



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Chullin Daf Kuf Lamed Tes

- **Q:** What is the case of the “birds of kodashim” that the Mishna says are patur from shiluach hakein? It can't be that the person owned birds that he made Kadosh, because the mitzvah does not apply to “prepared” birds!? It also can't be where someone saw birds in the wild and declared them to be kadosh, because a person can only make kadosh something that he owns!? It also can't be that he lifted the baby birds when the mother wasn't there and made them kadosh and then returned them to their nest (and the Mishna is teaching that even when the mother comes back there is no longer a mitzvah of shiluach hakein), because a Mishna says that if this was done to birds of chullin (i.e. even if the birds were not made kadosh) he would be patur from shiluach hakein (because the birds are then considered to be “prepared”)!? It also can't be where he lifted the mother bird and made it kadosh and then returned it to its nest, because in that case, since the chiyuv of shiluach hakein came about before he made it kadosh the chiyuv would actually remain, as we find regarding kisuy hadam where one shechted a chaya and then made it kadosh there would be a chiyuv of kisuy hadam even though if he had made it kadosh before the shechita it would not be chayuv!? **A: Rav** said, the Mishna is referring to where a person made kadosh as an olah young birds that he owns, and the birds then escaped and nested elsewhere. That is where the Mishna says that these birds are patur from shiluach hakein. **Shmuel** said, the case is where he gave his chicken for bedek habayis and it then escaped and nested elsewhere.
 - **Q:** We can understand why **Shmuel** did not say like **Rav**, because he says the Mishna wanted to show that even kadosh for bedek habayis is patur. However, why did **Rav** not say like **Shmuel**? **A: Rav** holds that only when the birds get kedushas haguf do we say that the kedusha remains on them even after they escape. However, if they were only made kadosh for bedek habayis the kedusha would leave them after their escape and they would become chayuv in shiluach hakein. **Shmuel** disagrees and says that wherever they are they are in the “possession of hekdes” as the pasuk says “LaHashem haaretz umlo'ah”. **R' Yochanan** said like **Shmuel** as well, in a response that he gave to **Reish Lakish** (who said like **Rav**).
 - **Q:** We learn elsewhere that if someone was makdish a maneh for bedek habayis and it was then stolen or lost, **R' Yochanan** says he remains responsible for it until it reaches the hands of the gizbar, and **Reish Lakish** says wherever it is, it is in the “possession of hekdes” as the pasuk says “LaHashem haaretz umlo'ah”. These views contradict their views regarding the birds!? Now with regard to **Reish Lakish** we can say that this case of the maneh is his revised view after hearing the view regarding the birds from his rebbi, **R' Yochanan**. However, the contradiction in **R' Yochanan** seems strong!? **A:** The case of the maneh is where he accepted personal responsibility for the maneh (“harei alai”) and the case of the birds is where he did not (he said “harei zu”).
 - **Q:** This would mean that even in the case of “harei alai” **Reish Lakish** holds that he would not remain responsible. That is explicitly contradicted by a Mishna that says that one remains responsible when he says “harei alai”!? **A: Reish Lakish** will say that that Mishna is only discussing kodashim of the Mizbe'ach, because only then is the act of giving it to kadosh not complete until it is brought on the Mizbe'ach and he therefore remains responsible until it is brought. However, regarding bedek habayis, once it is made kadosh the act of giving is considered to be completed, and therefore there is no longer responsibility.

- **Q:** A Mishna says that if one gives his house to kodesh using verbiage of “harei alai” he remains responsible so that if the house collapses he must compensate hekdesch for the loss!? **A:** That is true only because the house is no longer in existence. However, where the item made kadosh for bedek habayis exists but is lost, he is not responsible, because the item is considered to be in the possession of hekdesch wherever the item may be.
- **R’ Hamnuna** said, all agree that regarding “arachin” even though one makes the neder by saying “alai” he is not responsible. The reason is that “alai” is the only way that an erech vow can be made and is therefore not a way to accept responsibility.
 - **Q:** The Gemara asks that there is a way to make an erech vow without saying “alai”, and also there is a Braisa that says that one is responsible for the money of an erech vow!? **A:** Rather, it must be that **R’ Hamnuna** said, all agree that regarding “arachin” even though one makes the neder without saying “alai” he is responsible for the money if it is lost or destroyed. This is based on the pasuk of “v’nossan es ha’erkicha” which teaches that the money remains chullin (and therefore the responsibility of the one making the neder) until it reaches the gizbar.

CHOMER B’KISUY...

- A Braisa darshens the pasuk of shiluach hakein. The Braisa says, we would think that based on “shalayach tishalach es ha’eim...” one is obligated to go and find a nest to do the mitzvah. The pasuk therefore says “ki yikarei”, which teaches that it applies only when one happens upon a nest. “Kan” teaches that it applies in all cases, even if there is just one chick or egg in the nest. “Tzippor” teaches that it only applies to kosher birds. “Lifanecha” teaches that this is even if it is found in a reshus hayachid (where the owner didn’t control it and was therefore not koneh it). “Baderech” teaches that it applies to a nest in reshus harabim. “B’chol eitz” teaches that it applies to a nest found in the trees. “Oy ahl haaretz” teaches that it applies to a nest found in the boros, sichin, and me’aros. Since all are included why did the pasuk have to say “lifanecha baderech”? It teaches that it only applies to birds that are not under your control, but not to birds that nest in the house or are otherwise under one’s control.
 - **Q:** We learn from “ki yikarei” that it only applies to birds not under one’s control, so why do we need “lifanecha” and “baderech”? **A:** “Lifanecha” comes to include birds that used to be under one’s control and then escaped. “Baderech” comes to teach the drasha of **R’ Yehuda in the name of Rav** who learns that the mitzvah even applies to a nest found at sea since a pasuk says “bayam derech”.
 - **Q:** If so, since there is a pasuk that refers to the sky as “derech hanasher” the mitzvah should also apply to a nest found in the sky (e.g. found on the back of a flying bird)!? **A:** The sky is referred to as “derech hanasher”, but not as simply “derech”.
 - **R’ Papunai** asked **R’ Masna**, what if a nest is found on the head of a person? **R’ Masna** said, the pasuk says “va’adama ahl rosho” and the nest is therefore considered to be on the ground and would be chayuv. He then asked, where do we find a remez to Moshe in the Torah? He answered, the pasuk regarding the generation of Noach says “b’shagam hu basar” and “b’shagam” is gematria of Moshe. He asked, where do we find a remez to Haman in the Torah? He answered, the pasuk says “hamin ha’eitz”. He asked, where do we find a remez to Esther in the Torah? He answered, the pasuk says “v’anochi hasteir astir”. He asked, where do we find a remez to Mordechai in the Torah? He answered, the pasuk says “mor deror” which is interpreted in the Targum as “meira dachya”.

V’EIZEHU SHE’EINO MEZUMAN...

- **R’ Chiya and R’ Shimon** had different versions of the Mishna. One said the birds are called “hadresios” named so for the place of their origin, and the other said they are “hardesios” named so for King Herod. **R’ Kahana** said he saw these Herodian birds and they were extremely large birds that would speak.