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Arachin Daf 28

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h
Tzvi Gershon ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

1) ONE MAY NOT BE MACHARIM EVERYTHING

(a)

(Mishnah - R. Eliezer): One may be Macharim some of his cattle and flock, some of his male and female (Kena'ani) slaves, some of his Sedeh Achuzah. (There are two kinds of Cherem. One is Hekdesh Bedek ha'Bayis. Our Mishnah discusses the other. It is initially Hekdesh, and becomes Chulin when it is given to Kohanim.)

(b)

If he was Macharim all of them, it does not take effect.

(c)

R. Elazar ben Azaryah says, if one may not be Macharim all of his property, all the more so he should (Shitah Mekubetzes - must) be concerned for his property (and not give too much Tzedakah to others)!

(d)

(Gemara) Question: What is the source of this?

(e)

Answer (Beraisa - R. Eliezer): "(One may be Macharim) *mi'Kol Asher Lo*" - "from all", but not all his property; "me'Adam", but not all his slaves; "u'Vehemah", but not all his animals; "umi'Sedeh Achuzaso", but not all his fields.

1.

Suggestion: Perhaps he should not be Macharim all of them, but if he did, it takes effect!

2.

Rejection: "Ach" (excludes).

3.

R. Elazar ben Azaryah says, if one may not be Macharim all of his property to Hekdesh, all the more so he must be concerned for his property!

(f)

The Torah needed to write all of these;

1.

Had it excluded only all his property, one might have thought that he may be Macharim all of one type. Therefore, it says "me'Adam";

2.

Had it excluded only all his slaves, one might have thought this is because one needs people to work for him, but he does not need fields. (He can be a sharecropper for others);

3.

Had it excluded only slaves and land, one might have thought this is because his livelihood depends on them, but he does not need Metaltelim;

4.

Therefore, it needed to write all of them.

(g)

Question: Why does it say "Behemah"?

(h)

Answer (Beraisa) Suggestion: Perhaps one can be Macharim his son, daughter, male or female (Yisrael) slaves, and Sedeh Miknah!

1.

Rejection: "U'Vehemah" teaches that one can be Macharim only things like animals, i.e. property that he can sell.

2.
Question: A man can sell his (minor) daughter (to be a slave)!

3.
Answer: He can be Macharim only what he can sell permanently, like an animal.

(i)
(Mishnah - R. Elazar ben Azaryah): One may not be Macharim all of his property to Hekdesh...

(j)
Question: Also the first Tana said this!

(k)
Answer: They argue about Rav Ila's law:

1.
(Rav Ila): (When the Sanhedrin was) in Usha, they enacted that one should not give more than a fifth of his money (to Tzedakah);

2.
A case occurred in which a man wanted to give more than a fifth. His friends did not allow him.

3.
Version #1: R. Yeshevav (was the friend who) did not allow him.

4.
Version #2: R. Yeshevav wanted to give more than a fifth, and R. Akiva did not allow him.

2) THINGS ONE MAY NOT BE MACHARIM

(a)
(Mishnah): If a man was Macharim his son, daughter, male or female (Yisrael) slaves, or Sedeh Miknah, it does not take effect, for one cannot be Makdish something that he does not own.

(b)
R. Yehudah says, Kohanim and Leviyim cannot be Macharim;

(c)

R. Shimon says, Kohanim cannot be Macharim, for Cherem is given to Kohanim. (Since he would keep it, it has no effect);

1.
Leviyim can be Macharim, for Cherem is not given to them. (d)

Rebbi: R. Yehudah's opinion is Nir'eh (accepted) regarding land, for it says "Ki Achuzas Olam Hi Lahem";

1.
R. Shimon's opinion is Nir'eh regarding Metaltelim, for Cherem is not given to Leviyim.

(e)
(Gemara) Question: Granted, R. Yehudah says that Kohanim cannot be Macharim, for Cherem is given to them;

1.
Granted, he says that Leviyim cannot be Macharim land, for it says "Ki Achuzas Olam Hi Lahem";

2.
However, why does he say that Leviyim cannot be Macharim Metaltelim?

(f)
Answer: "Mi'Kol Asher Lo... umi'Sedeh Achuzaso" equates land with Metaltelim.

(g)
Question: We understand why R. Shimon says that Kohanim cannot be Macharim, for Cherem is given to them;

1.
We understand why he says that Leviyim can be Macharim Metaltelim. He does not equate Metaltelim to land. (At this point, we are assuming that he holds that Leviyim can be Macharim land, so the latter statement is unnecessary. Even if he equated Metaltelim to land, Leviyim could be Macharim Metaltelim! We answer that Leviyim cannot be Macharim land, so the latter statement is essential.)

2.

Why does he say that Leviyim can be Macharim land? It says "Ki Achuzas Olam Hi Lahem"!

(h)

Answer: R. Shimon said that Leviyim can be Macharim, i.e. Metaltelim.

(i)

Question: In the Seifa, Rabbi says that R. Yehudah's opinion is Nir'eh regarding land, and R. Shimon's opinion is Nir'eh regarding Metaltelim. This implies that (they argue about both of them, i.e.) R. Shimon discusses also land!

(j)

Answer: Rabbi means that R. Yehudah's opinion is Nir'eh to R. Shimon regarding land, and R. Shimon argues only about Metaltelim, but he agrees about land.

3) WHICH KOHEN RECEIVES CHEREM?

