

דף יומי • חזקוני • דף קל"ט

Daf Yomi • The Full Daf • Elucidated Talmud • Navy & Gold Edition • with Rashi

THE SUGYA

We begin the daf by continuing our sugya regarding the mitzvah of shiluach haken, specifically focusing on the status of an ox that was sentenced to stoning but has not yet had its verdict finalized. Since it is not yet forbidden to benefit from, we discuss how one must bring it to court to fulfill the mitzvah of eradicating evil. From there, the Gemara launches into a deep shakla v'tarya regarding consecrated birds mentioned in our Mishnah, trying to understand the exact case where shiluach haken would not apply to them, and analyzing the mechanics of how one can consecrate a wild nest or birds that have rebelled and fled.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

עמוד א' DAF 139A

OBJECTION

בר קטלא הוא,

The ox **is subject to being killed** by stoning, so it is forbidden to benefit from it, and it should not be available for the mitzvah of shiluach haken!

RESOLUTION

אלא דלא גמר דיניה,

Rather, we must say **that its verdict was not yet finalized** in court, so it is not yet forbidden to benefit from it,

EXPLANATION

ובצעי לאתוייה לבי דינא וקיומי ביה "ובערת הרע מקרבך".

and one **is required to bring it to court** to finish the trial, and thereby **fulfill through it** the mitzvah of "and you shall eradicate the evil from your midst."

QUESTION

הני מוקדשין היכי דמי?

The Gemara asks: **These consecrated** birds mentioned in our Mishnah, **what are the circumstances** in which the mitzvah of shiluach haken does not apply?

OBJECTION

אילימא דהנה ליה קן בתוך ביתו ואקדשה – מי מחייב?

If we say that he had a nest inside his house and he consecrated it, is there a kasha? Even if it were chullin, is he obligated in shiluach haken at all?

PROOF

”כִּי יִקְרָא קוֹן צִפּוֹר” – פֶּרֶט לְמִזְוֵמָן.

The Torah says, “If a bird’s nest happens before you” — which excludes a nest that is already prepared and readily available in one’s home.

RESOLUTION

אֵלֹא דִּחְזָא קוֹן בְּעִלְמָא וְאַקְדִּישֶׁיה,

Rather, we must say that he saw a nest in the wild, and he consecrated it while it was still there.

OBJECTION

וּמִי קָדוֹשׁ?

The Gemara asks: But is it consecrated? Can a person consecrate something that does not belong to him?

PROOF

”אִישׁ כִּי יִקְדֹּשׁ אֶת בֵּיתוֹ קֹדֶשׁ” אָמַר רַחֲמָנָא, מָה בֵּיתוֹ בְּרִשּׁוֹתוֹ, אֵךְ כָּל בְּרִשּׁוֹתוֹ.

“When a man shall sanctify his house to be holy,” the Merciful One said; just as his house is in his possession, so too, anything that he wishes to consecrate must be in his possession. Since this wild nest is not in his possession, his consecration is completely meaningless!

RESOLUTION

אֵלֹא דְאַגְבֵּהִינְהוּ לְאַפְרוּחִים, וְאַקְדִּישִׁנְהוּ, וְהִדֵּר אַהֲדִינְהוּ –

Rather, we must say that he lifted up the chicks to acquire them, and then consecrated them, and then returned them to the nest.

OBJECTION

הֵאִי אֶפִּילוּ בְּחוּלִין נִמִּי לָא מִיחְיִיב, דְּתִנָּא: נָטַל אֶת הַבָּנִים וְהִחְזִירָן לְקוֹן, וְאַחֲרַ כֵּן חֲזָרָה הָאֵם עָלֵיהֶן – פֶּטוֹר מִלְשָׁלָה.

But this case, even with chullin, he is also not obligated in shiluach haken, as we learned in a Mishnah: If one took the young and returned them to the nest, and afterward the mother returned onto them, he is exempt from sending away the mother bird, because the chicks are already acquired and considered “readily available.”

RESOLUTION

אֵלֹא, דְּאַגְבֵּהֶּהּ לְאֵם, וְאַקְדִּישָׁהּ, וְהִדֵּרָהּ.

Rather, we must say that he lifted up the mother bird to acquire her, and consecrated her, and then she returned to the nest.

OBJECTION

מַעֲקָרָא אִיחְיִיב לִיהּ בְּשִׁילּוּחַ מַקְמִי דְאַקְדִּישָׁהּ,

The Gemara objects: But from the outset, he was already obligated in sending away the mother before he consecrated her, and once the obligation of a mitzvah takes effect, consecrating it later cannot remove that obligation!

PROOF

דַּתְנִינָא: רַבִּי יוֹחָנָן בֶּן יוֹסֵף אוֹמֵר: הֶקְדִּישׁ חֲזִיה וְאַחֵר כָּהּ שְׁחָטָהּ – פֶּטוּר מִלְכָּסוֹת,

As it was taught in a Braisa: Rabbi Yochanan ben Yosef says: If one consecrated a wild animal and afterward slaughtered it, he is exempt from covering its blood, because consecrated animals are exempt from kisuy hadam;

PROOF

שְׁחָטָה וְאַחֵר כָּהּ הֶקְדִּישָׁהּ – חַיִּיב לְכַסּוֹת, שְׁכַבֵּר נִתְחַיֵּיב בְּכִסּוּי קוֹדֶם שֶׁיָּבֵא לְיַדֵּי הֶקְדֵּשׁ.

but if he slaughtered it and afterward consecrated it, he is obligated to cover the blood, because he already became obligated in covering before it came into the possession of Hekdesh. So too here, the obligation of shiluach haken was already there!

