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TALMUDIC LAWS

OF

MEAT AND MILK:

HULLIN 108a-108b

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Thesis submitted in partial fulfillment  
of the requirements for Ordination

Hebrew Union College-Jewish Institute  
of Religion - Cincinnati, Ohio

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## Digest

This thesis is an in-depth study of pages 108a and 108b of tractate Hullin in the Babylonian Talmud.

The Mishnah, Gemara, Rabenu Gershom, Rashi and Tosafot are translated and commented on individually. Each layer is dealt with one at a time. For instance, there might be difficulty with the understanding of the Gemara which Rashi explains; rather than discussing if when the Gemara is translated, the matter is discussed when Rashi's comment on that section is translated.

The thesis begins with a preface which provides background to the nature of the Talmud and to the methodology of the thesis itself. An introduction places meat and milk in its Pentateuchal setting. The sages understood the verse, "Thou shalt not seethe a kid in its mother's milk," to mean that all meat and milk are not permitted to be eaten together.

The Mishnah discusses the consequences of a drop of milk falling accidentally onto a piece of meat. The Mishnah says that the piece of meat is prohibited, if the taste of the milk were imparted to it; that the entire pot is prohibited after mixing, if taste is imparted to the pot. The commentaries discuss the exact position of the piece in question, the concept of the imparting of taste, and the relationship between the first and second parts of the Mishnah.

The Gemara first discusses the relationship between meat and milk and other similar prohibitions. Abaya asserts that meat and

milk is the source of the concept of taste, which by analogy applies to other similar prohibitions as well. Rava in the Gemara comments on Abaya's statement.

The rest of the Gemara covered in this thesis is based on one statement of Rav. Rav states that when the piece of meat is prohibited by the drop of milk, it becomes "nevelah". The "nevelah" meat in turn prohibits all the other pieces of meat in the pot because they are of like kind. This statement is explained and examined in light of other putative statements of Rav.

For instance, Rav is also reported to have stated that when meat falls into a pot of milk, the meat is prohibited, but the milk is permitted.

The final chapter covers a small section of Maimonides' Mishneh Torah. The Talmudic roots of Maimonides' legal reasoning are demonstrated.

## PREFACE

To study the Talmud is an experience; the purpose of this thesis is to replicate that experience. The whole of Talmudic study is a multi-layered process consisting of a text, which is then commented on dialectically, followed by a dialectic discussion of the commentary, and so on, ad infinitum. The basic source of the Talmud is the Pentateuch, the Five Books of Moses, which are made up of narrative, poetic, and legalistic material. Some time in the third century, the legalistic material was codified by subject matter, in a manner that reflected the current practice and state of observance. This is the Mishnah. The Mishnah included in this thesis seems to have been formulated when meat and milk foods were already strictly separated. This Mishnah typifies the methodology of the Mishnah: it is based on a Scriptural verse which is not explicitly stated. The Gemara follows the Mishnah and is a later addition, dating from about the seventh century. It discusses the exact and precise meaning of each word of the Mishnah in a dialectic fashion.

In our Mishnah, a drop of milk falls onto a piece of meat which is cooking in a pot. Later, the Gemara wonders about the case of meat falling into a pot of milk.

Rashi, 1040-1105, short for Rabenu Shlomo ben Yitzhak, lived in Troyes, France and studied in Worms. He provides the next layer in the study of Talmud after the Mishnah and Gemara. It is a running commentary. Rashi neither offers an alternative to the

Gemara's view of the Mishnah, nor does he elaborate upon what the Gemara discusses. He elucidates what already has been said, which is not a simple matter. The Mishnah, as we have said, does not explicitly state its Pentateuchal source. The Gemara's language is difficult and technical. Without Rashi's running commentary, the Talmud's density would be almost too much for even an experienced student to penetrate.

Rashi's commentary, for all its exceptional clarity and insight, is after all one person's understanding of what the text says. And Rashi does not delve into side issues, however interesting, in the course of his commentary. So, the Tosafotists at the next layer, comment when they believe Rashi errs, or comment when there are interesting issues that they think deserve more attention. With the addition of a few commentators on the Tosafot, these are the layers with which this thesis will deal. Each layer is an interpretation and explanation of the previous layer.

An important part of the experience of the study of Talmud is to see what each succeeding layer adds to the preceding one. An effort will be made to comment on each layer one at a time. Each layer is, in essence, a commentary of the previous one. If, for example, Rashi comments on a difficulty in the Gemara, this thesis will wait until the Rashi layer is reached before commenting on the difficulty. In this way, the essential Talmudic process will be reflected in this thesis.

The language of the Talmud is specific and technical. Even one who knows Hebrew or Talmudic Aramaic needs to know the technical

meanings of words, in order to follow a Talmudic argument. Technical terms will be translated literally, rather than having their meaning reflected in the translation. It is hoped that their meaning will be made clear in the commentary. In so doing, it is also hoped that the process of Talmudic study will be more faithfully rendered.

## INTRODUCTION

The phrase "Thou shalt not seethe a kid in its mother's milk" appears three times: in Exodus 23:19, Exodus 34:26, and Deuteronomy 14:21. A case which might seem to involve a kid and its mother actually involves an extensive and complicated system of separating meat and milk, including the separation of utensils designated for meat or milk use, the special case of the udder of a cow, and many other cases which deal with the many ways meat and milk might accidentally mix together. This thesis will deal with the Talmudic discussion of a case in which a drop of milk falls on a piece of meat. In order to deal with the practical implications of such a case, the Talmud must first examine theoretical problems of the nature of the prohibition of meat and milk. In that discussion, certain concepts are taken for granted.

First of all, the verse is taken to include all meat and all milk. The word "kid" means the young of any species of domesticated kosher four-legged animals, such as goats, sheep, or cattle. The phrase "in its mother's milk" does not teach that a kid is only prohibited from being seethed in only its mother's milk; rather, it teaches that the kid is counted as a first fruit for purposes of tithing. Indeed, within the verse on seething a kid in its mother's milk (henceforth known as "our verse") when it appears both times in Exodus, the law of the first fruits is included.

Therefore, since a kid can mean any kid-and by extension any flesh-and since the word "mother" is not related to the word

"seethe", any kosher milk and any kosher meat are prohibited from being cooked together.

One way the Talmud investigates the prohibition of meat and milk is to compare it to other similar prohibitions, such as the prohibition against pork or shellfish. In all food prohibitions in Jewish law, there exists the concept of "imparting taste." This means that if the taste of a prohibited food is perceptible in a permitted food, the permitted food is thereby prohibited. The presence of a prohibited food imparts taste, especially by means of cooking; it is significant that our verse specifically mentions cooking; no other verse in the Torah does.

Comparisons with other prohibitions are important for another reason. Since the Torah is presumed to be a unified document from a single source, every prohibition is related to all the rest. This means that a general principle which one prohibition is based upon can be applied to other similar prohibitions. In the case of our Talmudic passage, the Talmud will ask whether or not the concept of the imparting of taste is derived from the prohibition of meat and milk.

One term used in connection with meat and milk, which is derived from other prohibitions, is the term "nevelah". It is the term which is prohibited because the animal died either through natural causes, or because ritual slaughter was performed improperly; in other words, "nevelah" is otherwise kosher meat rendered unfit. The term "nevelah" is used in our Talmudic passage to refer to a piece of meat which is prohibited because a drop of milk imparted its taste to it. The Talmud will examine whether a piece of meat



so prohibited is in and of itself "nevelah", as in the original meaning of the term, or whether the piece of meat can be permitted again, once the taste of the milk is removed.

Of special concern to the Talmud is whether or not a drop of milk which comes in contact with meat can be annulled. To be annulled means that since there is so much more of the meat than the drop of milk, the smaller amount of milk becomes undetectable through taste. If a drop of milk were to be annulled, it would simply not count; it would be treated as if it did not exist, and the meat would remain kosher. We will also discuss whether meat can be annulled by a large amount of milk. Annulment is only possible in prohibitions which are based on taste. The ratio of the permitted to the prohibited must be sixty to one, or sixty times. In the course of our discussion, we will discover the source of that ratio. In prohibitions where any amount of food is prohibited regardless of taste, annulment is impossible. This would be true of the prohibition against leavening during Passover.



## Chapter I

### The Mishnah

A DROP OF MILK THAT FELL ONTO A PIECE; IF THERE IS ENOUGH IN IT TO IMPART TASTE TO THAT PIECE, IT IS PROHIBITED. THE POT WAS STIRRED; IF THERE IS ENOUGH IN IT TO IMPART TASTE TO THAT POT, IT IS PROHIBITED.

The Mishnah places meat and milk in a practical context, where milk accidentally comes into contact with meat. Because our verse specifically mentions cooking, we must first assume that the pot into which the drop of milk falls is cooking over a fire. In such a situation it would be difficult to measure specific amounts of meat and milk. The Mishnah does not state that a specific amount of milk mixed with a specific amount of meat is the minimum amount acceptable. Rather, the prohibition is stated in terms of imparting taste; the meat is prohibited only if the milk causes its taste to be noticeable in the meat. However, if one tastes the meat, and if the milk taste is discernible in the meat, one has violated the prohibition. How is it possible to tell whether or not the food is prohibited, if taste is the determining factor, and eating is impossible because it might already be prohibited? Commentators and codes have established exactly how taste can be determined without eating. Ultimately, as we have mentioned, a numerical ratio of meat to

milk allows one to estimate whether or not taste has been imparted without eating.

The Mishnah cites two separate cases: before mixing the pot, and after. In the first case, only a single piece of meat is mentioned. After the pot is mixed, the entire contents of the pot are in question. It is clear that in the first part of the Mishnah, only the one piece of meat is affected by the taste of the drop of milk; no other contents of the pot are affected by the drop. Only when the pot is mixed, does the Mishnah mention the other contents of the pot, whether broth or other pieces of meat. It is not clear whether or not the piece of meat in the first part of the Mishnah is still a factor after the pot is mixed.

On the basis of the Mishnah itself, interpretation and explanation are still necessary. We do not know in the first part of the Mishnah what circumstances would allow only one piece to be affected by the drop. We do not know when the pot is stirred, and whether this has any effect on the mixing of the milk in the pot. Was it mixed after the drop had a chance to permeate the first piece or not? And finally, we still do not know exactly how much milk is needed to prohibit a mixture of meat and milk, and exactly how one determines this amount. Rashi immediately clarifies the first part of our Mishnah:

A DROP OF MILK THAT FELL ONTO A PIECE: Within the pot, upon one of the pieces. The pot was not mixed, and the taste was only imparted to that particular piece.

According to Rashi, the first part of our Mishnah refers

to a static situation. Only one piece was affected; until mixing occurs, nothing else in the pot can be affected.

IF THERE IS ENOUGH IN IT TO IMPART TASTE: That is (if) there is not in that one piece sixty times the drop that could annul the drop, the piece is immediately prohibited. As for the other pieces in the pot, the Tanna of the Mishnah does not comment. In the Gemara there is a disagreement about the piece, whether it in turn prohibits the others or not.

Rashi solves the problem of how to determine whether or not the drop of milk imparted taste to the piece of meat without actually eating the potentially prohibited piece. The solution is the ratio of one to sixty. The rabbis have stated that when more than one sixtieth of a prohibited food is mixed with a permitted food, the taste of the prohibited food is presumed to be imparted. In the case of meat and milk, the same principle applies: if the drop of milk is more than one sixtieth of the volume of the piece of meat, it is assumed that the taste of the milk has been imparted to the piece of meat. An important presumption is that all this occurs while the pot is cooking; different principles entirely are in effect, if either of the two foods is cold.

The Talmud states that this method of determining whether or not taste has been imparted is only to be used when better methods are unavailable: "Therefore, with two unlike permitted substances, taste determines whether or not they are forbidden. A Gentile cook (not liable to the prohibition, is used to deter-

mine whether or not the prohibited taste is discernible). With two like substances, one of which is prohibited, or no Gentile cook is available, one to sixty (is used to determine whether or not taste is imparted)." In some cases where it is possible for someone who is not subject to the prohibition to actually eat the meat in question and to see if the taste of milk is present, the ratio of sixty to one is not a factor. However, if it is not possible for the meat to be tasted, the ratio of sixty to one is estimated.

The ratio of sixty to one has not been chosen arbitrarily. It is based on the ratio of the ram's shoulder to the rest of the ram when the Nazirite offered a ram (Numbers 6:19). What is important in this case is not that it is a sacrifice, but that it is a prohibited food cooked with a permitted food. The ram was cooked whole; the officiating priest received the shoulder, which was cut off after the ram was cooked; and the presenter received the rest of the ram. Consequently, the ram's shoulder is treated as a prohibited substance (to all but the officiating priest). If meat and an accidental drop of milk cooked together is a problem in our Mishnah, it is even more of a problem when a prohibited and a permitted food are required to be cooked together, as in the case of the cooked ram's shoulder. The rabbis reasoned that the Torah would not require a prohibited food to be cooked together with a permitted food with an amount of the prohibited food that could prohibit the entire mixture. In a Talmudic discussion, it was decided that

the ratio of the cooked ram's shoulder to the rest of the ram was one to sixty: "Those who say (the proportion is) sixty times, reason that the flesh and the bone of the shoulder are measured against the flesh and the bone of the entire ram, and that this is sixty times." This case thus becomes the exemplary case that determines how much of a prohibited food is allowed to be cooked together with a permitted food. It is the only place in Jewish law where it is required that a permitted and prohibited food be cooked together.

