



Nochrim in Arachin

The week we began *masechet Arachin*. If someone declares that they want to give the *erech* of a person, the amount that he must donate to the *Beit HaMikdash* depends on the age and gender of that person, with the values described in the *Torah*. Note that this is different to if a person wants to give the *demei* (value) of a person. In that case the value depends on the value of the subject of the *neder*.

The second *Mishnah* records the debate regarding *nochrim*. *R' Meir*'s opinion is that they can be *ne'erach* (be the subject of an *erech*-vow) but no *maarich* (make an *erech*-vow), whereas *R' Yehuda* maintains that the opposite is true. The *Gemara* explains the debate is based on the *pasuk* that introduces the laws of *arachin*. The *pasuk* opens by saying, "Speak to *Bnei Yisrael*..." implying that the laws apply exclusively to *Bnei Yisrael*. Yet the *pasuk* continues relating to an "*ish*" (person) who makes the *erech*-vow. The term "*ish*" is understood to be broader, thereby including *nochrim*. It is understood that one term refers to the *maarich* and the other the *ne'erach*. The debate is which term applies to each case.

The *Gemara* initially explains *R' Meir* and *R' Yehuda* each point to cases where more people are relevant to both the *maarich* and *ne'erach* to support their positions. *Rava* however continues that the *halacha* should follow *R' Meir*'s opinions. This is not because of the rationale provide in the *Gemara*, but rather based on the *pasuk*, "It is not for you and us to build the house of *Hashem*" (*Nechemia* 4:3). The *pasuk* is understood to exclude *nochrim* for contributing to the *Bedek HaBayit* (Temple treasury). That therefore aligns with *R' Meir*'s position that they can be *ne'erach* but not *maarich*.

The *Minchat Chinnuch* (350:9) assumes that the above cited *pasuk* is the reason behind the position of *R' Meir*. Note however that the *pasuk* only excludes *nochrim* from contribution to the *bedek ha'bayit*. *Nochrim* can however volunteer to bring *korbanot*. That being the case the *Minchat Chinnuch* suggests that if the *nochri* declared that he wanted to bring the *erech* of himself or another person to be used for a *korban*, then perhaps it would work.

The *Gemara* however continues by asking what *R' Yehuda* would do with the *pasuk*. *Rava* explains that really *nochrim* could have contributed. In the times of the *Nechemya*, the *nochrim*'s intention was to sabotage the construction of the *Beit HaMikdash*, by taking responsibilities, and not deliver – *rifyon yadaim*. That is why, at the time, they did not want their involvement.

The *Tosfot* (s.v. *Ela*) comments that when the *Gemara* explained that *pasuk* is due to *rifyon yadaim* that was only to explain the position of *R' Yehuda*. According to *R' Meir* however, the original understanding must be maintained, in order that *Rava*'s conclusion that *halachha* accords with *R' Meir* be preserved.

The *Tosfot* however ask that if that we as the case, how then could the *Mishnah* teach that *nochrim* can *nodrim*. The simple understanding is that they can volunteer *korbanot* and donate to the *bedek ha'bayit*. He suggests that perhaps *Rava* retracted from his original position that the *pasuk* support *R' Meir* and instead everyone agrees that the *pasuk* is motivated by *rifyon yadaim*. This understanding would not work with the *Rambam* who ultimately ruled like *R' Meir*, presumably because of the first statement of *Rava*.

The *Chazon Ish* (30:4) however prefers the first answer of the *Tosfot* and explains that when the *Mishnah* states that *nochrim* can *nodrim*, it is only referring to *korbanot* and not the *bedek ha'bayit*.

The *Shitah Mekubetzet* however provides a different explanation. Firstly, the conclusion is that everyone agrees that the *pasuk* is motivated by *rifyon yadaim*. Consequently, *nochrim* can donate to the *bedek ha'bayit*. When it comes to *arachin* however, *R' Meir* understands that they still cannot *maarich* due to the *pasuk* by *arachin* – "*Bnei Yisrael*". (This would presumably exclude them from all types of *arachin*.) Nevertheless the *pasuk* cited by *Rava* still supports the notion that *halacha* should follow *R' Meir*. Not because it is the source for his position, but rather it demonstrates that there are contexts in the world of *making* dedications that apply to an *yisrael* and not a *nochri*.

Revision Questions

בכורות ח' ז' – ט' ח'

- Who much money is used for *pidyon bechor*? (ח' ז')
- Which other payments use this currency? (ח' ז')
- Which is the only "redemption" that cannot be performed with something of value and must use money? (ח' ז')
- What other items cannot be used for *pidyon bechor*? (ח' ז')
- From what items does the *bechor* not receive double? (ח' ז')
- What transactions are not returned in the *yovel* year? (ח' ז')
- Explain the debate regarding whether a gift is considered a sale regarding *yovel*. (ח' ז')
- Does *ma'aser beheima* apply outside *Eretz Yisrael*? (ח' ז')
- To which animals does *ma'aser beheima* apply? (ח' ז')
- Which of the following is allowed: (ח' ז')
 - Taking *ma'aser* from this year's animal for last year's animals.
 - Taking *ma'aser* from sheep for goats.
- What is the maximum distance between two herds that would still combine them to require the separation of *ma'aser beheima*? (ח' ז')
- Under what circumstance could two herds still combine beyond that distance? (ח' ז')
- In which two circumstances would one be exempt from separating *ma'aser beheima* from his herd? (ח' ז')
- 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*?) (ח' ז')
- Which five animals born to the herd are not included in the group for separating *ma'aser beheima*? (ח' ז')
- What are the three opinions regarding the three times (*geranot*) during the year that one must separate *ma'aser beheima*? (ח' ז')
- What are the two opinions regarding the "*Rosh Hashanah*" for *ma'aser beheima*? (ח' ז')
- What does *ben Azai* rule as a result of this debate? (ח' ז')
- Do ten animals born on each side the "*goren*" combine to obligate on to separate *ma'aser beheima*? (ח' ז')
- Why were the *geranot* instituted? (ח' ז')
- Describe how one would separate *ma'aser beheima*. (ח' ז')
- Explain the debate regarding one who simply selected ten animals from one hundred as *ma'aser*. (ח' ז')
- What is the law if a *ma'aser beheima* got mixed with the untithed animals? (ח' ז')
- What is the law if one called the ninth, tenth or eleventh animal as the tenth? (ח' ז')
- Explain the debate how the eleventh animal (described in the previous question) is dealt with. (ח' ז')

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ערכין א' א' ב'

- What is the difference between making an *erech*-vow and a vow to donate another's value? (ח' ז')
- Who can make an *erech*-vow but cannot be the subject of one? (ח' ז')
- Who can be the subject of an *erech*-vow but not make one? Why? (ח' ז')
- Explain the debate regarding a *Nochri*. (ח' ז')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
4 January ט"ז טבת	5 January ט"ז טבת	6 January י"ז טבת	7 January י"ח טבת	8 January י"ט טבת	9 January כ' טבת	10 January כ"א טבת
Erchin 1:3-4	Erchin 2:1-2	Erchin 2:3-4	Erchin 2:5-6	Erchin 3:1-2	Erchin 3:3-4	Erchin 3:5-4:1

