

26.3.8

48b (משנה ח') → 49b (סיום הפרק)

1. ויצמדו לבעל פֿעור ויאכלו זבחי מתיים: תהלים קו: כח

2. ולא ידבק בְּיָדָהּ מאומה מן החרס למען ישוב ה' מחרון אפו ונתן לך רחמים ורחמך והרפך כאשר נשבע לאבתך: דברים יג: יח

- I אשירה: sitting in the shade or passing under an
- a *Sitting under shade*: prohibited, but no טומאה attaches (if under extended shade, not under tree)
    - i *Even* (according to 1<sup>st</sup> version in גמרא): if sitting in superextended shade – still prohibited
    - ii *Even* (according to 2<sup>nd</sup> version in גמרא): if sitting in extended shade – still טהור
  - b *Passing under*: טומאה attaches – per comp. with מת (v. 1) – and there must be some ע"ז there תקרובת ע"ז
    - i *Exception*: if branches encroach on public domain, no טומאה attaches
      - 1 *Reason*: רבנן didn't extend their גזרה to such a circumstance
      - 2 *Question*: may he pass there לכתחילה or is there simply no טומאה if he did pass there?
        - (a) *Dispute*: יוחנן חזקיה/ר' יוחנן
        - (b) *However*: no dispute – if there's another way, he should take it; if not, he may go this way
          - (i) *Story*: ר"ש would have his servant "run him" – even though no other way – as he was אדם חשוב
- II אשירה: planting under
- a *Summer*: prohibited (gains from shade)
  - b *Winter*: permitted (shade doesn't help)
    - i *Exception*: lettuce, which can't take the hard rain and the protection of the tree helps growth
    - ii *Dissent*: ר' יוסי bans planting vegetables in winter as well, as the detritus of tree help (nutrients/compost)
      - 1 *Observation*: it seems that ר' יוסי holds that "shared causality" is אסור, *contra* רבנן
      - 2 *However*: above, we saw opposite – in re: destruction of ע"ז (רבנן challenged ר' יוסי that it becomes זבל – v. 2)
        - (a) *Resolution*: in our case, ע"ז is being used; there it is being dispersed
          - (i) *Block*: that only resolves ר' יוסי vs. ר' יוסי – what of רבנן?
          - (ii) *Solution 1*: reverse positions (in our משנה – entire משנה is ר' יוסי, dissent is רבנן)
          - (iii) *Solution 2*: no need to reverse –
            1. יוסי ד' is resolved as above
            2. דבנן: in this case, there is no real gain in benefit, as gain to ground is lost in shade
        - (b) *Challenge*: ר' יוסי maintains (in re: ערלה) that shared causality is מותר
          - (i) *Suggestion*: perhaps ר' יוסי is more stringent in re: ע"ז
            1. *Block*: dispute about how to treat cow or field that benefited from ע"ז (don't use as is/may use), we assume to be ר' יוסי/רבנן (ר' יוסי taking lenient position – מותר גורם מותר)
            2. *Save*: this dispute is ר"א/רבנן
              - a. *Which model?* If the dispute about yeast of תרומה and חולין, neither amount which had enough to leaven (but together did) fell into dough – ר"א follows status of last one in, רבנן permit in any case
                - i. *And*: ר' אבוי explains that they only disagree if the first one was taken out before 2<sup>nd</sup> fell
                - ii. *Rejection*: perhaps ר' אבוי's explanation isn't the correct one – it is, as ר"א states – an issue of "following the last one to fall in"
              - b. *Rather*: ר"א/רבנן (next משנה) about status of breads baked with fire of אשירה עצי אשירה
              - c. *And*: רבנן who disagree here must be רבנן about the שאור
                - i. *But*: we see that they are lenient about mixed causality in other איסורים, we can't assume it in re: ע"ז
    - 3 *conclusion*: ר' יוסי, in our משנה is responding to רבנן – he holds מותר גורם – but they, who say אסור גורם, should certainly prohibit the detritus of the tree
      - (a) דבנן would answer as we did above – there is a zero sum with the loss of leaves
      - (b) זר"ז גורם מותר ר' יוסי follows הלכה: שמואל

## III אשרה status of wood of משנה ט

- a Status: branches of אשרה tree are אסורים בהנאה
  - i If: he used them to fire up an oven
    - 1 If: it was a new oven (first firing) – must be destroyed
    - 2 If: it was a used oven - must let it cool down before using
      - (a) If: he used it to bake bread – אסור בהנאה; if it got mixed in with other breads – all אסורות בהנאה
        - (i) ר"א let him take the הנאה to המלח ים (i.e. take value of the one prohibited bread and dispose of it)
        - (ii) ע"ז פדיון for חכמים there is no
    - 3 If: he took a stick from it - אסור בהנאה
      - (a) If: he used that stick to weave a garment – אסור בהנאה; if that בגד got mixed with others – all אסורים בהנאה
        - (i) ר"א let him take the הנאה to המלח ים (i.e. take value of the one prohibited garment and dispose of it)
        - (ii) ע"ז פדיון for חכמים there is no
    - 4 Justification:
      - (a) If: we only had first case (bread), סד"א in case of loom, where ע"ז remains extant, ר"א agrees with רבנן
      - (b) And if: we only had 2<sup>nd</sup> case – flip the צריכותא
    - 5 Ruling: like ר"א –
      - (a) Suggestion: perhaps we only allow ע"ז פדיון for bread – but not a barrel
      - (i) Rejection: even a barrel – he may “redeem” his ע"ז

## IV אשרה ביטול of an (by a non-Jew) משנה י

- a If: he took off little twigs, a stick or even a leaf – בטל
- b If: he trimmed it for its benefit – still אסור; if for any other reason - בטל
  - i If: for its benefit, what is the status of the trimmings? Dispute בר ר' הונא/חייא בר רב (prohibited/permited)
    - 1 הלכה permitted, as per ברייתא
  - ii If: ע"ז broke apart
    - 1 דב every piece must be “negated”
    - 2 שמואל no need (after we repair the wording – דרך גדילתה is the only case where we require ביטול)
      - (a) Suggestion: their dispute is whether עכ"ם worship shards
      - (b) Rejection: all agree that they do worship shards;
        - (i) But: dispute is whether they worship shards of shards
          - 1. Or: all agree that they don't worship shards of shards and those are מותר
        - (ii) Rather: dispute is in case of jointed ע"ז which is disassembled and an amateur could restore
          - 1. דב since anyone could restore it, it is considered whole and אסור
          - 2. שמואל once it is not דרך גדילתה, no need for ביטול