



Volume 1. Issue 35.

Trees and Branches

This week the *Mishnah* (3:10) discussed the status of a tree planted on the border of two *halachic* domains. In some instances the location of the entire tree was determined by the tree's trunk while in other cases the branches determine the tree's location. According to the basic understanding of the *Mishnah*, for *ma'asrot* and *ma'aser sheni* the branches determine whether the tree is considered as being located in a *chatzer* or in *Yerushalaim*. Similarly, if the branches of the tree are inside the *tchum* of an *ir miklat*, the accidental murderer can find refuge in the tree. However, when determining if a tree is growing in Israel (obligating the separation of *ma'asrot*) or in a walled city, the trunk determines the tree's location.

The *Gemarah* (*Makkot* 12a) discusses this issue in more detail referring to the cases of *ma'aser sheni* and *arei miklat* specifically. The *Gemarah* quickly establishes that our *Mishnah* represents the opinion of *R' Yehudah*. The *Chachamim* however rule, by *ma'aser sheni* that the tree can be divided and the legal status of each part is determined by its physical location. The opinion of *R' Yehudah* however, was analysed further.

The *Gemarah* concludes with the opinion of *Rav Ashi*, who explains that we do not determine the location by the branches alone, but rather that we "also" consider the branches. The *Rishonim* differ in their understanding of *Rav Ashi's* explanation. It is this discussion that sheds some light on the differences in our *Mishnah's* rulings.

Rashi explains that this statement refers to the case of *arei miklat* and we are consequently ruling stringently. In other words, as long as any part of the tree is located in the city, the murderer may find

refuge. With respect to *ma'aser sheni*, *Rashi* maintains that the *Gemarah* returns to an earlier assumption, that the branches add extra stringencies. In other words if the branches are located outside *Yerushalaim*, none of its *ma'aser sheni* can be eaten until they are brought inside. Similarly, if the branches are located in *Yerushalaim*, none of the *ma'aser sheni* can be redeemed with money. Interestingly *Rashi* appears to maintain that ordinarily, the tree's location is determined by its trunk. *Arei miklat* and *ma'aser sheni* are exceptional cases resulting from added stringencies.

The *Ramban* however states that *Rav Ashi* means that the trunk's status is also determined by the branches in a stringent manner. In other words, whether the trunk or branches are located inside the city, the trunk provides refuge. Yet if the branches are outside, they do not provide refuge. This appears to maintain an earlier argument, that the status of trees by *arei miklat* is unique as the law is connected to the "dwellings" of the city. Consequently, since the branches are more suitable for "dwelling" they bear more *halachic* significance.

Finally the *Mishnah Achronah* explains the difference in our *Mishnah* in another way. By *trumot* and *ma'asrot* and walled cities we are judging the branches or the fruit. Since they draw sustenance from the roots, the roots or trunk determine the location. By *ma'aser sheni* and *arei miklat*, we are interested in the person or fruit under the branches, therefore the branches can be considered independently (following the opinion of the *Chachamim*).

David Bankier

תעשרות מסכת מעשרות is dedicated to the memory of:

לאה בת חיים ע"ה

Revision Questions

מעשרות ג: יז - ה: ג

- Which of the following are *kove'ah*? (ג: יז)
 - Guard's hut in a field.
 - A potter's hut.
 - *Sukkah*.
- If a fig tree is growing in a *chatzer* (that is ordinarily *kove'ah*) can one eat from its fruit without separating *ma'asrot*? (ח: ט)
- What are the two opinions regarding the way one can eat grapes from a vine planted in a *chatzer* without separating *ma'asrot*? (ט: ט)
- How can one eat fruit from a fig tree without separating *ma'asrot* if: (י: י)
 - The tree is planted in the field, yet its branches hang over into the *chatzer*.
 - The tree is planted in the *chatzer*, yet its branches hang over into the field.
- If a tree is planted on the border of Israel, yet its branches hang over the border what do is used to determine with one must separate *ma'asrot* from its fruit – the branches or the roots? (י: י)
- If a tree is planted on the border of Jerusalem, yet its branches hang over the border what do is used to determine whether one can redeem the *ma'aser sheni* – the branches or the roots? (י: י)
- What are the six things that are *kove'ah*?
- Which of the following processes are *kove'ah*: (יא: ד)
 - Pickling?
 - Cooking?
 - Burying (in ripe produce)?
- When is squeezing olives *kove'ah*? (יא: ד)
- Explain the debate regarding the status of fruit that have been set aside for *Shabbat*. (יב: ד)
- When is salting *kove'ah* for olives? (Include both opinions) (יג: ג)
- Explain the three-way debate regarding whether diluting wine is *kove'ah*? (יד: ד)
- Why is the intended purpose for planting coriander important? (יד: ה)
- What are *tmarot* and in what context are they raised in the *Mishnah*? (יז: ד)
- Which of the following is *kove'ah*? (יח: ה)
 - Someone uproots a shoot to replant it in another field and in the process carries it through a *chatzer*.
 - One purchase fruit while it was still connected to the tree.
 - One picked fruit to give it to his friend as a present.
- Does one need to separate *ma'asrot* from radish that has been picked for the replanting? (יח: ב)
- Once fruit have reached the stage of *onat ma'asrot* is there any restriction on their sale? (יח: ג)
- If someone purchased *zagim* and then extracted its juice, what must be separated? (יח: ד)
-

Local Shiurim

Sunday
Between mincha and ma'ariv
Mizrachi Shul
David Bankier

Monday -Thursday
Between mincha & ma'ariv
Mizrachi Shul
Ben-zion Hain

9:45pm
Beit Midrash:
Naftali Herc
David Bankier

Friday & Shabbat
10 minutes before mincha
Mizrachi Shul
David Bankier

Audio Shiurim on-line!

- 613.org/mishnah.html
- www.shemayisrael.com/mishna/

SEEKING SPONSORS

Currently 200 printed Mishnah Yomit publications are being sent to shuls around Melbourne and email editions sent to subscribers around the world. This can only continue through the generous support of our sponsors.

If you would like to sponsor a *Messechet*, please email mishnahyomit@hotmail.com or call Doodie on 9528-2235.

To add another mishnah yomit shiur send an email to: mishnahyomit@hotmail.com

Next Week's Mishnahyot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
5 th June כ"ז אייר	6 th June כ"ח אייר	7 th June כ"ט אייר	8 th June א' סיון ראש חודש	9 th June ב' סיון	10 th June ג' סיון	11 th June ד' סיון
Ma'asrot 5: 5-6	Ma'asrot 5: 7-8	Ma'aser Sheni 1: 1-2	Ma'aser Sheni 1: 3-4	Ma'aser Sheni 1: 5-6	Ma'aser Sheni 1:7 – 2:1	Ma'aser Sheni 2: 2-3

