

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 can Orlah teach us about Tzedakah?

This week we read the double Parasha of Acharai Mot and Kedoshim. One of the mitzvot that we learn in Parashat Kedoshim is the mitzva of Orlah. Orlah is one of the mitzvot that are dependent on the land, and it is obligatory mid'oraita (on a biblical level), even today. The pasukim say:

When you enter the land and plant any tree for food, you shall treat its fruit as forbidden; for three years it shall be forbidden for you, not to be eaten. In the fourth year all its fruit shall be sanctified for jubilation before 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)

During the first three years of a tree's life, it is forbidden to eat or derive any benefit from the fruit.¹ In the fourth year, the fruits should be taken to Yerushalayim and eaten in a state of ritual purity. As it is not possible for us to be ritually pure nowadays, the sanctity of the fourth-year fruit needs to be redeemed onto a coin before it can be eaten. From year five and onwards the fruit is devoid of sanctity and can be eaten normally.² The halachot of Orlah also apply outside of the land of Israel, however the parameters of the halachot are different.³ Keeping the mitzva of Orlah can help us to refine our middot, including patience, self-discipline and emunah.⁴

In certain circumstances, the three-year count has to be restarted and the fruit may be forbidden for longer than three years. For example, if a tree is uprooted and replanted, the clock may start ticking again.⁵ Other interesting cases include grafting and layering.⁶ For the following section, we need a quick lesson in basic gardening techniques.⁷

Gardeners often graft the branch from one tree onto the trunk of another.⁸ Grafting involves bringing into close contact two parts of plants so that their tissues will fuse. One would typically use a hearty tree with a strong root system that is suited for the specific soil with a branch of another tree that has good quality fruit. In this way, the gardener hopes to get the best of both trees. In cases of grafting, the Orlah count will generally be based on the age of the main tree, rather than the age of the branch. But the halacha can be different if the grafted branch already has fruit growing on it.

Let's now focus on layering ('Havracha'). For those of us who are not familiar with agricultural techniques, layering involves the bending of a branch of a plant and inserting it into the ground so that the branch will strike roots and eventually become an independent plant. When the new plant is strong enough, the gardener will cut it from the mother tree and thus be left with two separate plants. This technique is commonly used with grapevines and etrog trees (when the branches are still young and flexible).

¹ The way to calculate the three years is not so straightforward and depends on a number of factors. One does not just take the third anniversary of the date that the tree was planted. Please contact your Rabbi if this is of practical relevance to you.

² If one is living in Israel, one would need to separate terumot and ma'asrot before eating the fruit, depending on which year one is in of the seven-year agricultural cycle.

³ Generally, the laws of Orlah outside of Israel are more lenient. For example, in cases of doubt (i.e., when it is not clear whether particular fruit is prohibited or not) we are strict in Israel but lenient outside of Israel.

⁴ In last year's Darchai Noam for Parashat Acharai Mot Kedoshim we focused more on the lessons that can be learnt from mitzvat Orlah.

⁵ Replanting a tree will not always restart the clock. One needs the guidance of a competent Rabbi.

⁶ In Israel, grafting and layering can restart the Orlah clock. Outside of Israel the halacha is different and these agricultural techniques will not impact the count of Orlah years (see Shulchan Aruch Yoreh Deah 294:17).

⁷ Many of these details come from "The Laws of Orlah for the Backyard" by the Torah VeHa'aretz Institute.

⁸ In some cases, it would be prohibited to do this due to the laws of kilayim (forbidden mixtures). Again, one would need competent Rabbinic guidance.

While the layered branch is still connected to the mother tree and receives its nourishment from it, we follow the orlah count of the mother tree. This means that if the mother tree is already in its fifth year or more, any fruit that grows on the layered branch is permitted. However, if the layered branch is disconnected from the mother tree or is completely independent and does not receive nourishment from the mother tree, then the orlah count starts again for the new plant and we cannot eat its fruits for the next three years.⁹

Interestingly, the layered branch might be deemed to be an independent tree even while it is still attached to the mother tree. This raises a question for the purposes of Orlah – how does one know when the layered branch stops receiving nourishment from the mother tree and is thus independent with its own Orlah count? We can't ask it! The Talmud Yerushalmi provides us with a fascinating answer.

The bread of shame

The Yerushalmi¹⁰ teaches us that there is a tell-tale physical sign that will clearly indicate when the layered branch is independent from the mother. While the layered branch is still receiving nourishment, its leaves will be facing away from the mother tree. When the layered branch is able to stand on its own feet (so to speak) and draw its own nourishment from the ground, its leaves will turn to face the mother tree. Why is this? The Yerushalmi explains that one who is reliant on another for sustenance is ashamed and finds it difficult to look at them in the face. Only when they become self-supporting can they turn around and confidently face the other.

We can learn a valuable lesson from this and apply it to the mitzva of Tzedakah. One who has to rely on Tzedakah is usually embarrassed. It is human nature to feel uncomfortable receiving charity. That is why, when the Rambam lists the eight levels of charity,¹¹ giving anonymously is considered a better form of charity. When the tzedakah is anonymous, the recipient isn't humiliated by being forced to face his benefactor. And the Rambam explains that the highest form of charity is to give the poor person a loan or a job so that he can be truly independent and stand on his own two feet.

We have a certain needy person who visits our area and knocks on our door every week around the same time. He always has an inspiring thought and a dvar Torah or two (or three) to share. When I open the door to him, I am often tempted to speed things along, because I am in the middle of something else. But I try to remind myself that this man is trying to give us something in return for the money that he needs. When he gives something back (especially something as valuable as sharing Torah), he is maintaining his self-worth and is standing independently and being a giver, instead of feeling ashamed.

A beautiful story is told about Mar Ukva and his wife:¹²

Mar Ukva had a pauper living in his neighbourhood and he would slip a sum of money under the door every day. One day the poor person wanted to see who was leaving the money. That day Mar Ukva was running late, and his wife came with him. After they slipped the money, the poor person came out to see who they were. Mar Ukva and his wife ran away so that he wouldn't be able to see them. They managed to escape by hiding in a furnace that was still very hot. Mar Ukva's feet were getting singed, so his wife told him to stand on her feet. Mar Ukva was upset that his merits were not enough to save himself from being burnt. But his wife explained to him that he gave money which the recipient had to spend, but the wife gave food which was ready immediately. Therefore, her merits were greater.

In this story, the poor person wanted to identify the mysterious person that was slipping money under his door, However Mar Ukva and his wife understood that this would not be in his best interest and thus the importance of maintaining anonymity. If he had discovered the identity of his benefactor (and especially since it was the holy Amora Mar Ukva), he would feel embarrassed every time he saw Mar Ukva or his wife. That is why Mar Ukva and his wife went to the extent of hiding in the hot furnace.

Let's try something this week:

When giving tzedakah, keep in mind that we can try to maintain the receiver's feeling of self-worth by:

1. maintaining anonymity; or
2. by enabling the recipient to give us something back in return.

Shabbat Shalom, Rabbi Ledder

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⁹ As noted above, this is the halacha in Israel. Outside of Israel one would always adopt the Orlah count of the mother tree.

¹⁰ Talmud Yerushalmi, Orlah, Chapter 1, Halacha 3.

¹¹ Rambam, Hilchot Matanot L'evyonim, 10:7-14.

¹² Gemara, Ketubot 67b.