

## Mishna - Mas. Kinim Chapter 1

MISHNAH 1. THE [SPRINKLING OF THE BLOOD OF A] SIN-OFFERING OF THE BIRD<sup>1</sup> IS PERFORMED BELOW,<sup>2</sup> BUT THAT OF A BEAST, ABOVE.<sup>3</sup> THE BURNT-OFFERING OF THE BIRD IS PERFORMED ABOVE,<sup>4</sup> BUT THE BURNT-OFFERING OF A BEAST, BELOW.<sup>5</sup> SHOULD ONE VARY THIS PROCEDURE WITH EITHER, THEN THE OFFERING IS DISQUALIFIED.<sup>6</sup> THE PRESCRIBED RITUAL IN THE CASE OF KINNIM<sup>7</sup> WAS AS FOLLOWS: IN THE CASE OF OBLIGATORY OFFERINGS,<sup>8</sup> ONE [BIRD] IS A SIN-OFFERING<sup>9</sup> AND ONE A BURNT-OFFERING.<sup>10</sup> IN RESPECT OF VOWS AND FREEWILL OBLIGATIONS, HOWEVER, ALL ARE BURNT-OFFERINGS.<sup>11</sup> WHAT CONSTITUTES A VOW-OFFERING? WHEN ONE SAYS: 'IT IS INCUMBENT UPON ME TO BRING A BURNT-OFFERING'.<sup>12</sup> AND WHAT CONSTITUTES A FREEWILL-OFFERING? WHEN ONE SAYS: BEHOLD, THIS SHALL SERVE AS A BURNT-OFFERING'.<sup>13</sup> WHAT IS THE [PRACTICAL] DIFFERENCE BETWEEN VOWED AND FREEWILL OBLIGATIONS? IN THE CASE OF VOWS, ONE IS RESPONSIBLE FOR THEIR REPLACEMENT IN THE EVENT OF THEIR DEATH, OR THEIR HAVING BEEN STOLEN; BUT IN THE CASE OF FREEWILL OBLIGATIONS, ONE IS NOT HELD RESPONSIBLE FOR THEIR REPLACEMENT.

MISHNAH 2. IF A SIN-OFFERING BECOMES MIXED UP WITH BURNT-OFFERINGS,<sup>14</sup> OR BURNT-OFFERINGS WITH SIN-OFFERINGS, WERE IT EVEN ONE IN TEN THOUSAND, ALL MUST BE LEFT TO DIE.<sup>15</sup> IF [BIRDS ASSIGNED AS] SIN-OFFERINGS<sup>16</sup> BECOME MIXED UP WITH [UNASSIGNED] OBLIGATORY OFFERINGS,<sup>17</sup> THEN THOSE VALID CORRESPOND TO THE NUMBER OF SIN-OFFERINGS AMONG THE OBLIGATORY OFFERINGS;<sup>18</sup> SIMILARLY, IF [BIRDS ASSIGNED AS] BURNT-OFFERINGS BECOME MIXED UP WITH [UNASSIGNED] OBLIGATORY OFFERINGS,<sup>19</sup> THE NUMBER VALID IS IN PROPORTION TO THE NUMBER OF BURNT-OFFERINGS AMONG OBLIGATORY OFFERINGS.<sup>20</sup> [THIS RULE HOLDS GOOD] WHETHER THE [UNASSIGNED] OBLIGATORY OFFERINGS ARE IN THE MAJORITY AND THE FREEWILL-OFFERINGS IN THE MINORITY, OR THE FREEWILL-OFFERINGS ARE IN THE MAJORITY AND AND THOSE THAT ARE OBLIGATORY IN THE MINORITY,<sup>21</sup> OR WHETHER THEY ARE BOTH EQUAL IN NUMBER.<sup>22</sup>

MISHNAH 3. WHEN IS THIS SO?<sup>23</sup> WHEN OBLIGATORY OFFERINGS [GET MIXED UP] WITH VOLUNTARY OFFERINGS.<sup>24</sup> WHEN, HOWEVER, OBLIGATORY OFFERINGS GET MIXED UP ONE WITH ANOTHER,<sup>25</sup> WITH ONE [PAIR] BELONGING TO ONE [WOMAN] AND THE OTHER PAIR TO ANOTHER [WOMAN],<sup>26</sup> OR TWO [PAIRS] BELONGING TO ONE AND TWO [PAIRS] TO ANOTHER, OR THREE [PAIRS] TO ONE AND THREE [PAIRS] TO ANOTHER,<sup>27</sup> THEN HALF OF THESE ARE VALID AND THE OTHER HALF DISQUALIFIED.<sup>28</sup> IF, HOWEVER, ONE [PAIR] BELONGS TO ONE [WOMAN] AND TWO PAIRS TO ANOTHER, OR THREE PAIRS TO ANOTHER, OR TEN PAIRS TO ANOTHER OR A HUNDRED TO ANOTHER, ONLY THE LESSER NUMBER REMAINS VALID.<sup>29</sup> [THIS IS IRRESPECTIVE OF] WHETHER [THE PAIRS] ARE OF THE SAME DENOMINATION<sup>30</sup> OR OF TWO DENOMINATIONS,<sup>31</sup> OR WHETHER THEY BELONG TO ONE WOMAN OR TO TWO.

MISHNAH 4. WHAT IS MEANT BY ONE 'DENOMINATION'?<sup>32</sup> [WHEN BOTH PAIRS ARE] FOR TWO BIRTHS,<sup>33</sup> OR FOR TWO ISSUES;<sup>34</sup> [SUCH A CASE] CONSTITUTES ONE DENOMINATION.<sup>35</sup> AND 'TWO DENOMINATIONS'? [WHEN ONE PAIR IS BROUGHT] FOR A BIRTH, [AND THE OTHER] FOR AN ISSUE. WHAT IS MEANT BY 'TWO WOMEN'? [WHEN] ONE [WOMAN] BRINGS [HER OFFERING] FOR A BIRTH AND THE OTHER FOR A BIRTH, OR [WHEN ONE BRINGS] AFTER AN ISSUE AND THE OTHER AFTER AN ISSUE, THIS ALSO CONSTITUTES 'OF ONE DENOMINATION'. AND A CASE 'OF TWO

DENOMINATIONS'? WHEN ONE BRINGS HER PAIR AS A RESULT OF A BIRTH AND THE OTHER AS A RESULT OF AN ISSUE. R. JOSE SAYS: WHEN TWO WOMEN PURCHASE THEIR KINNIM IN PARTNERSHIP,<sup>36</sup> OR GIVE THE PRICE OF THEIR KINNIM TO THE PRIEST [FOR HIM TO PURCHASE THEM], THEN THE PRIEST CAN OFFER WHICH ONE HE PLEASURES AS A SIN-OFFERING OR AS A BURNT-OFFERING, IRRESPECTIVE OF THE FACT WHETHER THEY BELONG TO ONE DENOMINATION OR TO TWO.<sup>37</sup>

(1) All the instances for which the Bible prescribes the offering of a couple of birds are cited in the Introduction heading this Tractate. One of these birds was regarded as a sin-offering ( **הטאת** ) and the other as a burnt-offering ( **עולה** ). V. Lev. V, 9-10. The Mishnah (Zeb. 53a) records that the **הטאת** was eaten by the males of the priesthood within the hangings of the Court on the same day and evening until midnight; whereas the **עולה**, which belongs to the holiest class of sacrifices ( **קדשי קדשים** ) has to be flayed, dismembered and totally consumed by fire.

(2) V. Mid. III, 1 for a graphic description of the altar. A red line, right across the centre of the altar, served to distinguish its upper part from the lower part thereof, a distinction necessary for the proper fulfilment of the blood-sprinkling attached to the various sacrifices. Our Mishnah refers to Lev. V, 9: 'And he shall sprinkle the blood of the sin-offering upon the side of the altar; and the rest of the blood shall be drained at the base of the altar: it is a sin-offering'. In the case of the **הטאת** 'the side of the altar' was that part below the red line, v. Zeb. 64b.

(3) V. Lev. IV, 30.

