

OVERVIEW of the Daf

1) Limb from a living animal (cont.)

The assertion that R' Yochanan and Reish Lakish agree that one who ate a limb from a living animal and flesh from a tereifah is liable to two sets of lashes is unsuccessfully challenged.

The Gemara inquires about the basis of the dispute when a limb is consumed from a living tereifah.

Abaye offers three explanations of the dispute.

Rava offers a fourth explanation of the dispute.

2) Cheilev from a living tereifah

R' Chiya bar Abba in the name of R' Yochanan rules that one who eats cheilev from a living tereifah is subject to two sets of lashes.

R' Ami asserts that the person is liable to three sets of lashes and this version of R' Yochanan's position is supported from another quote of R' Yochanan.

Three explanations of the dispute between the two versions of R' Yochanan's position are presented.

3) Limb from a living animal

R' Yochanan rules that one is liable for eating a limb from a living animal only when he eats it at once.

According to a second version R' Yochanan and Reish Lakish disagree whether one who split the limb inside his mouth and then swallowed the two halves together is liable.

The basis of the dispute is explained and Reish Lakish's position is clarified.

R' Elazar asserts that even if it was split outside of one's mouth he is liable.

4) Eating

Reish Lakish and R' Yochanan disagree whether the meat stuck between one's teeth is calculated as part of the olive's volume necessary for liability.

R' Pappa presents another version of the dispute.

R' Assi in the name of R' Yochanan asserts that one who eats half an olive's volume and then spits that up before eating a second half of an olive's volume is liable.

R' Elazar asks whether there is liability if he ate the same half olive's volume twice.

The Gemara challenges this question and then explains what R' Elazar was trying to accomplish with his question.

הדרן עלך גיד הנשה

5) **MISHNAH:** The Mishnah sets the parameters for the prohibition of eating meat and milk together as well as the prohibition against having meat and cheese on the table at the same time. ■

Distinctive INSIGHT

The prohibition against cooking or eating meat and milk

כל הבשר אסור לבשל בחלב חוץ מבשר דגים וחגבים וכו'

The new perek deals with the prohibition of meat and milk. Although the Mishnah is teaching that it is prohibited to cook and to eat a mixture of meat and milk, the Mishnah expresses the halacha in terms of cooking to reflect the wording of the verse (Shemos 23:19;34:26; and Devarim 14:21). Rashba adds that the Tanna of the Mishnah wanted to emphasize that cooking alone is itself prohibited, even where one has no intent at all to eat the forbidden mixture.

The Torah only states that it is prohibited to cook the meat of a "kid" in its mother's milk, and it does not mention any other animal specifically. Nevertheless, Rashi points out that this halacha applies to all domesticated and undomesticated animals, including birds. In a subsequent Mishnah (113a) there is a disagreement whether the level of the prohibition for undomesticated animals and birds with milk is from the Torah or if it is only rabbinic.

The style of the opening Mishnah differs significantly from the style of the previous chapters, which dealt with the prohibitions of slaughtering an animal and its offspring on the same day (78a), the mitzvah of covering the blood of a bird or undomesticated animal (83b), and the prohibition against eating the gid hanasheh (89b). Those Mishnayos each began with a comprehensive list of when and how the halacha applies, i.e. "This halacha applies for unconsecrated animals as well as for consecrated animals (or not, in the case of covering the blood). It applies in Eretz Yisroel and outside the land, whether the Beis HaMikdash is functioning or not, etc." The Rishonim note this stylistic change.

Tosafos points out that the Tosefta does present the halacha of meat and milk using the same style of the previous Mishnayos, and Tosafos suggests that the Mishnah left it out, relying upon the Tosefta which presents the complete phrasing. Ramban and Rashba explain that the Mishnah uses the encompassing term "all meat that is cooked with milk," in order to refer to all these cases at once, in order to teach that this halacha applies to consecrated and non-consecrated meat, whether in Eretz Yisroel or beyond. Ritva notes that the Mishnah only states that a particular halacha "is in effect (נורה)" when a halacha is clearly and explicitly written in the Torah. This is when the Mishnah, in referring to this halacha, lists its guidelines. However, here the Mishnah has to teach the law itself, that meat and milk is prohibited to be cooked together even if it is not going to be eaten. When teaching this halacha, the Mishnah uses a general term ("all meat, etc.") which indicates the universal application of the halacha, so it did not use the same, detailed style as the previous Mishnayos. ■

Today's Daf Digest is dedicated
Dr. and Mrs. Shmuel Roth
In loving memory of their mother
מרת מרים הינדא בת ר' שמואל ע"ה

HALACHAH Highlight

Eating fish and dairy

כל הבשר אסור לבשל בחלב חוץ מבשר דגים וכי

It is prohibited to cook any meat in milk except for the meat of fish etc.

