

The Weekly Daf



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Chullin 96-102

Week of 14-20 Kislev 5757 / 25 November-1 December 1996
Rav Weinbach's insights, explanations and comments for the 7 pages of Talmud
studied in the course of the worldwide Daf Yomi cycle

When Did It All Begin?

When Yaakov Avinu suffered thigh injury in his struggle with the Angel of Eisav, the Torah tells us: "The Children of Israel will therefore not eat the *gid hanasheh* — the sinew of the vein — to this very day for he impaired the thigh of Yaakov..." (Bereishis 32:33)

When did the Children of Israel begin observing this mitzva?

Rabbi Yehuda contends that it was in effect from Yaakov's time, because it is mentioned in the Torah at that point of history. The majority view of the Sages, however, is that the mitzva was commanded at Sinai along with all the other mitzvos, and Moshe was merely instructed to write it in that part of the Torah to explain its historical significance.

Rambam (*Hilchos Melachim* 9:1) writes that Yaakov observed the mitzva of *gid hanasheh*. Since this seems to be in conflict with the accepted majority opinion the commentaries explain that Rambam is careful to note that Yaakov voluntarily practiced this mitzva, but that it became obligatory only at Sinai.

The practical ramification of the two aforementioned opinions as to when the mitzva was commanded is whether the ban on *gid hanasheh* applies to non-kosher animals as well as to kosher ones. According to Rabbi Yehuda it also applies to non-kosher ones, because if it came into effect in the days of Yaakov, all animals were permissible to eat at that time, so the prohibition would apply equally to all of them. If, however, the mitzva began only at Sinai, it was limited to those animals whose flesh is kosher.

An interesting sidelight is the question of the *gid hanasheh* of a human. Whether this will be forbidden by Torah Law will depend on whether the ban on human flesh is of Torah origin (Rambam) or only of rabbinic origin (Rashba).

Chullin 100b

The Yom Kippur That Wasn't

A cryptic message was received by the Sages in Babylon from Rabbi Yitzchak in *Eretz Yisrael*. He quoted Rabbi Yochanan's ruling in a situation when Yom Kippur was on Shabbos and someone did some form of work forbidden on those holy days. If he was aware that it was Yom Kippur but unaware that it was Shabbos, he is obligated to bring the *chatass* sin offering, which the Torah provided as an atonement for an unintentional sin. But, if he was aware that it was Shabbos but unaware that it was Yom Kippur, he will not be required to bring any sacrifice at all. (There is no sacrifice for intentional sin.)

After an effort by the Sage Abaye to explain why it is possible for the Shabbos ban to be in effect when that day coincides with Yom Kippur but not so for the Yom Kippur ban which is blocked from taking effect by the Shabbos one, the Sage Rava presents this fascinating explanation of Rabbi Yitzchak's message:

A decree by an oppressive government had prevented Jews from observing Yom Kippur that year. In order to avoid the danger of Jews forgetting about the existence of Yom Kippur, the Sages decreed that the following Shabbos would be observed as Yom Kippur as well. Their oppressors would not be aware of their action because Jews never worked on Shabbos in any case. Rabbi Yochanan's ruling related to work done on that day, and limited the possibility of a sacrifice to an unintentional violation of Shabbos — which that day was in reality — but ruled out any sacrifice for unintentional violation of Yom Kippur since that day was not Yom Kippur in reality.

But why would we have ever assumed that there could be a need for a sacrifice for a Yom Kippur sin on a day which was not really Yom Kippur?

The Torah delegated to the Sages the absolute power to determine the dates of all holidays, including Yom Kippur, based on when they declared the beginning of the month, and even if they made an error in their calculations or were duped by false witnesses, their determination is binding. There is even a case in *Mesechta* Rosh Hashana (21a) of Yom Kippur being on a different date in *Eretz Yisrael* and in Babylon because of this subjective authority. Rabbi Yochanan ruled, however, that this is not relevant to our case because Yom Kippur had already been designated on another day and could not be shifted in reality to Shabbos.

Chullin 101b

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