



Bird Offerings Brought by Heirs

Masechet Kinim deals with the resolution of mixtures of bird offerings. Much like animal offerings, birds offering can either be obligatory or voluntary. An obligatory “*ken*” consists of two birds, one *chatat* (sin offering) and one *olah*. The *Mishnah* teaches that if a woman offered the *chatat* and then died, the heirs would still be required to bring the *olah*. If however she had offered only the *olah*, then the heirs could not bring the *chatat*. We shall try to understand this law.

The *Rosh* cites the *Gemara* (*Kidushin* 13b) where there is a debate regarding this *Mishnah* between *Rav* and *Shmuel*. One holds that the heirs are only obligated to bring the remaining *olah* if it had already been set aside while the woman was still alive. The other opinion however holds that even if it were not separated, the heirs would bring an *olah*. This is because the obligation is written in the *Torah* and is therefore equivalent to a contractual loan that can be collected after the borrower has died. There is consequently a lien on the woman’s property for the fulfilment of that “loan”. The *Tosfot Yom Tov*, citing the *Rambam*, explains that we rule like the latter opinion.

From the wording of the *Mishnah* it seems that the family are only obligated to bring the *olah* if the *chatat* had been offered. This is indeed the opinion of the *Rashbatz* who explains that if the *chatat* had not been offered then the obligation to bring a *chatat* disappears with her death, and consequently the obligation to bring an *olah* as well.

The *Ramban* explains similarly. Firstly, the *olah* should not be offered before the *chatat*. More importantly, the *Ramban* maintains that the obligation to bring the *olah* only begins after the *chatat* is offered. He cites the *Mishnah* from *Negaim* (14:11) that discusses the *korban oleh ve'yored*, as proof. Recall that for those *korbanot*, that which is offered, be it bird or beast, depends on the financial standing of the individual. The *Mishnah* there teaches that if one’s financial position changes in the middle of offering the *korbanot* (e.g.

they inherited a large estate) it is their position at the time that they offered the *chatat* that determines which *korban* must be offered.

The *Tifferet Yisrael* however argues that even if the *chatat* was not offered, the family would still be obligated to bring the *olah*. He cites the *Gemara* (*Pesachim* 59a) that the precedence of the *chatat* is a *mitzvah*, and offering the birds out of order does not invalidate the *korban*. Indeed, the *Ramban* cites the *Raavad*, that it is even if the *chatat* was designated but not yet offered, the family would still bring the *olah*, since at the time of separation it already fixes the type from which birds must be offered. The *Tifferet Yisrael* explains that the wording of the *Mishnah*, that suggests that the *chatat* has already been offered should be understood in the context of the law just described; that is that both birds must be from the same type – turtledove or young pigeon. In other words, if she offered the *chatat* then died, despite her death, the family must still bring the *olah* from the same type.

Perhaps this debate can be understood in the context of the discussion of how to understand the *ken*, the pair of birds, in general. The *achronim* discuss whether we understand the two birds as independent offerings despite one necessitating the other. Alternatively, it can be understood that they are considered one *korban* despite consisting of two birds that are offered in very different ways.

Perhaps that *Raavad* maintains the first understanding, that as long as the birds have been designated, despite the fact that the *chatat* cannot be offered, there is no issue with offering the *olah*. One can then suggest that the *Ramban* maintains the latter understanding, such that if the *chatat* has not been offered, the entire “single” *korban* cannot be offered, so it cannot help by offering “half” of it, the *olah*, alone.¹

Yisrael Bankier

¹ This latter understanding can perhaps help us understand how the *olah* can be offered at all after death, despite the *chatat* being offered. Normally, obligatory offerings cannot be offered after death. If however we understand that the *chatat* and *olah* are considered one offering, since part of the *korban*

has already been offered, when can the perhaps understand why this case is different.

Revision Questions

מדות ה' גי-ד'

- How many chambers were there in the *azarah* and where were they located? (ה': ג')
- What were all the chambers used for? (ה': גי-ד')
- What was the *lishchat ha'gazit* used for with respect to the *kohanim*? (ה': ד')

קינים א' א' – ג' ג'

- Where was the blood placed/sprinkled on the *mizbeach* for *chatat* and *olah* offerings for both animal and bird sacrifices? (א': א')
- What does a *ken chovah* consist of? (א': א')
- What is the difference between *nedarim* and *nedavot*? (א': א')
- What is the law regarding a mixture of:
 - *Chatat* and *olah* bird offerings?
 - *Chatat* and *ken chovah (stumah)*? (ב': א')
 - Two groups of *kinei chovah* of the same size?
 - Two groups of *kinei chovah* of different sizes? (ג': א')
- What does the *Mishnah* mean when it states that two *kinim* in a mixture were from "one name"? (ד': א')
- In what case does *R' Yosi* argue with respect to a mixture of *kinim* belonging to two women? (ד': א')
- What is the law regarding a *ken* where one of the birds dies? (א': ב')
- What is the law regarding a bird that flew from a group of *kinei chovah* and mixed with another group of *kinei chovah*? (א': ב')
- Regarding the previous question, what example does the *Mishnah* bring where the two groups are of equal size? Explain the ruling. (ב': ב')
- What case does the *Mishnah* bring where the groups are different sizes? Explain the ruling? (ג': ב')
- What is the law regarding a bird that flew from a *ken stumah* to a *ken mefureshet*? (ב': ד')
- What is the law regarding a bird that flew back from that mixture? (ד': ב')
- Explain the case of "חטאת מן ועולה מן וסתומה באמצע"? (ה': ב')
- Which birds can be used for bird sacrifices? (ה': ב')
- Can a *ken chovah* consist of different birds? (ה': ב')
- Explain the debate that relates to the previous question. (ה': ב')
- How does the third chapter differ from the previous ones? (א': ג')
- What is the law regarding a mixture of two groups of *kinei stumah* of different sizes where half of the birds were offered as *olah* offerings and the other half were offered as *chatat* offerings? (ג': ב')
- What is the general rule given for mixtures of groups of *kinei stumah*? (ג': ב')
- What is the rule regarding a mixture of a *chatat* and *olah* where: (ג': ג')
 - Both were offered above?
 - One was offered above and the other offered below?

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha Mizrachi Shul*
Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha Mizrachi Shul*
Melbourne, Australia

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Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

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Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rabbi E. Kornfeld
Rabbi C. Brown
http://www.dafyomi.co.il/calend
ars/myomi/myomi-thisweek.htm

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
9 August י"ט אב	10 August כ' אב	11 August כ"א אב	12 August כ"ב אב	13 August כ"ג אב	14 August כ"ד אב	15 August כ"ה אב
Kinim 3:4-5	Kinim 3:6 - Keilim 1:1	Keilim 1:2-3	Keilim 1:4-5	Keilim 1:6-7	Keilim 1:8-9	Keilim 2:1-2

