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Species of Birds

Rav Yehudah said: The *shekitna* bird with the long legs and red body is permitted, and the mnemonic is *murzema* (which is similar to the *shekitna*, and was known to be permitted); that with the short legs and red body is forbidden, and the mnemonic is the law that the dwarf is unfit (to serve as a *Kohen* in the Temple); and that with the long legs and yellow body is forbidden, and the mnemonic is the rule that if the internal organs turned green, it is *tereifah*.

Rav Yehudah said: The *shalach* (mentioned in the Torah as one of the nonkosher birds – the cormorant) is the bird that draws fish out of the sea; the *duchifas* (the wild peacock, or hoopoe) is so called because its beauty (feathers) is bound to its head.

The *Gemora* cites a *braisa* to this effect: The *duchifas* is so called because its beauty is bound to its head, and it was the bird that brought the *shamir* to the Temple (a minute insect which the *Gemora* in *Gittin* (68) relates could cut through the hardest stone).

Whenever Rabbi Yochanan used to see the *shalach*, he would exclaim: *Your judgments are in the great deep* (for it dives to the depths of the sea as an emissary of God to kill any fish that is destined to die at that time), and whenever he used to see an ant, he would exclaim: *Your righteousness is like the mighty mountains* (His righteousness extends to the tiny ant so that its sustenance is provided just as the mighty mountains).

Ameimar said: *Lakkani* and *butnei* (types of birds) are permitted; and as for *shaknai* and *batnai* – in a place where it is the custom to eat them, they are permitted, and wherever it is the custom not to eat them, they are forbidden.

The *Gemora* asks: Why does this depend on custom? [It is surely a halachic issue - they are either permitted or forbidden!]

The *Gemora* answers: Indeed it does; nevertheless, there is no difficulty. The custom to prohibit the *shaknai* and *batnai* was in that place where the *peres* and the *ozniyah* are commonly found (since the *shaknai* and *batnai* are birds that possess only one kosher sign, they are forbidden out of concern that they might be a *peres* or *ozniyah*); whereas the custom to permit them was in that place where the *peres* and the *ozniyah* are not commonly found.

Abaye said: The *ku’ei* and *kaku’ei* are forbidden, but *kaku’asa* is permitted. In the West, however, one would incur lashes for eating it (for, according to them, it was definitely nonkosher), and it is called by them *tachvasa*.

The *Gemora* cites a *braisa*: The *tinshemes* (mentioned in the Torah as one of the nonkosher birds) is the *ba’us* among the birds (hoots at night – the owl; alternatively, *Rashi* says that it’s referring to the bat). The *Gemora* asks: Perhaps the Torah is referencing the *ba’us* among the creeping creatures (and it is not referring to a type of bird at all)? The *Gemora* answers: Go and derive it by one of the thirteen exegetical principles



by which the Torah is expounded, namely: The meaning of a passage can be understood from its context. Now what is the Torah dealing with? Birds! Then, this too is a bird.

It was likewise taught in a *braisa* with regard to creeping creatures: The *tinshemes* (mentioned in the Torah as one of the creeping creatures) is the *ba'us* among the creeping creatures (the mole). The *Gemora* asks: Perhaps the Torah is referencing the *ba'us* among the birds (and it is not referring to a type of creeping creature at all)? The *Gemora* answers: Go and derive it by one of the thirteen exegetical principles by which the Torah is expounded, namely: The meaning of a passage can be understood from its context. Now what is the Torah dealing with? Creeping creatures! Then, this too is a creeping creature.

Abaye said: The *ba'us* among the birds is the *kipof*, and the *ba'us* among the creeping creatures is the *kurpedai*.

Rav Yehudah said: The *ka'as* (mentioned in the Torah as one of the nonkosher birds) is the *kuk* (the pelican), and the *racham* (also mentioned there) is the *sherakrak* (the magpie, or the roller, according to others).

Rabbi Yochanan said: Why is it called the *racham*? It is because when the *racham* comes, mercy (*rachamim*) comes to the world (through rainfall).

Rav Bibi bar Abaye said: This happens only when it perches upon something and cries out with a '*sherakrak*' sound. There is a tradition that if it sits upon the ground and cries out, the Messiah will come at once, for it is written: *I will whistle for them and gather them.*

Rav Adda bar Shimi said to Mar the son of Rav Idai: Didn't a *rechem* once settle upon a plowed field and cried out, and then a stone fell upon it and broke its skull?

