), ספר מצות קטן.

³⁵ ספר החינוך (13th century), ed. Chavel, Jerusalem, 1977, pp. 57-58.

³⁶ Cf. b.Moed Katan 25b.

³⁷ See Maimonides, [שמונה פרקים] הקדמה למסכת אבות (Introduction (ed. Kafah, Jerusalem, 1964, p. 247). משנה עם פירוש הרמב"ם: סדר נזיקין).

³⁸ Cf. Jer. 9:23.

place of “Semak.”³⁴ But there too no mention is made of “males and females” with regard to this law. We did not refrain from making extensive search in the books of the halakhic decisors. But we returned as we had left, empty-handed. Despite much effort, we searched in vain among the halakhic decisors for the phrase “the *gid ha-nasheh* needs to be removed from male and female animals.” But the truth testifies on its own behalf: the Gaon, perhaps, had in mind the book of commandments by the *Hinukh*. In the section *Va-Yishlah*, when discussing the laws of *gid ha-nasheh*, he writes: “This commandment applies in all places and all times for males and females.”³⁵ R. Jonathan thought that the *Hinukh* meant to say that this commandment is applied to male and female animals. But this is an egregious error, for the intention of the *Hinukh* is that this commandment applies to men and women, i.e., human beings. What the Gaon Jonathan understood – that this law is applied to male and female animals – is hardly what the *Hinukh* had in mind. For in virtually all the negative commandments, such as the prohibition against eating leavened bread on Passover, or doing work on the Sabbath, and many others like them, it was his practice to write: “This commandment applies to males and females.”

Therefore, let everyone apply to himself an *a fortiori* argument. If giant fish [in the sea], such as these, get caught up on the fish-hooks of error, what possible hope is there that ordinary fish in the pond, like me, will escape from them?³⁶ It is appropriate indeed to cherish the saying of the sage who said: “I accept the truth from whoever says it, and I detest falsehood.”³⁷ May the Lord lead me in the paths of truth and justice, “for in these I delight.”³⁸

R. Ezekiel Feivel's concern was with truth and humility. But by bringing the *כרחי ופלתי כרחי* passage to the attention of a broad readership, he fueled the fires of the Haskalah. A major objective of the Haskalah was the undermining of rabbinic authority. What better way to advance this cause than the publication of a list of egregious rabbinic errors made by the greatest of the rabbis? It was with great relish, one suspects, that the Maskilim announced that not only do rabbis err, they err profoundly.

One of the founding fathers of the Haskalah in Russia was Isaac Baer Levinsohn (d. 1860). In his writings, he adduces the *כרחי ופלתי* passage and refers the reader to R. Ezekiel Feivel's discussion. He concludes:³⁹

פליאה רבה באמת, שגדולי עולם כאלה יטעו בדברים כאלה שעוסקים בהם יומם ולילה, ויטעו בדבר שתינוק בר בי רב דחד יומא יודע.

It is truly astonishing that such world class rabbis could err in texts they study day and night. They erred in matters that even a child who studied one day in a yeshiva would know how to read correctly.

A lesser Maskil, Nehemiah Samuel Libowitz (d. 1939), emigrated to the United States in 1881 and published a collection of sharp-witted jokes and anecdotes, arranged as comments on the biblical books. At Gen. 32:33, he cites the *כרחי ופלתי* passage together with Levinsohn's comments, as cited above.⁴⁰

³⁹ *Op. cit.* (above, note 30), p. 79.

⁴⁰ *השמע יצחק*, New York, 1907, p. 30 (second, revised edition: New York, 1934, p. 43). R. Jonathan Eibeschuetz's "error" was duly noted by G. Klemperer, "Rabbi Jonathan Eibenschuetz," in W. Pascheles, ed., *Sippurim*, Prague, 1856, vol. 4, pp. 226-227; and by J.D. Eisenstein, ed., *אוצר ישראל*, New York, 1909, vol. 3, p. 272.