(4) Lev. I, 15: 'And the priest shall bring it upon the altar and pinch off its head and make it smoke on the altar, the blood thereof shall be drained on the side of the altar'. Since the draining ( **ונמצה** ) occurs side by side with the smoke of the sacrifices ( **והקטיר** ), which must refer to the top of the altar, the deducted inference is that the sprinkling of the **עולה** is also performed above.

(5) In the case of all burnt-offerings of beasts the sprinkling is done below the line, the Bible always using the words 'at the base of the altar', v. Zeb. 57a.

(6) I.e., in the sprinkling, or in the case of the 'burnt-offering of a bird' which had no sprinkling, in the draining of the blood.

(7) The Mishnah proper begins here, hitherto being merely introductory of the cases of confusion dealt with in this Tractate. The **הטאת** is mentioned first here, according to the order found in the Bible. **קנים** is pl. of **קן** (cf. Deut. XXII, 6; XXXII, 11), and always refers to the pair of sacrificial birds, whereas **פרידה** is used of a single bird (v. infra III, 6).

(8) V. Introduction. Though 'Kinnim' was the poor man's offering, yet in the case of a man or woman suffering a flux ( **זב וזבה** ), it sufficed even for the opulent.

(9) The blood-sprinkling taking place below the red line. In the case of the 'Kinnim' brought by the proselyte, both birds were regarded as burnt-offerings; not being so common an instance, the Mishnah does not deal with it. In Temple times, the new proselyte had to bring the silver equivalent of the 'Kinnim' (Tosef. Shek. IV, 22 and Baraita R.H. 31b).

(10) With the blood-sprinkling above.

(11) Freewill-offerings consisted only of burnt- or peace-offerings; but as birds were ruled out from being offered as peace-offerings, they could, therefore, only serve as burnt-offerings. Peace-offerings could only be brought from the herd and from sheep and goats.

(12) Since he pledged himself the vow is not fulfilled until the replacement of the sacrifice (cf. R.H. 6a, Meg. 8a, Hul. 139a).

(13) No replacement is required, since he pledged the animal and that animal is now non-existent; cf. 'Arak. 20b.

(14) All the nouns in this Mishnah, though in the singular, are used in a collective sense.

(15) Since we have already been told in the preceding Mishnah that the slightest variation in the blood-sprinkling disqualifies the offering, what greater variations can there be than in the confusion here instanced? In the case of living creatures, the rule of 'majority' does not apply, on the ground that anything of outstanding importance cannot be declared 'non est'. To avoid the risk of their being unwittingly offered up by another, they had to be secluded in a special place, where they would ultimately perish.

(16) I.e., doves or pigeons already designated for this purpose ( **מפורשות** ).

(17) Not yet defined as to which should be a **הטאת** and which an **עולה**.

(18) An example will make this clearer. If one bird, specified as a sin-offering, gets confused with two pairs of birds brought as obligatory offerings but not yet specified ( **סתומות** ), then none of the five birds can be offered as a

burnt-offering, since one is definitely a **הטאת**. To offer up three as sin-offerings is also not permissible, lest all the three may belong to the two 'kinnim' brought as obligatory offerings, of which not more than two are sin-offerings. Only two out of the five can be offered as sin-offerings, corresponding to the number of sin-offerings in the obligatory offerings. This only holds good if the two unspecified 'kinnim' belong to the same woman and were brought for similar causes, as for a past and present confinement, in which case they consist of two burnt-offerings and two sin-offerings.

(19) As above, a bird specified as a burnt-offering gets confused with two 'kinnim' still unspecified.

(20) V. supra n. 2; the example there given applies equally to this case. He cannot offer even one bird as a sin-offering, but only two as burnt-offerings.

(21) Freewill-offerings could only consist of burnt-offerings, whereas obligatory offerings consisted of an **עולה** and a **הטאת**. The Mishnah refers to obligatory offerings that have not been specified; in all these instances, the rule is that only that number is valid which corresponds to the number of burnt-offerings among the obligatory offerings.

(22) If two burnt-offerings or two specified sin-offerings get mixed up with an unassigned pair of birds, the rule applied is always the same.

(23) Lit., 'when are these words said?' Namely, that those valid correspond to the number of sin-offerings or burnt-offerings among the obligatory offerings. This Mishnah explains the preceding.

(24) That is when offerings comprising both burnt- and sin-offerings get mixed up with burnt-offerings.

(25) If unassigned kinnim brought by a woman after child-birth or a flux get confused with the kinnim of another brought for a similar cause.

(26) The word **לזו** is in the fem., as all the instances in this treatise refer to women, who brought these offerings more often (child-birth being only applicable to them and also because they have the flux more often).

(27) Each bringing an equal number, without yet specifying what offering each bird should be.

(28) Ct. III, 2 infra. Of the two kinnim that got confused, only one bird can be offered as a **הטאת** and the other as an **עולה**; more than this number cannot be offered as either offering, lest the two birds offered, for instance, as burnt-offerings belong to the pair of one woman, of which only one is an **עולה**. This ruling equally applies to any number of kinnim that get confused. When the priest sacrifices the half that are valid, he must stipulate that they are on behalf of the woman who has specified them for this purpose. In addition, the two women must bring another offering in partnership and state that each allows the other to offer up the part belonging to herself. This was done in order to make the offering perfectly valid.

(29) Hitherto the examples quoted were of the women each with an equal number of kinnim. The Mishnah now discusses the case when one woman only brings one pair and the other two, three, ten or a hundred pairs. In this case, only two birds can be sacrificed, one as a **הטאת** and the other as an **עולה**. Similarly, if ten kinnim get confused with a hundred belonging to another woman, only ten kinnim can be sacrificed, half of them as burnt-offerings and half as sin-offerings. Maim. in his Pesule ha-Mukdashim VIII, 6 gives a somewhat different interpretation; v. the Kesef Mishneh a.l.

(30) Each woman being after child-birth or after having seen a flux; v. infra I, 4.

(31) That is, either when each woman brings two kinnim, each for a different cause, or when one brings her sacrificial pair after child-birth and the other after suffering a flux. The same rule applies — only the lesser number brought by one woman is valid. In the case, however, of one woman bringing two different kinnim for the same cause, say for a present child-birth and for one gone by, for which no offering had yet been brought, then all the birds are valid, provided that they were unspecified. Two birds are offered as sin-offerings and two as burnt-offerings.

(32) This Mishnah explains the one above.

(33) Lit., 'for a birth and a birth'. Lev. XII, 8.

(34) Lev. XV. 29.

(35) And the law stated in the preceding Mishnah applies (**המועט כשר**).

(36) Without specifying which pair belonged to one, or which to another.

(37) Because the actual specification of the birds can take place either at the time of purchase or at the time of their offering by the priest, any intervening specification being of no effect (Yoma 41a). R. Jose's statement gave rise to much Talmudic discussion: v. 'Er. 37a and especially Rashi's commentary a.l. The question arose: If the women had specified the nature of their offerings at the time of purchase or when they gave the money to the priest, but forgot them later, or had not specified at all — then how could the latter perform the sacrifice? Might he not offer up a burnt-offering for Rachel when she intended it for a sin-offering, since it is an established principle that 'the Torah considers not of legal effect a retrospective assignment of things previously undefined as to their purpose'? (Cf. Bz. 38a; Hul. 14b). To solve

these difficulties, the explanation arrived at by Rashi is as follows: When the women bought the birds or gave the purchase money to the priest, they left to the priest the option to offer them up as he thought fit, thus removing the difficulty of retrospective selection ( ברירה ). V. Tosaf. ibid. s.v. כשהתנו .

