

SMICHA

Visualizations



1

YORE DE'AH 87-89
Visualized Smicha Summaries
A Review Aid



SMICHA VISUALIZATIONS

YORE DE'AH 87-89





**THE HALACHOS OF
BASAR B'CHALAV
YORE DE'AH 87 - 89**

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Introduction

With thanks to Hashem, we are happy to present to the students of Machon Limud Halacha – Lema'an Yilmedu smicha program instalment #1 of our "Smicha Visualizations" series, which includes charts and illustrations on the parts of Shulchan Aruch - Yoreh De'ah studied for smicha.

Learning the laws of isur v'heter as written in the Shulchan Aruch is the basis for the study of smicha. But often, those learning this material find it hard to grasp the depth of the ideas and reach clear conclusions, as well as to remember all the material in an organized way. Therefore, we have put together a visual presentation of the topics being learned, starting with the Mechaber and the Rema, onto the Shach and Taz, and then to the actual practice of the halacha that we are instructed to follow.

Additionally, we have provided charts to summarize the various opinions to make it easier to understand the material and retain it properly.

This first instalment includes visual presentations for the first five lessons, which is all the material which will be covered in the first test. Also included is the booklet of the material in the Shulchan Aruch (with an English translation) and a separate booklet of summaries and explanations.

This volume is strictly for your personal use. We have put tremendous work and resources into this edition, and we are asking you not to share it in any form with anyone who is not a student of our program.

Rabbi Zushe Wilhelm
Program Head



SIMAN 87

Variations of the Prohibition Against Basar B'chalav

The Min Hatorah Prohibition

"Do not **cook** a goat in the milk of its mother"

Eating



1

"Do not **cook** a goat in the milk of its mother"

Cooking



2

"Do not **cook** a goat in the milk of its mother"

Gaining Pleasure



3

The Meat of a Kosher Animal

Which Mixed and Gave Its Taste to Kosher Milk

"In the Manner of Cooking"

Variations of the Prohibition Against Basar B'chalav

The Isur Miderabonon

The chachomim decreed a prohibition against **eating**

Meat with milk —
mixed in any way

The meat of wild animals and birds
which mixed with milk

Variations of the Prohibition Against Basar B'chalav

Ways of mixing and the extent of their prohibition

Roasting

Heating up meat with cheese, without it sitting in juice.
(For example: Barbeque, or being baked together in an oven.)

Frying

For example: Frying meat in butter,
or meat and cheese fried in oil.

Pickling

Meat that sat in cold milk for 25 hours.

Salting

Meat that was salted together with cheese in nice amount
of salt, and a nice amount of time.

Machlokes

Miderabonon

se'if
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Variations of the Prohibition Against Basar B'chalav

Animals Which are Prohibited Min Hatorah

Large Cattle: Calf, Ox, Cow.

Small Cattle: Sheep, (younger and older), and Goats, (younger and older.)

YOUNG GOAT (KID)



COW



SHEEP



GOAT



The meat of **non-kosher** animal, in kosher milk;
or, kosher meat in **non-kosher** milk is:
Not forbidden *min hatorah*, and neither *miderabonon*.

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חולין ק"ג, א

מתני' בשר בהמה טהורה בחלב בהמה טהורה אסור לבשל ואסור בהנאה
'בשר בהמה טהורה בחלב בהמה טמאה בשר בהמה טמאה בחלב בהמה
טהורה מותר לבשל ומותר בהנאה ר"ע אומר חיה ועוף אינם מן התורה
שנאמר 'לא תבשל גדי בחלב אמו ג' פעמים פרט לחיה ולעוף ובהמה טמאה
ר"ב יוסי הגלילי אומר נאמר 'לא תאכלו כל נבלה ונאמר לא תבשל גדי
בחלב אמו את שאסור משום נבלה אסור לבשל בחלב עוף שאסור משום
נבלה יכול יהא אסור לבשל בחלב ת"ל בחלב אמו יצא עוף שאין לו חלב
אם: גמ' מנא הני מילי א"ר אלעזר אמר קרא 'וישלח יהודה את גדי העזים

