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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

MISHNAH: Every kind of meat is forbidden to be cooked in milk,¹ except the meat of fish and of locusts; and it is also forbidden to place upon the table [meat] with cheese,² except the meat of fish and of locusts.

If a person vowed to abstain from meat, he may partake of the meat of fish and of locusts.³

GEMARA. It follows [from our Mishnah] that the meat of fowls is prohibited by Biblical law;⁴ now in accordance with whose view would this be? It surely is not in accordance with Rabbi Akiva's view, for Rabbi Akiva maintains that the meat of wild animals and of fowls is not prohibited by Biblical law. Consider now the final clause: If a person vowed to abstain from meat, he may partake of the meat of fish and of locusts. It follows

however that he is forbidden the meat of fowl, which is in accordance with Rabbi Akiva's view, namely, that any variation concerning which the agent would ask for special instructions is deemed to be of the same species.⁵ For we have learned: If a person vowed to abstain from vegetables, he is permitted gourds; Rabbi Akiva forbids them. They said to Rabbi Akiva: Is it not a fact that when a man says to his agent, “Bring me vegetables,” the other might [come back and] say, “I can only obtain gourds”?⁶ He replied: Exactly so; for he surely would not come back and say, “I can only obtain legumes.”⁷ This proves that gourds are included among vegetables and legumes are not included among vegetables. [Must it then be that] the first clause of our Mishnah is in accordance with the view of the Rabbis,

¹ Including even the flesh of fowls and of wild animals. The prohibition of ‘flesh cooked in milk’ relating to the cooking, or to the eating, or to the enjoyment of any benefit from it, is derived from the thrice-repeated Biblical prohibition: You shall not cook a kid in its mother's milk.

² This is a Rabbinic measure as a precaution against eating the two together.

³ For the usual connotation of ‘meat’, as used in ordinary speech, includes all kinds of meat except that of fish and of locusts. The interpretation of expressions used in vows is always in accordance with the general use of the ordinary man.

⁴ It is assumed for the present that the prohibition in the first clause of our Mishnah — which includes fowl — is Biblical, otherwise the precautionary measure imposed in the second clause would not be applied to fowls.

⁵ Anything which is not quite the same as the original thing requested but about which an agent would consider it proper to

consult his principal is regarded as of the same species as the original thing requested; for were it not so, the agent would reject it immediately without even consulting his principal. In the case of our Mishnah, if a person were to send another to buy meat, the latter, if unable to obtain meat of cattle, would certainly return and ask his principle whether or not he may buy fowl. Hence fowl is included in the term ‘meat’.

⁶ Thus proving that gourds are not vegetables since the agent considers it necessary to obtain special authority to buy them.

⁷ Since it is common knowledge that legumes are not included among vegetables, an agent sent to buy vegetables and not being able to obtain any would certainly not return to his principle and say, “I can only obtain legumes.” He might as well reply, “I could only obtain fish or cheese.” Most probably and rightly he would say, “I could not obtain any vegetables.” The fact that he replies, ‘I could only obtain gourds’, proves, according to R. Akiva, that they are included among vegetables.

and the second clause is in accordance with Rabbi Akiva's view?

Rav Yosef said: The author [of our Mishnah] is Rebbe who incorporated the views of various Tannaim: with regard to vows he adopted the view of Rabbi Akiva, and with regard to meat [cooked] in milk he adopted the view of the Rabbis.

Rav Ashi said: The whole of our Mishnah is in accordance with Rabbi Akiva's view, for this is what it means: Every kind of meat is forbidden to be cooked in milk: some⁸ being forbidden by Biblical law and others⁹ by the enactment of the Scribes, 'except the meat of fish and of locusts,' which are neither prohibited by Biblical law nor by the enactment of the Scribes.

The Mishna had stated: And it is also forbidden to place etc. Rav Yosef said: You can infer from this that the meat of fowl [cooked] in milk is prohibited by Biblical law, for were it only [prohibited by the enactment] of the Rabbis, seeing that the actual eating of it is [prohibited only as] a precautionary measure, would we forbid the placing [of them together upon the table] as a safeguard

⁸ The meat of cattle.

⁹ The meat of wild animals and of fowls.

¹⁰ This would be imposing a precautionary measure (sc. restriction of placing them together on the table) upon a precautionary measure (sc. the restriction of eating fowl cooked in milk) which is not done.