STATEMENT

רַב אָמַר: בְּמִקְדִּישׁ פִּירוֹת שׁוֹכְכוּ וּמָרְדּוּ,

Rav said: Our Mishnah is talking about one who consecrates the offspring of his dove-cote for the Mizbe'ach, and they rebelled and fled, nesting in the wild where they are no longer "readily available."

STATEMENT

וּשְׁמוּאֵל אָמַר: בְּמִקְדִּישׁ תְּרִנְגוּלָתוֹ לְבֶדֶק הַבַּיִת.

And Shmuel said: It is talking about one who consecrates his chicken for Temple maintenance, and it rebelled and nested in the wild.

QUESTION

בְּשִׁלְמָא שְׁמוּאֵל לֹא אָמַר כְּרַב, דְּקָא מוֹקִימִים לֵהּ בְּקִדְשֵׁי בֶּדֶק הַבַּיִת,

The Gemara asks: Granted, Shmuel did not say like Rav, because he wants to establish the Mishnah even with birds consecrated for Temple maintenance, to show that all Hekdesh is exempt.

QUESTION

אָלָא רַב מַאי טַעְמָא לָא אָמַר כְּשְׁמוּאֵל?

But Rav, what is the reason he did not say like Shmuel? Why did he limit it to holy offerings for the Mizbe'ach?

ANSWER

אָמַר לֵהּ רַב: דְּוָקָא קַפְטָרֵי מַשְׁיִלּוּחַ, כְּגוֹן פִּירוֹת שׁוֹכְכוּ דְקִדְשֵׁי מִזְבֵּחַ נִינְהוּ, דְּכִיּוֹן דְּקִדְשֵׁי קְדוּשַׁת

הַגּוֹף – לֹא פִקְעָה קְדוּשַׁתִּיהוּ מִינֵיהוּ,

Rav could have said to you: We specifically exempt them from sending away the mother bird in a case such as the offspring of his dove-cote which are holy for the Mizbe'ach, because since they are consecrated with inherent holiness, their holiness is never removed from them even when they run away.

EXPLANATION

אָבַל בְּמִקְדִּישׁ תְּרִנְגוּלָתוֹ לְבֶדֶק הַבַּיִת, דְּלֹא קִדְשֵׁי מִזְבֵּחַ, דְּקְדוּשַׁת דָּמִים בְּעִלְמָא הוּא – כִּיּוֹן דְּמָרְדָּהּ פִּקְעָה קְדוּשַׁתִּיהוּ, וְחַיִּיבָתָא בְּשִׁלּוּחַ.

But in a case of one who consecrates his chicken for Temple maintenance, which is not holy for the Mizbe'ach, as it is merely monetary holiness — once it rebels, its holiness is removed, and it becomes obligated in sending away the mother.

STATEMENT

וַשְׁמוּאֵל אָמַר: כָּל הַיָּכָא דְאִיתִיהּ – בְּבִי גִזָּא דְרַחֲמָנָא אִיתִיהּ, דְּכָתִיב: "לֹה' הָאָרֶץ וּמְלֹאָהּ".

And Shmuel says: Wherever it is, it is in the treasury of the Merciful One, as it is written: "The earth is Hashem's, and its fullness." Therefore, its monetary holiness is never lost.

STATEMENT

וְכֹן אָמַר רַבִּי יוֹחָנָן בְּמַקְדִּישׁ תַּרְנֻגּוֹ לְתוֹ לְבָדֵק הַבֵּית וּמָרְדָּה.

And so Rabbi Yochanan said in the case of one who consecrates his chicken for Temple maintenance and it rebelled, that it remains holy.

OBJECTION

אָמַר לִיה רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ: וְכִיּוֹן שְׁמָרְדָּה פִּקְעָה לִיה קְדוּשָׁתָהּ!

Rabbi Shimon ben Lakish said to him: But once it rebelled, its holiness was removed from it!

ANSWER

אָמַר לִיה: בְּבִי גִזָּא דְרַחֲמָנָא אִיתָא, דְּכָתִיב: "לֹה' הָאָרֶץ וּמְלֹאָהּ".

Rabbi Yochanan said to him: It is in the treasury of the Merciful One, as it is written: "The earth is Hashem's, and its fullness."

QUESTION

וְרַמִּי דְרַבִּי יוֹחָנָן אֲדַרְבִּי יוֹחָנָן, וְרַמִּי דְרַבִּי שְׁמַעוֹן בֶּן לָקִישׁ אֲדַרְבִּי שְׁמַעוֹן בֶּן לָקִישׁ.

The Gemara raises a contradiction from Rabbi Yochanan to Rabbi Yochanan, and raises a contradiction from Rabbi Shimon ben Lakish to Rabbi Shimon ben Lakish.

STATEMENT

דְּאִיתֵּמַר: מָנָה זֶה לְבָדֵק הַבֵּית, וְנִגְנְבוּ אוֹ נֶאֱבְדוּ –

As it was stated in a dispute elsewhere: If one says, "This maneh is for Temple maintenance," and they were stolen or lost —

STATEMENT

רַבִּי יוֹחָנָן אָמַר: חַיִּיב בְּאַחֲרִיּוּתָן עַד שְׂיָבֹאוֹ לִידֵי גִזְבָּר,

Rabbi Yochanan says: He is responsible for them until they come into the hand of the treasurer.