If the piece of meat, therefore, is sixty times greater in volume than the drop of milk, then the drop of milk is annulled, and the piece of meat is permitted. However, if the piece of meat is less than sixty times the drop of milk, the piece is prohibited. However, if the piece of meat is less than sixty times the drop of milk, the piece is prohibited. If the piece is prohibited, the question becomes: does the entire piece of meat plus the milk need to be annulled by the ratio of sixty times?

Or does only the milk that is within the piece of meat need to be annulled? If sixty times the whole piece is needed, then the piece could prohibit the entire contents of the pot, when there is not sixty times the volume of the entire piece in the pot.

This question is addressed later in the Gemara. It is the problem Rashi refers to when he states that there is a question "whether the piece in turn prohibits the others or

not." Although Rashi already has an interpretation of this problem, he defers it, since he wishes to provide a running commentary, and not a theoretical dissertation.

THE POT WAS STIRRED: It was stirred immediately before the piece received the taste from the drop, for now the drop is mixed in with the entire contents.

In the first part of the Mishnah the effect of the drop was confined to one piece. If the pot were stirred, it would distribute the drop of milk throughout the entire pot. Rashi states that the pot was stirred before the drop could permeate the piece of meat. This implies that the piece of meat is not a factor at all in the second part of the Mishnah, and that the Mishnah is discussing two completely separate cases. Before mixing, there is a static situation, involving only one particular piece of meat; after mixing, the entire contents of the pot are in question.

IF THERE WERE ENOUGH IN IT TO IMPART TASTE TO THAT POT: That is to say, the entire contents of the pot would be prohibited, only if the drop were able to impart taste to everything in the pot.

Rashi's comment is interesting for what it does not say. The piece of meat from the first part of the Mishnah is conspicuously absent and is no longer a factor. The entire pot can now be included: if the entire contents of the pot are sixty times the drop, the drop is annulled and the contents are permitted. It is much more likely, according to Rashi,



for the drop to be annulled after stirring than before stirring.

The primary function of the Tosafot is to integrate one Talmudic passage with parallel passages, so that the Talmud and the entire rabbinic tradition will be unified and harmonious. Discrepancies between parallel passages are presumed to be a problem--not with the texts--but with the ability to the reader to understand them. Solutions are found to the inconsistencies among parallel passages, which preserve legal and intellectual integrity. The Tosafot also clarifies specific problems in the text and discusses them at greater length than Rashi's running commentary. Study of the Tosafot broadens the study of a particular page of the Talmud to include related discussions in other tractates.

A DROP OF MILK THAT FELL ONTO A PIECE: IF THERE IS ENOUGH IN IT TO IMPART TASTE TO THAT PIECE. It is prohibited when the entire piece is out of the broth as it says (in the Tosafot) on page 96b (Hullin): "And there (our Mishnah refers) to a case in which the entire piece is out of the broth, for then it is only distributed by means of mixing and covering." Therefore, we estimate whether the single piece annuls the drop, and not the other pieces. We do this because the drop permeates all of this piece, but would only permeate the pieces adjoining it by means of stirring and covering, as it states below in the Gemara (Hullin 108b): "If I were to say that the pot was not stirred at all, why would the other pieces be prohibited? The drop is absorbed, but it is not given off."

This Tosafot disagrees with Rashi. While Rashi states that the pot was stirred "immediately before the piece received the taste from the drop," Tosafot tells us that the drop has permeated the one piece in question only. The drop could only be distributed to the rest of the pot through mixing and stirring; as long as the pot is boiling, the piece in question only absorbs the drop and does not give off.

The Tosafot deals with one specific question not dealt with before: how is it possible, in the first part of our Mishnah, for only one piece to be affected? Assuming that the pot is boiling, would not the boiling process distribute the drop regardless of where the drop fell?

The answer is that the piece of meat is completely out of the broth. Consequently, the only way the drop could be distributed further is to cover and/or mix the pot. Another Tosafot is used as a reference, from page 96b in this tractate. There, the ability of the broth in a pot of meat to annul another prohibited food is discussed. Every possible situation is explored, such as a prohibited food that is completely out of the broth; this is the section quoted above.

The other reference, to the Gemara, tells us that as long as the pot boils, the piece of meat absorbs what is in the pot but does not give off anything. When the drop of milk falls on the meat, it stays in the meat.

Only mixing or covering distributes the drop to neighboring pieces.

Tosafot tells us that in the first part of the Mishnah,



there is no other possible interpretation except that the drop is confined to one particular piece of meat. It could not work its way into the broth from the piece of meat, because the piece of meat is completely out of the broth, presumably propped up on other pieces of meat. It could not travel from one piece of meat to an adjoining piece, because the piece onto which the drop fell can only absorb and cannot give it off.

Rashi and Tosafot disagree on a crucial point. Rashi states that when the pot is stirred, the drop has not yet imparted its taste to the piece of meat. Tosafot explicitly states that the drop is confined to that one piece of meat until the pot is either mixed or covered. According to Rashi's interpretation of the second part of the Mishnah, there is very little chance that the pot would be prohibited after the pot is mixed. This is so, because the entire pot, not just the individual piece, could be used in reckoning the sixty times ratio.

But what does the "it" refer to in the Mishnah? There will always be difficulties reading an uninterpreted, concise and somewhat elliptical text. In the first part, the drop of milk and the piece of meat are named explicitly: "A drop of milk that falls onto a piece of meat." From then on, only pronouns are used except for the pot: If there is enough in it to give taste to that piece." Here, there is no doubt that the "it" is the drop of milk. However, in the second half, it is not so clear: "The pot was stirred: if there is enough in it to give taste to that pot, it is prohibited." The second "it"

clearly refers to the pot and its contents. But what does the underlined "it" refer to, after the pot was stirred? It could refer to the drop of milk. But it could also refer to the noun immediately preceding, namely the piece of meat. It could mean "The pot is stirred: if there is enough in the piece of meat to impart taste to the pot." Since Rashi's interpretation stresses the drop of milk, he interprets the "it" in question to mean the drop of milk: "If there is enough in the drop of milk to give taste to that pot." On the other hand, the interpretation of the Tosafot suggests that when the pot is stirred, the prohibited piece of meat could impart taste to the pot and could then prohibit the entire pot. The discussion exemplifies the subtleties involved in the interpretation of a rabbinic text.

Because the Mishnah is not formulated with specific reference to the verse "Thou shalt not seethe," there is a question on the concept of taste. Is the concept of taste implicit in the verse, or is the concept of taste a rabbinic addition? The Mishnah does not provide the answer. This question is dealt with in the first part of the Gemara: Abaya states his point of view, which is modified later by Rava.

## Chapter II

### The Discussion Between Abaya And Rava On Taste And Cooking

ABAYA SAID: ITS TASTE AND NOT ITS SUBSTANCE (IS PROHIBITED) BY THE TORAH NOT ONLY WITH MEAT AND MILK, BUT WITH OTHER PROHIBITIONS AS WELL.

We have already encountered the concept of imparting taste in the Mishnah. The prohibition of meat and milk is stated only in terms of the milk imparting taste to the meat. Abaya<sup>1</sup> clarifies the idea of taste by stating that it is taste and nothing else--but taste that is prohibited. In today's modern scientific world of molecular biology, we might associate taste with the actual physical substance that is tasted. No such association existed in Abaya's time. The taste of a food and the physical presence of a food were not considered synonymous. Abaya warns us that if we see no physical sign of a prohibited food in a mixture, it is nevertheless prohibited if the prohibited taste is present. If the drop of milk itself is not physically noticeable to the eye or the touch, the presence of taste alone would be sufficient to render a food prohibited.

Abaya expands the discussion from meat and milk mentioned in the Mishnah to include all other similar prohibitions. These include the prohibition against any part of the pig (or any animal that does not have cloven hooves and does not chew a cud);

or the prohibition against any fish that does not have scales. He refers to our verse "Thou shalt not seethe," upon which the Mishnah is based. Abaya states that the concept of taste is derived from this verse, whether or not it is used in connection with meat and milk. It is not a concept which was added by the Sages, but is intrinsic to the Pentateuchal tradition. Taste as a concept is implied in our verse and in turn serves as the model for other prohibited foods.

"From the Torah" and "from rabbinic enactment" are two levels of authority in Jewish law. "From the Torah" means that a law is indicated explicitly or implicitly in the Five Books of Moses. "From Rabbinic enactment" means that additional laws were mandated by post-Torah authorities. Such rabbinic laws cannot be found in the Torah."<sup>2</sup> The "fence" consists of those rabbinic regulations which are designed to prevent the violation of even more serious offense, namely, a prohibition specifically proscribed in the Torah. The prohibition against making fire on the Sabbath is the prohibition from the Torah; the "fence" then, is the prohibition against handling candles and matches. Laws from the Torah, that is, laws that can be shown either to be stated explicitly in the Five Books of Moses, or that can be shown to be derived through established hermeneutical rules, are the building blocks upon which the entire structure of Jewish law is based. In general, Jewish law deals more stringently with matters prohibited in the Torah than with those ordained by the Sages.

Rashi: ITS TASTE AND NOT ITS SUBSTANCE: we prohibit all

kinds (not only meat and milk) when a prohibited food imparts taste, even if none of the prohibited food is actually there, (as) for example, when the prohibited food is removed and only the taste remains. This prohibition is from the Torah and is derived from meat and milk. Scripture prohibited eating (meat and milk); and we learn this above from "Thou shalt not seethe" stated three times: "The school of Rabbi Ishmael<sup>3</sup> taught, "Thou shalt not seethe a kid in its mother's milk" appears three times--one (to prohibit)--eating--one (to prohibit) deriving benefit--one (to prohibit) cooking."<sup>4</sup> And even when one is removed from the other after cooking, it is prohibited. All the other prohibitions that are found are derived from this (taste is derived from meat and milk).

Rashi describes how taste could be present when the actual food that imparts the taste is not visibly or palpably present. In his example, a prohibited food is removed, but its taste remains. In modern science it is not only the taste that remains, but residual traces of the food that can be sensed through taste or smell. In Rashi's explanation, what remains in boiling water after meat is removed is a separate phenomenon called "taste." This is the phenomenon that Abaya is discussing in the Gemara, and is in contradistinction to "substance," the actual visible physical presence of something.

When Abaya states that all prohibitions other than meat and milk are Scriptural, Rashi explains the implications of this statement: in cases of a permitted food mixed with prohibited food, even if the permitted food imparts only taste to

it, it is proscribed. Abaya argues that this concept is derived from meat and milk by analogy. The concept of prohibiting a food only because the taste of another food was imparted to it is Scripturally implicit in meat and milk, but not in other food prohibitions. Even, though this concept is only stated explicitly with meat and milk, the Torah meant it to apply to any case in which taste could be imparted.

IF YOU THINK THAT (THE PROHIBITION AGAINST TASTE IS RABBINIC ONLY), WHY DO YOU NOT DERIVE A PRINCIPLE FROM IT? BECAUSE IT IS A HIDUSH? BUT IF IT WERE A HIDUSH, SHOULD IT NOT BE PROHIBITED, EVEN IF IT DID NOT IMPART TASTE?

Abaya's position is that taste as the prohibitor is implicit in the verse "Thou shalt not seethe," and that taste used analogously in other prohibitions is derived from meat and milk. He anticipates that opponents to his view could claim that the prohibition of taste in analogous laws is rabbinic, because meat and milk is a hidush.

A hidush is "a law that the Torah formulates in one place, which is an exception to other similar laws. Therefore, it is not possible to generalize principles from it."<sup>5</sup> Since by definition, no principles could be derived from a hidush, of meat and milk. A hidush also has an "anomalous" characteristic; it is an unexpected exception to other similar laws which could not have been anticipated through logic or hermeneutics.

Thus far, we do not know precisely how the prohibition of meat and milk differs from other food prohibitions, and how it is similar. Abaya claims that meat and milk is not a hidush. Yet,



there must have been those who thought otherwise, or Abaya's statement-directed against those whose view is contrary-would be meaningless. Rashi and Tosafot will examine Abaya's statement in an effort to understand those who might disagree with him. They will investigate in what way meat and milk could be a hidush.

BUT IF IT WERE A HIDUSH, SHOULD IT NOT BE PERMITTED, EVEN IF IT DID NOT IMPART TASTE?

Abaya attempts to prove that all other prohibitions which involve taste as the prohibitor derive the concept of taste from the Torah-based prohibition of meat and milk. The method he uses is to disprove the opposite, that meat and milk is a hidush; taste in meat and milk must consequently be rabbinic. So Abaya supposes that meat and milk is a hidush. By definition, a hidush cannot be applied to other laws. Therefore, the presence of taste as the prohibitor, which no one challenges, must be a rabbinic addition. If taste is a rabbinic tradition, there must be something more fundamental in the verse "Thou shalt not seethe" that is prohibited besides taste. But there is no prohibition in the verse more fundamental than taste--the mere mixing together of meat and milk is not prohibited by the verse. If the prohibition did not involve taste, than any amount of the two mixed together, whether sixty times or less, would be prohibited. It follows that milk and meat is not a hidush, and that taste is from meat and milk and is applied to other prohibitions.

