



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

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

(Mnemonic: Sabbath; Ploughing; Kilayim of seeds; It and its offspring; Sending the mother bird from the nest). According to this, should not what has been [unlawfully] prepared on the Sabbath be forbidden,¹ since I have declared it to be abominable unto you?² — The verse says: For it is consecrated for you, that means, ‘it’ is consecrated, but what has been prepared on it is not consecrated.

Furthermore if a man plowed with an ox and a donkey together, or if he muzzled a cow when it was threshing, should it not be forbidden, since I have declared these acts to be abominable to you? — Surely if what has been [unlawfully] prepared on the Sabbath, which is a grave matter, is permitted, how much more so these!

Should not [the produce of a field sown with] kilayim be forbidden, since I have declared it to be abominable to you? — From the fact that the Merciful One states with regard to kilayim of a vineyard. Lest [the fullness of the seed which you have sown be forfeited [tikdash], [which has been interpreted as,] ‘lest it be burnt in fire’ [tukad esh], it follows that kilayim [sown in a field] are permitted.

The Gemara asks: But perhaps [the inference is this]: whereas kilayim of a vineyard are forbidden to be eaten and also to be

made use of, kilayim of seeds are forbidden to be eaten but are permitted to be made use of?

The Gemara answers: These [latter] have been compared with kilayim of cattle, for it is written: You shall not let your cattle mate with a diverse kind; you shall not plant your field with two kinds of seed, and just as the product [of the mating of diverse kinds] of your cattle is permitted, so the produce of [diverse kinds of seed planted in] your field is permitted.

And from where do we know that the product of diverse kinds of cattle is permitted? — From the fact that the Merciful One has prohibited the offering of a hybrid to the Most High we may infer that to the common person it is permitted.

Should not ‘It and its offspring’³ be forbidden, since I have declared it to be abominable to you? — Since the Merciful One has forbidden a premature animal for an offering to the Most High it follows that such⁴ is permitted to the common person.

Should not [the mother-bird] which has been sent away from the nest be forbidden, since I have declared it to be

¹ To eat as well as to derive any benefit from it. This is the meaning of ‘forbidden’ throughout this passage.

² Yet it is established law that if, e.g., a man cooked food on the Sabbath it may be eaten at least by others if not by himself.

³ If a mother and its offspring were both slaughtered in one day, that which was slaughtered last should be forbidden for all time and

for all use; nevertheless it is established law that even though the law has been transgressed both animals are permitted.

⁴ The prohibition of ‘It and its offspring’ is brought about by its inappropriateness in point of time, for one may slaughter them on different days.

abominable to you? — The Torah would not order to send it away if it would thereby lead to transgression.⁵

Rabbi Shimon ben Lakish said: From where do we know that meat [cooked] in milk is forbidden [to be eaten]? From the verse [discussing the pesach offering]: Do not eat of it partially roasted, nor cooked in any cooking [with water]. Now the verse did not need to add 'in any cooking'; why then does it say 'in any cooking'? To teach you that there is another cooking which is [also forbidden to be eaten] like this. And which is it? It is meat [cooked] in milk. Rabbi Yochanan said to him: And is the following teaching of Rebbe so unsatisfactory? [For it was taught: The verse,] You shall not eat it, refers to meat [cooked] in milk. You say it refers to meat [cooked] in milk; perhaps it refers to some other thing that is forbidden in the Torah? You can reply: Go forth and derive it by one of the thirteen exegetical principles by which the Torah is expounded, namely: The meaning of a verse is to be deduced from its context. Now what does this context deal with? With that which are blends of two kinds.⁶ Then this verse also deals with a blend of two kinds!⁷ — From that teaching I might have thought that the prohibition was only in respect of eating but not in respect of deriving benefit from it, he therefore teaches us [another teaching].⁸

And from where does Rebbe infer that it is also forbidden to derive any benefit from it? — He infers it from the following

⁵ Lit., 'for a stumbling-block'. The finder of this mother-bird, ignorant of the fact that it has been sent away from the nest, would eat it, and so be led into sin by another's performance of a mitzvah; it must therefore be permitted.

