

Introduction to Perek VIII

The choicest first fruits of your land you shall bring into the house of the Lord your God. You shall not cook a kid in its mother's milk.

(Exodus 23:19)

The choicest first fruits of your land you shall bring into the house of the Lord your God. You shall not cook a kid in its mother's milk.

(Exodus 34:26)

You shall not eat of any animal carcass; you may give it to the resident alien who is within your gates, that he may eat it; or you may sell it to a foreigner; for you are a sacred people to the Lord your God. You shall not cook a kid in its mother's milk.

(Deuteronomy 14:21)

The Torah proscribes cooking meat in milk on three separate occasions. In all three instances, the prohibition is formulated in terms of cooking a kid in its mother's milk. The halakhic tradition passed down from generation to generation as a *halakha* transmitted to Moses from Sinai is that these verses are all referring to a general prohibition against cooking meat and milk together. The Torah's repetition of the injunction three times teaches that not only is the act of cooking the two substances together prohibited, but also that if one did so, the cooked dish is then prohibited for both consumption and benefit.

The wording of the prohibition gives rise to several questions with regard to the scope of the prohibition. One can ask whether the Torah is referring to the meat of all animals, including undomesticated animals and birds, and perhaps even fish, or whether it is referring only to the meat of domesticated animals like kids, the animal mentioned in the verse. It must also be determined whether only milk itself is included in the prohibition or if derivative milk products are included as well.

A unique aspect of the prohibition against cooking meat in milk is that each ingredient is permitted for consumption by itself; only when they are cooked together are they prohibited. Consequently, even placing the two substances side by side is considered problematic, as it could lead to transgression. This chapter discusses the extent to which meat must be kept separate from milk in order to prevent people from unwittingly violating the prohibition.

The chapter discusses other significant issues relating to this prohibition as well. What is the definition of cooking in this context? What is the requisite ratio between the two substances that renders them prohibited? In which cases are mixtures of meat and milk considered forbidden? Another issue that requires clarification is whether it is permissible to consume animal udders, which contain both meat and milk, and what is the correct manner of preparing them. In addition, the chapter deals with whether it is permissible and how to properly curdle milk, since it was typically curdled by using congealed milk from a nursing animal's stomach or even skin of the stomach itself as a coagulant. These issues constitute the main topics of this chapter.

מתני' כל הבשר אסור לבשל בחלב -
חוץ מבשר דגים וחגבים. ואסור להעלות
עם הגבינה על השלחן - חוץ מבשר דגים
וחגבים.

MISHNA It is prohibited to cook^N any meat of domesticated and undomesticated animals and birds in milk, except for the meat of fish and grasshoppers,^{BH} whose halakhic status is not that of meat. And likewise, the Sages issued a decree that it is prohibited to place any meat together with milk products, e.g., cheese, on one table.^H The reason for this prohibition is that one might come to eat them after they absorb substances from each other. This prohibition applies to all types of meat, except for the meat of fish and grasshoppers.

NOTES

It is prohibited to cook - אסור לבשל: There are three prohibitions concerning meat with milk: Cooking meat together with milk, eating the meat or milk that was cooked with the other, and deriving benefit from the meat or milk that was cooked with the other. Cooking meat together with milk is counted as a Torah prohibition

(Rambam *Sefer HaMitzvot*, prohibition 186; *Smag*, prohibition 140; *Sefer HaHinnukh*, positive mitzva 92), and one who cooks meat together with milk is liable to receive lashes, just like one who transgresses any other regular prohibition (see 108b; *Tosefta, Makkot* 4:7; Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 9:1).

HALAKHA

Except for the meat of fish and grasshoppers - חוץ מבשר דגים וחגבים: The prohibition of meat cooked in milk does not apply to the meat of fish and grasshoppers even by rabbinic law, and therefore they may be eaten together with milk. This ruling is in accordance with the Rambam's interpretation of the mishna, that when the mishna excludes the meat of fish and grasshoppers, it excludes them from the prohibition of eating them when cooked with milk. The mishna uses the term cooking due to the wording of the verse (Exodus 23:19): "You shall not cook a kid in its mother's milk" (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 9:5, and see *Maggid Mishne* there; *Shulhan Arukh, Yoreh De'a* 87:3).

