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Chullin Daf 142

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Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**

**Tzvi Gershon ben Yoel (Harvey Felsen) o”h**

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

The *Gemora* cites a *braisa*: Doves of the dovecote, and doves of the loft (*they both seek their food elsewhere, but come to nest in the dovecote or the loft; they are not domesticated*) are subject to the laws of sending away (*the mother bird and only then is he permitted to take the eggs; this mitzvah does not apply to domesticated birds*), and are forbidden as robbery for the sake of peace. If Rabbi Yosi ben Chanina’s ruling, that a man’s courtyard can acquire for him even without his knowledge, is correct, let us apply here the verse: *If a bird’s nest chances to be before you*. This excludes that which is at hand (*and if he acquires the eggs through his courtyard, there should be no mitzvah*)!?

Rava answers: As for the egg, when the majority of it has issued from the mother’s body, it is subject to the law of sending away, while the owner of the courtyard does not acquire it until it falls into the courtyard. And when the *braisa* stated: They are subject to the law of sending away, it meant before it fell into the courtyard.

If so, the *Gemora* asks, why are they (*the eggs*) forbidden as robbery (*even on a Rabbinical level; they didn’t fall into the courtyard*)?

The *Gemora* answers: The *braisa* is referring to the mother (*for the owner believes that she will return; it is therefore Rabbinically forbidden to steal her*).

Alternatively it may refer to the eggs, but when the majority of it has issued from the mother’s body, his intention is set upon them (*and although he has not acquired them, the Rabbis prohibited others to take them*).

And now that Rav Yehudah said in the name of Rav that it is forbidden to take the eggs as long as the mother is sitting upon them, for it is written: *You shall surely send away the mother*, and only then does it state: *you shall take the young for yourself*; you may say that the *braisa* is referring to a case where the eggs fell into his courtyard, and nevertheless, it is subject to the law of sending away. This is because wherever he himself may acquire it, his courtyard can acquire it for him; but where he himself cannot acquire it (*for he would be transgressing the mitzvah*), his courtyard cannot acquire it for him either.

The *Gemora* asks: If so, are they forbidden as robbery only for the sake of peace? If the stranger sent the mother away, it is Biblical robbery (*for the courtyard owner can now legally acquire the eggs*)! And if he did not, she is to be sent away (*and he has violated this Biblical mitzvah*)!?

The *Gemora* answers: The *braisa* refers to a minor, who is not obligated to send her away.

The *Gemora* asks: But is a minor subject to provisions enacted for the sake of peace?

The *Gemora* answers: It means that the father of the minor must return them for the sake of peace.

Levi bar Simon sold to Rav Yehudah the young (*and the eggs*) of his dovecote. When Rav Yehudah came before Shmuel, he advised him: Go, knock on the nest so that the brooding birds shall lift themselves up (*on account of fright*), and then take possession of them.

The *Gemora* questions this: But why was this necessary? If it was in order to acquire them, but surely he could have acquired them by means of a transfer with a kerchief (*the buyer gives the seller a kerchief as a token exchange to settle the transaction*); and if it was for the purpose of the Festival (*for now they will be 'prepared' for use, and not muktzah*), it is sufficient to stand by and say, "This chick and that chick I shall take."

The *Gemora* answers: These eggs were new produce and Levi bar Simon himself had not yet acquired them. Shmuel therefore said to Rav Yehudah: Go, knock on the nest so that the mother birds shall lift themselves up (*on account of fright*), and then take possession of them (*the young; this will be accomplished through his 'courtyard'; he can only acquire them while the mother bird is not sitting upon them, and then his courtyard can acquire them even without his knowledge*), and then he may transfer them to you through a kerchief. (141b – 142a)

<sup>1</sup> For whose purification process two birds were required, one to be slaughtered and the other to be set free into the open field.

<sup>2</sup> The promise of bliss is to be fulfilled in the World to Come, and one must not expect to receive the reward of a good deed in this world.

MISHNAH: A man may not take the mother with the young even for the sake of cleansing the metzora.<sup>1</sup> If in respect of so light a commandment, which deals with that which is but worth an issar, the Torah said, that it may be good for you, and that you may prolong your life, how much more [must be the reward] for the observance of the more difficult commandments of the Torah!