Chulin, 113a

Rabi Akiva says: Wild animals and [kosher] bird are [not forbidden with milk] *min hatorah*, [rather, only *miderabonon*]; as the *passuk* says: 'Do not cook a goat in the milk of its mother' – three times; [this includes similarly domesticated animals; but] **excludes wild animals and [kosher] bird**, and a non-kosher animal [– they are not prohibited *min hatorah* with milk.]

Rabi Yosi Haglili says: It was said in the *passuk*: 'Do not eat all non-slaughtered carcasses,' (*neveila's*), and it was said, 'Do not cook a goat in the milk of its mother' – whatever is forbidden when it is a *neveila* is forbidden to cook with milk. Bird, which is forbidden when it is a *neveila* – you would think that it is forbidden to cook it with milk; therefore, the *passuk* says, 'In the milk of its mother,' **this excludes bird**, which does not have mother's milk.

Rabi Akiva

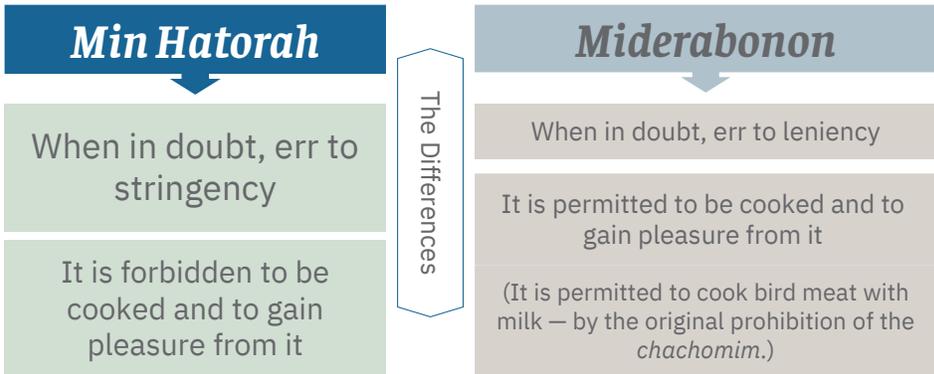
Wild animals and bird are
miderabonon

Rabi Yosi Haglili

Wild animals are forbidden *min hatorah*; bird is permitted.

Variations of the Prohibition Against Basar B'chalav

What is the difference between min hatorah and derabonon prohibitions?



Variations of the Prohibition Against Basar B'chalavchalav

Eating Fish with Milk

Beis Yosef, Siman Pei Zayin, Se'if Koton Gimmeel:

Still, fish with milk should not be eaten, because it is a danger; as was explained in the *sefer* Orach Chaim, Siman 173 (daled).

ישול אפקיה דחמנא וכן כחו הרמב"ם (שם ה"ה) והרשב"א (פרי"ח ר"ג : פ"ה) דללכין נחלב נמי שרי ומכל מקום אין לאכול דגים נחלב מפני הסכנה כמו שנחבאר נקשר אורח חיים סימן וְחַלְמוֹן אֵף עַל פִּי שֶׁהֵי אֵין לֵה אֵלֵא חַלְמוֹן וְ קפ"ג (ד):

דרכי משה

(ד) וְלֹא רֵאִיתִי מִימֵי נוֹהֲרִין בּוֹה וְגַם בְּאוֹרַח חַיִּים סִימָן קפ"ג (קנב): אֵינוֹ אֵלֵא שְׁלֵא לֵאכְלוּ בְּבֶשֶׂר מִשּׁוּם סַכְנָה אֲבָל בְּחֵלֵב שְׂרִי וְעִיִּין לִקְמָן סִימָן קט"ז (ר"ם אות ג) וְלִכְן נִרְאֶה שֶׁנִּתְעַרְבַּ [נ] לְרַב בֵּית יוֹסֵף בֶּשֶׂר בְּחֵלֵב:

Darchoi Moshe: I have never seen anyone being careful with this; and also: in Orach Chaim, Siman 173, it does not [speak of this, rather] only not to eat [fish] with meat; but with milk, it is permitted. (And see later, Siman 116.)

