



Volume 7. Issue 42

Orlah and Wood

During the first three years after the planting of a fruit tree, it is forbidden to eat from its fruit. This prohibition is referred to as *orlah* and is the topic of the next *masechet*. The first *Mishnah* opens by explaining that if one plants a fruit tree intending not to eat from its fruit, but instead for it to act as a fence or to use its wood than it is exempt from the prohibition of *orlah*. Note that the *Tifferet Yisrael* explains that the trees must be planted in a manner such that it is visually recognisable that they were planted for this purpose.

What if one changed their mind during the three year period and decided that they wanted the trees for their fruit? The *Tosfot R' Akiva Eiger* explains that the prohibition of *orlah* would apply, with the three years being counted from the tree's planting. Interestingly if one initially grew the tree to eat the fruit, but then changed their mind and wanted the trees their wood then the prohibition of *orlah* remains.

Recall that the fruit produced by the trees during their fourth year is referred to as *neta revai* and shares many similarities with *maaser sheni* (e.g. it must be eaten in *Yerushalaim*). *R' Akiva Eiger* adds that if one changed their mind to eat from the fruit during the fourth year then the laws of *neta revai* would not apply to the fruit. The reason is that *orlah* and *neta revai* are tied together. Since the fruit did not have the law of *orlah*, the fruit of the tree do not have the law of *neta revai*.

The *Bartenura* explains that the source of the exemption described in our *Mishnah* is based on the *pasuk* which is the source of the prohibition: "When you shall come to the land and you shall plant any food tree, you shall treat its fruit as forbidden; for three years they shall be forbidden to you." The implication of the *pasuk* is tree that are planted for food are covered by the prohibition. If however they are planted for wood or to be used as fence then they are exempt.

An interesting question is raised in the *Yerushalmi*. What would the law be if the tree was planted for the purpose of a *mitzvah*? The example that is used is an *etrog* tree that was planted for *mitzvah* of the four-species on *sukkot*. *Rav Huna* explains that the law of *orlah* would still apply. When

planting for the tree to act as a fence, one is equally interested in the wood and fruit that is grown. When planting the *etrog* tree, unlike the exceptions listed in our *Mishnah*, it was specifically planted for the fruit product. Consequently it would appear that when the *Torah* was referring to "food tree" it was including those things that were planted for the food product but not necessarily to eat it.

The *Rosh*, *Tur* and *Shulchan Aruch* rule that if one plants a date palm specifically to grow a *lulav* then it would also not be exempt from the prohibition of *orlah*. The difficulty raised is that the *lulav* is not the food product of the date palm and according to the above reasoning the date palm should be exempt from the prohibition.

The *Mishnah Rishona* explains that the *Yerushalmi* had derived the inclusion of trees that are grown for a *mitzvah* from the above quote *pasuk* – "for three years they shall be forbidden to you (*lachem*)."

The *Derisha* (YD 294: 7) however brings a number of different reasons. First he explains that some people wish to explain that the *Midrash* also refers to the *lulav* as a "fruit" – "the *lulav* has a "taste" but not smell..." He however feels that this explanation is a bit of a stretch.

The *Derisha* instead first answers that we have misunderstood *Rav Huna's* reasoning above; the focus should have been on the first part of his statement. In other words the exemption is only when one plants in a manner similar to one who planted for a fence – he equally wants the wood and the fruit. In the case however when one plants for the purpose of growing *lulavim*, a minor part of the date palm, this exemption does not apply.

Finally he prefers to explain that really the *lulav* is the fruit of the tree in this context. It may not be fruit in the colloquial sense, yet it is nonetheless a product that is grown on the tree. Consequently it is different to the case where one grows a tree from the purpose of using it as a fence or to use its wood and is therefore covered by the prohibition of *orlah*.

Yisrael Yitzchak Bankier

Revision Questions

חלה די: ה' – די: י"א

- Explain the debate regarding a case where *challah* was removed from two portions of dough which were less than the minimum *shiur*, and then these two portions were combined together. (ד': ה')
- Explain the debate regarding whether an *aris* working in a non-Jewish field in *Surya* is required to separate *trumot* and *ma'asrot*. (ד': ו')
- What are the three geographical regions that affect the manner in which one separates *challah* and in what manner and quantity is the *challah* separated in these areas? (ד': ח')
- Which priestly gifts can be given to any *kohen*? (ד': ט')
- What were the three cases where one tried to bring a particular gift and it was not accepted? (ד': י')
- Were the *bikurim* that *Ariston* brought from *Apamyia* accepted, and why? (ד': י"א)

ערלה א': א' – ז'

- If one planted a tree with the intention that the branches will be used in construction, is the *tree* obligated in *orlah*? (א': א')
- Were trees that were planted in Israel after *Bnei Yisrael* entered the land, yet prior to the conquest, obligated in *orlah*? (א': ב')
- Explain the debate regarding whether a tree that is planted for the needs of the public is obligated in *orlah*. (א': ב')
- Which of the following trees is obligated in *orlah*: (א': ב')
 - A tree planted in the public domain?
 - A tree planted by a *nochri*?
 - A tree planted on a boat?
 - A tree that grew without any human assistance?
- When is an uprooted tree not obligated in *orlah*? (Include 2 cases). (א': ג'-ד')
- Explain what a *breicha* is? (א': ה')
- How does one count the years of *orlah* for a *breicha*? (א': ה')
- What is the *orlah* status of an uprooted tree whose *breicha* is still attached? (א': ה')
- When does fruit on a *breicha* detached from its parent tree become *assur*? (א': ה')
- What can one do if shoots of *orlah* and *kil'ei kerem* get mixed up with ordinary shoots? (א': ו')
- Which of the following laws apply to dry branches of a vine: (א': ז')
 - *Orlah*?
 - *Reva'i*?
 - *Nazir*?
 - *Asheira*?

Local Shiurim

Melbourne, Australia

Sunday -Thursday

After *Ma'ariv*

Mizrachi Shul

Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*

Beit Ha'Roeh

Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf

9:00am

Kollel Magen Avraham

Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
http://www.dafyomi.co.il/calend
ars/myomi/myomi-thisweek.htm

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
In US dial: 718 906 6400
Then select: 1 – 2 – 4

Next Week's Mishnayot...

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | שבת קודש |
|-----------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|
| 24 th April כ' ניסן | 25 th April כ"א ניסן | 26 th April כ"ב ניסן | 27 th April כ"ג ניסן | 28 th March כ"ד ניסן | 29 th April כ"ה ניסן | 30 th April כ"ו ניסן |
| Orlah 1:8-9 | Orlah 2:1-2 | Orlah 2:3-4 | Orlah 2:5-6 | Orlah 2:7-8 | Orlah 2:9-10 | Orlah 2:11-12 |

