

32.4.1

17a → 18a (משנה א) (אינו נותן אלא בזמן הערך)

1. ואם מקד הוא מערקף והעמידו לפני הפהו והערף אתו הפהו על פי אשר תשיג יד הנדר יעריקנו הפהו: ויקרא כו, ח
 2. ואם דל הוא ואין ידו משגת ולקח כבש אחד אשם לתנופה לכפר עליו ועשרון סלת אחד בלול בשמן למנחה ולג שמן: ויקרא יד, כא
 3. זאת תורת אשר בו נגע צרעת אשר לא תשיג ידו בטהרתו: ויקרא יד, לב
 4. ונפש כי תחטא ושמעה קול אלה והוא עד או ראה או ידע אם לוא יגיד ונשא עונו: ויקרא ה, א
 5. אם משנת היבל יקדיש שדהו קערקף יקום: ויקרא כו, יז

- I ערכין application of each of the parameters of משנה א
- a השג יד (v. 1 - allowance for poverty) – applies to the one committing
- i *Explication*: if a poor man commits to the ערך of a person who happens to be rich – gives עני ערך; and vice-versa
- 1 Source: v. 1 – יד השג relates to נודר
- b שנים age – relates only to the “target” (נידר) (note – should be “נערך”, but follows “נודר” in 1st clause)
- c ערך (valuation): relates only to the “target” (נערך)
- d Timing: is set as of the commitment (זמן הערך)
- II משנה ב distinction of עני/עשיר axis from that applying to קרבנות (e.g. קרבן מצורע which has a “sliding scale” for poverty)
- a If: someone committed to another’s קרבן מצורע
- i If: the מצורע in question was impoverished, the נודר brings the “poor man’s offering” (v. 2)
- ii *And if*: the מצורע in question was of means, the נודר brings the standard offering
- b Dissent: רבי – same applies in ערכין –
- i *Explanation*: reason that a poor man giving value of עשיר pays per יד השג – is because the עשיר (target) owes nothing
- ii *However*: if an עשיר committed to an ערך and an עני heard this and committed to “what he said” – pays full amount
- c analysis: does חכמים’ position hold even if the מדיר was wealthy? v. 2 indicates הוא דל ואם דל הוא (only an עני has the “out”)
- i answer (ר' יצחק): if the מדיר was poor himself
- ii challenge: “הוא” indicates that only the מצורע has the “out”
- 1 answer (ראב”א): משגת ואין ידו משגת extends to a poor מדיר
- 2 however: if the מדיר was wealthy, he brings “full” קרבן מצורע – in which case, how is that different from ערכין?
- 3 defense: we may have thought that anyone being מדיר a קרבן מצורע brings קרבן עני (since it is extended) – קמ”ל –
- (a) per: ברייתא (in תו”כ) sicne in ערכין, a poor man who committed to value of עשיר gives “poor” amount
- (i) we might have thought: same applies to מצורע; therefore it states דל הוא ואם דל הוא
- (ii) but: for רבי, who maintains that we always follow status of “target”, what is excluded via “הוא”?
- (iii) answer: excludes when the מדיר is wealthy, contra possibility that we follow דגברא – קמ”ל – חיובא דגברא
- III משנה ב time-frame of “poor” man relative to commitment or payment:
- a if מעריך was poor at time of commitment and became wealthy – or the opposite – gives full amount
- i became wealthy: source – אשר תשיג יד הנדר
- ii had been wealthy: source – על פי אשר תשיג
- b ד' יהודה even if he was poor at both times but was rich in intervening time, gives full amount
- i source: אם מקד הוא – he understands “הוא” as defining consistent status
- 1 challenge: v. 2 should require poverty from time of צרעת until after bringing קרבנות
- (a) however: נגעים יד:יא – 3-way dispute at what point דלות is defined:
- (i) דעות ר”ש - bringing of חטאת; ד' יהודה; אשם; ד' יחודה; דאב”י; “offering” of birds
- (b) defense: רב explained that all three were interpreting v. 3 – which point is called בטהרתו
- (i) question: if so, what is the purpose of הוא? (אם דל הוא)
- (ii) answer: per רבי and חכמים, above
- 2 challenge: v. 4 should indicate that to be liable for שבועת העדות he must be כשר עד from witnessing until העדאה
- (a) ברייתא: if he was כשר and became פסול (e.g. married into family) – not liable
- (i) however: if he was כשר at time of witnessing, became פסול then כשר before העדאה – is liable
- (ii) defense: v. 4 uses או ראה (time of witnessing) and לא יגיד (העדאה) – setting 2 “flash-points” for כשרות
1. question: what is purpose of “הוא”?
2. answer: teaches that he has to single out עדים for them to be liable;
- a. as opposed to: case where a group is coming and he is משביע the עדים among them
- b. however: if he says “anyone of you who knows עדות...” – liable; per עד הוא

- IV משנה ג contrast (of rule in ב) with קרבנות
- a **קרבנות**: even if his father died, leaving him a fortune, or his ship was arriving with lots of cargo – הקדש has no claim
- i **challenge**: if he just inherited a fortune, he is wealthy (why doesn't הקדש have a claim?)
- ii **answer** (ר' אבהו): case is where (wealthy) father is dying
- 1 **challenge**: this is obvious
- 2 **answer**: if father was גוסס, since רוב גוססים die immediately – קמ"ל
- iii **challenge** (to ruling about the boat): if he has a valuable cargo coming, he is wealthy
- 1 **answer** (ר' חסדא): his ship was rented out to others
- 2 **challenge**: he still has the rental fee coming in
- (a) **answer**: שכירות אינה משתלמת אלא בסוף (שכירות only pays off at the end)
- 3 **challenge**: the boat itself is of value
- (a) **answer**; per ר"א, who (*contra* חכמים) rules (ahead, ו:ג) that when taking collateral for הקדש, we give back the tools he requires for his livelihood (→ we don't seize the ship itself)
- V משנה ד explication of clauses in א משנה א regarding בנידר שנים ערכין, שנים בנידר follow the נערך and ערך is הערך
- a **שנים בנידר**: if a lad is מעריך an elder, he pays the value of an elder and vice-versa
- b **ערכין בנערך**: if a man commits to the ערך of a woman, he gives ערך אשה and vice-versa
- c **הערך בזמן הערך**: if someone was targeted before 5 years old and became more than 5 or before 20 and became 20f
- i **then**: he pays as per time of the commitment
- d **comment** (בריייתא): we have compared ערכין to דמים for purposes of מרלית לקלים (we estimate value per local assessment, not what it would fetch elsewhere) and for נידון בכבודו (head or heart "carry" full person)
- i **however**: we do not make that comparison for the purpose of paying as per value at time of payment
- 1 **reason**: ערך כן יקום – only pay as per value at time of ערך