6. In Defense of R. Jonathan Eibeschuetz

Such mockery, of course, begged for rebuttal, and it wasn't long in coming. The attempts to defend R. Jonathan began with R. Moses Sofer (d. 1839) and continue to this very day.

Basically, the attempts to defend R. Jonathan fall under two categories:

1. no emendation required.
2. emendation required.

Under the category "no emendation required," we will present two samples (one from the 19th century and one from the 20th century) of the kinds of arguments that have been put forward.

A. No Emendation Required.

1. R. Moses Sofer:⁴¹

ספרו כאן הגיעני ואשר העירני עליו בשני דברים הנני להשיב. ראשון תחלה מ"ש בכרתי ס"י ס"ה שמנקר אחד הרעיש העולם שגיד הנשה הוא גיד אחר שאינו נמצא אלא בבהמות זכרים ולא נקבות, ולא מצאו חכמי פראג מענה עד שהגאון בעל פלתי הראה לו בסמ"ג שכתב מצות גיד הנשה נוהג בזכרים ונקבות, וא"כ ע"כ איננו אותו הגיד, ורבים תמהו על שגגה גדולה שיצאו [כך] מהשליטים, דסמ"ג מיירי שנוהג בזכרים ישראלים ונקבות כדרכו בכל המצות לכתוב כן, אבל מהגיד לא מיירי אם הוא הנמצא בזכרים ונקבות אי לא, וכיון שטעות נזרקה לפני הגאונים הנ"ל ודחה לזה

⁴¹ שו"ת חתם סופר, Pressburg, 1841, יורה דעה, §69 (ed. Jerusalem, 2000, vol. 1, p. 70). The responsum, dated 1830, was addressed to an otherwise unidentified "R. Abraham." (For the various rabbis named "R. Abraham" who received responsa from the חתם סופר, see M.A. Kinstlicher, אישים בתשובות חתם סופר, Bnei Braq, 1993, pp. 19-49.) In the first paragraph of the responsum, the חתם סופר presents a summary of R. Abraham's query.

בקנה, נמצא דבריו קיימים ואין לאכול אחוריים א"כ נקרו מהם שני הגידים.

ואני אומר דברי חכמים קיימים, דהרי יש לחקור כיון דקיי"ל בני ישראל ולא בנות ישראל,⁴² וע"כ לא פליגי ר' יהודה ור' יוסי אלא אי סומכות רשות או אסור לסמוך, אבל כ"ע מודים דדרשי בני ולא בנות, א"כ קשה ג"ה נמי אמאי לא נימא בני ישראל ולא בנות ישראל, ולא ינהוג איסור ג"ה בנקבות ישראל, ולכאורה יש ליישב דלא דרשינן כן אלא בקום ועשה אבל בל"ת השוה הכתוב אשה לאיש לכל עונשין שבתורה, אך הא מצינו גם בל"ת אמור אל הכהנים בני אהרן ולא בנות אהרן שמטמאים למתים,⁴³ הרי אפילו בל"ת ממעטינן נשים, וא"כ בג"ה נמי אמאי נוהג בזכרים ונקבות. וצ"ל שאני גבי כהנים דהסברא נוטה לחלק בין זכרים אפי' בעלי מומין ובין נקבות לענין קדושת כהונה, משא"כ בשארי ל"ת השוה אשה לאיש ולא דרשינן בני ולא בנות כצ"ל.

והשתא אס"ד דאותו הגיד שנשה ביעקב הוא גיד דלא נמצא בבע"ח נקבות א"כ שפיר היה סברא לחלק בין בני ישראל לבנות ישראל, ואיך כתב סמ"ג נוהג בזכרים ונקבות,⁴⁴ וכן במתני' ג"ה נוהג וכו', לא קאמר ואינו נוהג בנקבות, אע"כ הגיד הוא נמצא בין בזכרים ובין בנקבות וע"כ נוהג איסורו ג"כ בכל, ודברי חכמים קיימים.

