

26.3.8

48b (משנה ח) → 49b (סיום הפרק)

1. וַיִּצְמְדוּ לְבַעַל פְּעוֹר וַיֵּאָכְלוּ זֵבֶחַי מִתֵּימָם: תהלים קו-כח
 2. וְלֹא יִדְבַק בְּגִידָהּ מִן הַחֹרֶם לְמַעַן יָשׁוּב ה' מִחֶרְוֹן אֲפֹ וְנָתַן לָךְ רַחֲמִים וְרַחֲמֵךְ וְהִרְבֵּךְ כְּאֲשֶׁר נִשְׁבַּע לְאַבְרָהָם: דברים יג:ח

- I אשרה חו: 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 1st version in גמרא): if sitting in superextended shade – still prohibited
- ii *Even* (according to 2nd 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 תקרובת ע"ז there
- 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 אשרה חג: 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 (ר' יוסי challenged רבנן) 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. ד' יוסי 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 – זה וזה 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 2nd 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 אשרה עצי
- 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) ז"ז גורם מותר (ר' יוסי 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) חכמים: there is no פדיון for ע"ז
 - 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) חכמים: there is no פדיון for ע"ז
 - 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 2nd 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: משנה י (by a non-Jew)

- 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 רב הונא/חייא בר רב (prohibited/permitted)
- 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 עכו"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 גדילתה דרך, no need for ביטול