

OVERVIEW of the Daf

1) Signs of kosher birds (cont.)

R' Nachman teaches the value of being able to identify the *peres*, *ozniyah*, and all the birds that are subcategories of these birds as well as the *oreiv*.

The Gemara clarifies that one must be able to identify the *oreiv* as well as the birds that are a subcategory of the *oreiv*.

Ameimar rules that a bird that has one characteristic of a kosher bird may be assumed kosher if it does not claw.

R' Ashi asked Ameimar how he responds to R' Nachman's conflicting teaching and his response was that he rejects that opinion.

2) White *senunis*

R' Yehudah rules that the bird that scratches may be used for the metzora and this is the white *senunis* whose permissibility is debated by R' Eliezer and Chachamim.

Two versions of Ameimar's qualification to the dispute are presented.

One of the two versions is unsuccessfully challenged.

3) Birds

Rechava in the name of R' Yehudah teaches that the *tasil* is categorized as a young pigeon and the *datzifi* and *plaza torin* are categorized as turtledoves.

R' Yehudah's statement that the *tasil* is a type of pigeon is unsuccessfully challenged.

R' Yehudah asserts that the *kufshani tzutzaynay* are identical to the *plaza torin*.

This assertion is challenged.

Abaye and Rava defend R' Yehudah's position.

4) Kosher species

R' Yehudah rules that grasshoppers found among the rushes are kosher but those found among the cabbage are not and Ravina adds that one will receive lashes for eating the prohibited variety.

R' Yehudah rules that the *tzrada* is permitted and the *barda* is prohibited and the *marda* is questionable.

R' Assi identifies numerous birds that are questionable.

The assertion that only birds whose gizzard can be easily peeled are kosher is unsuccessfully challenged.

Abaye asserts that the swamp cock is the *marda* which was one of the questionable birds.

R' Pappa notes that there is a distinction between the swamp cock and the swamp hen and provides a mnemonic to differentiate between the two.

Mereimar asserts that the swamp hen is also forbidden and identifies it by another name.

Different Amoraim mention different species of birds and whether they are kosher or not and include mnemonic devices to remember which are the kosher varieties. ■

Distinctive INSIGHT

The oreiv and its family of birds

והלא אנשי כפר תמרנא שביהודה היו אוכלין אותן מפני שיש להם זפק וכו' והלא אנשי גליל העליון אוכלים אותו מפני שקרקבנו נקלף

Rav Nachman taught a rule that applies to a person who is expert in the appearance and the names of non-kosher birds. According to Rashi, we are speaking about a person who is familiar with the *peres* and *ozniyah* birds, about which the Gemara tells us that each possesses one kosher sign, and that each one's sign is unlike that of the other. Rav Nachman notes that if this person is an expert who knows that a bird before him is definitely not a *peres* or an *ozniyah* and is not called by that name, and he determined that the bird has one kosher sign, he can be assured that the bird is kosher. The reason for this is that the only birds with a single kosher sign which are prohibited to eat are the *peres* and *ozniyah*. Being that this bird has been excluded from this category, this bird is permitted.

Furthermore, if this person finds a bird that has two of the kosher signs, and the person is aware that the bird is also not an *oreiv*, it is permitted to be eaten. The reason for this is that being that it has two signs, it is not a *peres* or *ozniyah*, which only have one kosher sign each. The Torah does prohibit an *oreiv*, which has two kosher signs, but once it is determined that this bird is not an *oreiv*, it therefore must be kosher.

A Baraisa clarifies that the verse (Vayikra 11:15) states that included in the category of prohibited birds is "all *oreiv* to its type." Rabbi Eliezer teaches that the extra phrase "to its type" teaches that the *zarzir* or the *sununis* birds are also prohibited as birds related to the *oreiv* family. The Chachamim challenged R' Eliezer by noting that the people of Kfar Tamarta used to eat the *zarzir* bird because they noticed that it had a crop, and the people of the Upper Gallil used to eat the *sununis* bird because they noticed that its gizzard was able to be peeled, which proves that these birds had one kosher sign, and were therefore permitted. R' Eliezer responded and said that these people were unfortunately terribly mistaken, and that they would have to answer for their sinful habits. We do see from this exchange that Rav Nachman's rule is problematic, and there are birds beside the *oreiv* which are prohibited. How, then, could a person who is familiar with the *oreiv* alone be able to eat any bird he finds that has two kosher signs? He should have to be concerned that the bird he finds might be one of the birds included in the prohibition based upon the phrase "to its type."

