



Cherem and Kodshim

The eight *perek* of *Arachin* discusses *Charamim*. This category of dedication is where the object, depending on how or where the *cherem* was made, is either given to the *kohanim* or to the *Beit HaMikdash*.

The seventh *Mishnah* discusses the case where one attempt to *machrim* an animal that was already a *korban*. The *Mishnah* draws a distinction between whether the *korban* was a *neder* or *nedava*. A *neder* is where the person committed to bring a *korban*, such that if something happened to the *korban* he set aside, he is obligated to bring a replacement. In other words, he is *chayav be'achrayut*. A *nedava* however is where one set aside a specific animal to be brought as a *korban*. If something happens to that animal, he is not required to take any further action.

The *Mishnah* explains that if someone was *machrim* a *neder* then he would be required to pay the value of that animal. The *Bartenura* explains that since he is responsible for its replacement, it is considered as if it is his. He gives the value to a *kohen*, to effectively redeem the *cherem* and then the animal is offered as a *korban*. If however the animal was a *nedava*, the amount is the value of being able to offer this animal, when one is not obligated to do so. We shall try to understand the case of the *neder*.

Rashi (28b) explains like the *Bartenura* above yet adds that he cannot *machrim* the *korban* itself since it is not his. The difficulty with this *Mishnah* is that in the previous *Mishnah* we learnt that one cannot redeem *charamim*. Yet it appears that that is exactly what we are doing in this *Mishnah* – the value of the *korban* is given to the *kohanim*. Secondly, if the animal is not considered his, then how can the *cherem* work

at all. In the *Mishnah* prior to that one we learnt that one cannot *machrim* something that belongs to someone else.

The *Griz* (*Temura* 31a, s.v. *u'v'Rashi*) asks an additional question. Why did *Rashi* need to say that he cannot make the *korban* itself *cherem* because it is not his? Instead, one can explain that since it already has *kedusha* you cannot switch it to another *kedusha*. That is why the animal itself cannot become a *cherem*.

The *Achiezer* (3:1:5) cites the *Mekor Chaim* who explain that in our *Mishnah* the person is not being *machrim* the animal, but rather the *tovat hana'ah*, the financial benefit. To explain, this is also true in the case of the *neder*. The *cherem* applies to the *tovat hana'ah*. It so happens that the *tovat hanaah* is equal to the full value of the animal, since he would be required to replace it if were it lost. That explains why he can *machrim* the animal, even if the animal being a *korban* is not considered his. It is because the full *tovat hana'ah* is. Consequently, the “redemption” that follows is not the redemption of a *cherem* object (which is not allowed) but the payment for that *tovat hana'ah*.¹

The *Achiezer* however disagrees. Since the *korban* is not his, the *cherem* is not connected to the *korban* at all. Instead he notes that the source that *charamim* can apply to *korbanot* is from the *pasuk*, “kol *cherem*, *kodesh kadashim hu la'Hashem*”. He understands that the *pasuk* teaches that in this context the *cherem* takes the form of a *neder*. In other words, it is not attached to anything. Instead, one simply obligated himself to provide a certain sum of money.

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¹ The *Mekor Chaim* explains that our *Mishnah* could then be understood as distinct from the debate regarding whether *tovat hana'ah* is considered *mamon* – money. Recall that according to the opinion that it is not *mamon*, one would not be able to, e.g. perform *kiddushin* with *tovat hana'ah*. He maintains that even that position would agree that it has financial value. It is simply whether *tovat hana'ah* is sufficient to have a title on the object itself or whether it is distinct from it and cannot be acquired with the standard means of acquisition. In contrast, since *hekesh*, *cherem*, *hefker* or *bitul* are affected by a verbal declaration, they would agree that it could affect *tovat hanaah*.

The *Achiezer* however rejects this as a proof as cited in the article and understands that the opinion that maintains that *tovat hana'ah* is not *mamon*, would maintain that *hefker* and *bitul* would not apply.

Revision Questions

ערכין ז' א' – ט' ב'

- How close to the *yovel* year can once sanctify a *sde achuzah*? (א' ז')
- How close to the *yovel* year can one redeem a *sde achuzah* and why? (ז' נ' ז')
- How is the value of a *sde achuzah* calculated? (ז' נ' ז')
- How shallow must a pit (of water) be in the field to be included in this calculation? (נ' נ' ז')
- Who can redeem a sanctified *sde achuzah* and what is the difference between these two groups of people in terms of the value to be paid? (ז' ב' ז')
- What other difference is there between these two groups of people? (ז' ג' ז')
- Who gets ownership of the *sde achuzah* if a *kohen* redeems the field and the *yovel* year arrives? (ד' ג' ז')
- Explain the debate regarding the processes if one does not redeem his *sde achuzah* by the *yovel* year. (Include all three opinions.) (ט' ז')
- Explain the debate relating to a field that was purchased from one's father, sanctified and then the father passed away. (נ' ז')
- Which people are able to redeem their field even after *yovel*? (ז' ח' ז')
- What happens if someone sanctifies a field when the laws of the *yovel* year do not apply and how does it differ from when *yovel* does apply? (ז' נ' ז')
- When *hek'desh* 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' ז')
- In the bargaining process of the sale of a *hek'desh* field, what is the law if both the original owner and another person offer \$20? (ח' ב' ז')
- In the continuing bargaining, what must the owner offer to an offer of: \$21, \$22, \$23, \$24 and \$25? (ג' נ' ז')
- 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' ז' ז')
- From where does *R' Elazar ben Azarya* learn that one should not *machrim* all his possessions? (ט' ז' ז')
- Can one *machrim* their child? (ח' ח' ז')
- Explain the debate regarding who are unable to *machrim*. (Include all three opinions.) (ח' ח' ז')
- What is the difference between the two types of *charamim*? (ח' ז' ז')
- If someone declares something *cherem* which type of *cherem* has he employed? (ז' ז' ז')
- Can a person *machrim* an existing *korban*? (ז' ז' ז')
- If someone was *machrim* a *bechor* how is it redeemed? (ז' ז' 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? (ז' נ' ז')
- What incidents would extend the time limit described in the previous question? (ז' נ' ז')
- 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? (ט' ב' ז')
- In what three ways is redeeming an ancestral field from *hek'desh* more lenient than redeeming it from another purchaser? (ט' ב' ז')

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שבת קוויש	Friday	Thursday	Wednesday	Tuesday	Monday	Sunday
31 January י"ג שבט	30 January י"ב שבט	29 January י"א שבט"	28 January י"ז שבט"	27 January ט' שבט	26 January ח' שבט	25 January ז' שבט
Temurah 2:1-2	Temurah 1:5-6	Temurah 1:3-4	Temurah 1:1-2	Erchin 9:7-8	Erchin 9:5-6	Erchin 9:3-4

