

## OVERVIEW of the Daf

### 1) Meat and milk (cont.)

R' Ashi's source for the prohibition against consuming and benefitting from meat and milk cooked together faces numerous unsuccessful challenges.

Reish Lakish suggests another source for the prohibition against consuming and benefitting from meat and milk cooked together.

R' Yochanan and Reish Lakish debate the merits of this exposition.

Three more sources for the prohibition against consuming and benefitting from meat and milk cooked together are presented.

The mechanics of Isi ben Yehudah's derivation that one may not consume or benefit from meat and milk cooked together is analyzed and clarified. ■

## REVIEW and Remember

1. What type of kilayim is prohibited from benefit? \_\_\_\_\_
2. According to Reish Lakish what is the source that it is prohibited to benefit from meat and milk cooked together? \_\_\_\_\_
3. What is the significance of the phrase *כי עם קדוש אתה*? \_\_\_\_\_
4. Explain: *כל מה הצד מגופו פרכינן מעלמא לא פרכינן*. \_\_\_\_\_

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אברהם גרשון בן ציפי  
 שלמה ברוך בן שיינדל ברכה  
 מרים אורית בת דבורה  
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## Distinctive INSIGHT

*Food that is cooked on Shabbos is repulsive, but permitted*

כל שתעבתי לך הרי הוא בבל תאכל

On 114b, Rav Ashi taught that a mixture of milk and meat is prohibited to be eaten, and it is also prohibited from benefit. The restriction not to eat it is derived from the verse (Devarim 14:3) which commands us "Do not eat anything that is an abomination." This teaches that anything that is repulsive may not be eaten. For example, something declared by the Torah to be prohibited or anything used in a sinful way is prohibited to be eaten. Using the rule of R' Avahu, items which are referred to as being prohibited to be eaten are also prohibited from benefit.

Based upon the contention of R' Ashi, the Gemara points out that if a food was prepared in violation of the halachos of Shabbos, that food should be prohibited to be eaten, and it should also be prohibited from benefit. Yet, we find earlier (15a) a disagreement regarding the status of food that was cooked on Shabbos. According to Rashi, the question is based upon the case where this violation was done intentionally. Although the food is prohibited to be eaten on Shabbos itself, R' Meir holds that it is permitted to be eaten after Shabbos after waiting the amount of time it would have taken to prepare the food when it is permitted to do so. R' Yehuda is more strict, and he prohibits that food for the one who violated the Shabbos from ever eating it, but others may eat from it after Shabbos. R' Yochanan holds that it is prohibited for anyone ever to eat from food which was prepared in violation of Shabbos.

The Gemara in Kesubos (34a) discusses the basis for these opinions. According to R' Yochanan, this is a Torah-level restriction, based upon the verse (Shemos 31:14) which declares that Shabbos is holy. Just as items which are holy may not be eaten, so too, the product of violation of Shabbos may not be eaten. R' Meir and R' Yehuda hold that the restrictions against eating products of violating Shabbos are rabbinic, enacted either as penalties to discourage such acts (R' Yehuda), or as a manner to prevent one from benefitting from such violations (R' Meir).

The question of our Gemara is aimed at the views of R' Meir and R' Yehuda, who do not hold that food cooked on Shabbos is prohibited by the Torah.

Aruch LaNer notes that if the cooking of the food would be done unintentionally, even R' Yochanan holds that the food may be eaten, after Shabbos, by those other than the one who cooked it. The question of our Gemara could have been directed universally, and not just according to R' Meir and R' Yehuda, as the question is why is an object of a sinful act not prohibited due to its being repulsive?

