

שְׂאֵר חַיִּיבֵי קִיּוּן – 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

חַיִּיבֵי קִיּוּן – Those liable to bring nests by Torah law – **שְׂבִתוּרָה**: 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, Hilkhot Pesulei HaMukdashin* 5:11).

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*).

אָמַר מֶר: הֲלֹכָה הִיא בְּנִזְיֹר. וְתוֹ לִיבָא?
וְהִתְנַאי: וְשְׂאֵר חַיִּיבֵי קִיּוּן שְׂבִתוּרָה

§ 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,**

Perek IV

Daf 26 Amud a

שֶׁהִפְרִישׁוּ מַעוֹת לְקִיּוּנָהֶם, רָצָה לְהַבִּיא
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,⁸** 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.

הִתְנַאי נְזִיר וְחַיִּיבֵי קִיּוּן דְּדָמוּ לֵיהּ. וְלֹא פוֹקִי
מִהָאָה דִּתְנַאי: מִי שֶׁהָיָה 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-offering⁸** 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 לְהַבִּיא 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 bring⁹ 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, Hilkhot Pesulei HaMukdashin* 5:12).

מִי שֶׁהָיָה מְחוּיָב – יָבִיא – One who was obligated to bring a sin-offering – **חֲטָאֵת**: 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, Hilkhot Pesulei HaMukdashin* 5:13 and *Lehem Mishne* there).

Even if he said, these are for my obligation – אֲפִילוֹ אָמַר – אֵלּוֹ לְחֻבַּתִּי: Funds are considered unallocated in a case where, for example, one separated money for the purchase of offerings without saying anything. If he said: This is for my obligation, the money is considered allocated, and this is certainly the case if he said: This is for my burnt-offering, my sin-offering, and my peace-offering. This is in accordance with the principle of the Rambam that the *halakha* is in accordance with the last version of a statement, which in this case is that of Rav Ashi (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 9:4).

אָמַר רַב אֲשִׁי: הָאֵלּוֹ דְּאִמְרַת מְפֹרָשִׁין לָא – לָא תִּימָא דְּאָמַר "אֵלּוֹ לְחֻבַּתִּי וְאֵלּוֹ לְעוֹלֹתִי וְאֵלּוֹ לְשִׁלְמִי". אֲלָא אֲפִילוֹ אָמַר "אֵלּוֹ לְחֻבַּתִּי וְלְעוֹלֹתִי וְלְשִׁלְמִי" – מְפֹרָשִׁין הֵן.

וְאִיכָא דְּאָמַרְי, אָמַר רַב אֲשִׁי: לָא תִּימָא עַד דְּאָמַר "אֵלּוֹ לְחֻבַּתִּי וְלְעוֹלֹתִי וְלְשִׁלְמִי". אֲלָא אֲפִילוֹ אָמַר "אֵלּוֹ לְחֻבַּתִּי" – הָרִי הֵן בְּמְפֹרָשִׁין.

אָמַר רַבָּא: הָא דְּאָמַרְן: מְעוֹת סְתוּמִין יִפְלוּ לְנִדְבָה, אִם נִפְלָה דְּמִי חֻטָּאת מִבְּיַמֵּיהֶן – הָרִי הֵן בְּמְפֹרָשִׁין.

S Rav Ashi said: That which you said with regard to a nazirite who had allocated money, that he may not use it all for gift offerings because the value of the sin-offering must be taken and cast into the Dead Sea, do not say that this is referring only to a case where he explicitly said: These are for my sin-offering, and these are for my burnt-offering, and these are for my peace-offering, each one separately. Rather, even if he said: These are for my sin-offering and for my burnt-offering and for my peace-offering, they are considered allocated^N for the purposes of this *halakha*, despite the fact that he did not designate the money for particular offerings.

And some say a different version of this statement. Rav Ashi said: Do not say they are deemed allocated only if he says: These are for my sin-offering and for my burnt-offering and for my peace-offering; rather, even if he said it in broader terms: These are for my obligation,^{NH} they are considered as allocated.

