

## OVERVIEW of the Daf

- 1) **MISHNAH:** The Mishnah enumerates three different categories of trees used for idolatry.
- 2) **Pruning a tree for the sake of idolatry**  
A qualification to the Mishnah's ruling, regarding a tree that was pruned for idolatry, is suggested in the name of the Yeshiva of R' Yannai.  
This qualification is challenged and revised.
- 3) **Worshipping a tree**  
Shmuel rules that additional growth of a tree after it is worshipped, is prohibited.  
R' Elazar unsuccessfully challenges this ruling.  
R' Ashi challenges this resolution.  
The Gemara tries unsuccessfully to challenge this ruling.
- 4) **MISHNAH:** A dispute regarding the definition of an asheirah is presented as well as a related incident.
- 5) **Clarifying the Mishnah**  
The Gemara explains how this Mishnah is a continuation of the previous Mishnah.
- 6) **Identifying asheira trees**  
Rav and Shmuel disagree what tree is presumed to be an asheirah tree.  
Ameimar in the name of the elders of Pumbedisa ruled in favor of Shmuel's position.
- 7) **MISHNAH:** Additional laws of the asheirah tree are discussed.
- 8) **Sitting in the shade**  
The Mishnah's ruling regarding the prohibition against sitting in the shade of an asheirah tree is challenged and revised to refer to the shadow of the shadow of the tree.  
This interpretation is unsuccessfully challenged.  
A second version of this discussion is recorded.
- 9) **Passing under its branches**  
The reason one who passes beneath the branches of an asheirah is tamei is explained.  
The author of this position is assumed to be R' Yehudah ben Besairah.
- 10) **Passing under an asheirah that is over the public domain**

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## REVIEW and Remember

1. According to Shmuel, what becomes prohibited when one bows to a tree?  
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2. What is the definition of an asheirah tree?  
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3. What is the source that an offering to idolatry transmits tum'ah like a corpse?  
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4. Explain זזה וזה גורם.  
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## Distinctive INSIGHT

*Deriving benefit from the shade of an asheirah tree*

לא ישב בצילה

One is not allowed to benefit from an idolatrous tree, an asheirah. The Mishnah rules that this includes a prohibition against sitting in its shade. According to the opinion of R' Shimon in the Mishnah on the bottom of 'עמוד א', an asheirah is defined as a tree that itself is worshipped. Chachamim say that an asheirah is also a tree that has an idol under its branches. Ritva and Rambam (Hilchos Avodas Kochavim 7:11) understand the Mishnah on 'עמוד ב' according to the opinion of Chachamim, as they explain the law of sitting below the shade of a tree either that has been worshipped or that services an idol which is below its branches.

Meiri explains that although we have already learned that no benefit may be derived from an asheirah tree, the lesson of our Mishnah is that this restriction does not only include financial or direct physical pleasure such as eating from the tree or using oils or resins from the tree. Even passing below its shade in a manner which is beneficial is also included in this prohibition.

Rashi explains that when the Mishnah speaks about sitting under the shade of a tree, we are not speaking about the shade directly under the branches and leaves of the tree. This is evident because the Mishnah first states that if one sits under the tree he is טהור—pure, yet the Mishnah continues and says that if one passes under the tree he is טמא—impure. Rather, "sitting under the tree" in the beginning of the Mishnah refers to the shade which is cast beyond the tree when the sun is in the east or west.

The Mishnah also implies that this halacha not to sit under the shade of an asheira tree also refers to not passing by through the shade of the tree while standing or walking, as is clearly indicated in the latter part of the Mishnah.

The Rishonim discuss the halacha of sitting in the shade of a house of worship of idolatry. Tosafos (ד"ה לא) first writes that the purpose of a tree's shade is to cast its shadow, but a building is built for its interior, and the fact that a shade is cast on the outside is merely an ancillary aspect, and the shade is not prohibited. He therefore prohibits sitting in a house of worship of idolatry, and within a four amos radius around its entrance, but sitting outside the building in its shade is not prohibited. He cites a proof from the story of Rabban Yochanan b. Zakai, who used to sit in the shade of the Heichal of the Beis HaMikdash when he taught Torah (Pesachim 26a). The reason for this leniency was that the Heichal was built for its interior, not to cast a shadow beyond its walls.