¹¹ Of the first of your dough you shall offer up a cake for a heave-offering. This law only applied to Eretz Yisroel, i.e., to dough made from produce grown in Eretz Yisroel, but the Rabbis ordained that it be observed outside Eretz Yisroel, i.e., in respect of dough made from produce grown outside Eretz Yisroel, as a precautionary measure safeguarding the dough-offering of Eretz Yisroel produce. If, therefore, a non-Kohen ate the challah offered from produce grown outside Eretz Yisroel he has transgressed a Rabbinic enactment.

against eating it?¹⁰ And from where do you derive the rule that we do not impose a precautionary measure upon a precautionary measure? — From the following [Mishnah] which we have learned: Challah¹¹ [of produce grown] outside Eretz Yisroel may be eaten [by a Kohen] in company with a non-Kohen at the table,¹² and may be given to any Kohen one likes.¹³

Abaye said to him: I grant you, if we were told that the challah [of produce grown] outside Eretz Yisroel [may be eaten] in Eretz Yisroel [in company with a non-Kohen at the table], in which case there would be good cause to enact a precautionary measure on account of the challah [of produce grown] in Eretz Yisroel which is ordained by the Torah, and yet we do not take this precaution, that the inference can be made. But outside Eretz Yisroel [it is allowed] surely because there is no reason to take any precautionary measure.¹⁴ In the case [of our Mishnah], however, if you permit one to place [upon the table] fowl and cheese, one might even place [upon the table] meat and cheese, and so come to eat meat with milk which is prohibited by the Biblical law.¹⁵

¹² And we are not concerned that the non-Kohen will eat of it. To prohibit this would be to impose a precautionary measure upon a precautionary measure.

¹³ Even to a Kohen an 'am ha-aretz i.e., one who does not observe the strict rules of tumah and taharah. With regard to the challah taken from produce grown in Eretz Yisroel this was not allowed, for only those Kohanim who upheld the laws of the Torah were entitled to receive the Kohanic gifts.

¹⁴ For outside Eretz Yisroel there cannot possibly occur any infringement of the law of challah.

¹⁵ There is virtually but one precautionary measure here, namely, the placing of fowl and cheese on the table is declared forbidden as a safeguard against the placing of meat and cheese on the table, for the placing of the two together on the table will almost certainly lead to the eating of it, thus involving the transgression of a Biblical prohibition.



Rav Sheishes demurred saying: Yet after all¹⁶ it is but cold [food] with cold [food]!

Abaye answered: It is prohibited lest it be placed upon the table in a boiling pot.

The Gemara asks: But even In that case it is only in a 'second vessel'¹⁷ and a second vessel cannot bring anything to the boil!

The Gemara answers: It is only prohibited lest it be placed upon the table in the 'first vessel'.

MISHNAH: A fowl may be placed upon the table together with cheese but may not be eaten with it; these are the words of Beis Shammai. Beis Hillel say: It may neither be placed [upon the table together with cheese] nor eaten with it. Rabbi Yosi said: This is an instance where Beis Shammai adopt the lenient ruling and Beis Hillel the strict ruling.¹⁸ Of what table did they speak? Of the table upon which one eats; but on the table where the food is set out, one may without any hesitation place the one [food] beside the other.

GEMARA: Isn't Rabbi Yosi's opinion identical with that of the first Tanna? And should you say that there is a difference between them with regard to the actual eating [of fowl with cheese], the first Tanna maintaining

that they¹⁹ differ only with regard to the placing [upon the table] but not with regard to the eating,²⁰ whereas Rabbi Yosi says that they differ even with regard to the eating, Beis Shammai adopting the lenient ruling and Beis Hillel the strict ruling — but surely we have already learned: Rabbi Yosi reports six cases in which Beis Shammai adopt the lenient ruling and Beis Hillel the strict ruling, and this is one of them, viz., A fowl may be placed upon the table together with cheese but may not be eaten with it; these are the words of Beis Shammai; but Beis Hillel say: It may neither be placed together with it nor eaten with it. — Rather what the [teacher of our Mishnah] tells us is merely that the first Tanna [whose opinion is expressed anonymously] is Rabbi Yosi; for whoever reports a thing in the name of him that said it brings deliverance into the world, as it is said: And Esther told the king in the name of Mordechai.

DAILY MASHAL

It's Forbidden to Imitate

Mar Ukva says that he is not like his father as his father waited a whole day between meat and milk. And why didn't he behave like his father? The masters of *musar* said: because he didn't want to be an imitator. If he's not on such a level, he shouldn't do what doesn't befit him.

¹⁶ Even if it is held that fowl with milk is prohibited by Biblical law there can still be shown two precautionary measures before one approaches the actual prohibition of the Torah. For it must be remembered that the Torah forbade meat and milk that had been cooked together in the one pot; but if the meat and the milk were in the same pot, not cooked together, they would be permitted by Biblical law but forbidden by the Rabbis only as a precautionary measure. Now to prohibit the placing together upon its eating them is again superimposing precautionary measures one upon the other.

¹⁷ A vessel into which boiling food or liquid has been poured, in contradistinction from 'a first vessel', i.e., a vessel taken direct from the fire where it has been at the boil. A 'first vessel' can bring other foods to boil even when removed from the fire, and in the case of 'meat and milk' would involve a transgression of Biblical law.

¹⁸ In the majority of cases the position is the reverse, i.e., Beis Hillel adopt the lenient ruling and Beis Shammai the strict ruling.

¹⁹ Beis Shammai and Beis Hillel.

²⁰ For in this case all agree that it is forbidden to eat fowl and cheese together.