The Gemara answers that, in fact, R' Nachman meant that the person has to be an expert in regard to these other types of birds as well, and he may only eat this newly-found bird if he can exclude it from all the prohibited possibilities. ■

HALACHAH Highlight

Eating Pesach flour from which mice ate

כל העופות פוסלין מי חטאת חוץ מן היונה מפני שמוצצת

All birds disqualify chatas water except for the pigeon because it sucks up water

The Gemara cites a Mishnah¹ that teaches that when birds other than the pigeon drink they take some of the liquid in their mouth and spit some back. For that reason once a bird drinks from water designated for use to mix with parah adumah ashes the water becomes disqualified. Poskim debate whether the same phenomenon is true with regards to eating. Bach² suggests that it is only with regards to drinking that there is a concern that some of the liquid is spit back but when it comes to eating it can be assumed that an animal consumes whatever ends up in its mouth. Teshuvos Bigdei Yesha³ takes the opposite approach. Regarding liquids it is possible that the bird will suck the liquid straight into its throat but when it comes to eating since the food is chewed before it is swallowed it is inevitable that some of the food will fall out.

This discussion leads to a disagreement about a sack of Pesach flour from which it is discovered that mice were eating it. Bach⁴ was asked whether one must be concerned that the mice that were eating the flour chewed on some of the flour and then spit it back into the bag rendering it chometz. He answered that although there is reason to assume that none of the flour went back into the sack since it would likely stick together in the mouse's mouth, nevertheless, it is prohibited to

REVIEW and Remember

1. What is the one characteristic that proves that a bird is not kosher?

2. What is the bird that is used for purifying the metzora?

3. Is there any significance to accompanying names?

4. How many questionable birds were there in the time of Chazal?

eat the flour since some of it may have fallen back into the sack. He is lenient, however, with regards to retaining possession of the flour. It is evident from Bach's approach that he does not distinguish between the eating habits of birds and mammals and assumes that in both cases some of what goes into their mouth comes back out. Chok Yaakov⁵ disagrees and cites the end of the same Mishnah that indicates that the eating habits of birds and other animals is different and there is no reason to be concerned that food from an animal's mouth falls out. Despite his position he resists from issuing a lenient ruling since he did not want to disagree with earlier authorities. ■

1. משנה פרה פי"ט מ"ג.
2. שו"ת הבי"ח הישנות סי' קט"ו.
3. שו"ת בגדי ישע או"ח סי' ו'.
4. בי"ח שם.
5. חק יעקב סי' תס"ו סק"ט. ■

STORIES Off the Daf

The Need for Gratitude

"וסימנך עמוני ולא עמונית..."

Today's daf mentions that although an Ammonite is prohibited from ever joining the congregation, an female Ammonite who converts is permitted to marry into the congregation.

A certain person was told that one must really feel vast appreciation for one who has helped him, especially if the help has been significant, but he wondered why. He also wanted a clear proof of this obligation.

When this question reached the Alter of Kelm, zt"l, he explained quite deci-

sively. "Two nations were forever distanced from Hashem due to their lack of hakoras hatov for the kindness of Avraham towards Lot, as the Ramban explains. Consider this, my brothers. Is there anyone in this generation who acts kindly to the grandchildren of a person who helped them? Surely so many years have passed, and most will surely have forgotten such an old obligation? We would be surprised to find even one such person in a city!"¹

Rav Yechezkel Levenstein, zt"l, recounted that the Alter's rebuke did indeed bear fruit. "Boruch Hashem, I knew people in Kelm who truly knew how to express their appreciation towards those who had shown them—or their parents—kindness. I even knew people who be-

stowed kindness on the grandchildren of those who helped them. They did their utmost to do whatever good possible to those who had been kind to them and even their descendants. This is the level of truly pious and upright people who know their obligation in the world."²

The obligation for hakoras hatov itself is clearly explained in the Mishnas Rabbi Eliezer, "There is nothing more serious in God's eyes than one who lacks proper appreciation. Adam HaRishon was banished from Gan Eden only because he lacked proper appreciation. God got angry at our forefathers in the desert only because they lacked hakoras hatov."³

1. בית קלם, ע'י שע"ו
2. אור יחזקאל, ח"ד, ע'י שכ"ה
3. משנת רבי אליעזר, פי"ז ■