

HALAKHA

And all the other peace-offerings of a nazirite, etc. – וְשָׂאָר כָּל שְׁלָמֵי נָזִיר וְכוּ': The peace-offerings of a nazirite that were slaughtered not in accordance with their mitzva or not for their sake are valid, but the owners have not fulfilled their obligation. These offerings are eaten for one day and one night, and they require neither bread, nor the priestly gifts, nor the foreleg (Rambam *Sefer Hafl'a'a, Hilkhot Nezirut* 8:12 and *Sefer Avoda, Hilkhot Pesulei HaMukdashin* 15:20).

NOTES

Not in accordance with their mitzva – שְׁלֵא בְּמִצְוֹתָן: Some commentaries explain that this refers to offerings slaughtered not for their own sake (*Tosafot*, citing Rashi on *Menahot* 48b). In most cases, the fact that the slaughtering or the sprinkling of the blood was not performed for the sake of the appropriate offering does not invalidate it entirely. Rather, the offering is valid, but it does not count toward its owner's obligation, i.e., he does not gain atonement through it. Some commentaries accept this interpretation, despite the objection that the Gemara should have said this explicitly. Rashi on *Menahot* cites an alternative explanation, which is mentioned by the Commentary on *Nazir* here: One erred in the offering itself, e.g., he brought a sheep in its first year instead of one in its second year, as required. Alternatively, he slaughtered the peace-offering before he completed his term of naziriteship (Rabbeinu Aziel, cited in *Shita Mekubbetzet*).

שְׁלֵא אַחַר כִּפּוּרָה – סְבֵרָא הוּא: שְׁלֵא אַחַר הַמִּיתָה מֵאֵי טַעַם – דְּלֵא חֲזִיָּא לְכִפּוּרָה, שְׁלֵא אַחַר כִּפּוּרָה נִמְי – הָא לֵא חֲזִיָּא לְכִפּוּרָה.

As for the ram that is after atonement, whose owner has used a different offering to achieve atonement, the *halakha* that this offering does not require bread is not taught explicitly. Rather, it is based on logical reasoning: What is the reason that no bread is brought in the case of a ram that is sacrificed after the death of its owner? It is that this offering is not fit for atonement, as no atonement is granted to the dead through offerings. With regard to a ram that is sacrificed after atonement too, it is no longer fit for atonement, as the owner has already gained atonement by means of a different animal.

וְתוּ לִיבָא? וְהֵאֵיבָא: וְשָׂאָר כָּל שְׁלָמֵי נָזִיר שֶׁשְּׁחָטָן שְׁלֵא בְּמִצְוֹתָן – בְּשָׂרִים, וְלֵא עוֹלִין לְבַעֲלִים לְשׁוּם חֻבָּה, וְנִאֲכָלִין לְיוֹם אֶחָד, וְאֵינָן טְעוּנִין לֵא לַחֵם וְלֵא וְרוּעַ.

The Gemara asks: And is there nothing else? Are there no other instances of a peace-offering of a nazirite that does not require bread, apart from the aforementioned cases? But isn't there the following *halakha*: And with regard to all the other peace-offerings of a nazirite^h that were slaughtered not in accordance with their mitzva,ⁿ e.g., if the ram was not of the proper age, they are fit offerings and may be eaten, but they do not count toward the owner's obligation, i.e., he must bring another offering. The *baraita* continues: And these offerings are eaten for one day, like regular peace-offerings of a nazirite, and they require neither bread nor the foreleg, unlike the peace-offering of a nazirite. This is another example of a nazirite's peace-offering that does not require bread.

בְּמִצְוֹתָן קָא חֲשִׁיב, שְׁלֵא בְּמִצְוֹתָן לֵא קָא חֲשִׁיב.

The Gemara answers: In the above list the *tanna* includes only offerings that were sacrificed in accordance with their mitzva; he does not include animals that were sacrificed not in accordance with their mitzva.

”הָיוּ לוֹ מְעוֹת סְתוּמִים יִפְלוּ לְנִדְבָה.”

