

To exclude *Asheyroh* wood

– לאפוקי עצי אשרה –

OVERVIEW

עצי said that when our משנה stated, כל הכשר להצניע it meant to exclude עצי ¹.
ע"ז, since it is an אשרה, for people are not מצניע עצי אשרה

דלא כרבי יהודה דאמר בפרק רבי עקיבא (לקמן דף ז,א) -

Our משנה is not like ר"י who maintains in פרק ר"ע that -

אף² המוציא משמשי עבודה זרה כל שהוא חייב³ -

Even one who carries out into a רה"ר a miniscule amount of items that serve for the ע"ז, he is liable -

אלא כתנא קמא דפליג עליה כן פירש בקונטרס התם⁴ -

Rather our משנה here is according to the ת"ק there; so explains רש"י there.

asks: תוספות

וקשה לרבינו שמשון בן אברהם הא דקאמר הכא מאן דאמר דם נדה כל שכן עצי אשרה –

And the ר"פ (ר"פ) states here, 'the one (ר"פ) who maintains that דם נדה is excluded, so certainly עצי אשרה are excluded', the question is -

מנא ליה דילמא סבר כרבי יהודה⁵ ומחייב בעצי אשרה שמצניעין⁶ אותן לשריפה:

How does the גמרא know this, perhaps ר"פ agrees with ר"י, and he holds liable one who carries out עצי אשרה, since people put it aside in order to burn it?! תוספות does not answer this question.⁷

SUMMARY

Why cannot we assume that ר"פ agrees with ר"י that it is the דרך to be ע"ז to be מצניע ע"ז?

¹ רש"י ד"ה מ"ד. See עצי אשרה and (the גמרא adds) דם נדה and it comes to exclude רב פפא said that.

² The משנה there mentions various items for which there is no שיעור for הוצאה; one is חייב even for a miniscule amount. ר"י adds that for משמשי ע"ז one is also חייב for a miniscule amount.

³ This is in contradiction to ר"פ and מר עוקבא who maintain that ע"ז is not כשר להצניע and therefore one is not liable for it.

⁴ והא דתנן (לעיל דף עה:): כל שאינו כשר להצניע כו' ואוקימנא למעוטי עצי אשרה דלא כר' יהודה, ד"ה מאומה רש"י there.

⁵ Once we know that there is a תנא who maintains that one is חייב for ע"ז, why should we assume that he argues on our משנה (as רש"י states there), perhaps he agrees with our משנה, for he maintains that it is the דרך to be ע"ז, in order to burn it. Therefore the question is (not only on רש"י there, but also on our גמרא) why should we assume that ר"פ agrees with מר עוקבא and argues with ר"י, when we can say that he agrees with ר"י, and one is חייב for being מוציא ע"ז, since it is the דרך להצניע. See 'Thinking it over'.

⁶ משנה is adding this point so ר"י can agree with our משנה.

⁷ See עיי"ש. (משאצל"ג חייב ר"י) who answers that according to ר"י (who maintains חייב) he will be חייב for דם נדה as well, for he is removing it in order he should not become טמא from it.

THINKING IT OVER

It seems we have a choice here;⁸ either ר"י argues with our משנה and ר"פ ומר עוקבא agree with our משנה that אין מצניעין ע"ז (the way רש"י explains it), or that [perhaps] our משנה agrees with ר"י according to ר"פ, but our משנה disagrees with ר"י according to מר עוקבא (the רשב"א). Why is one better than the other?!

⁸ See footnote # 5.