



Daf In Review – Weekly Chazarah

Maseches Chullin, Daf קמב – Daf קלה

Daf In Review is being sent I'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H
vl'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

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PEREK REISHIS HAGEIZ -- PEREK ACHAD ASSAR

MISHNA

- The mitzvah of reishis hageiz (giving a portion of the first of one's shearing to a Kohen) applies in EY and in chutz laaretz, when the Beis Hamikdash is standing and after the Churban, to animals of chullin but not to animals of kodesh.
- The mitzvah of zero'ah lichayayim and keiva is more stringent than reishis hageiz in that it applies to cattle and sheep and goats, whether one shechts many animals or few, whereas reishis hageiz only applies to sheep, and only when shearing many sheep.
 - How many is "many sheep"? **B"S** say it is 2 sheep as we find that a pasuk refers to 2 sheep as a "flock". **B"H** say it is 5 sheep, as a pasuk refers to 5 sheep as a flock.
 - **R' Dosa ben Hurkinas** says it must be 5 sheep of which was shorn a maneh and a half of wool per sheep, in order to be chayuv in reishis hageiz. The **Chachomim** say it must be 5 sheep but they could have been shorn to produce any amount.
 - How much must be given to the Kohen? The weight of 5 sela'im of Yehuda, which is 10 sela'im of the Galil, which is enough to make a small garment. This is based on the pasuk of "titein lo", which teaches that it must be enough to be a useful gift.
 - If the owner dyed the wool before he had a chance to give it to the Kohen, he is patur. If he whitened it but did not dye it, he is still chayuv.
 - If one buys the wool of a goy's flock he is patur. If he buys the wool of another Yid's flock, if he left over wool with the seller it is the seller who is chayuv, but if he did not, it is the buyer who is chayuv.
 - If one has two species of sheep – one white and the other of some color – and he sold the colored ones but not the white ones, or if he sold the males and not the females, each one must give the reishis hageiz for himself.

GEMARA

- The reason that the mitzvah doesn't apply to sheep of kodesh is that the pasuk says "tzoncha", which excludes the sheep of kodesh.
 - **Q:** If not for the pasuk we would have said they are chayuv? Animals of kodesh may not be sheared!? **A:** That is true for kodashim to be put on the Mizbe'ach. We are discussing kodashim of bedek habayis, which may be shorn, and are still patur from reishis hageiz.
 - **Q: R' Elazar** has said that even kodashim of bedek habayis may not be shorn!? **A:** That is only D'Rabanan. Therefore, we would have thought that if someone does shear the sheep he must give reishis hageiz. The pasuk teaches that he does not.
 - **Q:** The wool belongs to hekdes, so how could we have even thought to give it to a Kohen!? **A:** We would have thought that the wool should be redeemed and given to the Kohen.
 - **Q:** Redemption requires that the animal stand before us, and that can't be done with this wool!? Now, according to the view that kodashim of bedek habayis doesn't have this requirement it is understandable, but according to the view that it is required how could we think that it should be given to a Kohen!? **A: R' Mani bar Patish in the name of R' Yannai** said, the case we are dealing with is where someone made the sheep hekdes except for the wool. We would think that that wool is chayuv in reishis hageiz. The pasuk therefore teaches that it is not.

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- **Q:** Based on this answer we can have this case regarding kodashim of the Mizbe'ach as well!? **A:** Kodashim of the Mizbe'ach could not be shorn, because it would weaken them.
- **Q:** We should have this same concern regarding kodashim of bedek habayis!? **A:** The case is that he made it hekdeshe "except for the wool and making it weak".
- **Q:** If so, we can have this case regarding kodashim of the Mizbe'ach as well!? **A:** The kedusha of kodashim of the Mizbe'ach spreads to the entire animal, including the wool.
- **Rava** said, the Mishna is discussing where one made the wool kodesh (not the animal). We would have thought that it must be redeemed and given to the Kohen. The pasuk therefore says "geiz tzoncha titein lo", which teaches that the only shearing that is chayuv is when the shearing can be immediately followed by the giving to the Kohen. This excludes the case where it must first be redeemed before it can be given.
 - **Q:** According to him what does "tzonecha" teach? **A:** It comes to teach as stated in a Braisa. The Braisa says, with regard to an animal owned in partnership, **R' Illai** says it is patur based on the pasuk of "tzonecha". The **Rabanan** say "tzonecha" comes to exclude an animal owned in partnership with a goy.
 - **Q:** How does **R' Illai** learn to exclude an animal owned in partnership with a goy? **A:** He learns it from the beginning of the pasuk that says "reishis digancha" (regarding terumah). The **Rabanan** say that the word "reishis" separates and we could therefore not learn from it. **R' Illai** says, the "vuv" connects the two. The **Rabanan** say, if the Torah wanted them connected it wouldn't have written "reishis" or the "vuv". **R' Illai** said, the Torah wanted to separate them, because one is monetary kedusha and one is kedushas haguf, but then wanted to connect them.
 - We can also say that the **Rabanan** agree that the "vuv" connects them, but they argue regarding produce owned in partnership with a goy – the **Rabanan** say it would be chayuv in terumah.
 - We can also say that **R' Illai** excludes the wool of all partnerships (with a Yid or with a goy) from "tzonecha", because they are both patur for the same reason – it is not owned by the person alone. The **Rabanan** say there is a difference, because a goy is not chayuv in the mitzvah, and "tzonecha" ("your" sheep) can even refer to a partnership as long as it is all Jewish owned.
 - **Rava** said, **R' Illai** would agree that in regard to terumah, produce of a Jewish partnership would be chayuv. Although the pasuk says "digancha", which should exclude produce owned even by a Jewish partnership, the pasuk says "terumoseichem" (plural) which includes it. The word "digancha" comes to exclude produce owned in partnership with a goy.
 - With regard to challah, although the pasuk says "reishis", which we could learn from reishis hageiz with a gezeira shava to teach that partnership owned dough is patur, the pasuk says "arisoseichem", which comes to include dough owned in partnership.
 - **Q:** If not for "arisoseichem" we would learn from reishis hageiz to say it is chayuv? Why not instead learn the gezeira shava from terumah to teach that it is patur!? **A:** Rather, "arisoseichem" teaches that the dough must be of a certain size to be chayuv.
 - With regard to peyah, although the pasuk says "sadcha" which would teach that a field owned in partnership is patur, the pasuk says "artzichem", which comes to include a field owned in partnership. The word "sadcha" will exclude a field owned in partnership with a goy.

