

30.8.9

113a (משנה ג) → 114b (משום הכי איצטריך קרא)

1. ראשית בכורי אדמתך תביא בית יקוק אלהיך לא תבשל גדי בחלב אמו: שמות כג, ט
 2. לא תאכלו כל נבלה לגר אשר בשעריך תתננה ואכלה או מכר לנכרי כי עם קדוש אתה לה' אלהיך לא תבשל גדי בחלב אמו: דברים יז, כא
 3. וישלח יהודה את גדי העזים ביד רעהו העדלמי לקחת הערבון מיד האשה ולא מצאה: בראשית לח, כ
 4. ואת ערית גדי העזים הלבשה על ידיו ועל חלקת צואריו: בראשית כז, טז
 5. ושמרו את משמרתיו ולא ישאו עליו חטא ומתו בו פי יחללהו אני ה' מקדשם: ויקרא כב, ט

- I ל"ת 3a putting cheese with chicken on the table does not constitute a ל"ת
 a מה"ת עוף → ל"ת inference: eating them together is a ל"ת
 b (עוף בגבינה מד"ס) ל"ת (i.e. עוף בגבינה מד"ס) corrected reading: putting them on the table cannot lead to a ל"ת
- II 3a range of איסורם when mixing various standards of meat and milk and which meats are included in the איסורם
 a standards: permissible meats and milk -may not cook nor benefit; if 1 (or both) are prohibited – may cook & benefit
 b range of meats included:
 i ד"ע only beef of בהמה; fowl and חיה are excluded
 1 argument: v. 1 appears 3x - excludes בהמה טמאה, fowl and חיה
 c 2 juxtaposes נבלה::בב"ח – anything classified as נבלה is under the ban
 i which should include: fowl, however בחלב אמו excludes non-mammals
- III Sources – for assuming that גדי means more than just “goat” and extends to a wider range
 a 3 v. 3 describes goat as גדי עזים → “גדי” alone is any young animal
 i challenge: why not infer that גדי means עזים from v. 3
 ii answer: v. 4 also uses גדי עזים → גדיי עזים כאחד
 1 challenge: according to ר' יהודה (שני כתובים הבאים כאחד מלמדו) ר' יהודה, why can't we infer it?
 2 answer: both v. 3 and v. 4 use ה"ה (גדי העזים) – as an exclusion
- b 3a extends to חלב, נבלה, embryo, שמואל
 i and excludes: דם, placenta, טמאה
 ii and uses: חלב אמו to exclude male milk, חלב שחוטה and חלב טמאה
 1 challenge: how can he use the word for 6 לימודים when it only appears 3 times?
 2 answer: שמואל holds איסור חל על איסור חל and חלב/מתה come from one instance
 (a) and: neither דם nor placenta are “גדי” → no verse needed; we have 2 left (to include שליל and exclude טמאה)
 3 challenge: שמואל indicates (context of כהן eating טמאה when he is טמא [v. 5]) איסור חל על איסור, citing ר"א
 (a) answer1: he generally holds איסור חל על איסור, but בו (v. 5) is an exception
 (b) answer2: he generally holds איסור חל על איסור, but גדי extends
 (c) answer3: his teacher (ר"א) holds אח"כ; he disagrees
- IV parametric questions
 a 3b was asked if cooking in milk of a goat that never nursed generates חיוב
 i response: from שמואל's using חלב אמו to exclude “male milk” → this would be חייב, as it will eventually become אם
 b liability for cooking milk in חלב אסי/ר' אמי/ר' אסי – liable/exempt
 i suggestion: their dispute is whether (בב"ח) איסור חל על איסור
 1 rejection: all hold איסור חל על איסור
 (a) solution1: all agree that there are no מכות for eating;
 (i) dispute: if there are מכות for cooking – it is a separate איסור, but the תורה “describes” eating as בישול
 (b) solution2: all agree that there are מכות for cooking
 (i) dispute: for eating; אין אח"כ; but תורה uses “בישול” → eating; since מכות for בישול → מכות for eating
 (c) solution3: they don't disagree; one was referring to לוקה (לוקה) בישול and the other to אכילה (לוקה) אכילה
 2 challenge: ruling that cooking in “milk-water” (water that comes out of teat), or cooking bones, sinews etc. or blood in milk is not a liability of בב"ח, but cooking נותר וטמא in milk – is
 (a) answer: that תנא does hold איסור חל על איסור (‘tho אסי ור' אמי ור' אסי may agree that it doesn't)
 (b) note: exemption for חלב מי חלב::חלב ר"ל who interprets מ"ש ruling that חלב::חלב מי חלב, הכשר זרעים, not בב"ח

