



OVERVIEW of the Daf

1) **MISHNAH (cont.):** The Mishnah continues its record of the debate between R' Eliezer and R' Yehoshua whether the prohibition of me'ilah applies to a bird-olah offered on the lower part of the Altar using the chattas procedure and intending it for the sake of a chattas.

2) The debate between R' Eliezer and R' Yehoshua

A Baraisa is cited that records more of the exchange between R' Eliezer and R' Yehoshua.

Rava infers from this debate that R' Eliezer agrees with R' Yehoshua's position, as explained by R' Ada bar Ahava, that a bird-olah offered below using the chattas procedure for the sake of a chattas becomes a chattas after melikah was done to one pipe.

This position is unsuccessfully challenged.

R' Ashi offers another reason why R' Yehoshua's ruling is limited to the case of the bird-olah as mentioned in the Mishnah.

An unsuccessful attempt to refute R' Ada bar Ahava's

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REVIEW and Remember

1. According to Rava, what possible response could R' Eliezer have given to R' Yehoshua?

2. Why is it more logical for a bird-olah to become a bird-chattas than for a bird-chattas to become a bird-olah?

3. To what do the terms סתומה and מפורשת refer regarding pairs of birds offered on a korban?

4. How many pairs of birds must a woman offer if she vowed to offer a pair of birds upon the birth of a son and had a son?

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Distinctive INSIGHT

Understanding the reasons for the view of R' Yehoshua
 תא שמע חטאת לזו ועולה לזו...תימשוך ותהוי חטאת
 העוף...תימשוך

A bird-olah is supposed to be brought on the upper part of the Altar. The Mishnah which began on 66b brought a case of a bird-olah which was inadvertently brought on the lower part of the Altar, using the procedure of a chattas, and it was brought with the intention of it being a chattas. R' Eliezer ruled that it retains the law of being an olah, to which the laws of me'ilah apply. R' Yehoshua disagrees and contends that with the position, procedure and intent being that of a chattas, this offering reverts to being a chattas. Therefore, now that it is a chattas, after its blood is been applied to the Altar, the laws of me'ilah no longer apply. The Mishnah presents an extensive exchange between the Tannaim, each defending his position.

The Gemara points out that at one point, R' Eliezer realized the true reasoning behind R' Yehoshua's view, and R' Eliezer therefore desisted from arguing further. This reason was detailed by R' Adda b. Ahava. As the kohen takes the bird-olah to the lower part of the Altar, as soon as he performs melikah and cuts one of the pipes (esophagus or trachea), the offering is transformed into a chattas. As Rav Ashi explains, the service of killing a chattas may be done anywhere. Handling the bird at the lower section of the Altar and cutting only one pipe would immediately cause us to view this as a valid procedure of a chattas. This would not be the case in the reverse, where the kohen took a chattas to the upper part of the Altar and performed its melikah by cutting one pipe for the sake of an olah. Although cutting one pipe mimics the procedure of a chattas, this would be tantamount to bringing a chattas for the intent of an olah, which is not valid.

The Gemara brings three Mishnayos from Masseches Kinim as questions against the view of R' Yehoshua, as in each Mishnah we find that an olah which is mistakenly brought at the lower part of the Altar is not valid, and we do not consider the offerings as chattas. Yet, these Mishnayos should not be problematic, because the rule of R' Yehoshua where the offering is transformed from an olah to a chattas is only where the kohen knew that he was taking an olah and changing it into a chattas. In each case in Kinim the kohen takes the bird thinking it is a chattas, and he offers it below as a chattas, and not where an olah is being changed or redirected. Perhaps R' Yehoshua would agree that the case of using an olah below as an olah is indeed invalid.

This issue is dealt with by Or Sameach (Hilchos P'Sulei Ha-Mukdashim 7:6), and Keren Orah. ■

HALACHAH Highlight

A vow to fulfill a mitzvah

האשה שאמרה הרי עלי קן אם אלד זכר

A woman who declares, "It is incumbent upon me to bring a pair of birds if I give birth to a male."