## Mishna - Mas. Kinim Chapter 2

MISHNAH 1. IF A SINGLE PIGEON FROM AN UNASSIGNED PAIR OF BIRDS<sup>1</sup> ESCAPED INTO THE OPEN AIR, OR FLEW AMONG BIRDS THAT HAD BEEN LEFT TO DIE,<sup>2</sup> OR IF IT ITSELF DIED, THEN MUST A MATE BE SUPPLIED FOR THE SECOND ONE.<sup>3</sup> IF IT FLEW AMONG BIRDS THAT ARE TO BE OFFERED UP,<sup>4</sup> IT BECOMES INVALID<sup>5</sup> AND INVALIDATES ALSO ANOTHER BIRD AS ITS COUNTERPART [IN THE PAIR];<sup>6</sup> FOR THE PIGEON THAT FLEW AWAY BECOMES INVALID AND INVALIDATES ANOTHER BIRD AS ITS COUNTERPART [IN THE PAIR].<sup>7</sup>

MISHNAH 2. FOR EXAMPLE<sup>8</sup> TWO WOMEN<sup>9</sup> — EACH WITH HER TWO PAIRS,<sup>10</sup> AND ONE BIRD FLIES FROM THE [PAIR OF] ONE TO ANOTHER [WOMAN'S PAIR]. THEN IT DISQUALIFIES BY ITS ESCAPE ONE [OF THE BIRDS FROM WHICH IT FLEW].<sup>11</sup> IF IT RETURNED, IT DISQUALIFIES YET ANOTHER<sup>12</sup> BY ITS RETURN.<sup>13</sup> IF IT FLEW AWAY AGAIN AND THEN RETURNED, AND YET AGAIN FLEW AWAY AND RETURNED, NO FURTHER LOSS IS INCURRED,<sup>14</sup> SINCE EVEN IF THEY HAD ALL BECOME MIXED TOGETHER, NOT LESS THAN TWO [PAIRS WOULD STILL BE VALID].<sup>15</sup>

MISHNAH 3. IF ONE [WOMAN] HAD ONE PAIR, ANOTHER TWO, ANOTHER THREE, ANOTHER FOUR, ANOTHER FIVE, ANOTHER SIX AND ANOTHER SEVEN PAIRS,<sup>16</sup> AND ONE BIRD FLEW FROM THE FIRST TO THE SECOND PAIR,<sup>17</sup> [AND THEN A BIRD FLEW FROM THERE] TO THE THIRD, [AND THEN A BIRD FLEW FROM THERE] TO THE FOURTH, [AND FROM THERE A BIRD FLEW] TO THE FIFTH. [AND FROM THERE FLEW ONE] TO THE SIXTH, [AND ONE FROM THERE FLEW] TO THE SEVENTH, AND THEN A BIRD RETURNS [IN THE SAME ORDER].<sup>18</sup> IT DISQUALIFIES A BIRD AT EACH FLIGHT AND RETURN.<sup>19</sup> UNTO THE FIRST AND SECOND [WOMEN] THERE ARE NONE LEFT,<sup>20</sup> UNTO THE THIRD THERE IS ONE PAIR,<sup>21</sup> UNTO THE FOURTH TWO, UNTO THE FIFTH THREE, UNTO THE SIXTH FOUR, AND UNTO THE SEVENTH SIX PAIRS.<sup>22</sup> IF AGAIN [ONE FROM EACH GROUP] FLEW AWAY AND RETURNED [IN LIKE ORDER].<sup>23</sup> IT DISQUALIFIES A BIRD BY ITS FLIGHT AND RETURN; [IN WHICH CASE] THE THIRD AND FOURTH WOMAN WILL HAVE NONE LEFT,<sup>24</sup> THE FIFTH WILL HAVE ONE PAIR,<sup>25</sup> THE SIXTH TWO PAIRS,<sup>26</sup> AND THE SEVENTH WOMAN FIVE PAIRS.<sup>27</sup> IF AGAIN ONE [FROM EACH GROUP] FLEW AWAY AND RETURNED,<sup>28</sup> IT DISQUALIFIES A BIRD BY ITS FLIGHT AND RETURN; IN WHICH CASE, THE FIFTH AND SIXTH WOMEN HAVE NONE LEFT,<sup>29</sup> AND THE SEVENTH HAS FOUR PAIRS.<sup>30</sup> BUT SOME SAY THAT THE SEVENTH WOMAN HAS THEREBY LOST NOTHING.<sup>31</sup> IF [A BIRD] FROM THOSE THAT ARE LEFT TO DIE<sup>32</sup> ESCAPED TO ANY OF ALL THE GROUPS, THEN ALL MUST BE LEFT TO DIE.<sup>33</sup>

MISHNAH 4. IF [THERE ARE TWO PAIRS], ONE UNASSIGNED<sup>34</sup> AND THE OTHER ASSIGNED,<sup>35</sup> AND ONE BIRD FROM THE UNASSIGNED [PAIR] FLEW OVER TO THE ASSIGNED [PAIR], THEN A MATE MUST BE TAKEN FOR THE SECOND [BIRD].<sup>36</sup> IF ONE BIRD FLEW BACK,<sup>37</sup> OR IF, IN THE FIRST PLACE, A BIRD FROM THE ASSIGNED PAIR FLEW [AMONG THE OTHER PAIR].<sup>38</sup> THEN ALL MUST BE LEFT TO DIE.<sup>39</sup>

MISHNAH 5. IF THERE ARE SIN-OFFERING<sup>40</sup> ON ONE SIDE, BURNT-OFFERING ON THE OTHER AND UNASSIGNED [PAIR] IN THE CENTRE, AND FROM THE CENTRE THERE FLEW A BIRD TO EACH SIDE, ONE HERE AND THE OTHER THERE, THEN NO LOSS ACCRUES, BUT HE [THE PRIEST] SAYS THAT THE BIRD THAT FLEW [FROM THE

CENTRE] TOWARDS THE SIN-OFFERING IS A SIN-OFFERING AND THE BIRD THAT FLEW TOWARDS THE BURNT-OFFERING IS A BURNT-OFFERING.<sup>41</sup> IF ONE [FROM EACH SIDE] RETURNS TO THE CENTRE, THEN [ALL] THOSE IN THE CENTRE MUST BE LEFT TO DIE, BUT THOSE [LEFT ON EITHER SIDE] CAN BE OFFERED UP AS SIN-OFFERINGS OR AS BURNT-OFFERINGS RESPECTIVELY.<sup>42</sup> IF AGAIN A BIRD [FROM THE CENTRE] RETURNED OR FLEW AWAY TO THE SIDES,<sup>43</sup> THEN ALL MUST BE LEFT TO DIE.<sup>44</sup>

ONE CANNOT PAIR TURTLE-DOVES WITH PIGEONS OR PIGEONS WITH TURTLE-DOVES.<sup>45</sup> FOR EXAMPLE? IF A WOMAN HAS BROUGHT A TURTLE-DOVE AS HER SIN-OFFERING AND A PIGEON AS HER BURNT-OFFERING, SHE MUST THEN BRING ANOTHER TURTLE-DOVE AS HER BURNT-OFFERING; IF HER BURNT-OFFERING HAD BEEN A TURTLE-DOVE AND HER SIN-OFFERING A PIGEON, THEN SHE MUST BRING ANOTHER PIGEON AS HER BURNT-OFFERING.<sup>46</sup> BEN 'AZZAI SAYS: ONE IS GUIDED BY WHAT WAS THE FIRST [OFFERING].<sup>47</sup> IF A WOMAN BROUGHT HER SIN-OFFERING AND THEN DIED, HER HEIRS MUST BRING HER BURNT-OFFERING;<sup>48</sup> [BUT IF SHE FIRST BROUGHT] HER BURNT-OFFERING AND THEN DIED, HER HEIRS NEED NOT BRING HER SIN-OFFERING.<sup>49</sup>

(1) The word **סתומה** points to the undesignated state of each bird; its opposite ( **מפורשת** ) is used of a pair of birds that have been specified as to which was to be offered as a sin-offering and which as a burnt-offering (B.B. 71a; Nazir 12a).

(2) Supra I, 2. Should this unassigned pair get confused with birds specified as sin-offerings, all may then be offered as sin-offerings and the bird still remaining of the unassigned pair is brought as a burnt-offering. (V. Rashi on Nazir 12a).

(3) We do not condemn it to exposure to die, but it is still fit to be offered up either as a **הטאת** or an **עולה**, once it has been supplied with a partner. If the bird escapes from a specified pair, this rule all the more applies.

(4) That have also not yet been specified. Our Mishnah speaks of **סתומה**; for if a bird from a **קן מפורשת** gets confused with unassigned birds, the law is that of I, 2 supra. Moreover, if the nature of the escaped bird from the specified pair be unknown, then it would disqualify not only itself and one of the birds of the group into which it had flown, but also the bird remaining of the specified pair; v. infra II, 3.