He answered: That one was a liar (and was therefore punished).

The *Gemora* cites a *braisa*: '*Oreiv*' (the crow - mentioned in the Torah as one of the nonkosher birds) signifies the *oirev*, and '*every oirev*' includes the *oirev* of the deep, and '*according to its kind*' includes the *oirev* that comes with the head of pigeons.

[The *Gemora* clarifies this *braisa*.] The master had said: '*Oreiv*' signifies the *oirev*. But is it here before us (for then, the *Tanna* would be showing it to us; otherwise, how is he assisting us)? Rather, the *braisa* should read as follows: '*Oreiv*' signifies the black *oirev*, as it is written: *His locks are curled and black as an oreiv.*

The *oirev* of the deep is referring to the white spotted *oirev*, as it is written: *And its appearance (the affliction) is deeper than the skin*, that is – it is as the sunlight that appears deeper than the shade.

Rav Pappa explains the last portion of the *braisa*: The *oirev* that comes with the head of pigeons. It should be read as follows: It is an *oreiv* whose head resembles that of a pigeon.

The *Gemora* cites a *braisa*: The *neitz* (mentioned in the Torah as one of the nonkosher birds) is the *neitz* (the sparrow hawk), and '*according to its kind*' includes the *bar chirya*, which Abaye says it means the *shurinka* (the shrike).

Rav Chisda said: The *chasidah* (the stork - mentioned in the Torah as one of the nonkosher birds) is the white *dayah*. And it is called that because it does kindness (*chasidus*) to its friends (by sharing its food). The *anafah* (the heron) is the hot-tempered *dayah*, and it is called that because it becomes angry with its friends.

Rav Chanan, the son of Rav Chisda, said in the name of Rav Chisda, who had said it in the name of Rav Chanan, the son of Rava, in the name of Rav: There are twenty-four (types of) nonkosher birds (mentioned in the Torah).

Rav Chanan, the son of Rav Chisda, said to Rav Chisda: Where is this in reference to? In *Vayikra*, there are only twenty enumerated, and in *Devarim*, there are only twenty-one!? And even if you will answer me that the *da'ah* mentioned in *Vayikra*, but not in *Devarim*, should be added to the list, even then - there would only be twenty-two!?

He replied: Your mother's father (*Rav Chanan, the son of Rava*) reported in the name of Rav: The words 'according to its kind' stated four times (*once in connection with the ayah; once with the anafah; once with the oreiv; and finally with the neitz*), represent four more birds.

The *Gemora* asks: Then there would be twenty-six?

Abaye answered: The *da'ah* (mentioned exclusively in *Vayikra*) and the *ra'ah* (mentioned exclusively in *Devarim*) are one and the same, for should it enter your mind that they are two distinct birds, then consider this: The purpose of *Devarim* is to add to the laws; why is it that here (in *Vayikra*), it mentions the *da'ah*, but there (in *Devarim*), it lists only the *ra'ah* and not the *da'ah*? It must be that the *ra'ah* and the *da'ah* are one and the same.

The *Gemora* asks: But still - there are only twenty-five!?

Abaye answered: Just as the *ra'ah* and the *da'ah* are one and the same, so too, are the *ayah* and the *dayah*, for should it enter your mind that they are two distinct birds, then consider this: The purpose of *Devarim* is to add to the laws; why is it that here (in *Vayikra*), it mentions the words 'according to its kind' in connection to the *ayah* (to include a similar type of bird), but there (in *Devarim*), these words are mentioned in connection with the *dayah*? It must be that the *ayah* and the *dayah* are one and the same.

The *Gemora* asks: But since the *ayah* and the *dayah* are one and the same, why are they both stated?

The *Gemora* answers: It is for the reason given in the following *braisa*: Rebbe says: It is sufficient when I read that the *ayah* is forbidden, why then is the *dayah* mentioned? This is in order not to give skeptics an opening to dispute (*the fact that this bird is nonkosher*), for you might call it the *ayah* and they the *dayah*, or you the *dayah* and they the *ayah*; therefore it is written in *Devarim*: *The ra'ah, the ayah and the dayah according to its kind.*

The *Gemora* asks from the following *braisa*: Why was the list (of nonkosher animals) repeated in *Devarim*? Animals were repeated because of the *shesuah*, and birds because of the *ra'ah*. Now presumably, just as in the case of animals, a new creature is added to the list, so too in the case of birds, a new bird (*the ra'ah*) is added!?

