

# PSHUTO SHEL MIKRA

From the Teachings of Rav Yehuda Copperman zt"l

## PARSHAT RE'EH

### Composite Mitzvot

לֹא תִבְשֹׁל גְדִי בְחֵלֶב אִמּוֹ

*You shall not cook a kid in its mother's milk (Devarim 14:21)*

The prohibition concerning meat and milk appears three times in the Torah, twice in *Chumash Shemot* and once in *Chumash Devarim*. Let us pay careful attention to the way the prohibition appears in the Torah on the first two occasions, for only once we have succeeded in understanding the roots of this mitzvah and its essence, will we be able to appreciate the *chiddush* that occurs within it in “*Mishneh Torah*”—*Chumash Devarim*.

#### Basar B'Chalav in Chumash Shemot

As we mentioned, this mitzvah appears for the first time in *Chumash Shemot*—a *Chumash* that does not otherwise contain any discussions dealing with foods that are or are not kosher.<sup>1</sup> It appears in the end of *Parshat Mishpatim*—a *parsha* that deals mainly with *sugyot* of

<sup>1</sup> [With the exception of the prohibition against consuming “an animal torn apart in the field,” mentioned in *Shemot* 22:30.]

*Choshen Mishpat*,<sup>2</sup> not *Yoreh De'ah*.<sup>3</sup> Specifically, it appears in conjunction with the *Shalosh Regalim* and *Bikkurim*! The *pasuk* says (*Shemot* 23:19):

רָאשִׁית בְּפִנְיֵי אֲדָמָתְךָ תָּבִיא בֵּית ה' אֶלְקֶיךָ לֹא תִבְשֹׁל גְּדֵי בַחֲלָב אִמּוֹ:

*The choice first fruit of your land you shall bring to the House of Hashem your God, you shall not cook a kid in its mother's milk.*

This *pasuk* raises a number of issues in the area of *pshuto shel mikra*:

1. What does *basar b'chalav* have to do with *bikkurim*?
2. This *issur* is mentioned a second time in *Chumash Shemot* (34:26) in a *pasuk* that is completely identical to the first, i.e., a *lo taaseh* that is connected to *bikkurim*.
3. Moreover, it seems as if the only reason the mitzvah of *Bikkurim* is mentioned in these *pesukim* is purely to serve as an introduction to the *issur* of *Basar B'Chalav*, since *bikkurim* has its own *parsha* in *Chumash Devarim* (*Perek* 26). Indeed, that is the appropriate place for the mitzvah of *Bikkurim*, since it does not apply until Eretz Yisrael has been conquered and divided up among the *shevatim*.
4. In both places in *Chumash Shemot* where this *issur* is mentioned, it is at the end of a *parsha* dealing with the *Shalosh Regalim*, and specifically in close proximity to *pesukim* that discuss the *issur* of chametz and the mitzvah of *korban Pesach*.
5. The *issur* of *Basar B'Chalav* receives no mention—either explicit or otherwise—in what we would consider its “natural location,” namely, the *parsha* of *Maachalot Asurim* in *Parshat Shemini*! Now, while it is true that in *Parshat Re'eh*, when it is mentioned for the third and final time, it does appear together with the other *maachalot asurim*, nonetheless, as we will see, even there it is not really **part** of the list, but rather seems to be **appended** to it.
6. The mentioning of the *issur* of *Basar B'Chalav* three times in the Torah is explained by Chazal as constituting three separate *issurim d'oraita* with regards to meat and milk: cooking, eating, and deriving benefit. This seems quite difficult to understand. In what way is this *issur* more stringent than other “classic” nonkosher foods, such as pig, where there is an *issur* to eat them, but no additional *issur* to derive benefit from them, and certainly no *issur* to cook them?

That's quite a list!

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2 [Mitzvot pertaining to money.].

3 [Mitzvot such as kashrut.].