§ It was stated above, with regard to one who separated money for his naziriteship and then died, that if he had unallocated funds, they are all allocated for communal gift offerings.

Perek IV

Daf 25 Amud a

וְהֵלֵא דְמֵי חֲטָאת מְעוֹרְבִין בָּהֶן! אָמַר רַבִּי יוֹחָנָן: הֲלֵכָה הִיא בְּנִזְיָר. רִישׁ לְקִישׁ אָמַר: ”לְכָל נְדָרֵיהֶם וְלְכָל נְדָבוֹתָם.” הַתּוֹרָה אָמְרָה: מוֹתֵר נָדָר יִהְיֶה לְנִדְבָה.

The Gemara asks: But the money for the sin-offering is mingled with these unallocated funds. How can it all be used for gift burnt-offerings? Rabbi Yohanan said: It is an accepted *halakha* with regard to a nazirite that his unallocated funds are used for gift offerings, despite the fact that they include the value of a sin-offering. Reish Lakish said: The verse states: “Whether for any of their vows or for any of their gift offerings, which are brought to the Lord as a burnt-offering” (Leviticus 22:18). In this verse, the Torah states that the surplus of a vow shall be for a gift offering. Here too, if the vow of naziriteship cannot be fulfilled, due to the death of the one who took the vow, the money is for a gift offering.

בְּשִׁלְמָא לְרַבִּי יוֹחָנָן, דְּאָמַר: הֲלֵכָה הִיא בְּנִזְיָר – אָמְטוּ לְהַכִּי, סְתוּמִין – אִין, מְפוֹרְשִׁין – לֵא. אֵלֵא לְרִישׁ לְקִישׁ: ”לְכָל נְדָרֵיהֶם וְלְכָל נְדָבוֹתָם” – מֵאֵי אִיזִיָּא סְתוּמִין? אִפִּילוּ מְפוֹרְשִׁין!

The Gemara asks: Granted, according to the opinion of Rabbi Yohanan, who said that it is a *halakha* with regard to a nazirite, it is for this reason that if the funds were unallocated, yes, the money is used for gift offerings, but if they were allocated, no, they may not be used for this purpose, as this is the *halakha* passed down by tradition. However, according to the opinion of Reish Lakish, who derives the *halakha* from the verse: “For any of their vows or for any of their gift offerings,” why state specifically unallocated funds; even allocated money should be used for gift offerings after the death of their owner.

Substitution – תמורה: The possibility of substitution is mentioned in the Torah (Leviticus 27:10), and tractate *Temura* focuses on the *halakhot* of substitution. The main features of the concept of substitution are as follows: The Torah prohibits the substitution of any offering, whether whole or blemished, for another animal. One who does so violates a prohibition and incurs lashes. Nevertheless, despite the fact that this exchange is prohibited, if an act of substitution is performed, the second animal does acquire a measure of sanctity, while the initial animal also remains sacred. All animals can be used as substitutes, whether they are whole or blemished, and the animal designated as a substitute can never be used for labor or redeemed. The fate of the substitute varies with the particular type of offering. In some instances, e.g., a substitute for a sin-offering, the animal is left to die. In other cases, such as a guilt-offering, the animal is put out to graze until it becomes blemished. Additionally, some substitutes, e.g., that of a peace-offering, are consecrated for the altar in addition to the original animal.

HALAKHA

In the manner that you treat a burnt-offering, etc. – כְּדֹרֶךְ שְׂאֵתָהּ נֹהֵג בְּעוֹלָה וְכוּ': The substitute of a burnt-offering is also sacrificed as a burnt-offering. If the substitute is female it is left to graze until it develops a blemish, at which point, like a blemished male, it is sold and the money used for the purchase of a burnt-offering (Rambam *Sefer Korbanot, Hilkhot Temura* 3:1).

