

חומש עם רש"י · האזינו · ששי

Complete Word-for-Word Interlinear · Navy & Gold Edition

HA'AZINU · 6TH ALIYAH

CHAPTER PREVIEW

In this powerful sixth aliyah of Parshas Ha'Azinu, Hashem swears by His own eternal existence that the time for the ultimate geulah and retribution has arrived. The shirah describes how Hashem will, lichoira, whet His flashing sword and take hold of strict judgment to pay back those who hated and persecuted His children throughout the long galus.

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

פסוק א

Pasuk 1

כִּי אֲשֶׁא אֶל שָׁמַיִם יָדִי וְאָמַרְתִּי חִי אָנֹכִי לְעֹלָם:

forever I as lives and I say My hand heaven to I will raise For

רש"י

כִּי אֲשֶׁא אֶל שָׁמַיִם יָדִי. כִּי בְּחָרוֹן אֲפִי אֲשֶׁא יָדִי אֶל עַצְמִי בְּשׁוּבוֹעָה:

in an oath myself to my hand I shall lift my anger in the wrath of for my hand heaven to I shall lift For

רש"י

וְאָמַרְתִּי חִי אָנֹכִי. לְשׁוֹן שְׁבוּעָה הוּא, אֲנִי נֹשֵׁבַע חִי אָנֹכִי:

I live swear I it is an oath an expression of I live And I said

פסוק ב

Pasuk 2

אִם שְׁנוֹתַי בִּרְק חֲרָבִי וְתֹאחֶז בְּמִשְׁפָּט יָדִי אָשִׁיב נָקָם לְצָרִי

to My adversaries vengeance I will return My hand of judgment and takes hold My sword the flash of I whet If

וְלִמְשִׁנָּאִי אֲשֶׁלָּם:

I will repay and to those who hate Me

רש"י

אִם שְׁנוֹתַי בִּרְק חֲרָבִי. אִם אֲשֶׁנָּן אֶת לֶהֱב חֲרָבִי לְמַעַן הִיֹּת לָהּ בִּרְק,

a flash to it there shall be so that my sword the blade of — I shall whet If my sword the flash of I whet If

שִׁפְלֹנ"דוֹר:

splendeur

רש"י

וְתֹאחֶז בְּמִשְׁפָּט יָדִי. לְהַנִּיחַ מִדַּת רַחֲמִים מֵאוֹיְבֵי שֶׁהֲרָעוּ לָכֶם "אֲשֶׁר

whom to you who did evil from my enemies mercy the attribute of to relinquish my hand on judgment And shall take hold

אֲנִי קִצַּפְתִּי מְעַט וְהֵמָּה עָזְרוּ לָרָעָה" זְכַרְיָה א טו , וְתֹאחֲזוּ יְדֵי אֶת מִדַּת
the attribute of — my hand and shall grasp 15 1 Zechariah for evil helped and they a little was angry I
הַמִּשְׁפָּט לְהַחֲזִיק בָּהּ וּלְנָקָם נָקָם:
vengeance and to take to it to hold fast justice

רש"י
אֲשִׁיב נָקָם וּגְו'. לְמַדּוּ רַבּוֹתֵינוּ בַּאֲגָדָה מִתּוֹךְ לְשׁוֹן הַמִּקְרָא שֶׁאָמַר וְתֹאחֲזוּ
and shall hold that it says the verse the wording of from within in the Agada our Rabbis learned etcetera vengeance I will return
בַּמִּשְׁפָּט יְדֵי — לֹא כְּמִדַּת בָּשָׂר וְדָם מִדַּת הַקֶּבֶד"ה, מִדַּת בָּשָׂר
flesh the measure of the Holy One the measure of and blood flesh like the measure of not my hand fast to justice
וְדָם זֶרֶק חֵץ וְאֵינוֹ יָכוֹל לְהָשִׁיבוֹ, וְהַקֶּבֶד"ה זֶרֶק חֲצִי וַיֵּשׁ בְּיָדוֹ
in His hand and there is His arrows shoots but the Holy One to return it able and he is not an arrow shoots and blood
לְהָשִׁיבָם כְּאֵלוֹ אוֹחֲזֵן בְּיָדוֹ, שֶׁהָרִי בָרֶק הוּא חֲצִי שֶׁנֶּאֱמַר כָּאֵן בֶּרֶק חֲרָבִי
my sword lightning of here as it is said His arrow it is lightning for behold in His hand He holds them as if to return them
וְתֹאחֲזוּ בַּמִּשְׁפָּט יְדֵי , וְהַמִּשְׁפָּט הַזֶּה לְשׁוֹן פְּרָעֲנוֹת הוּא, בְּלִעַז
in foreign tongue it is punishment is an expression of this and this justice my hand fast to justice and shall hold
יוֹשִׁיטִיצ"א:
justicia

פסוק ג

Pasuk 3

אֲשָׁפִיר חֲצִי מַדָּם וְחֲרָבִי תֹאכַל בָּשָׂר מִדָּם חָלָל וְשִׁבְיָה
and the captive the slain from the blood of flesh will devour and My sword with blood My arrows I will make drunk
מֶרֶאשׁ פְּרָעוֹת אוֹיֵב:
enemy the long-haired from the head of

רש"י
אֲשָׁפִיר חֲצִי מַדָּם. הָאוֹיֵב:
of the enemy from the blood my arrows I will make drunk

רש"י
וְחֲרָבִי תֹאכַל בָּשָׂרָם:
their flesh shall devour and my sword

רש"י
מִדָּם חָלָל וְשִׁבְיָה. זֹאת תִּהְיֶה לָהֶם מֵעוֹן דָּם חָלָל יִשְׂרָאֵל
Yisrael the slain of the blood of from the sin of to them will be this and the captive the slain From the blood of
וְשִׁבְיָה שָׁשְׁבוּ מֵהֶם:
from them that they captured and the captivity

רש"י
מֶרֶאשׁ פְּרָעוֹת אוֹיֵב. מִפְּשַׁע תְּחִלַּת פְּרָצוֹת הָאוֹיֵב, כִּי
because of the enemy of the breaches of the beginning from the sin of the enemy of the breaches From the beginning
כְּשֶׁהֱקִיב"ה נִפְרַע מִן הָאֲמוֹת פּוֹקֵד עֲלֵיהֶם עוֹנָם וְעוֹנוֹת אֲבוֹתֵיהֶם
of their ancestors and the sins their sin upon them He visits the nations from exacts punishment when the Holy One

מִרְאשִׁית פְּרָצָה שִׁפְרוּצוֹ בְּיִשְׂרָאֵל:
from the beginning of the breach that they breached against Yisrael

פסוק ד

Pasuk 4

הִרְגִּינוּ גוֹיִם עָמוֹ כִּי דַם עֲבָדָיו יָקוֹם וְנָקָם יָשִׁיב
He will return and vengeance He will avenge His servants the blood of for of His people O nations sing praises
לְצָרָיו וְכָפַר אֶדְמָתוֹ עָמוֹ:
His people His land and He will appease to His adversaries

רש"י

הִרְגִּינוּ גוֹיִם עָמוֹ. לְאוֹתוֹ הַזְמַן יִשְׁבְּחוּ הָאֲמוֹת אֶת יִשְׂרָאֵל, רְאוּ מַה שִׁבְחָהּ שֶׁל
of is the praise what See Yisrael — the nations will praise time At that His people nations Praise
אָמָה זֶה, שֶׁדָּבְקוֹ בְּהֶקְפָּהּ בְּכָל הַתְּלָאוֹת שֶׁעָבְרוּ עָלֶיהָ וְלֹא עָזְבוּהָ, יוֹדְעִים
knowing forsake Him and did not over them that passed the troubles amidst all to the Holy One that cleaved this a nation
הָיוּ בְּטוֹבוֹ וּבְשִׁבְחוֹ:
and of His praise of His goodness they were

רש"י

כִּי דַם עֲבָדָיו יָקוֹם. שְׁפִיכוֹת דְּמֵיהֶם, כְּמִשְׁמָעוֹ:
according to its literal their blood the shedding of He will avenge His servants the blood of For meaning

רש"י

וְנָקָם יָשִׁיב לְצָרָיו. עַל הַגָּזֵל וְעַל הַחֲמָס, כְּעֵנִין שֶׁנֶּאֱמַר יוֹאֵל ד'
4 Yoel that is stated like the matter the violence and for the robbery for to His adversaries He will render And vengeance
"מִצְרַיִם לְשִׁמְמָה תִּהְיֶה וְעֵדוֹם לְמִדְבָּר שִׁמְמָה תִּהְיֶה מִחֲמַס בְּנֵי יְהוּדָה",
Yehudah against the children of for the violence shall be desolate to a wilderness and Edom shall be a desolation Mitzrayim
וְאוֹמֵר עוֹבְדִיָּה י' "מִחֲמַס אָחִיךָ יַעֲקֹב וְגו'" עי' ספרי:
Sifrei see etc Yaakov your brother For the violence against 10 Ovadiah and it says