## The Essence of the Issur of Basar B'Chalav—The Rambam's Approach

All these questions are dealt with and responded to by the classic *mefarshim*. For example, Rabbeinu Bachye (*Shemot* 23:19, s.v. *lo tevashel*) quotes the opinion of the Rambam in *Moreh Nevuchim* (3:48):

*The Rambam provided a reason for this mitzvah in his discussion of taamei hamitzvot, that since it was the custom of idol worshippers to eat meat and milk when they performed their abominations during their festivals, therefore the Torah forbade it, and the pasuk says, “When you come to the House of Hashem, your God, during the Shalosh Regalim, do not cook a kid in its mother’s milk as is the custom of idol worshippers.” It is for this reason that this pasuk is written in two places within the context of the Chagim, for this is the way of the Torah to forbid things that are part of the rituals of avodah zarah and to command us to do the opposite, in order to uproot avodah zarah and remove it from the world. This is what the Rav (the Rambam), z”l, wrote as the reason for this mitzvah; even though these are not his words, this is his meaning.*

According to Rabbeinu Bachye’s understanding of the Rambam’s explanation, the basis of the *issur* of *Basar B’Chalav* is a certain form of *avodah zarah* rite. This explains why the *issur*, meant to distance us from those practices, is mentioned in the context of *Avodat Hashem* in the *Beit Hamikdash* (*lehavdil!*). It is true that Chazal derived from these *pesukim* the many *halachot* that relate to the *issur* of *Basar B’Chalav*; nonetheless, we rely on Chazal as well regarding their statement that “*ain mikra yotzei midei pshuto*,” that the *pshat* will always have something important to tell us about the mitzvah. Here, the *pshat* requires that we take note of the context in which the *issur* is written and leads us to conclude that in essence, *Basar B’Chalav* is rooted not in the *parsha* of *Maachalot Asurim*, but of *Avodah Zarah*. With this understanding we may answer questions 4 and 5 that we raised above.

## The Seforno—Basar B’Chalav and Bikkurim

Whereas the Rambam discussed the connection between “*Lo Tevashel*” and the *Moadim*, the *Seforno* (*Shemot* 23:19) deals with the connection between this mitzvah and the one mentioned in the beginning of the *pasuk*, namely, *Bikkurim*:

*Do not engage in those activities that are performed by idol worshippers in the belief that they will increase fertility; rather, “ראשית בכורי אדמתך תביא בית ה' אלקיך—the choice first fruit of your land you shall bring to the House of Hashem, your God,” as the pasuk states elsewhere (Yechezkel 44:30), “וראשית כל בכורי כל וכל תרומת כל” מכל תרומתיכם לכהנים יהיה ... להניח ברכה אל ביתך and all terumah of any kind of all your terumah shall be for the Kohanim ... to place blessing within your home.”*

According to the *Seforno*, the two halves of our *pasuk* make up one unifying message, with each half representing a positive and negative element respectively; if you wish to be recipients of Hashem’s *berachah* in your endeavors, in the field, and so on, you should

bring *bikkurim* to the *Beit Hamikdash* and not resort to activities such as cooking a kid in its mother's milk, which smack of the practices of those who believe in *avodah zarah*.

According to the *peirush* of the *Seforno* we can answer the first three questions that we raised above regarding the connection between “*Lo Tevashel*” and *Bikkurim*. Moreover, not only do we understand why the *issur* of “*Lo Tevashel*” is written within the context of the *Moadim* generally and *Bikkurim* specifically, we also understand why it was not written in its “natural” place, which is together with the *maachalot asurim* in *Parshat Shemini*. Both *Bikkurim* and the *Moadim* serve to distance Am Yisrael from the rites of those who perform *avodah zarah*, and to show that it is Hashem who runs His world. The *Moadim* focus on Hashem's *hashgachah* of His People throughout world history, and *Bikkurim* focuses on His supervision of the laws of nature as they express themselves in the agricultural cycle.

## The Synthesis of Pshat and Drash

What emerges from the words of the Rambam, Rabbeinu Bachye, and the *Seforno* is that the *issur* of “*Lo Tevashel*” is rooted in the sugya of *Hilchot Avodah Zarah*. This is in keeping with the role of *pshuto shel mikra*, even as the midrash performs its function and derives from these *pesukim* the *halachot* of the *issur* of *Basar B'Chalav*.