I received your volume, and I hereby respond to the two matters that you called to my attention. First, regarding the passage in the *Kereti* at the end of [*Shulhan 'Arukh: Yoreh De'ah*,] §65 concerning a porger who "shook up the world" by claiming that the *gid ha-nasheh* is not the accepted one, but rather a sinew that is found only in male – and not female – animals. The sages of Prague

⁴² Cf. b.Hagigah 16b.

⁴³ Cf. b.Kiddushin 35b.

⁴⁴ The סופר seems to have been unaware of the fact that the Semag passage is imaginary. It is possible that he simply repeated the "facts" as they were presented by the questioner.

were unable to defend their position until the Gaon, author of the *Peleti*, showed him the Semag, who writes that the commandment pertaining to the *gid ha-nasheh* applies to males and females. It followed, then, that the *gid ha-nasheh* could not be identified with the sinew [put forward by the porger]. Many have expressed amazement at this major blunder that has emanated from the masters, for the Semag meant to say that the commandment of *gid ha-nasheh* applies to Jewish males and females, as it is his practice to write regarding all the commandments. He was not discussing whether or not the sinew is found in male and female animals. Now since the gaonim [in Prague] were confronted by an erroneous identification [of the *gid ha-nasheh*], and they were able to reject it only with a specious argument, the porger's claim stands. Should it not follow that one may not consume the hind quarters unless both sinews [i.e., the traditional *gid ha-nasheh* and the one identified by the porger] are removed?

I say: the words of the sages stand vindicated. We rule: the *sons of Israel* (Lev. 1:2), and not the daughters of Israel.⁴² It follows that R. Judah and R. Jose disagree only regarding whether the laying of hands by women is optional or prohibited. But all agree that the biblical verse obligates men and not women [to lay hands on the animal]. If so, regarding the *gid ha-nasheh* as well, why don't we read: the *sons of Israel* (Gen. 32:33), and not the daughters of Israel, so that the prohibition against consuming the *gid ha-nasheh* would not apply to women? In theory, it is possible to reply that such an exclusionary reading of the verse only applies to positive commandments. Regarding the negative commandments, Scripture has made women and men equal [in obligation and] in punishment. But we find even regarding the negative commandments: *Speak to the priests, the sons of Aaron [and*

say to them: None shall defile himself for any dead person among his kin] (Lev. 21:1), and not the daughters of Aaron. They may defile themselves for the dead!⁴³ Thus, even regarding the negative commandments, women are [sometimes] excluded. If so, why in the case of the *gid ha-nasheh* does the prohibition apply to males and females? One must say that the case of priests is different. Reason suggests that we differentiate between males (even blemished ones) and females regarding the sanctity of the priesthood. Not so regarding all the other negative commandments, where Scripture has made women and men equal, and we do not expound the verse in an exclusionary manner, “sons” and not “daughters.”

It follows, then, that if one assumes that the sinew that was wrenched from Jacob's thigh is not found in female animals, there would be reason to differentiate between male and female Jews [with regard to the prohibition itself]. If so, how could the Semag write that the prohibition applies equally to male and female [Jews]?⁴⁴ So too the Mishnah in Hullin [7:1] does not state that women are excluded from the prohibition. It can only be because the sinew is found in male and female animals. Therefore the prohibition also applies to all [male and female Jews]. Thus, the words of the sages stand vindicated.

2. R. Yehudah Nahshoni:⁴⁵

כשהופיע ספר כרתי ופלתי היכה דבר זה בתדהמה את כל יודעי תורה. הרי הכוונה במלים “נוהג בין בזכרים ובין בנקבות” הוא לחיובא דאדם, שכולם

⁴⁵ הגות בפרשיות התורה 137, Bnei Braq, 1989, vol. 1, p. 137.

צריכים לקיים איסור זה, בין אנשים ובין נשים. אבל אינו מוסב על הבהמות.