(5) I.e., of the confused birds one remains invalid and not fit to be offered as representing the bird that had flown into them.

(6) Being unassigned, it can only disqualify its counterpart in the pair from which it flew (infra II, 4). The other birds can be offered up according to the number of sin- and burnt-offerings that were there before the confusion occurred.

(7) We expected a reason and get instead a repetition of the statement. Besides, these words refer only to the last case but not to the first instances quoted in the Mishnah. The stress, however, here is that the escaped bird can only disqualify both the one left behind and one of those into whose midst it flies. We do not apply here the principle of **כל דפריש מרובא פריש**, 'that whatever proceeds from a mixed multitude has the legal status of the majority'. since it may easily be that the bird offered up is the one that remained stationary (kabua), and the principle is that the majority rule is not applicable. (For a discussion v. Zeb. 73b.)

(8) A fuller illustration of the principle clearly stated in the preceding Mishnah.

(9) Again women, for it is they who have more frequent occasion to bring bird-offerings.

(10) Still unassigned. Two pairs are cited, for if each had brought only one pair, the bird remaining would have become invalid even prior to the return of its escaped companion. In the case of one bringing one pair and the other woman several, the rule of 'only the lesser number remains valid' (supra I, 3) would apply here too.

(11) When a bird escapes from the four birds of one to the four of another, then three are left in one group and five in the other. Of the three one can be offered as a **הטאת** and the other as an **עולה** for were he to offer up two as burnt-offerings, both the third bird and the one that escaped would thereby be classed as sin-offerings. The result would then be that of the five birds he would be able to offer only two sin-offerings in accordance with the principle of supra I, 2. After having sacrificed two of the three birds, the third must be left to die; for were it brought as a sin-offering, the fear is lest its mate that swelled the other group to five also be offered as a **הטאת**. The result would then be that one pair would yield two sin-offerings. 'quod impossibile est'. Similarly, not more than four of the five birds are valid, two as

sin-offerings and two as burnt-offerings. For were three birds offered as either kind of sacrifice, it is possible that they were of the two pairs brought by the same woman, of which only two are sin-offerings and only two are burnt-offerings. It thus stands to reason that the bird that escapes disqualifies itself and a bird from each of the groups from which it has flown and to which it escapes. (As in all other cases, the women, in order to fulfil their obligation meticulously, had to subscribe jointly for another pair and give each other full rights in the pair brought.)

(12) Of the birds from which it now flew.

(13) If one of the five birds flew towards the three. Once again there are two equal groups of four birds each, but of each group only one can be offered as a **הטאת** and one as an **עולה** since it might easily be that the bird that now escapes towards the three is not the bird that originally belonged to that group, so that we would now have three birds belonging to one woman and one to another, and as explained in n. 4 supra, only two birds of each group can be offered as a **הטאת** and an **עולה** respectively.

(14) Even with endless flying and returning at least two pairs remain valid.

(15) Of these two pairs only two can be offered as sin-offerings and two as burnt-offerings. The sole fear stressed in this Mishnah is lest if three be offered as either sacrifice, the three birds may belong to the two pairs of one woman.

(16) The pairs being yet unassigned.

(17) The bird left to her, who only brought one pair, becomes disqualified; v. supra land II n. 4.

(18) A bird from the seven kinnim flies towards the six kinnim, and from there another bird flies towards the five kinnim, and so on in reverse order. The result of this backward flight is that the women finish up each with the number with which they at first began.

(19) On account of the uncertainty of identity. V. Bertinoro s.v.

(20) The pair of the first is invalid, for one bird is disqualified at the first flight and the other remaining bird by the return of another bird. Similarly, of the four birds belonging to the second woman, two get disqualified by the first flight and two by the return flight.

(21) More she cannot offer, for four have become disqualified by the flight and return. Hence, the fourth, fifth and sixth women can offer their kinnim minus four as these may be of those belonging to the first and second, whose offerings are now invalid.

(22) Since only one bird escaped from her group when the birds began to fly back in reverse order; for at the first flight, her birds were not affected at all. In all cases the fear is lest more sin-offerings and burnt-offerings than originally existed in each of the groups be sacrificed.

(23) This return can only refer to the groups commencing with the third woman onwards; for should a bird escape from the kinnim of the first two women that have been invalidated, and, therefore, condemned to die, then the concluding rule of our Mishnah IF A (BIRD) FLEW FROM THOSE THAT ARE LEFT TO DIE would be applicable. Some commentators (notably Asheri) do not agree that the disqualified kinnim of the first two women are to be left to die, and aver that if these disqualified birds again get mixed up with those about to be sacrificed, they would be rendered valid on the principle of ( **דפּק דפּיקא** ) double doubt. The return of the bird must be understood as taking place in the same order as the flight. Only reversed; e.g., from the seventh to the sixth, from the sixth to the fifth, and so on.

(24) Three comings and goings have now taken place from each group, and of the six birds belonging to the third woman, three have gone. The fear is lest these three departed birds be offered up either as sin-offerings or as **עולות**, and if in addition, we allow her to offer up even one pair, we would find four sacrifices of each kind offered from a possible three. A similar reasoning is applicable to the fourth woman of whose eight birds six have become invalid by the three movements from and into the kinnim (v. Tif. Israel).

(25) Of her original ten birds, four are deemed to have escaped. These might be offered up later as four sin-offerings or as four burnt-offerings; so by allowing the fifth woman more than one valid pair, the same situation as the one described above would arise—more sacrifices would be brought from her kinnim than possibly existed when she first brought them. Some commentators (Tif. Israel) question this ruling: since the third and fourth cannot offer up their kinnim at all, and since they are set aside, then why should not the fifth be allowed to offer up three pairs? But the fear is lest the fourth woman, whose remaining two birds have been disqualified on account of a preventive measure, might offer up those birds again after they had become mixed up with the others, in which case they would be rendered valid, as aforementioned, on account of **דפּק דפּיקא** (a double doubt).

(26) For the reasons above given; four birds have escaped and more than two pairs would increase the possible number of her offering.

(27) Hers is the least loss, since her kinnim have been affected Only at each return and not, as in the other cases, at each

flight also. Were she allowed more than five pairs, the same impossible situation referred to in the above notes would arise.

(28) Since the kinnim of the first four women have become invalid, we must interpret this flight to be from the kinnim of the fifth downwards and the return, in reverse order, from the seventh to the sixth, and the sixth to the fifth.

(29) For the same reason as that given in the case of the third and fourth woman in p. 10, n. 2 supra.

(30) Since only three birds have been affected, she loses only three pairs, each fleeing and returning bird disqualifying a corresponding bird. To the question, why she be not allowed to offer more, since the kinnim of all the others have been disqualified, the same answer as that given in p. 10, n. 3 supra can be cited.

(31) This does not mean that she can offer up all her seven pairs, but simply that the third flight does not affect her and she may still offer up five pairs, as after the second flight. Wilna Gaon contends that HAS THEREBY LOST NOTHING means that all the seven pairs can be offered up since there is no fear of more than the possible sin- and burnt-offerings being brought, as all the other kinnim have been declared invalid. The Bertinoro disagrees on the contention that the third flight would thus qualify even those birds that had become invalid after the second flight, when the seventh was allowed to bring only five pairs.

(32) These may either be those birds our Mishnah disqualifies, or birds of owners who had died or had been forgiven before the sacrifice could take place.

(33) On the ground that living things are too important for the majority rule to be applied to them. Neither can the principle of נכבשנהו דניידי 'let us force them to scatter' (v. Zeb. 73b) or of כל דפריש מרובא פריש 'whatever comes out of a mixed multitude presumably comes from the majority' be applied, since the birds to be offered up may quite easily be of those that remained stationary, and the principle is that 'if there be anything stationary the whole is treated as equally divided'. Cf. supra II, 1 (n. 7).

(34) The owners or the priest had not yet specified the kind of offering each bird should be.

(35) The owners at the time of purchase designated each bird, but can no longer identify which is for the sin-offering and which for the burnt-offering.

(36) This cannot be taken from the three birds now all mixed up with the assigned pair, since none of these can now be offered up. V. supra II. 1.

