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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

### **Introduction**

[Introduction to Tractate Arachin: One can pledge a donation to the Temple by vowing to give one’s *erech* (value fixed by the Torah) or *damim* (monetary value), declaring “I accept upon myself to give *erchi* (my fixed value),” or “I accept upon myself to give *damai* (my monetary value),” or to give another person’s *erech* or market *damim*, by saying “I accept upon myself to give So-and-So’s *erech*,” or “I accept upon myself to give So-and-So’s *damim*. The *erech* pledge differs from that of *damim* in that in the case of *damim*, the value of the person on the slave market must be given to the Temple treasury, whereas an *erech* is the value as fixed by the Torah according to gender and age.]

### **Mishna**

All may declare an *erech* vow and be the subject of an *erech* vow, and may vow (*someone else’s value*) and be the subject of a vow (*for their own value*): *Kohanim*, *Levi’im*, *Yisra’elim*, women and slaves. A *tumtum* (*where a thick membrane covers his genitals, and therefore his gender is not known*) and an *androgynous* (*a hermaphrodite – one that has both male and female genitals*) and may vow (*someone else’s value*) and be the subject of a vow (*for their own value*), and may declare an *erech* vow, but may not be the subject of an *erech* vow, since only a definite male or a definite female may be the subject of an *erech* vow. A deaf-mute, deranged person and a minor may be the subject of a *damim* vow or of an *erech* vow, but may not vow (*someone else’s value*) and may not declare an *erech* vow, since they are incompetent. (2a)

The *Gemora* asks: What does the *Mishna* mean to include when it says ‘all’ may declare an *erech* vow?

The *Gemora* answers: It is meant to include one who is articulate and close to manhood (*one year before becoming an adult; they must be examined to establish if they are knowledgeable regarding the purpose of the dedication, and if they are - their dedication is considered valid*).

The *Gemora* asks: And what does the *Mishna* mean to include when it says ‘all’ may be the subject of an *erech* vow (*for the ‘all’ in the Mishna is referring to all four laws enumerated in the Mishna*)?

The *Gemora* answers: It is meant to include a repulsive person or one afflicted with boils, for one might have thought that since the Torah says: *a vow according to your erech* - that only such persons as are fit to be made the subjects of a vow (*regarding their value*), are fit to be made subjects of an *erech*, and those people who are unfit to be made subjects of a vow, are also unfit to be made subjects of an *erech* (*which would therefore exclude a repulsive person or one afflicted with boils*); therefore the Torah informs us: *living beings* – anyone, no matter who they may be.

The *Gemora* asks: And what does the *Mishna* mean to include when it says ‘all’ may declare a *damim* vow (*for the ‘all’ in the Mishna is referring to all four laws enumerated in the Mishna*)?

The *Gemora* answers: It is necessary on account of the next case – all may be the subject of a *damim* vow.

### **‘All’ is Coming to Include ...**

The *Gemora* asks: What is that case coming to include? It cannot be coming to include *tumtum* and an *androgynous*, for they are expressly stated in our *Mishna*! It cannot be coming to include a deaf-mute, a deranged person and a minor, as they too are expressly stated! And if it is to include an infant below the age of one month, that too is expressly mentioned! And it cannot be coming to include an idolater, for he too is expressly mentioned in a *Mishna* below!

The *Gemora* answers: In truth, it is meant to include an infant below the age of one month; and the *Tanna* states it (*allusively in our Mishna*) and later on expressly mentions it.

The *Gemora* asks: And in the following *Mishna*, when it states: All perform the *semichah* (*the owner places his hands on the head of the sacrificial animal before it is slaughtered and leans on it with all his weight*), what is 'all' coming to include?

The *Gemora* answers: It is meant to include the heir (*of a consecrated animal*), and this against the opinion of Rabbi Yehudah.

The *Gemora* asks: And in the following *Mishna*, when it states: All people can effect a *temurah* (*the owner illegally attempts to exchange a different animal with the original korban; the halachah is that the temurah animal gets the same sanctity as the original one, and both animals must be brought as a korban*), what is 'all' coming to include?