IF YOU THINK THAT (THE PROHIBITION AGAINST TASTE IS RABBINIC ONLY), WHY DO YOU NOT DERIVE A PRINCIPLE FROM IT? BECAUSE IT IS A HIDUSH? BUT IF IT WERE A HIDUSH, SHOULD IT NOT BE PROHIBITED, EVEN

#### IF IT DID NOT IMPART TASTE?

Rashi: For if you think: (That) in the remaining prohibitions (the prohibition of) taste is rabbinic, and that we cannot derive them from meat and milk.

Rashi points out the implication of Abaya's statement. He does so by paraphrasing Abaya's words in more specific terms. Rashi anticipated a reader's problems with the elliptical style of the Gemara. The question is whether or not other analogous prohibitions, such as the prohibition of pork or shellfish, derive the concept of taste as a prohibitor from meat and milk. Without Rashi's concise completion of Abaya's "if you think...", it would be very easy for a reader to go astray and to lose the direction of the Talmudic discussion. Rashi tells us that the issue here is not whether taste is inherent in meat and milk, but whether or not the concept of taste in other prohibitions is derived from meat and milk and therefore from the Torah.

#### BECAUSE IT IS A HIDUSH?

Rashi: For both of them alone are permitted and when mixed are prohibited. Furthermore, cooking is prohibited, not necessarily eating. So we do not derive a stringency from it. What exactly is the nature of the hidush mentioned by Abaya with reference to meat and milk? Rashi offers two different explanations. The first explanation of the hidush is that two substances, each of which is permitted separately, becomes a new prohibited substance when mixed, the meat and milk, each of which is permitted separately. In order to qualify as a hidush, meat and milk must be the only place in the Torah where two permitted things become



prohibited when mixed. So Rashi offers another explanation of the hidush, i.e., that cooking meat and milk together, even without eating, is prohibited. In no other prohibition is cooking mentioned as a prohibiting factor. As we shall see presently, the latter explanation of the hidush is preferred by later commentators. But the question is whether or not we derive taste from meat and milk, not cooking.

To those who would oppose Abaya's position, the answer is, of course, that taste is rabbinic and is not derived from meat and milk at all. Abaya mentions that taste is Scriptural, despite the fact that it seems that meat and milk is indeed a hidush. The issue remains unsolved, and we must read farther in our attempt to resolve it.

BUT IF IT WERE A HIDUSH, SHOULD IT NOT BE PROHIBITED, EVEN IF IT DID NOT IMPART TASTE?

Rashi: Why does the Tanna<sup>6</sup> of the Mishnah say that we need taste? Even without taste, prohibit it. The Scripture made a hidush concerning it; so (it should be prohibited) for any amount of meat and milk. But rather we learn that it is not a hidush. Scripture was careful to (formulate meat and milk so that it would be similar to the mixing of seeds, which is also prohibited because of the mixture (of otherwise permitted substances). Since (meat and milk) is not a hidush, we can derive principles from it. We derive it from the ram's shoulder, which is permitted as long as there is no taste.

Rashi supplies the details of the discussion between Abaya and his would-be opponents that are not given in the Gemara. We learn precisely why, if meat and milk were a hidush, the mixture should be prohibited if taste is not imparted. Since the ratio of one to sixty is operable only to help estimate whether or not taste has been im-

parted, it could be used only if taste were associated with meat and milk. This would not be the case if meat and milk were a hidush. Therefore, without taste as a prohibitor, any amount of meat and milk mixed together would prohibit the mixture, even with less than the one-to-sixty ratio.

But, Rashi points out, according to Abaya, meat and milk is not a hidush, because it is not unique. Not only with meat and milk, but also with the prohibition against mixed seeds, are there two permitted substances that mixed together are prohibited. It is now demonstrated that meat and milk is not a hidush; taste is from the Torah, and one cannot argue that meat and milk is rabbinic. This is the reasoning that Rashi supposes lies beneath Abaya's statement "but should it not be prohibited, even if it did not impart taste?"

We have already discussed how the ratio of one to sixty is derived, from the ram's shoulder in Numbers 6:19, to show that there is another place in the Torah where flavor is imparted by cooking. When the Nazir offers the ram, when the shoulder is cut off after it is cooked and given to the priest, the rest of the ram is permitted the Nazir, as long as the taste of the shoulder is not imparted to it.

With meat and milk, two permitted substances are prohibited together--but this is also true with mixed seeds of a vineyard. Meat and milk may impart taste to one another when cooked, but so does the ram's shoulder to the rest of the ram.

Rabenu Gershom:<sup>8</sup> ITS TASTE AND NOT ITS SUBSTANCE: Such as the thigh cooked with the sciatic nerve; and the rest of the prohibitions, such as nevelah which is cooked together with kosher meat, all of which impart taste.

Rabenu Gershom in this comment performs a service to the reader.

He provides a limit to the sort of prohibition mentioned by Abaya as "other than meat and milk." We know from Abaya's comment only that taste is involved. We can easily presume food prohibitions of some sort, but in what context? Rabenu Gershom discusses only those prohibitions in which foods cooked together can impart taste to one another.

WHY DO YOU NOT DERIVE A PRINCIPLE FROM MEAT AND MILK? BE-  
CAUSE IT IS A HIDUSH?

Rabenu Gershom: In other words, what is the hidush? That this by itself and this by itself is permitted, but if meat and milk are cooked (together), it is prohibited.

Rabenu Gershom takes issue with Rashi without mentioning Rashi's comment specifically. Rashi stated two possible explanations of the hidush of meat and milk: first, that two things permitted separately are prohibited when mixed together; second, that when mixed together meat and milk are permitted, but when cooked they are prohibited. Rabenu Gershom's explanation is a combination of Rashi's two explanations. In his version, the two substances separately are permitted, as with Rashi's first explanation. But it is when they are cooked that they are prohibited, as in Rashi's second explanation. Rabenu Gershom has harmonized Rashi's two explanations; cooking is vital link. Two substances are permitted separately; what prohibits them is not mere mixing, but rather, cooking.

So far, all of Rabenu Gershom's comments have mentioned cooking. He specifically mentions, in reference to the Mishnah, that the drop of milk falls into a cooking pot. When discussing the concept of taste, he refers to other examples which specifically involve cooking; and the hidush of meat and milk is ex-

plained in terms of cooking.

Rabenu Gershom's comments underscore the importance of the concept of cooking to the prohibition of meat and milk. Although neither the Mishnah, Gemara, nor Rashi specifically mentions cooking, Rabenu Gershom points out that without this essential feature, the entire discussion of meat and milk would be incoherent.

Rashi's comment brought in two Scriptural references to demonstrate that meat and milk was not a hidush. One is mixed seeds, to demonstrate that in another place in Scripture, two permitted things can be prohibited when mixed. The second is the ram's shoulder, to demonstrate that in another place in Scripture, cooking is the means by which a prohibited substance can impart taste to a permitted one. Rabenu Gershom formulates the hidush to include both Scriptural contexts: the permitted things which are prohibited together, as in mixed seeds and meat and milk; and cooking which imparts flavor, as in the ram's shoulder and meat and milk. This raises the possibility that perhaps meat and milk is a hidush after all. For what other verse in Scripture includes both aspects--that of separate substances prohibited only when mixed, and taste imparted through cooking?

IF YOU THINK THAT THE PROHIBITION AGAINST TASTE IS RABBINIC ONLY, WHY DO YOU NOT DERIVE A PRINCIPLE FROM IT?

Tosafot: Do you say that we infer from here that Abaya derives taste as essential, in relation to meat and milk? To the contrary: it is from Pesahim 44b and Nazir 37a. Pesahim 44b: "It is taste which is essential, for if grapes were steeped in water, and there were the taste (of wine in it, the Nazirite) is

liable (for the prohibition of drinking wine) ... And with Rabbi Akiba also, meat and milk is certainly a hidush; rather, we infer (taste) from the vessels of Gentiles."<sup>9</sup> Nazir 37a: "Abaya said (to) Rav Dimi,<sup>10</sup> 'Why do you think that this (expression) "pressing (of grapes)"<sup>11</sup> refers to the joining of a permitted substance with a prohibited substance? Perhaps it comes to teach that taste is essential.' And with Rabbi Akiba also,<sup>12</sup> meat and milk is certainly a hidush--rather we infer taste from the vessels of Gentiles." Rabbi Akiba and the Rabbis challenge Mar: the first two derive the fact that taste is essential from the pressing of grapes; Mar, from the vessels of Gentiles. Abaya in this section (Nazir 37a) implies that he knew that Baraita.<sup>13</sup> And so one can say that Abaya received it from Rava, and changed his mind, and rejected it.

It seems that Abaya's position is clear in our Gemara. Meat and milk is Scriptural, and the concept of taste is derived from it. However, in two other places in the Talmud, Pesahim 44b and Nazir 37a, two other possible Scriptural sources of taste in the Torah are mentioned. One is the steeping of grapes (Numbers 6:3). Here, the Nazirite is forbidden from drinking not only wine, but any liquid which the essence of the grape might have soaked into. The other possible source of taste in the Torah deals with the purification of vessels that have been used in idolatrous rites. They are to be boiled until the offending foods used in the rites have been removed (Numbers 31:22). A case could be made that taste is derived from either of these Scripturally based prohibitions. In the case of the steeping of grapes, it could

be just the taste of the wine which is forbidden, when just a little soakes into some bread. In the case of the vessels of the Gentiles, it is the taste of the offending foods used in the idolatrous rites that must be removed from the vessels. There is thus a contradiction between our Gemara on Hullin 108a, and between the two parallel passages on Pesahim 44b and Nazir 37a.

The contradiction is compounded because Abaya is mentioned both in our Gemara and in Nazir 37a. Apparently, the Tosafot does not seem to be too concerned here with the solution to the question of whether or not meat and milk is a *hidush*. But the Tosafot is very concerned that Abaya contradicts himself, or appears to contradict himself, when he is quoted in the discussion in Nazir. It is implied that Abaya was aware of the other possible sources of taste in Scripture, but did not mention them in Hullin 108a. Tosafot must account for this, without compromising the unity of the Torah or Abaya's integrity.

The answer is that Abaya indeed knew that Baraitha in Pesahim and Nazir from Rava.<sup>14</sup> But he rejected it, as evidenced by the discussion in Hullin. However, subsequent to the discussion in Hullin, Abaya returned to Rava's point of view.

The Mahara"m<sup>15</sup> is not satisfied with this explanation. He thinks that if Abaya were aware of the Baraitha in Pesahim and Nazir during the discussion in Hullin, he would have mentioned it in Hullin. His explanation is:

"He (the Tosafot) meant to say: Originally Abaya had the opinion expressed here (in Hullin), that taste is essential as derived from meat and milk. Later, Rava refuted Abaya (the next



comment in the Gemara). Then Rava learned the Baraita (in Pesahim and Nazir), in which Rabbi Akiba and the rabbis disagree, as in Pesahim and Nazir. Abaya changed his mind and learned the tradition from Rava in Pesahim. So, it is implied in Pesahim that Abaya knew the Baraita well."

In the Mahara"m's explanation, Abaya learned of the Baraita from Rava after the discussion in Hullin. As a result of the discussion in Hullin, Abaya became more inclined to accept Rava's point of view. Rava had persuaded him. According to Mahara"m, then, meat and milk could not be a hidush, since the Baraita in Pesahim and Nazir involves other prohibitions which involve taste. But Mahara"m also raises the possibility that taste is not derived from meat and milk, since the material in the other tractates raises such doubts.

Mahara"m's explanation depends on the interpretation of the words "rejected it and changed his mind." The plain meaning of the Tosafot is that Abaya knew of the Baraita in Pesahim and Nazir, rejected it in Hullin and then returned to it. Abaya rejected Rava's view and then returned to it. Perhaps Mahara"m reads: Rava rejected Abaya's view and so Abaya returned to Rava's view. In neither reading is it clear exactly when Abaya learned the Baraita from Rava--before Hullin or after. It does not seem to make too much difference. But if Abaya did not know of the Baraita, when he presented his case in Hullin that taste is Scripturally derived from meat and milk, and was then persuaded by Rava, Rava's statement assumes greater importance. Apparently, Mahara"m considers Rava's ensuing statement in the

Gemara to be of great importance.

RAVA SAID TO HIM: THE TORAH PROHIBITED (IT) BY MEANS OF COOKING.

With this comment, Rava changes the tone set by Abaya's hypothetical comments. Rava prefers to directly state what he considers to be the heart of the matter. Instead of discussing what should be the case if meat and milk were a hidush, Rava mildly rebukes Abaya. It is as if Rava tells Abaya that the important fact about meat and milk is that the cooking is specifically prohibited in the Torah, whether or not meat and milk is a hidush. Abaya could not say "even if taste is not imparted," because taste is necessarily imparted by means of cooking.

