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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Eglah Arufah and the Metzora Birds

The Beis Medrash of Rabbi Yannai cites the Scriptural source proving that one is prohibited from deriving benefit from the *eglah arufah* (*the law is that upon finding a corpse, and being unable to solve the murder, the leaders of the city closest to the corpse are required to bring a calf to an untilled valley, decapitate it, wash their hands over it, and then they must recite a verse, declaring publicly that they did not kill the person*). It is because the word *atone* is written by it just as it is written by *kodoshim* (*and one cannot derive any benefit from kodoshim*).

The Beis Medrash of Rabbi Yishmael cites the Scriptural source proving that one is prohibited from deriving benefit from the birds of a *metzora*. It is written in the Torah qualifying *korbanos* (*such as asham metzora, which allows the metzora to eat kodoshim*) and atoning *korbanos* (*most korbanos are offered as atonement*), and they both are performed in the Mikdash. And the Torah writes qualifying services (*such as the metzora birds, which allow the metzora to enter the camps*) and atoning services (*such as the eglah arufah*), and they are both performed outside the Mikdash. Just as the qualifying *korban* performed inside the Mikdash is equal in its *halachos* to the atoning *korbanos* performed inside the Mikdash, so too, the qualifying services performed outside the Mikdash is equal in its *halachos* to the atoning *korbanos* performed outside the Mikdash (*and therefore we can derive that the birds*

of a metzora are forbidden to derive benefit from just as the eglah arufah).

It was stated: When do the *metzora* birds become forbidden for benefit? Rabbi Yochanan says: From the moment of the slaughtering (*but the one which is sent away will remain permitted*). Rish Lakish says: They become forbidden from the moment which they are taken (*to be used for this ritual; the second bird becomes permitted when it is sent away*).

The *Gemora* explains the dispute: Rabbi Yochanan says that it becomes forbidden from the time it is slaughtered, for the slaughtering is what prohibits it (*that is when it becomes classified as a metzora bird*). Rish Lakish holds that we learn out this prohibition from *eglah arufah*. Just as an *eglah arufah* is forbidden even while it is alive, so too, the *metzora* bird becomes forbidden even while it is alive.

The *Gemora* asks: And when does the *eglah arufah* become forbidden? Rabbi Yannai said that he had heard when it becomes forbidden, but he forgot. And the students ascertained that the calf becomes forbidden when it is taken down to the rock-valley (*for that is when it becomes classified as an eglah arufah*).

The *Gemora* asks on Rish Lakish: If the *eglah arufah* does not become forbidden when it was taken, the birds for the *metzora* should not become forbidden then either!?



The *Gemora* answers: They are not completely comparable. The *eglah arufah* has another dividing line (*when it is brought down to the rock-valley*), whereas the *metzora* birds have no other dividing line (*and since we know that they become forbidden when they are alive, it must be from the time that they are taken*).

Rabbi Yochanan challenges Rish Lakish from various *braisos* and the *Gemora* concludes that it actually is a matter of a *Tannaic* dispute. (57a)

The *Gemora* had stated: One verse comes to include the *metzora* bird that is set free in the category of permitted birds. Another verse comes to include the slaughtered *metzora* bird in the category of forbidden birds.

The *Gemora* asks: Perhaps it is exactly the opposite!?

Rabbi Yochanan answers in the name of Rabbi Shimon ben Yochai: We do not find live animals to be permanently forbidden.

Rav Shmuel bar Yitzchak asks: But an animal which was designated for idolatry and one that has already been worshipped are live animals that are forbidden!?

The *Gemora* answers: They are only forbidden to be used as a *korban*, but they are permitted to a common man.

Rabbi Yirmiyah asks: But an animal which is a *rove'a* (*an animal which has performed an act of bestiality*) and a *nirva* (*an animal on which an act of bestiality has been performed*) in front of witnesses are live animals that are forbidden!?

Rather, Rabbi Yochanan answers in the name of Rabbi Shimon ben Yochai: We do not find **most** live animals to be permanently forbidden.

The *Gemora* offers another answer: In the Beis Medrash of Rabbi Yishmael, they said: It is written (*with respect to the metzora bird that is sent free*): *And he shall set free upon the open field*. The Torah is demonstrating to us that the bird is like a field. Just as a field is permitted for benefit, so too, this bird is permitted.

The *Gemora* asks that the word *field* is needed for that which we learned in the following *braisa*: One should not stand in Jaffa and throw the bird towards the sea, or stand in Gabas and throw it towards the desert, and he shouldn't stand outside the city and throw it towards the city. Rather, he should stand inside the city and throw it outside the wall (*towards a field*).

