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Nazir Daf 26

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Unclear vs. Explicit Korbanos

The master had said above: It (the law regarding one who had designated an unspecified amount of money for his *korbanos*) is a halachah (orally transmitted) pertaining to nazir.

The *Gemora* asks: Are there no other cases (where the unspecified money is used for voluntary communal offerings)? But it was taught in a *Baraisa*: Other people (besides a zav, zavah and woman who has given birth) who are obligated to bring a pair of bird offerings, who designated money to buy the birds (*and then became wealthy*), if he now wants to bring an animal as a *chatas* (such as a metzora, where the law is that if he is poor, he brings a pair of birds for his purification sacrifices – one for a *chatas* and one for an *olah*, but if he is wealthy, he brings an animal as a *chatas*) he may do so, or if he now wants to bring an animal as *olah* offering (such as a metzora or a woman who has given birth), he may do so. If he died and unspecified money was in his possession, the money should be used for voluntary communal offerings (*even though we know part of the money was dedicated for a chatas offering, as he had designated the money to be used for all of his sacrifices*). [*Evidently, the halachah is not unique to the sacrifices of a nazir!?*]

The *Gemora* answers: The statement earlier meant that this rule applies to *nazir* and to bird offerings, which are similar to it (the case of a nazir).

This (that nazir is included in this rule) excludes that which was taught in the following *Baraisa*: If someone was

obligated to offer a *chatas* and he proclaimed, “It is upon me to offer an *olah*” (which constitutes a vow; he now has an obligation to bring a *chatas* for his sin and an *olah* for his vow). He then proceeded to separate monies and said, “These are for my obligation” (but he did not specify which one; we are not certain if he meant only one of his obligations or both). In such a case, if he would want to use the money to bring an animal as a *chatas*, he may not, and if he would want to use the money to bring an animal as an *olah* he may not (*for the obligation to bring the chatas and the obligation to bring the olah are two distinct obligations, and the law is that he cannot use the money for an offering which was not included in his original designation*). If he died and unspecified money was in his possession, the money should be cast into the Dead Sea. [This law is different than that of a nazir, where we allow the money to be used for voluntary communal offerings.]

Rav Ashi said: This law (that money that had been specified may not be used for communal offerings) – do not say that the case is where a person designated money and said, “These are for my *chatas*, these for my *olah*, and these are for my *shelamim*.” But rather, it even applies in a case where he said, “These are for my *chatas*, my *olah*, and my *shelamim*.” The money is regarded as specified funds.

Some have recorded the following variation of Rav Ashi’s statement: Rav Ashi said: Do not say that this law (regarding unspecified funds) applies only in a case where he said, “These are for my *chatas*, my *olah*, and my

shelamim.” But rather, it even applies in a case where he said, “These are for my obligation” (*that includes a chatas*), the money is regarded as specified funds.

Rava said: Regarding that which we said that unspecified money becomes voluntary offerings, the law would be as follows: If the money for the *chatas* was (later) separated from them (*and there only remained funds for the olah and shelamim*), it is as if the money was specified (*and half may be used for the shelamim and half for the olah; this is because there is no chatas money mixed into these funds*).

The Gemora cites a *Baraisa* that supports Rava’s statement: If someone (a nazir) says, “These (*monies*) are for my *chatas*, and the remainder (of the funds) are for the rest of my *nezirus*” (*and he died prior to purchasing these korbanos*) the money from the *chatas* should be thrown into the Dead Sea, and regarding the remainder, half should be spent on an *olah* and the other half should be spent for a *shelamim*. He commits *me’ilah* when he uses all of the money (for funds designated for a *shelamim* offering are not subject to *me’ilah*), but if he uses only part of the money, he does not commit *me’ilah*. [Evidently, if the *chatas* funds are not part of the money, it is, as Rava stated, not regarded as unspecified funds.]

The *Baraisa* continues: If he says, “These are for my *olah*, and the remainder is for the rest of my *nezirus*,” the money of the *olah* should be used to bring an *olah*, and one commits *me’ilah* by using the money inappropriately. The remainder should be used for voluntary communal offering, and he commits *me’ilah* when he uses all of the money (for funds designated for a *shelamim* offering are not subject to *me’ilah*), but if he uses only part of the money, he does not commit *me’ilah*.