In the manner that you treat a peace-offering, etc. – כְּדֹרֶךְ שְׂאֵתָהּ נֹהֵג בְּשָׁלְמִים וְכוּ': The substitute of a peace-offering, the offspring of a peace-offering, and likewise the offspring of the substitute of a peace-offering, are all sacrificed as peace-offerings (Rambam *Sefer Korbanot, Hilkhot Temura* 3:1, 4:1).

The offspring of a sin-offering and the substitute of a guilt-offering – וְלֹד תְּטָאתָ וְתַמּוּרַת אֲשָׁם: The offspring of a sin-offering and the substitute of a sin-offering, and similarly the offspring of the substitute of a sin-offering, are all left to die. The substitute of a guilt-offering is left to graze until it develops a blemish, with its value going toward gift offerings (Rambam *Sefer Korbanot, Hilkhot Temura* 3:1 and *Sefer Avoda, Hilkhot Pesulei HaMukdashin* 4:1).

אמר רבא: מפורשין לא מצית אמרת, כבר פסקה תנא דבי רבי ישמעאל: "רק קדשיך אשר יהיו לך ונדריך" – בולדי קדשים ובתמורתם הכתוב מדבר;

Rava said: You cannot say that this *halakha* should apply to allocated funds, as the *tanna* of the school of Rabbi Yishmael has already ruled in this regard. The *tanna* explained the following verse that deals with the obligation to bring consecrated animals to the Temple: "Only your sacred things that you have,^N and your vows" (Deuteronomy 12:26). The verse is speaking of the offspring of consecrated female peace-offerings and their substitutes,^B i.e., when one says a non-sacred animal should substitute for a sacred animal.

מה תקנתן – "תשא ובאת אל המקום אשר יבחר ה'". יכול יעלם לבית הבחירה וימנע מהם מים ומזון בשביל שימותו – תלמוד לומר "ועשית עליהם הבשר והדם".

With regard to these animals, what is their means of remedy? "You shall take and go to the place that the Lord shall choose" (Deuteronomy 12:26). One might have thought that this means that he must bring them up to the Temple, and yet he does not sacrifice them but withholds water and food from them so that they should die. Therefore, the verse states: "And you shall sacrifice your burnt-offerings, the flesh and the blood, upon the altar of the Lord your God; and the blood of your offerings shall be poured out against the altar of the Lord your God, and you shall eat the flesh" (Deuteronomy 12:27).

לומר לך: כדרך שאתה נוהג בעולה – נוהג בתמורתה, כדרך שאתה נוהג בשלמים – נוהג בולדיהם. יכול אף ולד תטאת ותמורת אשם בן – תלמוד לומר "רק". דברי רבי ישמעאל.

The *tanna* explains that this verse comes to say to you: In the manner that you treat a burnt-offering^H you must treat its substitute, i.e., it should be sacrificed in its entirety; in the manner that you treat a peace-offering^H you must treat their offspring, as its inner parts must be sacrificed on the altar, with the rest eaten by the owners. One might have thought that the offspring of a sin-offering and the substitute of a guilt-offering^H should also be treated so, i.e., they too should be sacrificed on the altar like sin-offerings and guilt-offerings. Therefore the verse states: "Only" (Deuteronomy 12:26), which excludes these cases. This is the statement of Rabbi Yishmael.

רבי עקיבא אומר: אינו צריך. הרי הוא אומר "אשם הוא" – בהוייתו יהא.

Rabbi Akiva says: In the case of a guilt-offering this exposition is not necessary, as it says: "It is a guilt-offering" (Leviticus 5:19), from which it may be inferred: It alone shall be sacrificed in its current state, but not its substitute. This *baraita* explicitly teaches that the surplus money of a sin-offering cannot be used for another offering. Consequently, the money set aside for a nazirite's sin-offering must be cast into the Dead Sea upon the death of its owner rather than used for a gift offering, even according to the opinion of Reish Lakish.

קתני: יכול יעלם לבית הבחירה וימנע מהם מים ומזון בשביל שימותו – תלמוד לומר "ועשית עליהם". אמאי? הא ולד תטאת הוא דגמירין בה מיתה! אי לאו קרא הוה אמנא: ולד תטאת בכל מקום.