Moreover, we would like to suggest that not only is there no contradiction between the *pshat* and the midrash of these *pesukim*, but actually it is **only through the *pshat*** that we can fully understand some of the *halachot* of *basar b'chalav*, whose foundation lies within **the midrash** of the *pesukim*:

As we know, in *halachah* we do not generally make a *gezeirah* (protective decree) for another *gezeirah*,<sup>4</sup> yet when it comes to the *issur* of *Basar B'Chalav* we find no less than **four *gezeirot***—protective decrees:

1. The *issur d'oraita* applies only to eating meat of a *beheimah*<sup>5</sup> cooked in milk; Chazal applied it also to meat of a *chayah*,<sup>6</sup> as a *gezeirah* to protect against a possible transgression concerning the *d'oraita* of *beheimah*.
2. Chazal further forbade eating poultry cooked in milk.<sup>7</sup>
3. The *issur d'oraita* applies only to eating meat and milk that were cooked together; Chazal extended the *issur* to eating them together even if they were not cooked together. This is also true for meat of a *chayah* and of poultry.

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4 See, for example, *Yerushalmi Terumot* 9:1.

5 [Domesticated animals such as cattle and sheep.].

6 [Undomesticated animals such as deer.].

7 [*Chayah* is much more similar to *beheimah* than is poultry, and hence, it would have been sufficient to prohibit *chayah* meat to protect the *issur d'oraita* of *beheimah*. Nonetheless, Chazal extended the *issur* to poultry as well. The Rav sees this extension as a separate *gezeirah*.].

4. Even after eating meat, including meat of a *chayah* and poultry, we are required to wait a number of hours before eating milk products.

In no other area of *maachalot asurim* do we find anything even remotely like this! Why would Chazal here depart from the norm and apply this many *gezeirot* to *basar b'chalav* specifically, as opposed to, for example, the meat of a *chazir*?

Based on our approach, the matter is clear. When it comes to issues of *avodah zarah*, the *pasuk* states (*Devarim* 12:2), “אֲבֹד תֵּאבְדוּן אֶת כָּל הַמְקֻמּוֹת אֲשֶׁר עָבְדוּ שָׁם הַגּוֹיִם—you shall utterly destroy all the places where the nations worshipped,” upon which Chazal expounded (*Avodah Zarah* 45b), “מִכָּאן שֶׁצָּרִיךְ לְשַׁרֵּשׁ אַחֲרֵי עֲבוֹדַת כּוֹכָבִים—from here [we see] that we must eradicate any trace of *avodah zarah*.” Specifically in the area of *avodah zarah*, where there is a mitzvah to uproot any trace, we can understand why there would be room to enact a *gezeirah* to protect another *gezeirah*—and another one! And so, *pshuto shel mikra*, which reveals for us the issue of *Basar B'Chalav* as being rooted in *Avodah Zarah*, serves as the basis for understanding the unusual way in which Chazal related to the *halachot* of this mitzvah.

## Basar B'Chalav in Chumash Devarim

As we move from *Chumash Shemot*, where the first two mentions of *basar b'chalav* occur, to *Chumash Devarim*, where it is mentioned the final time, we sense a certain “change in direction”; the mitzvah seems to detach itself from *Bikkurim* and attach itself instead to its “natural” location, namely, the *halachot* of Kashrut. The list in *Parshat Re'eh* of all the foods that we may or may not eat concludes with two additional *issurim* (14:21):

לֹא תֹאכְלוּ כָּל נֶבֶלָה ... כִּי עַם קְדוֹשׁ אַתֶּם לַה' אֱלֹהֵיכֶם, לֹא תִבְשֵׁל גְּדִי בְחֵלֶב אִמּוֹ:

*You shall not eat any neveilah<sup>8</sup> ... for you are a holy nation unto Hashem your God, you shall not cook a kid in its mother's milk.*

This is quite a remarkable situation. Initially, in *Parshat Shemini*, there was no mention whatsoever of *Basar B'Chalav* together with the other *maachalot asurim*, and now it has come to join them!

Yet, having noted the inclusion of *basar b'chalav* among the other *maachalot asurim*, if we look carefully at the above *pasuk* we will see that it doesn't seem to have been completely included in the list: The *pasuk* begins with the issue of *Neveilah*, then says “כִּי עַם קְדוֹשׁ אַתֶּם לַה' אֱלֹהֵיכֶם,” and then mentions the issue of *Basar B'Chalav*. However, the words “כִּי עַם קְדוֹשׁ וְגו'” are essentially words of conclusion and summation, and it is only after these words that the *pasuk* mentions *Basar B'Chalav*! Why would the *pasuk* conclude the list of *maachalot asurim* before mentioning everything that is on it?

