

Introduction to ג'סכת קנים

ע"ס בבלי, which has no תלמוד בבלי or תלמוד ירושלמי appended, is a brief but challenging מסכת of 3 chapters. For whatever reason, the editors of the classic *ע"ס בבלי* included קנים (and מדות and תמיד) in the pagination of מסכת מעילה and in that order, which is different than the order as presented in the משניות (where קנים is the last מסכת in סדר קדשים). קנים, which means "nests" focuses on the bird-offerings which is brought by a זכר/זבה and זכר שנטמא, it is an alternative for a עולה and the other as a חטאת - and this is referred to as a חובה קן. We have already studied the differences between the עולת העוף and חטאת העוף (זבחים ו:ד-ז:ד). A יולדת brings one bird (if she is not impoverished); that bird is an עולת העוף. In addition, if someone chooses to offer birds (per ויקרא א:ד-ז), he may offer as many or as few as he chooses (1, 2 or more) – these are all עולות. One note: the משנה regular refers to a woman bringing a קן as the usual circumstance would be a יולדת. All three chapters deal with, in one fashion or another, the consequences of an inadvertent "mixing" of the birds, such that the חטאת and עולה have become indistinguishable - with various numeric variables, the possibilities are challenging:

36.1

[22a (משנה א) → 22b (משני שמות)]

- I א משנה: basic introduction to קרבנות העוף
- a Locations: ("performed above" means the blood is placed on the upper half of the מזבח-wall or, in the case of the חטאת בהמה, on the קרנות; "performed below" means the blood is placed on the lower half of the מזבח-wall)
 - i חטאת העוף is "performed below"
 - ii חטאת הבהמה is "performed above"
 - iii עולת העוף is "performed above"
 - iv עולת הבהמה is "performed below"
 - b Indispensability: if any of these is performed on the wrong half – invalid
 - c Basic rule of קנים distinction between חובה/רשות
 - i קן חובה is 1 עולה and 1 חטאת
 - ii קן רשות may be נדר or נדבה – in either case, all עולות
 - 1 Distinction: between נדר and נדבה
 - (a) "הרי עלי" גדר - he is liable for אחריות (if it is lost, stolen, dies or is rendered unfit)
 - (b) "הרי זו" גזבה - not liable for אחריות (if it is lost, stolen, dies or is rendered unfit)
- II ב משנה: consequences of תערובות of birds
- a If: a חטאת got mixed in with a bunch of עולות or vice-versa –regardless of the ratio ("even 1 in 10,000")
 - i Then: they all must die without being offered (since each bird is a ספק עולה [למעלה]; ספק חטאת [למטה])
 - b If: a חטאת gets mixed with a קן חובה (which is "סתומה" – i.e. the birds haven't yet been designated עולה/חטאת)
 - i Then: we may only offer per the number of חטאות in the חובה (e.g. if there were 3 קנים, 3 חטאות may be offered)
 - c Similarly, if: an עולה gets mixed with a חטומה קן
 - i Then: we may only offer per the number of עולות in the חובה, regardless if the "נדבה" (single bird) is greater in number or lesser than the חטומה קן – or if they are the same number
- III ג משנה: qualification to משנה ב
- a Circumstances: where משנה ב applies – when the mixture is נדבה בחובה (or single bird[s] – all עולות or חטאות with קנים)
 - b however: if two people's קנים got mixed, and each has 1 קן or 2 קנים etc., then half the birds may be brought
 - i for example: if 2 קנים רחל got mixed with 2 קנים לאה – there may be 2 חטאות and 2 עולות brought;
 - 1 reason: in any case, since the קנים were סתומות, even if all 4 were לאה's, that's still 2 חטאות and 2 עולות
 - c caveat: if the amount of קנים brought is not equal - e.g. רחל brought 1 and לאה brought 2
 - i then: the number of the smallest group may be brought
 - ii regardless: if they are שם אחד or שתי שמות (explained in משנה ד); if they are from one donor or more than one donor
- IV ד משנה: explication of משנה ג
- a Meaning of שם אחד/שתי שמות: שם אחד and לידה (e.g. if רחל was bringing קן יולדת and לאה was bringing קן זבה)
 - b כהן, if two women bought their קנים together or gave the money to the כהן,
 - i Then: he may offer whichever he chooses as חטאת and whichever he chooses as עולה
 - 1 Whether: they are שם אחד or משתי שמות
 - 2 Note: this is not because ר' יוסי holds ברירה – he doesn't – but the case is where the women made a stipulation that they would allow the כהן discretion