רש"י

וְכָפַר אֶדְמָתוֹ עָמוֹ. וַיְכַפֵּר אֶדְמָתוֹ וְעָמוֹ עַל הַצָּרוֹת שֶׁעָבְרוּ עָלֶיהֶם
over them that passed the troubles for and His people His land and He will appease His people His land And He will appease
וַיַּעֲשֶׂה לָּהֶם הָאוֹיֵב:
the enemy to them and that did

רש"י

וְכָפַר. לְשׁוֹן רְצוּי וּפְיוּס, כְּמוֹ בְּרֹאשִׁית לֵב, כֹּא "אֶכְפֹּרָה פָּנָיו" —
his face I will appease 21 32 Bereishis like and placating appeasement is an expression of And he shall atone
אֲנִחַיְנִיָּה לְרוּגְזִיָּה:
his anger I will quiet

רש"י

וְכָפַר אֶדְמָתוֹ וּמָה הִיא אֶדְמָתוֹ? עָמוֹ. כְּשֶׁעָמוֹ מִתְנַחֲמִים אֶרְצוֹ
His land receives comfort when His people His people His land is and what His land And He will propitiate

מִתְנַחֵמֶת, וְכֵן הוּא אוֹמֵר "רְצִיתָ" ה' אֲרָצְךָ, בְּמָה רְצִיתָ אֲרָצְךָ?
to Your land have You been favorable whereby to Your land Hashem You have been favorable states it and so receives comfort
"שְׂבֵתָ שְׂבִית יַעֲקֹב" תְּהִילִים פ"ה .
85 Tehillim Yaakov the captivity of You have brought back

רש"י
בְּפָנִים אֲחֵרִים הִיא נִדְרָשֶׁת בְּסִפְרֵי וְנִחְלְקוּ בָּהּ רַבֵּי יְהוּדָה וְרַבֵּי נְחֵמְיָה, רַבֵּי
Rabbi Nehemiah and Rabbi Yehudah Rabbi about it and they argued in Sifrei is expounded it other In ways
יְהוּדָה דּוֹרֵשׁ כָּלָה כְּנֶגֶד יִשְׂרָאֵל, וְרַבֵּי נְחֵמְיָה דּוֹרֵשׁ אֶת כָּלָה כְּנֶגֶד הָאֲמוֹת, רַבֵּי
Rabbi the nations regarding all of it — expounds Nehemiah and Rabbi Yisrael regarding all of it expounds Yehudah
יְהוּדָה דּוֹרֵשָׁה כָּלִפִּי יִשְׂרָאֵל — כּוֹ אִמְרַתִּי אִפְּאִיהֶם כְּמוֹ שֶׁפִּרְשְׁתִּי, עַד כּוֹ וְלֹא
and not 27 until I explained just as I will scatter them Isaid 26 Yisrael towards expounds it Yehudah
ה' פִּעַל כָּל זֹאת. כַּח כִּי גוֹי אֲבָד עֲצוֹת הַמָּה. אֲבָדוּ תּוֹרַתִּי שֶׁהִיא לָהֶם עֲצָה
a counsel to them which is My Torah they lost are they counsels losing a nation for 28 this all wrought Hashem
נְכוֹנָה, וְאִין בָּהֶם תְּבוּנָה לְהִתְבּוֹנֵן לֵאמֹר אֵיכָּה יִרְדֹּף אֶחָד מִן הָאֲמוֹת אֶלֶף
a thousand the nations of one could pursue how 30 to consider understanding in them and there is no proper
מֵהֶם, אִם לֹא כִי צוּרִם מְכַרֵּם. לֹא כִי לֹא כְּצוּרֵנוּ צוּרִם הַכֹּל כְּמוֹ שֶׁפִּרְשְׁתִּי
I explained just as everything is their rock like our Rock not for 31 delivered them their Rock unless of them
עַד תִּכְלִית. וְר' נְחֵמְיָה דּוֹרֵשָׁה כָּלִפִּי הָאֲמוֹת, כִּי גוֹי אֲבָד עֲצוֹת הַמָּה , כְּמוֹ
just as are they counsels losing a nation for the nations towards expounds it Nehemiah and Rabbi the end until
שֶׁפִּרְשְׁתִּי תַחֲלָה עַד וְאִיבִינוּ פְּלִילִים :
are judges and our enemies until at first I explained

רש"י
לֵב כִּי מִגֶּפֶן סֹדֶם גִּפְנֵם. שֶׁל אֲמוֹת:
the nations of is their vine Sodom from the vine of For 32

רש"י
וּמִשְׁדַּמַּת עֲמֶרָה וְגו'. וְלֹא יִשְׁמְרוּ לִבָּם לְתִלּוֹת הַגְּדֻלָּה בִּי:
to Me the greatness to attribute their heart will they set and not etc. Gomorrah and of the fields of

רש"י
עֲנַבְמוּ עֲנַבֵּי רוֹשׁ. הוּא שֶׁאָמַר לוֹלִי כַּעַס אוֹיֵב אֲגוּר עַל יִשְׂרָאֵל
Yisrael against is heaped up the enemy the anger of were it not what it stated this is gall are grapes of their grapes
לְהַרְעִילָם וּלְהַמְרִירָם, לְפִיכָּה אֲשַׁכֵּל מִרְרָתָם לְמֹה לְהַלְעִיט אוֹתָם עַל מֶה
what for them to feed are for them bitterness clusters of therefore and to embitter them to poison them
שֶׁעָשׂוּ לְבָנָי:
to My children they have done

רש"י
לֵג חֶמֶת תְּנִינִם יֵינָם. מוֹכֵן לְהַשְׁקוֹתָם עַל מֶה שֶׁעוֹשִׂין לָהֶם:
to them that they do what for to give them to drink prepared their wine serpents is poison of 33

רש"י
לֵד כַּמֶּס עַמְדִּי. אוֹתוֹ הַכּוֹס, שֶׁנֶּאֱמַר תְּהִילִים ע"ה "כִּי כוֹס בְּיַד ה' וְגו'":
and so on Hashem is in the hand of a cup for 75 Tehillim as it is said cup that with Me laid up 34

רש"י

לה לעת תמוט רגלם. כַּעֲנֵן שֶׁנֶּאֱמַר "תִּרְמָסְנָה רַגְלִי" יִשְׁעִיהוּ כ"ו :

26 Yeshayahu a foot shall tread it that is said like the matter their foot shall totter at the time to

רש"י

לו כי ידין ה' עמו. בְּלִשׁוֹן זֶה מְשִׁמֵּשׁ כִּי יִדִּין בְּלִשׁוֹן דְּהָא, וְאִין
and not of because in the sense He will judge because serves this in expression His people Hashem will judge For To Him

יְדִין לְשׁוֹן יְסוּרִין אֶלָּא כְּמוֹ כִּי יָרִיב אֶת רִיבָם מִיַּד עוֹשְׁקֵיהֶם. כִּי
when their oppressors from the hand of their cause — He will plead that like but sufferings an expression of yadin

יראה כי אזלת יד וגו' :

etc power gone is that He sees

רש"י

לז ואמר אי אלהימו. הָאֵיב יֹאמַר אִי אֱלֹהֵימוּ שֶׁל יִשְׂרָאֵל? כְּמוֹ שֶׁאָמַר

that said just as Yisrael of their God where is will say the enemy their God where is And He says 37

טִיטוּס הָרָשָׁע כְּשֶׁגִּדָּר אֶת הַפְּרָכֶת גִּיטִין נ"ו , כַּעֲנֵן שֶׁנֶּאֱמַר מִיכָה ז' :

7 Michah that is said like the matter 56 Gittin the curtain — when he pierced the wicked Titus

וְתָרָא אֵיבִתִּי וְתִכְסֶּה בּוֹשָׁה הָאוֹמְרָה אֵלַי אִיו ה' אֱלֹהֵיָהּ:

your God Hashem where is to me whosays shame and shall cover her my enemy And she shall see

רש"י

לט ראו עתה כי אני וגו'. אֲזַי יִגְלֶה הַקֶּבֶ"ה יְשׁוּעָתוֹ וַיֹּאמֶר רֹאוּ עַתָּה

now see and He will say His salvation the Holy One Blessed is He will reveal Then etc. I that now See 39

כִּי אֲנִי אֲנִי הוּא , מֵאֲתִי בָּאת עֲלֵיהֶם הָרָעָה וּמֵאֲתִי תָבֵא עֲלֵיהֶם הַטּוֹבָה:

the good upon them will come and from Me the evil upon them came from Me am He I I that

רש"י

ואין מידי מציל. שְׁיַצִּיל אֶתְכֶם מִן הָרָעָה אֲשֶׁר אָבִיא עֲלֵיכֶם:

upon you I will bring that the evil from you who will deliver that delivers from My hand and there is none