In his second answer, Tosafos (and Ritva) says that we must be strict regarding idolatry, and the shade of a building dedicated for idolatry is prohibited from benefit. ■

# HALACHAH Highlight

## Sitting in the shade of an asheirah tree

One may not sit in its [an asheirah tree's] shadow but if he did he is ta-hor

Rashi<sup>1</sup> explains that the Mishnah does not refer to one who sits beneath the branches of the asheirah tree for that would make him tamei as the Mishnah goes on to teach. The Mishnah is prohibiting one from sitting in the tree's shadow that extends beyond the branches of the tree. Ra'avad<sup>2</sup> points out that this halacha prohibiting one from sitting in the shade of an asheirah tree even beyond the branches is limited to an asheirah tree, but the same principle would not apply to a house of idolatrous worship. The reason for this distinction is that an asheirah tree is designed to provide shade for those who are beneath the branches and for those who are beyond the branches. Regarding a house of idolatrous worship the only prohibition is to enter the building or to stand within four amos of its entrance but it is permitted to stand behind or to the side of the building and benefit from its shade since the function of the building is not to provide shade.

Ra"n<sup>3</sup> takes note that in the Mishnah's first statement it prohibits sitting and in the Mishnah's second halacha it prohibits even passing beneath the asheirah tree. He infers from this that the only prohibition against benefitting from the shade of an asheirah tree that extends beyond its branches is to sit in that shade. There is no prohibition against passing through the shade

לא ישב בצלה ואם ישב טהור

(Overview...continued from page 1)

The Gemara inquires whether the Mishnah intended to teach that one may intentionally pass under the branches of an asheirah tree that extends over the public domain.

Two responses to this question are presented and the Gemara explains that they do not disagree with one another and they merely address different circumstances.

A related incident is recorded.

11) **MISHNAH:** The possibility of planting different vegetables under an asheirah tree during different seasons is discussed.

12) **Clarifying the positions of R' Yosi and Rabanan**

It is noted that the positions of R' Yosi and Rabanan in the Mishnah regarding זה וזה גורם contradict their respective positions elsewhere.

Two resolutions are offered, one to reverse the names in our Mishnah and the second resolves the apparent contradictions.

The assumption that according to R' Yosi זה וזה גורם is prohibited is challenged. ■

which is created by an asheirah tree. The rationale for this ruling is that it should be permitted for a person to even sit in the shade of an asheirah tree as long as one does not intend to benefit from the shade. Concern that a person may spend a long time beneath the tree and eventually intend to derive benefit is why Chazal forbid one to sit in the shade of an asheirah tree. When one is merely passing beneath the tree there is less of a concern that one will eventually intend to derive benefit from the tree and therefore it is permitted<sup>4</sup>. ■

1. רש"י ד"ה לא ישב בצילה.
2. פי הרשב"י המובא בשערים מצויינים בהלכה לסוגיין.
3. ר"ן לסוגיין.
4. ט"ז לר"י ד"ה ס"ק מ"ב ס"ק י"ד. ■

# STORIES Off the Daf

## A Mitzvah Orchard

"נוטעין יחור של ערלה..."

The end of today's daf discusses the prohibition of orlah. Interestingly, orlah is a serious problem regarding esrogim. Many merchants throughout the ages have tried to find a way around this problem, since it means waiting a full four years before the fruit is fit for the mitzvah.

One merchant living in Eretz Yisrael wondered if perhaps this did not apply to an orchard planted solely for the mitzvah. It seemed plausible to him that just as some hold that an orchard planted solely for a mitzvah is not obligated in terumah and ma'aser, the same is true regarding orlah.

But when this question was brought before the Beis Meir, zt"l, he ruled that it was definitely prohibited. "The Yerushalmi explicitly prohibits using orlah even if it was planted solely for a mitzvah, and the Shulchan Aruch explicitly prohibits the practice on its authority. Although it is true that the Rashdam, zt"l, holds that a tree planted solely for a mitzvah is not obligated in terumah and maaser, this does not teach a thing about orlah, which Hashem prohibited absolutely."<sup>1</sup>

When the Chazon Ish, zt"l, was asked this same question he also prohibited the practice. "Even if you are certain the esrog will not be eaten, it is still prohibited to use for the mitzvah."<sup>2</sup>

Regarding orlah grown outside of Eretz Yisrael there are several leniencies. Firstly, safek orlah outside Eretz Yisrael is permitted. Although the usual rule is safek

d'oraisa l'chumrah, there is a halachah l'Moshe MiSinai that this does not apply to safek orlah outside the land.

When a certain person asked the Shiltei Giborim, zt"l, whether one may use an esrog that is definitely orlah from outside the land, he ruled this was permitted. "Although the Riyaz, zt"l, prohibits, I rule that it is permitted. This is clear from the Gemara in Kiddushin 39, that one may even feed that which is definitely orlah from outside the land to his friend. Obviously, one may use this to do a mitzvah."<sup>3</sup>

The Mishnah Berurah also rules that one may use an esrog that is orlah from outside the land even on the first day of Sukkos.<sup>4</sup> ■

1. בית מאיר ס"ס תרמ"ח
2. חז"א, ערלה, סי' ט"ו, ס"ק ז'
3. שלטי גיבורים, סוכה, י"ז ע"ב מדפי הריף
4. תרמ"ח, ס"ק מ"ה ■