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- With regard to a bechor, although the pasuk says “bivkarcha uvitzoncha”, which would teach that an animal owned in partnership is patur, the pasuk says “bikarchem v’tzonchem”, which comes to include an animal owned in partnership. The words “bivkarcha uvitzoncha” will exclude an animal owned in partnership with a goy.
- With regard to mezuzah, although the pasuk says “beisecha”, which would teach that a house owned in partnership is patur, the pasuk says “l’maan yirbu yimeichem vimeivineichem”, which comes to include a house owned in partnership. The word “beisecha” will teach the ruling of **Rabbah**, that the mezuzah should be placed on the right side when entering the house.
- With regard to maaser, although the pasuk says “digancha”, which would teach that grain owned in partnership is patur, the pasuk says “maasroseichem”, which comes to include grain owned in partnership. The word “digancha” will exclude grain owned in partnership with a goy.
- With regard to zero’ah lichayayim, and keiva, although the pasuk says “v’nosson”, which could be used to learn a gezeira shava from reishis hageiz and teach that an animal owned in partnership is patur, the pasuk says “zovchei hazevach”, which comes to include an animal owned in partnership.
 - **Q:** If not for “zovchei hazevach” we would learn from reishis hageiz to say it is chayuv? Why not instead learn the gezeira shava from terumah to teach that it is patur!? **A:** Rather, “zovchei hazevach” teaches the ruling of **Rava**, that the claim of the Kohen is on the butcher.
- With regard to bikkurim, although the pasuk says “artzicha”, which would teach that a field owned in partnership is patur, the pasuk says “b’artzam”, which comes to include a field owned in partnership. The words “artzicha” will exclude a field in chutz laaretz.
- With regard to tzitzis, although the pasuk says “kiskuscha”, which would teach that a garment owned in partnership is patur, the pasuk says “bigdeyhem”, which comes to include a garment owned in partnership. The words “kiskuscha” will teach the ruling of **R’ Yehuda** that a borrowed garment is patur from tzitzis for the first 30 days.
- With regard to “makeh” (the requirement to build a fence on a roof), although the pasuk says “ligagecha”, which would teach that a roof owned in partnership is patur, the pasuk says “ki yipol hanofeil mimenu”, which comes to include a roof owned in partnership. The words “ligagecha” will exclude the roof of a Beis Medrash or Beis Hakneses.

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- **Q:** The previous Gemara quoted **Rava’s** drasha that according to **R’ Illai** there are a number of cases when the pasuk says “your” in the singular and still a partnership would be included, because the pasuk also says “your” in the plural, and that supersedes. **R’ Bibi bar Abaye** said this is incorrect. For we find a Braisa where **R’ Illai** says that an animal owned in partnership is patur from the halacha of bechor, based on the pasuk that says “bikarcha” and “tzoncha” (“your” in the singular). This is so even though the pasuk also says “bikarchem” and “tzonchem” (“your” in the plural)!? **A:** The Gemara says this is not a refutation, because that pasuk is speaking to all of Klal Yisrael, and that is why it is written in the plural.

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- **Q: R' Chanina of Sura** said that **Rava's** drasha is incorrect, based on a Braisa where **R' Illai** says that an animal owned in partnership is patur from having to give the gifts, based on a gezeira shava of "nesina" from reishis hageiz. Now, if **Rava** is correct that **R' Illai** says that grain owned in partnership is chayuv in terumah, why isn't this gezeira shava of "nesinah" learned from terumah to teach that an animal owned in partnership would be chayuv in the gifts!? This proves that **R' Illai** says that grain owned in partnership is patur from terumah as well!
 - **Q: If R' Illai** darshens this gezeira shava he should say that just as terumah only applies in EY, the gifts should also only apply in EY!? **A: R' Yose of Neharbil** said, **R' Illai** actually holds that the gifts only must be given in EY. In fact, **R' Illai** says in a Braisa that the gifts and reishis hageiz only apply in EY. **Rava** explains, **R' Illai** learns reishis hageiz from a gezeira shava from terumah as well.
 - **Q: Abaye** asked, if he learns reishis hageiz from a gezeira shava from terumah he should say that just as until terumah is separated the grain is tevel, the wool should be tevel until the reishis hageiz is separated from it!? **A: Rava** said, the pasuk of "v'reishis geiz tzoncha titen lo" teaches that there is no status to the wool until it is separated.
 - **Q: He** should say that just as a non-Kohen is chayuv misah and a chomesh for eating terumah, he should also be chayuv misah and a chomesh for using the reishis hageiz!? **A: The** pasuk regarding this punishment for terumah says "bo" and "alav" to teach that these punishments don't apply to reishis hageiz.
 - **Q: He** should say that just as terumah has a first and second maaser after it, the same should be true for reishis hageiz!? **A: The** pasuk calls it "reishis", to teach that there is nothing other than this first portion.
 - **Q: He** should say that just as terumah may not be separated from the new crop for the old crop the same should be true that he may not take from the new shearings for the old ones!? **A: R' Illai** actually holds that one may not take from the new shearings for the old ones.
 - **Q: He** should say that just like terumah, if it was grown in a condition of chiyuv it is chayuv, and if not it is patur (e.g. if he bought grown produce attached to the ground from a goy it would be patur), we should say the same thing regarding the wool, and yet our Mishna says that even if a Yid buys the rights to wool when it is fully grown he is chayuv in reishis hageiz!? **A: Our** Mishna does not follow **R' Illai**.
 - **Q: He** should say that just like terumah, one may not take terumah from one species for another, the same should be true for reishis hageiz!? **A: R' Illai** holds that one may not take reishis hageiz from one species for another, as our Mishna says that if there are white sheep and colored ones reishis hageiz must take from its each species.
 - **Q: The** Mishna only says to do that as good advice, not as a halacha. We can prove that from the next part of the Mishna that says that the wool of the males should be given separately from the wool of the females. Now, that is only said so that he not give for all of it from the females, which is higher quality wool, and is said as good advice. The same is true for the white and colored sheep!? **A: We** already said earlier that our Mishna does not follow **R' Illai**.
 - **Q: He** should say that just like terumah must have a noticeable remainder after the terumah is taken, the same should be true for reishis hageiz!? **A: R' Illai** holds that that is so, and we can prove that he holds this way from a Braisa.
- **R' Nachman bar Yitzchak** said, nowadays the world conducts itself in accordance with the lenient views of these 3 elders: like **R' Illai** with regard to reishis hageiz when he says that it only applies in EY, like **R' Yehuda ben Beseira** regarding divrei Torah when he says that a baal keri may learn Torah, and like **R' Yoshiya** regarding kilayim when he says that one is only chayuv when he plants wheat, barley, and grape seeds all together at once.