רש"י

מ כי אשא אל שמים ידי. כְּמוֹ כִּי נִשְׂאֵתִי — תָּמִיד אֲנִי מְשָׁרָה מְקוֹם

the place of cause to dwell I always I have lifted up because like My hand heaven to I lift up For From

שְׁכִינָתִי בַּשָּׁמַיִם, כְּתַרְגוּמוֹ, אֶפְלוּ חֲלָשׁ לְמַעַלָּה וְגִבּוֹר לְמַטָּה אֵימַת

the fear of below and a strong person above a weak person even like its Targum in heaven My Divine Presence

עָלִיוֹן עַל הַתַּחְתּוֹן וְכָל שָׁכֵן שְׁגִבּוֹר לְמַעַלָּה וְחֲלָשׁ מְלַמָּטָה:

is below and a weak one is above when a strong one the more so and all the lower one is upon the upper one

רש"י

ידי. מְקוֹם שְׁכִינָתִי, כְּמוֹ "אִישׁ עַל יָדוֹ" בַּמִּדְבָּר ב' , וְהָיָה בְּיָדִי

in My power and it was chapter 2 Numbers his place by every man as in My Divine Presence the place of My hand

לְהַפְרֹעַ מִכֶּם, אֲבָל אֲמַרְתִּי שְׁחִי אֲנֹכִי לְעוֹלָם, אֵינִי מְמַהֵר לְפָרַע לְפִי

because to exact punishment hastening I am not forever I am that lives I said but from you to exact punishment

שְׁיֵשׁ לִי שָׁהוּת בַּדְּבָר, אֲנִי חַי לְעוֹלָם וּבְדוֹרוֹת אַחֲרוֹנִים אֲנִי נִפְרָע

can exact punishment I later and in generations forever live I in the matter time to Me that there is

מֵהֶם וְהִיכֵלָת בְּיָדִי לְפָרַע מִן הַמֵּתִים וּמִן הַחַיִּים; מֶלֶךְ בָּשָׂר וְדָם
 and blood flesh a king of the living and from the dead from to exact punishment is in My hand and the ability from them
 שְׁהוּא הוֹלֵךְ לָמוּת מִמָּהֵר נִקְמָתוֹ לְהַפְרֵעַ בְּחַיָּיו כִּי שָׁמָּה יָמוּת הוּא אֹ
 or he will die perhaps for during his lifetime to exact punishment his vengeance hastens to die going who is
 אוֹיְבֹו וְנִמְצָא שְׁלֹא רָאָה נִקְמָתוֹ מִמֶּנּוּ אֲכַל אֲנִי חַי לְעוֹלָם, וְאִם יָמוּתוּ הֵם
 they they die and if forever live I but from him his vengeance he saw that not and it turns out his enemy
 וְאִינִי נִפְרָע בְּחַיֵּיהֶם, אֶפְרָע בְּמוֹתָם:
 at their death I can exact punishment during their lifetime exact punishment and I do not

רש"י

מֵאָם שְׁנוֹתֵי בָרַק חֲרָבִי. הִרְבֵּה אִם יֵשׁ שְׂאִינִים תְּלוּיִן, כְּשֶׁאֲשַׁנֵּן בָּרַק
 the lightning of when I whet conditional that are not there are if many my sword the lightning of I whet If 41
 חֲרָבִי וְתֹאחֶז בְּמִשְׁפַּט יָדִי, כָּלֹ כְּמוֹ שֶׁפִּרְשְׁתִּי לְמַעַלָּה:
 above I explained as all of it my hand on justice and shall hold my sword

CHAPTER SUMMARY

The aliyah continues with a vivid depiction of the absolute destruction of the enemies of Klal Yisrael, where Hashem's arrows and sword will be saturated with the blood of the oppressors and their leaders. Ultimately, the goyim themselves will be forced to praise and acclaim the Jewish people, as Hashem avenges the spilled blood of His servants, brings complete retribution upon His adversaries, and finally cleanses and brings kaparah to the land of His nation.

לְמַעַשָּׂה WHAT TO TAKE HOME

The pesukim in our aliyah are talking about the ultimate nechamah, where Hashem promises that He will avenge the blood of His servants and cleanse the land of His people. The Torah uses very sharp, intense lashon here, arrows drunk with blood, a flashing sword, and taking vengeance on those who hate Him. Lichoira, we have to ask: why does the Torah describe Hashem's judgment in such a fierce, physical way? The Tanna is telling us a deep yesod here. Hashem is showing us that not a single drop of Jewish pain, not a single tear or sigh from our long galus, is ever lost or forgotten.

When we go through tzaros, the yetzer hara tries to make us feel like we are hefker, chas v'shalom, or that Hashem is indifferent to our suffering. But the Torah is mechadesh here that Hashem keeps a reckoning of every single pain inflicted upon His children. The intense imagery of vengeance is there to show us how precious we are to Him. Mimeila, when we see the world in turmoil and we feel the weight of the galus, we must strengthen our emunah and bitachon that Hashem is holding our pain close to Him, and in the end, He will bring the ultimate yeshuah and comfort.

Your avodah today is to take a moment when you feel overwhelmed by the difficulties of life or the tzaros of Klal Yisrael, and remind yourself: "Hashem cares, He remembers, and He is holding onto every single tear." Use this emunah to push through a hard moment with joy, knowing we are never forgotten.

דף יומי • חל"ן • דף קמ"א

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THE SUGYA

We start off on our daf with a beautiful shakla v'tarya on the details of shiluach haken. The Gemara is medayek on a baraita regarding a hovering bird, asking why the Tanna didn't teach a more obvious case of exemption, and resolves this by distinguishing between a bird touching the nest from the side versus from above. We then move into a fascinating discussion where a Sage challenges Rava on the source for sending away the mother even when there is only a single fledgling or egg, leading Rava to explain how the Hekesh in the pesukim teaches us the halachos of which fledglings and eggs are included.

Next, we learn a new Mishnah that teaches the halacha of a mother bird that keeps returning to the nest. The Mishnah tells us that even if she returns four or five times, one is still obligated to send her away again, based on the double expression of "shalle'ach teshallach." The Gemara immediately jumps in to analyze this double wording, questioning how many times it actually obligates us, and explores whether the mitzvah of shiluach haken can be overridden by another mitzvah, specifically the purification process of a metzora.

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

עמוד א' DAF 141A

QUESTION

ליתני רובדי אילו, וכל שכן מעופפת?

The Gemara asks: **Let** the baraita **teach** the exemption in a case where the bird is sitting between **two tree branches**, which is closer to the nest, **and** then we would know **all the more so** that one is exempt if the mother is **hovering** further away! Why did it teach the case of hovering?

ANSWER

מעופפת איצטריה ליה, דאפילו כנפיה נוגעות בקן – פטור מלשלח.

The Gemara answers: Teaching the case of a **hovering** bird was **necessary** for it, as it teaches us **that even if its wings are touching the nest**, one is still **exempt from sending** away the mother bird.

OBJECTION

והאנן תנן: בזמן שכןפיה נוגעות בקן – חייב לשלח!

The Gemara objects: **But didn't we learn** in our Mishnah: **When its wings are touching the nest**, one is **obligated to send** away the mother? This contradicts the baraita!

RESOLUTION

אמר רב יהודה: כי קתני מתניתין – בנוגע מן הצד.

Rav Yehuda said: **When the** baraita **teaches** that a hovering bird is exempt even if its wings touch, it is referring **to** a case where the wings are **touching from the side**. In that case, she is not considered resting on the nest. But our Mishnah, which obligates, is

talking about when she touches from above.

מִשְׁנָה MISHNAH

MISHNAH

אֵין שֵׁם אֶפְרוֹחַ וְכוּי.

The Gemara quotes the Mishnah: If **there is no fledgling there, etc.**, but only one fledgling or one egg, one is still obligated to send away the mother.

גְּמָרָא GEMARA

QUESTION

אָמַר לִיהָ הָהוּא מִרְבֵּנּוּ לְרָבָא: אֵימָא אִיפְכָא, אֵין שֵׁם אֶפְרוֹחַ אֱלָא אֶחָד אוּ בֵיצָה אַחַת – פֶּטוּר מְלִשְׁלָח, דְּבָעִינּוּ "אֶפְרוֹחִים אוּ בֵיצִים" וְלִיכָא.

One of the Sages said to Rava: Say the opposite of our Mishnah's ruling: If **there is no fledgling there except one**, or only **one egg**, one should be **exempt from sending** away the mother, as **we require** the plural "fledglings or eggs" and here **there are none** since there is only one.

QUESTION

הָיוּ שֵׁם אֶפְרוֹחִים מְפָרִיחִים אוּ בֵיצִים מוֹזְרוֹת, חֵיִיב לְשַׁלַּח, שֶׁנֶּאֱמַר "קוּ" – קוּ מִכָּל מְקוֹם.

And conversely, if **there were fledglings capable of flying or unfertilized eggs there**, one should be **obligated to send** away the mother, as **it is stated**: "A nest"—which implies a **nest in any case**, regardless of what is inside it.