And it is prohibited to place meat with cheese on one table - ואסור להעלות עם הגבינה על השלחן: One may not place the meat of animals on the same table upon which he is eating cheese, lest he come to consume them together. This restriction also applies to meat of birds, despite the fact that the prohibition against consuming such meat with milk is by rabbinic law only, and the Sages do not issue one decree to prevent violation of another decree (Rambam). One may arrange the two dishes side by side on a table used for preparing them but on which one does not intend to eat them (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 9:20; *Shulhan Arukh, Yoreh De'a* 88:1).

BACKGROUND

Grasshoppers [*hagavim*] - חגבים: Although in the Bible *hagavim* refers to a particular species of grasshopper, in the language of the Sages it is used as an umbrella term for a large group of grasshoppers with long hind legs, short antennae, and a body that is flattened on the sides. The narrow and hard upper wings of these creatures cover its wider, softer lower wings. These animals move primarily by means of gentle hops and occasionally fly. As indicated by their name, grasshoppers live mainly among weeds, from which they receive their sustenance. Some grasshoppers are permitted for consumption, as it states: "Yet these you may eat of all winged swarming things that go upon all fours, which have jointed legs above their feet, with which to leap upon the earth" (Leviticus 11:21). These include "the locust after its kinds, and the bald locust after its kinds, and the cricket after its kinds, and the grasshopper after its kinds" (Leviticus 11:22), although the identity of these creatures is uncertain (see also 59a, 65a).

הנודר מן הבשר - מותר בבשר דגים וחגבים.

And one who takes a vow that meat is prohibited to him is permitted to eat the meat of fish and grasshoppers.

גמ' הא עוף אסור מדאורייתא, כמאן - דלא כרבי עקיבא. דאי רבי עקיבא. האמר: תיהו עוף אינו מן התורה.

GEMARA Since the mishna does not distinguish between the meat of animals and that of birds, it may consequently be inferred that the meat of birds cooked in milk is prohibited by Torah law, just like the meat of animals. In accordance with whose opinion is this ruling? It is not in accordance with the opinion of Rabbi Akiva, as, if you say it is in accordance with the opinion of Rabbi Akiva, didn't he say that the prohibition of the meat of undomesticated animals and birds cooked in milk is not by Torah law?

אימא סיפא: הנודר מן הבשר - מותר בבשר דגים וחגבים. הא עוף - אסור, אתאן לרבי עקיבא. דאמר: כל מילי דמימליך עליה שליח - בר מיניה הוא.

The Gemara continues: But say the latter clause of the mishna: One who takes a vow that meat is forbidden to him^H is permitted to eat the meat of fish and grasshoppers. It may consequently be inferred that it is prohibited for him to eat birds. If so, here we arrive at the opinion of Rabbi Akiva, who said: Anything about which an agent sent to purchase a given item would inquire, being unsure whether it qualifies as that type of item, is considered its type.^N

HALAKHA

הנודר מן - הבשר: With regard to one who takes a vow that meat is forbidden to him, it is prohibited for him to eat the meat of birds but it is permitted for him to eat the meat of grasshoppers. If the circumstances of his vow indicate that he had only the meat of animals in mind,

it is permitted for him to eat the meat of fish and the meat of birds (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 9:6, and see *Kesef Mishne, Lehem Mishne*, and Radbaz there; *Shulhan Arukh, Yoreh De'a* 217:8, and in the comment of Rema).

NOTES

Anything about which an agent would inquire whether it is its type - כל מילי דמימליך עליה שליח בר - מיניה הוא: Some of the early commentaries limit the application of this principle to those cases where the one appointing the agent referred to a general term, similar to vegetables, as in the example in the mishna.

BACKGROUND

Stewpot [ilpas] – אֵילֶפֶס: The ilpas was apparently an earthenware vessel with a broad base, straight sides, and a wide opening. The sides of an ilpas were thinner than those of a regular pot. It also differed from a pot in that it came with a cover, which had a pointed end and was sometimes perforated. An ilpas was probably used to cook all types of foods, like a pot, but it was used particularly for foods that required speedy preparation, or to warm food that had already been cooked in a pot.