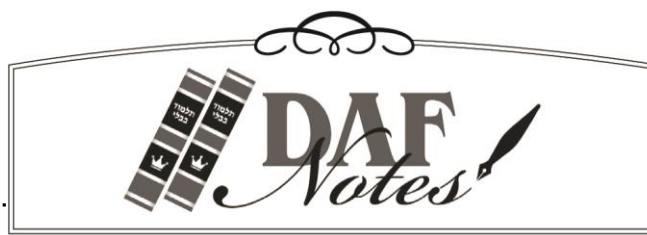
The *Gemora* answers that since the Torah writes "*the field*," we can derive both *halachos* from there.

Rava answers: It is not logical to assume that the Torah said that the bird should be sent away in a matter where it will create a stumbling block (*for if this would be the bird that is forbidden, someone might mistakenly find this bird and eat it, for there is no way to recognize that this was a metzora bird*). (57a – 57b)

Sources for the Mishna

The *Gemora* cites the Scriptural source proving that the hair of the *nazir* is forbidden for benefit.

The *Mishna* had stated that the firstborn donkey is forbidden for benefit (*and a man cannot betroth a woman with it*).



The *Gemora* asks: Is our *Mishna* not in accordance with Rabbi Shimon, for we learned in a *braisa* that Rabbi Yehudah holds that the firstborn donkey is forbidden for benefit, but Rabbi Shimon permits it?

Rav Nachman answers in the name of Rabbah bar Avuha that our *Mishna* is discussing the firstborn donkey after its neck has been broken, when everyone agrees that it is forbidden for benefit.

The *Mishna* had stated that meat cooked with milk is forbidden for benefit (*and a man cannot betroth a woman with it*).

The source for this was taught in the Beis Medrash of Rabbi Yishmael: The following verse is written in the Torah three times: *You shall not cook a goat in the milk of its mother*. This teaches us that meat cooked with ilk is forbidden to eat; it is forbidden for benefit; it is forbidden to cook them together.

The *Gemora* notes that our *Mishna* is not in accordance with the following *Tanna*, for we learned in a *braisa*: Rabbi Shimon the son of Yehudah said: Meat cooked with milk is forbidden for eating, but it is permitted for benefit. This is derived from a *tereifah*, which is also forbidden for eating, but it is permitted for benefit. (57b)

Chullin Slaughtered Inside the Temple Courtyard

The *Mishna* had stated that unconsecrated animals which are slaughtered in the Temple Courtyard are forbidden for benefit (*and a man cannot betroth a woman with it*).

The *Gemora* cites the source for this: Rabbi Yochanan said in the name of Rabbi Meir: The Torah says: Slaughter what is Mine (*korbanos*) in a place that is Mine (*the Courtyard*), and slaughter what is yours (*chullin*) in a place that is yours (*anywhere but the Courtyard*). Just as when Mine is slaughtered in your place, it is forbidden for benefit, so too, when yours is slaughtered in My place, it is forbidden for benefit.

The *Gemora* cites a Scriptural source showing that if one slaughters a *korban* outside the Temple Courtyard, he incurs the penalty of *kares*; however, if one slaughters *chullin* inside the Temple Courtyard, he does not incur the penalty of *kares*.

The *Gemora* asks: How can we compare the two if when one slaughters a *korban* outside the Temple Courtyard, he incurs the penalty of *kares* (*and that is why it is forbidden for benefit; this is in contrast with the prohibition of slaughtering chullin inside the Temple Courtyard, where he does not incur the penalty of kares*)?

Rather, Abaye cites a *braisa*: What do the following three verses teach us: And he shall slaughter it, And he shall slaughter it, And he shall slaughter it (*this is in reference to a korban shelamim, either from cattle, sheep or goats, that it should be slaughtered at the entrance of the Ohel Moed*).? The *braisa* continues: It is written: *When the place shall be distant from you...and you shall slaughter*. [*When they were in the Wilderness, it was forbidden to slaughter and eat unconsecrated animals. This verse permits them to do that upon entering Eretz Yisroel.*] This teaches us that unconsecrated animals can be slaughtered at a distance from the place (*outside the Courtyard*), but it cannot be slaughtered in a nearby place. This excludes *chullin* – that they shall not be slaughtered in the