(37) From the three, back to the bird that had been left alone.

(38) Without knowing whether it was a חטאת or an עולה .

(39) Since the specific nature of each had been fixed, the present uncertainty disqualifies them from the altar.

(40) The sing. is used in a collective sense. The offerings in the two sides have already been specified.

(41) I.e., the priest, at the time of the sacrifice, declares the kind of offering the unassigned bird should be.

(42) Those in the centre are invalid, because they have become confused with the assigned offerings from each side, whereas those on either side are still valid, since we know the nature of the offerings.

(43) If birds from an assigned pair in the centre flew, a bird to each side, without knowing precisely which.

(44) On account of the confusion of sacrifices not only in the centre but also at the sides. Asheri reads חזר ופרה for חזר או שפרה . Maim. translates this statement of חזר או שפרה thus: 'a bird flies from the centre to one of the sides, and from that side the same, or another bird, flies to the other side'. The translation in our Mishnah is that given by R. Zerahia ha-Levy; Bertinoro simplifies the text by omitting OR FLEW AWAY.

(45) An introduction to the next chapter which deals with this subject.

(46) The sin-offering is mentioned first, on account of its pre-eminence in the Bible; cf. Lev. V, 8. The point stressed is that the pair of birds she brings must both be the same, either two pigeons or two turtle-doves, and when she brings one of each kind, she must bring another bird of the kind she had designated as a sin-offering, since that is the most important.

(47) Regardless whether this be a sin-offering or a burnt-offering.

(48) For the Temple authorities could claim from the heirs promises unredeemed by the death of the owner; v. Kid. 13b, Zeb. 5a and Men. 4b.

(49) Though as stated in n. 2 supra, the חטאת had to precede the עולה yet a reversal of this order by no means invalidated the offering. The point here stressed is that whereas a burnt-offering had to be brought by the heirs, a sin-offering had not to be brought, since death atones for any sin; cf. Ter. IV, 1.

### Mishna - Mas. Kinim Chapter 3

MISHNAH 1. WHEN ARE THESE WORDS SAID?<sup>1</sup> WHEN THE PRIEST ASKS ADVICE;<sup>2</sup> BUT IN THE CASE OF A PRIEST WHO DOES NOT SEEK ADVICE, AND ONE [PAIR] BELONGS TO ONE [WOMAN] AND ONE TO ANOTHER, OR TWO [PAIRS] TO ONE AND TWO TO ANOTHER, OR THREE [PAIRS] TO ONE AND THREE TO ANOTHER,<sup>3</sup> AND HE OFFERED<sup>4</sup> ALL OF THEM ABOVE [THE RED LINE]. THEN HALF ARE VALID AND HALF INVALID.<sup>5</sup> [SIMILARLY], IF [HE OFFERED] ALL OF THEM BELOW, HALF ARE VALID AND HALF ARE INVALID. IF [HE OFFERED] HALF OF THEM ABOVE AND HALF OF THEM BELOW,<sup>6</sup> THEN OF THOSE [OFFERED] ABOVE, HALF ARE VALID AND HALF ARE INVALID, AND ALSO OF THOSE [OFFERED] BELOW, HALF ARE VALID AND HALF ARE INVALID.<sup>7</sup>

MISHNAH 2. IF ONE [PAIR] BELONGED TO ONE WOMAN AND TWO [PAIRS] TO ANOTHER, OR [EVEN] THREE [PAIRS] TO ANOTHER, OR [TEN] PAIRS TO ANOTHER OR A HUNDRED TO ANOTHER,<sup>8</sup> AND HE OFFERED ALL OF THEM ABOVE, THEN HALF ARE VALID AND HALF ARE INVALID. [SIMILARLY], IF HE OFFERED ALL OF THEM BELOW, HALF ARE VALID AND HALF ARE INVALID.<sup>9</sup> [IF HE OFFERED] HALF OF THEM ABOVE AND HALF BELOW, THEN THE [NUMBER OF BIRDS AS THERE IS IN THE] LARGER PART ARE VALID.<sup>10</sup> THIS IS THE GENERAL PRINCIPLE: WHENEVER YOU CAN SO DIVIDE THE PAIRS [OF THE BIRDS] SO THAT THOSE BELONGING TO ONE WOMAN NEED NOT HAVE PART OF THEM [OFFERED] ABOVE AND PART [OFFERED] BELOW,<sup>11</sup> THEN HALF OF THEM ARE VALID AND HALF ARE INVALID;<sup>12</sup> BUT WHENEVER YOU CANNOT SO DIVIDE THE PAIRS [OF BIRDS] WITHOUT SOME OF THOSE BELONGING TO ONE WOMAN BEING [OFFERED] ABOVE AND SOME BELOW,<sup>13</sup> THEN [THE NUMBER AS THERE IS IN] THE LARGER PART ARE VALID.<sup>14</sup>

MISHNAH 3. IF THE SIN-OFFERINGS BELONGED TO ONE AND THE BURNT-OFFERINGS TO ANOTHER,<sup>15</sup> AND THE PRIEST OFFERED THEM ALL ABOVE, THEN HALF ARE VALID AND HALF DISQUALIFIED.<sup>16</sup> IF HE OFFERED THEM ALL BELOW, HALF ARE VALID AND HALF DISQUALIFIED. IF HE OFFERED HALF OF THEM ABOVE AND HALF BELOW, THEN BOTH OF THEM ARE DISQUALIFIED, BECAUSE I CAN ARGUE THAT THE SIN-OFFERINGS WERE OFFERED ABOVE AND THE BURNT-OFFERINGS BELOW.<sup>17</sup>

MISHNAH 4. IF A SIN-OFFERING, A BURNT-OFFERING, AN UNASSIGNED PAIR OF BIRDS AND AN ASSIGNED<sup>18</sup> PAIR [BECAME MIXED UP], AND HE OFFERED THEM ALL ABOVE, THEN HALF ARE VALID AND HALF ARE INVALID;<sup>19</sup> [ALSO] IF ALL OF THEM BELOW, HALF ARE VALID AND HALF INVALID. IF HE OFFERED HALF OF THEM ABOVE AND HALF BELOW, NONE IS VALID EXCEPT THE UNASSIGNED PAIR,<sup>20</sup> AND THAT MUST BE DIVIDED BETWEEN THEM.<sup>21</sup>

MISHNAH 5. IF [BIRDS ASSIGNED AS] SIN-OFFERINGS WERE CONFUSED WITH [UNASSIGNED BIRDS THAT WERE] OBLIGATORY OFFERINGS, THEN ONLY THE NUMBER OF SIN-OFFERINGS AMONG THE OBLIGATORY OFFERINGS ARE VALID.<sup>22</sup> IF THE [UNASSIGNED] OBLIGATORY OFFERINGS BE TWICE AS MANY AS THE SIN-OFFERINGS,<sup>23</sup> THEN HALF ARE VALID AND HALF INVALID;<sup>24</sup> BUT IF THE SIN-OFFERINGS BE TWICE AS MANY AS THE [UNASSIGNED] OBLIGATORY OFFERINGS,<sup>25</sup> THEN THE NUMBER [OF SIN-OFFERINGS] AMONG THE OBLIGATORY OFFERINGS ARE VALID.<sup>26</sup> SO, TOO, IF [BIRDS ASSIGNED AS] BURNT-OFFERINGS WERE MIXED UP WITH [UNASSIGNED] OBLIGATORY OFFERINGS, ONLY THE NUMBER OF BURNT-OFFERINGS AMONG THE OBLIGATORY OFFERINGS ARE VALID,<sup>27</sup> IF THE [UNASSIGNED] OBLIGATORY OFFERINGS ARE TWICE AS MANY AS THE BURNT-OFFERINGS,<sup>28</sup> THEN HALF ARE VALID AND HALF DISQUALIFIED,<sup>29</sup> BUT IF THE BURNT-OFFERINGS ARE TWICE THE NUMBER OF [UNASSIGNED] OBLIGATORY