STATEMENT

וְרִישׁ לָקִישׁ אָמַר: כָּל הַיָּכָא דְאִיתִיהּ בְּבִי גִזָּא דְרַחֲמָנָא אִיתִיהּ, דְּכָתִיב: "לֹה' הָאָרֶץ וּמְלֹאָהּ".

And Reish Lakish says: Wherever it is, it is in the treasury of the Merciful One, as it is written: "The earth is Hashem's, and its fullness," and therefore he is exempt from replacing it.

OBJECTION

קָשָׁא דִּרִישׁ לְקִישׁ אֲדִישׁ לְקִישׁ, קָשָׁא דִּרְבִּי יוֹחָנָן אֲדִרְבִּי יוֹחָנָן.

This is a kasha from Reish Lakish to Reish Lakish, and a kasha from Rabbi Yochanan to Rabbi Yochanan!

RESOLUTION

דִּרִישׁ לְקִישׁ אֲדִישׁ לְקִישׁ לֹא קָשָׁא, הָא מְקַמִּי דְשִׁמְעִיה מִרְבִּי יוֹחָנָן רַבִּיהּ, הָא לְכַתֵּר דְשִׁמְעִיה מִרְבִּי יוֹחָנָן רַבִּיהּ.

The Gemara answers: The contradiction from Reish Lakish to Reish Lakish is not a kasha; this statement, that the holiness is removed, was before he heard the teaching from Rabbi Yochanan his rebbe, and that statement, that it is in the treasury of the Merciful One, was after he heard it from Rabbi Yochanan his rebbe.

OBJECTION

אֲלֹא דִּרְבִּי יוֹחָנָן אֲדִרְבִּי יוֹחָנָן קָשָׁא!

But the contradiction from Rabbi Yochanan to Rabbi Yochanan is still a kasha!

RESOLUTION

דִּרְבִּי יוֹחָנָן אֲדִרְבִּי יוֹחָנָן נִמִּי לֹא קָשָׁא, הָא דְאָמַר "עָלַי", הָא דְאָמַר "הֲרִי זוּ".

The Gemara answers: The contradiction from Rabbi Yochanan to Rabbi Yochanan is also not a kasha; this case where he is responsible is where he said, "It is upon me" as an obligation, and that case where he is exempt is where he said, "This is" consecrated.

QUESTION

מִכָּל דִּרְבִּי שְׁמַעוֹן בֶּן לָקִישׁ, אֵף עַל גַּב דְּאָמַר "עָלַי", לֹא מְחִיב?

The Gemara asks: By implication, does this mean that according to Rabbi Shimon ben Lakish, even though he said "It is upon me," he is not obligated to replace it?

OBJECTION

וְהִתְנַחֵא: אֵיזְהוּ נֶדֶר וְאֵיזְהוּ נִדְבָה?

But was it not taught in a Braisa: What is a vow (neder) and what is a donation (nedavah)?

PROOF

נֶדֶר – הָאֹמֵר "הֲרִי עָלַי עֹלָה", נִדְבָה – הָאֹמֵר "הֲרִי זוּ עֹלָה".

A neder is one who says, "Behold, upon me is an olah-offering"; a nedavah is one who says, "Behold, this is an olah-offering."

PROOF

וּמָה בֵּין נֶדֶר לְנִדְבָה? נֶדֶר – מִתָּה אוֹ נִגְנָבָה אוֹ שְׁאֵבְדָה, חֵיִיב בְּאַחֲרֵיּוֹתָהּ; נִדְבָה – מִתָּה אוֹ נִגְנָבָה אוֹ שְׁאֵבְדָה, אֵינּוּ חֵיִיב בְּאַחֲרֵיּוֹתָהּ.

And what is the difference between a neder and a nedavah? A neder — if it died or was stolen or was lost, he is responsible for it; a nedavah — if it died or was stolen or was lost, he is not responsible for it. This shows that saying "upon me" always creates personal liability!

ANSWER

אמר לה ריש לקיש: הני מילי קדשי מזבח, דמחוסר הקרבה,

Reish Lakish could have said to you: This applies only to holy offerings for the Mizbe'ach, which are lacking offering on the Altar to achieve their purpose,

EXPLANATION

אבל קדשי בִּדְק הַבַּיִת, דְּלֹא מְחֻסֵּר הַקֶּרֶבָה – אֵף עַל גַּב דְּאָמַר "עָלַי" – לֹא מְחֻיֵּב.

but holy objects for Temple maintenance, which are not lacking offering — even though he said "upon me" — he is **not obligated** to replace them, because they are already in Hashem's treasury wherever they are.

OBJECTION

וְהִתְנַן: הָאָמַר "שׁוֹר זֶה עוֹלָה", "בַּיִת זֶה קֶרְבָּן" – מֵת הַשׁוֹר, נִפְל הַבַּיִת – אֵינּוּ חַיִּיב בְּאַחֲרִיּוּתָן;

The Gemara objects: But did we not learn in a Mishnah: One who says, "This ox is an olah," or "This house is a korban" — if the ox died or the house fell, he is not responsible for them;

PROOF

"שׁוֹר זֶה עוֹלָה", "בַּיִת זֶה עָלַי קֶרְבָּן" – מֵת הַשׁוֹר וְנִפְל הַבַּיִת – חַיִּיב לְשַׁלֵּם.

but if he said, "This ox is upon me as an olah," or "This house is upon me as a korban" — if the ox died or the house fell, he is **obligated to pay**. A house is for Temple maintenance, yet he is liable if he said "upon me"!