CHOMER BIZRO'AH...

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- **Q:** Why doesn't the Mishna say that reishis hageiz has a chumra in that it applies to treifos, whereas the gifts do not? **A:** **Ravina** said the Mishna follows **R' Shimon**, who says that reishis hageiz does not apply to animals that are treifos.
 - **Q:** What is the basis for this view? **A:** He learns a gezeira shava of "nesina" from the gifts to teach that this too does not apply to animals that are treifos.
 - **Q:** Why doesn't he also darshen the gezeira shava of nesina from terumah and learn that just as terumah only applies in EY the same is true for reishis hageiz? Our Mishna says that it applies even in chutz laaretz!? **A:** Rather the reason of **R' Shimon** is that he learns a gezeira shava of "tzon" from maaser, which teaches that just as maaser doesn't apply to treifos the same is true for reishis hageiz.
 - **Q:** Why doesn't he also darshen the gezeira shava of tzon from bechor and learn that just as bechor applies to treifos the same is true for reishis hageiz? **A:** It makes more sense to learn it from maaser, since reishis hageiz and maaser are similar in the ways that they both don't only apply to males, don't apply to non-kosher animals, apply to many animals, don't get kedusha from the womb, don't apply to people, both apply to ordinary offspring, and were not given before Har Sinai.
 - **Q:** Maybe it makes more sense to learn from bechor, because reishis hageiz and bechor are similar in the ways that they both apply to orphaned animals, to animals that were purchased, to animals owned in partnership, to animals given as gifts, apply even when there is no Beis Hamikdash, both are given to a Kohen, both don't have to be made kodesh, and both may be offered for sale!? In fact, there are more ways that it is similar to bechor than to maaser!? **A:** **R' Shimon** felt it is more logical to learn an ordinary offspring from another ordinary offspring, than to learn from a bechor.

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REISHIS HAGEIZ EINO NOHEIG ELAH B'RICHEILIM

- **Q:** How do we know that reishis hageiz only applies to sheep? **A:** **R' Chisda** said, we learn a gezeira shava of "giza" from a pasuk regarding Yoav, which speaks of the wool of sheep.
 - **Q:** Why don't we instead learn a gezeira shava of "giza" from bechor, which would include an ox as well? **A:** The pasuk regarding reishis hageiz says "titen lo", which teaches that it applies to a material to be used for clothing (sheep wool), not something to be used for a sack (ox hair).
 - **Q:** If so, goat hair, which is removed by plucking it off, should be included, because it is used for clothing!? **A:** The pasuk says "shearing", and goat hair is plucked, not sheared.
 - **Q:** This view that shearing would not include plucking is the view of **R' Yose** (who says that the literal meaning must be followed). However, **R' Yose** agrees that this is not true when something is being done in its normal way (which would mean that since plucking is normal for goat hair it would be included in the term shearing)!? **A:** Rather, the reason goat hair is excluded is like **R' Yehoshua ben Levi** says, that the pasuk after reishis hageiz says "laamod l'shareis" which teaches that it only applies to a material that can be used for the bigdei Kehuna.
 - **Q:** If so, what does the gezeira shava of "giza" come to teach? **A:** It is as taught by the **Tanna Divei R' Yishmael** that sheep that have hard wool are patur from reishis hageiz.
 - **Q:** One Braisa says that one who shears goats and one who removes wool from sheep through washing them, are patur from reishis hageiz. Another Braisa says that one who shears goats is patur but one who removes wool through washing is chayuv!? **A:** The second Braisa follows the **Rabanan**, and the first Braisa follows **R' Yose** who says regarding leket that the pasuk of "leket kitzircha" teaches that only stalks that fall during reaping is leket, not if they fall through some other cutting process.

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- **R' Acha the son of Rava** said to **R' Ashi**, **R' Yose** agrees that when something is done in its normal way it is included even if it is not the literal meaning of the pasuk. We see this in a Braisa regarding peyah in which **R' Yose** says that although the pasuk only discusses “reaping” it includes other forms of cutting that are normally done for that species.

V'KAMAH HU MERUBAH

- **Q:** The view of **B”S** makes sense, because the pasuk even refers to 2 sheep as a flock. However, the view of **B”H** is difficult to understand – even if they have another pasuk that refers to 5 sheep as a flock, since there is the pasuk of **B”S** that refers to 2 as a flock that should be the amount needed!? **A:** **R' Kahana** said, the pasuk that speaks of the flock of 5 says “asuyos”, which we darshen to teach that when they are 5 there are two mitzvos that apply to them – reishis hageiz and the gifts – but when it is less than 5 only one of these mitzvos apply (the gifts).
 - **Q:** Maybe the two that apply are bechor and the gifts? **A:** Bechor applies to even one animal.
 - **Q:** The gifts also apply to even one animal, so how can we darshen that when there are less than 5 animals only one mitzvah applies!? **A:** Rather, **R' Ashi** said that we darshen the word “asuyos” to teach that when there is a flock of 5 it “forces” the owner to go do a mitzvah – reishis hageiz.
- A Braisa says, **R' Yishmael the son of R' Yose** said in the name of his father that a flock of 4 sheep is chayuv in reishis hageiz, as the pasuk says “v'arbah tzon tachas haseh”.
 - A Braisa says, **Rebbi** said, even if **B”S** and **B”H** were based on pesukim of the Torah and **R' Yose** was based on a pasuk of Nach we would follow the view of **R' Yose**. All the more so this is the case given that **R' Yose** is based on a pasuk in the Torah and **B”S** and **B”H** are based on Nach.
 - **Q:** A Braisa says that a middle ground, third view is only followed when it follows each of the views to some extent, but **R' Yose** does not, so why do we follow him? **A:** **R' Yochanan** said, **Rebbi** follows **R' Yose**, because his view is based on a kabbalah from Chagai, Zecharya, and Malachi (and not because he is a middle ground view).