Temple Courtyard. The three verses (*cited above*) teach us that it is forbidden to slaughter unconsecrated blemished animals, wild species and birds inside the Temple Courtyard. And since it is written: *When the place shall be distant from you...and you shall slaughter...and you shall eat*, this teaches us that if *chullin* was slaughtered inside the Temple Courtyard, it cannot be eaten. The three verses (*cited above*) teach us that it is forbidden to eat unconsecrated blemished animals, wild species and birds that were slaughtered inside the Temple Courtyard. And by the fact that the Torah writes (*by a tereifah*): *to the dog you shall throw it*, this teaches us that *chullin* which was slaughtered inside the Temple Courtyard cannot be thrown to the dogs (*for its meat is forbidden for benefit*). (57b – 58a)

INSIGHTS TO THE DAF

Nullified Metzora Bird

The *Gemora* had stated: One verse comes to include the *metzora* bird that is set free in the category of permitted birds. Another verse comes to include the slaughtered *metzora* bird in the category of forbidden birds.

The *Gemora* asks: Perhaps it is exactly the opposite!?

Rava answers: It is not logical to assume that the Torah said that the bird should be sent away in a matter where it will create a stumbling block (*for if this would be the bird that is forbidden, someone might mistakenly find this bird and eat it, for there is no way to recognize that this was a metzora bird*).

The Acharonim ask: What stumbling block would there be? The *metzora* bird will become nullified because of the majority of birds in the world that are permitted!?

The Shaar Hamelech answers: We are concerned that someone will find the *metzora* bird before it intermingles with other birds.

The Peleisi answers: The *halachah* is that if there is one person in the world that recognizes the forbidden item, it is not nullified, even for the people who do not recognize it. Accordingly, we are concerned that a person will be standing on the top of a mountain and will see where the *metzora* bird went.

Reb Shimon Shkop answers that the principle of nullification does not apply here, for all the birds in the world are not intermingled with each other in one location; rather, they are all scattered about. And even though it will be permitted, for we follow the majority and say that this one came from the permitted birds, the *metzora* bird does not lose its prohibited status and will therefore still be considered a stumbling block.

The Chasam Sofer answers that we are not concerned with the finder, for he will not violate any prohibition. We are concerned that the sender will violate the prohibition of outrightly nullifying a prohibition.

DAILY MASHAL

Titles of Honor For *Talmidei Chachamim*

Our *daf* relates that Shimon HaAmsoni would expound on all verses in the Torah that contain the word *es*. He assumed that every time the word appeared, it came to include additional information.

When they reached the verse (*Devarim* 6:13), “Es Hashem, your G-d, you shall fear,” Shimon HaAmsoni did not expound on the verse, since he maintained that nothing should be feared besides Hashem. R. Akiva, however, maintained that *talmidei chachamim* could be included in the commandment to fear Hashem.

According to the *Zohar* (*Parshas Bo*, pg. 38) the verse, “Three times during the year shall all of your menfolk appear before the Lord, Hashem” (*Shemos* 23:17) is a reference to R. Shimon Bar Yochai. Yet how could the *talmidim* of R. Shimon Bar Yochai take a *pasuk* written about *HaKadosh Baruch Hu* and suggest that it is an allusion to their Rav?

The Ya’avetz (cited by the *Chida* in *Nitzotzei Oros* on the *Zohar*) explains that the *Zohar* is based on our *sugya*, which teaches that the honor of *talmidei chachamim* is compared to the honor of Hashem. The *Zohar* is not saying that R. Shimon Bar Yochai is equal to Hashem, *chas veshalom*. The *Zohar* means that just as we should do an *aliyah leregel* [pilgrimage to Yerushalayim on *yom tov*] before Hashem, so, too we should do an *aliyah leregel* to *talmidei chachomim*, such as R. Shimon Bar Yochai.

The Ya’avetz (*She’elas Ya’avetz* I, at the end of §170) voiced his opposition to the practice of giving people titles normally used in reference to Hashem in his censure of the admirers of R. Eliezer Rokeach, who showered him with praises and superlatives when he was appointed the Av Beis Din of Amsterdam. They even used words of praise from *Kaddish*, such as, “beyond any blessing and song.” In his statement of protest he cites R. Yehudah HaChassid’s remarks (§936) made in reference to a famous philanthropist, “May the glory of my lord endure forever” (based on

the *pasuk* in *Tehillim* 104:31). R. Yehudah HaChassid writes that it is forbidden to confer titles of honor referring to Hashem on mortal men.

The *Chida* (ibid.) also refers to a similar case where a letter to an esteemed minister was addressed to “the king who sits on the throne of mercy.” He writes that he was deeply grieved to hear about the letter.