HALAKHA

The meat of birds may be placed with cheese on one table – העוף עולה עם הגבינה על השולחן: It is prohibited to place meat of birds with cheese on a table at which one is eating the cheese, lest one come to eat them together. This is the halakha despite the fact that poultry cooked in milk is prohibited by rabbinic law. Later authorities note that the same applies to the reverse case, i.e., one may not place cheese on a table at which one is eating the meat of birds or undomesticated animals. This ruling is in accordance with the opinion of Beit Hillel. Nevertheless, it is customary to place bread between those eating meat and those eating cheese, and this is sufficient to render it permitted to eat these foods at the same table (Rambam Sefer Kedusha, Hilkhoh Ma'akhalot Assurot 9:20 and Haggahot Maimoniyot there; Shulhan Arukh, Yoreh De'a 88:1 and Shakh there).

On a table upon which one prepares the cooked food – בשולחן שפודר עליו את התבשיל: Although it is prohibited to place poultry with cheese on a table at which one is eating the cheese, one may place them side by side on a table at which one is merely arranging the food (Shulhan Arukh, Yoreh De'a 88:1).

Without washing hands and without wiping the mouth – בלא נטילת ידים ובלא קניחת הפה: If one wishes to eat birds after cheese he may do so immediately and need not even wash his hands or wipe his mouth, in accordance with the opinion of Agra, the father-in-law of Rabbi Abba. Some authorities write that there is a custom to be stringent and to wait in the case of eating meat after cheese (Rema, citing Maharam). The Rema adds that this is the proper custom in a case where the cheese is hard, which is assumed to apply to cheese that was aged for six months or more (Shakh). Therefore, one may not eat even birds after consuming that cheese for the same amount of time as one waits to eat cheese after meat (see Zohar). Others are lenient with regard to eating meat after cheese, and one need not object to those who follow this practice, but they should wipe and rinse their mouths and wash their hands. Nevertheless, it is preferable to be stringent. The Maharshah disagrees with this stringent practice, though the Shakh supports it (Rambam Sefer Kedusha, Hilkhoh Ma'akhalot Assurot 9:27; Shulhan Arukh, Yoreh De'a 89:2).

מתקיף לה רב ששית: סוף סוף, צונן בצונן הוא! אמר אביי: גזירה שפמא יעלה באילפס רותת.

סוף סוף בלי שני הוא, ובלי שני אינו מבשיל! אלא: גזירה שפמא יעלה באילפס ראשון.

מתני' העוף עולה עם הגבינה על השולחן. ואינו נאכל, דברי בית שמאי. ובית הלל אומרים: לא עולה ולא נאכל, אמר רבי יוסי: זו מקולי בית שמאי ומחומרי בית הלל.

באיזה שולחן אמרו – בשולחן שאוכל עליו, אבל בשולחן שפודר עליו את התבשיל – נתן זה בצד זה, ואינו חושש.

גמ' רבי יוסי היינו תנא קמא! וכי תימא, אכילה גופה איכא בינייהו, דקאמר תנא קמא: בהעלאה קא מיפלגי, באכילה לא פליגי, ואמר ליה רבי יוסי: אכילה גופה מקולי בית שמאי ומחומרי בית הלל.

והתנא, רבי יוסי אומר: ששה דברים מקולי בית שמאי ומחומרי בית הלל, וזו אחת מהן – עוף עולה עם הגבינה על השולחן ואינו נאכל, דברי בית שמאי. ובית הלל אומרים: לא עולה ולא נאכל!

אלא, הא קמשמע לן: מאן תנא קמא – רבי יוסי, כל האומר דבר בשם אומרו גאולה לעולם, שנאמר "ותאמר אסתר למלך בשם מרדכי".

תנא אגרא חמוה דרבי אבא: עוף וגבינה נאכלין באפיקודן. הוא תני לה והוא אמר לה: בלא נטילת ידים ובלא קניחת הפה.

Rav Sheshet objects to the premise of Rav Yosef's inference: Even if one were to posit that the meat of birds in milk is prohibited by Torah law, ultimately this is still a decree issued due to another decree, as it is a case of cold food in another cold food, consumption of which is itself prohibited by rabbinic law. Abaye said: It is a rabbinic decree, lest one place the meat with cheese in a boiling stewpot,⁸ which is a manner of cooking and therefore prohibited by Torah law.