Since the Gemara has cited the above *baraita*, it analyzes it in detail. The *baraita* teaches:^N One might have thought that one must bring them up to the Temple and withhold water and food from them so that they should die. The verse states: "And you shall sacrifice your burnt-offerings." The Gemara asks: Why would one think he should act in this manner? After all, it is only with regard to the offspring of a sin-offering^N that we learned that it must be left to die, but not other offerings. Why, then, is it necessary to derive the exclusion of the offspring of other offerings and the substitution of other offerings from a verse? The Gemara answers: If it were not for the verse, I would say that the offspring of a sin-offering may be killed anywhere, i.e., it need not be brought to the Temple and left to die there,

NOTES

That you have – אשר יהיו לך: The commentaries explain that the phrase "that you have" indicates that the verse is referring to consecrated animals that come from animals that are already sacred, either by means of substitution or through its offspring (Commentary on *Nazir*). Several early commentaries cite the version of this exposition that appears in tractate *Temura* (17b): "Only your sacred things" means substitutions, which are called "sacred" and "that you have" refers to the offspring. This is either because it can be read in the future tense as: That you will have, or because "have" alludes to birth (Rosh).

Teaches – קתני: The commentaries note that in this context the term: Teaches, is equivalent to: It is stated above, or: The matter itself. All these expressions signify that the Gemara is no longer discussing the *baraita* in relation to the particular issue at hand, but on its own terms. As mentioned elsewhere, the language of tractate *Nazir* is unusual, and its phraseology is not always in line with that of other tractates.

The offspring of a sin-offering – קרא ולד תטאת: This *halakha* transmitted to Moses from Sinai refers only to the offspring of a sin-offering, from which it may be inferred that the offspring of other offerings are not left to die (Commentary on *Nazir*).

HALAKHA

The offspring of a sin-offering – ולד חטאת: The offspring of a sin-offering, and certainly the offspring of its substitute, must be left to die (Rambam *Sefer Avoda, Hilkhot Pesulei HaMukdashin* 4:1 and *Sefer Korbanot, Hilkhot Temura* 4:2).

Any situation that if it were to occur with a sin-offering it would be left to die, etc. – כל שאילו בחטאת מתה וכו': If the owner of a guilt-offering died or gained atonement by another means, the animal designated as his guilt-offering must be left to graze until it develops a blemish, at which point it is sold and the proceeds are used for the purchase of gift burnt-offerings (Rambam *Sefer Avoda, Hilkhot Pesulei HaMukdashin* 4:14).

A guilt-offering that was consigned to grazing, etc. – אשם שניתק לרעייה וכו': If a guilt-offering that was consigned to grazing was sacrificed as a burnt-offering, it is valid; however, one may not do so *ab initio*. This is a decree in case one confuses an animal in this situation with a guilt-offering before the owner's atonement, in accordance with the ruling of the Gemara in tractate *Pesahim* 73a (Rambam *Sefer Avoda, Hilkhot Pesulei HaMukdashin* 4:15).

NOTES

Transgresses a positive mitzva by it – קאים עליה בעשה: The same verse that states that the offspring of peace-offerings and the substitutes of burnt-offerings must be sacrificed adds: "Only your sacred things" (Deuteronomy 12:26), which excludes sin-offerings and guilt-offerings. Since this prohibited action is derived from the positive command of "You shall bring," it is classified as a prohibition that stems from a positive mitzva, which has the status of a positive mitzva. Consequently, one who sacrifices the offspring or substitute of a sin-offering violates a positive mitzva (Commentary on *Nazir*).