Rav Huna said in the name of Rav: These laws (that extra unspecified funds are to be used for voluntary communal offerings) were taught only in regard to money, but if an

actual animal was set aside (with the intention of selling it and using its proceeds for the *nezirus* offerings), it is considered to have the law of being specified (*and if the nazir dies, the animal is left to die*).

Rav Nachman adds: That which they said that an animal is considered as it had been specified, they taught that only with regard to an animal free of blemishes; however, with regard to a blemished animal, it is not considered as specified.

The Gemora notes: Regarding bars of metal (that were set aside for the nazir’s offerings), they are not (considered as unspecified funds, because it is somewhat difficult to convert them into cash).

Rav Nachman bar Yitzchak said: Even bars of metal are (considered unspecified), however, piles of building beams are (considered as specified funds).

Rav Shimi bar Ashi said to Rav Pappa: What is the reasoning of the Rabbis (that money and items that can easily be converted to money are regarded as unspecified funds)? It is because they say: “Money” (was stated in the Halachah), but not animal and not bars of metal; “money” and not building beams. But if so, shouldn’t it follow that we can say: “Money” and not birds!? And if you will say that this is indeed accurate, but let us consider that which Rav Chisda said: **[There are certain times when one is obligated to bring two bird offerings, one *chatas* and one *olah*. One example of such a person is a woman who has given birth and can’t afford a lamb. The Torah says she should purchase them and the *Kohen* will make one a *chatas* and one an *olah*. From here the Gemora derives that one can only designate which is which at the time of purchase or the time the sacrifice is offered.]** Bird offerings are designated (*as a chatas or an olah*) only at the time of purchase by the owner or at the time of offering by the *Kohen*. Now, why should that be the case (that the *Kohen* may designate the birds)? It is “money”



alone that we have learned (from the Halachah that is regarded as unspecified; so the birds should be regarded as specified from beforehand, and the Kohen cannot alter their designation)!? (25b2 – 26b2)

INSIGHTS TO THE DAF

Pauper Bringing the Rich Man's Korban

The *Baraisa* states: Other people who are obligated to bring bird offerings by the Torah (*because they cannot afford to buy animal offerings*) who already designated the money to buy the birds (*and then became rich*), if they now want to bring a *chatas* or *olah* offering instead, they may do so.

The *Mefarsh* understands this *Gemora* to be referring to a rich woman who has given birth, where her *chatas* is a bird.

It is noteworthy that after the Torah discusses the *korban* that a rich woman who has given birth brings, it says [Vayikra 12:7]: *This is the law of a woman who gives birth to a male or to a female*. The question is asked: Immediately following this verse, the Torah teaches us the *korbanos* that a poor woman who has given birth brings. Why would the Torah say regarding the rich woman's *korbanos* that "*this is law of a woman who gives birth*"? It would seem from the verse that only the rich woman's *korbanos* are the law, and not the *korbanos* from the poor woman.

The *Kli Chemdah* (*Parshas Tazria*) cites a *Gemora* in *Menochos* (110a): It is written: *This is the law of an olah*. The *Gemora* expounds: Anyone that studies the laws of an *olah* is considered as if he brought a *korban olah*. What would be if a poor person would recite the portion dealing with the rich person's *korbanos*? Would it be regarded as if he brought the *korban*? The answer may be gleaned from the fact that the Torah concluded the portion dealing with the rich woman's *korbanos* with the

following verse: *This is the law of a woman who gives birth*. The Torah is informing us that the recital of this portion is sufficient for anyone, even for a poor woman.

[The *Gemora* states that Hashem told Avraham Avinu that whenever Klal Yisroel will read the Torah portions pertaining to the *korbanos*, it will be regarded as if they brought *korbanos* and their sins will be forgiven.

The commentators discuss if this concept applies by other *mitzvos* as well. Perhaps it can be said that the studying of any *mitzvah* that cannot be performed nowadays will be regarded as if one fulfilled the *mitzvah*.

The *Chafetz Chaim* cites the *Gemora* in *Bava Metzia* (114b) that the *Amoraim* were fluent in *Seder Kodoshim* in the same manner as *Seder Moed*, *Nashim* and *Nezikin*. This is because *Kodoshim* was relevant to them since the learning about the *korbanos* was regarded as if they actually brought a *korban*. Implicit in his words that for some reason this was only true regarding *Seder Kodoshim* and not to *Seder Zeroim* or *Taharos* which also has many *halachos* that do not apply outside of *Eretz Yisroel* and after the destruction of the *Beis Hamikdosh*.