The Gemara counters: Ultimately, even a stewpot is only a secondary vessel, i.e., not the vessel that was on the fire, and as a rule, a secondary vessel does not cook. Rather, one must say that it is a rabbinic decree, lest one place the meat with cheese in a stewpot that is a primary vessel, i.e., that was on the fire. This is certainly cooking meat in milk, and it is prohibited by Torah law.

MISHNA The meat of birds may be placed with cheese on one table⁹ but may not be eaten together with it; this is the statement of Beit Shammai. And Beit Hillel say: It may neither be placed on one table nor be eaten with cheese. Rabbi Yosei said: This is one of the disputes involving leniencies of Beit Shammai and stringencies of Beit Hillel.

The mishna elaborates: With regard to which table are these halakhot stated? It is with regard to a table upon which one eats. But on a table upon which one prepares the cooked food,¹⁰ one may place this meat alongside that cheese or vice versa, and need not be concerned that perhaps they will be mixed and one will come to eat them together.

GEMARA The Gemara challenges: The opinion of Rabbi Yosei is identical to that of the first tanna. And if you would say that there is a difference between them with regard to the permissibility of eating itself, as the first tanna says that Beit Shammai and Beit Hillel disagree with regard to placing meat of birds with cheese on one table, which indicates that with regard to eating they do not disagree, and Rabbi Yosei said in response to this that they also disagree with regard to the permissibility of eating meat of birds in milk, and this is itself one of the disputes involving leniencies of Beit Shammai and stringencies of Beit Hillel, one can refute this claim.

The refutation is as follows: Isn't it taught in a baraita that Rabbi Yosei says that six matters are included as the disputes involving leniencies of Beit Shammai and stringencies of Beit Hillel, and this is one of them: The meat of birds is placed with cheese on one table, but it may not be eaten together with it; this is the statement of Beit Shammai. And Beit Hillel say: It may neither be placed on one table nor be eaten with cheese. Evidently, Rabbi Yosei agrees that even according to Beit Shammai the meat of birds may not be eaten with cheese.

Rather, this is what the mishna teaches us: Who is the first tanna? It is Rabbi Yosei. The identification is important, since whoever reports a statement in the name of the one who said it brings redemption to the world. As it is stated with respect to the incident of Bigthan and Teresh: "And Esther reported it to the king in the name of Mordecai" (Esther 2:22), and Mordecai was later rewarded for saving the king's life, paving the way for the miraculous salvation.

S The Gemara continues discussing the consumption of poultry cooked in milk. The Sage Agra, the father-in-law of Rabbi Abba, taught: The meat of birds and cheese may be eaten freely [apikoren], i.e., there is no need to be strict in this matter. The Gemara notes: He, Agra, teaches it and he says it, i.e., explains his statement: The meat of birds and cheese may be eaten without washing one's hands and without wiping the mouth¹¹ between the consumption of each.

רב יצחק בריה דרב משרשייא אקלע לבי רב אשי אייתו ליה גבינה – אכל, אייתו ליה בשרא אכל, ולא משא ידיה. אמרי ליה: והא תאני אגרא חמוה דרבי אבא עוף וגבינה נאכלין באפיקורן, עוף וגבינה – אין, בשר וגבינה – לא!

The Gemara relates: Rav Yitzhak, son of Rav Mesharshiyya, happened to come to the house of Rav Ashi. They brought him cheese, and he ate it. Next they brought him meat, and he ate it without first washing his hands. The members of Rav Ashi's household said to him: But didn't Agra, the father-in-law of Rabbi Abba, teach only that the meat of birds and cheese may be eaten freely? One can infer that with regard to the meat of birds and cheese, yes, one may eat them without washing one's hands in between, but with regard to the meat of domesticated animals and cheese, no, one may not.

אמר להו: הני מילי – בלייליא, אכל ביממא – הא חזינא.

Rav Yitzhak said to them: This statement of Agra applies only if one eats them at night, as one cannot see whether some of the food of the previous dish still remains on his hands, and he must therefore wash them. But if one eats by day, I can see that no food remains on his hands, and consequently there is no need to wash them.

תניא, בית שמאי אומרים: מקנה ומדיח ולא בעי מדיח, ובית הלל אומרים: מאי מקנה ומאי מדיח?

It is taught in a *baraita*: Beit Shammai say: Between the consumption of meat and milk one must wipe out his mouth, and Beit Hillel say that he must rinse his mouth. The Gemara asks: What is the meaning of the word: Wipe [mekane'ah], and what is the meaning of the word: Rinse [mediah]?