And therefore, it seems that the Beis Yosef mixed up between meat and milk.

The Halacha of Mar'is Ayin

The Problem: Even though fish blood is permitted; if it is gathered in a vessel, it is forbidden because of *mar'is ayin*.
The Fix: Therefore, if one can tell that it is fish blood; for example: if it has scaled in it – it is permitted.

Reasons for the prohibition of *mar'is ayin*:

People who see may learn from his actions and do something prohibited at its essence.

והייתם נקיים מזה ומישראל.
"You shall be clear before Hashem and [Benei] Yisroel"

The Halachos of Mar'is Ayin

Exclusions to the rules of mar'is ayin:

There is no prohibitions of *mar'is ayin* in one place a *heker*.



When the worry is that someone will think one is transgressing an *isur derabonon* – one may do the essentially permitted act behind closed doors.

If the cooking or eating is for health reasons, *mar'is ayin* does not apply.

If the essentially permitted mix already happened, it becomes nullified, even without 60 times its amount, (if it cannot be seen anymore.)

The Halachos of Mar'is Ayin

The Rama's Opinion

Mar'is ayin only applies with *min hatorah* prohibitions, and not with *derabonon* ones.

The Taz's Opinion

Mar'is ayin only applies with *min hatorah* prohibitions, and not with *derabonon* ones.

The Rashal's Opinion

Mar'is ayin applies to *derabonon* just as it does to *min hatorah*.

Halacha: In a hidden place, *mar'is ayin* does not apply with *derabonon*. But in public – it applies completely.

The Halachos of Mar'is Ayin when Cooking

Summary

	The Rama's Opinion	The Rashal and Shach's Opinions	The Taz's Opinion
Eating cattle meat in almond milk 	<p>The worry of <i>mar'is ayin</i> applies to <i>min hatorah</i> prohibitions, and therefore: If they were cooked together – a <i>heker</i> must be placed.</p> <p>If they were not cooked together – it is only a <i>derabonon</i> prohibition, and there is no issue of <i>mar'is ayin</i>.</p>	<p>The issue of <i>mar'is ayin</i> also applies to cases similar to <i>derabonon</i> prohibitions.</p> <p>And therefore, a <i>heker</i> should be placed in all cases</p>	<p>As a matter of course, one should place a <i>heker</i> also when doing something similar to a <i>rabonon</i> prohibition.</p> <p>However, b'dieved, a lack of this does not prevent eating, in cases similar to <i>rabonon</i> prohibitions.</p>
Eating bird meat with almond milk 	<p>The worry of <i>mar'is ayin</i> does not apply to <i>derabonon</i> prohibitions.</p> <p>And therefore, it is permitted to eat bird meat if it was cooked with almond milk.</p>		

se'if
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The Halachos of Mar'is Ayin with Cooking

Opinions:

Se'if Gimmel

Non-kosher meat with milk is permitted to be cooked.

Se'if Daled

It is forbidden to cook meat with women's milk.

Rama	It is essentially permitted to be cooked.	But practically, it is forbidden, because of <i>mar'is ayin</i>.
Shach	There is no <i>mar'is ayin</i> when cooking, and it is permitted to be cooked.	It is forbidden to eat, but permitted to be cooked.
Taz	There is no <i>mar'is ayin</i> with non-kosher meat, (but the halacha is like the Rama.)	It is forbidden because of <i>mar'is ayin</i>.

