

DARCHAI NOAM - דרכי נועם

“Its ways are ways of pleasantness”

(Mishlei 3:17)

Parashat Acharai Mot Kedoshim
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How can the Parasha help us grow this week?

Acharai Mot Kedoshim – What do I do with the delicious fruits that grow on my young tree?

This week we read the double Parsha of Acharai Mot and Kedoshim. One of the topics dealt with in Parashat Kedoshim is orlah – the prohibition against eating the fruit produced in the first three years of newly planted tree. Let's have a closer look and see what lessons we can derive from this topic.

“When you come to the Land and you plant any food tree, you shall treat its fruit as forbidden, for three years it shall be forbidden and must not be eaten. In its fourth year all its fruit shall be sanctified to praise Hashem. And in the fifth year you may eat its fruit, so that it will increase its crop for you, I am Hashem, your G-d.” (Vayikra 19:23-25)

Summary of the law

In brief, the fruit that grows during the first three years must not be eaten and it is forbidden to gain any benefit from it whatsoever. This means that one can't even feed it to an animal or sell it to a non-Jew. The fruit must be left to rot. In the fourth year, the fruit has kedusha and must be redeemed onto other fruit or a coin before it can be eaten.¹ The other fruit or coin that was used for the redemption must be destroyed. There are a number of complicated details associated with orlah, such as when to start counting the three years, how to count the three years and how to deal with grafting and re-planting. If one is in a situation where this might be relevant (e.g., if they have a young fruit tree in their garden, or would like to plant one) they should check with their Rabbi.

Israel vs the rest of the world

In general, laws that relate to the land only apply in Israel due to the higher level of holiness of the land of Israel. Our commentators tell us that this is one of the reasons that Moshe Rabbainu was so keen to enter the land of Israel – he wanted the merit of performing those mitzvot that cannot be performed outside the land of Israel. Orlah, however, is an exception. The prohibition of deriving benefit from orlah fruit also applies outside of the land of Israel.² However, there is an important distinction. If one is in doubt as to whether the fruit is subject to the prohibition, they would need to be strict in Israel but can be lenient outside of Israel. I heard the story of a Rabbi in Australia who was on holiday in Tasmania. He was visiting one of Tasmania's many farms and the farmer offered him a delicious nectarine. He was about to bite into it, when the farmer said “who would have thought that I could get such delicious fruit only 3 years after planting!”. The Rabbi promptly put the nectarine down and said “if only you would have told me that after I already ate the fruit, I could have enjoyed it!”

Isn't this bal tashchit?

When I was discussing this law with a friend who has a number of fruit trees in his garden, he admitted to feeling a bit uncomfortable with the idea of destroying good fruit. It seemed like a waste. Ordinarily, he would be correct. The prohibition known as 'bal tashchit' is a prohibition against wantonly destroying things.³ Hashem gave us fruits and other foods to enjoy and it is inappropriate (and prohibited!) to waste that food for no purpose. However, orlah is a different case. The Creator and Owner of the fruit Himself commanded us not to derive any benefit from this fruit. The fruit belongs to Him and He is entitled to decide what is done with it. Thus, it is not considered

¹ It is questionable whether 4th year fruit outside of Israel has kedusha and therefore it should be redeemed without a bracha.

² Kiddushin 36b-37a and 38b.

³ This mitzvah is based on Devarim 20:19, see mitzvah 529 in the Sefer HaChinuch.

wasting as we are following the Torah prescription. And besides, the whole concept of 'waste' doesn't really make sense from Hashem's perspective. He can create things at will.

The Ramban's reason

Even though we do not know the real reasons behind Hashem's mitzvot, some of the great commentators have suggested some reasons.⁴ The Ramban, in his commentary⁵, suggests a reason for the mitzva of orlah. He explains that we should use the first fruits of a tree for the holy purpose of praising and thanking Hashem, and it is not appropriate for us to enjoy the fruits before we have first done so. However, for the first few years of growth, the fruits of a tree are generally not sufficiently mature to be fitting to offer to Hashem. The crop is usually quite small and many trees do not produce any fruit at all until the fourth year. Therefore, we are commanded to wait until the fourth year when most trees are already producing a decent crop. These fruits must be taken to Jerusalem and eaten in holiness as a demonstration of our gratitude to Hashem. Only after this can we enjoy our fruit. This demonstrates the importance the Torah places on showing gratitude to the true source of our bounty.

Patience and restraint

Imagine planting a tree and then tending to it for a number of years – watering it, pruning it, fertilising it. And then finally fruits start to appear. It can be quite challenging to watch those fruits grow, ripen and then rot, without even tasting one! Performing this mitzva of orlah can help to train us in patience and self-restraint. We can then apply these middot to other areas of our lives. Sometimes that can be quite challenging. The story is told of a person on a diet who was tempted with a delicious slice of cheesecake, his favourite dessert. He was battling with his yetzer hara and he was losing the battle. He was about to give in when he suddenly remembered that he was fleishig – he had eaten meat for lunch and six hours had not yet passed. All of a sudden, his desire dissipated. He knew that the cheesecake was absolutely forbidden and he no longer even contemplated eating it. Often, when we are forced to have self-restraint, we can do it. But sometimes we don't have external forces assisting us. In these cases, regularly holding ourselves back can strengthen our self-restraint muscle.

Emunah

The aspect of emunah is also embedded in the mitzvah of orlah. Who knows whether next year's crop will be successful? Keeping the mitzva of orlah requires us to develop our emunah – the ability to give up the fruits of this year, confident that Hashem will provide us more fruits in the future. The pasuk actually tells us that by keeping this mitzva, our future crops will increase! Only Hashem can make a promise like that.⁶ However, we should not observe this mitzva because we want to increase our future crops, we should observe it purely because Hashem told us to.

One who keeps the mitzva of orlah with Emunah will be confident that the future crops will be sufficient. Even if they are lower than expected, he will believe that they would have been even lower had he not observed the laws of orlah. Hashem is in charge and we will get what we need.

Let's try something this week:

Try to work on the middot that we can learn from the halacha of orlah

1. Patience
2. Self-restraint
3. Emunah

Shabbat Shalom,

Rabbi Ledder

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⁴ We need to be careful not to fall into the trap of deciding that a mitzva no longer applies if a suggested reason is no longer relevant.

⁵ See the Ramban's commentary to Vayikra 19:23.

⁶ This is similar to the laws of shemittah, Hashem promises us that if we refrain from working the ground in the shemittah year we will have a bumper crop to compensate. (Incidentally, next year will be a shemittah year.)