The *Gemora* answers: No! Regarding animals, a new creature is added, but regarding birds, the addition is merely a clarification.

The *Gemora* notes that Rav's opinion differs from that of Rabbi Avahu, for Rabbi Avahu said: The *ra'ah* is the same as the *ayah*. Why is it called *ra'ah* as well? It is because it can see very far. And it was taught in a *braisa* as well: It may stand in Bavel and see carrion in the land of Israel.

The *Gemora* notes further: Since according to Rabbi Avahu, the *ra'ah* and the *ayah* are one and the same, it would follow then that the *da'ah* is not the same as the *ra'ah* (for otherwise, there will be less than twenty-four birds). Accordingly, let us consider the following: The purpose of *Devarim* is to add to the laws; why is it that here (in *Vayikra*) the *da'ah* is mentioned, but there (in *Devarim*), the *da'ah* is not mentioned? It must be that the *da'ah*, the *ra'ah* and the *ayah* are all one and the same. But then, since the *ra'ah* and the *ayah* are one and the same, it would follow that the *dayah* is not the same as the *ayah* (for otherwise, there will be less than twenty-four birds), and accordingly, we can ask: why is it that there (in *Vayikra*), the words 'according to its kind' are mentioned in connection with the *ayah*, whereas

there (*in Devarim*), these words are not referenced to the *ayah*, but to the *dayah*? It must therefore be said that the *da'ah*, the *ra'ah*, the *ayah* and the *dayah* are all one and the same (*and there will be a total of twenty-three birds*).

The *Gemora* cites a *braisa*: Issi ben Yehudah says: In the East there are one hundred nonkosher birds, and they all are of the species of *ayah*.

Avimi the son of Rabbi Avahu taught the following *braisa*: There are seven hundred species of nonkosher fish, eight hundred species of nonkosher grasshoppers, but the nonkosher species of birds are innumerable.

The *Gemora* asks: But there are only twenty-four species of nonkosher birds?

The *Gemora* answers: Rather say that the species of kosher birds are innumerable.

The *Gemora* cites a *braisa*: Rebbe says: It is well known to Him Who spoke and the world came into being that the nonkosher animals are more numerous than the kosher ones; therefore the Torah enumerated the kosher ones. It is also well known to Him Who spoke and the world came into being that the kosher birds are more numerous than the nonkosher ones; therefore the Torah enumerated the nonkosher ones.

The *Gemora* asks: What is the significance of this teaching?

The *Gemora* answers: It teaches us the lesson, also expressed by Rav Huna in the name of Rav, and others say that it was Rav Huna in the name of Rav in the name of Rabbi Meir that a teacher should always teach his pupil in a succinct manner.

Rabbi Yitzchak said: For the eating of kosher birds we rely upon tradition (*and if he saw his teacher or an decent person eating a specific type of bird, he may do so as well*). A hunter

is believed to say that his teacher transmitted to him that this bird is kosher.

Rabbi Yochanan qualified that this is provided that the teacher was familiar with the (*twenty-four nonkosher*) birds and the ones that go by their names.

Rabbi Zeira inquired: Did he mean a master as in a Torah scholar, or a hunting teacher? The *Gemora* proves from Rabbi Yochanan's qualification that Rabbi Yitzchak meant a master in hunting. (63a – 63b)

DAILY MASHAL

Stork's Kindness

The *Gemora* notes that the Hebrew word for stork is "*chasidah*" which sounds like the Hebrew word for kindness – "*chesed*." The *Gemora* explains that this non-kosher bird is so called because it acts with kindness towards its friends by sharing its food with them.

The obvious question is: Why would the Torah prohibit eating the stork if it has such a behavior? In his commentary on Chumash (*Vayikra 11:13*), Ramban writes that the Torah prohibited the birds which have a cruel nature. How does this apply to the stork, which acts with kindness towards its friends?

It is reported that the Chidushei Ha"Rim explained that kindness cannot be restricted to friends, and food must be shared with all who are hungry. Selective kindness can thus be viewed as self-serving rather than as altruistic, characteristic of the insensitiveness of non-kosher birds.