



Volume 11. Issue 19

Basar B'chalav and Ma'rit Ayin

The *Mishah* (8) states that the prohibition of cooking milk and meat together applies when both were from *tahor* animals. However, if either the milk or meat were from a *tameh* animal, cooking this mixture is permitted. The *Darchoi Moshe* uses this *Mishna* when questioning a ruling of the *Beit Yosef* (*Yoreh Deah* 62). The *Beit Yosef* cites the *Rashba* who forbids cooking a mixture of meat and human mother's milk due to the prohibition of *Marit Ayin*. The *Darchoi Moshe* questions this since the *Mishna* permits one to cook a mixture of impure milk and/or meat with no mention of *marit ayin*. Consequently one should permit cooking mother's milk with meat. The *Shulchan Aruch* sides with the *Rashba* and forbids cooking meat with milk from a mother. The *Rama* also prohibits cooking a mixture of meat and mothers milk **and** extends this prohibition to cooking impure milk with a pure animal or vice versa.

The *Taz* points out that the *Rashba* seems to contradict himself since elsewhere (*Torat Habayit*) he mentions our *Mishna* yet makes no mention of *marit ayin*. In addition, the *Rama* is puzzling as the *Mishna* permits cooking milk and an impure meat. The *Shach* explains the *Rama* saying that the *Mishnah* that allows cooking a mixture of milk and an impure animal, must be referring to a special circumstance – e.g where a person is sick and requires the mixture to be cooked - where *Marit Ayin* does not apply.

The *Shach* analyses the opinion of the *Shulchan Aruch* and notes that the *Shulchan Aruch* refers to *Marit Ayin* in reference to mothers milk, while permitting one to cook meat with impure milk. How is this to be compared to the *Rama* who forbids one to cook in both instances? This question can be answered in two ways.

The *Shach* states first, that the appearance of impure milk and meat is different to their *tahor* equivalent. Therefore if one were to cook with these, it would be clear that these ingredients were impure. This is not the case with mother's milk, which has the same appearance as normal milk.

Secondly, the *Shach* states, that when the *Halacha* states that a mixture of mothers milk with meat is forbidden, this was not referring to cooking. Rather, the prohibition specifically refers to eating, as there could be a permissible reason to cook these two ingredients together (e.g. for *refuah*). The proof is found in the case of eating meat with almond milk, where one must leave almonds next to the

food because of *marit ayin*. The *Shach* states that since you do not have to leave almonds next to the pot while you are cooking, one does not to be concerned about *marit ayin* in relation to cooking. Therefore, the prohibition of mixing mothers milk and meat only applies to eating, not cooking. This also explains why the *Shulchan Aruch* did not forbid cooking mixtures of impure milk and meat. Eating either impure milk, or impure meat alone is already forbidden and did not require a separate ruling to forbid it. Consequently, the *Shulchan Aruch* is able to 'permit' this mixture as *marit ayin* does not apply to cooking¹.

The *Rama* notes (86:3) that when eating mixtures with almond milk, one only need leave almonds next to the mixture if there is meat in the mixture. When chicken is eaten with almond milk, it is not needed. The *Shach* cites the *Maharshal* that argues one must leave the almonds even next to a mixture of almond milk and chicken because *marit ayin* applies even in cases of *issurei d'rabanana*.

Rav Soleveitchik (*Inyanei Basar BeChalav*, p187) notes that the *Rama* and the *Shach* seem to be arguing over the *din* of *marit ayin*. The *Maharshal's* understands that the *Chachamim* forbid a person to do any action that may look like a prohibition so that others should not see this action and think that this prohibition is permitted. This concept is similar to the prohibition of placing a stumbling block before the blind. For this reason, the *issur* of *marit ayin* would apply even in cases of *issurei d'rabanana* since the prohibition of placing a stumbling block applies equally to Torah and rabbinic prohibitions.

