

36.2

[23a (משנה א) → 23b (לא יביאו היורשין חטאתה) → 23c (משנה א)]

- I **משנה א**: Basic rule of a bird that flew away from a **קן** (undesignated pair)
- a *If*: it flew away (gone) or into a group of birds that must die (per **א:ב** above) - take a "partner" for the remaining bird
    - i *And*: no need to bring a new pair
  - b *But if*: it flew into a group of birds that may be properly offered ("קריבוה"), i.e. into a bunch of **קנים**
    - i *Then*: it is invalid and invalidates one (from the group it left)
    - ii *Rule*: the "flying bird" is **פסול** and invalidates one other
    - iii *Reason*: it itself is invalid as there were  $n$  **קנים**, such that there were  $n$  **עולות** and  $n$  **חטאות** to be brought, not more
      - 1 *And*: it invalidates one more in the group it left, as the "flyer" may end up offered in the group it joined, such that one corresponding to it in the group it left is now designated (as its partner) and cannot be brought
- II **משנה ב**: simple example of the rule in **א**
- a *If*: 2 women each have 2 **קנים** and one bird flies from A's set to B's set (A now has 3 birds and B has 5)
    - i *Then*: A can only bring two birds - 3<sup>rd</sup> dies and B loses nothing but cannot use #5
  - b *Then if*: a bird flies back to A from B (they each have 4 again), each may only bring 2 (each loses 2)
    - i *However*: even if they continue flying back and forth, A and B lose no more - even if they were completely mixed, they would still be able to bring 2 birds each
- III **משנה ג**: more complex scenario of birds flying from and to **קנים**
- a *Scenario*: 7 women, each with  $n+1$  **קנים**; (1-7); 1 flies from  $A \rightarrow B$ , 1 from  $B \rightarrow C$  etc. then returns; 1 from  $G \rightarrow F$ , 1 from  $F \rightarrow E$  etc.
    - i A: who had 1 **קן**, immediately loses all
    - ii B: loses 1 **קן** when bird leaves on way to C, then loses other when bird leaves on way to A
    - iii C: still has 1 **קן**
    - iv D: still has 2 **קנים**
    - v E: still has 3 **קנים**
    - vi F: still has 4 **קנים**
    - vii G: has 6 **קנים** (only lost one when bird flew out to F)
  - b *Now*: we have 5 women with "active" **קנים** ( $C \rightarrow G$ ) and a bird flies from  $C \rightarrow D$ , 1 from  $D \rightarrow E$  etc. then 1 from  $G \rightarrow F$  etc.
    - i C: who had 1, loses it when it leaves for D
    - ii D: who had 2, loses one **קן** when bird leaves on way to E and loses its other when bird leaves for C - none left
    - iii E: has 1
    - iv F: has 2
    - v G: has 5
  - c *Then*: we have 3 women with "active" **קנים** (E,F,G) and a bird flies from  $E \rightarrow F$  then  $F \rightarrow G$  then back
    - i E: loses immediately
    - ii F: loses when it flies back to G
    - iii G: has 4
      - 1 *Some say*: G loses nothing this time (since there are no other "active" **קנים** whose designation would impair G)
  - d *Note*: if this **גוזל** had come from any of those designated to die - all the birds in the "receiving" group would be lost
- IV **משנה ד**: if a **קן** **סתומה** and **קן** **מפורשת** are mixed
- a *If*: the bird flew from **סתומה** to **מפורשת**, take another bird for the **סתומה** left behind
  - b *But if*: one returned to the **סתומה** or the one had flown originally from the **מפורשת** - all are lost
- V **משנה ה**: variation on the scenario and requirement to bring either 2 **תורים** or 2 **בני יונה** and implications
- a *Variation*: if he had **חטאות** on one side and **עולות** on the other side (controlled) and a **קן** **סתומה** in the middle
    - i *If*: birds flew from middle out - nothing is lost; identify the one that flew into **חטאות** as **חטאת** and into **עולות** as **עולה**
    - ii *If*: birds then flew back into middle - they are lost, but those remaining as **חטאות** are brought as **חטאות**; same for **עולות**
    - iii *But if*: they subsequently flew back to the sides (or originally flew to both) - all die
  - b *Requirement that a **קן** be single type*: may not bring **תורין** paired with **בני יונה**
    - i *Therefore*: if a woman brought her **חטאת** as a **תור** and her **עולה** as **בני יונה**, she must buy a new **עולה** from **תורים**
    - ii *And*: if she brought a **תור** for **עולה** and **בני-יונה** for **חטאת**, must bring another **בני-יונה** for **עולה**
      - 1 *Dissent*: **בן עזאי** - always follow identity of whichever was offered first (ת"ק - identity of **חטאת** sets type)
  - c *Disposition of **קן** if owner dies*: if a woman brings one bird and then dies before bringing the other
    - i *If*: she brought her **חטאת** and died, heirs bring **עולה**
    - ii *But if*: she brought her **עולה** and died, her **חטאת** must die (**חטאת מתה**)