RESOLUTION

הֵנִי מִלֵּיל הֵיכָא דְּמֵת הַשׁוֹר וְנִפְל הַבַּיִת, חַיִּיב לְשַׁלֵּם, דְּלִיתְנָהוּ,

The Gemara answers: This applies only where the ox died or the house fell, in which case he is obligated to pay because they no longer exist in the world,

EXPLANATION

אָבֵל הֵיכָא דְּאִיתְנָהוּ, כֹּל הֵיכָא דְּאִיתִיָּה בְּבִי גִזָּא דְּרַחֲמֵנָא אִיתִיָּה, דְּכֻתִּיב "לֵה' הָאָרֶץ וּמְלוֹאָהּ".

but where they still exist somewhere, wherever they are, they are in the treasury of the Merciful One, as it is written: "The earth is Hashem's, and its fullness."

STATEMENT

אמר רב המנונא: הכל מודים בערכין, אף על גב דאמר "עָלַי" – לֹא מִיחְיִיב.

Rav Hamnuna said: Everyone agrees regarding valuations (Arachin), that even though he said "upon me," he is not **obligated** to replace the money if it was lost before reaching the gizbar.

EXPLANATION

מאי טעמא? דלֹא מִיתְמַר לִיה בְּלֹא "עָלַי".

What is the reason? Because it cannot be said by him without using the word "upon me." It is just the standard formula of the vow.

EXPLANATION

היכי לימא? לימא "ערבי" – אמאן? לימא "ערך פלוני" – אמאן?

How should he say it? Should he say, "My valuation" — upon whom? Should he say, "The valuation of Ploni" — upon whom? He must say "upon me."

OBJECTION

מתקיה לה רבא: לימא "הריני בערבי", "הריני בערך פלוני"!

Rava challenged this: Let him say, "Behold, I am in my valuation," or "Behold, I am in the valuation of Ploni" without saying "upon me"!

PROOF

ועוד, תנא רבי נתן אומר: "ונתן את הערך ביום שהוא קדש לה" – מה תלמוד לומר? לפי שמצינו בהקדשות ומעשרות שמתחללין על מעות שפחולין, נגנבו או שאבדה – אינן חייבין באחריותן,

And furthermore, it was taught in a Braisa: Rabbi Natan says: "And he shall give your valuation on that day as holy to Hashem" — what is this teaching us? Since we find with consecrated items and tithes that they can be redeemed for non-sacred coins, and if they were stolen or lost, one is not responsible for them,

עמוד ב' DAF 139B

OBJECTION

יכול אף זה כן?

One **might** have thought that **even this** valuation is **so**, that if the money is lost or stolen, the owner is not responsible?

REFUTATION

תלמוד לומר: "ונתן את הערך וגו'" – חולין עד שיבאו לידי גזבר.

Therefore **the verse teaches**: "And he shall give your valuation on that day," which indicates that the valuation money remains **non-sacred until they come into the hand of the Temple treasurer**, and the owner bears responsibility for it until then. This contradicts Rav Hammuna's ruling.

RESOLUTION

אלא, אי איתמר, הכי איתמר:

Rather, if Rav Hammuna's statement was stated, this is how it was stated:

STATEMENT

אמר רב המנונא: הכל מודים בערכין, דאף על גב דלא אמר "עלי" – מיחייב,

Rav Hamnuna says: Everyone concedes with regard to valuations, that even though he did not say "It is incumbent upon me," he is still financially **liable** if the money is lost,

EXPLANATION

דְּכַתִּיב "וְנָתַן אֶת הָעֶרְכָּה", חוֹלִין הוּא בְּיָדָהּ עַד שֶׁיָּבֵאוּ לְיָדֵי גִזְבָּר.

as it is written: "And he shall give your valuation," which teaches that they are non-sacred in your hand until they come into the hand of the treasurer.

מִשְׁנָה MISHNAH

MISHNAH

חוֹמֶר בְּכֶסֶף וְכו'.

We learned in the Mishnah: There are **more stringent** elements **in the covering** of the blood than in the sending away of the mother bird, **etc.**

גְּמָרָא GEMARA

BRAISA

תֵּנוּ רַבָּנֵינוּ, "כִּי יִקְרָא הוּא צִפּוֹר לְפָנֶיהָ" – מָה תִּלְמוּד לֹאמַר?

The Rabbis taught in a Braisa: The verse states, "If a bird's nest happens before you on the way..." What is this verse coming to teach us with all these details?

EXPLANATION

לְפִי שֶׁנֶּאֱמַר "שְׁלַח תִּשְׁלַח אֶת הָאֵם וְאֶת הַבָּנִים תִּקַּח לָהּ", יָכוֹל יִחְזוֹר בְּהָרִים וּגְבָעוֹת כִּדֵּי שְׂמִימָצָא הוּא?

Since it is stated: "You shall surely send away the mother, and the young you may take for yourself," one might have thought that a person must actively go around in the mountains and hills in order that he may find a nest to perform this mitzvah?

EXPLANATION

תִּלְמוּד לֹאמַר "כִּי יִקְרָא" – בְּמֵאוֹרֶע לְפָנֶיהָ.

Therefore the verse teaches: "If a bird's nest happens" — meaning only when it comes by chance before you.

EXPLANATION

"הוּא" – [הוּא] מִכָּל מְקוֹם,

The word "nest" implies a nest of any sort, even with only one chick or egg.