On the other hand, the *Rama* understands that *Marit Ayin* was established in order that others should not think that a person is performing a forbidden activity. This concept is derived from the *pasuk* "and one should be clean before G-d and Israel". The *Gemara* (*Yoma* 38a) uses this *pasuk* to praise various families who performed *avoada* in the *Beit Hamikdash*, such as baking the *Lechem Hapanim*, who would be stringent not to have bread found in their households so that people should not assume they were misappropriating bread from the *Lechem HaPanim*. The *Rav* states that based on this reasoning the *Rama* would hold that there is no issue of *Marit Ayin* connected to Rabbinic prohibitions because we are not concerned of people's thoughts when it comes to these.

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¹ As explained above, the concept of *Marit Ayin* does not apply for cooking as we are able to assume that one is cooking this mixture for a special circumstance (eg. For *refuah*).

Revision Questions

מנחות ח' א' ט' ח'

- Meat from which animals does the prohibition of *basar b'chalav* apply? (ח' א')
- Regarding which two other laws does this definition of meat apply? (ח' א')
- What debate relating to *basar b'chalav* does *Beit Shammai* take a lenient stance? (ח' א')
- In what manner is one allowed to wrap meat and cheese in the same napkin? (ח' ב')
- Regarding whom does *Rabban Shimon ben Gamliel* allow to eat meat and milk at the same table? (ח' ב')
- What is the law regarding a drop of milk that falls onto a piece of meat in a boiling pot? (ח' ג')
- What is the exception to the rule in the previous question? (ח' ג')
- What must one do in order to cook and eat the udder of a cow? (ח' ג')
- Does the prohibition of *basar b'chalav* apply to non-kosher animals? (ח' ד')
- What is the law regarding cheese that was made using the stomach of an animal? (ח' ה')
- How is the prohibition of *cheilev* stricter than blood? (ח' ו')
- How is the prohibition of blood stricter than *cheilev*? (ח' ו')
- For which type of *tumah* can the hooves combine with the meat to make up the minimum *shiur*? For which type of *tumah* do they not combine? (ח' ו')
- What other case is brought where there is a similar difference between these two forms of *tumah*? (ח' ז')
- What part of the hide of an animal has the status of meat? (ח' ז')
- For all the skins/hides listed in the *Mishnah* that have a status of meat, when can they lose that status? (ח' ז')
- What does *R' Yochanan ben Nuri* add to this list? (ח' ז')
- At what point is the hide of an animal not considered attached to the flesh and why is this important? (Provide the three different cases) (ח' ז')
- If a hide of a *neveilah* had a *kezayit* of meat attached and one touched the hair on the other side of the hide, would they become *tameh*? (ח' ז')
- Explain the debate where two half-*kezaytim* of meat were still attached to the hide of a *neveilah*. (ח' ז')
- What general rule is stated regarding the relationship between *tumat magah* and *tumat masah*? (ח' ז')
- What forms of *tumah* are transferred from a complete bone that has marrow if touched and which forms of *tumah* are not transferred? (ח' ז')
- What other case is brought similar to the previous question? (ח' ז')
- What are the two debates between *R' Meir* and *R' Shimon* regarding *ever/basar ha'meduldal* and in what case do they agree? (ח' ז')
- What is the status of an *ever* or *basar meduldal* of a human? (ח' ז')
- Regarding the previous question, what if that person then dies? (ח' ז')

Local Shiurim

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
 Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Beit Ha'Roeh
 Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
 9:00am
Kollel Magen Avraham
 Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
 In US dial: 718 906 6400
 Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
1 st June ג' סיון	26 th June ד' סיון	27 th June ה' סיון	28 th June ו' סיון	29 th June ז' סיון	30 th June ח' סיון	31 st June ט' סיון
Chullin 10:1-2	Chullin 10:3-4	Chullin 11:1-2	Chullin 12:1-2	Chullin 12:3-4	Chullin 12:5 - Bechorot 1:1	Bechorot 1:2-3