The *Gemora* answers: There as well, it is meant to include the heir, in contrast to the opinion of Rabbi Yehudah, for it was taught in a *braisa*: The inheritor performs *semichah*, and he effects *temurah*. Rabbi Yehudah says: The inheritor does not perform *semichah*, and the inheritor cannot effect *temurah*.

The *Gemora* explains their reasoning:

Verse	Rabbi Yehudah	Sages
<i>On his offering</i> (#1)	But not on his father's offering	But not on an idolater's offering

<i>On his offering</i> (#2)	But not on an idolater's offering	But not on his friend's offering
<i>On his offering</i> (#3)	But not on his friend's offering	All owners perform the <i>semichah</i>
	Either he does not hold that all owners perform <i>semichah</i> , or alternatively, he holds of it, but he learns idolater and friend from the same verse	
	And just as by the end of sanctification, the inheritor does not perform <i>semichah</i> , so too by the beginning of sanctification, he may not effect <i>temurah</i>	And just as by the beginning of sanctification, the inheritor can effect <i>temurah</i> , so too by the end of sanctification, he performs <i>semichah</i>
<i>Substitute, he will substitute</i>	Includes a woman in the laws of <i>temurah</i>	An inheritor may effect <i>temurah</i>
<i>And if (he will substitute)</i>	He doesn't expound anything from this	Includes a woman in the laws of <i>temurah</i>

The *Gemora* asks: And in the following *braisa*, when it states: All are obligated in the *mitzvah* of (*living in the*) *sukkah*, what is 'all' coming to include?

The *Gemora* answers: It is meant to include a minor that does not need his mother, for we have learned in a *Mishna*: A minor that does not need his mother is obligated (*Rabbinically*) to observe the *mitzvah* of *sukkah*.



The Gemora asks: And in the following *braisa*, when it states: All are obligated in the *mitzvah* of *lulav*, what is 'all' coming to include?

The Gemora answers: It is meant to include a minor who knows how to shake the *lulav* (*back and forth, up and down*), for we learned in a *Mishna*: A minor who knows how to shake the *lulav* is obligated to observe the *mitzvah* of *lulav*.

The Gemora asks: And in the following *braisa*, when it states: All are obligated in the *mitzvah* of *tzitzis*, what is 'all' coming to include?

The Gemora answers: It is meant to include a minor who knows how to wrap himself (*with the tallis*), for it was taught in a *braisa*: A minor who knows how to wrap himself is obligated in the *mitzvah* of *tzitzis*.

And in the following *braisa*, when it states: All are obligated in the *mitzvah* of *tefillin*, what is 'all' coming to include?

The Gemora answers: It is meant to include a minor who knows how to guard the *tefillin* (*that he knows not to enter the bathroom with his tefillin on*), for it was taught in a *braisa*: A minor who knows how to guard the *tefillin*, his father buys *tefillin* for him.

The Gemora asks: And in the following *Mishna*, when it states: All are obligated in the *mitzvah* of appearance (*appearing in the Beis Hamikdash during the festivals, and once there, he offers special sacrifices*), what is 'all' coming to include?

The Gemora answers: It is meant to include one who is half-slave and half-freeman (*one who was owned by two masters and one of them frees him*).

The Gemora notes that according, however, to Ravina, who holds that one who is a half-slave and half-freeman is exempt from the obligation to appear, the word 'all' is meant to include one who was lame on the first day of the festival (*and therefore*

*exempt from this mitzvah*) and became healthy again on the second day (*he is obligated in the mitzvah then*).

The Gemora asks: That would be correct according to the opinion that every day of the festival is regarded as a substitute for each other (*the obligation is to bring the sacrifices on the first day; if he is unable to bring it then, there is an independent obligation on the next day*). But according to the opinion that they all regarded as a substitute for the first day (*the other days are opportunities to make reparation for the fact that the korban wasn't offered on the designated day*) what will 'all' come to include?