The issue of whether or not meat and milk is a hidush is not resolved by Rava's statement. It could be taken two ways. Rava could be admitting the possibility that meat and milk is a hidush, and that the hidush involves cooking in some way. This point of view would be similar to Rabenu Gershom's interpretation. On the other hand, Rava might not think meat and milk is a hidush at all; he might simply rebuke Abaya, for the manner in which he argues the case that taste is derived Scripturally from meat and milk.

RAVA SAID TO HIM: THE TORAH PROHIBITED IT BY MEANS OF COOKING.

Rashi: I nevertheless maintain to you that it is a hidush. For when you say "even if it does not impart taste, let it be prohibited" against your will, you cannot derive it from the cooked



shoulder. Scripture reveals that it is prohibited in and of itself. Torah only prohibited taste by means of cooking, when it prohibited meat cooked with milk. And so there cannot be anything like it without taste imparted.

Rashi interprets Rava's statement to mean that Rava considers meat and milk to be a hidush. In his previous commentaries to Abaya's statement, Rashi said that Abaya used two other prohibitions from the Torah to show that meat and milk was not a hidush--the mixing of seeds of a vineyard, and the cooked ram's shoulder. Rava's statement mentioned cooking, because supposedly, the ram's shoulder also involved cooking. That is, the rest of the ram was permitted to the Nazir, as long as the taste of the shoulder were not imparted. But Rava makes the point to Abaya that cooking is mentioned explicitly in Scripture, with reference to two different substances--meat and milk. Such is not the case with the ram's shoulder. First of all, cooking is not mentioned explicitly in Numbers 6:19. And even if it were, the ram's shoulder is prohibited by itself, whether or not it is cooked together with the rest of the ram. So, although the Gemara comes to the conclusion that the ram was cooked whole, it is not the cooking that is prohibited. With meat and milk, however, cooking is explicitly the prohibiting factor.

And so, Rashi explains, Rava insists that meat and milk is a hidush, because it uniquely mentions cooking as the prohibiting factor in the Torah. But Rashi is silent on the issue of whether or not taste is derived from meat and milk.

BECAUSE IT IS A HIDUSH?

Tosafot: Rashi's explanation is that both of them by themselves are permitted but are prohibited when mixed. But this reason is not given in Pesahim 44b and Nazir 37a:

"And according to the Rabbis, why do we not derive a principle from meat and milk because it is a hidush? And what is a hidush? If one were to say each separately is permitted, but both together are prohibited, is it not the same with mixed seeds, (which are) separately permitted, but prohibited together? Rather (the hidush of meat and milk) is this: that if (a piece of meat) is steeped all day in milk it is (Biblically) permitted, but when cooked it is prohibited."

For if it is steeped in milk all day it is permitted, even if the milk were absorbed into the meat, when it is cold. When the meat is suspended within the milk, it can remain there (indefinitely); it is prohibited only if cooked.

This Tosafot takes issue with Rashi's first explanation of the essential hidush of meat and milk, that two permitted things are prohibited when mixed. The Tosafot states, however, that even if meat were to be soaked all day in milk, no prohibition has been violated unless the two were cooked together. The problem here is that while the Mishnah mentions taste as the prohibiting factor, it seems here that taste could be imparted while the cold meat was soaking in the milk; yet this is not a transgression. But if it were cooked, it would be a transgression even if not eaten. How can taste be imparted without eating? The answer is that taste is imparted one to the other by means of cooking; in other words, one presumes that taste would be imparted through cooking,

Therefore, one would know enough not to eat the mixture of meat and milk that has been cooked. The fact remains, however, that it is prohibited to cook the two even without eating.

Mahara"m Schiff<sup>16</sup> comments on this issue in his commentary to Hullin:

Apparently Rava said to Abaya that "the Torah prohibited it by means of cooking" to hinge (the prohibition) on eating and not on cooking. It was said, 'Finally after soaking an entire day, even if imparting taste, Scripture permitted it.' This indeed is hidush. But Scripture was careful to (hinge the prohibition) more on cooking than on cold with cold, as the plain meaning of the verse suggests. This is because there is imparting of taste. It does not follow that we can ask why (meat and milk) is not prohibited cold, because even if soaked all day it is permitted. In any case, no situation where we can say taste is imparted can be characterized as a hidush.

Mahara"m Schiff disagrees with Rashi, who says that Rava believes that meat and milk is a hidush. No, Rava was affirming that meat and milk is from the Torah; cooking implies imparting of taste; taste implies eating. It is true that there is a hidush associated with meat and milk--however, it is not from this hidush that the concept of taste is derived.

RAV SAID TO HIM: THE TORAH PROHIBITED IT BY MEANS OF COOKING.

Tosafot: It is only a criticism. Do not infer anything from this. But taste is from the Torah (see Rashi's comment, 98b). We establish imparting of taste from consecrated things.

This Tosafot understands what Rava said to Abaya, in light of Rava's comment on pages 98b-99a of Hullin. Rava says here on page 108a, through his reply to Abaya, that the concept of taste is essential, but that it is not derived from meat and milk. On page 98b, Rava discusses the source of taste as the essential prohibitor. There, the ration of one to sixty is presumed to be an exception to a general rule. The rule states that any amount of a prohibited food which imparts taste, no matter how small, will prohibit a permitted food. Rava, on page 98b, attempts to answer the question of which rule provides the basis of taste as essential, for which the ratio of one to sixty would be exceptional. According to Rava, the concept of taste is derived from that of consecrated sacrifice. If anyone receives taste from a sacrifice that he is not permitted to eat, neutralization in sixty times would not be possible. This is the rule, Rava maintains, for which the ratio of one to sixty serves as exception.

Rashi in a comment explains that Rava therefore derives the concept of taste from consecrated sacrifice in general.

Because of Rava's statement on page 98b-99a of Hullin, there is a contradiction with page 108a. While Rava implies that taste is derived from meat and milk when he states, "The Torah prohibited it by means of cooking, according to the Tosafot, Rava says on page 108a that merely, without eating meat and milk, it is prohibited. Although taste is from the Torah, it could not be derived from meat and milk, since Rava says on 98b-99a that taste is derived from consecrated sacrifice.

THE TORAH PROHIBITED IT BY MEANS OF COOKING.

Rabenu Gershom: That is to say, what is "by means of cooking?" That it is the way of foods cooked together in the same pot to impart taste to one another. And here also, the Torah prohibited through cooking.

Rabenu Gershom's comment differs from the Tosafot's interpretation sharply. According to Tosafot, Rava disagrees with Abaya concerning where in the Torah taste as essential is derived. However, Rabenu Gershom seems to think that Rava disagrees with Abaya to a lesser extent. Yes, Rava says, taste is derived from meat and milk. But Rava does not think that Abaya should mention that if the meat and milk were a hidush, it should be prohibited, even if taste were not imparted. Rava tells Abaya that inherent in meat and milk is the imparting of taste, because the verse mentions cooking. Cooking without the imparting of taste is impossible. Therefore, Rava says that Abaya, even if he only attempts to anticipate challengers, could not talk of the prohibition of meat and milk, without taste imparted as an intrinsic feature.

This comment of Rabenu Gershom is consistent with his previous comments, where cooking is seen as the most unique and also the most important aspect of meat and milk. In one sense, meat and milk is a hidush, for nowhere else in the Torah is cooking two different permitted foods in the same pot prohibited. But just as taste is imparted through cooking meat and milk, so would taste be imparted if any prohibited foods were to be cooked with permitted foods. What is not unique to cooking is absorption. In the cases of wine soak-

ing the bread of the Nazir, or prohibited foods in idolatrous rites soaking vessels, cooking was not necessarily a feature of the prohibition. Yet, the prohibited food was absorbed into the bread or vessel, respectively. Using the standard of absorption, meat and milk is not at all unique and is therefore not a hidush.

## Notes

### Chapter II

1. Abaya, 278-338, of the third generation of Amoraim, or sages of the Gemara, was head of the academy in Pumbedita. His discussions with Rava are the hallmark of Talmudic dialectics. Rava's opinion, however, is accepted by tradition in all but six cases which appear in: Baba Metzia 21b, Sanhedrin 27a, Eruvin 15a, Kidushin 52a, and Gittin 34a.
2. Chapter one, Mishnah One of Avot tells us to "build a fence around the Torah." This refers to "gezarot" or rabbinic enactments meant to prevent the transgression of a Pentateuchal law.
3. Hullin 116b, which quotes from Chapter Five of Tractate Kaspā of the Mechilta, attributed in the tradition to Rabbi Ishmael, a tanna of the first half of the second century.
4. Exodus 23:19, Exodus 34:26, and Deuteronomy 14:21.
5. כאן נקראו חסידים, כדן, חסידים, חסידים
6. Rashi is referring to the anonymous Mishnah.
7. Leviticus 19:19. Nachmanides, in his comment to this verse, makes it clear that the prohibition involves two species combining to create an all new third species.
8. Rabenu Gershom refers to Gershom ben Judah Ma'or HaGolah, circa 960-1028, a predecessor of Rashi. He lived in Mainz.
9. Numbers 31:11-23. From this came the custom of boiling non-kosher utensils to make them kosher, or to "kasher" them.
10. Rav Dimi, of the second half of the fourth century, was one of those Amoraim who traveled between Palestine and Babylon.
11. Numbers 6:3. The taste of strong drink was prohibited to the Nazir.



12. Rabbi Akiba lived in the first half of the second century. His influence is strongly felt in the Talmud, since he helped to develop the dialectics and hermeneutics of Talmudic study.
13. A baraita is a tannaitic statement quoted in the Gemara, but not found in any named tannaitic collection, such as the Mishnah or Mechilta.
14. Rava, 299-352, was a colleague of Abaya. After Abaya's death, Rava opened an academy in Mehuza which eclipsed the academy in Pumbedita. The comment which Abaya learns from Rava in this Gemara is "The Torah prohibited it by means of cooking", the next statement in our Gemara.
15. Short for Morenu Ha Rav Meir, or our teacher Rabbi Meir. His full name was Meir ben Gedaliah of Lublin (1558-1616).
16. Short for Morenu Ha Rav Meir Schiff, or our teacher Rabbi Meir Schiff. He was born in Frankfurt in 1605 and died in Prague in 1641.

### Chapter III

#### The Piece of Meat

RAV SAID: BECAUSE (THE DROP) IMPARTED TASTE TO THE PIECE OF MEAT, THE PIECE OF MEAT ITSELF IS RENDERED NEVELAH, AND PROHIBITS ALL THE OTHER PIECES, BECAUSE THEY ARE OF LIKE KIND.

Once a drop of milk imparts taste to a piece of meat, there is question which Rashi referred to in his comment on the Mishnah; it is whether or not the piece, in turn, prohibits the other pieces. Is it only the drop of milk within the meat that can prohibit other peices? If so, the meat itself will not prohibited the other pieces, unless that same drop of milk somehow comes into contact with the other pieces. However, if the drop of milk which imparts taste to a piece of meat creates a new prohibited substance which Rav calls for lack of a better term, "nevelah", a new question arises: can this "nevelah" be annulled?

When a drop of milk falls on a piece of meat, there are clearly two different substances; the milk and the meat. This is a case of unlike kinds. But once the piece of meat is prohibited, it rests with the other pieces of meat, which

is a case of like kinds. The question is whether or not the rules that apply to unlike kinds, where the milk can be annulled in sixty times, also applies to like kinds---can the meat be annulled by other pieces of meat?

Rashi: It says in the Mishnah "if there is enough in that piece to impart taste to the entire pot." Since the piece is prohibited, the entire piece is itself a prohibited substance and prohibits all the other pieces. And even if there is enough in the pot to annul the entire piece, all in the pot are nevertheless prohibited.

Rav<sup>1</sup> makes a distinction between the process that prohibits the piece of meat initially, and the process that prohibits the entire pot. In the second part of the Mishnah where it says "if there is enough in it," the "it" refers to the entire piece of meat. This is how Rashi reads the Mishnah in light of Rav's statement. When the drop of milk falls on the piece of meat, it can easily be annulled by sixty times the volume of the piece of meat. But when the entire piece of meat becomes "nevelah" because the piece itself is a new prohibited food, different principles apply.

BECAUSE THEY ARE OF LIKE KIND.

Rashi: Rav reasons like Rabbi Yehudah,<sup>2</sup> that like kinds cannot be annulled.

Rashi explains why the piece which was prohibited, and which became a new prohibited food, cannot be annulled, even in sixty times or more. When the Gemara says, "All the pieces are prohibited," Rashi interprets this to mean that they are all pro-

hibited, regardless of the circumstances, once the piece of meat is prohibited. His reason is that like kinds cannot annul one another, when one is permitted and one is prohibited. This means that when a permitted food combines with the same kind of food which has been prohibited, even if there is sixty times the permitted to the prohibited, the entire mixture is prohibited. For example, if a drop of non-kosher chicken broth fell into a bowl of kosher chicken broth, the entire bowl of chicken broth would be prohibited, even if there were a million times the permitted against the prohibited drop.