The *Taz* in his *sefer Divrei Dovid* maintains that the concept applies to all *mitzvos* and one who studies the laws of *Zeraim*, it will be regarded as if he gave *terumos* and *ma'asros* to the *kohanim* and *levi'im* and it will be considered as if he gave all the presents to the poor people. This is the explanation in *Yaakov's* words to *Esav* "Im Lavan garti," which *Chazal* understand to mean that *Yaakov* kept all 613 *mitzvos* in *Lavan's* house. There were many *mitzvos* that he was not able to fulfill at that time; it is evident that the studying of these *mitzvos* are regarded as if he fulfilled them all.

The *Ben Ish Cahi* explains the verse in *Nitzavim*: "Ki Korov eilecha hadavar meod b'ficha u'vilvov'cha la'asoso." It is possible to fulfill all the *mitzvos* with your mouth (by

studying them) even those *mitzvos* that you cannot actually perform.]

We can add that the *Mishna* in *Negaim* compliments this explanation. For the *Mishna* says that if a poor person who is a *metzora* brings the *korban* that a rich person is supposed to bring, he fulfills his obligation. The *Chinuch* (123) states by a *korban olah v'yoreid* - (*certain sins which require a korban chatos, he either brings an animal, bird or flour offering depending on his status - this is called a fluctuating korban*) if a poor person brings the *korban* of a rich person, he does not fulfill his obligation. The *Chinuch* explains the reason: the Torah had compassion on the poor person, it is not proper for him to compel himself to bring a *korban* which he cannot afford. How can the *Chinuch* hold against the *Mishna*, which explicitly states that he does fulfill his obligation?

The *Sfas Emes* (*here and quoted in Moadim U'zmanim as a story which occurred by a Kenesiya Gedola*) answers that there is a basic distinction. A *metzora* disregarding if he is rich or poor, is required to bring a *chatas* and an *olah*. The rich man brings animals and the pauper brings birds. If a poor person brings the *korban* of a rich person, he fulfills his obligation, for he brought the prescribed amount. A *korban olah v'yoreid* is different. A rich person brings an animal for a *korban chatas* and a poor person brings two birds, one for a *chatas* and one for an *olah*. If a poor person will force himself to bring the *korban* of a rich person, he will not fulfill his obligation because he cheated the Altar out of one *korban* - namely the *olah*.

There are two questions on this explanation (*look in Shemuas Chaim and in Mitzvas Hamelech from Harav Ezriel Cziment*). Firstly, the *Chinuch* says a different reason for his not fulfilling his obligation. He says because the Torah doesn't want a poor person to overburden himself. He does not say the reason of the *Sfas Emes* that he missed a *korban*? Secondly, one must ask, why is it that a poor person is required to bring two *korbanos* and a rich

person only brings one? The *Ibn Ezra* explains the reason for this: A *chatas* bird is completely eaten and an *olah* bird is completely burned on the Altar. These two birds together replace a regular *korban* which entails a human consumption and the Altar's consumption. They are actually one *korban*. Therefore, one can say that a poor person is not missing a *korban* by bringing one animal instead of two birds?

It would seem, however, that this question can be answered. Even according to the *Ibn Ezra*, the two birds are not one *korban*. They are two *korbanos* complimenting one another. The rationale behind bringing the two *korbanos* could be because the Torah wants human consumption and the Altar's consumption; nevertheless, it is still two *korbanos* and a poor person is missing one *korban* when he brings the *korban* of a rich person.

DAILY MASHAL

The *Chasam Sofer* answers based on the following *Gemora* in *Shabbos*: Hashem punishes each person according to what he can afford. A rich person who sins will lose his cow. A poor person, on the other hand, will lose his chicken or some eggs. Therefore, there is a distinction between the *korban* of a *metzora* or a woman who gave birth and the *korban olah v'yoreid*. A *metzora* is not required to bring a *korban* because he sinned, it is to purify him and allow him to eat *kodoshim*. If a poor *metzora* decides to bring the rich man's *korban*, he will have discharged his obligation. Conversely, a sinner who does that will not have discharged his obligation, for here the Torah prescribed for him the *korban* which will give him atonement according to his status. The *korban* is in place of the punishment. It is not decided by the pauper what his punishment should be, and therefore when he brings the *korban* of a rich person, he does not fulfill his obligation.