The Gemora answers: It will come to include a person who is blind in one of his eyes.

The Gemora notes that this answer is not in accordance with the following *Tanna*, for it was taught in a *braisa*: Yochanan ben Dahavai said in the name of Rabbi Yehudah ben Teima: A person who is blind in one eye is exempt from the *mitzvah* of *re'iyah*. The Torah writes: *All men shall see Hashem (during the pilgrimage festival)*; these words are pronounced: *All men shall be seen by Hashem*. This teaches us: The same manner that Hashem comes to see (*the pronounced form*) the people who come to the Beis Hamikdash with His two eyes, so too, He comes to be seen (*the written form*) by the people with their two eyes.

Alternatively, the expression 'all' is meant to include one who is a half-slave and half-freeman, and as to the difficulty with Ravina's opinion, this is not difficult at all, for the ruling that he is exempt is in accordance with the initial ruling (*of Beis Hillel*), whereas our ruling (*that he is obligated*) is in accordance with the later ruling, for it was taught in a *Mishna*: Someone who is half-slave and half-free man (*he was owned by two partners, and one of them emancipated him*), he serves his master for one day and then is free for one day (*and so on*); these are the words of Beis Hillel. Beis Shammai, however, says: You have created a solution for the master (*for he does not lose out through this division*), but you have not solved anything for the slave. He may not marry a slavewoman, for he is half-free. He cannot marry a free woman for he is half-slave. You cannot say that such a

person should refrain from marrying, for the world was created for the purpose of propagation, as it is written: *He did not create it to be desolate; He formed it to be inhabited*. Rather, to benefit the public (*this slave*), we force his master to make him a free man, and the slave writes a document for his value (*that he owes the master the rest of his value*). Beis Hillel later retracted and ruled in accordance with Beis Shammai.

The *Gemora* asks: And in the following *braisa*, when it states: All are obligated in the *mitzvah* of blowing the *shofar*, what is 'all' coming to include?

The *Gemora* answers: That is meant to include a minor who has reached the age of training, for it was taught in a *Mishna*: One does not prevent a minor from blowing the *shofar* on the festival. (2a – 2b)

## INSIGHTS TO THE DAF

### *Freeing a Partial Slave*

The *Mishna* had stated: Someone who is half-slave and half-free man (*he was owned by two partners, and one of them emancipated him*), he works for his master one day and for himself one day; these are the words of Beis Hillel. Beis Shammai, however, says: You have created a solution for the master (for he does not lose out through this division), but you have not solved anything for the slave. He may not marry a slavewoman, for he is half-free. He cannot marry a free woman for he is half-slave. If you will say that such a person should refrain from marrying, that cannot be, for the world was created for the purpose of propagation, as it is written: *He did not create it to be desolate; He formed it to be inhabited*. Rather, to benefit the public (*this slave*), we force his master to make him a free man, and the slave writes a document for his value. Beis Hillel later retracted and ruled in accordance with Beis Shammai.

The commentators ask: How can we force the master to free the slave? Isn't there a prohibition against emancipating a slave?

The Kli Chemdah answers this question based upon the Avudraham, who says that a woman is exempt from *mitzvos* which have a time element to them, because she is pledged to her husband at these times. So too, it can be said with respect to a half-slave half-free man. Since he is partially a free man, he is obligated to observe all the *mitzvos*. Therefore, at the times where he is responsible to serve his master, he cannot do so completely, for he is obligated in *mitzvos*. Consequently, the master will anyway not be able to fulfill the *mitzvah* of working the slave forever; therefore, there is no prohibition against freeing him.

### **Half Slave and Half Free**

The *braisa* states: If someone is half slave and half free-man (*he was jointly owned by two men, and one of them set him free*), he serves his master for one day and then is free for one day (*and so on*). Beis Shammai says: You have fixed the problem for his master, but you have not solved his own problem. He cannot marry a Canaanite slavewoman (*as his free side is a freeman, who is forbidden to marry a slavewoman*) and he cannot marry a regular Jewish girl (*who cannot be with his slave half*)! Should he simply not marry? The world was created to be populated, as the verse says: *The world was not created by G-d to be empty; it was created to be populated!* Rather, we force his master to free his other half as well, and we have the slave write for the master a document stating that he owes the master the rest of his value. Beis Hillel retracted their opinion, and agreed with Beis Shammai.