The Mishnah teaches that one may not cook meat in milk except for the meat of fish and locusts. Below (104a) R' Ashi teaches that when the Mishnah teaches that it is not prohibited to cook fish and milk the intent is that it is not prohibited Biblically nor even Rabbinically. Shulchan Aruch¹ follows this opinion and rules that one may cook fish with milk even l'chatchila. Beis Yosef², however, writes that although it is not prohibited to cook fish with milk one should not eat fish that was cooked with milk because it is dangerous. Darchei Moshe³ disagrees with Beis Yosef's assertion and contends that there is no source that indicates that it is dangerous to eat fish that was cooked with milk. Taz⁴ suggests that there is a printing error and what it should say in the Beis Yosef is that it is dangerous to eat fish cooked with meat in accordance with the Gemara Pesachim (76b) that teaches that consuming meat and fish is unhealthy.

Pischei Teshuvah⁵ cites Teshuvos Beis Lechem Yehudah who writes that he conferred with doctors as to whether it is dangerous to eat fish cooked in milk and they informed him that eating fish cooked in milk is indeed harmful. However, it is not dangerous to eat fish that was fried in butter or milk fat. He also references Rabbeinu Bachya (Shemos 23:19) who relat-

REVIEW and Remember

1. According to Reish Lakish, what is the reason one receives only one set of lashes for consuming a limb from a living tereifah?
2. What is the difference between the two versions of R' Yochanan's teaching?
3. What is the point of dispute among R' Yochanan, Reish Lakish, and R' Elazar?
4. What flesh may be cooked in milk?

ed that doctors reported to him that eating fish cooked with cheese is unhealthy. On the other hand Pischei Teshuvah also cites Chasam Sofer who questions these medical findings and contends that there is no danger to eat fish cooked in milk. Pischei Teshuvah's conclusion is that nowadays since it is common for people to eat fish cooked in milk it is categorized as a concern that people ignore - כיון דדשו ביה רבים - and as such one may adopt the lenient approach without concern for potential harm. ■

1. שו"ע יו"ד סי' פ"ז סעי' ג'.
2. בית יוסף יו"ד סי' פ"ז ד"ה דגים.
3. דרכי משה שם.
4. ט"ז שם סק"ג.
5. פת"ש שם סק"ט. ■

STORIES Off the Daf

Eating that Satisfies

"הרי נהנה גרונו...אכילה דבמעיו בעיני"

Modern technology has given rise to many new halachic questions. Today it is quite easy to give a person nourishment artificially. Religious inpatients taking their nourishment intravenously or by nasogastric tube before Yom Kippur wonder the halachic significance of this in terms of the fast. Is it really like eating? If it is, perhaps every patient must evaluate whether he is permitted to continue his I.V. drip on Yom Kippur.

When this question was brought before Rav Chaim Ozer Grodzensky, zt"l, he ruled that an I.V. does not constitute

eating on Yom Kippur. "The Chasam Sofer, zt"l, explains that we determine whether one ate on Yom Kippur by evaluating whether he feels satisfied from eating. This is why only one who eats at least a k'koseves, the size of a date, on Yom Kippur, is liable for kareis. Although we find on Chullin 103 that it is not clear whether the main consideration in determining if one ate is the pleasure of one's stomach or the pleasure as one swallows, nevertheless, both of these are necessary to count like eating on Yom Kippur. Although food administered artificially does satiate, one does not have the pleasure of swallowing and it therefore does not constitute haalchic eating on Yom Kippur."¹

But when a sick person— forbidden to fast on Yom Kippur—asked Rav Yosef Shalom Eliyashev, zt"l, whether he was

obligated to take his food intravenously so as to avoid eating on this most holy day, the rav replied that he need not do so. "A sick person who must eat on Yom Kippur need not have the apparatus to take food intravenously attached before Yom Tov so as not to eat on Yom Kippur. However, that is only regarding a sick person who must eat. Regarding a pregnant woman or someone who is permitted to eat because of a worry that the fast could be risky, such a person is obligated to connect to the apparatus before Yom Tov to avoid eating on Yom Kippur. But she should first consult with a competent posek on this question."² ■

1. שו"ת אחיעזר
2. לקנות חכמה 5, ע' 22 ■