8 [An animal that died by any means other than kosher *shechitah*.]

## Torat HaMurkavut—Mitzvot as Composite Entities

It appears that we have before us a wonderful example of “*Torat HaMurkavut*” regarding the mitzvot of the Torah, as we shall explain. A mitzvah is a composite entity, comprised of numerous different elements. Every mitzvah has a dominant element that determines the essence of the mitzvah. This element is analogous to the “head” or “heart” of the mitzvah. However, this does not mean that there are no other, secondary, elements within the mitzvah, similar to a limb, or perhaps a finger. Indeed, the Netziv in *Parshat Yitro* (*Shemot* 20:12) explains that every mitzvah contains within it details that are in the category of “*chok*.” However, that is only in relation to the primary reason for the mitzvah that is understood as a “*mishpat*.” According to our approach, we can understand why one cannot give a reason for the details of a mitzvah based on the reason for the mitzvah as a whole, for those details may represent a different element altogether. In our opinion, this is the deeper understanding of the Rambam’s words (*Moreh Nevuchim* 3:36), that one cannot give reasons for the details of a mitzvah, and one who tries to do so “is engaged in one long delusion.”

### Dynamic Movement within Mitzvot

In this case we see that the mitzvah of “*Lo Tevashel*” has “moved” from the “family” of *Avodah Zarah* (in *Chumash Shemot*) to that of *Maachalot Asurim* (in *Chumash Devarim*). We have discussed elsewhere<sup>9</sup> that the *Seforno* has an approach, which we have called “*לפני ואחרי*—*before and after*,” in which he contends that the *mitzvot* of the Torah changed, or in some cases were even introduced, as a result of the *Chet Ha’Egel* on the one hand, and the *Chet HaMeraglim* on the other. This is parallel to the way the laws of nature changed as a result of the *chet* of the generations of the *Mabul* and of *HaPalagah*, and primarily as a result of the *Chet* of Adam HaRishon. Similarly, here, we would like to suggest that the function of the *issur* of *Basar B’Chalav* underwent a change as a result of the *chata’im* of B’nei Yisrael in the *Midbar*: of the *Egel*, the *Meraglim*, and the ten *nisyonot* with which they tested Hashem. In the same way as the *maachalot asurim* were introduced only after the spiritual decline that took place as a result of the *Chet Ha’Egel*,<sup>10</sup> so too a new type of *maachalot asurim* known as *Basar B’Chalav* was introduced as a result of the further spiritual decline that took place in the ensuing thirtynine years. “*Lo Tevashel*” left the category of *Avodah Zarah* and entered the category of *Maachalot Asurim*. Before the period of the forty years in the *Midbar*, the dominant element within the mitzvah was that of *avodah zarah*, with the element of *maachalot asurim* possibly joining it in a secondary capacity. Now, at the end of the forty years, with B’nei Yisrael having tested Hashem on numerous other occasions, the element of *avodah zarah* stepped down from its dominant position, and in its place came the element of *maachalot asurim*. Therefore, at this point it is appropriate for it to be mentioned in a list together with the other *maachalot asurim*.

We note that the situation with “*Lo Tevashel*” is a little different than that of the *maachalot asurim* of *Parshat Shemini*. In their case, the *issur* itself was introduced—according to the

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<sup>9</sup> See *Parshat Shemini*, Chapter 63, *Parshat Acharei-Mot*, Chapter 67, *Parshat Shelach*, Chapter 83 and *Parshat Pinchas*, Chapter 92.

<sup>10</sup> As the *Seforno* explains. See *Parshat Shemini*, Chapter 63.

*Seforno*—as a result of *chet*, so that something that was previously permissible to eat is now forbidden. In the case of “*Lo Tevashel*,” what has been introduced is not the fact that it is *assur* to eat—which it already was—but rather the essence and function of this *issur*, for it has moved from one area of *issurim d’oraita* to another. It seems clear that the problem of *avodah zarah* was greater immediately upon leaving Mitzrayim—the world center of *avodah zarah*—than it was forty years later, since *B’nei Yisrael* witnessed *hashgachah pratit* on a level of which the world had never seen or heard (the *manna*, water from Miriam’s Well, the *Ananei HaKavod*, and so on). As *B’nei Yisrael* are just about to enter Eretz Yisrael, the dominant theme is no longer *avodah zarah*, but recognizing the direct *hashgachah* of Hashem.

