

## **מה לערלה שכן לא היתה לה שעת הכושר – ;ערלה by Why is it so For it never had a moment of permissibility**

### Overview

The גמרא attempts to refute the ק"ו from ערלה which would have taught us by איסור הנאה בשר בחלב. The גמרא states that we can argue that ערלה is stricter than בב"ח since the fruit of ערלה were never permissible (therefore they are), however the בשר and חלב were initially permissible (before they were cooked together), therefore their prohibition should be more lenient (and be מותר בהנאה). Our תוספות discusses whether there can be ערלה which did have a שעת הכושר (and thereby restore the ק"ו).

תוספות asks:

**הקשה רבינו יצחק בן אשר נילף מערלה שהיתה לה שעת הכושר –**  
**The ריב"א asked let us derive the איסור הנאה from a case of בשר בחלב by איסור הנאה**  
**ערלה which did have a שעת הכושר.** תוספות will now describe a case of ערלה where (seemingly) there is a שעת הכושר -

**כגון נטל ענף מאילן של היתר שלא נגמרו פירותיו<sup>1</sup> והרכיבו או נטעו –**  
**For instance if he took a branch from a permissible (non ערלה) tree,**  
**whose fruits (of the branch) had not yet ripened and he grafted it to an ערלה tree or he planted this branch in the ground.** In both cases the grafted branch or the new sapling has a דין of ערלה and (even) the existing fruit is considered ערלה פירות ערלה. However they had a שעת הכושר (before the branch was cut) and nevertheless it is אסור בב"ח, the same should apply to בב"ח.

תוספות answers:

**ואומר רבינו יצחק דאינו אוסר אלא מה שגדל אחר שהרכיבו או נטעו –**  
**And the ר"י answered that only that which grew after he grafted it or after he planted it, is אסור** on account of ערלה -  
**וזה לא היה לו שעת הכושר –**

**And this new growth did not have a שעת הכושר -**  
**והענף עצמו<sup>2</sup> אינו נאסר אלא מפני תערובת האיסור –**

**And concerning the original fruit of the branch, that is not intrinsically forbidden, but rather it is forbidden because of the admixture of the newly forbidden growth -**

<sup>1</sup> It is apparent from תוספות that if the fruits were already ripe there would be no איסור even after the branch was grafted or replanted.

<sup>2</sup> See רש"י and ברכות אברהם.

ואם היה יכול להבדיל אותו הענף ממה שגדל אחרי כן היה מותר<sup>3</sup> –

**And indeed if he could have separated the original fruit of that branch from that which grew later, the original fruit would have been permitted.**

The גמרא shortly asks why we cannot refute this ק"ו by asking that כלאי הכרם cannot be a שעת הכושר since they too do not have a שעת הכושר.<sup>4</sup> Seemingly the ש"א's question should apply here as well; the initial plantings (which are now אסור) had a שעת הכושר before they became כלאים. תוספות explains that the same (previous) answer applies to כלאים as well.

וכן כלאי הכרם אי לא היה עיקרו נאסר או מעביר עציץ נקוב<sup>5</sup> –

**And similarly by כלאי הכרם, if the initial plantings would not be forbidden as כלאים, or the case of passing a perforated flowerpot through a vineyard; they would be -**

חשוב לא היה לו שעת הכושר –

**Considered as לא היה לו שעת הכושר, even though the entire subsequent growth (including the initial plantings) is אסור -**

**שהאיסור הגדל אחרי כן לא היה לו מעולם שעת הכושר:**

**Because the later growth which is forbidden never had a שעת הכושר, and the reason the initial plantings are אסור is because they are intermingled with the later growth which is כלאים.**

### Summary

The original fruits of a grafted (or replanted) branch are אסור מטעם ערלה (only) because they are intermingled with the new ערלה growth. The original growth is intrinsically מותר.

### Thinking it over

תוספות explains that the original fruit of the grafted branch is אסור because we cannot separate it from the new ערלה growth. Does this mean that intrinsically they are separate but we cannot distinguish between the two; or

<sup>3</sup> The rule is that the fruit on the grafted branch is considered ערלה. In the question תוספות assumed that even the fruit that was there initially (before the grafting) is also ערלה; that would render it as having a שעת הכושר (before the grafting). In the answer תוספות explains that the initial fruit is not intrinsically ערלה; it is אסור only because we cannot separate the new growth (which is ערלה) from the initial growth (which does not become ערלה). The entire fruit is אסור because the היתר and איסור are intermingled.

<sup>4</sup> The גמרא answered that this (the fact we do not ask this question) proves that by כלאי הכרם the initial plantings also become [intrinsically] אסור and therefore the initial plantings had a שעת הכושר.

<sup>5</sup> The גמרא shortly cites a משנה that if one passes an עציץ נקוב (of זרעים) in a כרם; the rule is that if הוסיף it is כלאים. Concerning מעביר עציץ נקוב the גמרא concludes that עיקרן are not נאסרין; only the new growth (if it was מאתיים).

that they are so entwined that in every piece of היתר there is intermingled  
some איסור?