GEMARA: It was taught: Rabbi Yaakov said: There is no commandment in the Torah, where reward is stated by its side, from which you cannot infer the doctrine of the resurrection of the dead. Thus, in connection with honoring parents it is written: That your days may be prolonged, and that it may go well with you. Again in connection with the law of letting [the mother] go from the nest it is written: That it may be good for thee, and that thou may prolong your life. Now, in the case where a man's father said to him, "Go up to the top of the building and bring me down some young bird," and he went up to the top of the building, let the mother go and took the young ones, and on his return he fell and was killed; where is this man's length of days, and where is this man's happiness? But 'that your days may be prolonged' refers to the world that is wholly long,<sup>2</sup> and 'that it may go good with you' refers to the world that is wholly good.

[But<sup>3</sup> perhaps such a thing could not happen? — Rabbi Yaakov actually saw this occurrence. Then perhaps that person had conceived in his mind a sinful thought? — The Holy One, Blessed be He, does not reckon the sinful thought for the deed. Perhaps

<sup>3</sup> The rest of this chapter from this point is omitted in many versions, and apparently it was not in the text before Rashi.



then he had conceived in his mind idolatry, and it is written: That I may take the house of Israel in their own heart, which, according to Rav Acha bar Yaakov, refers to thoughts of idolatry?<sup>4</sup> — This was what he [Rabbi Yaakov] meant to convey: if there is a reward for commandments in this world, then surely that [reward] should have stood him in good stead and guarded him from such thoughts that he come not to any hurt; we must therefore say that there is no reward for commandments in this world. But didn't Rabbi Elozar say that those engaged in [the performance of] a commandment never come to harm? — When returning from the performance of a commandment it is different. But didn't Rabbi Elozar say that those engaged in a commandment never come to harm, either when going [to perform it] or when returning [from its performance?] — It must have been a broken ladder [that was used],<sup>5</sup> so that injury was likely; and where injury is likely it is different, as it is written: And Shmuel said: How can I go? If Shaul hears it, he will kill me.

Rav Yosef said: Had Acher<sup>6</sup> interpreted this verse as Rabbi Yaakov, his daughter's son, did, he would not have sinned. What actually did he see? — Some say: He saw such an occurrence.<sup>7</sup> Others say: He saw the tongue of Rabbi Chutzpis the Interpreter lying on a dung-heap, and he exclaimed: Shall the mouth that uttered pearls lick the dust! But he didn't know the verse, 'That it may go good for you' refers to the world that is wholly good, and that the verse, 'That your days may be prolonged' refers to the world that is wholly long.

<sup>4</sup> I.e., the intention to serve idolatry is punishable like the act.

<sup>5</sup> By the person who went up to the top of the building to fetch the young ones.

<sup>6</sup> Lit., 'Another', 'a stranger', the name attached to Elisha ben Avuyah, the great scholar and teacher of Rabbi Meir, on his apostasy.

WE WILL RETURN, TO YOU SHILUACH HAKEIN  
AND TRACTATE CHULLIN IS CONCLUDED

DAILY MASHAL

### **Saying a *Hadran* Is a *Segulah* to Banish Forgetfulness**

When we finish a tractate we are accustomed to mention the names of Rav Papa's ten sons. It is generally assumed that they were all the sons of Rav Papa, Rava's famous pupil. However, the author of *HaEshkol (Hilchos Sefer Torah)* claims that they weren't his sons as his son Aba Mar is missing from the list. He also mentions that these ten cite halachos in the name of Rav Chisda, who lived in the generation before Rav Papa, and, if so, they were surely not Rav Papa's sons. It is interesting that when he relates to mentioning their names on finishing a tractate, he says "...and they said that they contain a *kabbalah* to banish forgetfulness".

### **Be with Us in the Next World**

A reader sent us a fine pearl for the *siyum* of the tractate: On concluding a tractate we pray that "it should be with us in the next world." HaGaon Rabbi Yehudah Tzadkah zt"l said: *Chovas HaLevavos* writes that someone who speaks *lashon hara'* causes that all his merits pass over to the person slandered. So that it should not be that a person would come to the next world and discover that the tractate he learnt has disappeared, we pray that "it should be with us in the next world".

<sup>7</sup> Where a person engaged in the performance of a commandment met with an accident and was killed. This incident made him doubt the truth of the Torah and he turned unbeliever.