

KINIM APPENDIX

by Rabbi Menachem Moshe Oppen

In the third Perek, first Mishna, where six birds were brought as Chato'os and six as Olos, three Chato'os and three Olos are possul because of a sofaik. The meforshim differ as to how many birds are brought as replacements. This chibbur usually follows the opinion of the Rav, but the Rav does not address this question.

The Rosh holds that three replacement Olos and one replacement Chatos are provided by each woman or jointly by the two women.

Background

A Chatos may be brought only if there is an obligation to do so. When the obligation is in doubt, a sofaik, the Chatos may not be brought, except for the Chatos of a mitzora who cannot afford a lamb, a yoledes, a zav, and a zava, and possibly a nazir who became tomay. These Chato'os are all birds. They are called "chatos ho'of habo al hasofaik." There is no case of a Chatos of an animal that is brought for a sofaik.

Tuma of a Mechusar Kapora

A yoledes, zav, zava, and mitzora are tomay until, at the proper time, they immerse in a mikva. Tevilla in a mikva leaves them tohor for most purposes, but not with respect to entering the Bais Hamikdosh or touching truma or korbonos. They may touch and eat truma after nightfall following tevilla. Until they bring their Chatos they are called "mechusray kapora" and may not enter the Bais Hamikdosh or touch korbonos.

If a person must bring several Chato'os such as for giving birth on several occasions, after she brings the first of her Chato'os she is completely tohor. She must bring the remaining Chato'os but not for tahara.

If a woman miscarries at a stage of the baby's development such that she is a sofaik yoledes, she brings a "chatos al hasofaik." If she suffered several such miscarriages, she may bring only one Chatos ho'of. It is true that she has a sofaik obligation to bring additional Chato'os, but she no longer needs a Chatos for tahara.

The only circumstance of sofaik under which a Chatos ho'of is brought is if the Chatos is needed to complete the person's tahara. (Source: Maseches Krisus, Daf 8:l in the Mishna and in Rashi there.)

Application to our Mishna

In our Mishna, if six of the birds were brought as Chato'os and six as Olos, in the worst case one woman successfully brought all her Olos, but no Chato'os, and the second woman, all her Chato'os but no Olos. Each woman, therefore must account for the possibility that she brought no Olos or no Chato'os.

Each woman brings three Olos as replacements. But each woman replaces only one Chatos, following the din that only one Chatos is brought when there are multiple sfaykos. This is the opinion of the Rosh. There are other opinions among the meforshim.

The Mirkeves Hamishne explains that the Rosh also holds that the two women may bring their Chato'os and Olos in partnership. They stipulate that the birds will serve the obligations of whichever woman must still bring Chato'os or Olos respectively. (Source: Mirkeves Hamishne Hilchos Psulei Hamukdashin Perek Ches, Halocha Gimmel.)

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