

Daf Notes is currently being dedicated to the neshamot of

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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

Milk in Meat

It was stated: In the case where a man cooked *cheilev* (*forbidden fat*) in milk, there is a dispute between Rav Ami and Rav Assi: one says: He incurs lashes, and the other says: He does not incur lashes.

The *Gemora* seeks to determine the point of issue between them: Shall we say that they differ regarding the following: He who says that he incurs lashes maintains that a prohibition can take effect upon an existing prohibition, and he who says that he does not incur lashes maintains that a prohibition cannot take effect upon an existing prohibition?

The *Gemora* rejects this reasoning: All agree that a prohibition cannot take effect upon an existing prohibition; and there is no dispute at all that for eating this he does not incur lashes. They differ only with regard to the cooking of it: He who says that he incurs lashes argues that there is only one prohibition here (*the cooking of meat in milk*); and he who says he does not incur lashes argues that for this very reason did the Torah express the prohibition of eating by the term ‘cooking,’ to teach us that whenever one does not incur lashes for the eating (*like in this case, where the prohibition of meat in milk does not take effect upon the cheilev*) he likewise does not incur lashes for the cooking of it.

Another version is cited as follows: There is no dispute at all that for the cooking he certainly incurs lashes; they differ only with regard to the eating of it: He who says he does not incur lashes maintains that a prohibition cannot take effect upon an existing prohibition, and he who says that he incurs lashes contends that for this very reason did the Torah express the prohibition of eating by the term ‘cooking’ to teach us that whenever a man incurs lashes for the cooking he likewise incurs lashes for the eating of it.

Alternatively you may say that one teaches one thing (*that he incurs lashes due to the cooking*) and the other teaches another thing (*that he does not incur lashes because of the eating, for a new prohibition does not take effect upon an existing one*), but they do not disagree at all.

The *Gemora* asks from a *braisa*: If a man cooked meat in whey, he is not liable. If he cooked blood in milk, he is not liable. If he cooked bones, sinews, horns or hoofs in milk, he is not liable. If he cooked consecrated meat that was *piggul* (*a korban whose avodah was done with the intention that it would be eaten after its designated time*), *nossar* (*sacrificial meat that has been leftover beyond the time that the Torah designated for its consumption*), or *tamei* in milk, he is liable! [Evidently, the prohibition of ‘meat in milk’ takes effect upon these other prohibitions!?]

The *Gemora* answers: That *Tanna* is of the opinion that a prohibition can take effect upon an existing prohibition.

The *braisa* had stated: If a man cooked meat in whey, he is not liable. The *Gemora* notes that this supports the view of Rabbi Shimon ben Lakish, for we have learned in a *Mishna*: Whey is regarded as milk, and olive-water is regarded as oil (*with respect that they are liquids that render foodstuffs susceptible to tumah*). Rabbi Shimon ben Lakish said: They taught this only in respect of rendering seeds (*and other foods*) susceptible to contract *tumah*, but in respect of the prohibition of cooking meat in milk - whey is not regarded as milk.

The *Gemora* cites a *braisa*: It is written: *You shall not cook a kid in its mother's milk*. From this I know that the (meat of a) kid is forbidden in its mother's milk, but from where do I know that it is also forbidden in cow's milk or in ewe's milk? It is from the following *kal vachomer*: If in the milk of its mother, a species with which the kid may be mated, it is forbidden to cook the kid, how much more so in the milk of a cow or of a ewe, with which species the kid may not be mated, is it forbidden to cook the kid! The verse states: *In its mother's milk*.

The *Gemora* asks: But why is this latter verse necessary? It has been inferred from a *kal vachomer*, has it not?

Rav Ashi answered: It is because one can argue that the source of the *kal vachomer* argument is flawed: From where do you derive the argument? From '*its mother*'! It may be argued that is so in the case of its mother, since it is forbidden to be slaughtered with the kid on the same day; will you then say the same in the case of

a cow which is not forbidden to be slaughtered with the kid on the same day? The verse therefore teaches: *in its mother's milk*.