קושיא זו מעסיקה את האחרונים. החתם סופר יור"ד סימן ס"ט מנסה ליישב בדרך פלפול. אין כעת בידי כרתי ופלתי לעיון. אך יתכן שרבי ר' יהונתן רצה רק להוקיע בורותו של המנקר, והוא שם לו מלכודת בדברי סמ"ג אלה.⁴⁶

When the book *Kereti u-Peleti* appeared in print, this passage shocked all those knowledgeable in Torah. For the words "it applies to males and females" refer to human obligation: all must heed this prohibition, whether men or women. It does not refer to animals.

The later authorities have occupied themselves with this problem. The Hatam Sofer, *Yoreh De'ah*, §69, attempted to solve this problem by means of a *pilpul*. I do not presently have a copy of the *Kereti u-Peleti* at hand to examine. But it seems possible that the "Rebbe" R. Jonathan simply wanted to expose the ignorance of the porger. He therefore set a trap for him with these words of the Semag.⁴⁶

One can only admire the חתם סופר for his ingenious defense of a beleaguered rabbinic colleague. This is all the more admirable, given his obvious bias in favor of R. Jacob Emden, and his cohort, R. Jacob Joshua Falk (d. 1756), the two leading opponents of R. Jonathan Eibeschuetz in the Emden-Eibeschuetz

⁴⁶ Nahshoni, following the summary of the account as it appeared in the חתם סופר, assumed – at this point in his discussion – that the Semag passage was real rather than imaginary.

controversy.⁴⁷ Nonetheless, while his intentions were surely admirable, few were persuaded by his argument. In 1852, R. Solomon Kluger (d. 1869) of Brody published a responsum. He was asked specifically what he thought about the סופר's defense of R. Jonathan. He replied in part:⁴⁸

אין לפרש דברי אחרון בדרך פלפול ארוך, דאין דרך אחרון לדבר ברמיזה . . . ומ"ש הח"ס בישובו חוץ ממה דהוי דרך פטומי מילי ופלפול, מלבד זה הוא תמיה . . . ותמה אם יצאו דברים אלו מפיו הקדוש.

One should not interpret the words of a later authority by means of a lengthy *pilpul*, for it is not the practice of the later authorities to speak in riddles. . . The Hatam Sofer's defense, aside from its verbosity and *pilpul*, is perplexing on the following grounds as well . . . I wonder if these words really emanated from his holy lips!

R. Solomon Kluger could not account for R. Jonathan's response to the porger (despite a brilliant, later attempt to do so – in the same 1852 responsum –, but after further reflection he was forced to reverse himself). Instead, he adduced new evidence that R. Jonathan was right about the fact that the גיד הנשה needed to be removed from both male and female

⁴⁷ On the סופר's attitude toward the rabbis mentioned, see R. Abraham Judah Schwartz, *דרך הנשר*, Satumare, 1928, p. 59. On R. Jacob Joshua Falk's role in the controversy, see S.Z. Leiman, "When a Rabbi is Accused of Heresy: The Stance of Rabbi Jacob Joshua Falk in the Emden-Eibeschuetz Controversy," to appear in the Ohio State University Conference Volume on: *Rabbinic Culture and its Critics: Jews, Heretics, Apostates, and Others in Medieval and Early Modern Times* (in press).

⁴⁸ שו"ת טוב טעם ודעת, Lemberg, 1852, vol. 1, §100.

animals. In this respect, R. Solomon Kluger initiated a series of responsa by other rabbis, all of whom found additional evidence for the same fact.⁴⁹ None of them, however, succeeded in clarifying R. Jonathan's enigmatic exchange with the porger.

R. Yehudah Nahshoni's solution cannot be taken seriously. By R. Jonathan's own admission the porger was not an ignoramus. He was "learned in Torah and quite expert." Thus, there was neither need for, nor the possibility of, exposing his ignorance. Nahshoni assumed – at this point in his argument – that the *סמ"ג* passage existed.⁵⁰ But since there was no such passage in the *סמ"ג*, why did R. Jonathan refer to the passage as coming from the *סמ"ג*? And if this was an error for the *חינוך* (as suggested above by R. Ezekiel Feivel), how is it that the porger (and apparently all the others present at the confrontation) failed to point out that the passage referred to persons, not animals, and therefore proved nothing? After all, R. Jonathan showed him the very text! The confrontation described in the *כרתי ופלתי* was hardly a case of sleight of hand.