Why do I need a verse, etc. – למה לי קרא וכו': The early commentaries ask: Isn't the verse required to render one liable for transgressing a positive mitzva by sacrificing the substitute of a guilt-offering, as the Gemara explained earlier, according to the opinion of Rabbi Yishmael? They answer that unlike the term "only," the word "it" does not indicate that sacrificing another animal constitutes the violation of a positive command. However, this answer leads to a further problem: If Rabbi Akiva maintains that the term "it" does not signify a positive mitzva, he too requires the term "only" for that purpose; therefore, how can he say this derivation is not necessary? One explanation is that Rabbi Akiva erred in his understanding of Rabbi Yishmael's opinion. He thought that Rabbi Yishmael did not accept this *halakha* of the five sin-offerings left to die, and that he maintains that the *halakha* that the offspring of a sin-offering and the substitute of a guilt-offering may not be sacrificed is itself derived from this verse. It is concerning this derivation that Rabbi Akiva said that the *halakha* of a guilt-offering need not be learned from this verse (*Tosafot*; Rabbeinu Peretz).

Consigned to grazing – שניתק לרעייה: This means that it is not fit to be sacrificed, either because its owner has gained atonement with another animal or has died, or because it is the substitute of a guilt-offering, which must be left to graze until it develops a blemish so that it may be sold, with the proceeds being used for gift offerings (Commentary on *Nazir*). The commentaries cite two opinions as to when an animal is considered consigned to grazing. Some maintain that this stage applies when the Sanctuary treasurer says the animal must be left to graze. Alternatively, it is defined as such only when it is actually handed over to a shepherd (Meiri; *Tosafot*).

ולדי קדשים בבית הבחירה, קא משמע לן דלא.

קתני: יכול אף ולד חטאת ותמורת אשם בן – תלמוד לומר "רק". למה לי קרא? הילכתא גמירי לה: ולד חטאת למיתה אויל! הכי נמי, וקרא לאשם הוא דאקרא.

אשם נמי הילכתא גמירי לה: כל שאילו בחטאת מתה – באשם רועה!

אלא, אי מהילכתא – הוה אמינא: הילכתא, ואי אקרביה – לא ליחייב עליה ולא בלום, קא משמע לן קרא דאי מקריב ליה – קאים עליה בעשה.

"רבי עקיבא אומר אינו צריך, הרי הוא אומר 'אשם הוא' – בהוייתו יהא." למה לי קרא? גמירי לה: כל שבתחטאת מתה – באשם רועה!

הכי נמי וכי אתא קרא – לדרב. דאמר רב הונא אמר רב: אשם שניתק לרעייה, ושחטו לשם עולה – בשור.

טעמא – דניתק, הא לא ניתק – לא. דאמר קרא: "הוא" – בהוייתו יהא.

but the offspring of other sacred animals, for peace-offerings, must be brought to the Temple and left to die there. The verse therefore teaches us that one does not leave the offspring of peace-offerings to die. Rather, they are sacrificed upon the altar.

§ The Gemara continues to discuss the *baraita*. The *baraita* teaches: One might have thought that the offspring of a sin-offering and the substitute of a guilt-offering should also be treated so, i.e., they too should be sacrificed on the altar like sin-offerings and guilt-offerings. Therefore, the verse states: "Only" (Deuteronomy 12:26). The Gemara asks: Why do I need a verse for this *halakha*? After all, this *halakha* is learned as a tradition that the offspring of a sin-offering^h goes to its death. The Gemara answers: So too, this is correct as far as the offspring of a sin-offering is concerned, and the verse comes to teach that this *halakha* applies to a guilt-offering as well.

The Gemara asks: With regard to a guilt-offering as well, this *halakha* is learned as a tradition: Any situation that if it were to occur with a sin-offering it would be left to die,^h i.e., any offering that is invalid in such a manner that it would have to be left to die if it were a sin-offering, which includes a substitute, if it occurs with a guilt-offering it is left to graze until it develops a blemish so that it is no longer fit for the altar. Why, then, is a verse required to teach this *halakha*?

Rather, the argument is as follows: If one would have learned this ruling only from the aforementioned *halakha* transmitted to Moses from Sinai, I would say: It is admittedly the *halakha* that the offspring of a sin-offering must die and the substitute of a guilt-offering is left to graze, but if he sacrificed it regardless, he would not be liable to receive any punishment for it. The verse therefore teaches us that if he sacrifices the offspring or substitute of a guilt-offering, he transgresses a positive mitzva by it,ⁿ as derived from the verse: "Only your sacred things which you have, and your vows, you shall take and go to the place which the Lord shall choose" (Deuteronomy 12:26).

