



Volume 5. Issue 25

Introduction to Erchin

Masechet Erchin begins by discussing the laws which give name to the *masechet*. The *Mishnah* immediately teaches that an *erech*-vow is different to regular *nedarim* (vows), which we learnt about some time ago. There, if one wished to make a *neder* donating the monetary value (*d'mei*) of person, this required calculation. Put simply, the value of that person if he were to be sold as a slave in the marketplace. An *erech*-vow is very different as the value pledged of any person is listed in the *Torah* and determined by one's age. Consequently the first *Mishnah* lists those people whose *erech* is not stipulated in the *Torah* and thereby cannot be the subject of an *erech*-vow but nonetheless can be the subject of a *neder*.

Considering the above stated difference between a *neder* and *erech*-vow, further probing may help us better understand *erchin*. The *Minchat Asher* explains that there are two possible ways to understand *erchin*. The first is that an *erech*-vow is no different to any other *neder*. The *Torah* only provides fixed values for when a person uses the term "*erech*" when making a vow. With the *Torah* evaluation in hand, the person will then follow the normal requirements of any *neder*. The second understanding however is that *erchin* is a completely new topic in *halacha* with its own obligations not stemming from ordinary *nedarim*. If so, we do not care whether a person knew the obligatory *erech* when he stipulated the *neder*. Since it embodies a new obligation independent of a regular *neder*, the concept of a mistaken *neder* (*neder ta'ut*) does not apply.

The *Minchat Asher* feels that the later of the two understandings is indeed the true perception on *erchin* and brings a number of proofs in support of his position. The first is that the *Rambam* lists *erchin* as an independent *mitzvah*. The *Minchat Asher* reasons that if the *Torah* was only revealing the monetary value for an *erech*-vow then it would not warrant being listed as an independent *mitzvah* but rather as part of the *mitzvah* of *nedarim*.¹

The second is from the language of the *Chazon Ish* (*Kodshim*, 29:1):

It appears that the matter of *Erchin* is not an obligation stemming from *Nedarim* with a fixed value, but rather one is bound by the *mitzvah* of *erchin* similar to that of *nezirut*, and one is bound by the *mitzvot ha'Torah* in fulfilling the *erchin* [vow]. And if one does not... he violates the *mitzvah* of *erchin*.

A number of differences in *halacha* also strengthen this point. Firstly, with *erchin* one is also responsible to pay even if the allocated funds go missing. This is not the case by *nedarim* in the case where the person states "*harei ze*" ("this is what I volunteer").² Secondly the *Rambam* (*Erchin* 1:21) rules that if one makes an *erech* vow, he is only obligated to pay once it has been formally assessed (*ha'amadah b'din*). If a person dies before this assessment his heirs are not obligated to fulfil the *erech*-vow.² Finally, the concept of *heseg yad*, where by if the person making the *erech*-*neder* is poor then we assess him according to his status is unique to *erchin*. The *Ra'avad* who agrees here with the *Rambam* explains that this is because *erchin* is more similar to a *knas* (fine) than monetary payment (which is a closer model for *nedarim*).

The *Minchat Asher* does raise a challenge from the *Rambam* (*Erchin* 1:1) who writes:

Erchin are included as part of *nidrei hekdesh* as it states: "When a person expresses a vow (*neder*) pledging evaluation (*b'erkecha*) of souls to *Hashem*". Therefore one is bound [when making *erech*-vows] on the obligation of "you shall not delay your word"...

The *Minchat Asher* answers that indeed there is a connection as the term *neder* is used when mentioning *erchin*. Consequently such obligations like "you shall not delay your word" also apply to *erchin*. They are similar as well in that one obligates himself with the spoken word alone. Nonetheless the binding nature *erchin* is still novel and its foundation very different to that of *nedarim*.

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¹ See the *Minchat Asher* (*Vayikra*, 67) for a possible rejection of this proof based on the language of the *Rambam* and his response to this challenge.

² This is learnt from the *pasuk*: "*ve'natan et ha'erkecha*".

³ See the *Kesef Mishnah*, *Radvaz* and *Chazon Ish*. The *Ra'avad* however disagrees with this ruling.

Revision Questions

בכורות ט' א'-ח'

- Does *ma'aser beheima* apply outside *Eretz Yisrael*? (ט' א')
- To which animals does *ma'aser beheima* apply? (ט' א')
- Which of the following is allowed: (ט' א')
 - Taking *ma'aser* from this year's animal for last years 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 behheima*? (ט' ב')
- Under what circumstance could two herds still combine beyond that distance? (ט' ב')
- In which two circumstances would one be exempt from separating *ma'aser beheima* from his herd? (ט' ג')
- 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*?) (ט' ג')
- 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 HaShannah*" 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 *granot* 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 one of the tithed animals got mixed with the untithed animals? (ט' ח')
- What is the law if a *ma'aser beheima* got mixed with the untithed animals? (ט' ט')
- What is the law if one called the ninth and eleventh animal as the tenth, but called the tenth animal the ninth? (ט' י')
- Explain the debate how the eleventh animal (described in the previous question) is dealt with. (ט' י')
- What is the law if one called the ninth, tenth and eleventh animal as the tenth? (ט' י')

ערכין א' א' - ב' ב'

- What is the difference between making an *erech*-vow and 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')

Local Shiurim

Sunday -Thursday

Between mincha & ma'ariv
Mizrachi Shul

Friday & Shabbat

10 minutes before mincha
Mizrachi Shul

Quick Thought...

**There is Giving
and There is Giving**

The section that discusses the laws of *Erchin* immediately follows the section that mentions the blessings and curses. The *Kli Yakar* understands that there is significance in this juxtaposition.

His sentiments are strengthened, as he cites the *Ba'al Ha'Turim* who states that the *shekalim* listed by the laws of *Erchin* is equal to the total of number curses, 143.

The *Kli Yakar* explains that unfortunately, it is the nature of *Am Yisrael* to donate only in times of *tzarah*, difficulty. It is only through tribulations that we reflect, regret and do *teshuva*.

However, the *Kli Yakar* closes by saying if however one willfully gives then it is considered "*yom ratzon Hashem*" – performing the will of *Hashem*.

"יהי לרצון אמרי פי..."

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
19 th October כ תשרי	20 th October כ"א תשרי	21 st October כ"ב תשרי שמיני עצרת	22 nd October כ"ג תשרי שמחת תורה	23 rd October כ"ד תשרי	24 th October כ"ה תשרי	25 th October כ"ו תשרי
Erchin 2:3-4	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