We move to the second category of defense: "emendation required."

⁴⁹ See, e.g., R. Judah Aszod, *שו"ת יהודה יעלה*, Lemberg, 1873, §102; R. Isaac Aaron Ettinger, *שו"ת מהרי"א הלוי*, Lemberg, 1893, §36; R. Joseph Zundel Hutner, *חדרי דעה*, Warsaw, 1903, חלק ט"ח; R. Eliezer Mischel, *משנת אליעזר מהדורא תנינא*, [lacks place of publication], 1924, חלק משנת חכמים, pp. 32-32; R. Moses Greenwald, *שו"ת ערוגת*, Szilagysomlyo, 1926, יורה דעה, §64:4; R. Pinhas Zelig Schwartz, *גבעת פנחס*, Kisvarda, 1927, pp. 32-33 [ed. Brooklyn, 2004, pp. 131-132]; R. Yissakhar Dov Babad, *אוצר י"ד החיים*, Lemberg, 1934, §34; R. Saul Malin, *תורת הנקור השלם*, Bialystok, 1936, p. 87; and the sources listed in David Leib Zinz, *op. cit.* [above, note 3], vol. 2, p. 233; in R. Yissakhar Dov Goldstein, *ליקוטי הערות על שו"ת חתם סופר*, Jerusalem, 1976, יורה דעה, vol. 1, pp. 118-119; and in R. Joseph Pachanovski, *פרדס יוסף השלם*, Bnei Braq, 1993, vol. 2, pp. 614-615.

⁵⁰ Later in his discussion, Nahshoni became aware of the fact that the Semag passage is imaginary.

B. Emendation Required.

In 1875, R. Abraham Simon Traub (d. 1876), Chief Rabbi of Kaidan in Lithuania, published a new edition of הלכות גדולות, a 9th century halakhic code which includes a section on הלכות טריפות. In it, there is an Aramaic passage that seems to imply that the גיד הנשה was removed from male and female animals.⁵¹ Rabbi Traub noted this, and immediately suggested that this was the very passage cited by the כרתי ופלתי. A slight emendation solves our problem; all we need to do is read סה"ג (= ספר הלכות גדולות) in place of סמ"ג.⁵²

In 1908, the issue was revisited by R. Hayyim Dov Gross (d. 1938), Chief Rabbi of Petriava in Marmarosh. He noticed that a Hebrew version of the הלכות גדולות passage was incorporated into R. Jacob b. Asher's (d. 1340) ארבעה טורים under the title סדר הניקור.⁵³ He surmised that the כרתי ופלתי was, in fact, referring to the סדר הניקור as it appeared in the ארבעה טורים, and that is what he showed the porger. Rabbi Gross suggested that in the manuscript of the כרתי ופלתי R. Jonathan Eibeschutz had written ס"ה (= סדר הניקור), which was misprinted as סמ"ג.⁵⁴

⁵¹ R. Abraham Simon Traub, ed., ספר הלכות גדולות, Warsaw, 1875, p. 257. In the context of a description of the deveining process in the general area of the גיד הנשה, the passage reads (in part): מזירקי דעטמא כמה הוו, חד דאתי מן רישא דנרגא ודביק בדכר ונוקבתא בכפא דעטמא . . . ומשריה לנרגא ומשקליה לדכר ונוקבא.

⁵² Traub, *op. cit.*, p. 296. For the הלכות גדולות passage in question, see now Ezriel Hildesheimer, ed., ספר הלכות גדולות, Jerusalem, 1987, vol. 3, pp. 155-157. Cf. *ibid.*, pp. 226-232.