S Rava said: That which we said, that if one had unallocated funds they will be allocated for communal gift offerings, applies only if the money for all of the offerings was mixed together. However, if the money for the sin-offering fell^N and was separated from the others, all the remaining money is now considered as allocated. This means that instead of the entire sum being used for a gift burnt-offering, part of it is used for a peace-offering, which is eaten for one day and does not require bread.

NOTES

They are allocated – מְפֹרָשִׁין הֵן: In other words, they are treated as allocated money that became mingled together (*Tosafot*), as the *halakha* that the money of a nazirite is used for gift offerings applies only to money that was entirely unallocated. As for the issue of what is done with this money, some commentaries maintain that he separates one third of the money and casts it into the Dead Sea, while half of the rest is used for a burnt-offering and half for a peace-offering (Commentary on *Nazir*; *Rid*). Conversely, most early commentaries rule that it all goes to the Dead Sea.

These are for my obligation – אֵלּוֹ לְחֻבַּתִּי: The reason that the funds are considered allocated is because he meant: These are for my entire obligation, which includes the value of the sin-offering (*Tosafot*). Some commentaries claim that the phrase: My obligation, refers mainly to the sin-offering, which is fully obligatory, and therefore it is as though he specified a sin-offering (*Rosh*). Others note that according to this opinion the

money is considered unallocated only if he set them aside without saying anything (Commentary on *Nazir*). Yet others contend that they are unallocated if he said: These are for my offerings (*Rosh*; *Tosafot*) or: These are for my naziriteship (*Rid*; *Meiri*).

אִם נִפְלָה דְּמִי חֻטָּאת – וְכֹר: The commentaries explain: If money worth the amount of a sin-offering was lost or otherwise separated from the rest, that money is treated as the money of the sin-offering (Commentary on *Nazir*). Some say it is considered as though he had separated the money himself and designated it for the sin-offering (*Tosafot*). An alternative version of the text reads: Money for the sin-offering was separated, i.e., the owner set aside money for the sin-offering in a special place but did not state anything specific with regard to the rest (*Rid*). Some explain the Gemara in this manner without emending the text (Rabbeinu Peretz; *Meiri*; *Sefat Emet*). The continuation of the discussion is easy to follow according to this interpretation.

Perek IV
Daf 26 Amud b

This is for my sin-offering and the rest, etc. – אֵלּוֹ לְחֻבַּתִּי: If a nazirite separated money and said: This is for my sin-offering and the rest is for my naziriteship, and subsequently he died, or if a woman's husband nullified her vow after she made a declaration to this effect, the money for the sin-offering is taken and cast into the Dead Sea. Half of the remainder is used for a burnt-offering and half for a peace-offering. With regard to the prohibition against misuse, if one derives benefit from the entire remainder of the money he has misused consecrated property, but not if he derives benefit from only part of it (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 9:6 and *Sefer Avoda, Hilkhot Me'ila* 4:3).

תִּנְיָא כְּוֹתִינָה דְּרַבָּא: "אֵלּוֹ לְחֻבַּתִּי וְהִשְׁאָר לְשִׁאָר נְזִירוֹתִי". דְּמִי חֻטָּאת – יִלְכוּ לִים הַמַּלְת, וְהִשְׁאָר – יָבִיא חֻצִּין לְעוֹלָה וְחֻצִּין לְשִׁלְמִים, וּמוֹעֲלִין בְּכוֹלֵן וְאִין מוֹעֲלִין בְּמִקְצָתָן.

The Gemara notes that it is taught in a *baraita* in accordance with the opinion of Rava: If one said: This money is for my sin-offering and the rest^H is for the rest of my obligations of naziriteship, and he died, the money for the sin-offering is taken and cast into the Dead Sea, and as for the rest, he brings a burnt-offering with half of it, and half of it goes for a peace-offering. And one who benefits from all of it is liable for misuse of consecrated property, due to the value of a burnt-offering that is included in the money. But one is not liable for misuse of consecrated property if he benefits from some of the money, as the money he took is possibly that of the peace-offering, to which the prohibition against misuse does not apply.