If it were possible to apportion one hundred points to every *mitzvah* in the Torah, we might say that in the period of *Parshat Mishpatim*, the *mitzvah* of “*Lo Tevashel*” was comprised of eighty percent *issur Avodah Zarah* and twenty percent *Maachalot Asurim*. Now, in *Chumash Devarim*, as they are about to enter Eretz Yisrael, the internal composition has shifted, so that eighty percent is now of *Maachalot Asurim* and only twenty percent is of *Avodah Zarah*. We should emphasize, and we will presently see, that the element of *Avodah Zarah* did not disappear altogether, but became diminished and assumed secondary status within the *mitzvah*.

## Included, Yet Distinct

This brings us back to the point mentioned before. The sensitive eye that carefully observes the way the Torah is written will note that the transition from *Avodah Zarah* to *Maachalot Asurim* is not complete—the *issur* of “*Lo Tevashel*” never became an integral part of the list of *maachalot asurim*. Not only does it appear at the very end of the list, from a certain point of view it is not on the list at all! The section of *Maachalot Asurim* concludes with the wonderful words “*כִּי עַם קְדוֹשׁ אַתָּה לַיהוָה אֱלֹהֶיךָ*—*For you are a holy nation unto Hashem your God.*” *Maachalot Asurim* are certainly connected with the *kedushah* of Am Yisrael. Why, then, is the *issur* of *Basar B’Chalav* to be found on “the other side of the fence,” after the words “*כִּי עַם קְדוֹשׁ וְגו*” “?”

Evidently, although a change has taken place in the function of the *mitzvah* of “*Lo Tevashel*,” it is not a total change. While it is true that it is no longer primarily connected to *Bikkurim* or *Avodah Zarah*, but rather to *Maachalot Asurim*, nonetheless, it still retains a secondary element of avoiding *avodah zarah* rites. The way the Torah communicates this significant—but not total—transition is to move this *mitzvah* to the *parsha* of *Maachalot Asurim*, but then to “formally” conclude that *parsha* before mentioning it. This informs us that it has not been fully absorbed in the new *parsha*; rather, it still contains elements of the “root *mitzvah*,” *Avodah Zarah*, as indeed we noted above that Chazal applied “*a gezeirah to a gezeirah*” in keeping with the *Avodah Zarah* element within the *mitzvah* that still remains.

## Reverberations in Rashi

The unusual way in which the Torah listed “*Lo Tevashel*” in *Parshat Re’eh* was also noted by “*Parshandata*”—that is, Rashi. The following section in the *parsha* (*Devarim* 14:22) opens

with “עֲשֵׂה תַעֲשֶׂר,” the mitzvah of taking *Maaser* from produce in the field. Rashi comments (s.v. *aser*):

מה ענין זה אצל זה, אָמַר לָהֶם הַקֹּבֶה לְיִשְׂרָאֵל לֹא תִגְרְמוּ לִי לְבַשֵּׁל גְּדִיּוֹן שֶׁל תְּבוּאָה  
עַד שֶׁהֵן בְּמַעֲי אִמּוֹתֵיהֶן, שָׂאֵם אֵין אַתֶּם מְעַשְׂרִים מְעַשְׂרוֹת כָּרְאוּי, כְּשֶׁהוּא סְמוּךְ  
לְהַתְּבַשֵּׁל אֲנִי מוֹצִיא רוּחַ קָדִים וְהִיא מְשַׂדְּכָתָן.

*What does one matter have to do with the other? Said Hashem to Yisrael, “Do not cause Me to ‘cook’ the young grain while it is still in its ‘mother’s womb.’ For if you do not take maasrot properly, I will produce an easterly wind when the grain is about to ripen, which will scorch it.”*

The *Be’er Yitzchak*<sup>11</sup> explains that the scorching of the grain while it is still on its stalk through an easterly wind is the equivalent of cooking it while it is still “with its mother.” In order to teach that this punishment will occur for one who does not take *maasrot* properly, the Torah juxtaposed the mitzvah of *maasrot* with that of “cooking a kid in its mother’s milk.”