⁵³ The passage in the ארבעה טורים (cf. below, note 58) reads (in part): ופוסק הירך האחד ומפרק בסכין במקום שיש הזכרות בעצם שבו גיד הנשה, וחותר הזכרות והנקבות ומשליכו, והבשר שבצדדין מנקרו יפה מכל מיני חוטים וחלב שבו, ומן אותה חנותא שקוריין ינדול"א, ומן גיד הנשה ששם בעצם האמצעי.

⁵⁴ R. Hayyim Dov Gross, "קונטרס חיי יהונתן," printed in the appendix to R. Leopold Greenwald, בית יהונתן, Marmarossziget, 1908, pp. 9b-10a.

In 1930, the matter was apparently laid to rest by R. Solomon Michael Neches (d. 1957), who at the time served as a rabbi in Los Angeles, California. Neches announced that he had in his possession a copy of the first printed edition of *כרתי ופלתי* (Altona, 1763). It contained several corrections and marginal notes in the author's own hand. At our passage, the author crossed out the word *סמ"ג* and wrote in its place: *סה"נ*. The evidence adduced by Neches seemed to prove that, for the most part, R. Hayyim Dov Gross had been right on target. An emendation was called for by our enigmatic text. What R. Jonathan Eibeschuetz really had in mind was the *סדר הניקור*, presumably to be identified with the *סדר הניקור* of the *ארבעה טורים*.⁵⁵

Nonetheless, the matter is hardly settled. The first of the suggested emendations, *סה"ג* (= *ספר הלכות גדולות*), refers to an Aramaic passage on *ניקור* in *ספר הלכות גדולות*. The passage bears no title, neither *סדר הניקור* nor *סדר הלכות נקור*. It seems unlikely that R. Jonathan Eibeschuetz would cite and refer to the passage as *סה"נ*.⁵⁶ A revised version of the *הלכות גדולות* passage – in Hebrew – was included in R. Isaac b. Abba Mari's (d. 1193) *ספר העיטור*.⁵⁷ There it is referred to as: *יסוד הניקור*. From

⁵⁵ R. Solomon Michael Neches, "והצדיקו את הצדיק," *שערי ציון* 10(1930), n. 1-4, pp. 59-60. The Neches essay also appeared under the title "מצוה לפרסם" in *הפרדס* 4:1(1930), pp. 18-19.

⁵⁶ Indeed, R. Eliezer Waldenberg, *שו"ת ציץ אליעזר*, Jerusalem, 1965, vol. 8, §25:1, who for a variety of reasons preferred the first of the suggested emendations, *סה"ג* (= *ספר הלכות גדולות*), suggested that Neches erred in his reading of R. Jonathan Eibeschuetz' handwritten correction. R. Jonathan had written *סה"ג*, which Neches misread as *סה"נ*. For evidence that argues against such a misreading by Neches, see below, note 62.

⁵⁷ Ed. Warsaw-Vilna, 1874-5, vol. 2, p. 15-16. It resurfaced in later *ראשונים*, e.g., R. Aaron of Lunel (late 13th-early 14th century), *ארחות חיים*, הלכות איסורי מאכלות, §93, ed. M. Schlesinger, Berlin, 1899, pp. 345-347.

the *ספר העיטור*, the passage was incorporated into the *ארבעה טורים*.⁵⁸ There it is entitled for the first time: *סדר הניקור*. But in none of the above passages is it stated unequivocally that the *גיד הנשה* is removed from male and female animals. At best, there is an ambiguous reference to the removal of the male and female organs during the deveining process. Nor is it apparent that this has anything to do with the *גיד הנשה*. Indeed, several halakhic authorities have concluded that the passages in question are speaking about interlocking “male” and “female” membranes or muscle parts of bulls, not cows.⁵⁹ Accordingly, the passages prove nothing about whether the *גיד הנשה* is removed from male and female animals. It seems highly unlikely that the porger – or anyone else present – would have been persuaded by such a tenuous argument.