This principle, that like kinds cannot annul one another can be expressed differently: the ratio of one to sixty can only be used with unlike kinds. On a practical level, a prohibited food of a different kind will be more easily noticed, and thus easier to guard against. However, with like kinds, as with the kosher and non-kosher chicken broth, it would be difficult, if not impossible, to tell if the taste of the prohibited broth were imparted or not, since both the kosher and non-kosher broth would taste the same.

Rav thus interprets the Mishnah to mean necessarily that when taste is imparted, it is between unlike kinds, and not between like kinds. If it is not possible to determine whether or not taste has been imparted, it is not possible to annul with the ratio of one to sixty.

SAID MAR ZUTRA, THE SON OF RAV MARI, TO RABINA: RAV'S STATEMENT IS ACCORDING TO THE TEACHING OF RABBI YEHUDAH, WHO SAYS LIKE KINDS CANNOT ANNUL ONE ANOTHER. SO DOES RAV DISAGREE WITH

RAVA WHEN RAVA SAYS, ALSO ACCORDING TO RABBI YEHUDAH, THAT IN CASES WITH TWO LIKE KINDS AND ANOTHER KIND, DISREGARD THE LIKE KIND AS IF IT IS NOT THERE? THE UNLIKE KIND IS THEN SUFFICIENTLY MORE THAN THE (REMAINING) LIKE KIND, AND IT IS ANNULLED.

Mar Zutra's<sup>3</sup> question is: does Rav's interpretation of Rabbi Yehudah's position contradict Rava's interpretation of Rabbi Yehudah's position? According to Rav, Rabbi Yehudah says that like kinds cannot annul one another. However, in Rav's interpretation, the prohibited piece of meat can be annulled. Rashi explains the meaning of this complicated discussion of Rav's statement.

Rashi: (Hullin 100b) Rabbi Yehudah in all cases of like kinds with another kind, (that is to say, a prohibited kind which is mixed with a like kind), and a permitted kind; disregard the permitted like kind as if it is not able to annul (the prohibited) like kind, for like kinds cannot annul one another. The permitted like kind is not added to combine with the other, so that that two of them are one prohibition; and so the unlike kind could not annul the resulting (larger) prohibition. Rather, disregard the like kind, as if it is not there. The permitted unlike kind will be more than the prohibited kind, and will annul it. And here, (in our Gemara) also, there is broth that can annul the prohibited (piece), so why prohibit it? Rashi explains first in abstract terms what Rava's complicated statement means in relation to Rav's statement, and then he explains it in relation to the prohibited piece of meat. There are three kinds: two are like kinds, and one unlike. One of the like kinds is permitted, and

one is prohibited. According to Rava's statement, the two like kinds are not counted as one large prohibited group; the permitted like kind is disregarded, that is, not counted in the calculation of whether or not the prohibited kind is annulled. Since the permitted like kind is not counted along with the prohibited, it is easier for the remaining unlike kind to annul the prohibited kind. All that is left are the unlike kinds; so, the rule that like kinds cannot annul one another is no longer operative.

In Rava's schema, like kinds are the prohibited piece of meat; and the other pieces are permitted. The unlike kind is the broth. The permitted pieces of meat are disregarded, as if they are not there. The broth is then measured against only the single prohibited piece, to see if the piece is annulled.

Rav's interpretation of Rabbi Yehadhu is that all the pieces of meat are prohibited, if one piece becomes prohibited, because like kinds cannot annul one another. Rava's interpretation of Rabbi Yehudah allows the prohibited piece of meat to be annulled, because the permitted like kind, the other pieces of meat, are disregarded as if they were not there. Their main difference is their interpretation of the statement "like kinds cannot annul one another." For Rav, "like kinds cannot annul one another" means that the ratio of one to sixty does not apply to like kinds, because the imparting of taste cannot be perceived when like kinds mix. Consequently, any amount of a prohibited food entering and mixing with a like kind, no matter how small the prohibited food, renders the entire mixture prohibited. For Rava, the "like kinds cannot annul one another" means simply that a permitted kind is

not included in calculations when it is present with a like prohibited kind and an unlike permitted kind. In other words, the like kind cannot annul--therefore it is disregarded,

Mar Zutra's question is then: how can Rabbi Yehudah's statement "like kinds cannot annul one another": mean two different things, reflected by both Rav's and Rava's statement? Although Rabbi Yehudah's statement might seem ambiguous to us, and both Rav's and Rava's statements may seem plausible did not Rabbi Yehudah have one idea in mind, and not two? Rabina,<sup>4</sup> to whom Mar Zutra's question was addressed, responds as the Gemara continues.

HE (RABINA) SAID TO HIM: IF IT FELL INTO A THIN BROTH, THIS ALSO. BUT WHAT IS THE SITUATION WE ARE DEALING WITH? WHEN IT FELL INTO A THICK BROTH.

Rashi's comments help us to understand the plain meaning of Rabina's statement.

A THICK BROTH.

Rashi: Very thin (parts of the meat together with fat, so that all are the same kind as the meat.

Rabina replies that there is no contradiction between Rav and Rava's version of Rabbi Yehudah's statement, because of the particular situation in question. It would be impossible for Rabbi Yehudah to teach two contradictory lessons from the statement; it would be equally impossible for Rav and Rava to completely misunderstand Rabbi Yehudah, so that one of them might contradict the master. Since gross error on the part of the masters of the Mishnah and Gemara is impossible, the problem must be with us, the readers, and the way we understand the situation discussed.



Rabina explains that if the broth is thin, and is thus considered an unlike kind, Rav's statement is valid; the permitted pieces are disregarded, and the prohibited piece can be annulled by the broth. However, when Rav made his statement that like kinds cannot annul one another, he had in mind a different situation. What Rav must have meant when he interpreted Bar Hana,<sup>5</sup> who said that non-kosher food does not render an entire pot prohibited unless it imparts taste to everything in the pot completely. Rav then responds with his statement that all pieces are prohibited when one piece is prohibited. Rav Safra<sup>6</sup> then asked Abaya; if Rav's statement conforms to Rabbi Yehudah's dictum that like kinds cannot annul one another, would not all the pieces be forbidden even if flavor were not imparted? Abaya answered that the broth and the other pieces were removed immediately. This would have the effect of isolating the piece that was affected by the non-kosher food, so that other food added to it would be prohibited. Rava responds to Abaya with this statement from page 108a, that with cases of permitted and prohibited like kinds together with a permitted unlike kind, the permitted like kind is disregarded. This is the part Rashi cites as his parallel to 108a.

Tosafot (continued): This wording (of page 108a) is not there (page 100b). Menahot 23a, beginning with "He said".

In Menahot 23a, Rava makes the identical statement concerning two like kinds, one of which is forbidden, mixed with a permitted unlike kind; in Menahot, the like kinds are a permitted and a forbidden oil, and the unlike kind is the fine flour, all from the Mincha offering.

The Tosafot then quotes the latter part of Menahot 22b, as a reference.

Tosafot (continued): There is Rabbi Yehudah's statement that "if the Minhah offering of the priest is confused with the minhah offering of the anointed priest, or the libation offering,<sup>7</sup> it is forbidden, because this one is thick, and this one is thin, and one absorbs the other." But Rav's statement on page 100b is according to Rav. He didn't need to challenge here (on page 108a)--let (Mar Zutra ask) if Rav contradicts Rav!

According to this statement, page 100b in Hullin is not parallel to 108a, because of page 100b, Rava actually represents Rav's point of view. On page 108a, a contradiction must be resolved between Rav and Rava. On page 100b, Rabbah the son of Bar Hana makes a statement; Rav responds. Then Rav Safra, Abaya, and Rava each interpret Rav's statement. They thus speak in Rav's name, and don't disagree with Rav's premise. Consequently, the Tosafot questions Rashi's reference to 100b, since Rava makes the same statement that he made on page 108a in an entirely different context on page 100b. The Tosafot continues.

Tosafot: Because it is different when Abaya teaches that (the broth and pieces) are removed immediately.

Rava is responding to Abaya's interpretation of Rav's statement on page 100b, but not contracting it.

Tosafot (continued): But in Menahot 22b this reason (of Abaya) is not present; only the way Rava explains it on page 108a (is present), so we may explain 108a in terms of Menahot 22b-23a very well.

Rava' enunciation of his principle concerning like and unlike kinds is expressed straightforwardly in Menahot 23a, and can confirm Rava's position on Hullin 108a better than Hullin 100b. On Hullin 100b, Rava is simply explaining Rav's statement. The Tosafot makes no attempt to explain why Rava contradicts his position on pages 108a and 100b of Hullin. This was probably not necessary, because subsequently, on page 108a, as we shall see, Rav and Rava's seeming contradiction is resolved. So Rav and Rava agreeing on page 100b does not contradict page 108a, where their views are eventually harmonized. The point of this Tosafot is only that Menahot 22b-23a is a better parallel to Hullin 100b, because 100b contains extraneous material.

The next problem this Tosafot discusses concerns Rav's statement: since the piece of meat itself becomes "nevelah", all of the pieces are then prohibited because they are of like kind. (108a, lines 12-14). The same statement appears on page 108b in the name of Rabbi Yehudah, directly.

Tosafot (continued): Why not challenge in the name of Rabbi Yehudah himself?"

In other words, why not attribute Rav's statement to Rabbi Yehudah? Rabbi Yehudah, as an earlier master, would be more authoritative. What does Rav say that would not be clear from Rabbi Yehudah's own statement?

Tosafot (continued): For, above (page 108b) Rabbi Yehudah uses the exact same language in a Baraita.

Unlike the case just discussed, where Rashi cited a passage that was not parallel, Rabbi Yehudah's statement on page 108b is

exactly the same in every way as Rav's statement on page 108a. There the piece of meat is made nevelah and prohibits all the other pieces because they are of like kind.

Rav uses, in his discussion with Tava (on page 108a), Rabbi Yehudah's identical reasoning from 108b, (the other side of the page). Why did not the Gemara merely cite Rabbi Yehudah as his authority? Why use Rav as a medium for Rabbi Yehudah's statement?

Tosafot (continued): And one could say that this Baraita was not heard of, just as Rav had not heard of it. For if he had heard of it, all he would have had to say was that the law is according to Rabbi Yehudah, and no more.

The first possible solution to the problem is that somehow Rav and the Gemara quoting Rav on page 108a had not heard of Rabbi Yehudah's statement which appears on page 108b. This solution is weak, for it presumes that Rav, on his own, formulated the exact same idea in the exact same words as Rabbi Yehudah had done many years before. Sensing that this solution is not completely satisfactory, an alternative solution is provided.

Tosafot (continued): Furthermore, one could say that Rabbi Yehudah's Baraita (on page 108b) easily implies that there is not sixty times the broth against the pieces. So when the rabbis reply (that the contents of the pot are not prohibited) until taste is imparted to the broth and to the pieces (in response to Rabbi Yehudah's statement on page 108b, we learn that there is not enough in the broth itself to annul (the piece of meat).

The Tosafot refers to 108b, where the response to Rabbi Yehudah's statement is that all the pieces are prohibited because they are of like kind. The rabbis reply that taste must

be imparted to the entire contents of the pot, in order for all the pieces to be prohibited when a drop of milk falls on a piece of meat. This discussion, of course, refers to the Mishna, where the second part, as we have already stated, is ambiguous; does the second part of the Mishna refer to the drop of milk imparting taste to the whole pot, or to the prohibited piece of meat imparting taste to the whole pot? There are several reasons why Rabbi Yehudah differs with the rabbis. But what is important to this Tosafot is to explain why Rav on page 108a does not mention Rabbi Yehudah, who states the identical concept.

Mahara"m found the second explanation difficult. If Rabbi Yehudah meant by his statement on page 108b to demonstrate that there were not sixty times in the broth, why would not Rav mean the same thing in his identical statement on page 108a? Mahara"m answers that "Rav simply implied that all of the pieces would be prohibited in any situation (on page 108a)". In other words, the context of Rav's statement on page 108a is different from that of Rabbi Yehudah's statement. Rabbi Yehudah wishes to address the question of whether it is possible, once a piece is prohibited, to be permitted again. He answers that question by stating that unless there are sixty times in the broth, not only is the piece prohibited, to be permitted again. He answers that question by stating that unless there are sixty times in the broth, not only is the piece prohibited, but all of the other pieces are prohibited as well (page 108b). But on page 108a, Rav states

that all of the pieces are prohibited, whether or not there are sixty times in the broth. Mahram reflects the opposite point of view. Since Rav's opponent Rava states that the piece can be annulled in sixty times (page 108a, lines 18-20), Mahram reasons that Rav argues to the contrary; Rav holds that the piece of meat should be prohibited, whether or not there are sixty times in the broth. On page 108b, Rabbi Yehudah's opponents maintain that taste must be imparted to the entire contents of the pot in order for them to be prohibited. Rabbi Yehudah's contrary view then, although expressed in the exact same words as those of Rav on page 108a, is that all of the contents of the pot could be annulled, if there were sixty times the pieces in the pot. Mahara"m's point, then, clarifies Tosafot's answer to the question: why Rav did not make his statement in the name of Rabbi Yehudah. Tosafot's second solution stated simply that Rav did not mention Rabbi Yehudah's statement, because Rabbi Yehudah's statement was intended to answer an argument different in character from Rav's argument with Rava on 108a. Therefore, Rav did know of the Baraita in which Rabbi Yehudah's statement appeared. But Rav purposely did not mention Rabbi Yehudah, because Rabbi Yehudah referred only to a case where there were not sixty times in the broth. Lest Rav's opponents think that he intended his statement to mean only such a case, Rav made the statement in his own name; he meant that all the pieces would be prohibited, whether or not there were sixty times in the broth. This, in fact, is Rav's interpretation of Rabbi Yehudah's statement.



