Arachin – Simanim
פרק א – הכל מעריכין

Daf 7 – דף ז

1. A pregnant woman who is being executed

The next Mishnah states that if a pregnant woman is going to be executed, אין ממתינין לה עד שתלד – *we do not wait until she gives birth*; rather, she is killed immediately, although this will kill the fetus. The Gemara objects that this is obvious: גופה היא – [the fetus] *is* considered part of *her body*!? It answers that, since when a fetus is inadvertently struck and aborted during a fight, its value is paid to her husband, one might think ממונא דבעל הוא – [the fetus] *is the husband's property*, and should not be harmed. We *darshen* the word "גם" in "ומתו גם שניהם" – *and "also" both of them shall die*, to include that the fetus dies. Shmuel says that they strike her opposite her womb so the fetus dies first, כדי שלא תבא לידי ניוול – *so that she should not come to disgrace* by the live fetus exiting her dead body. The Mishnah continues: האשה שישבה על המשבר – regarding *a woman* being tried for a capital offense *who sat on the birthstool,* ממתינין לה עד שתלד – *we wait until she gives birth* before executing her. The Gemara explains: ביון דעקר גופא אחרינא הוא – *once* labor has begun and *the fetus has moved* to exit the womb, *it is* considered *a different body*, and not part of the mother.

2. Desecrating Shabbos to save an unborn child

Shmuel said that if a pregnant woman sat on the birthstool and died on Shabbos, we bring a knife, tear open her stomach, and take out the child. Although the Gemara previously established when a woman dies naturally, the fetus ordinarily dies before her, sometimes the fetus may outlive the mother, so it must be saved. Although this ruling seems obvious, because cutting the deceased mother's stomach does not desecrate Shabbos: מחתך בבשר הוא – *he is merely cutting flesh,* Shmuel permits bringing a knife via a רשות הרבים, violating Shabbos, to save the fetus. The Gemara objects that if Shmuel means to teach that we desecrate Shabbos מספיקא – *out of doubt* that there may be a savable life, this was already taught by a Mishnah, which states that if a building collapsed on someone, then even if we do not know if he is there, or if he is alive, or if he is Jewish, we clear the rubble to search for him!? It answers that Shmuel is teaching that even for an unborn fetus, דלא הוה ליה חזקה דחיותא מעיקרא – *who did not originally have a chazakah of being alive*, one desecrates Shabbos to save it.

פרק ב – אין נערכין

3. The minimum ערך payment is a *sela*, *machlokes* about someone with five *selaim*

The second Perek begins: אין נערכין פחות מסלע – *there are no* cases of *erech-vows* for which one pays *less than a sela*. Even a poor man, who cannot afford the ערך he pledged, must pay at least a *sela*. The Mishnah explains: if a poor person paid a *sela* and became wealthy, he does not need to give anything more, since he fulfilled his obligation with this discounted amount. However, if he gave less than a *sela* and became wealthy, he must give the full fifty *selaim*, since he had not yet fulfilled his obligation. If one has five *selaim*, Rebbe Meir says he gives only one *sela*, since he cannot afford the full ערך. He holds that since the *pesukim* mention "חמשים" and "שקל", one gives either the full fifty, or a *shekel* if he cannot afford it, but nothing more. The Chochomim say he gives all five, and say the word "שקל" is *darshened* to teach כל ערכין שאתה מעריך לא יהו פחותים משקל – *all valuations which you valuate should not be less than a shekel*. But regarding one who has more, the *passuk* says "אשר תשיג יד הנודר" – *what the vower can afford*, including above a *shekel*.

Siman – Gun (בלי זיין)

When one of the **armed guards** assigned to **a pregnant woman scheduled to be executed by Beis Din without waiting for her to give birth** was **called on Shabbos to escort the Hatzolah members on their way to save a fetus whose mother died**, he said **ערבי עלי and wondered if they would take his last five selayim or only make him pay the one *selah* minimum.**

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Gun (כלי זיין)



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3 things to remember

1. **A pregnant woman who is being executed**
2. **Desecrating Shabbos to save an unborn child**
3. **The minimum ערך payment is a *sela*, *machlokes* about someone with five *selaim***