אֵלוֹ לְעֹלֹתַי וְהַשָּׂאָר לְשָׂאָר נְזִירוֹתַי׃ If a nazirite separated money and said: This is for my burnt-offering and the rest is for my naziriteship, and then died, the money allocated for a burnt-offering is used for a burnt-offering, while the rest is used for gift offerings. As for misuse of Temple property, one is liable only if he derived benefit from the entire sum (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 9:7 and *Sefer Avoda, Hilkhot Me'ila* 4:3).

לֹא שָׁנוּ אֶלָּא תְּמִימָה – They taught only if it is unblemished – A blemished animal separated for naziriteship is considered like unallocated funds. Likewise, if one set aside a lump of silver or gold or any other vessel, even if he said: This is for my sin-offering, my burnt-offering, and my peace-offering, it has the status of unallocated funds. The *halakha* is in accordance with the ruling of Rav Nahman bar Yitzhak, as he was the later authority. Some commentaries (*Likkutei Halakhot*; Meiri) maintain that the same *halakha* applies to piles of beams, as the *halakha* is in accordance with the opinion of Rav Shimi bar Ashi (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 9:5).

NOTES

הָרִי הֵיא כְּסֻמָּה וְכוּ׃ The difference between an item consecrated in an unallocated manner, to which the *halakha* of unallocated funds applies, and other sacred items has been explained in two basic ways. According to the opinion of most commentaries, the case of unallocated funds is a *halakha* transmitted to Moses from Sinai that refers to money alone. Nevertheless, a blemished animal is included in this category, either because it is not set aside for its own sake but for its value (Commentary on *Nazir*), or because it is assigned for sale immediately after its consecration (*Tosafot*; Rabbeinu Peretz), and therefore it has the availability of money. Alternatively, with regard to any item that is not ready for immediate sale, it is likely that the owner will designate part of it, or one of its units, for a particular offering, and therefore it does not have the status of unallocated funds (Rabbeinu Tam, as explained in detail by Rosh). The choice of interpretation will have ramifications for the differences between blemished animals, silver bars, and piles of beams; the commentaries discuss the details of these *halakhot* at length.

LANGUAGE

Bar of silver [naskha] – נִסְכָּא – The root of this word, *nun, samekh, kaf*, is equivalent to the root *nun, tav, kaf*, from which the word for metal, *matekhet*, is derived. It refers to lumps of silver with no particular shape. The Sages use this term specifically in reference to pieces of precious metals such as gold and silver.

Pile [sevar] – סָוָר – Similar to the Arabic *سور, sūr*, this term is apparently from the root *tzadi, vav, reish*. It means objects gathered together and piled on top of each other.

”אֵלוֹ לְעֹלֹתַי וְהַשָּׂאָר לְשָׂאָר נְזִירוֹתַי׃ דְּמִי עֹלָה – וְבִיאוֹ עֹלָה וּמוֹעֲלִין בָּהֶן, וְהַשָּׂאָר יִפְלוּ לְנִדְבָה, וּמוֹעֲלִין בְּכוֹלָן וְאִין מוֹעֲלִין בְּמִקְצָתָן.”

If one said: **This money is for my burnt-offering^H and the rest is for the rest of my obligations of naziriteship, the money for the burnt-offering goes for a burnt-offering, and one who benefits from it is liable for misuse of consecrated property. And the rest is allocated for communal gift offerings, as the sum includes the value of a sin-offering. And one who benefits from all of it is liable for misuse of consecrated property, due to the value of a sin-offering included in it, but one is not liable for misuse of consecrated property if he benefits from some of the money, as he might have taken the money for a peace-offering, as stated above.**

אָמַר רַב הוּנָא אָמַר רַב: לֹא שָׁנוּ אֶלָּא מַעוֹת, אֲבָל בְּהֵמָה הָרִי הֵיא כְּמַפְרָשָׁת.

¶ Rav Huna said that Rav said: They taught only that there is a difference between unallocated and allocated money of a nazirite with regard to money designated for the purchase of offerings. However, if one designated an animal it is treated as allocated. A nazirite is obligated to bring three types of animals, a female sheep for a sin-offering, a male sheep for a burnt-offering, and a ram in its second year for a peace-offering. It is therefore evident which offering he had in mind when designating a particular animal. Consequently, if the owner died each offering is treated in the appropriate manner: The sin-offering must be left to die, like all sin-offerings whose owners have died; the burnt-offering is sacrificed as a burnt-offering; and the peace-offering is brought as a peace-offering, although it must be eaten in one day and does not require bread.