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se'if 4

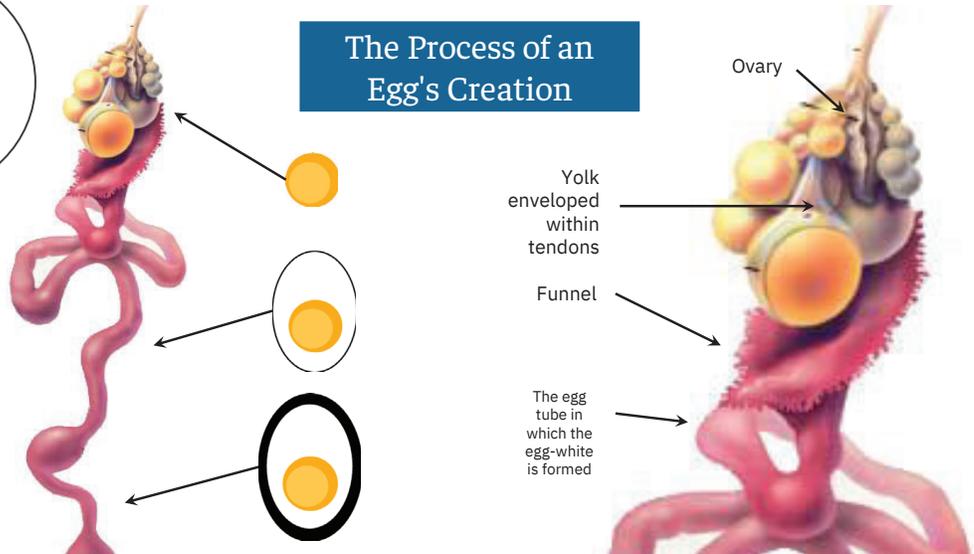
The Halacha of Mar'is Ayin when Cooking

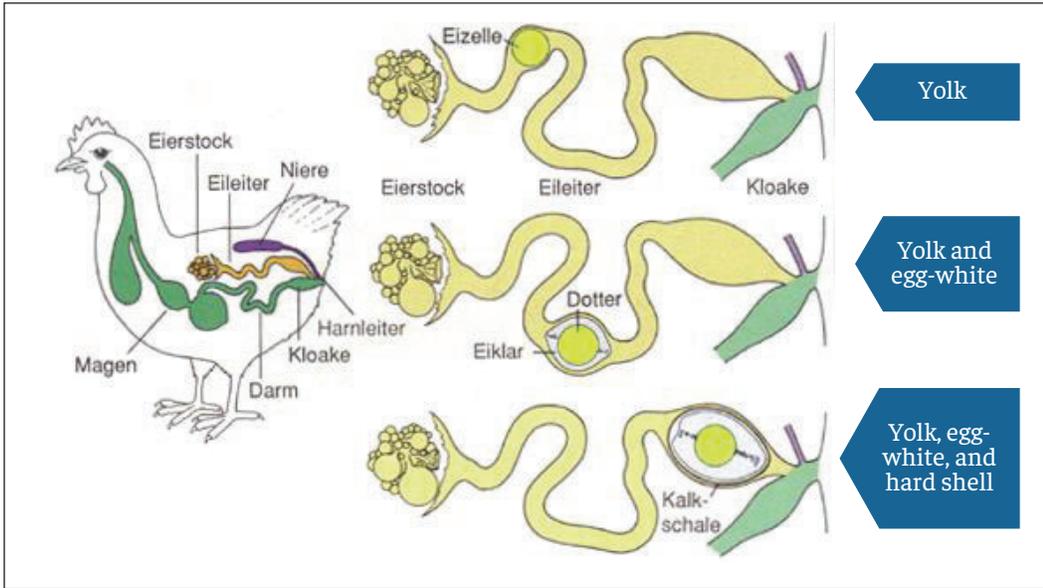
Summary

	The Rama's Opinion	The Shach's Opinion	The Taz's Opinion
Cooking cattle meat with almond milk, women's milk, or milk from a non-kosher animal	It is forbidden to cook this mixture because of <i>mar'is ayin</i> that he is transgressing a min hatorah prohibition.	There is no worry of <i>mar'is ayin</i> with regard to cooking itself; because it could be that one is cooking for healing or other purposes.	Practically, he says that he cannot be lenient where the Rama was stringent.
Cooking bird meat with almond milk, women's milk, or milk of a non-kosher	There is no need to worry, because <i>mar'is ayin</i> does not apply with derabonon prohibitions.		
Cooking bird meat with a kosher animal's milk	The Rama writes that it is permitted. However, the Taz writes that based on the Rama's opinion in se'if daled, it makes sense that it should be forbidden.		It should be forbidden because of <i>mar'is ayin</i> (because bird meat can sometimes look like cattle meat,) and also, to make it clear that the halacha is not like Rabi Yosi Haglil.

se'if
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The Process of an Egg's Creation





The Halachos of Eggs Found Inside Chickens

The sugya in the Gemoro