R' DOSA BEN HURKINAS OMER...

- **Q:** How much is “any amount”? **A:** **Rav** said, a maneh and a half of wool that comes evenly from the 5 sheep. **Shmuel** said it is 60 sela'im, and he gives one selah to the Kohen. **Rabbah bar bar Chana in the name of R' Yochanan** said it is 6 sela'im, and he must give 5 to a Kohen. **Ulla in the name of R' Elazar** said, it means literally any amount.
 - **Q:** The Mishna said the amount given to the Kohen is 5 sela'im of Yehuda which is 10 sela'im of the Galil. Now, this is good according to **Rav and R' Yochanan**, but problematic according to **Shmuel and R' Elazar**!? **A:** Even according to **Rav** it is problematic, because **Rav and Shmuel** say that one must give a Kohen 1/60 of the shearing! Rather, the Mishna means to say that if one has a large amount of shearing and wants to divide it among a number of Kohanim he must give each Kohen at least 5 sela'im of wool.
 - We have learned, **Rav and Shmuel** say: reishis hageiz is 1/60, terumah is 1/60, and peyah is 1/60.
 - **Q:** A Mishna says that a generous person should give 1/40 for terumah!? **A:** D'Oraisa it is 1/60.
 - **Q:** **Shmuel** said that D'Oraisa even one grain of wheat from an entire pile fulfills the terumah obligation!? **A:** **Shmuel** said that D'Oraisa that is all that is needed. The **Rabanan** later said that something that is chayuv terumah D'Oraisa needs 1/40, and something chayuv only D'Rabanan needs 1/60.
 - **Q:** A Mishna says that there is no measure for the amount needed to be left as peyah!? **A:** That is D'Oraisa, but D'Rabanan the amount is 1/60.
 - **Q:** This is explicitly taught in a Mishna!? **A:** The Mishna is discussing peya in EY, whereas **Rav and Shmuel** are talking about in chutz laaretz.
 - **R' Yochanan** met **Isi bar Hini** teaching our Mishna using the word “recheilim”. **R' Yochanan** told him that the proper word to use is “recheilos”. He explained, although the pasuk says “recheilim”, the verbiage of the **Rabanan** is different than that of the pasuk. **R' Yochanan** asked him who is the head of the Yeshiva in Bavel. **Isi bar Hini** said, it is “the tall Abba” (a nickname for **Rav**). **R' Yochanan** said, I used to sit 17 rows behind **Rav** and would watch his exchanges in

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Torah with **Rebbi** and I couldn't even comprehend what they were saying – and you refer to him with a nickname!? **Isi bar Hini** then asked, how much shearing must there be to become chayuv in reishis hageiz? **R' Yochanan** said 60 sela'im. **Isi** asked, the Mishna says "any amount"! **R' Yochanan** explained that he had a kabbalah that it is 60 sela'im.

- **R' Dimi** said, with regard to the amount needed to become chayuv in reishis hageiz, **Rav** says it is 60 sela'im and **R' Yochanan in the name of R' Yannai** said it is 6 sela'im. **Abaye** said to **R' Dimi**, you have answered one contradiction (before he said it is 60 and here he says it is 6) because we can say that one is his own view and one is the view of his rebbi. However, you have created a contradiction of **Rav** who said earlier that the amount is a maneh and a half!? **A:** **Rav** was referring to a maneh made of 40 sela'im, and a maneh and a half is therefore 60 sela'im. **Abaye** asked, would a Tanna teach something based on the uncommon maneh made of 40 sela'im!? **R' Dimi** said, yes, and in fact we find a Braisa where the Tanna explicitly does so.

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V'KAMAH NOSEIN LO...

- A Braisa says, this does not mean that the owner has to whiten the wool before giving it to the Kohen. Rather, it means that enough wool has to be given to the Kohen that when he whitens it, it will be 5 sela'im.

KIDEI LAASOS BEGED KATAN

- **R' Yehoshua ben Levi** said, this is learned from the pasuk after reishis hageiz that says "laamod l'shareis", which teaches that he must give enough to make something worn by the Kohen during the Avodah, of which the smallest one is the gartel.
 - **Q:** Why don't we say it is the "me'il"? **A:** "Tafasta merubah lo tafasta".
 - **Q:** Why don't we say it is the small hat of wool worn by the Kohen Gadol (which was smaller than the gartel)? **A:** The pasuk says "hu ubanav", which teaches that it must be something that is worn by all Kohanim, not just the Kohen Gadol.
 - **Q:** The gartel of the regular Kohen was different than that of the Kohen Gadol!? **A:** They both wear something called an "avneit" (a gartel) and therefore it is considered to be something worn by all Kohanim.

LO HISPIK LITNO...

- We have learned, with regard to someone who sheared a sheep and then sold the sheep, and did this consecutively to 5 sheep, **R' Chisda** says he would be chayuv to give reishis hageiz, because he has sheared his flock (at the time of each shearing he owned the animal) and **R' Nosson bar Hoshaya** says he would be patur, because at the time that he reached the minimum of 5 shearings he no longer owned the 5 sheep.
 - **Q:** The Mishna said that one who buys the wool of a goy's flock is patur. This suggests that if he would buy the sheep of the goy to shear them, after which time they go back to the goy, he would be chayuv. Now, each one goes back to the goy as soon as it is sheared, so according to **R' Nosson bar Hoshaya** it should not be chayuv!? **A:** **R' Chisda** said, that according to **R' Nosson bar Hoshaya** the case is where the goy transferred ownership of the sheep to the Yid until after all the shearing of all the sheep is complete.