ANSWER

אִם כֵּן, נִכְתוּב קָרָא "וְהָאֵם רוֹבֶצֶת עֲלֵיהֶם", מֵאִי "וְהָאֵם רוֹבֶצֶת עַל הָאֶפְרוֹחִים אוּ עַל הַבֵּיצִים"?

Rava answered: If **so**, that the words "fledglings" and "eggs" are meant literally to exclude a single one, **let the verse write**: "**And the mother is resting upon them.**" What is the meaning of the longer phrase: "**And the mother is resting upon the fledglings or upon the eggs**"?

ANSWER

לְאֶקוּוֹשֵׁי אֶפְרוֹחִים לְבֵיצִים וּבֵיצִים לְאֶפְרוֹחִים.

It is **to compare fledglings to eggs and eggs to fledglings** to teach that just as eggs need their mother and have potential for life, so must the fledglings. This excludes flying fledglings and unfertilized eggs. Therefore, the word "nest" is freed up to teach that even a single fledgling or egg is included.

מִשְׁנָה MISHNAH

MISHNAH

מתני' שלחה וחררה, אפילו ארבעה וחמשה פעמים – חייב, שנאמר: "שִׁלַּח תִּשְׁלַח אֶת הָאִם".

MISHNAH: If one sent away the mother bird and it returned to rest on the nest, even if it returned four or five times, one is still obligated to send it away again, as it is stated: "You shall surely send [shalle'ach teshallach] the mother."

MISHNAH

אמר: הריני נוטל את האם ומשלח את הבנים – חייב, שנאמר: "שִׁלַּח תִּשְׁלַח אֶת הָאִם".

If one said: "I am hereby taking the mother and sending away the offspring," he is still obligated to send away the mother, as it is stated: "You shall surely send the mother."

MISHNAH

נטל את הבנים והחזירן לה, ואחר כך חזרה האם עליהן – פטור מלשלח.

If one took the offspring and returned them to the nest, and afterward the mother returned and rested upon them, one is exempt from sending away the mother bird, because this is no longer a naturally occurring nest.

גמרא GEMARA

QUESTION

גמ' אמר ליה ההוא מרבנן לרבא, ואימא: "שלח" – חדא זימנא, "תשלח" – תרי זימנין.

GEMARA: One of the Sages said to Rava: But say instead that the double verb teaches: "Shalle'ach" means one time, and "teshallach" means two times, but beyond that there is no further obligation!

ANSWER

אמר ליה: "שלח" – אפילו מאה פעמים, "תשלח" – אין לי אלא לדבר הרשות, לדבר מצוה מניין?
תלמוד לומר "תשלח" – מכל מקום.

Rava said to him: The word "shalle'ach" alone implies even a hundred times. Rather, the extra word "teshallach" comes to teach: I have derived only the obligation to send away the mother for a discretionary matter, such as when one wants to eat the offspring. But if one needs the mother for a mitzvah matter, such as for the purification of a metzora, from where do we know he must still send her away? The verse states: "Teshallach"—to teach that one must send her away in any case.

QUESTION

אמר ליה רבי אבא בריה דרב יוסף בר רבא לרב כהנא: אלא טעמא דכתב רחמנא "תשלח", הא לאו
הכי, הוה אמינא: לדבר מצוה לא?

Rabbi Abba, the son of Rav Yosef bar Rava, said to Rav Kahana: But according to this, the reason is only because the Merciful One wrote "teshallach"; but if not for this, would I have said that for a mitzvah matter, one does not have to send her away?

QUESTION

עשה ולא תעשה הוא, ואאין עשה דוחה לא תעשה ועשה!

But sending away the mother bird is both a positive mitzvah and a negative commandment, and there is a rule that a positive mitzvah of the metzora cannot override both a negative commandment and a positive mitzvah of shiluach haken! So why

would we need a special verse to teach that the metzora's mitzvah does not override it?

ANSWER

לֹא צָרִיכָא, דְּעֵבֶר וְשָׁקְלָהּ לָאָם, דְּלֹא עֲבָרִיהּ, עֲשֵׂה הוּא דְאִיכָא, לִיתִי עֲשֵׂה וְלִידְחִי עֲשֵׂה, קָא מְשַׁמֵּעַ לָן.

Rav Kahana answered: No, the verse is necessary for a case where he transgressed and took the mother. Since he already transgressed the negative commandment, there is now only a positive mitzvah remaining to send her away. We might have thought: Let the positive mitzvah of the metzora come and override the positive mitzvah of sending her away. Therefore, the verse teaches us that it does not.

STATEMENT

הַנִּיחָא לְמֵאן דְּתַנִּי קְיַיְמוּ וְלֹא קְיַיְמוּ.

The Gemara notes: This works out well according to the one who teaches that the violation of this negative commandment depends on whether he fulfilled the positive mitzvah afterward or did not fulfill it, meaning that as soon as he took her and delayed sending her, he immediately violated the negative commandment, so only the positive mitzvah remains.

OBJECTION

אֵלֹא לְמֵאן דְּתַנִּי בְטָלוֹ וְלֹא בְטָלוֹ, כִּמְה דְלֹא שְׁחִטָה – לֹא עֲבָרִיהּ לְלֹא.

But according to the one who teaches that the violation depends on whether he actively nullified it or did not nullify it, then as long as he did not slaughter her, he has not yet violated the negative commandment. Thus, the negative commandment is still active, and the mitzvah of the metzora still cannot override both!

OBJECTION

וְתוּ, לְרַבִּי יְהוּדָה דְאָמַר "שְׁלַח" מְעִיקָרָא מְשַׁמֵּעַ, אֶפְיָלוּ עֲשֵׂה נָמִי לִיכָא!

And furthermore, according to Rabbi Yehuda, who says that the command "send" implies that one must do so from the outset, and if he took her he cannot rectify it, then once he took her, even the positive mitzvah is no longer applicable! So how can the metzora's mitzvah override it?

RESOLUTION

אֵלֹא אָמַר מַר בַּר רַב אֲשִׁי: כְּגוֹן שֶׁנִּטְלָה עַל מְנַת לְשַׁלַּח, דְּלֹא לִיכָא, עֲשֵׂה הוּא דְאִיכָא, וְלִיתִי עֲשֵׂה וְלִידְחִי עֲשֵׂה.

Rather, Mar bar Rav Ashi said: The verse is necessary in a case where he took her on the condition to send her away, so there is no negative commandment violated at all; there is only a positive mitzvah to send her. We might have thought: Let the positive mitzvah of the metzora come and override the positive mitzvah of sending her away.

QUESTION

מַאי אוּלְמִיָּה דְהֵאִי עֲשֵׂה מְהֵאִי עֲשֵׂה?

The Gemara asks: What is the strength of this positive mitzvah of the metzora over this positive mitzvah of sending the bird, that we would think it overrides it?

ANSWER

סָלָקָא דַּעְתָּהּ, הוּאִיל וְאָמַר מָר: גָּדוֹל שְׁלוֹם שְׂכִין אִישׁ לְאִשְׁתּוֹ, שֶׁהָרִי אָמְרָה תוֹרָה: שְׁמוֹ שֶׁל הַקָּדוֹשׁ בְּרוּךְ הוּא שֶׁנִּכְתָּב בְּקִדּוּשָׁה יִמָּחָה עַל הַמַּיִם.

The Gemara answers: It might enter your mind to say: Since the Master said: Great is the peace between a man and his wife, for the Torah said that the name of the Holy One, Blessed be He, which is written in holiness, may be erased in the water of the sotah to bring peace between them.

ANSWER

וְהָאִי מִצְוָרָע, כִּיּוֹן דְּכַמָּה דִּלָּא מִטָּהָר, אָסוּר בְּתַשְׁמִישׁ הַמָּטָה, דְּכַתִּיב: "וַיָּשָׁב מִחוּץ לְאָהֳלוֹ שִׁבְעַת יָמִים", "אָהֳלוֹ" – זֶה אִשְׁתּוֹ, מִכָּאן שֶׁאָסוּר בְּתַשְׁמִישׁ הַמָּטָה.

And this metzora, since as long as he is not purified, he is forbidden in marital relations, as it is written: "And he shall dwell outside his tent for seven days," and "his tent" means his wife, from here we derive that he is forbidden in marital relations.

ANSWER

מִהוּ דְּתִימָא: כִּיּוֹן דְּאָסוּר בְּתַשְׁמִישׁ הַמָּטָה, לִיתִי עֲשֵׂה דִידִיהָ וְלִידְחִי עֲשֵׂה דְשִׁלּוּחַ הַקֶּן, קָא מְשַׁמַּע לָן.

Lest you say: Since he is forbidden in marital relations, let his positive mitzvah of purification, which restores peace between husband and wife, come and override the positive mitzvah of sending away the nest. Therefore, the verse teaches us that we may not do so.

