

The Weekly Daf



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Chullin 110-116

Week of 28 Kislev-5 Teves 5757 / 9-15 December 1996
Rav Weinbach's insights, explanations and comments for the 7 pages of Talmud
studied in the course of the worldwide Daf Yomi cycle

Which Meat (and Milk) Can You Eat?

The Torah tells us three times that we must not cook the kid in its mother's milk, in order to convey to us that it is forbidden to cook meat and milk together and to eat or in any way benefit from the product of such cooking.

But what comes under the title of meat?

It cannot be limited to goat meat, because we find in a couple of places that when the Torah wishes to limit the word "kid" to goats, it explicitly writes "the kid of goats." We therefore conclude that the meat referred to in the ban on meat and milk includes all kosher domesticated animals.

But what about undomesticated kosher animals and fowl?

Three opinions are cited in the Talmud:

- 1) **The Majority View** — The meat of undomesticated animals and fowls is forbidden by Torah law to be cooked in milk. The Torah's juxtaposition of the ban on meat and milk with the ban on eating animal life which died of itself (*heveilah*) establishes the rule that any type of meat which is forbidden for lack of *shechita* is forbidden to be cooked with milk.
- 2) **Rabbi Akiva** — The Torah limited its ban to the meat of a domesticated animal, but the Sages prohibited cooking even the meat of undomesticated animal and fowl with milk.
- 3) **Rabbi Yossi Haglili** — The Torah limited the ban to such animals where mother's milk exists. This includes both domesticated and undomesticated animals but excludes fowl. His opinion is that there was not even a rabbinic decree forbidding the cooking of fowl meat and milk.

The *Shulchan Aruch* (*Yoreh De'ah* 87:3) rules like Rabbi Akiva, and limits the rabbinic decree to eating the meat of an undomesticated animal or fowl which has been cooked with milk, but not to cooking or benefiting from it. Other authorities, however, do not make this distinction between the different kinds of meats.

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A Tale of Two Birds

There is no explicit passage in the Torah forbidding the eating of meat cooked with milk, and a number of approaches are suggested by various Sages as to the source for prohibiting not only the cooking but the eating and enjoying as well. One of these is Rabbi Ashi's approach, based on the Torah's prohibition (*Devarim* 14:3) "You shall not eat any abominable thing." This encompasses any food rendered abominable by a Torah prohibition attached to it, and therefore includes meat and milk which have been cooked together against the will of the Torah.

This sweeping rule is challenged based on the mitzva of sending away the mother bird before taking its eggs or chicks. If someone violated this prohibition and took the mother bird, he is required to send it away. Why don't we prohibit the eating of this mother bird by whoever eventually captures her, since she comes under the heading of "an abominable thing" once a sin has been committed in connection with her?

The response to this challenge is that if the Torah commanded us to send away the mother bird, it is tantamount to explicitly stating that this bird may be eaten, since it is inconceivable that the Torah would have dictated the letting loose of a bird which will be an obstacle for those who capture it and are unaware of its identity.

This same logic is employed by the Talmud (*Kiddushin* 57a) in regard to the two birds used in the purification of the *metzora*. One is slaughtered and the other sent away. Even if we can identify the latter it is permissible for eating, because it is inconceivable that the Torah would have ordered us to let loose an obstacle. The only difference is that the Talmud there cites a Torah passage hinting at the *kashrus* of the bird sent free. *Tosefos* here point out that this was necessary, because the Torah speaks of both birds together, and we would have assumed without this passage that just as the slaughtered bird is forbidden to be eaten, so too would be the case with the one sent free if we can identify it.

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