



## Taking a Collateral for an *Erech*-Vow

The *Mishnah* (5:6) teaches that if one made an *erech* vow and then refused to pay, a *mashkon* (collateral) can be forcible taken from him until he pays the obligated amount to *hekdesh*. The next *perek* teaches the limits on what can be seized. We shall probe the nature of this law.

The *Griz* (*stensil Arachin* 21a) explains that there are two possible understandings. The first is that taking the collateral is a means of compelling the individual to perform a *mitzvah*. This *mitzvah* would not be unique, as we find other instances where we compel another to perform certain *mitzvot*. The *Mishnah* continues that the same technique is used to compel one to offer a *korban* that they are obligated to bring.

Alternatively, one can understand that taking the *mashkon* is motivated by the financial obligation the individual has toward *hekdesh* as a result of the *erech* vow – it is part of monetary laws. Considering however that our case is listed amongst coercing one to offer a *korban*, that does not bear a financial obligation, it would seem that taking the *mashkon* is to force this person to perform the *mitzvah*.

The *Griz* however notes that *Rabbeinu Gershom* understands that it is the *gizbar* (the Temple treasurer) that takes the collateral. This suggests that *Rabbeinu Gershom* understands that the collection is due to the financial obligation – the

second understanding. This is because if the motivation was compelling him to perform a *mitzvah*, then it would be the responsibility of *Beit Din* and not the *gizbar*.

The *Griz* however suggest that the *Rambam* holds the opposite position. He cites the *Rambam's* ruling (*Arachin* 3:14) who teaches that the *mashkon* is taken for the duration of both day a night. The *Griz* reasons that if the collection was motivated by the financial obligation, then the fact that the collateral is not returned (until the payment is made) is obvious. If however the collection was used as a means of coercion, then that we do need to know the boundaries of its implementation.

Indeed, the *Ritva* (*Rosh Hashanah* 6a) rules that it is the *Beit Din* that are responsible for seizing the *mashkon* and that seizing the *mashkon* is used as a means of coercion.

The *Griz* continues that the fact that seizing property is used as a technique for coercion should not be surprising. The *Rambam* (*Matanot Aniyim* 7:10) rules that this technique is used in the context of one refusing to contribute to *tzedakah*. Nevertheless, the *Griz* is unsure whether seizing property as a means of coercion is specific to these *mitzvot* (*tzedakah* or *korbanot*) or for *mitzvot* in general.

*Yisrael Bankier*

## Revision Questions

ערכין ה' ד' – ח' א'

- If someone made an *erech*-vow to donate the *erech* of another person, and both he and that person died, do the heirs need to pay? (ד': ה')
- If someone volunteered to donate the value of another person, in what case would the *neder* not be paid? (ד': ה')
- If a person made a *neder* and stated that “this house is a *korban*” and the house collapsed, when would they need to donate the value of the house and when would they be exempt? (ה': ה')
- As opposed to sin offerings, why do *Beit Din* not forcefully take a collateral until one offers a *korban olah* as they promised to do? (ה': ה')
- With respect to which three areas of law can *Beit Din* force one to act? (ה': ה')
- For how long is the sale of property announced for the following cases: (א': ה')
  - When collecting a debt from the property of orphans?
  - For the sale of a field of *hekdesh*?
- Explain the debate regard one who sanctifies his field, but must pay his wife her *ketubah*. (א': ה')
- What other case is debated in a similar manner? (א': ה')
- How are the previous two cases dealt with in practice? (ב': ה')
- When *Beit Din* forcibly takes a collateral to ensure payment of an *erech*-vow, what must the leave behind? (ג': ה')
- If one sanctifies his possessions, does this include his *tefillin*? (ד': ה')
- What items are not included such a *neder*? (ה': ה')
- If an item made *hekdesh* would improve in value with time, do we wait? (What three examples are brought?) (ה': ה')
- How close to the *yovel* year can one sanctify a *sde achuzah*? (א': ז')
- How close to the *yovel* year can one redeem a *sde achuzah* and why? (א': ז')
- How is the value of a *sde achuzah* calculated? (א': ז')
- How shallow must a pit (of water) be in the field to be included in this calculation? (א': 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? (ב': ז')
- What other difference is there between these two groups of people? (ג': ז')
- Who gets ownership of the *sde achuzah* if a *kohen* redeems the field and the *yovel* year arrives? (ד': ז')
- Explain the debate regarding the processes if one does not redeem his *sde achuzah* by the *yovel* year. (Include all three opinions.) (ד': ז')
- Explain the debate relating to a field that was purchased from one's father, sanctified and then the father passed away. (ה': ז')
- Which people are able to redeem their field even after *yovel*? (ה': 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? (ח': א')

## Melbourne, Australia

### Sunday -Thursday

10 minutes before *Mincha*  
Mizrachi Shul  
Melbourne, Australia

### Friday & Shabbat

10 minutes before *Mincha*  
Mizrachi Shul  
Melbourne, Australia

## Efrat, Israel

*Shiur in English*

### Sunday -Thursday

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

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http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm

## SHIUR ON KOL HALOSHON

*Rabbi Moshe Meir Weiss*  
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Then select: 1 – 2 – 4

## Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
26 April ב' אייר	27 April ג' אייר	28 April ד' אייר	29 April ה' אייר	30 April ו' אייר	1 May ז' אייר	2 May ח' אייר
Erchin 8:2-3	Erchin 8:4-5	Erchin 8:6-7	Erchin 9:1-2	Erchin 9:3-4	Erchin 9:5-6	Erchin 9:7-8