⁶ The foregoing verses state the law concerning consecrated animals that were redeemed after being disqualified for sacrifice owing to physical blemish. These animals are treated partly as ordinary unconsecrated animals in that their meat may be eaten even by one who is tamei, and partly as consecrated animals in that they may not be put to work, neither may one enjoy their milk or wool.

⁷ I.e., meat and milk. The teaching of this Mishnah is attributed to Rebbe as the editor of the whole Mishnah.

argument: It is written here: For you are a consecrated people onto the Lord, and it is written there: There shall be no promiscuous male of the sons of Israel; just as there the prohibition refers to the pleasure derived from it, so here to the pleasure derived from it.⁹

The school of Rabbi Eliezer taught: You shall not eat of anything that dies of itself . . . you may sell it . . . You shall not cook a kid etc. The Torah here implies that when you sell it you may not first cook it [in milk] and then sell it.¹⁰

The school of Rabbi Yishmael taught: You shall not cook a kid in its mother's milk, is stated three times: one is a prohibition against eating it, one a prohibition against deriving benefit from it, and one a prohibition against cooking it.

It was taught: Issi ben Yehudah says: From where do we know that meat cooked in milk is forbidden? It is written here: For you are a holy people, and it is written there: And you shall be holy men to me; therefore you shall not eat any meat that is torn in the field: just as there it is forbidden [as food], so here it is forbidden [as food]. We have thus learnt that it is forbidden as food; how do we know that it is forbidden for all use? I will tell you: it follows a kal vachomer: If orlah,¹¹ which is not produced by transgression, is forbidden for all use, then surely meat cooked in milk, which is produced by transgression, is forbidden for all use! But [if you object] this

⁸ Rabbi Shimon ben Lakish derives the prohibition against making use of meat cooked in milk from the verse in connection with the pesach offering. For just as the latter, if cooked and not roasted, would be forbidden for all purposes as all sacrificial meat which has been rendered unfit so meat cooked in milk is forbidden for all purposes.

⁹ Hence meat cooked in milk is forbidden for all purposes.

¹⁰ For as soon as it has been cooked in milk it is forbidden to be sold or used for any purpose.

¹¹ The fruit of newly planted trees was forbidden for all use during the first three years.

may be true of orlah only, since it had no period of fitness,¹² [I reply] the law concerning chametz during Passover shows otherwise, namely, that although it had a period of fitness, it is nevertheless forbidden for all use. And [if you object] this may be true of chametz during Passover only, since it carries with it the penalty of kares, [I reply] the law concerning kilayim of the vineyard shows otherwise, namely, that although it does not carry with it the penalty of kares, nevertheless it is forbidden for all use.

The Gemara asks: Why is the gezeirah shavah necessary? Surely it can all be inferred from the following kal vachomer argument derived from orlah: If orlah which is not produced by transgression, is forbidden both as food and for all use, how much more then is meat cooked in milk, which is produced by transgression, is forbidden both as food and for all use!

The Gemara answers: Because one could refute the argument thus: The law in the case where one plowed with an ox and a donkey together, or where one muzzled a cow when it was threshing out [the corn], can prove otherwise,

¹² The fruit of orlah as soon as it comes into being is forbidden, whereas meat and milk, before being cooked together, are each separately permitted.

¹³ Thus it was unnecessary to introduce the case of planting kilayim in the vineyard. The argument would then run as follows: Meat cooked in milk is declared to be forbidden for all purposes by inference from orlah by the kal vachomer reasoning; if the objection be taken that orlah is a special case inasmuch as it had no period of fitness, the reply would be that the case of chametz during Passover clearly shows that this distinctive feature (sc. not having a period of fitness) is not the reason for the general prohibition; and if the objection be taken that chametz during Passover is a special case inasmuch as there is a penalty of kares attached to it, the reply would be that the case of orlah clearly shows that the gravity of the penalty (sc. kares) is not the reason for the general prohibition; and so the argument would go in a circle: the objection to the case of orlah would be met by the case

namely, although it was produced by transgression it is nevertheless permitted.