Poskim debate whether a child who becomes a bar-mitzvah in the midst of the omer is allowed to continue to count Sefiras Haomer with a beracha on the days that follow his bar mitzvah. The issue relates to understanding the Torah's requirement that the counting should be תמימות—whole and complete. Do we say that since he counted as a minor he is allowed to continue counting after his bar-mitzvah with a beracha, since he will end up counting all 49 days, or perhaps since the first part of the count was done while he was yet a minor that segment of counting does not contribute towards his obligation to count as an adult and upon reaching his bar mitzvah he may no longer count with a beracha. Sha'arei Teshuvah¹ cites the opinion of Pri Ha'aretz who maintains that as long as the bar-mitzvah boy counted all the days leading up to his bar-mitzvah he may continue to count with a beracha even after his bar-mitzvah. Avnei Nezer², however, expresses uncertainty about this ruling.

Teshuvos Kinyan Torah³ addressed the suggestion that would allow the bar-mitzvah boy to continue to count with a beracha according to all opinions. There is a disagreement amongst the Rishonim whether an oath to perform a mitzvah

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understanding of R' Yehoshua is presented.

The Gemara begins another attempt to refute R' Ada bar Ahava's understanding of R' Yehoshua. ■

takes effect. According to Ran the oath takes effect and if one were to violate that oath he would have violated the Biblical prohibition against profaning one's words. Ramban disagrees and writes that violating an oath to perform a mitzvah has no consequence. Since, according to Rambam, the oaths of a boy who is on the verge of becoming a man (מופלא סמוך לאיש) take effect, the boy should take an oath the second night of Pesach that he will count Sefiras Haomer. By doing this, his counting is elevated to a Biblical requirement that will continue, by virtue of his vow, even after he becomes an adult. Teshuvos Kinyan Torah rejects this suggestion and one reason is that our Gemara supports Ramban's assertion that taking an oath to perform a mitzvah is not a binding oath. The Gemara teaches about a woman who vowed to bring a pair of birds if she gives birth to a male. She is obligated, upon the birth of a male, to bring two pairs of birds, one for giving birth to a male and the second for her vow. The fact that it is assumed that her intent was a separate vow rather than related to her essential obligation to offer a pair of birds upon the birth of a male indicates that the vow does not take effect on a mitzvah. ■

1. שערי תשובה סי' תפ"ט סק"ד
2. שו"ת אבני נזר או"ח סי' תקל"ט
3. שו"ת קנין תורה ח"ד סי' נ"ז ■

STORIES Off the Daf

The Additional Birds

ת"ש חטאת לזו ועולה לזו

The Mishnah in Avos states, "רבי אליעזר בן חסמא אומר קנין ופתחי נדה הן – הן גופי הלכות" Rabbi Eliezer ben Chisma says, 'Kinin and pischei niddah are, themselves, the corpus of Torah law.'"

The Iyun Yaakov and the Midrash Shmuel explain that they are the essence of Torah because of both the complex calculations of niddah impurity and the bird-offerings brought by a woman post-partum are no longer halachically applicable in our days. Clearly, one who delves into these subjects learns Torah

for its own sake!

The Tashbatz, zt"l, explains, "Kinim is the last tractate of Seder Kodshim. It consists of three chapters of Mishnayos without Gemara. A few of these halachos are explained in other places in shas such as Perek Chattas HaOf, including Zevachim 67.

"These halachos are very deep since they discuss many complex calculations; at times one is obligated to bring an extra seven or eight birds to properly discharge an halachic obligation. Rabbi Yehoshua uses a metaphor which is wondrous in its implications, 'A living ram has one voice, but after it dies it produces seven voices.' Although a ram has only one larynx, after it dies we can make a lot of music from its many parts. From its two horns we can fashion a shofar,

from its hollowed thighbones we make two flutes, with its intestines we can make a standing-harp and its innards fashion a handheld harp. Finally, its skin makes a tambourine. Those parallel the seven birds. According to the opinion of Ben Azzai that sometimes one must bring an extra eight birds, some add that the wool of a ram is used to make the cloak of the kohen gadol which had bells attached to it.

"Because these halachos are so complex and require a lot of toil, Masseches Kinin ends with a statement of Rabbi Shimon ben Akashya. "When the ignorant get older they get more foolish, but when sages get older they become wiser and more mentally composed..."¹ ■

1. תשב"ץ באבות פ"ג משנה י"ח

