

OVERVIEW of the Daf

1) Kosher species (cont.)

The Gemara continues to identify kosher and non-kosher varieties of birds.

R' Yehudah identifies the שלך and the דוכיפת and a Beraisa supports this identity.

The Gemara records R' Yochanan's reaction to the שלך and to the ant.

Ameimar comments on the status of two birds.

Abaye discusses the status of two birds.

2) *Tinshemes*

One Beraisa identifies the *tinshemes* as a variety of non-kosher bird.

A second Beraisa identifies the *tinshemes* as a type of creeping creature.

Abaye uses names that were in use during the time of the Amoraim to identify these creatures.

3) Non-kosher birds

Different Amoraim identify the more common name for some of the non-kosher birds listed in the Torah.

A Beraisa is cited that discusses the *oreiv* and subcategories of that genus.

The Gemara elaborates on the different statements of the Beraisa.

A Beraisa identifies the *netz* and the bird that is "its kind."

R' Yehudah identifies other non-kosher birds mentioned in the Torah.

4) The number of non-kosher birds

Rav is quoted as asserting that there are 24 varieties of non-kosher birds.

Different Amoraim struggle to explain which birds are included in the list of 24 birds.

The reason the Torah enumerated the *ayah* and *dayah* separately is explained.

The assertion that the *ayah* and *dayah* are different species is unsuccessfully challenged.

It is noted and proved that according to R' Avahu there are 23 varieties of non-kosher birds.

Issi ben Yehudah contends that there are hundreds of non-kosher birds.

Another Beraisa discusses the different varieties of fish, grasshoppers and birds which the Gemara explains was a reference to kosher birds.

Another Beraisa discusses why the Torah listed the kosher animals and non-kosher birds. This teaches the importance of teaching in a concise manner.

5) Kosher birds

R' Yitzchok teaches that one may rely upon a hunter's claim that he has a tradition that a particular bird is kosher.

R' Yochanan adds that the hunter must be an expert at identifying birds and their names.

R' Zeira inquires whether the hunter's teacher must be a Torah

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Distinctive INSIGHT

The bird with many names

וכי מאחר שאיה ודיה אחת היא, למה ליה למיכתב איה ודיה? כדתניא רבי אומר וכו'

The Gemara concludes that Rebbe Avahu holds that the four listings of *du'uh*, *ru'uh*, *daya* and *ayah* birds are all different names for the same type of bird in the same family. The first one, *du'uh*, is mentioned in Vayikra (11:14) together with the *ayah*. The last three are all mentioned together in Devarim (14:13). The Gemara asks that if the *ayah* and *daya* are one in the same bird, why are they mentioned separately in the same verse in Devarim? The Gemara answers, citing the comment of Rebbe, that if the Torah would have only referred to this bird using the name *ayah*, someone who is accustomed to calling that same bird by the name *daya* would think that it is kosher, because he would be unfamiliar with the name *ayah*. The same reason is applicable for the reverse situation. Had the Torah just called this bird a *daya*, a person who commonly calls it an *ayah* would mistakenly think it was kosher. Therefore, the Torah had to call this same bird by both of its names.

Tosafos notes that the Gemara did not only identify two of the birds listed by the Torah as being the same, but that four of them are the same. Why, then, does the Gemara only question the need for the verses to mention both *ayah* and *daya*, when it could have just as well asked the reason why the verse listed *ru'uh* and *du'uh*. Tosafos answers that, in fact, the Gemara could have presented its question in terms of these other birds, but it chose the *ayah* and *daya* as the examples to present its point. The answer given by the Gemara addresses the need for the Torah's listing of all the different names of this bird. If the Torah had listed only one name of this bird and identified it as being prohibited, people who call this bird by other names might not realize that this is the one being referred to.

Toras Chaim analyzes this answer of Tosafos. If it is true that the Torah just uses the *ayah* and *daya* as examples, we would have expected the Gemara to use the names of the bird as they appear in the Torah. In the verse in Vayikra, the name *du'uh* appears before that of *ayah*, and in the verse in Devarim the name *ru'uh* appears before *daya*. The question of the Gemara uses the names mentioned later in each verse, and not the one listed first. Why is this?