## Notes

### Chapter III

1. Rav or Abba Aricha, lived from about 175-247. He founded an academy in Sura in 219. He was one of the most influential of the Amoraim, and is regarded as a "semi-tanna", since his life overlaps some of the later tanaim.
2. Rabbi Yehuday ben Ilai was a tanna from the mid-second century. He was a pupil of Rabbi Akiba. He appears frequently in tanaitic literature.
3. Mar Zutra lived in the late fourth to early fifth century. He was head of the academy in Pumbedita for a short time.
4. Rabina is short for Rav Avina. A pupil of Rava, he lived in the middle of the fourth century. Another Ravina, Rabina II, was one of the last amoraim, and died in 499.
5. Rabah son of Bar Hana was the grandson of Rabah son of Hana. He lived in the second half of the third century. He traveled between Palestine and Babylon, and studied with Rabbi Yohanan.
6. Rav Safra was the brother of Rav Dimi. He died in Pumbedita the first half of the fourth century and is identified with Abaya's point of view very frequently.
7. For meal offerings, see Leviticus 6:22; for the meal offering of the anointed priest, see Leviticus 6:23; for libations, see Numbers 15:14 and following.



## Chapter IV

### How Does Rav Reason?

In the discussion that follows, Rav's statement that all of the pieces are prohibited is examined. What exactly is Rav's opinion? Can a piece, once prohibited, become permitted again? Furthermore, what about milk which becomes mixed with meat? Do the same principles which apply to meat imparted with the taste of milk apply to milk which receives the taste of meat? After all, the Mishna is stated in terms of milk imparting taste to meat.

Gemara: HOW DOES HE REASON? IF HE REASONS THAT IF IT IS POSSIBLE TO EXPEL (THE MILK, THE PIECE IS) PERMITTED, HOW COULD THE PIECE BE NEVELAH?

The statement refers to Rav. All we know of Rav's position, based on his remark of page 108a is that when one piece is prohibited, all the other pieces are prohibited only in a specific situation, for example, when the broth is so thick that it is considered as a like kind to the meat. Rav's statement only applies to meat and milk, when an unlike kind is not present. What is Rav's view. Does he believe in all cases of meat mixed with milk, that a piece of meat once prohibited can be permitted once again?

The question is expressed in terms of the possibility to expel the milk. That is, if it were theoretically possible for

the milk, once it has prohibited a piece, to leave the piece of meat entirely, would the piece of meat return to its permitted status?

HOW DOES HE REASON? IF HE REASONS THAT IF IT IS POSSIBLE TO EXPEL (THE MILK, THE PIECE IS) PERMITTED, HOW COULD THE PIECE BE NEVELAH?

Rashi: Rav, when it is possible to expel the absorbed prohibition in a permitted substance, which has imparted its flavor and prohibited it. Subsequently the original permitted food was cooked with another permitted substance. It is possible for the absorbed forbidden substance to be expelled and to be distributed to the second permitted substance, but not in large enough measure to prohibit it.

Rashi explains how it would be possible for milk to be expelled once absorbed by a piece of meat. He explains, in general terms, without reference to meat and milk, that the cooking process can boil out a prohibited substance that has been absorbed previously. Apparently, the same cooking process which enables the prohibited substance to be absorbed, is the same process which also expels the substance at a later time. The same drop of milk cannot be large enough to prohibit any other piece.

Rav states that a piece of meat once prohibited becomes "nevelah", that is, as if it is a new prohibited food in and of itself. The Gemara asks if this position could be congruent with the view that a piece once prohibited could be permitted again if the milk is expelled.

Rashi: Permit also the first piece, because the prohibition was given from it. It was at first prohibited since at first it cannot be annulled; but if eaten inadvertently after (the drop had been expelled), even the first one is permitted.

Rashi refers to his previous comment, where on piece, once prohibited, becomes permitted again. Rashi limits the circumstances in which this would be possible. The piece, once the milk is expelled, would not automatically become permitted once again. The critical factor is intent. If someone at the outset knew that the piece from which the drop was expelled were originally prohibited, he is still prohibited from eating it. However, if the piece from which the milk was expelled were eaten inadvertently, no transgression has taken place.

#### HOW COULD THE PIECE BE NEVELAH?

Rashi: It is possible to expel from this and to be distributed to others which have not received anything from the drop. We cannot prohibit, until it imparts the milk flavor to all the pieces. It is not for us to say that it is possible to expel from this or to absorb this. All of them are equal in taste; so which are permitted and which, forbidden?

Rashi points out the inconsistency which follows, if one assumes that Rav holds that a piece is permitted once the milk has been expelled. If Rav reasons this way, how could he say (in lines 12-14) that the meat is nevelah, a new prohibited substance? Rashi refers back to a situation where there are many

pieces in a pot. One of the pieces was prohibited by a drop of milk, but then was permitted. But Rav said that the piece is made nevelah, and prohibits all the other pieces. How can that be? How do you know that the drop then imparted its flavor to the other pieces? It is inconsistent to assume that the piece is permitted, once the drop is expelled, and that all the other pieces are prohibited at the same time. As Rashi point out, one would almost have to divine when the drop was expelled, and when it imparted taste to each of the other pieces—all to imagine that the meat could both be permitted again and prohibit the other pieces simultaneously. Rather, Rashi says, we do not know into which pieces the drop was sent after it was expelled. All the pieces must be considered equally.

Gemara: RATHER, RAV REASONS THAT IF IT IS POSSIBLE TO EXPEL THE DROP (OF MILK, THE PIECE OF MEAT) IS PROHIBITED.

Rashi: Once its taste is imparted, it cannot again be permitted through expulsion. And we learn also that the permitted (piece) was made into a prohibited (piece) is large here, so that it could prohibit many other pieces.

Rashi helps us sort out Rav's statements. There seems to be inconsistency here, if Rav holds both that the piece is permitted once the drop is expelled, and also that it becomes nevelah and prohibits all the other pieces. So, if it is still prohibited, after the milk is expelled, this means that the piece can never again be permitted. But in Rav's previous

statement (lines 13-14), he states that "all the other pieces are prohibited." With reference to this statement, Rashi points out that if all the other pieces are prohibited, the original piece which was prohibited would have to be so large that it could not have been annulled by the broth. Only then would all the pieces in the pot have been prohibited.

Gemara: FOR IT WAS REPORTED THAT RAV, RABBI HANINA<sup>1</sup> AND RABBI YOHANAN<sup>2</sup> TAUGHT IF IT WERE POSSIBLE TO EXPEL, (THE PIECE IS) PROHIBITED. SHMUEL,<sup>3</sup> RABBI SHIMON SON OF RABI<sup>4</sup>, AND RESH LAKISH<sup>5</sup> TAUGHT THAT IF IT WERE POSSIBLE TO EXPEL, IT IS PERMITTED.

Here an authoritative report is provided, to confirm that Rav did maintain that if it were possible to expel, the piece were prohibited. However, it is a digression, and does not fit in exactly with the dialectics of this passage.

Gemara: HOW DOES HE REASON?

Rabenu Gershom: In other words, how does Rav reason? If he reasons that although the drop (of milk) fell onto the piece (of meat), since (the drop) is expelled when (the piece) boils, because of the boiling. And since Rav believes it is not prohibited, how can he say (the piece) becomes nevelah?

Gemara: AND IF YOU THINK THAT IF IT IS POSSIBLE TO EXPEL (THE DROP OF MILK, THE PIECE OF MEAT) IS PROHIBITED:

Rabenu Gershom: This is, when boiling expels the milk from the piece, the meat is prohibited; how could the milk be permitted?

Rabenu Gershom summarizes the issues that are before us

in the Gemara. We have just discussed the inconsistency regarding meat permitted after expulsion of the milk, while maintaining that it becomes nevelah. We will soon discuss another possible inconsistency, that of regarding the meat as prohibited after expulsion, and yet permitting the milk at the same time. Rabenu Gershom ties the two conflicts together and reminds us that they both refer to Rav's statement on page 108a, There, Rav says that once prohibited by the taste of milk, a piece of meat is rendered nevelah.

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RAV SUPPOSES THAT IF THE MILK IS EXPELLED, THE MEAT IS PROHIBITED. BUT IT WAS REPORTED THAT THE VOLUME OF AN OLIVE OF MEAT FELL INTO A POT OF MILK: RAV TAUGHT THAT THE MEAT IS PROHIBITED AND THE MILK IS PERMITTED.

Rashi: Even the first that was prohibited.

As Rabenu Gershom pointed out, the Gemara still speaks with reference to Rav's statement that meat prohibited by milk is rendered nevelah. Rav again seems to contradict himself, and the Gemara must harmonize the seeming contradiction.

The "volume of an olive"<sup>6</sup> is in Jewish law the smallest amount of food considered to be significant. Such a small amount of meat is used to change the focus of the discussion from the drop of milk falling on a piece of meat, to the opposite: a small amount of meat falling into a large quantity of milk. Do the same principles apply to the milk that have applied to the piece of meat?

Apparently not, as we have read thus far, for Rashi tells us that all the milk, even the milk that was prohibited originally, will eventually be permitted. We do not know how this can be so, and so we must read farther.

Rashi: And the meat is prohibited.

Naturally, since the taste of milk is imparted to the meat, the meat would be prohibited, Rashi merely reminds us that this discussion does have limits, and is not so wide ranging as to be meaningless. In the example, when the olive's volume of a piece of meat falls into a pot of milk, that piece of meat is prohibited when it receives the taste of milk; our verse does not



refer to any instance of the mixture of meat and milk.

IF IT IS POSSIBLE TO EXPEL THE DROP (OF MILK), THE MEAT IS PERMITTED.

Tosafot: Rashi explained that (the piece of meat is permitted), only if the prohibited food (the milk) is expelled; and only if (the meat) is again annulled. This is permitted with a piece that has already been prohibited. But if done with foreknowledge from the beginning, (such a) prohibited (piece) cannot be annulled, as Rashi has explained.

This Tosafot reiterates Rashi's statement that a piece of meat from which a drop of milk has been expelled can only become permitted once again, when the eating of such a piece is unintentional. If someone knew that a piece was once prohibited, and knew that the drop of milk has been expelled, it is prohibited to eat the piece.

Another condition that Rashi did not mention is added: the piece must again be annulled in sixty times a permitted substance. Rashi hinted at this in his comment, when he said that the piece again must be cooked with different permitted pieces. Although Rashi hinted that the piece would, in so doing, be annulled again, this Tosafot says so explicitly.

Gemara: AND IF YOU THINK THAT IF IT IS POSSIBLE TO EXPEL THE DROP OF MILK, THE PIECE OF MEAT IS PERMITTED, HOW CAN THE MILK BE PERMITTED? IT IS NEVELAH.

When we assume, according to Rav, that if milk were expelled from the meat, the milk would be permitted, there is inconsistency; for Rav also said that the meat is nevelah. Now

that we have determined that Rav must therefore have said that the piece is prohibited even after the expulsion of the drop of milk, it seems inconsistent for him to say that the meat is prohibited, yet the milk is permitted. Is not the milk, once prohibited, just as inexorably prohibited as the meat is, once the meat is prohibited? Does not the same principle apply to the milk as to the meat?

Rashi: In this case a little of the milk which is absorbed (into the olive's volume of meat) is rendered nevelah and is prohibited. When it then is given off to the remainder of the milk, there are like kinds, forbidden milk with permitted milk. And Rav stated that like kinds cannot annul one another.

We now have a specific reason why we can challenge Rav, when he says that the milk is permitted when an olive's volume of meat falls into a pot of milk. The principle involved by Rashi is that like kinds cannot annul one another. It has been established that a prohibited piece of meat can be annulled only in broth, which is considered an unlike kind. With milk, too, Rashi explains, like kinds cannot annul one another. So, when the milk in the pot receives the prohibited milk-even the little bit of milk directly affected by the small piece of meat in the large pot of milk-the milk in the pot cannot be annulled by its own kind. Consequently, according to this principle, the milk too, should be prohibited.

Gemara: NEVERTHELESS, RAV MAINTAINS THAT IF IT IS POSSIBLE TO EXPEL (THE DROP OF MILK, THE PIECE OF MEAT) IS PROHIBITED. IT IS DIFFERENT THERE; SCRIPTURE READS: "THOU SHALT NOT SEETHE A

KID IN ITS MOTHER'S MILK." THE TORAH PROHIBITED THE KID, NOT THE MILK.