§ The same *baraita* teaches that Rabbi Akiva says: In the case of a guilt-offering this exposition is not necessary, as it says: "It is a guilt-offering" (Leviticus 5:19), which indicates: It alone shall be sacrificed in its current state, but not its substitute. The Gemara asks: Why do I need a verseⁿ for this *halakha*? We learned it as a *halakha*: Any situation that if it were to occur with a sin-offering it would be left to die, if it occurs with a guilt-offering it is left to graze. If so, it is clear that this guilt-offering cannot be sacrificed.

The Gemara answers: So too, this is correct, and when the verse comes to teach a *halakha*, it comes for that which was said by Rav. As Rav Huna said that Rav said: With regard to a guilt-offering that was consigned to grazing,^{nh} i.e., it had been ruled that the animal must be left to graze until it develops a blemish as it could not be sacrificed as a guilt-offering, at which point it was sold so that the proceeds could be used for voluntary burnt-offerings, and one transgressed and slaughtered the guilt-offering itself for the sake of a burnt-offering rather than using an animal purchased with the money of its sale, it is valid.

The Gemara infers from Rav's statement: The reason for this ruling is that it is a guilt-offering that was consigned to grazing, from which it may be inferred that if it were not consigned in this manner it is not valid as a burnt-offering. This is because the verse states: "It is a guilt-offering," which indicates that it shall be in its current state, and if it were sacrificed as a different offering it is invalid.

אָמַר מֶר: הֲלֹכָה הִיא בְּנִזִיר. וְתוֹ לִיבֵיא?
וְהִתְנַאי: וְשֹׁאֵר חֲטָאֵי קִינִין שְׁבִתוּרָה

§ The Gemara returns to the issue of a nazirite's offerings: **The Master, Rabbi Yohanan, said earlier: It is a halakha with regard to a nazirite that his unallocated funds, including the value of his sin-offering, are used for the purchase of gift offerings.** The Gemara asks: This formulation indicates that this *halakha* pertains only to a nazirite, **but is there no other case where the surplus goes toward the purchase of gift offerings? But isn't it taught in a baraita: And the rest of those liable to bring nests⁸ by Torah law,⁹ i.e., those paupers who are obligated to bring only a bird-offering, e.g., a poor leper, who must bring two turtledoves, one for a burnt-offering and one for a sin-offering, instead of a sheep or a ewe,**

BACKGROUND

שֹׁאֵר חֲטָאֵי קִינִין – The rest of those liable to bring nests – There are various circumstances in which an individual is required to sacrifice two birds, either turtledoves or pigeons. One bird is always sacrificed as a burnt-offering while the other is a sin-offering. For example, a poor person who is required to bring a sliding-scale offering brings a pair of birds (Leviticus 5:7–10), as does a poor woman after giving birth (Leviticus 12:8), a poor leper (Leviticus 14:22), and a *zav* or *zava* following their ritual purification (Leviticus 15:29–30).

HALAKHA

Those liable to bring nests by Torah law – חֲטָאֵי קִינִין – שְׁבִתוּרָה: All individuals obligated to bring bird-offerings by Torah law who have separated money for their nests may purchase either a bird sin-offering or a bird burnt-offering with all the money, if they so choose. The *halakha* is in accordance with the text of the *Tosefta*. *Likkutei Halakhot* teaches that according to the opinion of the Rambam one may use the money even for the purchase of animal sin-offerings or burnt-offerings if he becomes wealthy (Rambam *Sefer Avoda, Hilkhhot Pesulei HaMukdashin* 5:11).