OFFERINGS, THEN THE NUMBER [OF BURNT-OFFERINGS] AMONG THE OBLIGATORY OFFERINGS ARE VALID.<sup>30</sup>

MISHNAH 6. IF A WOMAN SAYS: 'I VOW A PAIR OF BIRDS IF I GIVE BIRTH TO A MALE CHILD';<sup>31</sup> AND SHE DOES GIVE BIRTH TO A MALE CHILD, THEN SHE MUST OFFER UP TWO PAIRS — ONE FOR HER VOW AND ONE FOR HER OBLIGATION.<sup>32</sup> IF [BEFORE SHE ASSIGNED THEM] SHE GAVE THEM TO THE PRIEST,<sup>33</sup> AND THE PRIEST WHO OUGHT TO OFFER THREE BIRDS ABOVE AND ONE BELOW<sup>34</sup> DOES NOT DO SO, BUT OFFERS TWO ABOVE AND TWO BELOW, AND DOES NOT SEEK GUIDANCE,<sup>35</sup> THEN MUST SHE BRING ANOTHER BIRD [OF THE SAME KIND]<sup>36</sup> AND OFFER THAT ABOVE.<sup>37</sup> [THIS IS IF THE BIRDS SHE BROUGHT] ARE OF ONE KIND. IF THEY WERE OF TWO KINDS, THEN MUST SHE BRING TWO OTHERS.<sup>38</sup> IF SHE HAD EXPRESSLY DEFINED HER VOW.<sup>39</sup> THEN MUST SHE BRING THREE OTHER BIRDS.<sup>40</sup> [THIS IS IF THE BIRDS SHE BROUGHT] ARE OF ONE KIND, FOR WERE THEY OF TWO KINDS, SHE MUST BRING FOUR OTHERS.<sup>41</sup> IF SHE MADE A DEFINITE FIXTURE AT THE TIME OF HER VOW,<sup>42</sup> THEN MUST SHE BRING ANOTHER FIVE BIRDS — [THAT IS, IF THOSE SHE ORIGINALLY BROUGHT] WERE OF ONE KIND.<sup>43</sup> IF THEY WERE OF TWO KINDS, THEN MUST SHE BRING SIX OTHERS.<sup>44</sup> IF SHE GAVE THEM TO THE PRIEST AND IT BE NOT KNOWN WHAT SHE GAVE,<sup>45</sup> AND THE PRIEST PERFORMED THE SACRIFICE, BUT KNOWS NOT NOW HOW HE PERFORMED IT,<sup>46</sup> THEN MUST SHE BRING FOUR OTHER BIRDS FOR HER VOW,<sup>47</sup> AND TWO FOR HER OBLIGATION<sup>48</sup> AND ONE FOR HER SIN-OFFERING.<sup>49</sup> BEN 'AZZAI SAYS: [SHE MUST BRING] TWO SIN-OFFERINGS.<sup>50</sup> R. JOSHUA SAID: TO THIS APPLIES WHAT [THE SAGES] HAVE SAID: 'WHEN [THE BEAST] IS ALIVE IT POSSESSES ONE SOUND, BUT WHEN IT IS DEAD ITS SOUND IS SEVENFOLD'.<sup>51</sup> IN WHAT WAY IS ITS SOUND SEVENFOLD? ITS TWO HORNS [ARE MADE INTO] TWO TRUMPETS,<sup>52</sup> ITS TWO LEG-BONES INTO TWO FLUTES, ITS HIDE INTO A DRUM, ITS ENTRAILS FOR LYRES AND ITS LARGE INTESTINES FOR HARP STRINGS; AND THERE ARE SOME WHO ADD THAT ITS WOOL IS USED FOR THE BLUE [POMEGRANATES].<sup>53</sup> R. SIMEON B. AKASHIAH SAYS: UNINSTRUCTED PERSONS, THE OLDER THEY BECOME, THE MORE THEIR INTELLECT GETS DISTRACTED, AS IT IS SAID: HE REMOVETH THE SPEECH OF MEN OF TRUST AND TAKETH AWAY THE SENSE OF THE ELDERS';<sup>54</sup> WHEREAS OF AGED SCHOLARS, IT IS NOT SO. ON THE CONTRARY, THE OLDER THEY GET, THE MORE THEIR MIND BECOMES COMPOSED, AS IT IS SAID: 'WITH AGED MEN THERE IS WISDOM, AND UNDERSTANDING IN LENGTH OF DAYS'.<sup>55</sup>

(1) A reference back to the principles enumerated in I, 2 — 3 supra, that in the case of a sin-offering getting mixed up with a burnt-offering, or vice versa, both must be left to die; or that if one pair belonging to one woman gets confused with ten pairs or one hundred pairs belonging to another, only the lesser number of the two groups confused is valid.

(2) The passages above quoted speak of a case where the priest comes to consult the Sanhedrin as to the procedure ('de jure') in such cases of confusion; this chapter deals with cases of 'de facto' where the priest acts on his own initiative. Acc. to Maim. נמלך refers to the priest asking the woman which bird she had specified as the sin or burnt-offering; but from Zeb. 73b it would appear that this view is incorrect. V. Kesef. Mishneh, Maim. Pesule ha-Mukdashim.

(3) As indicated supra I, 3 these birds are unspecified, and accordingly of the half that are valid, half can be brought as sin-offerings and half as burnt-offerings.

(4) I.e., sprinkled the blood.

(5) Since only half of the half that are valid can be offered above as burnt-offerings, and half below as sin-offerings,

(6) The case is of detached birds that had become confused and which the priest now takes to offer up half as sin-offerings and half as burnt-offerings; for had the birds of each pair been bound together and then got mixed up with other pairs, and then offered up one bird as a **הטאת** and the other as an **עולה**, all would still have been valid. V. next note.

(7) The main fear is lest the priest offer up all the pairs of one woman above and all those of another below; and though this fear may be too extreme, yet the principle is 'any doubt concerning a Biblical command is to be interpreted

rigorously', Bez. 3b, Hul. 9b. Since only half of the birds are valid and these are mixed up, so that one knows not whether they belong to one woman or another, the two women are advised to bring another pair of birds in joint-ownership, and make the condition that these be the birds for the woman whose sacrifice has not been offered up. If the priest had separated the birds, offering up half as sin-offerings and half as burnt-offerings (instead of a whole pair together above the red line) all the birds would have been valid on the plea that the priest, when he begins to sacrifice the unassigned birds, has the right to define the kind of sacrifice intended.

**(8)** Though we were told supra I, 3 that only the lesser number in such a case is valid, our present chapter deals with 'de facto' cases, in which the priest sacrifices without consulting as to the procedure.

**(9)** For in both cases half of the birds had been sacrificed in their proper places.

**(10)** In all such cases, where half are disqualified, the women, to fulfil their obligation, must bring other kinnim in partnership, and condition these as the sacrifices of her whose kinnim have been disqualified. An illustration will clarify the statement (THE NUMBER OF BIRDS AS THERE IS IN THE) LARGER PART ARE VALID. If the one pair belonging to A gets confused with the two pairs belonging to B, altogether six birds, and the priest offered three above and three below, then four birds are valid. For if we are to assume that all the three birds that were offered above belonged to B, then two of them are valid; and if on the other hand, we are to assume that two of the three offered above belonged to A, then these two birds are also valid, and the same applies to the three birds offered below, so that we have four birds, corresponding to the number belonging to B, valid. And the same applies to the case where the confusion arose among the pairs belonging to a larger number of women. If the one pair belonging to A gets confused with the two pairs belonging to B, and then with three other pairs, or ten pairs or a hundred other pairs belonging to others — a hundred and sixteen pairs altogether — and the priest offered up half of these birds above and half below the red line, then a hundred pairs are valid and sixteen pairs invalid. Why? If the one hundred and sixteen birds offered above belong to her who brought a hundred pairs, then a hundred birds are valid above, and sixteen invalid; but even if thirty-two of these hundred and sixteen belong to the other women, who brought these between them (one plus two plus three plus ten pairs), eighty-four birds are still valid since they belong to her who brought a hundred pairs, and of the thirty-two birds belonging to the others, sixteen would be valid above and sixteen below, thus still leaving a hundred birds valid, whether offered up above or below. This Mishnah differs from that previous in the fact that whereas the former cited the case of two women bringing an equal number of birds, the reference here is to women bringing each more than the other, the last one even bringing more than all the others put together.

