

OVERVIEW of the Daf

- 1) **MISHNAH 1:** The Mishnah discusses what happens if a bird from an undesignated pair of birds flies away and joins another group of birds.
- 2) **MISHNAH 2:** Examples of the principles established in the previous Mishnah are presented.
- 3) **MISHNAH 3:** The Mishnah applies the principles established in the first Mishnah to cases where the two groups of birds involve an unequal number of birds.
- 4) **MISHNAH 4:** This Mishnah discusses cases of mixtures that include designated pairs of birds.
- 5) **MISHNAH 5:** Additional cases involving mixtures that include designated birds are presented. Another topic discussed in this Mishnah is mixing together different species of birds. The last halacha that is mentioned is what heirs do when their mother brought only one out of the two birds for her korban before she died.

הדרן עלך קן שתומה

- 6) **MISHNAH 1:** The Mishnah begins to discuss what happens when equal numbers of pairs of birds definitely become mixed together. ■

REVIEW and Remember

1. What happens when a bird from an undesignated pair flies among other pairs of birds ?

2. Explain the ruling: פוסל אחד בהליכתו ואחד בחזירתו.

3. Is one permitted to pair turtledoves and pigeons ?

4. Are heirs obligated to offer the korban their mother was obligated to offer ?

Today's Daf Digest is dedicated by Mr. and Mrs. Heshy Kofman
לעילוי נשמת

Yitzchok Pinchas Kofman

Distinctive INSIGHT

If it flies away from an undesignated group...

קן שתומה שפרח ממנה גוזל לאויר וכו'

The second perek of Kinnim presents scenarios involving sets of birds, some were pre-designated as a chattas or olah, while some cases involve sets of birds where this designation was not determined. In these Mishnayos, we study the halacha where birds from other sets flew into these groups, and where one of the birds of these sets flew into other groups.

In Mishnah 1, one bird from an undesignated set flew away and was lost, or it flew and joined a group of birds which had to die (either chattas-to-die or olah-to-die birds). Also, the case may be where one of the birds of an undesignated group dies, leaving its companion alone. In these cases, we take a new bird and join it with the remaining bird, and the first set can be offered.

The Mishnah continues to say that if the bird which flew away flew into a different set or sets of two birds which were designated to be offered, the foreign bird may itself not be brought as part of a set, and its companion which was left behind may also not be brought. Rather, for example, if the one bird flew into two sets of two undesignated birds, we may bring up to two birds, either both as chattas or both as olah.

The Rishonim raise the question that in the first halacha of the Mishnah, why was it necessary for the Mishnah to illustrate its case originating with an undesignated set? Even if we speak of a designated pair, where one was identified to be the chattas and the other as the olah, if one flies away we can still take another bird as a companion for the bird which remains.

Ra'avad answers that regarding an undesignated set, we can always take a new bird and supplement the remaining bird. However, if we are speaking of a designated set, we can only replace the lost bird if we clearly recognize the remaining one as the chattas or the olah, and this is not necessarily possible. The Gemara in Nazir (12a) even refers to this case as being irreparable. Rashi there explains that the case cannot be fixed when we do not know which bird flew away. Rashi also points out that we can usually identify one bird versus the other only when they are together, by comparison. But when only one remains, it is common to not recognize if it is the chattas or olah bird.

Tosafos and Rosh write that if the original set was a designated one, the Mishnah would have to elaborate and say that we continue "only where we recognize the remaining bird." The Mishnah prefers to be concise and speak of an undesignated set.

R' Yaakov HaLevi, cited in Tosafos, says that the illustration is given in terms of a undesignated set in anticipation of the second halacha where the bird flew into a group to be offered. This halacha only applies if the foreign bird is from an undesignated pair, because the halacha would be different if it came from a designated set. ■

HALACHA Highlight

An heir's obligation to fulfill a parent's obligation

האשה שהביאה חטאתה ומתה

A woman who brought her chattas and died

The Mishnah teaches about a woman who was obligated to offer a chattas and olah and died after offering her chattas but before she could bring her olah. Her heirs are obligated to offer her olah in her place. Rosh¹ relates that there is a dispute in the Gemara in Kiddushin whether the Mishnah's ruling applies only when the woman designated the bird as an olah while she was yet alive or perhaps it applies even if she did not designate the bird during her lifetime. The underlying issue of the debate is whether the obligation that the Torah imposes on her generates a lien on her property (שיעבודא דאורייתא) or not. If a lien is generated then her heirs must offer a bird as an olah from the property that they inherit from her, but if it does not they would not be obligated to use her property to offer an olah on her behalf. If this would be the case the obligation rested upon her rather than on her property. The Gemara's conclusion is that the Torah does generate a lien on her property, and her heirs are obli-

gated to offer a bird olah even if their mother had not designated a bird for her olah during her lifetime.

Rema² rules that if someone vowed or pledged to give someone money and died before he could follow through with his commitment, his heirs are not obligated to give that money and this commitment is not subject to the obligation to carry out the wishes of the deceased – מצוה לקיים דברי המת. Rav Akiva Eiger³ wonders why Rema's case is different than the case in our Mishnah where the heirs are obligated to offer their mother's korban. He answers that Rema is consistent with his position that a pledge of an object to tzedaka does not sanctify the object until a kinyan is made to transfer the object to tzedaka. In other words, when it comes to pledges to tzedaka the pledge merely obligates one to keep his word but the object does not become sanctified. In contrast, when the Torah imposes an obligation to offer a korban there is an actual lien on that person's property and the lien does not disappear when the person dies. ■

¹ רא"ש ד"ה אשה שהביאה.
² רמ"א חו"מ סי' רנ"ב סעי' ב'.
³ שו"ת רעק"א קמא סי' קמ"ו.
⁴ רמ"א יו"ד סי' רנ"ח סעי' ז'.

STORIES off the Daf

The Dove

"כנגד בני יונה..."

On today's daf we find that one should not bring pigeons if he is obligated to bring doves, nor should he do the opposite. Each of these birds has a different nature which expresses a different spiritual quality.

The Midrash teaches: "Just as a dove (yonah) is simple and accepts authority, the Jewish people accept God's authority by ascending to Yerushalayim during the holiday. Just as a yonah is distinguished to its partner, who can tell it apart from other birds, Klal Yisrael are separated from

the non-Jews by how they cut their hair, their fulfillment of milah and their care to wear tzitzis. The Jews comport themselves with modesty, like doves. As a dove stretches out its neck to be slaughtered, Klal Yisrael stretches out their neck for this as the verse states, 'כי עלך הורגנו כל היום'. Just as doves atone, Yisrael atones for the nations when they bring the sacrificial bulls for them during Sukkos. As a dove which will never take another mate from the moment it recognizes its life partner, from the time Yisrael recognized God they never exchanged Him. Just like the eggs, chicks and young birds in a dove's nest each have their own place which they do not switch, Torah scholars know their proper place in relation to others and sit in this order in the San-

hedrin. Just as a dove will not abandon its nest even if its chicks are stolen, the Jews continue to keep the three festivals after the destruction of the Beis HaMikdash. Just as a yonah raises different chicks each month, the sages renew their learning by reviewing what they learn and doing mitzvos with vitality each month.

"Finally we are like doves who, when they emerge from their dovecote or nest to forage, keep within sight of their domicile and always return. Similarly, although Yisrael was exiled from Eretz Yisrael, it is always in their mind's eye and, eventually, they will be restored to their land!"¹ ■

¹ שיר השירים רבה, פ"ד, א' ■