Another possibility is suggestive. In Cracow, 1577, a rare treatise on *הלכות ניקור* was published as an appendix to a work entitled *בדיקות* (by R. Jacob Weil, d. before 1456).⁶⁰ The

A shorter version of the Hebrew passage included in the *עיטור*, ascribed to Rashi, circulated widely in the medieval period. Entitled “דין ניקור הבשר לרשׁי וצׁל,” it was often appended to editions of R. Jacob Weil’s *בדיקות* (e.g., Mantua, 1571). One of the 16th century editions was photomechanically reproduced, provided with an imaginary title – *סדר הניקור לרשׁי* – and included in *קובץ ספרי פסקים קדמונים*, Jerusalem, 1982.

⁵⁸ *טור יורה דעה*, §65 (ed. Jerusalem, 2000, *יורה דעה*, vol. 2, pp. 41-45).

⁵⁹ See, e.g., R. Solomon Freidus’s note in R. Abraham Joel Abelson, ed., *כנסת חכמי ישראל*, Odessa, 1896, p. 100, §118, note 91; R. Sholom Mordechai Schwadron, *גילוי דעת על יורה דעה*, Satumarc, 1910, §65:7; R. Menahem M. Kasher, *תורה שלמה*, New York, 1952, vol. 5, p. 1298, n. 169; and the sources cited above, note 49.

⁶⁰ *בדיקות*, Cracow, 1577. The title page is reproduced in R. Avraham Zvi Grohman and R. Yisrael Meir Weintraub, eds., *מסורת הניקור*, London, 1986, introductory pages, p. 5. Two sample pages are reproduced as well (toward the end of the introductory pages). More importantly, the treatise itself was reprinted (in newly set type) on pp. 7-32 of the introductory pages, with the title page, introduction, and

author, R. Zvi Bochner (d. 1502), was the head pouter of Cracow and a close associate of R. Moses Isserles (d. 1572).⁹¹ Essentially, he reprinted the סדר הניקור of the ספר העיטור, together with his own critical comments. On the title page of the volume, one reads (in part): הלכות ניקור מבצל העיטור; and on the opening page of the treatise on הלכות ניקור, one reads: סדר הניקור עם בעל העיטור. Each page that follows has a heading that reads: הלכות ניקור. At the laws of הנשח, Bochner writes:⁹²

original letter of recommendation (in newly set type) appearing separately on pp. 11-13 of the book itself. See also the photomechanical reproduction of the treatise in R. Shalom Vehudah Gross, ed., ספרי ניקור המובחנים, קרוין בל ספרי ניקור המובחנים, Brooklyn, 1985, vol. 1, book 2. Gross alleges (on the imaginary title page he created expressly for the reproduction) that he reproduced the Cracow, 1580 edition of the treatise. In fact, he reproduced the Cracow, 1577 edition.

⁹¹ On the author, see R. Joseph Mendelai Dubewick, "סקרי טריטור", בפסח מהר"ץ שו"ב זק"ק קראקא 14 (2001), pp. 71-78.

⁹² We stress these details because they may shed light on another aspect of the enigmatic passage in the סדר הניקור. Based on Neches, we know that R. Jonathan Eibeschwetz corrected the printed edition to read סה"ג instead of סמ"ג. It has generally been assumed that the reference was to the סדר הניקור of the סמ"ג. But Neches was careful to place in quotation marks the entire correction in R. Jonathan's hand, which reads: "סמ"ג והוא סה"ג סדר הלכות ניקור." The last five words are not presented as Neches' decipherment of סה"ג, but rather as the very words recorded by R. Jonathan Eibeschwetz in his correction. But the treatise with the title סדר הלכות ניקור is recorded in all of Jewish literature! The confluence of titles, however, in the 1577 volume — הלכות ניקור on the title page and סדר הניקור at the start of the treatise itself — may well account for R. Jonathan Eibeschwetz' reference to an otherwise unattested סדר הלכות ניקור.

⁹³ מפורט הניקור, introductory pages, p. 28. In Gross' photomechanical reproduction of Bochner's treatise (see above, note 90), it appears on p. 56.