EXPLANATION

"צִפּוֹר" – טְהוֹרָה וְלֹא טְמֵאָה,

The word **"bird"** refers only to a **kosher** bird, and **not a non-kosher** bird.

EXPLANATION

"לפניה" – ברשות היחיד,

The term **"before you"** includes a nest found **in private property**, such as an unguarded field.

EXPLANATION

"בדרך" – ברשות הרבים,

The term **"on the way"** includes a nest found **in public property**.

EXPLANATION

באיזו מקום מניין? תלמוד לומר "בכל עץ",

From where do we derive that the mitzvah applies **in trees**? The verse teaches: **"In any tree."**

EXPLANATION

בבורות שיחין ומערות מניין? תלמוד לומר "או על הארץ".

From where do we derive that it applies **in pits, ditches, and caves**? The verse teaches: **"Or on the ground."**

QUESTION

וכי מאחר שסופנו לרבות כל דבר, "לפניה בדרך" למה לי?

And since, in the end, we will include everything from the words "in any tree or on the ground," **why do I need** the words **"before you on the way"**?

ANSWER

לומר לה: מה דרך שאאין קנו בידיה, אף כל שאין קנו בידיה.

It is **to say to you**: Just as a way is a place where its nest is not in your possession and is not readily available, so too, any nest is included only **where its nest is not in your possession**.

INFERENCE

מפאן אמרו: יוני שוכה ויוני עלייה שקננו בטפיחין ובכירות, ואוויזין ותרגולין שקננו בפרדס – חייב בשילוח,

From here the Sages stated: Pigeons of a dovecote and pigeons of an attic that nested in wall niches or in towers, and geese and chickens that nested in an orchard — one is obligated in sending away the mother bird, because they are not in one's possession.

INFERENCE

אבל קננו בתוך הבית, וכן יוני הרדסאות – פטור משילוח.

But if they nested inside the house, and likewise Herodian pigeons, one is exempt from sending away the mother bird, because they are already in one's possession.

STATEMENT

אמר מר: מה "דרך" – שאין קנו בידה, אף כל שאין קנו בידה.

The Master said above: Just as "a way" is a place where its nest is not in your possession, so too, any nest is included only where its nest is not in your possession.

QUESTION

הא למה לי? מ"כ יקרא נפקא, "כי יקרא" פרט למזומן.

Why do I need this derivation? It is derived from "If a bird's nest happens," as "If a bird's nest happens" excludes that which is already readily available in your possession!

QUESTION

ועוד, "לפניה" למה לי?

And furthermore, why do I need the term "before you"?

ANSWER

אלא "לפניה", לאתויי שהיו לפניה ומרדו,

Rather, "before you" is necessary to include birds that were before you in your possession and rebelled and fled, and nested elsewhere.

ANSWER

"בדרך" – כדרב יהודה אמר רב, דאמר רב יהודה אמר רב: מצא קן בים חייב בשילוח, שנאמר "כה אמר ה' הנותן בים דרך וגו'".

And the term "on the way" is needed like that which Rav Yehuda said in the name of Rav, as Rav Yehuda said in the name of Rav: If one found a nest in the sea, he is obligated in sending away the mother, as it is stated: "So says Hashem, Who makes a way in the sea, etc."

QUESTION

אלא מעתה, מצא קן בשמים, דכתיב "דרך נשר בשמים", הכי נמי דמיחייב בשילוח הקן?

If that is so, then if one found a nest in the sky, about which it is written: "The way of an eagle in the sky," should he also be obligated in sending away the nest?

ANSWER

"דרך נשר" איקרי, "דרך" סתמא לא איקרי.

The Gemara answers: The sky is called "the way of an eagle," but it is not called "a way" without qualification, whereas the sea is called simply "a way."

QUESTION

אמרי ליה פפונאי לרב מתנה: מצא קן בראשו של אדם מהו?

The residents of Pappunya said to Rav Mattana: If one found a nest on the head of a person, what is the halakha? Is he obligated in sending away the mother?

ANSWER

אמר [להו]: "וְאֶדְמָה עַל רֹאשׁוֹ".

He said to them: It is written, "And earth upon his head," which shows that a person's head is considered like the ground, so he is obligated.

QUESTION

משה מן התורה מניין? "בְּשַׁגָּם הוּא בָּשָׂר".

They also asked: Where is **Moshe alluded to in the Torah** before his birth? He replied: From the verse, "For that he also is **flesh**," where the gematria of "beshaggam" is equal to "Moshe," and the verse concludes, "his days shall be one hundred and twenty years."

QUESTION

המן מן התורה מניין? "הָמֵן הָעֵץ".

They asked: Where is **Haman alluded to in the Torah**? He replied: From the verse, "Is it from the **tree** of which I commanded you not to eat?" which is spelled "Hamin."

QUESTION

אסתר מן התורה מניין? "וְאֶנֶכִּי הִסְתַּר אֶסְתִּיר".

They asked: Where is **Esther alluded to in the Torah**? He replied: From the verse, "And I will surely **hide** My face."

QUESTION

מרדכי מן התורה מניין? דְּכֵתִיב: "מָר דְּרוֹר", וּמִתְרַגְּמִינָן: "מִירָא דְּכָיָא".

They asked: Where is **Mordechai alluded to in the Torah**? As it is written regarding the incense: "Pure myrrh," and we **translate** this into Aramaic as "Mira Dachya," which sounds like Mordechai.

מִשְׁנָה MISHNAH

MISHNAH

וְאֵיזְהוּ שְׂאִינֹ מְזוּמָן וְכוּ'.