The Sfas Emes discusses the verdict regarding a half-slave and half free person that he must go free, and the slave writes a document to the remaining partner for half of his value. This is because the slave has no money. Essentially, by the first partner's freeing his half, the second partner lost his slave as well, as the law is that he must set him free. Can the second partner demand that the first partner should take the bond from the slave, while the first partner should pay him the monetary equivalent?



The Sfas Emes concludes that being that the damage is not direct, as it is only a consequence of the first person's action, *Beis Din* will not force the first owner to pay the second owner. [However, it should be noted that usually indirect damage makes a person liable to pay according to "Heavenly law (meaning what is viewed as right and wrong by Hashem)," despite the fact that *Beis Din* will not make him pay. Accordingly, if the person freed his half of the slave knowing full well that this would indirectly damage the second owner, he should compensate him to ensure Heaven (Hashem) will not hold it against him.]

## DAILY MASHAL

### Tractate 'Arachin: A vow to donate a person's value

This week thousands of Daf HaYomi learners start tractate 'Arachin. This tractate contains nine chapters on 33 *dapim* which address evaluations (*'arachin*), holy dedications, *charamos* and selling property when the *yovel* is in operation.

The first chapters treat the halachah of someone who said "I donate that person's *'eirech*" – i.e., to pay his value to *hekdesh* – or "I donate the *damim* of that object". We purposely used the expression *eirech* for a **person's** value and **damim** for the value of an **object** because *erchin* values are determined by the Torah at the end of *parashas Bechukosai* (Vayikra 27): "A man who will pronounce a vow **b'erkecha** - according to the evaluation of souls to Hashem. And the value shall be for a male from 20 years of age to 60 years...50 *shekel*...and if she is a female...30 *shekel*. And if the person is five years old to 20 years...for a male, 20 *shekel* and for a female, 10 *shekel*...from a month old to five years old...for a male, five *shekel* and for a female...three *shekel*...after the age of 60 years...for a male...15 *shekel* and for a female, 10 *shekel*". However, someone who says "I donate that person's *damim*" must pay to *hekdesh* his estimated market value were he sold as a slave, and the Rishonim disagreed if he pays the worth of a Jewish slave or a gentile slave (see *Ketzos HaChoshen*, 420, and what he

mentioned there in *Milvei Choshen*). The first five chapters of our tractate are full of the details of these halachos, and others incidentally, such as the song sung in the Temple, etc. The ways of paying the donations spread to the sixth chapter while the seventh chapter deals with the time fit for donating property. The eighth chapter teaches us how to redeem property which has been sanctified and discusses the halachos of the *charamos* of the *kohanim* and of *bedek habayis*. The ninth chapter treats the halachos of selling fields and houses when the *yovel* is in operation and the ways to redeem them.

As we start learning 'Arachin, we should mention the commentary of the masters of *musar* on the verse "a man who will *yafli* (literally: act wondrously) to pronounce a vow according to evaluation of souls to Hashem".

**The great wonder:** The "wonder" of our world is the impossible connection between the spiritual soul and the material body, as the Remo wrote (*Shulchan 'Aruch*, O.C. 6:6), that this is the intention of the ending of the *berachah* of *asher yatzar* – "who heals all flesh and acts wondrously" – "that He does wonders by preserving a person's spirit within him and connects something spiritual with something material. All this is because He heals all flesh because then a person is healthy his soul is preserved within him." The major feature of this wonder is speech, which is a material action that expresses the spiritual mind. It is an even greater wonder that by speech we can enact spiritual things and this is what the Torah meant – "a person who will 'wondrously' pronounce a vow" – the great wonder is that speech can create *kodoshim!* (*Pachad Yitzchak*).