**(11)** Since the priest offers up half of all the birds confused above and half below, it may be possible that all those birds offered up above belonged to one woman, or some to one and some to another. Here is an illustration: If A brings one pair, and B two pairs and C three pairs (together six pairs), and the priest offers half above, it is possible that either the six birds belong to A, B, or all to C. In this case, the priest may not have offered up half of the kinnim belonging to each woman above and half below.

**(12)** Whenever the number of the kinnim brought can be divided equally, as in the instance cited in a former note of A bringing one pair, B two pairs and C three pairs. In which case one plus two is three; or in the case of one, two, four or five pairs being brought, when one plus four is five, and the priest offers half of all the confused birds above and half below, then half are valid and half are not.

**(13)** If one pair gets confused with two pairs, and then with four pairs (together seven pairs), the kinnim cannot so be divided as to make any of them equal the largest number brought; as a result, it is possible that the priest offers some of the birds of one woman above and some below. Even in the case of three plus four plus five kinnim that get mixed up. though the total of twelve kinnim can be divided equally into two parts, yet of the numbers of the birds themselves no division can be made without one of the birds of a pair being above and the other below. Similarly, though the total number is a hundred and sixteen kinnim (v. n. 3, p. 15) one plus two plus three plus ten plus a hundred, yet the numbers cannot so be arranged as to make any equal the greatest number, with the result that the priest may be offering up part of the birds of one woman above and part below.

**(14)** Thus if one pair gets confused with two or four pairs, then four pairs are valid, to be offered up half above and half below. The numbers one plus two plus four cannot be so divided as to make any of the smaller numbers equal the larger number. So also of the numbers mentioned in n. 3, p. 15 (one plus two plus three plus ten plus a hundred), of which the smaller only combine to make sixteen. Thus the principle here stressed is that the greatest number brought (if more than all the other kinnim put together), is the number still valid after the mixing has taken place.

**(15)** This Mishnah further elucidates the principle stated supra I, 2. When do we say that 'if a sin-offering gets confused with a burnt-offering, then all must be left to die'? Only 'de jure', that is when the priest seeks guidance on the

procedure. This chapter, however, deals with 'Post facto' cases ( בלא נמלך ), in which case half of those he sacrificed above and below the red line are valid.

(16) Evidently the number of sin-offerings equals that of burnt-offerings and, moreover, the birds have all been designated as to the nature of their offering ( מפורשות ); hence half must be valid.

(17) Since the birds had been designated, it may easily be that he just offered up the wrong ones above or below.

(18) An amplification of the previous Mishnah. Rashi (Zeb. 67b), followed by Asheri and Bertinoro explains that the case here is of two women, one of whom brings two sin-offerings and one burnt-offering and the other two burnt-offerings and one sin-offering. These three kinnim they bring in partnership. One pair they specify at the time of purchase that one bird should act as the עולה for the one and as the חטאת for the other. Concerning the other pair they stipulated nothing whilst the third pair they again condition which should be a sin-offering and which a burnt-offering, but without specifying on whose behalf the respective sacrifice be made. The priest then offers up the three kinnim, unaware of the nature of each in the manner above narrated. The burnt-offering and the sin-offering have to be brought in the name of the owner, but the priest could 'de facto' do so without this knowledge. The same ruling would have applied to the case of an assigned pair with an unassigned pair only, without further mention of a חטאת ועולה : (v. Tosaf. Zeb. 67b s.v. חטאת ). Concerning these last three Mishnahs of our Chapter, all commentators (v. the Tif. Israel) agree that they are the most difficult in the whole Talmud, since they not only deal with a most complicated subject, but they also demand a knowledge of permutation. i.e., the variation of the order of a set of things lineally arranged.

(19) Let A be the specified sin-offering of Rachel and B the burnt-offering of Leah, and let CC stand for the unspecified pair (each bird being called C), and let D and E symbolize the sin-offering and burnt-offering respectively in the third pair, which differs from the first pair in that though the sacrifice be specified, yet it be not known on whose behalf it is offered. Each pair is then tied together separately, thus AB, CC, DE. The priest, under the impression that all are unspecified, offers up from each pair one bird above and one bird below the red line.

(20) A and B are invalid, since it is not known which was offered above and which below, and for the same reason, D and E are invalid; only CC are valid, since it is within the power of the officiating priest to specify the nature of the offering.

(21) D and E being disqualified, it is for the women to arrange between them which bird in the unspecified pair (that is valid) should act as a substitute for each of their offerings that had been rendered invalid as a result of their offerings getting mixed up. Rachel must further bring another sin-offering in lieu of A that was disqualified and Leah another burnt-offering in lieu of B that was disqualified.

(22) An explanation of supra I, 2. Whether the birds unassigned equal or double the number of those assigned, only the number of unspecified sin-offerings among the obligatory offerings are valid. This rule is in the case of a priest who comes to consult the Beth din; for a 'de facto' case v. supra I, 4.

(23) For instance, if four unspecified birds, of which half are sin-offerings and half are burnt-offerings get confused with two others which are designated sin-offerings, and the priest offers up half above and half below.

(24) That is two sin-offerings and one burnt-offering. Of the three birds offered below, two are valid for both in the two assigned and in the two unassigned kinnim there must be two sin-offerings; and of the three offered above, one is still valid as a burnt-offering. since if two were sin-offerings. the third is a burnt-offering. (Some commentators will not have these two sin-offerings and one burnt-offering sacrificed, though not actually disqualified, lest the priest eventually offer them for a purpose other than that originally intended.) Tosaf. Yom Tob somewhat differs from the explanation of the Bertinoro given above. His illustration of our passage is of eight sin-offerings getting confused with eight others, of which four are burnt-offerings and four are sin-offerings. — a total of twelve sin-offerings and four burnt-offerings. Of these sixteen birds, the priest unwittingly offers up half above and half below the red line; as a result, those above are unfit, lest all be sin-offerings, but of the eight offered up below, four are valid, since the majority are sin-offerings and also that number being the number of sin-offerings among obligatory offerings. To illustrate the case of sin-offerings being twice as many as the unassigned obligatory offerings, the Bertinoro cites the example of sixteen sin-offerings getting confused with eight obligatory offerings, of which half are burnt-offerings and half sin-offerings. The priest offers up twelve birds above and twelve below the red line, with the result that all those offered above are invalid, whereas of the twelve offered below, only four are invalid, lest they be burnt-offerings.

(25) Four sin-offerings get confused with two unspecified obligatory offerings.

(26) Only two are valid as sin-offerings. Why? The three offered above are invalid lest they be of the four specified sin-offerings; but two of the three offered below are valid, either because they may all be or because even if two of the

three birds be the unspecified obligatory offerings, two are still valid as sin-offerings, since one bird is a sin-offering in any case. The number thus valid corresponds to the number of sin-offerings among the unspecified obligatory offerings. The same principle holds good in all cases where the number of unspecified obligatory offerings is double the number of sin-offerings. Should, however, the number of specified sin-offerings double that of the unspecified offerings, then instead of half being valid and half not, only a third of all the birds confused are still valid, that is, the amount corresponding to the number among the unspecified pairs. The Bertinoro cites this example: The woman can only offer one sin-offering of her two kinnim. She cannot offer two as burnt-offerings, lest they be the two sin-offerings that became confused; neither can she offer two as sin-offerings, lest one be the specified עולה. Accordingly, less than half are valid, that is, according to the least number among the obligatory offerings.

(27) Elaborating supra I, 2: IF BURNT-OFFERINGS BECAME MIXED UP WITH OBLIGATORY OFFERINGS; but whereas the first chapter deals with cases where the priest comes to ask advice, this chapter deals with 'de facto' cases.

(28) I.e., if four unspecified obligatory offerings get confused with two burnt-offerings, and the priest offers three birds above and three below the red line.

(29) Of the three offered above (as burnt-offerings) at least two are valid, even if all the three were unspecified; and of the three offered below (as sin-offerings) one is valid, since there are only two specified burnt-offerings. Thus only half of the birds are disqualified.