Maharsha provides an explanation to answer the question of Tosafos. The Gemara is bothered not only by the repeat of different names of the same bird, but more specifically of the repetition of its name in the same verse. Therefore, the Gemara does not ask about *du'uh* and *ru'uh*, as these names appear in different verses, as opposed to *ayah* and *daya* which appear together in the same very verse in Devarim. ■

HALACHA Highlight

Someone from chutz la'aretz sitting in the sukkah on Shemini Atzeres in Eretz Yisroel

מקום שנהגו לאכול אוכלין, מקום שנהגו שלא לאכול אין אוכלין
In a place where the custom is to eat it, it may be consumed. And in a place where the custom is not to eat it, it may not be consumed

Rosh¹ in his comments to our Gemara teaches that if a person from a place that refrains from eating a bird because they do not have a tradition that it is kosher visits a place that does have a tradition that the bird is kosher he may eat the bird while in that place. Although there is a general rule² that one who visits another place must continue to observe the stringencies of his home town, that rule is limited to something that is considered prohibited. Regarding birds that do not have a tradition it is not that it is prohibited, it is just that one does not have sufficient proof to permit its consumption.

Shemiras Shabbos K'hilchasa³ writes that Rav Shlomo Zalman Auerbach applied Rosh's principle to the issue of someone who lives outside of Eretz Yisroel who is in Eretz Yisroel for Sukkos. Shulchan Aruch⁴ rules that outside of Eretz Yisroel one should sit in the sukkah on Shemini Atzeres due to the uncertainty of what day was Rosh Chodesh. He does not, however, recite the beracha for sitting in the sukkah out of concern that the mitzvah may no longer be in force. Rav Auerbach ruled that since the custom of sitting in the sukkah is due to the uncertainty of the calendar, when one is in Eretz Yisroel where there is no doubt about the

REVIEW and Remember

- 1 Is it possible for the kosher status of a bird to depend upon local custom ?

2. How many non-kosher birds are there ?

3. Why is a bird called איה and דיה ?

4. What is the correct manner to teach one's students ?

calendar even those who live outside of Eretz Yisroel should not sit in the sukkah. Sefer Sha'arei Tzedek⁵ questioned the parallel between the two cases. Rosh was referring to a circumstance in which one did not receive a definitive tradition that a species of bird is kosher but one also did not have a definitive ruling that it was prohibited. In contrast, regarding sitting in the sukkah on Shemini Atzeres the requirement for those from outside of Eretz Yisroel to sit in the sukkah was codified and therefore if his intent is to return to his home that is outside of Eretz Yisroel he must maintain his practice of sitting in the sukkah on Shemini Atzeres. ■

¹ רא"ש פ"ג סי' ס'.
² גמ' פסחים נ.
³ שמיירת שבת כהלכתה פל"א הע"י צ"ב.
⁴ שו"ע או"ח סי' תרס"ח סעי' א'.
⁵ ספר שערי צדק הלי' יו"ט שני כלל ג' אות ט"ו. ■

STORIES off the Daf

The Rebbe's Chessed

"שעושה חסד עם חברותיה..."

During the First World War, the Imrei Emes, zt"l, lived in dire need; there wasn't even enough bread for his children. One day, a friend of the rebbe brought him some butter, a very valuable commodity in those turbulent times. When one of the children took some butter to spread it on his meager ration, a family member said in Yiddish, "שמיר דין — Spread thin." The word for "thin" can also be understood in its Hebrew sense—Divine judgment. The rebbe immediately corrected this statement. "No, no. You must cut through the judgments and spread Divine mercy."

Despite the terrible shortages, the Im-

rei Emes always put the needs of the poor first. A certain chassid once brought him a little challah for Shabbos. This challah was made of the finest flour—a danger for the baker since this flour was set aside for soldiers—so the rebbe could avoid using coarse bread for hamotzi on Shabbos. This challah was considered very valuable since it was of much better quality.

To the surprise of all, the rebbe gave out this precious bread to his chassidim who came for shiyarim. The rebbe explained his generosity with a statement on today's daf. "In Chullin 63 we find that the chasidah bird is called this since it does kindness exclusively with its own kind—they only share food with each other. Interestingly, we find in the Yerushalmi that mice are called wicked because when they see a lot of fruit they call their friends to join them. We may well wonder the exact difference between the two. After all, aren't

both kind to their own species exclusively?

"The answer is that mice only call their friends when there is a lot. A chasidah shares even when there is not so much to be shared..."¹ ■

¹ ראש גלות ישראל, ח"ב, ע"י רע"ג ■

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scholar or a hunter.

The Gemara proves that he may be a hunter.

6) Eggs

A Beraisa teaches that one may purchase eggs from a gentile without concern that they came from a neveilah or tereifah.

The Gemara discusses why we are not concerned that the eggs came from a non-kosher bird.

It is suggested that one should have to confirm by signs that the egg is from a kosher variety. ■