HALOKE'ACH GEIZ TZONO SHEL CHAVEIRO...

- **Q:** Who is the Tanna who holds that if there is wool leftover with the seller it is the seller who must give the reishis hageiz? **A:** **R' Chisda** said it is the view of **R' Yehuda**, as we see in a Mishna regarding peyah where he says that when a seller of trees leaves even one tree over for himself, it is he who must leave peyah for all the trees.
 - **Q:** **Rava** asked, you (**R' Chisda**) have said that this is only true if the owner started harvesting the trees before he sold them. You can't say that the case of the wool is also where he began shearing before he sold them, because the chiyuv doesn't come about until after the shearing, not at the start! Therefore, you cannot say that the view of is necessarily that of **R' Yehuda**! **A:** Rather, **Rava** said the Tanna of our Mishna is the Tanna of the Mishna we learned earlier regarding one who buys the insides of a cow from a butcher, where the Mishna says that if it was sold as a single unit (not by weight) the gifts must be

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given to the Kohen, but the buyer may not decrease the purchase price because of that. We see that we assume the butcher (the seller) intended that the gifts be given and he did not include them in the price. The same can be said regarding reishis hageiz when some of the wool is left with the seller.

HADRAN ALACH PEREK REISHIS HAGEIZ

PEREK SHILUACH HAKEIN -- PEREK SHNEYM ASSAR

MISHNA

- The mitzvah of shiluach hakein (sending the mother bird away from the nest) applies in EY and in chutz laaretz, when the Beis Hamikdash is standing and after the Churban, to birds of chullin but not to birds of kodashim.
- There is a chumra of kisuy hadam over shiluach hakein in that kisuy hadam applies to chayos and birds, whether they are prepared (living under one's control) or unprepared (caught from the wild), whereas shiluach hakein only applies to birds, and only to birds that are not prepared.
 - Which birds are "not prepared"? Birds like geese or chickens that took up nest in the orchard. However, if they took up nest in the house, and similarly the Herodian doves, are patur from shiluach hakein.
 - A non-kosher bird is patur from shiluach hakein. If a non-kosher bird is sitting on the eggs of kosher birds, or visa-versa, it is patur from shiluach hakein.
 - With regard to a male "korei" bird (a kosher bird that sits on the eggs of other birds), **R' Eliezer** says it is chayuv in shiluach hakein and the **Chachomim** say it is patur.

GEMARA

- **R' Avin and R' Meyasha** each made a statement. One said that with regard to all the Mishnayos that have said that the various halachos apply "in EY and in chutz laaretz" there was no need to state that, other than regarding reishis hageiz, in which case it was needed to exclude the view of **R' Illai** who says that reishis hageiz only applies in EY. The other one said that with regard to all the Mishnayos that have said that the various halachos apply "when the Beis Hamikdash is standing and after the Churban" there was no need to state that, other than regarding oso v'es beno, in which case it was needed, because we would have thought to say that since it is written regarding kodashim it should only apply at a time when there are korbanos. Both of them said that with regard to all the Mishnayos that have said that the various halachos apply "to chullin and to kodashim" there was a need to state that other than regarding gid hanasheh, which is obvious that just because it is kodesh would not give it a reason for it to lose this issue.
 - **Q:** We said that the Mishna regarding gid hanasheh was referring to the offspring of kodashim and that is why it was necessary even in that Mishna as well!? **A:** We said the Mishna is referring to that only so that we had a reason for the Mishna to say that it applies to kodashim. Now, by saying that there are some Mishnayos that say these phrases for no reason, we can say the same thing regarding that Mishna as well.

B'CHULLIN AVAL LO B'MUKDASHIM

- **Q:** Why does the mitzvah not apply to birds of kodashim? **A:** The pasuk says that the mother must be sent away. That can't apply to a bird of kodesh which must be given to the gizbar.
 - **Ravina** said, based on this, if a kosher bird killed a person it would be patur from shiluach hakein, because this bird can't be sent away, since it must be brought to Beis Din to stand judgment and be killed.

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- **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

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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 hekdesch” 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 hekdesch” 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

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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 hanesher” 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 hanesher”, 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.

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OHF TAMEI PATUR M’LISHALEI’ACH

- **R’ Yitzchak** said, this is learned from the pasuk that says “tzipor”, for although “ohf” can refer to a non-kosher bird, “tzippor” only refers to a kosher bird.
 - **Q:** The pasuk regarding making a form as an avoda zara says “tzippor kanaf” and it presumably even refers to a non-kosher bird!? **A:** “Tzippor” refers to a kosher bird and “kanaf” refers to non-kosher birds and grasshoppers.
 - **Q:** The pasuk says that all animals and the “tzippor kanaf” should praise Hashem. Presumably this even refers to a non-kosher bird!? **A:** “Tzippor” refers to a kosher bird and “kanaf” refers to non-kosher birds and grasshoppers.
 - **Q:** The pasuk regarding the animals going to the Teiva says “kol tzippor kol kanaf”. Presumably this even refers to a non-kosher bird!? **A:** “Tzippor” refers to a kosher bird and “kanaf” refers to non-kosher birds and grasshoppers.

