Chullin 141 – Good Morning Raboisai

Shiluach HaKen – The Mother Must Be Over the Young

1️⃣ What Separates the Mother From the Eggs?

👉 The Gemara begins with several Shailos:

What if the mother is sitting over the eggs, but there is something separating them?

For example:

- A cloth between the mother and the eggs.
- Feathers separating them.
- Eggs arranged in different levels.
- A male bird between the mother and the eggs.

Do we still consider the mother to be רובצת על הבנים – sitting on the young?

The Gemara leaves these questions:

- Teiku.

A Different Species Sitting on the Eggs

2️⃣ Kosher Bird on Another Kosher Bird's Eggs

👉 What if:

- A pigeon is sitting on the eggs of another kosher species

or:

- Another kosher bird is sitting on pigeon eggs?

The Mishnah only explicitly exempted cases where:

- The mother or the eggs are non-kosher.

This suggests that if:

- Both are kosher

Shiluach HaKen may apply even though:

- They are different species.

3️⃣ The Korei Is Different

👉 The Gemara discusses the Korei – a partridge.

Its nature is:

- To sit on eggs belonging to other birds.

Therefore, a female Korei sitting on another bird's eggs can qualify for:

- Shiluach HaKen.

This may not prove the same rule for:

- Every other species.

Male Korei

4️⃣ Rebbe Eliezer vs the Chachamim

👉 The Mishnah taught:

If a male Korei is sitting on the eggs:

- Rebbe Eliezer says Chayav.
- The Chachamim say Patur.

Normally Shiluach HaKen refers to:

- האם – the mother.

So why does Rebbe Eliezer include:

- A male Korei?

Because we find the Korei described as:

- דגר – brooding.

Since brooding is normal even for:

- The male Korei

Rebbe Eliezer includes it.

5️⃣ What About a Female Korei?

👉 The Gemara clarifies the Machlokes.

One might think:

- The Chachamim exempt even a female Korei sitting on another species' eggs.

The Mishnah mentions the male only to show:

- How far Rebbe Eliezer goes.

But the Gemara concludes:

- The Machlokes is specifically with a male Korei.
- A female Korei can qualify.

6️⃣ Other Male Birds

👉 Could Rebbe Eliezer also obligate:

- Any male bird sitting on eggs?

No.

The special case is:

- The male Korei

because brooding is part of:

- Its normal behaviour.

For ordinary male birds:

- There is no Chiyuv of Shiluach HaKen.

How Must the Mother Be Sitting?

7️⃣ Hovering Above the Eggs

👉 The Mishnah teaches:

If the mother is:

- Hovering above the eggs

but is not properly resting over them:

- Patur.

The Torah says:

- רובצת – sitting/brooding.

There must be a genuine relationship between:

- The mother and the young.

8️⃣ Wings Touching

👉 If the bird's wings are:

- Touching the young from above

this can qualify as:

- Revitza.

It does not necessarily require:

- The whole body of the bird to be sitting directly on them.

9️⃣ Branches Between the Mother and Eggs

👉 Suppose the mother is sitting on branches:

- Directly above the eggs.

The test is:

If the branches were removed, would the mother:

- Fall directly onto the eggs?

If yes:

- She is considered directly over them.

If she would fall:

- To the side

then:

- Patur.

🔟 Sitting Between the Eggs

👉 If the mother is sitting:

- Between the eggs

rather than:

- Directly over them

there is no Shiluach HaKen.

Even if she touches:

- The sides of the eggs

that is not the same as being:

- על הבנים – over the young.

1️⃣1️⃣ Touching From Above vs the Side

👉 This resolves an apparent contradiction.

One source says:

- If the wings touch the young, Chayav.

Another says:

- Even if the wings touch, Patur.

The difference is:

- Touching from above → Chayav.
- Touching from the side → Patur.

The Torah requires the mother to be:

- Over the young.

Which Eggs and Chicks Qualify?

1️⃣2️⃣ Even One Egg

👉 Although the Torah speaks about:

- אפרוחים – chicks
- ביצים – eggs

in the plural, the word:

- קן

teaches that even:

- One chick
- Or one egg

is enough for Shiluach HaKen.

1️⃣3️⃣ Unfertilized Eggs

👉 If the eggs are:

- Muzaros – unfertilized and unable to produce chicks

there is:

- No Shiluach HaKen.

The eggs mentioned by the Torah must be:

- Viable.

1️⃣4️⃣ Chicks That Can Already Fly

👉 Similarly, chicks that are already able to:

- Fly away independently

are no longer considered the young described by:

- The Mitzvah.

The Torah compares chicks to eggs:

Just as the eggs:

- Still require the mother

so too the chicks must:

- Still need their mother.

Once they are independent:

- Patur.

