

Parshat Kee Tisa  
Short Class on Meat and Milk  
Melton at Shearith Israel, March 5, 2012  
JSI at Akiba Academy, March 6, 2012

- A) Sefer Shmot chapter 34, verses 17 - 26
- 1) This is one of the sources of the prohibition against eating meat and milk together
  - 2) For as long as we have records, Jewish tradition has unequivocally read this in the most expansive fashion (Babylonian Talmud, Tractate Kiddushin 56b, Tractate Hullin 113b):
    - a) Not just a kid in its own mother's milk, but in any milk
    - b) Not just a kid but even a grown animal
    - c) Not just a goat or lamb but any animal that has milk

**(I) Rashi on Shmot 23: 19**

A calf and a sheep are also implied in the word 'גד because 'גד represents any tender, newborn animal, [as can be inferred] from the fact that you find in a number of places in the Torah that 'גד is written, and it is necessary to explain afterward: 'גד of the goats, for example: Breishit 38:17; Breishit 38:20; Breishit 27:9, thereby teaching you that wherever 'גד is mentioned without specification, then a calf and a sheep are also implied.

- d) Not just boiling but any type of cooking together
  - e) Not just cooking together but also eating that which has been cooked together
  - f) Not just eating that which has been cooked together but also eating together the two even if not cooked together
  - g) Not just eating together but even getting any benefit from such mixtures that are cooked together
- 3) Rabbinic tradition has expanded this to the following cases:
- a) Not just meat but also fowl
  - b) Not just eating together but even eating one after the other in the same meal
  - c) Not just eating together in the same meal but even milk after meat, or meat after very hard cheese, within six hours

- B) The verse appears two other times in the Torah

- 1) Shmot chapter 23, verse 19
  - a) The context is exactly the same as in our parsha
- 2) Devarim chapter 14, verse 21
  - a) The context is a summary of the laws of Kashrut, just about all of which were mentioned earlier in the Torah

- C) The source of the prohibition against eating meat and milk; a three way disagreement between two sources in the Babylonian Talmud and the Mechilta

1) **Babylonian Talmud Tractate Hulin page 115b**

The school of Rabbi Yishmael taught: Thou shall not cook a kid in its mother's milk, is stated three times: one is a prohibition against eating it, one a prohibition against deriving benefit from it, and one a prohibition against cooking it.

2) **Babylonian Talmud Tractate Hulin 113b**

How do we know that one may not eat basar be-chalav? It says, "One should not eat anything which is abominable" [to'eiva; Devarim 14:3] – anything which I despise is included and may not be eaten. And how do we know that it is prohibited to derive benefit from this mixture? As Rav Abahu says, any place where the Torah says "Do not eat," a prohibition of benefit is implied, unless the Torah explicitly says otherwise, as it does regarding neveila.

### 3) Mechilta of Rebbi Shimon bar Yochai

'Do not cook a kid in its mother's milk' – this comes to forbid its cooking, all the more so its consumption.

#### a) Rambam, Mishne Torah, Hilkhot Ma'akhalot Asurot 9:2

The Torah did not mention the prohibition of eating because it had already mentioned the prohibition of cooking, and therefore one need not mention eating.

#### D) Milk and Fowl

##### 1) Babylonian Talmud, Tractate Hulin page 116a

Rebbi Akiva maintains that wild animals and fowls are not included in the prohibition of the Torah but are prohibited rabbinically, whereas Rebbi Yose the Galilean maintains that fowls are not even prohibited by the Rabbis. There is also [a Baraita] taught to the same effect: ... In the place of Rebbi Yose the Galilean they used to eat fowl's flesh cooked in milk.

Levi once visited the house of Joseph the fowler, and was served with a peacock's head cooked in milk and said nothing to them about it. When he came to Rebbi [and related this]. Rebbi said to him: Why did you not lay them under a ban? He replied. Because it was the place of Rebbi Yehudah ben Betara and I imagine that he must have expounded to them the view of Rebbi Yose the Galilean who said: A FOWL IS EXCLUDED SINCE IT HAS NO MOTHER'S MILK.

2) We hold like Rebbi Akiva, and some Achronim (Shak, Taz) rule that the rabbinic prohibition is only on eating, and not on cooking or gaining benefit.

#### E) The meaning behind the prohibition

1) Rambam, Guide of the Perplexed III, chapter 48; Abarbanel, Commentary on the Torah, Shmot 23 – protest against pagan ritual

a) This fits with the context of the verse in both places it appears in Shmot

2) Ramban, Commentary on the Torah, Devarim 14:21; Ibn Ezra, Shmot 23:19

a) Breishit chapter 32, verse 12

b) Hosha'a chapter 10, verse 14

c) Vayikra chapter chapter 22, verse 28

d) Devarim chapter 22, verse 6

3) Rav Abraham Isaac haCohen Kook, Fragments of Light – A View as to the Reasons for the Commandments, Bokser pages 320 - 321

The mixing of meat and milk is a grave offense, an act that is pervaded altogether with the oppression of life, i.e., the oppression of a living being – and of property. Milk, which serves so naturally to feed the tender child so that he might enjoy the mother's breast, was not created to stuff the stomach—especially when you are so cruel to eat meat. Remember: the tender child has a prior and more natural right than you do.

a) Rav Kook connected this to the Torah's overall approach to meat eating

#### Sources:

Virtual Beit Midrash of Yeshivat Har Etzion, Hilkhot Kashrut Shiur #26: The Prohibition of Basar Be-Chalav An Overview, by Rabbi David Brofsky

VBM, YHE-KITZUR: MEANING IN MITZVOT – BY PARASHA, by Rav Asher Meir, Parshat Mishpatim