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- **Q:** A pasuk says “emor l’tzippor kol kanaf”. Presumably this even refers to a non-kosher bird!? **A:** “Tzippor” refers to a kosher bird and “kanaf” refers to non-kosher birds and grasshoppers.
- **Q:** A pasuk refers to birds as “tzipporei shemaya”. Presumably this even refers to a non-kosher bird!? **A:** “Tzipporei shemaya” even refers to non-kosher birds, but “tzippor” by itself does not.
- **Q:** A pasuk regarding which birds may be eaten says “kol tzippor tehora”, which suggests that there is such a thing as a tzippor that is not a kosher bird!? **A:** It only suggests that there are kosher birds that can be otherwise assur.
 - **Q:** That can’t be referring to treifos, because that is dealt with explicitly in another pasuk!? It also can’t be coming to include the shechted metzora bird as being assur, because that is learned from the end of the pasuk that says “v’zeh asher lo tochlu mayhem”!? **A:** It comes to include the shechted metzora bird and to make it assur with an assei and a lo saasei.
 - **Q:** Why not say that it comes to teach regarding a treifa, and teaches that it is also assur with an assei and a lo saasei? **A:** The context of the pasuk is regarding shechted birds.
- **Q:** The pasuk regarding a metzora says “shtei tzipporim chayos”, which presumably means they are mutar to be eaten, which would suggest that there are some tzipporim which may not be eaten!? **A:** “Chayos” means that their limbs are intact, not that they may be eaten.
- **Q:** This same pasuk says “shtei tzipporim chayos *tehoros*”, which suggests that there are some that are not kosher!? **A:** The suggestion is that there are some that are treifos.
 - **Q:** According to the view that treifos can’t live, treifos are already excluded by the word “chayos”!? Also, even according to the view that a treifa can live, a **Tanna Divei R’ Yishmael** teaches that a treifa can’t be used for a metzora based on a hekesh!? If so, “tehoros” can’t be coming to teach regarding a treifa!? **A:** **R’ Nachman bar Yitzchak** said, “tehoros” comes to exclude the birds of an ihr hanidachas from being used for a metzora.
 - **Q:** We wouldn’t need to be taught this regarding the metzora bird that is sent away, because that would cause someone who catches this bird to eat an assur bird and the Torah would therefore not allow an assur bird to be sent away and risk causing one to be oiver!? **A:** Rather, the exclusion teaches regarding the bird that is shechted. **A2: Rava** says it comes to exclude taking the bird of a metzora that is to be sent away and using it for this obligation of another metzora as well. **A3: R’ Pappa** says it comes to exclude using a bird that was exchanged for avoda zara. **A4: Ravina** says it comes to exclude using a bird that had killed a person and must be put to death.

OHF TAMEI ROVEITZ AHL BEITZEI OHF TAHOR

- **Q:** Now, it makes sense that when a non-kosher bird nests on kosher eggs it is patur from shiluach hakein, because the pasuk requires a “tzippor”, which is a kosher bird. However, why is it also patur when there is a kosher bird nesting on eggs of a non-kosher bird? There is a tzippor and it should therefore be chayuv!? **A:** It is as **R’ Kahana** said, that the pasuk of “tikach lach” teaches that the chicks or eggs have to be fit to be taken for you, not just to be thrown to the dogs. **R’ Kahana** says this regarding a case where the chicks or eggs are treifos, and says that they will be patur from the mitzvah based on this pasuk, whereas if only the mother bird is a treifa it would still be chayuv.
 - **Q:** Why don’t we make a hekesh between the mother and the chicks and teach that just as one is patur if the chicks are treifos, one should also be patur if the mother is a treifa!? **A:** If this hekesh were proper, there would be no reason for the pasuk to say “tzippor” to teach that a non-kosher mother is patur from the mitzvah.
 - **Q:** A Braisa says, a mother of chicks that are treifos are chayuv in the mitzvah!? **A:** **Abaye** said, the Braisa means, if there are chicks that have a mother who is a treifa, it is chayuv in the mitzvah.
 - **Q:** **R’ Hoshaya** asked, if someone stuck his hand into the nest and shechted a minority of the simanim of the chicks, what is the halacha? Do we say that since they will become a treifa if left alone it is not called “tikach lach”, or do we say that since he can finish the shechita it is called “tikach lach” and he is therefore chayuv in the mitzvah? **TEIKU.**

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- **Q: R' Yirmiya** asked, if there is a cloth between the mother and the chicks, does that act as a separation and make this patur from the mitzvah? What if there are unattached feathers in between them? What about unfertilized eggs? What if there are two rows of fertilized eggs and he only wants to take the lower row? What if a male bird is on the eggs and the female sits on top of the male? **TEIKU**.
- **Q: R' Zeira** asked, what if a dove is sitting on the eggs of a kosher “tasil” bird, or visa-versa? **A: Abaye** said, our Mishna says that when a tamei mother bird sits on kosher chicks or visa-versa it is patur. This suggests that if it is a kosher mother and kosher chicks, even if they are of different types, it would be chayuv.
 - The Gemara says, maybe this is only true for birds that normally sit on eggs or chicks that are not their own, but other birds would be patur in this case.

KOREI ZACHAR R' ELIEZER MECHAYAV VACHACHOMIM POTRIN

- **R' Avahu** said, **R' Eliezer's** view is based on a drasha of pesukim where the pasuk regarding the korei bird uses the same verbiage of “gathering” as the pasuk regarding a mother bird.
- **R' Elazar** said, the machlokes is only regarding a male korei bird. With regard to a female korei bird all would agree that it would be chayuv in shiluach hakein.
 - **Q:** This seems obvious!? The Mishna explicitly talks about the male korei bird!? **A:** We may have thought that the **Rabanan** even argue regarding a female korei bird and the reason the Mishna speaks of the male is to teach that **R' Eliezer** says even the male would be chayuv.
- **R' Elazar** says, the machlokes is only regarding a male korei, but regarding all other species of males all would agree that it is patur from the mitzvah.
 - **Q:** This seems obvious!? The Mishna explicitly talks about the male korei bird!? **A:** We may have thought that they even argue regarding other males and the reason the Mishna mentions the korei bird is to teach that the **Rabanan** even argue in that case (even though this male does sit on the eggs).
 - A Braisa says this as well.

MISHNA

- If the mother bird was flying above the chicks instead of sitting on them, if her wings are still touching the nest it is chayuv in the mitzvah. If not, it is not.
- If there is only one chick or egg it is chayuv in the mitzvah, based on the pasuk of “kan”, which suggests even one.
- If the chicks could already fly, or if the eggs were unfertilized eggs, they are patur from the mitzvah. This is learned from the pasuk of “v'ha'eim rovetzes ahl ha'efrochim oy ahl habeitzim”. This teaches that just as the chicks are viable the eggs must be viable, which excludes unfertilized eggs, and just as eggs need their mother so too the chicks must still need their mother, which excludes chicks that can already fly.

