



## A Kohen's Cherem Property

In the eighth *perek* of *masechet Arachin*, we begin learning about a *cherem* vow. The *cherem* is (unfortunately) more popularly known in the context of excommunication or a ban. In our context the term used is with respect to one's property that one has "banned" for their own use, since it has been dedicated to be in the possession of another. We learn that there are two types of *cherem*. One is where one dedicates the property for the *bedek ha'bayit* – temple treasury. The other, is where the property is given to the *kohanim* as a gift; not to be redeemed. We shall focus on the latter of these two – *charmei kohanim*.

The *Mishnah* (8:5) records the debate regarding *kohanim* and *leviim* making *charmei kohanim*. While everyone agrees *kohanim* cannot, the debate is focused on whether *leviim* are excluded also. Why does everyone agree that *kohanim* cannot make a *cherem*-vow?

*R' Yehuda*, the first opinion in the *Mishnah*, explains that *kohanim* cannot make a *cherem* since *cherem* property are given to them. The *Bartenura* explains that the declaration would serve no purpose since it would immediately become the *kohen's* possession and therefore not required to be given to another *kohen*.

The *Tosfot* notes that that logic is true regarding movable objects, since *cherem* objects can be given to any *kohen*. However, when it comes to land that has been designated as *cherem* property, that land is given to the *mishmar* – group of *kohanim* – that are serving in the *Beit HaMikdash* that week. In other words, it is not a given that the *kohen* that dedicates land as *cherem* property would be the recipient of that land.

The *Tosfot* explains that the rationale provided by *R' Yehuda* is indeed only really for *metaltelin* – movable property – for which the logic does apply. For land however, the reason is that land belonging to *kohanim* simply can not become *cherem* property since the *Torah* refers to that property as an

*achuzat olam* (eternal heritage) (*Vayikra* 25:34) – logic provided by *Rebbi* at the end of the *Mishnah*.

The *Tifferet Yisrael* however argues that even though ordinarily *charamim* need to be given to the *kohanim* that are serving that week, in this case it can be retained by the *kohen*. He equates this case with a *kohen* that needs to offer a *korban* in the *Beit HaMikdash*. Ordinarily the offering of the *korbanot* is the responsibility of the serving *mishmar* and parts of those *korbanot* that are gifted to the *kohanim* are retained by them. If a *kohen* from a different *mishmar* needs to bring a *korban* he can offer it himself and retain the gifted parts.

The difference between the *Tosfot* and *Tifferet Yisrael's* explanation can be found in a question raised by the *Rosh* (cited by the *Shitah Mekubetzet*). Recall that the reason that *kohanim* cannot make movable objects *cherem* is that since it is given to them, they immediately acquire it. The *Rosh* asks that until *kohen* physically (re)acquires the object, it should be considered *cherem* property and a prohibition of *meilah* would apply. Even if one would argue that the *kohen* automatically acquires the object since it is located in his property, then considering a case where the object is not located in his property it should be considered a *cherem*. The *Rosh* leaves this question unresolved.

The *Achronim* provide novel ways of resolving the *Rosh's* difficulty. Nevertheless, if we accept the basis of the *Rosh's* questions, then we find a difference between the explanation of the *Tosfot* and *Tifferet Yisrael*. According to the *Tifferet Yisrael's* understanding of *R' Yehuda*, who reasons that the same logic applies to land as it does to movable objects, if the *kohen* would designate land as *cherem* it would briefly have the status of *cherem* property until the *kohen* reacquired it. (Note that the prohibition of *meilah* would nevertheless not apply since it does not apply to land.) According to the *Tosfot* however, the land would never become *cherem* property since the exclusion from the *pasuk* prevents it from being so.

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**Revision Questions**

ערכין ח' בי – ט ח'

- When *hekdesh* sell a field, what is the law if they receive offers of 10, 20, 30, 40 and 50 but then , in reverse order, each of the parties take back their offer? (ח' ב')
- In the bargaining process of the sale of a *hekdesh* field, what is the law if both the original owner and another person offer \$20? (ח' ב')
- In the continuing bargaining, what must the owner offer to an offer of: \$21, \$22, \$23, \$24 and \$25? (ח' ג')
- What are the two types of *charamim* and what type of *cherem* is referred to in the eight *perek*?
- According to *R' Elazar* what is the law if someone is *machrim* his entire property? (ח' ד')
- From where does *R' Elazar ben Azarya* learn that one should not *machrim* all his possessions? (ח' ד')
- Can one *machrim* their child? (ח' ה')
- Explain the debate regarding who are unable to *machrim*. (Include all three opinions.) (ח' ה')
- What is the difference between the two types of *charamim*? (ח' ו')
- If someone declares something *cherem* which type of *cherem* has he employed? (ח' ו')
- Can a person *machrim* an existing *korban*? (ח' ז')
- If someone was *machrim* a *bechor* how is it redeemed? (ח' ז')
- If someone sells their (ancestral) field during a time when *yovel* applies, what is the time limit before which he cannot redeem the field? (ח' ט')
- What incidents would extend the time limit described in the previous question? (ח' ט')
- If someone sold their ancestral field and then it was sold again, if he wishes to redeem it, when does he deal with the first purchaser and when does he deal with the second? (ח' ט')
- In what three ways is redeeming an ancestral field from *hekdesh* more lenient then redeeming it from another purchaser? (ח' ט')
- If someone sells their house in a walled city, what is the time limit before which he cannot redeem the house? (ח' ט')
- What is the limit after which he cannot redeem the house? (ח' ט')
- If the purchaser sold the house, how is the time limit described in the previous question calculated? (ח' ט')
- What would happen if the house was not redeemed by the end of this time limit? (ח' ט')
- What did *Hillel* institute with regards to the law described in the previous question? (ח' ט')
- What is the subject of debate whether it is defined as a "house" in a walled city? (ח' ט')
- Is a city whose houses constitute the walls of the city considered a walled city? (ח' ט')
- What is the minimum size of walled city to be considered as an *ir choma*? (ח' ט')
- In what way are *batei chatzerim* similar to *batei arei choma* and in what way are they similar to regular fields? (ח' ט')
- When are houses of a walled city considered *batei chatzerim*? (ח' ט')
- How did the laws relating to the sale of the houses in walled city differ from the houses in a walled city of the *Levi'im*? (ח' ט')
- Explain the debate regarding a *Yisrael* that inherited a house in a *Levi* city. (How could such a case occur?) (ח' ט')
- What restrictions were placed on the development of the cities of the *Levi'im*? (ח' ט')

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Melbourne, Australia

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
3 May ט"א אייר	4 May י"ב אייר	5 May י"ג אייר	6 May י"ד אייר	7 May ט"ו אייר	8 May ט"ז אייר	9 May ט"ח אייר
Temurah 1:1-2	Temurah 1:3-4	Temurah 1:5-6	Temurah 2:1-2	Temurah 2:3-3:1	Temurah 3:2-3	Temurah 3:4-5