(a)

(R. Chiya bar Avin): If one was Macharim Metaltelim, he may give them to any Kohen he wants. It says "Kol Cherem b'Yisrael Lecha Yihyeh." (Tosfos - really, we do not learn from the verse. He says this from reasoning.)

28b-----28b

(b)

If one was Macharim land, he gives it to a Kohen in the present Mishmar (Rambam - at the time of his vow; Chazon Ish - perhaps at the time he gives it), for it says "k'Sedeh ha'Cherem la'Kohen Tihyeh Achuzaso";

1.

We learn from a Gezeirah Shavah "Kohen-Kohen" from Gezel ha'Ger. (If Ploni stole from a convert and swore to deny it, and the convert died without heirs, when Ploni repents, he brings an Asham and gives the money and a Chomesh to a Kohen in the Mishmar.)

2.

Question: What is the source regarding Gezel ha'Ger?

3.

Answer (Beraisa): "La'Shem la'Kohen" teaches that Hashm acquires it and gives it to a Kohen in the Mishmar;

i.

Suggestion: Perhaps Ploni can give to any Kohen he wants!

ii.

Rejection: "Milvad Eil ha'Kipurim Asher Yechaper Bo Alav" teaches that he gives to a Kohen in the Mishmar (i.e. the one who offered the Asham).

(c)

(R. Chiya bar Avin): When land is given to Kohanim in Yovel (one was Makdish his Sedeh Achuzah and did not redeem it), it is given to Kohanim in the Mishmar that begins Yovel (Rambam - Rosh Hashanah; Rashi - Yom Kipur, the day that fields are returned).

1.

Question: If Yovel begins on Shabbos (when Mishmaros change), is land given to the Mishmar that is leaving or to the one entering?

2.

Answer (R. Chiya bar Ami): It is given to the Mishmar that is leaving.

(d)

Support (for R. Chiya bar Avin - Rav Nachman bar Yitzchak - Beraisa): The Shemitos of Yovel (i.e. return of land) and Shevi'is (the seventh year, i.e. cancellation of loans) come at the same time, *except* that Yovel is Meshamet at its beginning, and Shevi'is is Meshamet at its end.

(e)

Objection: The fact that Yovel (which follows a Shemitah year) is Meshamet at its beginning and Shemitah at its end is precisely why they take effect at the same time! (Why does it say 'except'?)

(f)

Correction: Rather, the Shemitos of Yovel and Shevi'is come at the same time *because* Yovel is Meshamet at its beginning, and Shevi'is at its end.

(g)



Question: Granted, Shevi'is is Meshamet at its end, for it says "mi'Ketz Sheva Shanim Ta'aseh Shemitah";

1.

However, Yovel is not Meshamet at its beginning (Rosh Hashanah, rather, on Yom Kipur) - "b'Yom ha'Kipurim Ta'aviru Shofar b'Chol Artzechem"!

(h)

Answer: The Beraisa is R. Yishmael, son of R. Yochanan ben Brokah, who says that Yovel begins on Rosh Hashanah.

(i)

Question (Chizkiyah bar Biloto): We should equate Metaltelim to land, and say that also Cherem of Metaltelim must be given to a Kohen in the Mishmar!

(j)

Answer (R. Avahu): Tana'im argue about whether or not we equate them. R. Chiya bar Avin holds like R. Shimon, who does not equate them.

4) TO WHOM CHEREM IS GIVEN

(a)

(Mishnah): Chermei Kohanim cannot be redeemed. They are given to Kohanim, like Terumah.

(b)

R. Yehudah ben Beseira says, Stam (unspecified) Cherem becomes Hekdesh Bedek ha'Bayis - "Kol Cherem Kodesh Kodashim Hu la'Shem";

(c)

Chachamim say, Stam Cherem is given to Kohanim - "k'Sedeh ha'Cherem la'Kohen Tihyeh Achuzaso."

(d)

Question: According to Chachamim, why does it say "Kol Cherem Kodesh Kodashim Hu la'Shem"?

(e)

Answer: This teaches that Cherem takes effect on Kodshei Kodoshim and Kodshim Kalim.

(f)

If one was Macharim a Neder of Kodshei Kodashim and Kodshim Kalim, he gives its value (what it is worth to him).

If it would be lost or stolen, he would have to bring another Korban);

(g)

If he was Macharim a Nedavah, he gives his Tovas Hana'ah:

1.

If he had said "this bull is an Olah," we estimate how much one with no obligation to bring an Olah would pay to bring one (if he could do so cheaply).

(h)

One can be Macharim a Bechor, whether or not it has a Mum;

1.

We estimate how much a Yisrael (Ploni) would pay the Bechor's owner to give the Bechor to Ploni's grandson or nephew (a Kohen).

*prepared by Rabbi Pesach Feldman of Kollel Iyun Hadaf, Yerushalayim
daf@dafyomi.co.il, www.dafyomi.co.il*

DAILY MASHAL

Exaggerating for Charity Atones for Exaggerating for Charity

Rabbi Eliyahu Chayim Meizel of Lodz looked after the poor and gave them all his money. Once he was asked how he could transgress Chazal's dictum that one mustn't squander more than a fifth for charity. "Indeed," he replied, "I sinned and distributed too much. To atone for this sin, I give more charity, as we are told: 'Redeem your sin with charity'. But again I transgress the prohibition and want to atone for it with charity and so on..."