The Mishnah states: **And which is** a nest **that is not readily available**, etc.

גְּמָרָא GEMARA

STATEMENT

רבי חייא ורבי שמעון – חד תני "הדרסיות", וחד תני "הדרסיות".

Rabbi Chiyya and Rabbi Shimon differed: one taught "Hadrasian" pigeons, and one taught "Herodian" pigeons.

EXPLANATION

מאן דתני "הדרסיות" – על שם הורדוס, ומאן דתני "הדרסיות" – על שם מקומן.

The one who taught "Herodian" did so after King Herod who bred them, and the one who taught "Hadrasian" did so after their place of origin.

STATEMENT

אמר רב כהנא: לדידי חזיון [לי], וקיימן שיתסר דרי בפתי מילא,

Rav Kahana said: I myself saw them, and they stood in sixteen rows, spanning a mil in length,

STATEMENT

(והוה קרא) [ואמרן] "קירי, קירי",

and they were saying, "My master, my master!"

STATEMENT

(הוה חד מינניהו דלא הוה קרי קירי) [הוות חדא דלא הוות דדעה למימר],

There was one of them that did not know how to say this,

STATEMENT

אמרה לה חברתה: סומא, אמרי "קירי, קירי", אמרה: סומא, אמרי "קירי כירי", אתיוה ושחטוה.

so its companion said to it: "Blind one, say 'My master, my master!'" It replied: "Blind one, say 'My master, slave!'" because Herod was a slave who rebelled. They brought it and slaughtered it for treason.

STATEMENT

אמר רב אשי: אמר לי [רבין] חנינא: מילין.

Rav Ashi said: Rabbi Chanina said to me: These were mere words, meaning they spoke through sorcery.

EXPLANATION

מילין סלקא דעתך? אלא אימא: במילין.

The Gemara asks: Can it enter your mind that they were actual words spoken by birds? Rather, say: They spoke by means of sorcery.

משנה MISHNAH

MISHNAH

עוף טמא פטור מלשלח.

The Mishnah states: A non-kosher bird is exempt from sending away.

גמרא GEMARA

QUESTION

מנהגי מילי?

The Gemara asks: From where do we know these words?

ANSWER

אמר רבי יצחק: דאמר קרא "כי יקרא קול צפור לפניך", עוף משמע לו בין טהור בין טמא.

Rabbi Yitzchak said: As the verse states, "If a bird's nest happens before you." The word "nest" implies to us any bird, whether kosher or non-kosher.

EXPLANATION

"צפור" – טהור אשכחן דאיקרי "צפור", טמא לא אשכחן דאיקרי "צפור".

But the word "bird" limits it: we find a kosher bird that is called "bird," but we do not find a non-kosher bird that is called "bird."

QUESTION

תא שמע: "תבנית כל צפור כנף", מאי לאו "צפור" – בין טהור בין טמא, "כנף" – חגבים?

Come and hear a challenge: The verse says, "The likeness of any winged bird." What, is "bird" not referring to both kosher and non-kosher, and "winged" refers to locusts?

ANSWER

לא, "צפור" – טהור, "כנף" – טמא וחגבים.

The Gemara answers: No, "bird" refers only to kosher birds, and "winged" refers to non-kosher birds and locusts.

QUESTION

תא שמע: "החיה וכל בהמה רמש וצפור כנף", מאי לאו "צפור" – בין טהור בין טמא, ו"כנף" – חגבים?

Come and hear another challenge: The verse says, "Beasts and all cattle, creeping things and winged birds." What, is "bird" not referring to both kosher and non-kosher, and "winged" refers to locusts?

ANSWER

לא, "צפור" – טהור, "כנף" – טמא וחגבים.

The Gemara answers: No, "bird" refers only to kosher birds, and "winged" refers to non-kosher birds and locusts.

QUESTION

תא שמע: "כל צפור כל כנף", מאי לאו כדמקשינן?

Come and hear: "Every bird, every wing." What, is it not as we challenged, that "bird" includes non-kosher?

ANSWER

לא, כדמשנינו.

The Gemara answers: No, it is as we answered, that "bird" refers only to kosher.

QUESTION

תָּא שְׁמַע: "וְאַתָּה בֶּן אָדָם אָמַר לְצִפּוֹר כָּל כְּנָף", מֵאִי לֹא כִּדְאֻקְשֵׁינוּ?

Come and hear: "And you, son of man, say to the bird of every wing." What, is it not as we challenged?

ANSWER

לֹא, כִּדְשֵׁינוּ. תָּא שְׁמַע:

The Gemara answers: **No, it is as we answered. Come and hear** another challenge:

SUMMARY

The Gemara works through several potential cases of consecrated birds, rejecting the idea that one consecrated a nest in his house (which is already "readily available" and exempt) or a wild nest (which is not in his possession to consecrate). After rejecting cases where the owner acquired the chicks or the mother first, the Gemara brings down the classic machlokes between Rav and Shmuel: Rav holds the Mishnah refers to the offspring of a dove-cote consecrated for the Mizbe'ach that rebelled, while Shmuel holds it refers to a chicken consecrated for Temple maintenance that rebelled. This leads into a major discussion between Rabbi Yochanan and Reish Lakish regarding whether monetary holiness is lost when an animal rebels, and whether consecrated money that is lost must be replaced, depending on whether it was pledged as a neder or a nedavah.