The question is whether or not Rav is inconsistent. On the one hand, he states that meat once prohibited is inexorably prohibited; yet he states that when meat falls into milk, the milk is permitted. The Gemara refers to the wording of our verse, "Thou shalt not seethe a kid in its mother's milk." "Kid" is the direct object of the verb "ssthe;" therefore, the meat must have been the only thing in the verse referred to as the prohibited food. It follows, then, that meat is prohibited when affected by a small amount of milk, but not visa-versa. The Mishnah also is stated in terms of the milk imparting taste to the meat.

Rashi: Even the milk is permitted, if a large amount of meat imparts taste to all of the milk. Rav reasons that the milk is permitted.

Rashi tells us that when Rav says the milk is permitted, it is permitted in and of itself, and that no principle, such as like kinds, or imparting of taste is operative. Milk as a category is permitted when it is mixed with meat, because of the wording of the Torah.

Gemara: IT WAS REPORTED: IN HALF OF AN OLIVE'S VOLUME OF MEAT AND HALF OF AN OLIVE'S VOLUME OF MILK WERE COOKED TOGETHER, RAV SAID THAT ONE IS PUNISHED FOR EATING IT, BUT NOT FOR COOKING IT.

One is not liable for a food prohibition, unless at least an olive's volume of the prohibited food is eaten. Any amount

less is not considered significant. Can one transgress the prohibition of meat and milk, if only half of an olive's volume of each are mized together? The total volume might equal an olive's volume; so the question might otherwise be formulated: how completely do the meat and milk mix together? Do they mix to form a completely new substance, so that the sum total of the two halves of an olive's volume now is a whole olive's volume? Or do the meat and milk retain enough of their individual identities when mixed, so that the total prohibited amount when the two halves are together is less than a whole? Admittedly, such a case actually occurring is most unlikely. But the answer to the question would tell us a great deal about the nature of meat and milk.

Rav has stated that when meat and milk are together, the meat is prohibited, but the milk is permitted. In that case, would not the cooking together of meat and milk, if each is only half of an olive's volume, result in no prohibition, since only one-half of a volume of a prohibited substance would be involved? That is, the meat to which the milk has imparted its taste is only half of an olive's volume and is prohibited; however, the milk remaining, even if the meat has imparted its taste, is permitted, according to Rav's statement.

Rashi digressed from the discussion and explains how it is possible to obtain an olive's volume of a liquid:

Rashi: This is how we estimate wine, milk, or any beverage, to the volume of an olive: bring a glass full of liquid. Place an olive into it. The liquid that spills out, is the volume of an olive. It is taught in Tosephta Nazir in the chapter entitled

"Who has Eaten."

Rashi then returns to the discussion on Rav's statement: why should one be punished for eating the mixture of half an olive's volume each of meat and milk, but not punished for cooking them? Rashi explains why one would be punished for eating the mixture:

Rashi: Because an olive's volume of a prohibited substance has been eaten.

Rashi interprets the two halves to have blended into one another completely to form a complete olive's volume; hence a prohibition.

BUT NOT PUNISHED FOR COOKING.

Rashi is waiting for a more complete explanation of this statement which appears further on in the Gemara, which, unfortunately, is beyond the scope of this thesis. Fortunately, Rabenu Gershom provides an explanation.

Rabenu Gershom: For eating it, that is, that between the two of them he ate a full measure. "But not for cooking them;" that is, he only cooked half a measure.

Rabenu Gershom, instead of focusing on what occurs between the meat and milk when they are thrust together, focuses on the act of the person cooking or eating. Upon eating the combination of the two halves of an olive's volume, the two halves effectively are joined into one. But when cooked together, a person need only handle each half separately. Thus, taste is the critical factor in Rabenu Gershom's explanation. Rabenu Gershom's explanation is congruent with the Mishna, which

specifically mentions taste as the prohibiting factor.

Gemara: BUT IF YOU THINK THAT THE KID IS PROHIBITED BUT NOT THE MILK, WHY IS ONE PUNISHED FOR EATING? IT IS BUT HALF A MEASURE. RATHER RAV NONETHELESS REASONS THAT THE MILK IS ALSO FORBIDDEN.

The Gemara again finds inconsistency with two different statements of Rav and adjusts accordingly. On one hand, Rav states that the Torah prohibited meat, but not milk, when the two are cooked together. On the other hand, he states that when half of an olive's volume each of meat and milk are cooked together, one is liable for eating it, but not for cooking it.

The problem is with the cooking. If cooking the mixture is permitted, how could eating the mixture be forbidden? If the milk is always permitted, whether or not the taste of meat is imparted to it, why should eating it, even when cooking with the half of an olive's volume of meat, be permitted?

Therefore, even to say that Rav prohibited the eating implies that the milk must also be prohibited. So Rav could not have said that the milk is permitted, and to think that Rav said that the milk is permitted is erroneous.

Gemara: AND WHAT IS THIS SITUATION WE ARE DEALING WITH? FOR EXAMPLE, WHEN THE (OLIVE'S VOLUME OF MEAT) FALLS INTO A BOILING POT? WHILE (THE MEAT) ABSORBS (THE MILK) IT DOES NOT GIVE IT OFF. FINALLY, WHEN IT STOPS, IT REVERSES AND GIVES OFF (THE MILK); BUT JUST BEFORE THIS, THE MEAT IS REMOVED.

The reason, then, that Rav said that meat is prohibited and milk is permitted, is that the milk is permitted only in a



particular situation. In that situation, the milk has not received any taste from the meat at all. As milk boils in the pot, an olive's volume of meat absorbs the milk. However, the meat is removed from the pot before "it" stops. The "it" is ambiguous, and Rashi and the Tosafot discuss the possible meaning.

#### WHAT IS THE SITUATION?

Rashi: Rav said above that the meat is prohibited and the milk is permitted. (This occurs) for example, when that same olive's volume (of meat) falls into a boiling pot (of milk). What is absorbed cannot at the same time be given off; as long as the pot has not stopped boiling, the piece of meat is not giving off (the milk).

Rashi explains that in a boiling pot, the piece of meat cannot simultaneously absorb the milk and give off; while it absorbs, it cannot impart taste to the milk.

#### IT IS REMOVED BEFORE IT STOPS.

Rashi: That same olive's volume of meat, before (the pot) stops boiling.

Before "it" stops refers, then, to the milk. When the milk stops boiling, the meat stops absorbing and begins giving off, that is, imparting its taste to the milk, and thus prohibiting the milk. We now turn to the Tosafot for a review of this entire discussion of Rav's statement, for alternative views and analysis.

IF YOU SUPPOSE THAT IF (THE DROP OF MILK IS) EXPELLED, (THE PIECE OF MEAT) IS PROHIBITED, HOW CAN THE MILK BE PERMITTED? IT IS NEVELAH!



Tosafot: From this, Rabenu Shmuel deduced that for one who holds that like kinds cannot annul one another, two "sixties" are needed: sixty times in the broth to annul the taste of the meat rendered nevenal, and sixty times among the permitted pieces to annul the broth which comes out of the nevelah meat.

Although this Tosafot digresses somewhat from the main discussion in the Gemara, it focuses on some problems that have direct bearing on the entire topic of meat and milk. Until this point, the text, as well as Rashi, have discussed meat and milk in general terms treating a piece of meat prohibited by the taste of milk as if it were a piece of nevelah, as in any other prohibition. We will now delve into the special qualities that make meat and milk different.

Rabenu Shmuel<sup>7</sup> is prompted by the challenge to Rav, when Rav holds that the meat is prohibited, but the milk is permitted. Rashi says that the challenge to Rav's position is based on the concept that "like kinds cannot annul one another." Because the prohibited milk, according to the challenge to Rav, cannot be annulled in other milk, Rabenu Shmuel deduces that, as in Rav's statement, unlike kind must always be present in order to annul a prohibited substance, as the permitted like kind is disregarded. He analogizes from the example of prohibited milk given off the small piece of meat in the large pot of milk. Just as a prohibited piece of meat must be annulled in an unlike kind; and just as the prohibited milk that comes forth from the olive's volume of meat should only be annulled in an unlike kind; so should juice which comes forth from a

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piece of meat prohibited by milk (in a pot of broth) be annulled by an unlike kind--in this case, the other permitted pieces of meat. In other words, it is not enough to annul a piece of meat in broth, because the broth which comes out of the piece of meat after it is absorbed, is affected by the drop of milk, and is also prohibited; it cannot be annulled in the permitted broth, because like kinds cannot annul one another. So, going back to the Mishnah, two sixties are needed: sixty times the broth against the piece of meat, and sixty times the pieces of meat against. The broth was affected by the meat, after it had been absorbed by the meat and subsequently given off by the meat in the process of cooking.

Tosafot (continued): And this is difficult for Rabenu Yitzhak according to (Shmuel)'s opinion. But it is taught "The Torah prohibited the kid but not the milk." Is not the permitted piece always rendered nevelah by rabbinic enactment? And is not the principle that all of the piece must be annulled in sixty times rabbinic? But the Torah says that only the prohibited food absorbed by the piece must be annulled. If so, even if the Torah prohibited the kid and not the milk, in any case the milk itself is, as in other prohibitions, prohibited by rabbinic enactment.

Rabenu Yitzhak offers as precise an analysis of the laws of meat and milk as we have read thus far. Rabenu Shmuel's remarks might lead to confusion. For one thing, Rabenu Shmuel speaks only in general terms. He uses the term nevelah very freely--can milk be "nevelah," in the same sense the juice from

pork meat is nevelah? And which prohibitions regarding meat and milk are rabbinic, and which are from the Torah?

So Rabenu Yitzhak defines which prohibitions are from the Torah, and which are rebbinic enactments in laws of meat and milk. If only the milk which is absorbed by the piece of meat need be annulled according to the Torah, then the entire piece must be annulled only by rabbinic enactment. Rabenu Yitzhak reasons that the reason only the drop must be annulled is because both meat and milk are permitted separately. Therefore, only the taste of the milk need be annulled, because the taste of the meat by itself is permitted. However, by rabbinic enactment, the entire piece must be annulled. So, in actual fact, the resulting meat and milk taste together is not "nevelah" in its true nature--it is treated as if it were nevelah only by rabbinic enactment, to insure that the milk itself which was absorbed by the meat is annulled. Rabenu Yitzhak tells us that this rabbinic enactment can be compared to other prohibitions,

Tosafot (continued): And how is (meat and milk) different from other prohibitions? Is all the milk in the pot (into which the olive's volume of meat fell) prohibited? Certainly, because the milk that was given off by meat is only rendered nevelah because of the taste of the meat mixed in with it. It is not a question of the milk becoming an impure substance; rather, it can be annulled in the pot just as the prohibited meat can be annulled.

Milk absorbed by meat and given off again in the process of boiling, does not actually become "nevelah," that is, an

impure substance that cannot be eaten under any circumstances. Just as meat does not become "nevelah" by itself, the meat and the milk become prohibited only by virtue of the taste of the other when the two are mixed together. So milk or meat which is mixed with the taste of the other is not the same as a piece of pork, or lobster, which are prohibited in and of themselves. Treating milk and meat whose taste is mixed together as if they were nevelah is a rabbinic enactment only.

Tosafot (continued): And "like kinds (cannot annul one another) is not important.      77

Rabenu Yitzhak rejects the idea that the milk given off by the olive's volume of meat in the pot of milk cannot be annulled because the milk is of like kind. He believes that the meat taste contained within the milk only is annulled. Therefore, the milk which is given off by the meat can be annulled in the rest of the milk. As Rabbi Yehudah has already mentioned, this is from the Torah. We need no other authority to annul the meat taste in the milk.

Tosafot (continued): And here, also, when juice is given off by nevelah, it is not a principle that it is (considered) water which cannot be annulled in other water. Rather, there is a principle that it is nevelah meat which can be easily annulled in the water in the pot.

To strengthen his argument that the milk given off by meat can be annulled in the rest of the milk in the pot, Rabbi Yehudah compares this case to a case of nevelah meat in a pot of water. The nevelah (actual nevelah, like pork) is soaked in the water

and becomes moist as the water boils. That which comes forth from the meat, although water is constantly going in and out of the nevelah, is not considered water, but it is considered juice from the meat, that is, more meat than juice. So it is annulled in the water, just as the meat can be. Similarly, the milk which flows out of the olive's volume of meat in the pot of milk, is not considered ordinary milk, and can be annulled.

Tosafot (continued): It was said "(how can the milk be permitted?) It is nevelah!" And there stands the conclusion with meat and milk necessarily, that each one separately is permitted; but when cooked together Scripture has made both of them nevelah. This is like milk which comes out of a non-kosher animal. Therefore, one is punished for half an olive's volume of milk, which is absorbed from half an olive's volume of fatty meat.

Now we know why Rav could not have stated that milk at all times is permitted when cooked with meat. First of all, a proper reading of the Scriptural verse does not indicate that only the meat is prohibited; since both meat and milk are permitted separately, they should be equally prohibited, when the taste of one is imparted to the other. Scripture did not intend only the meat to be prohibited; the important word in the verse is "seethe" and not "kid".