אָמַר רַב נַחֲמָן: הָא דְאָמְרִי בְּהֵמָה הָרִי הֵיא כְּמַפְרָשָׁת – לֹא שָׁנוּ אֶלָּא תְּמִימָה, אֲבָל בְּעֵלֶת מוֹס – הָרִי הֵיא כְּסֻמָּה, אֲבָל נִסְכָּא – לֹא.

Rav Nahman said: When they say that if one designates an animal it is considered as allocated, they taught this only if it is unblemished^H and is fit to be sacrificed itself. However, if one separated a blemished animal, even if he set aside the three required types, a female sheep, a male sheep, and a ram in its second year, each one is considered as unallocated.^N This is because one will not sacrifice the animals themselves but will sell them and use the money. However, this is not the case with regard to a bar of silver [naskha].^L If one separated three silver bars they are considered allocated, as each is a distinct item, designated for a particular offering.

וְרַב נַחֲמָן בְּרַי יִצְחָק אָמַר: אֲפִילוּ נִסְכָּא, אֲבָל סָוָר שְׁלֵשׁ קוֹרוֹת – לֹא. אָמַר לֵיהּ רַב שִׁמִּי בְּרַי אֲשֵׁי לְרַב פָּפָא: מֵאֵי טַעְמֵיהוֹ דְּרַבְנָן – דְּאָמְרִי: מַעוֹת וְלֹא בְּהֵמָה, וְלֹא נִסְכָּא. מַעוֹת וְלֹא סָוָר? אֶלָּא מַעֲתָה מַעוֹת וְלֹא עוֹפוֹת!

And Rav Nahman bar Yitzhak said: Even a silver bar is considered unallocated; however, a pile [sevar]^L of beams is not. If he set aside three piles of construction beams for his offerings, they are treated as allocated money. Rav Shimi bar Ashi said to Rav Pappa: What is the reasoning of the Rabbis, i.e., Rav, Rav Nahman, and Rav Nahman bar Yitzhak, who say: Money and not an animal, and not a silver bar; and similarly, money and not a pile? Do they maintain that the halakha of unallocated funds applies only to money and not to other items? However, if that is so, one should likewise say that it applies to money and not birds.

וְכִי תִמְאָה הָכִי נִמְי, אֶלָּא הָא דְאָמַר רַב חֲסִידָא: אִין הִקְיִין מִתְּפָרְשוֹת אֶלָּא אֵי בְּלִקְיַחַת בְּעֵלִים אֵי בְּעִשְׂיַת כְּהֵן.

And if you would say: So too, this is in fact the case, and birds cannot be considered allocated, but what about this statement that Rav Hisda said: Nests, i.e., a pair of turtle doves or pigeons, one for a burnt-offering and the other for a sin-offering, are considered allocated only^H by either the acquisition of the owner, if the owner designates each bird for a particular offering upon their purchase, or by the actions of the priest who decides which bird is for which offering when he sacrifices them. This clearly indicates that the birds are considered unallocated beforehand.

אִמָּאֵי? הָא מַעוֹת גְּמִירִין לָהּ!

Therefore, the question arises: **Why is this so? Didn't we learn this halakha only with regard to money, whereas Rav Hisda's statement indicates that birds are also considered unallocated? If Rav Hisda's opinion is accepted, the same halakhot should also apply to animals, bars, and piles of beams.**

HALAKHA

Nests are allocated only – אִין הִקְיִין מִתְּפָרְשוֹת – With regard to all those obligated to bring nests by Torah law who separated money for their nests, they may mix the money to purchase the sin-offering and burnt-offering. They may do so even if they declared: This is for my sin-offering and this is for my

burnt-offering. They may even buy one of the offerings with all the money, as nests are designated only either at the hour of purchase or when the priest performs the sacrifice (Rambam *Sefer Avoda, Hilkhot Pesulei HaMukdashin* 5:11; 8:8).