מִשְׁנָה MISHNAH

MISHNAH

מִתְנִי הַנוּטֵל אִם עַל הַבָּנִים – רַבִּי יְהוּדָה אוֹמֵר: לוֹקָה וְאִינוּ מְשַׁלְחִים, וַחֲכָמִים אוֹמְרִים: מְשַׁלְּחִים וְאִינוּ לוֹקָה.

MISHNAH: One who takes the mother with the offspring—Rabbi Yehuda says: He is lashed and does not send her away. But the Sages say: He sends her away and is not lashed.

MISHNAH

זֶה הַכָּלָל: כָּל מִצְוֹת לֹא תַעֲשֶׂה שִׁישׁ בָּהֶם קוֹם עֲשֵׂה – אֵין לוֹקִין עֲלֶיהָ.

This is the general rule: For any negative commandment that has attached to it a positive commandment to arise and perform, one is not lashed for it.

גְּמָרָא GEMARA

QUESTION

גְּמ' בְּעֵי רַבִּי אַבָּא בַּר מִמְּל: טַעְמָא דְּרַבִּי יְהוּדָה מִשּׁוּם דְּסָבַר לֹא שְׁנִיתָק לַעֲשֵׂה לוֹקִין עֲלֵיו.

GEMARA: Rabbi Abba bar Memel raised a dilemma: Is the reason of Rabbi Yehuda because he holds that for a negative commandment that is linked to a positive commandment, one is lashed for it?

QUESTION

או דלמא בעלמא סבר, לא שניתק לעשה אין לוקין עליו, והכא היינו טעמא, משום דקסבר
”שלח” מעיקרא משמע.

Or perhaps in general he holds that for a negative commandment linked to a positive commandment, one is not lashed for it, and here, this is the reason: because he holds that “send” implies that one must do so from the outset, and once he took her, the positive mitzvah is gone, leaving only a standard negative commandment?

PROOF

תא שמע: גנב וגזלן ישנן בכלל מלקות, דברי רבי יהודה.

Come and hear a proof: A thief and a robber are included in the punishment of lashes; these are the words of Rabbi Yehuda.

PROOF

והא הכא, דלאו שניתק לעשה הוא, דרחמנא אמר “לא תגזול” “והשיב את הגזלה”.

And here, is it not a negative commandment linked to a positive commandment, as the Merciful One said: “Do not rob,” and “He shall return the stolen object”? Yet Rabbi Yehuda rules that he is lashed.

PROOF

שמע מינה טעמא דרבי יהודה משום דקסבר לאו שניתק לעשה לוקין עליו.

Learn from this that the reason of Rabbi Yehuda is because he holds that for a negative commandment linked to a positive commandment, one is lashed for it.

OBJECTION

אמר ליה רבי זירא: לאו אמינא לכו, כל מתניתא דלא תנא בי

Rabbi Zeira said to him: Did I not say to you that any baraita that was not taught in the academy of Rav Chiya and Rav Oshaia is not reliable to build a proof from?

עמוד ב' DAF 141B

STATEMENT

רבי חייא ובי רבי אושעיא משפשתא היא, ולא תותבו מינה בי מדרשא,

The baraisa that was not taught in the study hall of Rabbi Chiyya or in the study hall of Rabbi Oshaya is corrupted, and you may not raise objections from it in the study hall.

EXPLANATION

דלמא אינה בכלל מלקות ארבעים תנא.

So **perhaps** the phrase "they are not included among those who are liable to receive forty lashes" was indeed **taught** by Rabbi Yehuda in that baraisa, but the text was corrupted, and Rabbi Yehuda actually holds that one is not flogged for a prohibition that entails a positive mitzvah.

QUESTION

תא שִׁמְעוּ, דְּתַנִּי רַבִּי אוֹשְׁיָא וְרַבִּי חִיְיָא:

The Gemara suggests: **Come and hear** a resolution from that which Rabbi Oshaya and Rabbi Chiyya taught in a reliable baraisa:

BRAISA

"לֹא תָשׁוּב" וְשָׁב, "לֹא תִכְלֶה" וְכָלָה – יִשְׁנֶנּוּ בְּכָל־ל מְלָקוֹת אַרְבָּעִים, דְּבָרֵי רַבִּי יְהוּדָה.

If one transgressed the prohibition of "you shall not return" to take a forgotten sheaf and he returned, or if he transgressed "you shall not wholly reap" the corner of the field and he reaped it, such individuals are included among those who are liable to receive forty lashes; these are the words of Rabbi Yehuda.

PROOF

שָׁמַע מִיִּנְה טַעְמִיה דְּרַבִּי יְהוּדָה, מִשּׁוּם דְּקָסְבֵּר לֹא שְׁנִיתֵק לַעֲשֹׂה – לֹקֵינן עָלָיו.

The Gemara concludes: **Learn from it** that the reasoning of Rabbi Yehuda in our Mishnah is because he holds that for a prohibition that entails fulfillment of a positive mitzvah, we flog him for it.

REFUTATION

דְּלִמָּא הָתֵם הֵיִינוּ טַעֲמָא, דְּקָסְבֵּר "תַּעֲזֹב" מַעֲיָקְרָא מִשְׁמַע.

The Gemara rejects this: **Perhaps there**, regarding pe'ah and forgotten sheaves, **this is the reason** Rabbi Yehuda flegs him, **because he holds** that the positive mitzvah of "you shall leave" them for the poor **implies** that this must be done **at the outset**, and it is not a positive mitzvah meant to rectify the transgression. Therefore, it is not a prohibition that entails a positive mitzvah at all.

QUESTION

אָמַר לִיה רַבִּינָא לְרַב אָשִׁי: תא שִׁמְעוּ,

Ravina said to Rav Ashi: Come and hear a proof from another baraisa:

BRAISA

"לֹא תוֹתִירוּ מִמֶּנּוּ עַד בֹּקֶר וְגו' בְּאֵשׁ תִּשְׂרֹפוּ" – בָּא הַכָּתוּב לִיתֵן עֲשֹׂה אַחֵר לֹא תַעֲשֶׂה, לֹאמַר לָךְ שְׂאִין לֹקֵינן עָלָיו, דְּבָרֵי רַבִּי יְהוּדָה.

Regarding the Pesach offering, the Torah says: "You shall let nothing of it remain until morning... you shall burn in fire." The verse comes to place a positive mitzvah after a prohibition, to tell you that we do not flog him for it; these are the words of Rabbi Yehuda.

RESOLUTION

שָׁמַע מִיִּנְה: טַעְמָא דְּרַבִּי יְהוּדָה מִשּׁוּם דְּקָסְבֵּר "שְׁלַח" מַעֲיָקְרָא מִשְׁמַע, שָׁמַע מִיִּנְה.

Learn from it that according to Rabbi Yehuda, one is not flogged for a prohibition that entails a positive mitzvah, and **the reasoning of Rabbi Yehuda** in our Mishnah is **because he holds** that the word "send away" **implies** that the mitzvah applies

only **at the outset**, making the taking of the mother bird a standard prohibition. The Gemara agrees: **Learn from it** that this is indeed the case.

INFERENCE

אמר ליה רב אידי לרב אשי: מתניתין נמי דיקא, דקתני:

Rav Idi said to Rav Ashi: Our Mishnah is also precise in this way, as it teaches:

מִשְׁנָה MISHNAH

MISHNAH

הנוטל אם על הפנים – רבי יהודה אומר: לוקה ואין משלח,

One who takes the mother with the offspring, Rabbi Yehuda says: He is flogged and he does not send away the mother.

גְּמָרָא GEMARA

INFERENCE

ואי סלקא דעתך טעמא דרב רבי יהודה לאו שניתק לעשה לוקין עליו, "לוקה ומשלח" מבעי ליה!

And if it enters your mind to say that the reasoning of Rabbi Yehuda is that for a prohibition that entails a positive mitzvah, we flog him for it, then he should have taught: "He is flogged and he sends away"!

REFUTATION

ודלמא הכי קאמר במתניתין: אין נפטר עד דמלקין ליה.

The Gemara rejects this: **And perhaps this is what he is saying in the Mishnah:** He still has to send her away, but he is **not released** from his sin **until they flog him**.

QUESTION

עד כמה משלחה? אמר רב יהודה: כדי שתצא מתחת ידו.

The Gemara asks: **How far must he send her?** Rav Yehuda said: Far enough that she leaves his grasp and cannot be caught immediately.

QUESTION

כמה משלחה? רב הונא אמר: ברגליה, רב יהודה אמר: באגפיה.

The Gemara asks: **In what manner does he send her away?** Rav Huna said: By her feet. Rav Yehuda said: By her wings.

EXPLANATION

רב הונא אמר ברגליה, דכתיב: "משלחי רגל השור והחמור".

Rav Huna said "by her feet," as it is written: "That send forth the feet of the ox and the donkey."

EXPLANATION

רב יהודה אמר באגפיה, דהא כנפיה נינהו.

Rav Yehuda said "by her wings," because her wings are like her feet, as she moves about with them.