The *Gemora* cites another *braisa*: It is written: *In its mother's milk*. From this I know that the kid is forbidden in its mother's milk, but from where do I know that it is forbidden in the milk of its 'older sister'? [i.e., cows, in contradistinction from 'the younger sister' i.e., sheep. This is the explanation which Rashi says he received from his teachers, but after challenging it, Rashi expresses his preference for the interpretation of Rabbi Yosef Tov Elem, according to which 'older sister' and 'younger sister' are both goats, the former, however, being a goat of last year's breeding which had already been designated with other goats for the purposes of tithing, the latter being one which has not been counted with the others for tithing.] It is from the following *kal vachomer*: If in the milk of its mother, which enters the pen together with the kid to be tithed, it is forbidden to cook the kid, how much more so in the milk of its 'older sister,' which does not enter the pen together with the kid to be tithed, is it forbidden to cook the kid! The verse states: *In its mother's milk*.

The *Gemora* asks: But why is this latter verse necessary? It has been inferred from a *kal vachomer*, has it not?

Rav Ashi answered: It is because one can argue that the source of the *kal vachomer* argument is flawed: From where do you derive the argument? From '*its mother*'! It may be argued that is so in the case of its mother, since it is forbidden to be slaughtered with the kid on the same day; will you then say the same in the case of its 'older sister,' which is not forbidden to be

slaughtered with the kid on the same day? The verse states: *In its mother's milk.*

The *Gemora* asks: We have learned the prohibition with regard to 'the older sister,' but from where do we know it with regard to 'the younger sister'?

The *Gemora* answers: It can be inferred from both together (*from its mother, and its older sister*), as follows: From which do you proceed to make the inference? You may derive it from 'its mother.' But if you will object that this is so in the case of 'its mother,' since it may not be slaughtered with the kid on the same day; then the case of 'the older sister' (*where no such prohibition exists*) argues otherwise. And if you will object that this is so in the case of 'the older sister,' since it does not enter the pen with the kid to be tithed; then, the case of 'its mother' argues otherwise. The argument thus repeats itself. The nature of this one does not apply to the other, and the nature of this one does not apply to the other. What they have in common is that each is meat, and that in the milk of each the kid may not be cooked; so we may derive that 'the younger sister' too, for since it is meat, the kid may not be cooked in its milk.

The *Gemora* asks: But by this argument 'the older sister' can also be derived from both together?

The *Gemora* answers: This is indeed so.

The *Gemora* asks: Then for what purpose do I require the verse '*in its mother's milk*'?

The *Gemora* answers: It is required for that which has been taught in the following *braisa*: It is written: *in its mother's milk*. We know that it is forbidden in its

mother's milk, but from where do we know that it is forbidden in its own milk?

It is from the following *kal vachomer*: if, where the product (*the kid*) is not forbidden with the product (*another kid*) as in the case of slaughtering (*on the same day*) – the product with the mother is forbidden, how much more so, therefore, where the product is forbidden with the product - as in the case of cooking - is the product forbidden with the mother! The verse therefore teaches: *in its mother's milk*.

The *Gemora* asks: But why is this latter verse necessary? It has been inferred from a *kal vachomer*, has it not?

Rav Achadvoi bar Ami answered: It is because we can refute the argument.

DAILY MASHAL

Inherited Longevity

Rabbi Yitzchak of Kaliv zt"l explained: Why don't people rush to repent? Because they're sure of their lives and believe that they have many more years. Particularly if a person sees his parents living long, he's sure that he's inherited longevity. The prohibition to cook a kid in its mother's milk concerns an instance where the mother still lives because concerning the milk of a slaughtered animal there's no prohibition from the Torah (Chulin 113b). In other words, the poor kid died while its mother was alive. About such the Torah said, "The first fruit of your land you shall bring to the house of Hashem your L-rd" – bring your first years to Hashem's house and repent without delay. The proof is "You shall not cook a kid in its mother's milk" – longevity is not inherited (*Chemda Genuzah*, p. 139).