חתיכת בשר והוא הכף שקורין גיד הנשה או היד צריך להקליף למעלה . . . ודוקא בפרה צריך לקלוף משום שיונק מן הכחלא ולכך אסור משום בשר וחלב. ולפי זה לא היה צריך בשור כי בשור אין שייך טעם זה, אבל אנו נוהגין להקליף גם בשור . . . ואחר קליפתו תחפוש ביד אחר ו' גידים האסורים משום גיד הנשה.

The cut of meat called "the *kaf*" which is also called "the *gid ha-nasheh*" or "the *yad*" needs to be scraped off with a knife at the top . . . This is true only regarding cows, for it draws sustenance from the udder. It is therefore forbidden because of the prohibition of mixing meat and milk. It follows, then, that this should not be necessary regarding bulls, for this reason does not apply to bulls. But our practice is to scrape off for bulls as well . . . After the scraping off, one searches with the hand for 6 veins prohibited under the rubric of *gid ha-nasheh*.

Here, the cut of meat containing the *gid ha-nasheh* is clearly linked to male and female animals, the implication being that the *gid ha-nasheh* needs to be removed from both male and female animals. By citing this passage, or a later derivative of it,⁶⁴ R. Jonathan Eibeschutz effectively silenced his opponent, who literally had nothing more to say.

⁶⁴ Later ניקור manuals came under the influence of R. Zvi Bochner's 1577 treatise on הלכות ניקור and its later printings. Thus, e.g., R. Aaron Perles, טהרת אהרן, Offenbach, 1722, states on its title page that it presents:

סדר הניקור מכל אבר ואבר ע"פ סדר שסידר הרב הגאון מופת הדור בעל העיטור וסביביו קדש יאמרו לו הם ליקוטי פוסקים ומנהגים בקבלת רבותיי מנקרים מפורסמים.

On pp. 15b-16a, the author writes:

גיד הנשה הוא הכף או היד ונקרא גיד הנשה דרך כלל כנ"ל ובדרך פרט יש לו עוד ב' שמות דהיינו מפני שאותו גיד הנשה מחובר בו הכיס ונקרא (בל"א הויך פאליק), ובפרה נקרא כחל (ובל"א אייטר) זהו שם אחד, ועוד יש חתיכות בשר שתחת (ההויך פאליק) או תחת הכחל שקורין (בל"א ברעטיל) זה שם הב', נמצא שלשה שמות לחתיכות בשר גיד הנשה.

7. Conclusion

In sum, there was nothing in the confrontation with the porger that reflected poorly on R. Jonathan Eibeschuetz. Nothing said or done by R. Jonathan smacked of heresy. Nor did R. Jonathan – a rabbinical figure of mythic proportions – commit an egregious error that called for celebration by the Haskalah. The confrontation was entirely a halakhic one, indeed “a mountain suspended from a hair, with little support from Scripture, yet many laws.”⁶⁵

The parallels to the passage cited from R. Zvi Bochtner are obvious. Moreover, the Perles passage – identified as coming from a סדר הניקור – surely would have sufficed to silence the porger. The Perles treatise was reissued in Prague, 1731. Whether or not it was the very treatise shown by R. Jonathan to the porger in Prague depends in part on when the confrontation took place. The *terminus a quo* is 1710, when R. Jonathan first came to Prague; the *terminus ad quem* is 1742, when R. Jonathan assumed the Chief Rabbinate of Metz – and never returned to Prague. Thus, the confrontation took place sometime between 1710 and 1742. If it took place in 1722 or later, R. Jonathan could well have adduced a copy of Perles’ book in order to silence the porger.

⁶⁵I am deeply grateful to Professor Richard C. Steiner for his careful reading of an earlier draft of this study. His sound advice is the cause that there is wisdom in others. As usual, the members of the library staff at the Mendel Gottesman Library of Yeshiva University extended courtesies even beyond the call of duty: יישר כחם וחילם.