

OVERVIEW of the Daf

1) **MISHNAH (cont.):** The Mishnah rules that one who vows to abstain from meat is permitted to eat fish and locusts.

2) Identifying the author of the Mishnah

The Gemara begins to search for the author of the Mishnah that indicates that it is Biblically prohibited to cook fowl and milk. This analysis seemingly points to the fact that the first part of the Mishnah follows Rabanan and the latter part of the Mishnah follows R' Akiva's position.

R' Yosef and R' Ashi offer different resolutions for the Mishnah.

3) Fowl and meat

R' Yosef infers from the Mishnah that it is Biblically prohibited to eat fowl and meat for to say otherwise would involve enacting a decree on top of an existing decree.

The Gemara cites a Mishnah as the source that we do not enact a decree on top of a decree.

Abaye and R' Sheishes debate whether this Mishnah constitutes a valid proof to this principle.

4) **MISHNAH:** The Mishnah presents a dispute between Beis Shammai and Beis Hillel whether one may put fowl on the same table as cheese. The Mishnah concludes with a definition of the table to which this halacha is relevant.

5) Clarifying R' Yosi's statement

The Gemara identifies the point that R' Yosi is making when at first glance it seems that he is not saying anything different than Tanna Kamma.

6) Eating fowl and dairy

A Beraisa is cited and explained to teach that one may eat fowl and cheese one after the other without washing one's hands or rinsing his mouth.

A related incident is cited.

7) Cheese and meat

Beis Shammai and Beis Hillel disagree whether one must wipe out the inside of his mouth between cheese and meat or is he required to rinse out his mouth. ■

Distinctive INSIGHT

The precaution against placing meat or fowl on a table together with milk

אתי לאסוקי בשר וגבינה ומיכל בשר בחלב דאורייתא

The Mishnah taught that it is not only prohibited to cook milk with meat, but the rabbis also instituted a precaution against mixing meat in milk by prohibiting placing meat with milk on a table together. This restriction includes meat of domesticated and undomesticated animals, as well as birds.

Rav Yosef notes that the fact that the rabbis established this precaution not only for meat and milk on a table together, but also for fowl and milk together on a table, suggests that the prohibition against eating milk with fowl is a Torah-level prohibition. Otherwise, if eating milk and fowl together is only rabbinic, the rabbis would not have a rabbinic precaution regarding a law which is itself rabbinic.

Rav Yosef proves his contention by citing a Mishnah in Mishnah Challah (4:8). Dough separated and designated as challah from dough of outside Eretz Yisroel may be eaten by a kohen together with a non-kohen who is eating his own food at the same table. Even though a non-kohen may not eat dough designated as challah, in this case his eating it is only a rabbinic issue, because we are dealing with dough from outside Eretz Yisroel. And we see that even though the non-kohen's eating this item is a rabbinic prohibition, it may be placed on the table with his own food. This proves that we do not have a rabbinic precaution added when we are dealing with something that is only rabbinic.

Abaye refutes the proof which Rav Yosef brought from the Mishnah in Challah. It might very well be that a rabbinic precaution is appropriate even for a rabbinic prohibition. However, the reason no restriction is placed against the non-kohen having rabbinic challah on the table is that no Torah-level challah is to be found outside Eretz Yisroel. This case

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REVIEW and Remember

1. Is it Biblically prohibited to eat fowl and dairy together?
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2. Why are Chazal opposed to enacting a Rabbinic injunction on a Rabbinic injunction?
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3. What is a כלי שני?
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4. What is an easy way to bring the redemption?
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HALACHAH Highlight

Cooking in a secondary utensil

וכלי שני אינו מבשל

And a secondary utensil does not cook

The Gemara questions why it should be prohibited to bring meat and cheese on the same table at the same time. The assumption is that they are brought to the table in a secondary utensil - כלי שני and there should be no concern that the meat and milk will cook together since a secondary utensil is not capable of cooking. The Gemara answers that the concern is that the meat and cheese will be brought on the table in their primary utensil - כלי ראשון and a primary utensil retains the capacity to cook even after it is taken from the fire as long as it remains hot (See Shabbos 42a).

Shulchan Aruch¹ states that the heat of a secondary utensil is incapable of cooking. He then presents a disagreement whether a secondary utensil emits taste (מפליט) that was already absorbed in its walls and whether the utensil absorbs taste (מבליע) from the food that is placed in it. The first opinion maintains that a secondary utensil does not emit taste nor does it absorb taste whereas the second opinion maintains that a secondary utensil is capable of emitting and absorbing taste into the thickness of a layer that can be peeled

(כדי קליפה). Shulchan Aruch then declares that it is appropriate to be concerned with the stringent opinion but after the fact (בדיעבד) it is permitted and rinsing the utensil is sufficient. Rav Akiva Eiger² teaches that in the event hot food was put into a secondary utensil it is considered a cir-

(Insight...continued from page 1)

cannot lead to a more severe Torah prohibition, because the Torah-level item does not exist outside the land. However, having fowl and milk on the table may very well lead to placing meat and milk on the table, which could lead to eating the milk and meat.

Rashi comments that the Gemara considers placing the meat and milk on the table and the eating of the milk and meat as one step, and not two distinct levels of action. Toras Chaim explains that the rabbis established precautionary measures they knew were necessary to avoid Torah violations. Therefore, they determined that placing fowl and milk on a table together would lead directly to eating them together. This would lead to eating meat with milk. They also knew that placing meat and milk on a table would certainly lead to eating them together. However, this precaution would not suffice, because if we allowed placing fowl with milk on a table this would result in people placing meat on a table with milk, and the direct risk of their being eaten together. ■

cumstance of l'chatchila since the utensil can be kashered. It is only if the utensil was made from earthenware that cannot be kashered that it would be a circumstance of בדיעבד and it is sufficient to merely rinse the utensil. Therefore, if hot cheese was placed into a meat pot the pot should be kashered and one should not conclude that since the cheese was already placed in a secondary utensil (בדיעבד) one may be lenient regarding the utensil; rather since the utensil could be kashered it is considered l'chatchila and the utensil must be kashered. ■

1. שו"ע יו"ד סי' ק"ה סעי' ב'.

2. חידושי רעק"א שם. ■

STORIES Off the Daf

The Limits of a Shomer

וב"יה אומרים לא עולה

On today's daf we find that it is forbidden to put fowl on the same table as one who is eating dairy. Sometimes fulfilling this halachah can be very inconvenient. Before there were automatic washing machines, using a placemat every time one ate cheese and meat on the same table made a difference. Every extra piece of laundry was a bit more effort; more scrubbing added to an already diffi-

cult work load.

It is no surprise that people tried to find ways around this problem. One person thought to set up a shomer while some ate milk on a table laden with meat. "After all, if one may learn on Shabbos near an oil lamp or candle with a shomer even though he is liable to tilt it so the wick lights better, why shouldn't it help in this case?"

When the Ma'adanei Melachim, zt"l, was asked about this he replied that it was forbidden. "Rabbi Akiva Eiger, zt"l, brings that the Ginas Veradim, zt"l, forbids using a shomer for this purpose.¹ The reason this is different from avoid-

ing tilting a lamp is that there the only trouble is when the lamp or candle is going out. A shomer can watch for this and tell the person he is watching to avoid it. But in our case, where two people who know each other wish to eat meat and milk on the same table a shomer will not help. He cannot be always watching so vigilantly that we will be sure they do not forget what they are doing and eat a piece of meat or dairy accidentally."² ■

1. הגהות רעק"א ליו"ד, סי' פ"ה, ס"א

2. מעדני מלכים, סי' ע"ו. ■