The Mishnah – Sending the Mother Repeatedly

1️⃣5️⃣ She Keeps Coming Back

👉 The next Mishnah teaches:

If you send the mother away and:

- She returns to the nest

you must:

- Send her away again.

If she keeps returning:

- You keep sending her away.

The Mitzvah is not fulfilled in a way that allows you to:

- Simply take the mother when she comes back.

1️⃣6️⃣ Even Many Times

👉 The Torah says:

- שלח תשלח.

The Gemara explains that this does not mean:

- Only twice.

Rather:

- You must send her away even repeatedly.

The repetition teaches:

- Whenever the obligation returns, you must perform it again.

You Cannot Reverse the Mitzvah

1️⃣7️⃣ Send the Mother – Take the Young

👉 Suppose someone says:

- I'll take the mother
- And send away the chicks.

That does not work.

The Torah specifically requires:

- Sending away the mother.

The young are:

- The ones you may take.

What If You Need the Mother for a Mitzvah?

1️⃣8️⃣ A Metzora Needs a Bird

👉 The Gemara asks:

What if the person wants the mother bird for:

- A Mitzvah.

For example:

- The purification of a Metzora requires birds.

Perhaps the Mitzvah of the Metzora should allow him to:

- Take this bird

rather than send it away.

The Torah therefore teaches:

- שלח תשלח.

Even when you want the bird:

- For a Mitzvah

you must still perform:

- Shiluach HaKen.

Aseh and Lo Saaseh

1️⃣9️⃣ Why Would We Think Otherwise?

👉 Shiluach HaKen contains:

- לא תקח האם על הבנים – a Lo Saaseh not to take the mother.
- שלח תשלח – an Aseh to send her away.

The Metzora has:

- An Aseh to complete his purification.

Normally:

- One Aseh cannot override both an Aseh and a Lo Saaseh.

So why do we need:

- A special Pasuk?

2️⃣0️⃣ After He Already Took the Mother

👉 The Gemara considers a case where:

- He already took the mother.

He has already violated:

- The Lo Saaseh.

What remains now is:

- The Aseh to send her away.

We might therefore think:

- The Metzora's Aseh
- Could override the Aseh of sending her away.

The Torah teaches:

- No.

He must still:

- Send the mother away.

Lav HaNitak L’Aseh

2️⃣1️⃣ When Does He Receive Malkus?

👉 This leads into the concept of:

- Lav HaNitak L’Aseh.

A prohibition can sometimes be corrected by:

- A following positive Mitzvah.

Here:

- He took the mother.
- He can correct the violation by sending her away.

The Gemara discusses when Malkus would apply:

- When he fails to fulfil the corrective Aseh
- Or only when he makes it impossible to fulfil it, such as by destroying the possibility of sending the bird away.

2️⃣2️⃣ Taking Her for a Mitzvah

👉 The Gemara then sharpens the case.

Suppose he takes the mother:

- Specifically to use her for another Mitzvah.

The Gemara considers whether the Lo Saaseh is operative in the same way, leaving:

- An Aseh against an Aseh.

Even so, the Torah's extra wording teaches:

- Shiluach HaKen comes first.

Why Should the Metzora's Mitzvah Be Stronger?

2️⃣3️⃣ Shalom Bayis

👉 Why might we have thought the Metzora's purification should take priority?

Because completing his purification allows him to:

- Return fully to his family life.

The Gemara connects this to:

- Shalom Bayis.

We see the extraordinary importance of Shalom Bayis from:

- Sotah.

Hashem allows:

- His Name to be erased into the Sotah water

in order to restore peace between:

- Husband and wife.

2️⃣4️⃣ Yet Shiluach HaKen Comes First

👉 A Metzora is separated from:

- Normal family life.

We could therefore think:

His purification should take priority because it restores:

- Shalom Bayis.

Nevertheless, the Torah teaches:

- שלח תשלח.

Even for this important Mitzvah:

- The mother must first be sent away.

📌 Key Chazarah

- Several questions about barriers between the mother and eggs remain Teiku.
- A female Korei can qualify even when sitting on another bird's eggs.
- Rebbe Eliezer and the Chachamim disagree about a male Korei; ordinary male birds are Patur.
- The mother must be over the young, not merely beside them.
- Wings touching from above can qualify; touching from the side does not.
- If removing an obstruction would cause the mother to fall directly onto the young, this can count as being over them.
- Even one egg or chick is enough.
- Unfertilized eggs and chicks already able to fly are Patur.
- If the mother returns after being sent away, she must be sent away again, even repeatedly.
- You must send the mother and take the young, not the reverse.
- Even if the mother is needed for another Mitzvah, such as Taharas Metzora, Shiluach HaKen still comes first.
- The Gemara discusses Shiluach HaKen as a Lav HaNitak L'Aseh and when Malkus applies.
- Even the importance of restoring the Metzora to Shalom Bayis does not override the requirement to send the mother away.

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