STATEMENT

ההוא דגזינהו לגפה, ושלחה, ואחר כך תפשה. נגדיה רב יהודה. אמר ליה: זיל רבי לה גדפיה, ושלחה!

There was a certain man who clipped her wings, and sent her away, and afterwards caught her. Rav Yehuda flogged him. He said to him: Go and let her wings grow back, and then send her away.

QUESTION

כמאן? אי פרבי יהודה – לוקה ואין משלח, אי פרבנן – משלח ואין לוקה!

The Gemara asks: In accordance with whose opinion did Rav Yehuda act? If it is in accordance with Rabbi Yehuda, then he is flogged and does not send away. If it is in accordance with the Rabbis, he sends away and is not flogged!

ANSWER

לעולם פרבנן, ומפת מרדות מדרבנן.

The Gemara answers: Actually, he acted in accordance with the Rabbis, and the lashes he received were rabbinic lashes for rebelliousness, because he acted improperly.

STATEMENT

ההוא דאתא לקמיה דרבא, אמר ליה: תימא מהו?

There was a certain man who came before Rava and said to him: What is the halachah regarding the kosher bird called teimah? Is one obligated to send away the mother?

STATEMENT

אמר: לא ידע האי גברא דעוף טהור חייב לשלוחי?

Rava said: Does this man not know that for any kosher bird, one is obligated to send away the mother?

STATEMENT

אמר ליה: דילמא חדא ביעתא הוא דרמיא?

The man said to him: Perhaps the question is because it laid only one egg?

STATEMENT

אמר ליה: (האי ידעי) [אין. אמר ליה: מאי תיבעי] לה? מתניתין היא: אין שם אלא אפרוח אחד או ביצה אחת – חייב לשלח.

Rava said to him: Yes, what is your question? It is explicitly taught in our Mishnah: If there is only one chick or one egg, one is obligated to send away the mother.

STATEMENT

שְׁלַחָהּ, וְאַחֲרָיָהּ רָבָא פְּרִסְתָּקִי וְתַפְסָהּ.

The man sent her away, and Rava sent his messengers after her and caught her for himself.

QUESTION

וְלִיחוּשׁ לַחֲשָׁדָא? כִּלְאַחֲרֵי יָד.

The Gemara asks: **But should we not be concerned about suspicion** that Rava was violating the mitzvah? The Gemara answers: He caught her **in an unusual manner**, showing he was only doing it after the mitzvah was completed.

BRAISA

תָּנוּ רַבָּנֵינוּ: יוֹנֵי שׁוֹכֵהִי וְיוֹנֵי עֲלִיָּה – חֵיבוּת בְּשִׁלּוּחַ, וְאַסּוּרוֹת מְשׁוּם גִּזְלַת מִפְּנֵי דֶרֶכִי שְׁלוֹם.

The Rabbis taught: Doves of a dovecote and doves of an attic are obligated in sending away the mother, and they are forbidden because of robbery for the sake of peace.

QUESTION

וְאִי אֵינָא לָהּ דְּאָמַר רַבִּי יוֹסִי בַּר רַבִּי חֲנִינָא, חֲצִירוֹ שֶׁל אָדָם קוֹנֶה לוֹ שְׁלֹא מִדַּעְתּוֹ, קָרִי כָּאֵן "כִּי יִקְרָא" – פֶּרֶט לְמִזְוָמָן!

And if it is so, that which Rabbi Yose bar Rabbi Chanina said, that a person's courtyard acquires for him without his knowledge, then read here: "If you happen upon" a nest, which excludes that which is already prepared and acquired in one's courtyard!

ANSWER

אָמַר (רַב) [רַבָּה]: בִּיצָה – עִם יְצִיאַת רוּבָהּ הוּא דְּאֶחָיִיב בְּשִׁלּוּחַ, מִקְּנָא לָא קִנִּי עַד דְּתַפּוּל לְחֲצִירוֹ, וְכִי קָתְנִי חֵיבוּת בְּשִׁלּוּחַ – מִקְּמִי דְּתַפּוּל לְחֲצִירוֹ.

Rabbah said: An egg, with the emergence of most of it from the mother, is when it becomes obligated in sending away, but it is not acquired until it falls into his courtyard; and when it teaches "they are obligated in sending away," it refers to the moment before it falls into his courtyard.

QUESTION

אִי הָכִי, אֲמַאי אַסּוּרוֹת מְשׁוּם גִּזְלַת? אֲמָרֵם.

The Gemara asks: If so, why are they forbidden because of robbery? The Gemara answers: This refers to their mother, which is already owned.

ANSWER

וְאִיבָעִית אִימָא: לְעוֹלָם אֲבִיצָה, וּבִיצָה כִּינּוּן דְּנִפְקָ לִיהּ רוּבָא – דַּעֲתִיהּ עֲלִיהּ.

And if you want, say: Actually, it refers to the egg, and regarding the egg, once most of it emerged, his mind is set upon it to acquire it, even before it touches the ground.

STATEMENT

וְהִשְׁתָּא דְּאָמַר רַב יְהוּדָה אָמַר רַב: אַסּוּר לְזָכוֹת בְּבִיצִים שֶׁהֵאֵם רוּבָצָתָ עֲלֵיהֶן, שֶׁנֶּאֱמַר: "שְׁלַח אֶת הָאֵם" וְהָדָר "הַבָּנִים תִּקַּח לָהּ".

And now that Rav Yehuda said in the name of Rav: It is forbidden to acquire eggs while the mother is crouching upon them, as it is said: "You shall surely send away the mother," and only afterwards "the young you may take for yourself."

EXPLANATION

אֲפִילוּ תִּימָא אֶף עַל גַּב דְּנִפְל לְחִצְרוֹ, כָּל הֵיכָא דְאִיהוּ מְצִי זָכִי – חֲצִירוֹ נָמִי זָכִיא, וְכָל הֵיכָא דְאִיהוּ לֹא מְצִי זָכִי – חֲצִירוֹ נָמִי לֹא זָכִיא לִיה.

You may even say that even though it fell into his courtyard, the courtyard does not acquire it, because anywhere that he himself is able to acquire, his courtyard also acquires, but anywhere that he himself is not able to acquire, his courtyard also does not acquire for him.

QUESTION

אִי הָכִי, אֲמַאי אֲסוּרוֹת מִפְּנֵי דְרָכֵי שְׁלוֹם? אִי דְשִׁלְחָה – גָּזַל מְעַלְיָא הוּא, אִי דְלֹא שִׁלְחָה – שְׁלוּחֵי בָּעִי!

The Gemara asks: If so, why are they forbidden only for the sake of peace? If he sent her away, it is actual robbery! If he did not send her away, he is required to send her away!

ANSWER

בְּקָטָן.

The Gemara answers: This refers to a **minor** who took them.

QUESTION

קָטָן פַּר דְּרָכֵי שְׁלוֹם הוּא?

The Gemara asks: Is a **minor** subject to the laws of the sake of peace?

ANSWER

הָכִי קָאָמַר: אָבִיו שֶׁל קָטָן חַיִּיב לְהַחְזִיר לוֹ, מִפְּנֵי דְרָכֵי שְׁלוֹם.

This is what it is saying: The father of the minor is obligated to return it to him, for the sake of peace.

STATEMENT

לְוִי בַר סִימּוֹן אֶקְנִי פִירוֹת שׁוֹבְכוֹ לְרַב יְהוּדָה. אֲתָא לְקַמְיָה דְּשְׁמוּאֵל, אָמַר לִיה: זֵיל טְרוּף אֲקָן, דְּלִיתְגַּבְהוּ וּקְנִינָהוּ.

Levi bar Simon transferred ownership of the offspring of his dovecote to Rav Yehuda. He came before Shmuel, who said to him: Go and stir the nest so that they fly up, and then acquire them.

QUESTION

לְמַאי? אִי לְמַקְנָא – לְקַנְיָנָהוּ לִיה בְּסוּדֶר! אִי בְיוֹם טוֹב –

The Gemara asks: For **what** purpose did Shmuel tell him to do this? If it was to acquire them, let him acquire them with a scarf! If it was on Yom Tov—

SUMMARY

In short, the daf clarifies that a hovering bird is only exempt from shiluach haken if its wings touch the nest from the side, whereas touching from above is considered resting and requires sending her away. Through Rava's exposition of the pesukim, we establish that the mitzvah applies even to a single fledgling or egg, while excluding flying fledglings and unfertilized eggs. Finally, the Gemara explains that the double wording of "shalle'ach teshallach" teaches that the obligation of sending away the mother applies infinitely, and further serves to teach that this mitzvah is not overridden by the positive mitzvah of a metzora's purification, even in a scenario where only a positive commandment remains active.

למעשה WHAT TO TAKE HOME

The Gemara is bothered by a deep question: why does the Torah need a special pasuk, "teshallach," to teach us that even if a person needs this mother bird for a mitzvah, specifically, for the purification of a metzora, he must still send her away?