Aruch LaNer suggests that food cooked with unintentional violation of Shabbos is not repulsive, as the sin in this case is not so egregious. ■

# HALACHA Highlight

## Food sold using dishonest weights and measures

מדאסר רחמנא כלאים לגבוה מכלל דלהדיוט שרי

Since the Torah prohibited kil'ayyim for benefit it must be that for non-sacred purposes it is permitted

Teshuvos Lev Chaim<sup>1</sup> wonders whether food that was sold by weight using a dishonest scale is prohibited for consumption. The basis of his question is that the Torah uses the term תועבה – abomination, in reference to the use of dishonest weights and measures. Our Gemara teaches that meat and milk cooked together are prohibited for consumption since the Torah uses the term תועבה and the verse states (Devarim 14:3) לא תאכל כל תועבה – you should not eat anything that is an abomination. The potentially broad application of this is evident from the Gemara's subsequent discussion that questions other prohibited items that are called תועבה by the Torah and whether they are also prohibited for consumption. Since the Gemara does not mention food sold by dishonest weights it would seem that

the prohibition לא תאכל כל תועבה should apply.

Lev Chaim answers that the Gemara's discussion of the prohibition regarding kil'ayyim is applicable to food acquired with dishonest weights and measures. The Gemara explains that since the Torah found it necessary to teach that one may not use kil'ayyim as a korban it must be that kil'ayyim is permitted for non-sacred purposes. Since the use of dishonest weights and measures is a subcategory of theft and the Torah prohibits the use of theft for a korban it must be that it is not prohibited for non-sacred uses. In a related answer he notes that since stolen property can be returned it is evident that it is not prohibited for benefit for if it was prohibited for benefit it would not be possible to return an item prohibited for benefit to the original owner. He also quotes Sefer Ohalei Yitzchok<sup>2</sup> who explains that the verse לא תאכל כל תועבה applies specifically to foods that are prohibited for consumption rather than foods with which a prohibition was committed. ■

<sup>1</sup> שו"ת לב חיים ח"ב סי' ר"א.

<sup>2</sup> אהלי יצחק לסוגייתנו ד"ה כל שתיעבתי. ■

# STORIES off the Daf

## "You Shall Surely Send the Mother Away"

"לא אמרה תורה לשלח לתקלה..."

A Jewish glazier had a working relationship with a non-Jew who made window frames—the Jew would send clients in need of frames to the non-Jew. One day, the framer thought that he would return the favor by sending a client in need of glass repair to the Jew. Although the Jew could have used the business, he was afraid that it might not be permitted and told his acquaintance that he would get back to him. One halachah that every Jewish glazier must know is brought up by the Taz in hilchos avodah zarah. He writes that it is forbidden for a Jew to put windows in a church.<sup>1</sup> To get around this problem,

the Jewish craftsman considered asking the non-Jew to simply omit details about where his panes would be employed so as to avoid the problem of supplying them for a church.

He did have some yir'as shomayim, however, so he did not just go ahead with his plan without asking a rav. When this question reached the author of Teshuras Shai, ז"ל, he ruled that this trick would not help.

"The Gemara in Chullin 115 proposes that if one takes the mother bird while it is resting on its eggs or hatchlings—a Torah prohibition—perhaps the mother should be forbidden for use since it was acquired through a sinful act. The Gemara then proves that the proposition is false from the nature of the mitzvah itself. Since the person who did the sin can repair what he has done by sending the mother bird away afterward, then this means that he would essentially be sending a prohibited bird

out into the world and any Jew could find it and use it, without realizing that it is forbidden. Since God would not do this, it is obvious that the mother bird is permitted.

"Of course, there is no knowing if the mother bird will reach a Jew. Nevertheless, it must be forbidden if there is a chance that it will. Similarly, you may not do something that violates a serious prohibition even if you don't know consciously that it certainly will. There is no reason why fixing windows in frames that will eventually be affixed to a church by someone else is better than putting them in a window attached to a church yourself. Not only are you forbidden to tell the non-Jew to refrain from telling you if it is for a church, you should ask him if it is for a church to ensure that he is not tricking you into doing that which is forbidden!"<sup>2</sup> ■

<sup>1</sup> ט"ז יו"ד, סי' קמ"ג, סי' ק"ב.

<sup>2</sup> שו"ת תשורת שי, ח"ב, סי' קכ"ח. ■