However, the entire matter seems problematic from the outset! Why did Rashi see fit to comment on the juxtaposition of the *parsha* of *Basar B’Chalav* with that of *Maasrot*? We have been taught a *klal gadol* by the greatest of the *mefarshai Rashi*, Rabbeinu Eliyahu Mizrachi, regarding Rashi’s approach in his *peirush* on the Torah—namely, that he will only comment on *semichut haparshiyot* (juxtaposed sections) if that *semichut* appears in conflict with *pshuto shel mikra*.<sup>12</sup> Yet in our case there does not seem to be any difficulty in the juxtaposition of a section dealing with food that is *assur* to eat (*Basar B’Chalav*) and one of commanding how to render food permissible to eat (*Maasrot*). This being the case, what problem did Rashi see here in *pshuto shel mikra* that caused him to comment on the *semichut*?

However, based on our discussion, the matter is readily understood. Rashi is responding, in his way, to the very point that we mentioned earlier—that the *issur* of “*Lo Tevashel*” was not placed together with the other *maachalot asurim*, but rather was mentioned after the concluding words “כִּי עִם קְדוֹשׁ אֲתָה.” Rashi is bothered by the fact that this mitzvah was seemingly “removed” from being inside the *parsha* and was placed on the outside! To this Rashi responds by saying that the intention of the Torah was not to remove it from the first *parsha*, but rather to connect it to the following *parsha* of *Maasrot*, in order to teach us the lesson that Rashi proceeds to quote.<sup>13</sup>

## Rashi’s Concluding Words

Moreover, if this approach is correct, it will also help us understand the final three words

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11 A classic commentary on *Peirush Rashi* by R’ Yitzchak Hurwitz of Jaroslaw, Poland.

12 [See e.g. *peirush* of the Mizrachi to *Shemot* 21:1 s.v. *ve’eleh*.]

13 Based on the *sefer Maskil LeDavid* on *peirush* Rashi. We should note that it is possible to suggest that there is more leeway to be *doresh semichut haparshiyot* in *Chumash Devarim* than in the earlier *Chumashim*; see our discussion in *Parshat Devarim* (Chapter 95) regarding the nature of *Chumash Devarim*.



of Rashi, which we did not mention until now, “וְכֵן לְעֵינֵי בְכוּרִים—*And so too with regards to bikkurim,*” i.e., this punishment of the grain being scorched while in its stalks will also occur with one who withholds *bikkurim*. At first glance, these words are utterly astounding; who brought *bikkurim* into this discussion? It is not the way of Rashi to teach us *halachot* that are not relevant to the issue at hand! Here, the two matters being spoken about are “*Lo Tevashel*” and *Maasrot*. Why does Rashi feel the need to “enlighten us” regarding the additional *halachah* of *bikkurim* when it has no direct bearing on the discussion at hand? The matter becomes even more difficult when we notice that in the source of Rashi’s comment, the *Midrash Tanchuma (Re’eh, siman 17)*, there is no mention of *bikkurim* whatsoever!

However, with our approach, the words of Rashi are “a delight for the eyes.” While “*Lo Tevashel*” has found its place among the *maachalot asurim* in *Sefer Devarim*, it has not totally shed its original *avodah zarah* element. That element remains, albeit to a diminished degree. It is this dual essence of the mitzvah that allows it to be placed on the “other side” of the words “כִּי עִם קְדוּשַׁת אֲתָהּ” without violating its integrity as one of the *maachalot asurim*. Given that this element remains, if *semichut haparshiyot* teaches us that not taking *maasrot* can lead to a punishment along the lines of “a kid in its mother’s womb,” then this will certainly be the case if one does not bring *bikkurim*, for that mitzvah was bound up with “*Lo Tevashel*” from the outset, and the essential connection between them remains! Hence, Rashi’s concluding words “and so too with regards to *bikkurim*.”

It is appropriate to mention here that the *peirush Levush Ha’Orah* on Rashi, which is the only one among the classic *mefarshai* Rashi who addresses the problem that we raised, may have had our understanding in mind when he wrote, “*And so too regarding bikkurim, and it is for this reason the Torah juxtaposed, both in Parshat Mishpatim and in Parshat Ki Tisa, the words ‘lo tevashel gedi’ with the words ‘reishit bikkurei admat’cha.’*”