Lichoira, we have a rule that a positive mitzvah cannot override both a negative and a positive commandment. The Gemara answers that we might have thought the mitzvah of the metzora should take precedence because of the immense value of shalom. A metzora is forbidden to live with his wife while impure, and since Hashem's very name is erased to bring peace between a husband and wife in the case of a sotah, we might have thought this great need for shalom should override the mitzvah of shiluach haken. The Torah is mechadesh that even for such a lofty goal, we cannot bypass the ratzon Hashem in front of us.

Look at the yesod the Gemara is teaching us here. We often find ourselves in situations where we want to do a great thing, a beautiful mitzvah, or something that will bring peace and harmony. It is so easy to convince ourselves that the end justifies the means, or that a "smaller" halachah can be pushed aside for the sake of a "greater" spiritual goal. We think, "Lichoira, this is for shalom bayis!" or "This is for a d'var mitzvah!" But the Torah tells us: No. A mitzvah that comes through violating another halachah is not what Hashem wants from you.

Your avodah in this world is to do the will of Hashem exactly as it is laid out in the Shulchan Aruch, without making calculations that we know better. If Hashem put a specific halachah in front of you right now, that is your ratzon Hashem for this moment. You cannot build a binyan of holiness on a foundation of compromise. When we stay true to every single detail of the halachah, even when we think a greater mitzvah is at stake, we show true yiras Shamayim.

Today, if you find yourself tempted to bend a halachah, even for a seemingly noble cause like avoiding a minor argument, helping someone else, or performing another mitzvah, stop and remind yourself that Hashem wants your obedience to His law exactly as it is written, right now.

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.

פֿאַרק ל"ב CHAPTER 32

לְדוֹד מִשְׁכִּיל אֲשֶׁרִי נָשׁוּי פֶּשַׁע כָּסוּי חֲטָאָה:
אֲשֶׁרִי אָדָם לֹא יִחַשֵׁב יְהוָה לוֹ עוֹן וְאִין בְּרוּחוֹ רַמְיָה:
כִּי הִחַרְשָׁתִּי בָּלוּ עֲצָמַי בְּשֹׁאֲגָתִי כָּל הַיּוֹם:
כִּי יוֹמָם וּלְיָלָה תִּכְבֵּד עָלַי יְדָה נִהַפָּה לְשׁוֹדֵי בַּחֲרַבְנִי קִיץ סָלָה:
חֲטָאתִי אוֹדִיעָה וְעוֹנִי לֹא כִסִּיתִי אֲמַרְתִּי אוֹדָה עָלַי פֶּשַׁעִי לִיהוָה וְאַתָּה נָשֵׂאתָ עוֹן חֲטָאתִי סָלָה:
עַל זֹאת יִתְפַּלֵּל כָּל חֹסֶיד אֱלֹהִים לְעַת מִצָּא רַק לְשֹׁטֶף מִיָּם רַבִּים אֱלֹהִים לֹא יִגִּיעוּ:
אַתָּה סֵתֵר לִי מִצָּר תִּצְרֵנִי רַגִּי פִּלַּט תְּסוּבְּבֵנִי סָלָה:
אֲשַׁכִּילָה וְאוֹרָה בְּדֶרֶךְ זוֹ תִּלְךָ אֵינִי עֹלָה עֲלֶיךָ עֵינִי:
אֵל תִּהְיוּ כָּסוּס כְּפָרֵד אִין הִבִּין בְּמִתְּג וְרָסוֹן עֲדִיו לִבְלוֹם בַּל קָרַב אֱלֹהִים:
רַבִּים מִכְּאוּבִים לָרָשָׁע וְהַבּוֹטֵחַ בִּיהוָה חֲסֵד יְסוּבְּבֵנוּ:
שִׁמְחוּ בִיהוָה וְגִילוּ צְדִיקִים וְהִרְנִינוּ כָּל יִשְׂרָאֵל לֵב:

פֿאַרק מ"ג CHAPTER 43

שָׁפֹטֵנִי אֱלֹהִים וְרִיבָה רִיבִי מִגּוֹי לֹא חֲסִיד מֵאִישׁ מִרְמָה וְעוֹלָה תִּפְלֹטֵנִי:
כִּי אַתָּה אֱלֹהִי מְעוּזִי לָמָּה זִנְחִיתָנִי לָמָּה קִדַּר אֶתְהַלֵּךְ בְּלַחֲץ אוֹיֵב:
שְׁלַח אוֹרָה וְאַמְתָּה הַמָּה יִנְחוּנִי יְבִיאוּנִי אֶל הָר קוֹדֶשְׁךָ וְאֶל מִשְׁכְּנוֹתֶיךָ:
וְאַבּוֹאָה אֶל מִזְבֵּחַ אֱלֹהִים אֶל אֵל שְׁמֹחַת גִּילִי וְאוֹדָה בְּכִנּוֹר אֱלֹהִים אֱלֹהִי:
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 יַחֲדוֹ עָלֶיךָ בְּרִית יִכְרֹתוּ:

אֱהִי אָדוֹם וַיִּשְׁמַעְאֲלִים מוֹאֵב וְהַגָּרִים:

גָּבַל וַעֲמֹן וַעֲמֶלֶק פָּלְשֶׁת עִם יִשְׁבִּי צוֹר:

גַּם אֲשׁוּר נִלְוָה עִמָּם הָיוּ זִרְעַ לִבְנֵי לוֹט סֶלָה:

עָשָׂה לָהֶם כְּמִדְיָן כְּסִיסְרָא כְּיִבִּין בְּנַחַל קִישׁוֹן:

נִשְׁמְדוּ בְּעֵין דָּאֵר הָיוּ דָמָן לְאַדְמָה:

שִׁיתֵּמוּ נְדִיבֵמוֹ כְּעֶרֶב וְכִזְאָב וְכִזְבַּח וְכִצְלָמְנָע כָּל גְּסִיכְמוֹ:

אֲשֶׁר אָמְרוּ נִירְשָׁה לָנוּ אֵת גְּאוֹת אֱלֹהִים:

אֱלֹהֵי שִׁיתֵּמוּ כַּגִּלְגַּל כְּקֶשׁ לִפְנֵי רוּחַ:

כְּאֵשׁ תִּבְעַר 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 לִבְדָּךְ עֲלִיוֹן עַל כָּל הָאָרֶץ:

שִׁיר לַמַּעֲלוֹת אֶשָּׂא עֵינִי אֶל הַהָרִים מֵאֵין יָבֹא עֲזָרִי:

עֲזָרִי מֵעַם יְהוָה עָשָׂה שָׁמַיִם וָאָרֶץ:

אֵל יִתֵּן לַמוֹט רִגְלָךְ אֵל יָנוּם שִׁמְרָךְ:

הִנֵּה לֹא יָנוּם וְלֹא יִישָׁן שׁוֹמֵר יִשְׂרָאֵל:

יְהוָה שִׁמְרָךְ יְהוָה צִלָּךְ עַל יַד מִינָה:

יוֹמָם הַשֶּׁמֶשׁ לֹא יִכָּכֶה וַיֵּרַח בִּלְיָלָהּ:

יְהוָה יִשְׁמְרֶךָ מִכָּל רָע יִשְׁמַר אֶת נַפְשְׁךָ:

יְהוָה יִשְׁמַר צִאתְךָ וּבואְךָ מֵעַתָּה וְעַד עוֹלָם:

פָּרָק ק"ל CHAPTER 130

שִׁיר הַמַּעֲלוֹת מִמַּעַמְקִים קִרְאתֶיךָ יְהוָה:

אֲדֹנִי שְׁמַעָה בְּקוֹלִי תַהֲיֶינָה אָזְנֶיךָ קִשְׁבוֹת לְקוֹל תַּחֲנוּנִי:

אִם עֲוֹנוֹת תִּשְׁמַר יְהוָה אֲדֹנִי מִי יַעֲמֵד:

כִּי עָמַךְ הִסְלִיכָה לְמַעַן תִּגְוֶרָא:

קוֹיֵתִי יְהוָה קִוְּתָה נַפְשִׁי וְלִדְבָרוֹ הוֹחֵלֵתִי:

נַפְשִׁי לֹאֲדֹנִי מִשְׁמָרִים לְבַקֵּר שׁוֹמְרִים לְבַקֵּר:

יַחַל יִשְׂרָאֵל אֵל יְהוָה כִּי עִם יְהוָה הַחֶסֶד וְהִרְבָּה עֲמוֹ פְדוּת:

וְהוּא יַפְדֶּה 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.'

אור החיים הקדוש • האזינו • שְׁשִׁי

Explanatory English • Line-by-Line Edition

HA'AZINU • 6TH ALIYAH

The Hebrew is the original Ohr HaChaim. Each passage is paired with its AI-assisted explanatory English, beside it on wide pages and beneath it on smaller screens. Brief clarifications are marked within the English. In plain words and Lemaaseh are separate AI-assisted study aids.