GEMARA

- A Braisa says, “rovetzes” teaches that the mitzvah only applies if the mother is not flying. From the fact that the pasuk says “rovetzes” instead of “yosheves” it teaches that if the wings are touching the nest it is chayuv even if it is flying.
 - **R' Yehuda in the name of Rav** said, if the mother is sitting on branches directly on top of the nest we look and determine – if the mother would fall into the nest if it fell from the branches, it is chayuv in the mitzvah. If not, it is not.
 - **Q:** A Braisa says, if the mother is sitting between the eggs it is patur. If it is sitting on top of them it is chayuv. If it is flying over them, even if her wings touch the nest it is patur. Now, presumably just as the case of sitting in between them is a case of where she is touching them (or else there is no chiddush) the case of being on top of them is also where she is touching them. This would suggest that if she is above them on a branch it would be patur!? **A:** The case of between them is where she is not touching them, and the case of above them is therefore also where she is not touching them. This would be the case of the mother sitting on the branch on top of the nest. In fact, this must be so, because if the case of sitting above on the branch is patur the Braisa

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should give that case and we would then know that when it flies above it, it is certainly patur (because it is not “sitting”).

- The Gemara says this last proof is not valid, because it may be that the case of it flying over the nest is needed to teach that it is patur even when the wings touch the nest.
- **Q:** Our Mishna said that when the mother is flying above the nest and its wings touch the nest it is chayuv!? **A:** **R' Yirmiya** said, the Braisa is talking about where it touches the nest on the side. That is when it is patur.
- The Gemara brings a version of this previous exchange where it begins as a proof to **R' Yehuda's** ruling and is then refuted, but it uses the same proofs and questions as the above.

EIN SHAM ELAH EFRO'ACH...

- One of the **Rabanan** asked **Rava**, maybe we should darshen the reverse – maybe “efrochim oy beitzim” should teach that if there is only one chick or egg it is patur, and “kan” should teach that even if the chicks can fly or if the eggs are unfertilized it should still be chayuv!? **Rava** said, the fact that the pasuk says that the mother is sitting “ahl ha'efrochim oy ahl habeitzim” instead of saying the mother was sitting “on them”, it comes to teach that we should make the Mishna's comparison between the efrochim and the beitzim.

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MISHNA

- If the mother was sent away and came back before the eggs were taken, even if this happened 4 or 5 times, he is still chayuv to send her away again. This is based on the pasuk of “shaleyach tishalach es ha'eim”.
- If someone says “I will take the mother and send away the chicks” he is still chayuv to send away the mother. This is based on the pasuk of “shaleyach tishalach es ha'eim”.
- If after sending away the mother and taking the chicks he put them back into the nest and the mother came back and sat on the nest again, he is patur from sending her away again.

GEMARA

- One of the **Rabanan** asked **Rava**, maybe say that “shalayach” teaches it must be sent away once and “tishalach” teaches it must be done a second time, but never more than that? **Rava** said, “shalayach” teaches that it would have to be done even 100 times if necessary, and “tishalach” teaches that the mitzvah must be done not only if you want to take the mother for personal use, but rather even if you want to take it to use for a mitzvah (e.g. for a metzora).
 - **Q: R' Abba the son of R' Yosef bar Rava** said to **R' Kahana**, this suggests that if not for “tishalach” we would think that if the mother is needed for a mitzvah it would not have to be sent away. Why would we say that? The mitzvah of shiluach hakein is an assei and a lo saasei and an assei does not override another assei with a lo saasei!? **A:** The pasuk is needed for a case where the person took the mother, in which case the lo saasei was already violated. We would think that at this point it is one assei against another so we should not have to send away the mother. The pasuk therefore teaches that the mother must be sent away in that case as well.
 - **Q:** This answer doesn't work according to the view that holds that as long as the assei can still be done he has not violated the lo saasei. According to that view, as long as the mother is alive he has not yet violated the lo saasei. If so, we don't need a pasuk to teach that the other mitzvah would override the assei and lo saasei of shiluach hakein!? Also, according to **R' Yehuda** who says that “shalayach” means it must be sent before taking it, and once it is taken it can no longer be fixed by then sending it, once it is taken there is no longer an assei to send it!? **A:** Rather, **Mar bar R' Ashi** said, the pasuk is needed for when someone took the mother for the purpose of sending it away, in which case he is not over the lav and the assei still is in place, and he now has a mitzvah that he wants to use the bird for. That is where the pasuk is needed to teach that the assei does not push aside the assei of shiluach hakein.

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- **Q:** Why would we say that the assei of being metaher the metzora is stronger than the assei of shiluach hakein so that we need a pasuk to teach that it isn't? **A:** We have learned that shalom bayis is so great that even the Name of Hashem gets erased to try and bring shalom bayis between a man and his wife. If so, since a metzora is assur to his wife until he becomes tahor, we would say that making him tahor comes before the mitzvah of shiluach hakein. The pasuk teaches that it does not.

MISHNA

- If one takes the mother while she is on the chicks, **R' Yehuda** says he gets malkus and does not then send the mother away. The **Chachomim** say that he sends it away and does not get malkus.
 - The general rule is, any lo saasei that has an assei that can rectify the lo saasei, does not make one chayuv in malkus if he is oiver on the lo saasei.