Perek VIII
Daf 105 Amud a

אילימא בית שמאי אומרים מקנה ולא בעי מדיח, ובית הלל אומרים מדיח ולא בעי מקנה, אלא הא דאמר רבי זירא: אין קינוח פה אלא בפת, כמאן – בבית שמאי?

If we say that Beit Shammai say that one wipes out his mouth with solid food and does not need to rinse^N his mouth with water, since they maintain that wiping is more effective than rinsing, and Beit Hillel say that he rinses^N his mouth in water and does not need to wipe his mouth, as rinsing is more effective, one can respond: But as for that which Rabbi Zeira said: Wiping of the mouth can be performed only with bread, in accordance with whose opinion is it? It is apparently in accordance with the opinion of Beit Shammai, since Beit Hillel do not require wiping. Yet, it is unlikely that Rabbi Zeira would rule in accordance with the opinion of Beit Shammai rather than Beit Hillel.

אלא, בית שמאי אומרים: מקנה ולא בעי מדיח, ובית הלל אומרים: אף מדיח – הוי ליה מקולי בית שמאי ומחומרי בית הלל, ולתנייה גבי קולי בית שמאי וחומרי בית הלל!

Rather, one must explain the dispute as follows: Beit Shammai say that one wipes his mouth after eating meat and does not need to rinse his mouth as well, and Beit Hillel say that in addition to wiping one must also rinse. This interpretation is difficult as well, since if so, this constitutes one of the disputes between them that involve leniencies of Beit Shammai and stringencies of Beit Hillel, and consequently, let the *tanna* of tractate *Eduyyot* teach it alongside the other disputes listed there that involve leniencies of Beit Shammai and stringencies of Beit Hillel.

אלא, בית שמאי אומרים: מקנה, והוא הדין למדיח, ובית הלל אומרים: מדיח, והוא הדין למקנה. מר אמר חדא, ומר אמר חדא, ולא פליגי.

Rather, one must interpret their statements as follows: Beit Shammai say that one wipes his mouth after eating meat, and the same is true of rinsing, i.e., one must rinse his mouth as well. And Beit Hillel say that one rinses his mouth, and the same is true of wiping. And one Sage said one statement and one Sage said another statement, and they do not disagree.

גופא, אמר רבי זירא: אין קינוח הפה אלא בפת, והני מילי – בדחוישי אכל בדשערי – לא.

¶ After citing Rabbi Zeira's statement tangentially, the Gemara discusses the matter itself. Rabbi Zeira says: Wiping of the mouth can be performed only with bread. The Gemara explains: And this statement applies only to bread prepared from wheat flour. But with regard to bread prepared from barley flour, one may not use it for wiping, as barley bread crumbles in the mouth and does not wipe thoroughly.

NOTES

Beit Shammai say that one wipes and does not need to rinse – בית שמאי אומרים מקנה ולא בעי מדיח – The early commentaries disagree about whether wiping or rinsing is a more effective method of cleansing one's mouth. Some write that wiping is preferable, and therefore Beit Shammai maintain that once one has already wiped there is no further need for rinsing. Conversely, Beit Hillel rule that cleansing thoroughly with wiping is unnecessary; rather, it is enough merely to rinse one's mouth (Rashi). Others contend that rinsing is a more thorough procedure than wiping. Accordingly, Beit Shammai maintain that wiping one's mouth is sufficient, whereas Beit Hillel rule that only rinsing is effective. Admittedly, according to this interpretation the Gemara could have raised the same difficulty here as it does afterward, that this case should have been listed alongside the other leniencies of Beit Shammai and stringencies of Beit Hillel, but it did not do so, as in any case the Gemara raises a difficulty from Rabbi Zeira's statement (*Tosafot*).

Wipes...rinses – מדיח...מקנה: Most of the early commentaries maintain that both wiping and rinsing refer to one's mouth (Ritva; see Rashi and *Tosafot*). Others claim that wiping refers to the mouth and rinsing applies to the hands (Ra'ah). The *Rosh Yosef* contends that this is the Rambam's opinion, and the *Hatam Sofer* claims that it is the opinion of Rabbeinu Tam in *Sefer HaYashar*.