פסוק מ

Deuteronomy 32:40

כִּי־אֶשָּׂא אֶל־שָׁמַיִם יָדִי וְאָמַרְתִּי חַי אֲנֹכִי לְעֹלָם:

For I lift up My hand to heaven, And say: As I live for ever,

אור החיים הקדוש

AI-assisted explanatory translation

Or HaChaim on Deuteronomy 32:40:1

For I lift up My hand to heaven, and so on. This is an expression of an oath, meaning that Hashem swore by the lifting of His hands to sharpen His sword to take vengeance on His adversaries. This is what is meant by the next verse, If I whet My glittering sword, and so on. And the words, and My hand take hold on judgment, mean that He will strengthen and assert the attribute of strict justice.

כִּי אֶשָּׂא אֶל שָׁמַיִם וְגו'. פֶּרוּשׁ לְשׁוֹן שְׁבוּעָה, שֶׁנֶּשְׁבַּע בְּנִשְׁבָּאוֹת יָדָיו לְשַׁנֵּן חֶרְבוֹ לְנֶקֶם מֵצָרָיו, וְהוּא אָמַר "אִם שְׁנוֹתַי בִּרְקָה וְגו', וְאָמַר "וְתִאָּחַז בְּמִשְׁפָּט" פֶּרוּשׁ יִתְקַף בְּמִדַּת הַדִּין.

Or HaChaim on Deuteronomy 32:40:2

Alternatively, it means that even the attribute of mercy will agree and join in strengthening the judgment, to return vengeance to Hashem's adversaries, who are the enemies of Israel. For they do not hate us except because of our cleaving to Hashem. And when the verse says, and I will requite them that hate Me, it refers to the group of nations that actively try to force Israel to transgress their religion.

או יְרָצָה, שֶׁתִּסָּכִים גַּם מִדַּת הַרַחֲמִים וְתִתְחַזֵּק בְּמִשְׁפָּט לְהַשִּׁיב נֶקֶם לְצָרֵי ה' שֶׁהֵם אוֹיְבֵי יִשְׂרָאֵל, שְׂאִינֶם שׁוֹנְאִים אוֹתָנוּ אֲלָא עַל דְּבִקּוּתָנוּ בָּהּ, וְאָמַר "וְלִמְשָׁנָא" – הֵם כֵּת הַמַּעֲבֵרֶת יִשְׂרָאֵל עַל דָּת.

בְּפִשְׁטוּת · In plain words

The Ohr HaChaim explains that Hashem's lifting of His hand to heaven is a solemn oath to execute strict justice and take vengeance on His adversaries. He offers two interpretations of how this judgment is held: first, as a direct assertion of the attribute of strict justice; second, as a unified judgment where even the attribute of mercy agrees to punish the enemies of Israel, since their hatred of Israel stems solely from Israel's devotion to Hashem.

לְמַעַשֶׁה · Lemaaseh

When we face challenges or hostility from those who oppose our devotion to Torah, we can find comfort in knowing that our connection to Hashem is the very reason we are targeted. Hashem views animosity toward His nation as animosity toward Himself, and He ultimately acts to defend His people and uphold justice.

פְּסוּק מֵא

Deuteronomy 32:41

**אִם־שִׁנּוֹתַי בְּרֶקַח חֲרָבִי וְתִאֲחֹז בְּמִשְׁפָּט יָדִי אֲשַׁיֵּב נָקָם לְצָרָי
וְלִמְשִׁנָּאִי אֲשַׁלֵּם:**

If I whet My glittering sword, And My hand take hold on judgment; I will render vengeance to Mine adversaries, And will recompense them that hate Me.

No Ohr HaChaim comment on this pasuk in this edition.

פְּסוּק מֵב

Deuteronomy 32:42

**אֲשַׁכִּיר חֲצֵי מִדָּם וְחֲרָבִי תֹאכַל בָּשָׂר מִדָּם חָלָל וְשִׁבְיָה מִרְאֵשׁ
פְּרָעוֹת אוֹיֵב:**

I will make Mine arrows drunk with blood, And My sword shall devour flesh; With the blood of the slain and the captives, From the long-haired heads of the enemy.'

No Ohr HaChaim comment on this pasuk in this edition.

הִרְנִינוּ גוֹיִם עִמּוֹ כִּי דַם-עֲבָדָיו יִקּוּם וְנָקָם יֵשִׁיב לְצָרָיו וְכַפֵּר אֲדָמָתוֹ עִמּוֹ: (פ)

Sing aloud, O ye nations, of His people; For He doth avenge the blood of His servants, And doth render vengeance to His adversaries, And doth make expiation for the land of His people.

אור החיים הקדוש

AI-assisted explanatory translation

Or HaChaim on Deuteronomy 32:43:1

Sing aloud, O nations, of His people. The meaning is that when Hashem executes vengeance upon the enemies of Israel and elevates the spiritual and physical stature of Israel, the nations of the world will sing praises concerning His people, Israel, to laud them and exalt them. This is in line with the verse in Psalms 144:15, Praiseworthy is the people for whom it is so.

הִרְנִינוּ גוֹיִם וְגו'. פִּירוּשׁ, כִּי בְעֲשׂוֹת ה' נִקְמָה
בְּאֹיְבֵי יִשְׂרָאֵל וִירוּמָם מִדְּרַגַּת יִשְׂרָאֵל,
יִרְנְנוּ הַגּוֹיִם עַל עֲמּוֹ יִשְׂרָאֵל לְשִׁבְחָם
וְלִירוּמָמָם, כְּאָמְרוֹ (תהלים קמד:טו)
”אֲשֶׁר הָעַם” וְגו'.

Or HaChaim on Deuteronomy 32:43:2

For He avenges the blood of His servants. When the verse says, For He avenges the blood... and He will render vengeance to His adversaries, it means that Hashem will not only avenge the actual spilled blood, but He will also return upon His adversaries the very vengeance and harm they plotted to do to Israel. This is in line with the verse in Psalms 7:17, His mischief shall return upon his own head.

כִּי דַם עֲבָדָיו יִקּוּם. וְאָמְרוּ ”כִּי דַם וְגו' וְנָקָם”
וְגו' - פִּירוּשׁ, שֶׁלֹא דַם לְבַד, אֲלָא גַם צָרָיו
אֲשֶׁר חָרְשׁוּ אָנֹן לוֹ יֵשִׁיב ה' לָהֶם נָקָם
שֶׁחָשְׁבוּ לַעֲשׂוֹת, עַל דֶּרֶךְ אָמְרוֹ (תהלים
ז:יז) ”יָשׁוּב עִמָּלוֹ בְּרָאשׁוֹ”.

And He makes expiation for the land of His people. This statement, And He makes expiation for the land of His people, is the ultimate conclusion of the theme that began earlier in verse 36, For Hashem will judge His people. The Torah concludes here by declaring that whatever sins might still remain upon Israel will be fully atoned for by the very land of Israel itself, which suffered by being desolate and a disgrace for so many years. The suffering of the land will serve as the expiation for the iniquity of Hashem's people.

וְכַפֵּר אֲדָמָתוֹ עִמּוֹ. וְאָמְרוּ "וְכַפֵּר אֲדָמָתוֹ
עִמּוֹ" הוּא גִמְרַם הַדְּבָרִים שֶׁהִתְחִיל לֹאמַר "כִּי
יָדִין ה' עִמּוֹ" וְגו', וְגִמְרַם אָמַר כִּי הִנֵּמְצָא
עֲדֵין מִהַחֲטָאִים עַל יִשְׂרָאֵל תְּכַפֵּר עֲלֵיהֶם
הָאָרֶץ אֲשֶׁר הָיְתָה לְשִׁמָּה וּלְחֶרֶף שָׁנִים
רַבּוֹת, זֶה יִהְיֶה לְכַפֵּר עִוֹן עַם ה'.

Original Ohr HaChaim Hebrew on Sefaria

AI-assisted study aids · Deuteronomy 32:43

בְּפִשְׁטוּת · In plain words

The Ohr HaChaim explains that when Hashem ultimately redeems Israel and punishes their enemies, the nations of the world will sing the praises of the Jewish people. Hashem will avenge not only the physical blood spilled by the nations, but also the evil plots they devised. Finally, the long, painful desolation of the Land of Israel during the exile will itself serve as a complete atonement for any remaining sins of the nation.

לְמַעַשֶׂה · Lemaaseh

The Ohr HaChaim finds hope even in the Land of Israel remaining desolate during exile: that desolation itself has an atoning role. When learning this passage, hold its account of suffering together with its promise of eventual redemption.

Torah Hebrew comes from Sefaria, Tanach with Ta'amei Hamikra. The Torah English is JPS 1917. Ohr HaChaim Hebrew comes from Sefaria, Vocalized Edition. These source editions are public domain. Hebrew wording and punctuation are preserved; web markup is removed and spacing is normalized.

The Ohr HaChaim English is an AI-assisted explanatory translation from the Hebrew. Summaries and practical reflections are editorial study aids. Published Eliyahu Munk English is retained in the source archive, separate from this edition.