



Erech-vow of a Muflah Samuch La'ish

This week we begin *Masechet Arachin*. In the past we have explored the difference between an *Erech*-vow and a regular *neder*. The main difference between the two is that if one makes a *neder* to donate the value of an individual to the *Beit HaMikdash*, then we need to determine the value of that individual to work out how much he is obligated to pay. If one however commits to give the “*erech*” of someone, then the amount they must contribute is based on the age and gender of the subject of the *erech*-vow, as listed in the *Torah*.

In the second *Mishnah* we find a debate regarding whether a *nochri* can make an *erech*-vow. The debate is based on the how to expand the verses that relate to *arachin*, with *R' Yehuda* maintaining they can and *R' Meir* disagreeing. With respect to *nedarim* in general however, everyone agrees that they can. A question discussed by the *Achronim* is considering that a *nochri* is only obligated in the Noachide laws, what is the nature of this obligation? The same question applies to a *mufla samuch la'ish*. Recall that a boy in his thirteenth year, prior to *bar mitzvah* can make *nedarim*. Considering that he is not yet obligated in *mitzvot*, what is the nature of this obligation?¹

The *Minchat Chinuch* (350:4) cites the *Mishneh Le'Melech* (*Melchim* 10:7), who questions the position of the *Tosfot* (*Avodah Zara* 5b s.v. *Minayin*) that maintain that a *nochri's* *neder* to donate to the *bedek ha'bayit* is also binding. He asks that since the obligation to fulfil a *neder* is based on the prohibition of *lo yachel devaro* (do not delay), and that this is not one of the seven Noachide laws, then what is the nature of the obligation. Instead the *Mishneh Le'Melech* explains that the *neder* is not effective to obligate the *nochri* at all. Instead the *neder* works insofar as that the object of the *neder*, the funds donated, attains the *kedusha* of *hekdesh*.

The *Minchat Chinnuch* poses this same question on the *Rambam* who maintains that a *muflah samuch la'ish* is

obligated to fulfil his *neder*. The *Minchat Chinnuch* instead applies that same logic of the *Mishneh Le'Melech* that the *neder* is only effective to the extent that the object attains *kedusha* of *hekdesh*.

A practical implication of this position is that even once the *katan* becomes an adult he would not be obligated to pay the value to *hekdesh*. It follows that the *gizbar* (Temple treasurer) could not forcibly take a collateral until payment is made, nor could he extract the funds from the estate once this individual died. Put simply, the *neder* of a *muflah samuch la'ish* does not create an obligation at all. Once again, it only renders the object of the *neder*, if designated, as being *hekdesh*.

The *Avnei Miluim* (1:2) however disagrees. He maintains that while it is true the obligation does not stem from the laws of *nedarim*, the obligation is found in the world of monetary law. There is a law when considering *hekdesh*, that “*amira le'gavoah ke'misarah le'hedyot dami*”. This means that a verbal commitment to *hekdesh* has the same legal weight as handing an object over from one party to another. In other words, for *hekdesh*, a verbal commitment alone is considered a complete transaction resulting in a monetary obligation. This financial obligation is binding, and is equivalent to a contractual loan, such that the debt can be collected from his land, including property that has been sold after that point.

In other words, we find that according to the *Avnei Miluim* there are two components to a *neder*. One is the *neder* itself that if left unfilled, one violates the prohibition of *lo yachel devaro*. There is an additional component, which is the monetary obligation created at the moment one verbally commits to give something to *hekdesh*. While we find that not everyone is bound by the first element, according to the *Avnei Miluim* everyone can be obligated by the second.

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Revision Questions

בכורות ט': גי-ח'

- In which two circumstances would one be exempt from separating *ma'aser beheima* from his herd? (ט': גי)
- When would two brothers, heirs to their father's estate, be exempt from separating *ma'aser beheima*? (In such a case, what would they be obligated to do regarding *machatzit ha'shekel*?) (גי': ט')
- Which five animals born to the herd are not included in the group for separating *ma'aser beheima*? (ט': ד')
- What are the three opinions regarding the three times (*geranot*) during the year that one must separate *ma'aser beheima*? (ט': ה')
- What are the two opinions regarding the "Rosh Hashanah" for *ma'aser beheima*? (ט': ה')
- What does *ben Azai* rule as a result of this debate? (ט': ה')
- Do ten animals born on each side the "goren" combine to obligate on to separate *ma'aser beheima*? (ט': ו')
- Why were the *geranot* instituted? (ט': ו')
- Describe how one would separate *ma'aser beheima*. (ט': ז')
- Explain the debate regarding one who simply selected ten animals from one hundred as *ma'aser*. (ט': ז')
- What is the law if a *ma'aser beheima* got mixed with the untithed animals? (ט': ח')
- What is the law if one called the ninth, tenth or eleventh animal as the tenth? (ט': ח')
- Explain the debate how the eleventh animal (described in the previous question) is dealt with. (ט': ח')
- What is the law if one called to the ninth, tenth and eleventh animal as the tenth? (ט': ח')

ערכין א': א' – ב': ד'

- What is the difference between making an *erech*-vow and a vow to donate another's value? (א': א')
- Who can make an *erech*-vow but cannot be the subject of one? (א': א')
- Who can be the subject of an *erech*-vow but not make one? Why? (א': א')
- Explain the debate regarding a *Nochri*. (א': ב')
- Explain the debate regarding a *goses*. (א': ג')
- If a pregnant woman is guilty of a capital offence when do we delay execution till the baby is delivered? (א': ד')
- What is the maximum and minimum *erech*? Provide an implication of the minimum amount. (א': ב')
- What law has a range of seven to seventeen days? One to two weeks? (א': ב') Four to eight months? Two to three days? Eight to twelve days? (ב': ב')
- What was the range between how many times the *shofar* was blown each day in the *Beit Ha'Mikdash*? Explain. (א': ג')
- What was the range of how many lyres were played by the *levi'im*? (א': ב')
- When was the flute played in the *Beit Ha'Mikdash*? (א': ג')
- How many flutes were there? What were they made of? And who played them? (Include all three opinions.) (ב': ג'-ד')

Melbourne, Australia

Sunday -Thursday
10 minutes before *Mincha Mizrachi Shul*
Melbourne, Australia

Friday & Shabbat
10 minutes before *Mincha Mizrachi Shul*
Melbourne, Australia

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Shiur in English

Sunday -Thursday
Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

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mishnahyomit.com/shiurim

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
12 April י"ח ניסן	13 April י"ט ניסן	14 April כ' ניסן	15 April כ"א ניסן	16 April כ"ב ניסן	17 April כ"ג ניסן	18 April כ"ד ניסן
Erchin 2:5-6	Erchin 3:1-2	Erchin 3:3-4	Erchin 3:5-4:1	Erchin 4:2-3	Erchin 4:4-5:1	Erchin 5:2-3

