

Chullin – Simanim

פרק ח – כל הבשר

דף קטו – 115 Daf

1. לא אמרה תורה שלח לתקלה

On the previous Daf, Rav Ashi had *darshened* that כל שתעבתי לך הרי הוא בבל תאכל – *anything I have made abominable for you by forbidding it is included in the prohibition, "you shall not eat."* The Gemara raises numerous challenges to this principle, including: שילוח הקן ליתסר – a mother bird which was sent away to fulfill the *mitzvah* of *sending away* [a mother from its] *nest should be prohibited*, since it was initially forbidden to be taken from the nest first, and so should be a "תועבה" and remain forbidden in consumption!? The Gemara answers: לא אמרה תורה שלח – *the Torah did not say to send away the mother bird to be a stumbling block* for those who may inadvertently eat it without realizing it is prohibited.

2. Rebbe Yishmael's source: לא תבשל גדי בחלב אמו three times

The Gemara continues to present various sources for the prohibitions of eating or deriving benefit from בשר בחלב. Rebbe Eliezer's yeshivah quoted a *passuk* which first prohibits eating נבלה, then permits selling it to a gentile, and concludes with the prohibition to cook a kid in its mother's milk. This juxtaposition teaches: כשתמכרה לא תבשלה – *when you sell [neveilah] to the gentile, do not cook it in milk and sell it*, because בשר בחלב is forbidden in benefit. Rebbe Yishmael's yeshivah *darshened*: לא תבשל גדי בחלב אמו ג' פעמים – the Torah states the *passuk* "you shall not cook a kid in the milk of its mother" three times. These three prohibitions teach: אחד לאיסור אכילה – *one for the prohibition to eat meat cooked in milk*, ואחד לאיסור הנאה – *one for the prohibition to benefit from it*, ואחד לאיסור בישול – *and one for the prohibition to cook meat with milk*.

3. כל מה הצד פרכין כל דהו, etc.

Rav Mordechai quoted several principles about how a מה הצד (i.e., צד השוה) may be refuted: but – מעלמא לא פרכין – *any common characteristic derivation can be refuted from within, but cannot be refuted from elsewhere*. Meaning, if the two מלמדים share a characteristic that the למד – *derived* [case] lacks, the צד השוה is refuted. However, an outside case which shares their common characteristic but not their common *halachah* being derived does not refute the צד השוה. The next principle Rav Mordechai quotes is challenged, and emended as follows: חדא מחדא – *when the halachah of one place is being derived from one source*, then we can refute the derivation based on a unique *leniency or stringency* found in the מלמד (depending on whether a leniency or stringency is being derived), but כל דהו לא פרכין – *we cannot refute it based on a mere difference between the מלמד and למד* (which would not logically cause the *halachah*). חדא מתרתי – *When the halachah of one place is being derived from two sources (through a צד השוה)*, אפילו כל דהו פרכין – *we can refute it based on a mere difference between the מלמדים and the למד*. If a *halachah* is derived from three sources, then if the derivation reverts to a צד השוה, it can be refuted with a פירכא כל דהו, but if not, it can only be refuted with a קולא or חומרא.

Siman – Ketores Maker

The **ketores maker** who sent away a mother bird on his way to find an herb for his **ketores**, with the knowledge that the bird would be *mutar* for anyone who finds it, was busy grinding **ketores** and saying לא תבשל גדי בחלב אמו three times because the sound produces better **ketores**, when his friend rudely burst in with a whole list of ways to refute the מה הצד he had used to procure his recipe for **ketores**.



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3 things to remember

1. לא אמרה תורה שלח לתקלה
2. Rebbe Yishmael's source: לא תבשל גדי בחלב אמו three times
3. כל מה הצד פרכין כל דהו, etc.