מדד' יוחנן גופא השוחט את התרנגולת ומצא בה ביצים גמורות מותרות לאכלן בחלב ר' יעקב אומר אם היו מעורות בגידין אסורות מאן תנא להא

“One who slaughters a chicken and finds complete eggs in it – they are permitted to be eaten with milk. Rabi Yaakov says: If they are [still] connected to tendons, they are prohibited [from being eaten with milk.]”

The egg is permitted to be eaten if it is "complete".

According to the Tana Kama:
It is permitted even if it is connected to tendons.

The Halachos of Eggs Found in Chickens

Concepts:

Basar B'chalav

Eiver min Hachai

A Neveila Chicken

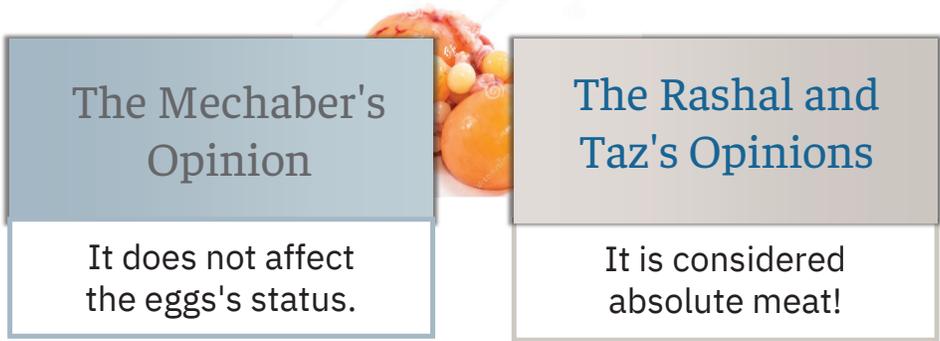
Salting

But there is no need to wait six hours after eating them.

When is an Egg Considered "Complete"?

	Rashi The Shach's Opinion when <i>hefsed meruba</i>	Rashba The Opinion of Shulchan Aruch	Orchos Chayim The Taz's Opinion (and the Shach's, <i>B'dieved.</i>)	Rashbam Rama and Shach, <i>L'chatchila</i>	The Minhag (Brought by the Maharai)
● Yolk	It is an Egg	It is Meat	It is Meat	It is Meat	It is Meat
● Yolk with Egg-White	It is an Egg	It is an Egg	It is Meat	It is Meat	It is Meat
○ With a Soft Film Surrounding	It is an Egg	It is an Egg	It is an Egg	It is Meat	It is Meat
○ With a Hard Shell	It is an Egg	It is an Egg	It is an Egg	It is an Egg	It is Meat

What is the Halacha if There are Tendons on the Eggs?



If One Hits a Live Chicken and the Eggs Come Out

Are the eggs considered flesh from a live animal?
 If the eggs have tendons = it is considered flesh from a live animal.