V Foundational ברייתות:

- a *First ברייתא* אמו בחלב implies goats milk – sheep and cow's milk is included via ק"ו:
- i *If*: goats, which may be mated with their mother, may not be cooked in her milk
 - 1 *Then certainly*: cows and sheep, which may not be mated with goats, may not be thusly mixed
 - 2 *Therefore*: the תורה states אמו בחלב – even cow and sheep milk
 - (a) *Question*: why the need for the verse – we extended via ק"ו
 - (b) *Answer* (ר' אשי): because the essential ק"ו is flawed:
 - (i) *Flaw*: we built the ק"ו from "it's mother" – but they may not be slaughtered on the same day
- b *Second ברייתא*: extending איסור to the milk of its older sister (older = born in previous year) via ק"ו:
- i (Note: possible for goat to give birth as a yearling → mother and child could be in same group for בהמה (מעשר בהמה))
 - ii *If*: the mother, who could be in same "corral" for מע"ב, is prohibited
 - 1 *Then certainly*: the "older sister", who doesn't enter the same corral for מע"ב is prohibited
 - 2 *Therefore*: the תורה states אמו בחלב
 - (a) *Question*: why the need for the verse – we extended via ק"ו
 - (b) *Answer* (ר' אשי): because the essential ק"ו is flawed:
 - (i) *Flaw*: we built the ק"ו from "it's mother" – but they may not be slaughtered on the same day
 - 3 *Analysis*: this only extends to the older sister; what about a "younger" sister (who is older but within same year of birth → could be in same "corral" for מע"ב)?
 - (a) *Answer*: infer it from the mother
 - (b) *Block*: its mother may not be slaughtered on same day, unlike the "younger" sister
 - (i) *Save*: the "older sister" disproves that block
 - (ii) *But*: the "older sister" doesn't enter the corral with the kid
 1. *Save*: the mother disproves that
 2. *Common denominator*: between mother and older sister – both are related and both may not have their milk used to cook the kid
 - a. *Application*: the younger sister, which is its flesh, may not have its milk used to cook the kid
 3. *Challenge*: why not infer the older sister from these two?
 4. *Answer*: indeed, אמו בחלב is used for ברייתא #3:
- c *Third ברייתא* אמו בחלב refers to its mother's milk; how do we know that it may not be cooked in *its own milk*? Via ק"ו:
- i *If*: where the fruit (offspring) is not prohibited with the fruit (sibling) for שחיטה (on same day), yet the fruit is prohibited to be cooked with the mother's milk
 - 1 *then certainly*: where the fruit (offspring) is prohibited with the fruit (milk), the fruit (milk) is prohibited with the mother – to be cooked (in its own fruit [milk])
 - 2 *Therefore*: the תורה states אמו בחלב
 - (a) *Question*: why the need for the verse – we extended via ק"ו
 - (b) *Answer* (ר' אחדבוי בר אמי): because the argument could be challenged:
 - (i) *Challenge*: a horse, whose mother is a horse but whose brother is a mule
 1. *Is forbidden*: to cohabit with its sibling (the mule) but not with its mother (a horse)
 2. *Rejection*: that is due to the father's role (donkey)
 - a. *Proof*: a mule whose father is a horse but whose mother is a donkey and whose sister is a mule may cohabit with its sibling but not with its mother
 - (ii) *Challenge*: a slave, whose mother is a שפחה but whose sister has been liberated disproves that
 1. *Since*: the siblings are prohibited but the offspring is permitted with his mother
 2. *Rejection*: that is due to the lack of a גט שחרור
 - a. *Proof*: a slave whose mother has been freed but whose sister hasn't may cohabit with sister but not with mother
 - (iii) *Challenge*: כלאי זרעים - fruits are forbidden w/each other, but fruit with "mother" (earth) permitted
 1. *Block*: the "fruits" are only forbidden because of the "mother"
 2. *Proof*: wheat and barley can be in one jug and not forbidden
 - (iv) *Challenge*: fruit (milk) is forbidden with fruit (kid) as it is two bodies;
 1. *Unlike*: fruit (milk) with the mother (its own body) – which is one body
 - a. *Therefore*: we require the פסוק to forbid cooking the goat in its own milk