Secondly, the Tosafot compares milk prohibited with meat taste to milk which comes from a non-kosher animal. Just as meat prohibited because of milk taste imparted to it becomes inexorably prohibited, so milk imparted with the taste of meat

is inexorably prohibited. The same principle that applies to the meat applies to the milk as well.

Tosafot (continued): ' But water given off from nevelah is only prohibited because of the taste of the nevelah mixed in with it; it does not follow that one is punished because it is nevelah. We can prove from this that spices which absorb milk or blood and fall into a pot (of melt) are annulled in the ratio of sixty times. And even if its taste is noticeable in the ratio of a thousand times the pot against the spices, it is permitted, because the spice is not more important than the prohibited substance which it has absorbed.

The Gemara was concerned whether or not milk given off by the olive's volume of meat in the pot of milk could be annulled, because of the principle "like kinds cannot annul one another." We learn here that this principle has limited application, because, according to the examples we have just been shown, when a prohibited food mixed with a permitted food, each separate food maintains an individual identity, even when the two are mixed together. The milk is absorbed by the meat in the pot. It receives the taste of the milk.

Thus, the milk is as if it were nevelah. However, when the milk returns to the rest of the milk as it is given off by the meat, it can be annulled. It is not a case of milk annulled in other milk--it is a case of the taste of the meat which is contained in the milk. The taste of the meat "rides" inside of the milk, as if the milk is merely a vehicle which carries the taste of the meat with it. So, the taste of the meat in the



milk is annulled, not the milk itself. However, since the entire substance itself is treated as if it were nevelah by rabbinic enactment, the entire amount of the prohibited milk must be annulled.

The example of spices is a case in point. They have a sharp flavor that is noticeable, even when a very small amount of spice is present. When a spice absorbs a prohibition and is then accidentally thrown into a pot, one would think that the prohibition is not annulled if the flavor of the spice is present. However, it is not the spice, but the prohibition within the spice that must be annulled, So as long as there is more than sixty times the spice in the pot, the prohibition is surely annulled, whether or not the flavor of the spice is noticeable.

#### THE TORAH PROHIBITED THE KID AND NOT THE MILK.

Tosafot: The Femara referred to an olive's volume of meat in a large pot. For if it fell into a small amount of milk, it would have been thought of as all kid, since it would have fatty meat mixed with milk that has not been annulled.

In the example of the olive's volume of meat falling into the pot of milk, we have the reverse situation from the Mishna-- a small amount of meat in a large amount of milk. The question the Gemara addressed had to do with the milk which came out of the meat into other milk, and the relationship between the permitted milk and the prohibited milk which came out of the meat. Consequently, there must be enough milk in the pot, to create a situation in which most of the milk would not be directly affected by the pot.



WHEN (THE OLIVE'S VOLUME OF MEAT) FALLS INTO A BOILING POT.  
WHILE (THE MEAT) ABSORBS (THE MILK) IT DOES NOT GIVE IT OFF.  
FINALLY, WHEN IT STOPS, IT REVERSES AND GIVES OFF THE MILK; BUT  
JUST BEFORE THIS, THE MEAT IS REMOVED.

Tosafot: This is surprising; it is something that can be seen with the eye. A green vegetable which is placed in boiling water can be seen to give off a green color to the water. Similarly, the fat of meat melts in (boiling water) and the fatty globulets can be seen in the broth. Rabenu Shmuel's interpretation of "it does not give it off" is that it does not give off until it is saturated with what it had absorbed. But after it is saturated, it again gives off. And Rav Rabenu<sup>9</sup> taught that "finally when it stops, it again begins to give off." That is, it stops absorbing. And when it is written "just before this, the meat is removed", this refers to the time before it finishes becoming saturated. And Rabenu Shmuel: when prohibited vessels and plates were kashered in a large pot in boiling water, he would require them to remain immersed a long time. They were kept in a sufficient time to finish absorbing and to give it off again.

Rav before said that "the meat is prohibited and the milk is permitted." We are told the particular case to which Rav referred when he made that statement, to prevent contradiction with other statements made by Rav. Rashi says that when the big pot boils, the olive's volume of meat cannot give off milk which it had absorbed. The meat begins to give off the milk when "it stops," that is, when the pot stops boiling. The meat is removed before this; so the milk is permitted. Rabenu Shmuel has a

different interpretation. He does not believe that just because a pot is boiling, that food in the pot does not give off its juices inside. After all, he argues, cannot one see water in a boiling pot turn green after green vegetables are placed in it? Does not that prove that even when a pot is boiling, the meat in the pot of milk is giving off? Rabenu Shmuel therefore revises Rashi's interpretation. A food that contains juice or moisture will give off when it is saturated, that is, when it can no longer contain the moisture within it. The nature of food is to absorb unless it can absorb no more, at which point it gives off. Thus "when it stops" means when it stops absorbing: that is, it can absorb no more because it is saturated and must begin to give off. It stops absorbing; the "it" refers to the meat, not the water, according to Rav Rabenu.

Rav Rabenu goes on to interpret "before this the meat is removed". Obviously, "this" must refer to what he has just described. So, the meat is removed before it becomes saturated with milk; therefore, it will not give off.

Accordingly, Rabenu Shmuel, in kashering utensils which and come into contact with non-kosher food, required that utensils be kept in boiling water a long time. This is done, so that dishes will have sufficient time to become saturated before they begin to give off the prohibited food into the water.

Tosafot (continued): But this is surprising. Who is such an expert to know how long (a food needs to become saturated before it gives off)? Rabenu Tam said that when it was stated, "It absorbs but does not give off," it does not mean that it gives off what

it has absorbed now; but that it gives off what it has absorbed previously (before it has been placed in the pot of milk).

And one should not, because of this rationale, kasher vessels one day old or less, when there is less than sixty times in the water that could annul the prohibition. Or, to immerse them when (the water) boils, thinking the water absorbs the prohibition in the vessel, but does not give the prohibition to the vessel which is immersed in the water. It does not follow to say (the water) absorbs the prohibition; rather, the prohibition gets mixed in (the water)."

Also, one should not suppose that just as it is said, "It absorbs but it does not give off what it has absorbed," that it also means "it gives off, but it does not absorb what it has given off."

Furthermore, if this is so, it is prohibited to kasher two vessels one after the other (in less than sixty times in the water).

Kashering the first one would render the water prohibited (because the prohibition will not be annulled in the water). The second vessel would then absorb the prohibited water. It certainly does not absorb what it gives off itself; but it does absorb what the first vessel gave off (into the less than sixty times the water).

Also, the first vessel should not be immersed in its entirety all at once into boiling water. If so, the side which is immersed first gives off, and the second side immersed afterward absorbs what the first side has given off.

Therefore, it seems that one should not kasher a one-day old vessel when there is not sixty times in the water to annul (what would be given off by the vessel). And with the abominations of Midian, only vessels one day old were prohibited. Small vessels were to be kashered within large ones, in which there were sixty times the volume to annul the prohibition.

Rabenu Tam criticizes Rabenu Shmuel's method of kashering utensils. He finds it inconsistent that food should take a long time to absorb water and then to give off into the water. The green vegetable, in the example, gives off in boiling water immediately. What could it be giving off? Furthermore, even if it did take a long time for food to absorb and to begin giving off, how would one know when this transition took place? Therefore, Rabenu Tam concludes that, as with the green vegetable, what is given off when a food is placed in boiling water is that which it already contains.

We are then warned that since prohibited food immediately gives off, that there must be sixty times the water against the entire vessel. This is consistent with what we learned in the previous Tosafot, while from the Torah alone, the prohibited food that joined with the permitted need not be annulled, rabbinically, the entire combination needs to be annulled—in this case, the entire pot.

Since Rabenu Ram says that a food gives off immediately, he is again taking the side of Rashi, where the meat gives off as long as the milk is boiling. Just as the meat needs to be immediately annulled in sixty times its volume in milk, so does

a vessel need to be annulled in boiling water immediately, in sixty times its volume.

The phrase "It absorbs but does not give off" is examined. What does the "it" refer to? Rabenu Tam assures us that, if we refer back to the meat in the pot of milk, or the vessel in the boiling water, the "it" is the piece of meat, not the liquid. Do not think that water "absorbs" from the solid; only a solid can absorb from a liquid.

We are told that while "it absorbs but does not give off" is true of the meat, its retrograde form "it gives off but does not absorb" is not equally true. In other words, just because the meat cannot give off while absorbing, do not think that it cannot reabsorb what it has already given off.

Consequently, if two vessels are kashered, the second could absorb what the first had given off. Or even with the same vessel, one side could absorb what the second side had given off. That is another reason why sixty times is needed; of course, the prohibited food given off by the vessel no longer is considered prohibited is annulled and will therefore not prohibit the pot is reabsorbed.

## Notes

### Chapter IV

1. Rabbi Hanina bar Hama was born in 180 and died about 260. He was one of the earliest Palestinian amoraim, and studied with Rabbi Yehudah HaNasi, the compiler of the Mishnah according to the tradition.
2. Rabbi Yohanan, who died about 260, founded a very influential school in Tiberias.
3. Shmuel was the head of an important school in Nehardea in the middle of the third century.
4. Also known as Rabbi Shimon ben Gamliel, he was the son of the Patriarch of Yavneh, and succeeded him. He died about 165. In all but cases, his rulings are authoritative.
5. Rah Lakish, or Rabbi Shimon ben Lakish, was a Palestinian colleague of Rabbi Yohanan. He lived in the middle of the third century.
6. The volume of an olive, widely used in rabbinic literature, is considered to be the least amount of a food which is considered enough eating. Anything less is not considered. Therefore, to eat less than an olive's volume of a prohibited food is not considered a transgression.
7. Known as the Rashba"m or Samuel ben Meir, he was Rashi's student and grandson-in-law. One of the early tosafotists in northern France, he also wrote a commentary to the Torah. He lived from 1080-1174.
8. Isaac ben Samuel of Dampierre was also known by his initials Ri, or Rabbi Isaac. He was married to great granddaughter of Rashi. He was a student of Jacob Tam, and died in 1185.
9. This is another name for Jacob ben Meir Tam.
10. The leading tosafotist, Jacob ben Meir Tam lived from 1100-1171. The Rashba"m was his father.



## Chapter V

### Mishnah Torah

Moses Maimonides, 1134-1204, was one of the greatest geniuses of post Talmudic Judaism. Maimonides meant his great work, Mishneh Torah (literally "repetition of the Torah") to be the final, total authority in Jewish law.

Maimonides was a great philosopher, yet he accepted the Talmud's authority in Jewish legal matters. In this tiny section of this monumental work, Maimonides, also known as the Ramba"m (short for Rabbi Moses Ben Maimon) addresses some of the same problems covered by the Gemara we have just studied. Although Ramba"m does not provide the Talmudic sources of his legal rulings, the relationship to page 108a and 108b should be clear. Other Talmudic sources are also referred to, to show that Ramba"m relies on the Talmud as his source of legal reasoning.

RAMBAM: KEDUSAH; LAWS OF PROHIBITED FOOD-Chapter 9  
Halahah 8) Meat that falls into milk, or milk that falls into meat and is cooked with it, how does one estimate the amount that imparts taste? If a piece of meat falls into a pot of boiling milk, a Gentile should taste it. If he tastes meat, it is prohibited. If not, it is permitted, but the piece of meat is prohibited. What case are we dealing with? The case in which the piece of meat was removed, before it gave off the milk it had absorbed. However, if it is not removed, estimate it with sixty;



because the milk it absorbed was prohibited and was mixed with the rest of the milk.

Rambam's statement is based on the Gemara's discussion of the olive's volume of meat that fell into a pot of milk. Like the Gemara, Rambam makes the distinction between the case in which the meat is removed before "it" stops and one in which it is not. By examining Rambam's statement in light of the discussion of the same material in the Gemara, Rashi and Tosafot, we can perhaps solve some of the difficulties in this halaha of Rambam.

Rambam says that before "it" stops, a Gentile should taste the suspected mixture; but if the meat is not removed before "it" stops, then one estimates sixty times. Why allow a Gentile to taste the mixture when the piece is removed, but not allow the Gentile to taste the mixture if the piece is not removed, it had given off prohibited milk.

But if we assume that the piece of meat was removed before it gave off any prohibited milk, why would we need a Gentile cook to taste it?

We must look to the Gemara, and try to understand Rambam's interpretation in light of it. Rambam interprets "before it stops" to mean before it stops absorbing, that is, before it begins to give off. Consequently, he seems to adopt Rabenu Shmuel's view. As long as the piece of meat is not saturated, it will only absorb; but when saturated, it will give off.

How does Rambam know when to estimate for sixty times, and when to call in a Gentile cook? The answer is on page 97b

of Hulin. The Gemara says that in cases where two different kinds are mixed, and both are permitted separately, a Gentile cook is used to see whether the mixture is prohibited or not. Taste is literally the criterion. This would correspond to the case in which the meat was removed, before prohibited milk was given off it. Only the milk and meat came into contact with one another. The Gemara also stated that in cases where a permitted and a prohibited like kind are mixed, one estimates whether or not there is sixty times the permitted against the prohibited. This would correspond to the situation in which prohibited milk from the meat would be given off into the rest of the milk.





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