The Gemara asks: Why was it necessary to reply [in the argument]: The law concerning kilayim of the vineyard shows otherwise? He could have replied: The law of orlah shows otherwise; the argument would then have gone round again, with the result that it [sc. the law of meat cooked in milk] would have been inferred from the common features [of the others]¹³

Rav Ashi answered: Because one could have refuted the argument thus: The law of neveilah would show otherwise, for although it is forbidden as food, nevertheless it is permitted for all use.

Rav Mordechai said to Rav Ashi: We have learned the following on the authority of Rabbi Shimon ben Lakish: An inference drawn from cases with common features can be refuted only by those [cases] and not by other [cases].¹⁴

The Gemara asks: If so, it can very well be inferred from the common features, can it not?

of chametz during Passover and vice versa. What, however, is common to orlah and chametz during Passover is that each is forbidden as food and also for all use; the inference then follows that meat cooked in milk, inasmuch as it is forbidden as food, should also be forbidden for all use. This type of argument, namely, an inference from common features of two or more cases, is very frequent in the Gemara; and the result being satisfactory, it was unnecessary to introduce the third case of kilayim of the vineyard.

¹⁴ I.e., the refutation must be in the nature of a peculiar characteristic possessed by the cases that determine the common features and which is absent from the case proposed to be inferred from the common features — e.g. the demonstration of a special characteristic peculiar to orlah and to chametz during Passover but absent from meat cooked in milk would indeed be a valid refutation. It is, however, no refutation of the argument by adducing cases wherein the common features are not found, for such an argument, as here the case of neveilah, is irrelevant.

The Gemara answers: Because one can refute it thus: The cases which present these common features are peculiar in that they are both products of the soil.¹⁵

The Gemara counters: But now, too, the argument can be refuted thus: This may be so of kilayim of the vineyard since it deals with products of the soil!

Rav Mordechai said to Rav Ashi: We have learned the following on the authority of Rabbi Shimon ben Lakish: An inference drawn from cases with common features can be refuted by indicating any peculiarity whatsoever; but an argument which employs the expression: 'No, if you say it in this . . . will you say it in that?' can only be refuted by adducing a feature in the one which is less or more grave than in the other, and not by any peculiarity whatsoever.¹⁶

The Gemara asks: But we may refute all the cases thus: This may be so of all these cases since they all deal with products of the soil!¹⁷

Rav Mordechai then said to Rav Ashi: We have learned the following on the authority of Rabbi Shimon ben Lakish: An argument inferring one case from another case can be refuted only by adducing a feature in the one case which is less or more grave than in the other, and not by any peculiarity whatsoever. An argument inferring one case from two cases can be refuted by any peculiarity whatsoever. An

¹⁵ Orlah and leavened grain are products of the soil whereas milk and meat are not. This characteristic, sc. being a product of the soil, is a distinction of little or no significance for this is no satisfactory reason why the law should be more severe or less severe.

¹⁶ Where an inference is made from the common features of two cases all the cases must indeed be alike in every respect, and if one case presents any special characteristic, even though that characteristic does not go down to the root of the matter and is of no significance, the argument is untenable. On the other hand, where the law in one case is inferred from another case, e.g. by a kal vachomer argument, an incidental characteristic would not be

argument inferring one case from three cases, the argument from the three cases going round and round, so that the inference is made from the features common to all, can be refuted by any peculiarity whatsoever; but if it is not so, it can only be refuted by adducing in the one case a feature which is less grave or more grave than in the other, and not by any peculiarity whatsoever.

The Gemara asks: But we may refute it thus: This may be so of kilayim of a vineyard since they had no period of fitness!

Rav Adda bar Ahavah said: This therefore informs us that the original roots of kilayim sown in a vineyard are forbidden, so that there was a time when these kinds had a period of fitness, namely, before they took root.

taken into consideration. Only a characteristic which is of such significance as to suggest the reason for the law in that particular case, would be accepted as a refutation, for then it would be argued thus, 'No, if you say it in the one case, it is because it has this grave or less grave characteristic; will you say it in the other cases which have not this characteristic'?

¹⁷ It is assumed for the present that an inference from three cases is to be regarded on the same footing as an inference from cases with common features, so that any peculiarity, however insignificant, would be accepted as a refutation.