Perek IV

Daf 26 Amud a

שֶׁהִפְרִישׁוּ מַעוֹת לְקִינֵיהֶם, רָצָה לְהֵבִיא
בְּהֵן חֲטָאֵת בְּהֵמָה – יָבִיא, עוֹלֹת בְּהֵמָה –
יָבִיא. מִתּוֹ וְהָיוּ לוֹ מַעוֹת סְתוּמִין – יִפְלוּ
לְנִדְבָה!

who separated money for their nests and then became wealthy, if the owner wishes to change their designation and to bring an animal sin-offering with them, he may bring a sin-offering with them. If he wishes to use them to buy an animal burnt-offering he may bring it, supplementing the required amount with other money. If the owner died and he had unallocated funds,¹¹ they all will be allocated for communal gift offerings, including the value of the sin-offering. This shows that the *halakha* that unallocated funds are used for gift offerings applies in cases other than that of a nazirite.

NOTES

May not bring – לֹא יָבִיא – Rather, all the money is cast into the Dead Sea (Commentary on *Nazir*). Other early commentaries maintain that he must bring two animals and state that the money consecrated for a sin-offering should be redeemed by means of one animal, while the money for a burnt-offering should be redeemed through the other animal. He proceeds to sacrifice both animals, one as a sin-offering and the other as a burnt-offering (*Tosafot*; see Rabbeinu Azriel, cited in *Shita Mekubbetzet*).

תִּנְאָ נִזִיר וְחֲטָאֵי קִינִין דְּדָמוּ לֵיהּ. וְלֹא פוֹקִי
מִהָאָ דְּתִנְאָ: מִי שֶׁהִיָּה מְחוּיָב חֲטָאֵת,
וְאָמַר "הָרִי עָלַי עוֹלָה" וְהִפְרִישׁ מַעוֹת,
וְאָמַר "הָרִי אֵילוּ לְחֻבְתִּי".

The Gemara answers: **He taught the case of a nazirite and also the case of those obligated to bring nests, which is similar to that of a nazirite and is therefore treated identically with regard to its halakha.** This serves to exclude that case which is taught in a *baraita*. The situation discussed in the *baraita* involves one who was obligated to bring a sin-offering¹¹ for a transgression he committed, and he also said: **It is incumbent upon me to bring a gift burnt-offering, and he separated money and said: These are hereby for my obligatory offering.** Since he might have meant either his obligation of the sin-offering or his burnt-offering for the new vow, the question arises as to what should be done with the money.

רָצָה לְהֵבִיא בְּהֵן חֲטָאֵת בְּהֵמָה – לֹא
יָבִיא, עוֹלֹת בְּהֵמָה – לֹא יָבִיא. מִתּוֹ וְהָיוּ
לוֹ מַעוֹת סְתוּמִים – יִלְכוּ לְיַם הַמֶּלַח.

The *baraita* explains that if he wishes to bring an animal sin-offering with it, he may not bring¹¹ one; if he wishes to use it to purchase an animal burnt-offering, he may not bring it either. If he died and had unallocated funds, one must take them and cast them into the Dead Sea. Since the two offerings are not part of the same obligation, the unallocated funds may not be used for gift offerings.

HALAKHA

מִתּוֹ וְהָיוּ לוֹ מַעוֹת סְתוּמִין – If he died and he had unallocated funds: If one set aside money for his nest without specifying for which offering it would be used, upon his death all the money is used for gift burnt-offerings, as it is all fit for a burnt-offering (Rambam *Sefer Avoda, Hilkhhot Pesulei HaMukdashin* 5:12).

מִי שֶׁהִיָּה מְחוּיָב – יָבִיא – If one who was obligated to bring a sin-offering declared: I am hereby obligated to bring a burnt-offering, and he proceeded

to separate money, saying: This is for my obligation, if he wishes to use it for a sin-offering he may do so, and if he prefers to purchase a burnt-offering with it he may likewise act accordingly. If he dies, the money is cast into the Dead Sea. Some commentaries point out that the wording of the *Tosefta* contradicts the ruling of the Rambam, as does the Gemara (Ra'avad). Others explain that Rambam may have had a variant reading of the text (Rambam *Sefer Avoda, Hilkhhot Pesulei HaMukdashin* 5:13 and *Lehem Mishne* there).