GEMARA

- **Q: R' Abba bar Mamal** asked, is the reason of **R' Yehuda** because he holds that a lav that is attached to an assei ("lav shenitik l'assei") does carry malkus or is it that although normally it does not carry malkus in this case the word "shalayach" teaches that it must only be sent before taking it? **A:** Maybe we can answer from a Braisa which says that **R' Yehuda** says a ganav and a gazlan can get malkus for stealing. This is so even though their lav is attached to an assei of returning the stolen items. We see that **R' Yehuda** says that such a lav does get malkus!
 - **R' Zeira** said this is not a valid proof, because it is not a Braisa taught by **R' Chiya** and **R' Oshaya**, and therefore may be a corrupt Braisa. The Braisa may in fact have said that he holds they are *not* subject to malkus.
 - **Q:** Maybe we can bring a proof from a Braisa taught by **R' Chiya** and **R' Oshaya** that says that **R' Yehuda** holds that if one went back and took shikcha or did not leave peya he is subject to malkus. Now, these lavim are attached to an assei of leaving them for the poor and yet we see that **R' Yehuda** says they are subject to malkus! **A:** It may be that he only holds that way there, because the pasuk says "taazov" which teaches that it must be left for them to begin with, not as a way of remedying the lav once it was violated.
 - **Ravina** said to **R' Ashi**, we can answer this from a Braisa regarding Korbon Pesach in which **R' Yehuda** clearly says that a lav that is attached to an assei is not subject to malkus. Therefore, regarding shiluach hakein, the reason he holds it is subject to malkus must be because of "shalayach". SHEMA MINAH!
 - **R' Idi** said to **R' Ashi**, we can show this from the Mishna as well, because **R' Yehuda** says he gets malkus and doesn't send it away. Now, if he held that he gets malkus because a lav attached to an assei carries a malkus penalty he should have said "he gets malkus and must send it away".
 - The Gemara says this is not a valid proof. The Mishna may mean that he does not become patur until he sends it away and gets malkus.
- **Q:** How far away must the mother be sent? **A: R' Yehuda** said, until she is no longer "under his hand" (in his immediate proximity).
- **Q:** Which limbs must be intact when she is sent away? **A: R' Huna** said her feet, and **R' Yehuda** said her wings. Each is based on a drasha of the pasuk.
 - There was a person who took the mother, clipped her wings, and then sent her away by foot. **R' Yehuda** gave him malkus and told him to wait until her wings grow back and send her away.
 - This was done according to the **Rabanan** of our Mishna, and the malkus he gave was D'Rabanan malkus.
- Someone went to **Rava** and asked what is the halacha regarding a "timah" bird found sitting on her chicks? **Rava** asked himself, does this person not know that there is the mitzvah of shiluach hakein for a kosher bird? He said to the person, maybe there is only one egg and you are asking whether it applies to one egg? The person said, that is exactly what he meant to ask. **Rava** said, the Mishna teaches that it does apply. **Rava** surrounded the bird with traps and then took it for himself. He was not afraid that people would say he gave a self-serving psak, because he did it in a way that people couldn't tell that he set the traps.

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- **Q:** A Braisa says, doves of a dovecote and doves of an attic are subject to the mitzvah, but are assur to others as gezel for the sake of shalom. Now, if we hold of the ruling of **R' Yose bar R' Chanina** that a person's chatzer is koneh for him even without his knowledge, the person's chatzer should be koneh the eggs for him and it should be "prepared" and not subject to the mitzvah!? **A: Rav** said, when a majority of the egg emerges it is already subject to the mitzvah, but the owner is not koneh until it is fully out of the bird. When the Braisa says it is subject to the mitzvah it is referring to before it fully emerges.
 - **Q:** If it did not fully emerge why are they assur as gezel? **A:** The **Rabanan** said even taking the mother is gezel so as to preserve shalom, because the owner of that dovecote believes they are his. **A2:** We can say it is referring to an egg that has emerged in its majority, at which time the owner of the dovecote believes it is already his.
 - Now that **R' Yehuda in the name of Rav** said that it is assur to be koneh eggs that a mother is sitting on, because the pasuk says send away the mother and only then take the eggs, we will also say that a person's chatzer cannot be koneh for him until the mother is sent away. A chatzer can't be koneh at a time when the person himself may not be koneh.
 - **Q:** If so, why is it assur as gezel for the sake of peace? If the mother was already sent away it is true gezel, and if the mother was not yet sent away it must be sent away before the eggs can be taken!? **A:** We are dealing with a katan who is not chayuv in the mitzvah of shiluach hakein.
 - **Q:** A katan is not subject to issurim for the sake of peace, so why should he have to return it to the owner? **A:** The Braisa means that the katan's father must return it to the owner for the sake of peace.

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MISHNA

- A person may not take the mother while it is sitting on its young even to be metaher a metzora.
- Now, if a mitzvah that only involves the cost of an issur, the Torah says "I'maan yitav lach v'haarachta yamim", how much more so does this apply for the difficult mitzvot!

GEMARA

- A Braisa says that **R' Yaakov** says, that reward for any mitzvah which has its reward written in the Torah, is only given in Olam Habbah. **R' Yaakov** says this must be the case, because how can it be that a person was asked by his father to go and do shiluach hakan (kibud av and shiluach hakan each have a pasuk that says that the reward for this mitzvah is long life and a reward of good) and on his way down the ladder he falls down and dies? It must be that the long life and the good refer to reward in Olam Habbah.
 - **Q:** Maybe such a case can never happen? **A: R' Yaakov** saw this case actually happen.
 - **Q:** Maybe the person was thinking about doing an aveirah and that is why he was punished? **A:** A thought of an aveirah is not treated as having done an aveirah.
 - **Q:** Maybe he had a thought to do avodah zarah, which the pasuk teaches is treated as having done the aveirah? **A: R' Yaakov** was bothered by how the mitzvah itself wouldn't protect a person from having such a thought.
 - **Q: R' Elazar** says that people sent to do a mitzvah are not harmed, so how was this person harmed? **A:** This person was already returning from doing the mitzvah.
 - **Q: R' Elazar** said that such a person is protected even on his return from doing the mitzvah!? **A:** He used a rickety ladder, where danger is ever present, and in such a case a miracle is needed to save him and we cannot rely on a miracle.
 - **R' Yosef** said, if Acheir would have darshened the pesukim as referring to reward in the Next World, like his grandson **R' Yaakov** did, he would not have sinned. Acheir went out to sin either after having seen such a story (the person doing kibud av and shiluach hakan was killed), or after having seen the terrible death and disgrace to the body of Chutzpis the Meturgeman. When he saw this, he went out and sinned.

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HADRAN ALACH PEREK SHILUACH HAKEIN!!!

HADRAN ALACH MESECHTA CHULLIN!!!

MAZEL TOV!!!