(30) The following example can serve as an illustration: Four burnt-offerings get confused with two unspecified birds and the priest offers up half above and half below, then all those offered up below are invalid, lest they be of the four burnt-offerings; whereas of those offered above, at least two are valid, whether all the three birds be of the burnt-offerings or only one be of the specified burnt-offerings and the other two of the unspecified, of which one must be a burnt-offering. Thus of all the six birds, only two are valid — according to the number of burnt-offerings among the obligatory offerings.

(31) The two birds brought as a result of her vow must both be burnt-offerings since a voluntary offering cannot consist of a sin-offering. Our instance is of a poor woman, for a rich woman was required to bring a lamb as her burnt-offering and a bird as her sin-offering. (The reason why a woman is more eager to have a male child is, according to some commentators, the belief that the pangs of birth are less than those for a daughter. v. Nid. 31a. More satisfactory is the reason cited by the רש"י, and that is, because a son is referred to in the Talmud (Keth. 64a) as 'a staff for her old age', a support. But this ascendancy of the male was not regarded with unanimity, for in B.B. 141a the preference is given to the birth of a girl, especially if she be the first child, since she will be a help to her mother in looking after the other children.)

(32) 'And when the days of her purification are fulfilled, for a son or a daughter, she shall bring a lamb of the first year for a burnt-offering and a young pigeon or a turtle-dove for a sin offering, unto the door of the tent of meeting, unto the priest' (Lev. XII, 6). The point to be noted is that whereas her obligatory offering had to be brought at the end of forty days for a male, and eighty days for a female child, her vow-offering had to be brought immediately at birth.

(33) Of these two pairs, three birds are burnt-offerings and one a sin-offering; the priest offers the four birds up as if they were two pairs of obligatory offerings.

(34) As already stated, no voluntary offering can consist of a sin-offering, whereas the obligatory offering consists of a sin-offering and a burnt-offering.

(35) Under the impression that these two kinnim represent two obligatory offerings.

(36) A turtle-dove if the others had been turtle-doves, or a pigeon if the others had been pigeons.

(37) Since of the four birds, three were burnt-offerings and the priest only offers up two above, another bird of the same kind to which the four belonged must be brought as a burnt-offering. (V. Rashi to Zeb. 67b-68a for a detailed commentary on our Mishnah.)

(38) I.e., one turtle-dove and one pigeon; since one kind cannot be substituted for another (supra II, 5) and the two pairs consisted of a pair of pigeons and a pair of turtle-doves, a bird of each kind must be brought and offered, as an עולה, to replace the one burnt-offering that was disqualified. In such cases the birds brought to replace those disqualified are regarded as her vow-offering, though, as already stated, the 'vow' had to be brought at child-birth and her obligatory offering at the expiration of her period of purification.

(39) פירשה. At the time of the vow or even later, she had made clear the kind she would bring as her vow-offering, and after child-birth she brought two pairs of birds of the same kind, and the priest, without any investigation, offers two birds above and two birds below, and the woman does not recollect now of which kind she had specified for her vow-offering.

(40) Two of the birds already offered are treated as her obligation offering, consisting of one sin-offering and one burnt-offering. Of the second pair, brought in fulfilment of her vow, one is invalid since it was treated as a sin-offering. Besides substituting for this disqualified bird, two others must be brought as burnt-offerings, lest the two offered be not of the kind she had defined in her vow. The Mishnah deals with the more common case.

(41) She brought each pair of a different kind, but has forgotten the kind she vowed to bring for each offering. Accordingly, two birds became disqualified, lest they be not of the kind specified in her vow, and two birds must now be brought of each kind as burnt-offerings. with the stipulation that the two birds which are of a different kind to her original vow must be considered as voluntary offerings. Tif. Israel.

(42) קבעה . At the time of her vow, she had planned to bring both her offerings of the same kind and at the same time. This she did, but did not tell the priest the circumstances. and as a result he offers two birds above and two below. The woman had now forgotten the kind she had defined as her vow-offering, only remembering of what kind she had brought the two pairs (Tif. Israel). According to the Bertinoro, פירשה means that the woman does not define the kind of bird at the time of her vow, but at the time of the actual bringing of her offering declares: 'These birds shall serve as my vow-offering'; and קבעה means that this definition is made at the actual moment of her vow. Rashi, however, draws no such distinction between the two terms, both being the same, with the only difference that קבעה means that she declares to bring both her offerings at the same time. (V. also Men. 103a.) According to Wilna Gaon קבעה means that she defines at the time of the actual bringing of the pairs the kind she had stipulated at the time of her vow ( פירשה ), but which she had now forgotten.

(43) Though the birds she brought are all of one kind, the fear is lest those she had vowed were of a different kind; consequently, the two birds in fulfilment of her vow are invalid. Again, since she had vowed to bring both her offerings at the same time, and one of the offerings became invalid, her vow remains unfulfilled. Accordingly, she must now bring another two pairs of both kinds, and yet another bird of the same kind as that already offered as a sin-offering in fulfilment of her obligatory offering. These five birds must be sacrificed together. The principle behind all this is the rule laid down in Nazir V, 1 that any votive offering surrounded by doubt cannot be considered as a valid sacrifice.

(44) Four birds to fulfil her vow — since she has forgotten which kind had been offered — and two others to fulfil her obligation.

(45) She had forgotten the kind she had defined at the time of her vow and also the kind she had brought to the priest, and the latter also was unaware of the kind she had offered; accordingly, she must now bring seven other birds — four for her vow (two of each kind), two for her obligation offering and one as an additional sin-offering in case the other had been offered above. This would satisfy all doubts, since the slightest doubt concerning a sacrifice does not avail to render it valid.

(46) Did he offer all above or all below, or two above and two below? Accordingly, the woman cannot be said to have fulfilled any of her obligations.

(47) For she may have vowed all birds to be of one kind, whereas she has brought of two kinds, or the reverse. To allay doubt, let her bring a sacrificial pair of each kind.

(48) One of each kind, both of which must be offered as burnt-offerings, lest all the four birds had been offered below. The עולה of her obligatory offering must be of the same kind as her הטאת , the kind itself being immaterial.

(49) This can be of any kind she wishes, for she can pair the sin-offering to any burnt-offering she wishes to bring with it and she brings the burnt-offerings of both kinds.

(50) True to his principle that one is guided by what was first, supra II, 5. Since all the four birds may have been offered above, she has fulfilled the עולה of her obligation and she must now only bring the הטאת of the same kind as the burnt-offering; but the kind being unknown, two birds of different kind must be offered up as sin-offerings. The birds offered as sin-offerings, whether according to the first Tanna or Ben 'Azzai, cannot be eaten, lest she had already offered her sin-offering and a sin-offering cannot be brought as a voluntary offering. Ben 'Azzai, it would seem, prescribes that two sin-offerings be brought in all cases where the first Tanna of the Mishnah prescribes one to be brought.

(51) Symbolic of the number of additional birds prescribed by the Tanna of our Mishnah in consequence of the many doubts that have arisen. Thus one sacrifice is magnified sevenfold, and according to Ben 'Azzai, even eightfold. This Mishnaic parable is especially apt according to Rash (loc. cit.), who interprets the dispute between Ben 'Azzai and the first Tanna only as to seven or eight birds; other commentators would have it that Ben 'Assai requires two sin-offerings wherever the first Tanna prescribes only one.

(52) Another name for Shofar is, הצוצרה , Suk. 34a. Those used by the priests were of silver, whereas those used by the Levites were of horn.

**(53)** Attached to the robes of the High priest, Ex. XXVIII, 33.

**(54)** Job XII, 20 refers to the ignorant in the Torah, as can be seen from v. 24 of the same chapter. (Cf. also Shab. 152a.) The verses of the Bible are cited lest it be thought that the Rabbis are just praising themselves at the expense of the ignorant. The Torah becomes 'wisdom' with the very aged and 'understanding' with those still blessed with years to come.

**(55)** Job. XII, 12. This forms a fitting conclusion to the whole Order of Kodashim ('Hallowed Things'), of which Kinnim is the last Tractate, since the Talmud (Shab. 31a) refers to Kodashim as 'Wisdom'. Though this verse occurs earlier in the Biblical text than the one cited first, the compiler of the Mishnah thought it better to conclude with a statement on the scholar, the policy of Bible and Talmud being to conclude any prophecy or discussion on a joyful and optimistic note.