

SHABBAT MISPHATIM

D'Var Torah delivered for Telefilah

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One of the many reasons it's appropriate for me to be a rabbinical student is that I'm fascinated by how the rabbis, our sages, turned some of the laws in the Torah into laws that we observe today. I love to ask "How did we get from there to here?"

Like... how did we get from not kindling fire on Shabbat to not turning on lights? If, back in the day, the rabbis had electricity and light bulbs, would there not have been a special bracha for turning on your study lamp on Shabbos afternoon?

Don't carry on Shabbat. But there's an entire masechet of the Talmud - eruvin - that presents rabbinic ways to get around this - which we still follow today - as long as the wire that goes around the eruv remains intact.

I'm not trying to make fun, and I'm impressed by anyone who follows all of these laws. I just wonder, sometimes... how did we get from there to here?

Today's parsha is called Mishpatim - which means laws, and as you might expect, it includes a vast number of laws. According to Chabad.org, there are 53, which is 9% of the laws given in the Torah. In case you're curious, the parsha with the most laws, at 72 or 74 depending on who's counting, is Ki Teitzei. But still - 53 is a pretty good number.

So it's really amazing to read this parsha, with all these laws. Laws like... How to deal with Hebrew slaves. The shmita year. Do not take bribes. Observe the holidays God has set for us.

And tacked on at the end of the passage about the holidays, at the end of the paragraph, there is a half of a pasuk - not even an entire verse - that says:

לֹא-תֵבֶשֶׂל אֶת-יְלֵד בְּחֵלֶב אִמּוֹ:

Don't cook a kid in its mother's milk.

Seriously. How did we get from there to here?

First of all, it's important to note that this is not the only time this law appears in the Torah. It's here, yes, in Exodus 23:19 and a second time in Exodus in 34:26, then again in Deuteronomy 14:21.

By the time of the Talmud, at least a millennium after we had the Torah, there are incredibly complicated laws about the prohibition of *basar v'chalav*, which is the Hebrew term referring to the rabbinic prohibition of mixing milk and meat, based on this half verse.

In Masechet Chullin, which is generally about kashrut of animals, we read that it is prohibited to cook any meat of any animal - domestic or wild - in milk, except for fish and grasshoppers – this can also be translated as locusts – which are not considered to be meat. The sages also prohibit putting milk products on the same table with meat.

Beit Shammai - one of the two great batei midrash in the first century - says that it should be allowed to at least put poultry on the same table with cheese as long as one does not eat them together... But Beit Hillel - the other great beit midrash, whose halakhah is usually followed - prohibits placing even cheese and poultry on the same table. Regardless of which school you follow, no chicken parmesan is allowed.

Because we're not allowed to cook a kid in its mother's milk.

But... chickens don't make milk?

The rabbis, though, worried that if someone saw you eating poultry with cheese on your table at the same time, they might get the wrong idea and think you were not following the law, so even cooking or eating poultry with milk was forbidden.

Because:

לֹא-תִבְשֵׁל גְּדִי בְחֵלֶב אִמּוֹ:

You must not cook a kid in its mother's milk.

Indeed, throughout the years, rabbis and other scholars have devoted vast amounts of time to discussing this.

Rashi, the great 11th-century scholar, taught about why the law appears three times in the Torah:

In three different passages the law *לֹא תִבְשֵׁל גְּדִי* is written: once for the purpose of prohibiting the eating of meat-food with milk-food, once to prohibit us from deriving any other benefit from such mixture, and once to prohibit the boiling of meat with milk.

He cites Midrash and Talmud - sending us back to Masechet Chullin - as his sources.

Rabbeinu Bahya, an exegete who was born in Spain in 1255, had a very interesting approach to the issue:

We could ask why the Torah did not simply write the words *לֹא תֹאכַל*, “you shall not eat,” a formula which traditionally includes the prohibition to enjoy such a substance in any other form. The reason is that if the Torah had written those words I would have assumed that culpability for eating such a mixture occurs *only* if one enjoys eating it, as is the case with other prohibitions of that kind.

Of course, we know now that not only is it forbidden to cook milk and meat together, but to eat them together as well. That taco salad you’re having for lunch better not have any cheese or sour cream!

We’re forbidden to cook them together. We’re forbidden to eat them together, and we’re forbidden to benefit from cooking them together.

How might someone benefit from cooking milk and meat together, you ask? Well, just ask Wendy or Ronald McDonald. You won’t see a Kosher restaurant sell cheeseburgers to a non-Jew, much less to a halachically observant Jew.

Here’s one that I don’t quite understand, but I’m telling you about because I want you to see how much time our scholars have spent on this issue:

A 15th-century halakhah from R. Yonah ben Yisrael teaches us that milk and meat may not even be thrown away together, lest someone benefit from it. One may not just throw it away. It must be buried or disposed of in a river that does not have fish. And no, you may not burn it.

I think this may be why we don’t have disposals in our sinks in New York City - they’d be a kosher kitchen nightmare!

By the way, when I say milk, I’m referring to dairy milk. The great halakhists of the 16th century specified that if one wanted to cook meat with almond milk, that is allowed provided that you put some almonds in front of the dish so that people know it was from nuts and not with dairy milk.

Since the Torah says it three times, so will I:

לֹא-תִבְשֹׁל גְּדִי בְּחֵלֶב אִמּוֹ:

You must not cook a kid in its mother’s milk.

I think we’re incredibly blessed to have gotten from there to here.

We're blessed to have so many centuries of scholarship, this law has come to be one of the most important laws of Kashrut. Some people say that the dietary laws in the Torah had to do with public health - forbidding pork because of the risk of trichinosis, or avoiding shellfish that might not have been kept cold enough to safely eat - but I think that there's a whole lot more to Kashrut than that, if those are even factors at all.

For me, Kashrut is a way of taking a moment - every time I think about food - and we Jews tend to do that a lot - taking a moment to think about my relationship with God every time I plan a meal. Each time I go into the kitchen. When I set up a new apartment - where should the meat dishes go; will that drawer work for pareve?

God is in my kitchen.

God is in my relationship with my refrigerator.

And God is with me, even when I'm disappointed that now that I keep Kosher, I can't have chicken parmesan anymore.

But you know, eggplant parm is actually really good.

Shabbat shalom!