לְמַעַשׂה WHAT TO TAKE HOME

The Gemara is bothered by what happens when a person consecrates his chicken to Hekdesh for Temple maintenance and the chicken rebels and runs away into the wild. Does it lose its kedushah because it is no longer in his possession? Shmuel and Rabbi Yochanan teach us a beautiful, fundamental yesod: "Wherever it is, it is in the treasury of the Merciful One, as it is written: 'The earth is Hashem's, and its fullness.'" Even when a physical object runs wild and seems completely lost to its owner, it never leaves the domain of Hashem. It remains holy because it can never truly escape the Master of the world.

This is a powerful chiddush for our own avodas Hashem. Sometimes, a Yid feels like that rebellious chicken. We feel like we have run away, wandered off the path, or gotten lost in the wild, far from the bais medrash and far from where we are supposed to be. The yetzer hara whispers to us that we have lost our connection, that our kedushah is gone, and that we are no longer fit for holy things.

But the Torah is telling us: "The earth is Hashem's, and its fullness." No matter how far you think you have run, you are still in the treasury of Hashem. Your neshama is inherently holy, and you can never truly escape His loving domain. You are never lost, and you are never too far to return.

Today, when you feel overwhelmed, distracted, or distant from Hashem, stop for one moment and say to yourself: "Wherever I am, I am still in Hashem's treasury." Use that thought to immediately speak to Him in your own words and bring yourself back.

תהלים • חמשה קאפיטלער

The Five Daily Kapitlach

CHAPTER PREVIEW

These are the five kapitlach of Tehillim said every single day: 32, 43, 83, 121, and 130, each set word for word with its English meaning. They are gathered here as one section so the whole daily Tehillim can be said and downloaded together.

All introductions and contextual notes are the editor's commentary and are not part of the original text.

פרק ל"ב CHAPTER 32

לְדוֹד מִשְׁכִּיל אֲשֶׁרִי נָשׁוּי פֶשַׁע כָּסוּי חֲטָאָה:
אֲשֶׁרִי אָדָם לֹא יִחְשַׁב יְהוָה לוֹ עֹז וְאֵין בְּרוּחוֹ רְמִיָּה:
כִּי הִחַרְשָׁתִּי בְּלוּ עֲצָמַי בְּשֹׁאֲגָתִי כָּל הַיּוֹם:
כִּי יוֹמָם וּלְיָלָה תִּכְבֵּד עָלַי יְדָה נִהַפָּה לְשׁוֹדֵי בְּחִרְבָנִי קִיץ סֵלָה:
חֲטָאתִי אוֹדִיעָה וְעוֹנִי לֹא כִסִּיתִי אֲמַרְתִּי אוֹדָה עָלַי פֶשַׁעִי לִיהוָה וְאַתָּה נָשֵׂאתָ עֹז חֲטָאתִי סֵלָה:
עַל זֹאת יִתְפַּלֵּל כָּל חֹסֶיד אֱלֹהִים לְעֵת מִצָּא רַק לְשֹׁטֵף מִיָּם רַבִּים אֲלֵיו לֹא יִגִּיעוּ:
אַתָּה סֵתֵר לִי מִצָּר תִּצְרֵנִי רָנִי פֶלֶט תְּסוּבְּבֵנִי סֵלָה:
אֲשַׁכִּילָה וְאוֹרָה בְּדֶרֶךְ זוֹ תִּלְךָ אֵינִי עֹלָה עֵינַי:
אֵל תִּהְיוּ כָּסוּס כְּפָרֵד אֵין הִבִּינִי בְּמִתְגַּוֵּר וְרָסֹן עֲדִיו לְבָלוֹם בַּל קָרַב אֱלֹהִים:
רַבִּים מִכְּאוֹבִים לָרָשָׁע וְהַבּוֹטֵחַ בִּיהוָה חֲסֵד יְסוּבְּבֵנוּ:
שִׁמְחוּ בִיהוָה וְגִילוּ צְדִיקִים וְהִרְנִינוּ כָּל יִשְׂרָאֵל לֵב:

פרק מ"ג CHAPTER 43

שָׁפֹטֵנִי אֱלֹהִים וְרִיבָה רִיבִי מִגּוֹי לֹא חֹסֶיד מֵאִישׁ מִרְמָה וְעוֹלָה תִּפְלֹטֵנִי:
כִּי אַתָּה אֱלֹהִי מְעוּזִי לָמָּה זִנְחִתָּנִי לָמָּה קִדַּר אֶתְהַלֵּךְ בְּלַחֲץ אוֹיֵב:
שְׁלַח אוֹרָה וְאַמְתָּה הַמָּה יִנְחוּנִי יְבִיאוּנִי אֶל הַר קוֹדֶשְׁךָ וְאֶל מִשְׁכְּנוֹתֶיךָ:
וְאֲבֹאָה אֶל מִזְבֵּחַ אֱלֹהִים אֶל אֵל שְׁמֹחַת גִּילִי וְאוֹדָה בְּכִנּוֹר אֱלֹהִים:
מִה תִּשְׁתַּחֲוֶה נַפְשִׁי וּמִה תִּתְהַמֵּי עָלַי הוֹחִילִי לֵאלֹהִים כִּי עוֹד אוֹדְנוּ יְשׁוּעַת פָּנֶי וְאֱלֹהִי:

שִׁיר מִזְמוֹר לְאַסָּף:

אֱלֹהִים אֵל דָּמִי לָךְ אֵל תַּחֲרַשׁ וְאֵל תִּשְׁקֹט אֵל:

כִּי הִנֵּה אוֹיְבֶיךָ יִהְיֶינָיִם וּמִשְׁנֵאֶיךָ נִשְׂאוּ רֹאשׁ:

עַל עֲמָךְ יַעֲרִימוּ סוֹד וַיִּתְּעֲצּוּ עַל צָפוֹנֶיךָ:

אָמְרוּ לָכֵן וְנִכְחֵידֶם מִגּוֹי וְלֹא יִזְכָּר שֵׁם יִשְׂרָאֵל עוֹד:

כִּי נִוָּעֲצוּ לֵב יַחֲדוּ עָלֶיךָ בְּרִית יִכְרֹתוּ:

אֱהִי אֲדוֹם וַיִּשְׁמְעֵאלִים מוֹאֵב וְהַגָּרִים:

גָּבַל וַעֲמֹן וַעֲמֶלֶק פָּלְשֶׁת עִם יִשְׁבִּי צוּר:

גַּם אֲשׁוּר נִלְוָה עִמָּם הָיוּ זִרְעַ לִבְנֵי לוֹט סָלָה:

עָשָׂה לָהֶם כְּמִדְיָן כְּסִיסְרָא כְּיִבִּין בְּנַחֵל קִישׁוֹן:

נִשְׁמְדוּ בְּעֵין דָּאֵר הָיוּ דָמָן לְאַדְמָה:

שִׁיתֵּמוּ נְדִיבֵמוּ כְּעֶרֶב וְכִזְאָב וְכִזְבַּח וְכִצְלָמְנָע כָּל גְּסִיכְמוֹ:

אֲשֶׁר אָמְרוּ נִירְשָׁה לָנוּ אֵת גְּאוֹת אֱלֹהִים:

אֱלֹהֵי שִׁיתֵּמוּ כַּגִּלְגָּל כְּקֹשׁ לִפְנֵי רוּחַ:

כְּאֵשׁ תִּבְעֶר יָעַר וְכִלְהָבָה תִּלְהַט הָרִים:

כֵּן תִּרְדָּפֶם בְּסַעֲרָךְ וּבְסוּפָתְךָ תִּבְהַלֵּם:

מִלֵּא פְּנֵיהֶם קִלּוֹן וַיִּבְקְשׁוּ שְׁמֶךָ יְהוָה:

יִבְשׁוּ וַיִּבְהָלוּ עַדִּי עַד וַיִּחַפְּרוּ וַיֵּאבְדּוּ:

וַיִּדְעוּ כִּי אַתָּה שְׁמֶךָ יְהוָה לִבְדָּדָה עֲלִיוֹן עַל כָּל הָאָרֶץ:

שִׁיר לַמַּעֲלוֹת אֶשָּׂא עֵינֵי אֶל הַהָרִים מֵאֵין יָבֹא עֲזָרִי:

עֲזָרִי מֵעַם יְהוָה עֲשֵׂה שְׁמִים וְאָרֶץ:

אֵל יִתֵּן לַמוֹט רִגְלָךְ אֵל יָנוּם שְׁמֶרְךָ:

הִנֵּה לֹא יָנוּם וְלֹא יִישָׁן שׁוֹמֵר יִשְׂרָאֵל:

יְהוָה שְׁמֶרְךָ יְהוָה צִלָּה עַל יַד מִיָּנָה:

יוֹמָם הַשֶּׁמֶשׁ לֹא יִכָּכֶה וַיֵּרַח בִּלְיָלָהּ:

יְהוָה יִשְׁמְרֶךָ מִכָּל רָע יִשְׁמֹר אֶת נַפְשְׁךָ:

יְהוָה יִשְׁמֹר צַאתְךָ וּבואְךָ מֵעַתָּה וְעַד עוֹלָם:

פָּרָק ק"ל CHAPTER 130

שִׁיר הַמַּעֲלוֹת מִמַּעַמְקִים קָרָאתִיהָ יְהוָה:

אֲדֹנִי שְׁמַעַה בְּקוֹלִי תַּהֲיֶינָה אָזְנוֹיָהּ קִשְׁבוֹת לְקוֹל תַּחֲנוּנֵי:

אִם עֲוֹנוֹת תִּשְׁמֹר יְהוָה אֲדֹנִי מִי יַעֲמֹד:

כִּי עָמָךְ הִסְלִיכָה לְמַעַן תִּזְרָא:

קוֹיֹתֵי יְהוָה קוֹתָהּ נִפְשִׁי וְלִדְבָרוֹ הוֹחֵלֹתִי:

נִפְשִׁי לֹאֲדֹנִי מִשְׁמָרִים לְבָקֶר שְׁמָרִים לְבָקֶר:

יַחַל יִשְׂרָאֵל אֵל יְהוָה כִּי עִם יְהוָה הַחֲסֹד וְהַרְבֵּה עֲמוֹ פְּדוּת:

וְהוּא יִפְדֶּה אֶת יִשְׂרָאֵל מִכָּל עֲוֹנֹתָיו:

לְמַעֲשֶׂה WHAT TO TAKE HOME

When you feel weighed down by your mistakes, do not keep silent or try to hide them. Open your heart to Hashem in honest confession, and then immediately shift your focus to absolute trust in His forgiveness and constant protection, knowing that He never slumbers and is always guarding your steps.

Today, the moment you feel a heavy heart or a sense of spiritual distance, stop what you are doing, speak to Hashem in your own words to acknowledge your mistake, and then say out loud: 'My help is from Hashem, who forgives and guards my soul.'