

It is sufficient to make it sparse²

בדחלולי¹ סגי –

OVERVIEW

ruled in our משנה that if the branches of a (privately owned) tree hang over the רה"ר, the owner is required to chop off all the overhanging branches along the plumb line, out of concern for טומאה. The גמרא cites a גמרא that בר"ש meant that we are concerned for הטומאה.³ The גמרא explains that without this ברייתא we may have assumed that בר"ש was concerned that perhaps ravens will come and throw the טומאה on the tree;⁴ however, if that would be the concern it would be sufficient בדחלולי, and we would not require him to chop down all the branches.⁵ There is a dispute between רש"י and the ר"ה as to the meaning of 'בדחלולי'.

פירש רבינו חננאל דחלולי לשון יראה⁶ -

The ר"ה explains that דחלולי means fear in Aramaic, meaning -

שעושים צורה של עץ ונראין כבני אדם ואין העוף רשאי לישראל שם⁷ -

That they make a form out of wood, which looks like a person (a scarecrow), so a bird is not permitted (frightened) to remain there, therefore -

קא משמע לן דאף על פי שברח העוף -

The ברייתא informs us that even though the bird flees on account of the scarecrow, nevertheless that is insufficient, for -

¹ In our גמרות the text reads, וסגי בדחלולי [or according to the הגהות הב"ה, it reads בעלמא סגי].

² This seems to be פרש"י בד"ה ושדי.

³ See רש"י ד"ה מפני ד"ה that we are concerned that perhaps there is a מת under the tree and whoever passes under the tree will become טמא, since the tree is מאהיל on the מת and on the passerby.

⁴ See the פ"י רבינו גרשום who writes, that sometimes the עורב will throw the מת on the tree and it will not fall down on the ground, so therefore it is necessary to chop down the tree that the עורב should not place it there. And רש"י similarly states the same. Seemingly this means that the person who will walk under the branch where the מת is lying will become טמא (either because the branch does not have a טפה, or the מת extends beyond the branch, וצ"ע).

⁵ See רש"י and ר"ג פ"י that the tree should be trimmed to such an extent that if the עורב will throw the מת on the tree the branches will be so sparse that it will fall to the ground and there will hardly be any branches left to become an אוהל over the מת and the passerby.

⁶ We are perhaps familiar with the term דחילו ורחימו which in לשון קודש is יראה ואהבה. According to the ר"ה the 'ד' of בדחילו is part of the root of the word (as opposed to the 'ב'). However according to פרש"י the root seems to be חלולי (hollow or sparse). See רשב"א.

⁷ By placing a scarecrow by the tree there is no longer a concern that an עורב will place (see רש"י) a מת on the tree, since the עורב is afraid to approach the tree. Therefore, this should seemingly be sufficient. If we would only have the משנה.

פעמים שמשאיר שם בשר המת שמביא בפיו ונשאר שם בענף -

Occasionally it leaves over there the flesh of the corpse which the bird brings with its beak and it remains there on the branch⁸ -

הלכך אין לו תקנה אלא בקציצת ענפים כולם:⁹

Therefore, there is no solution unless all the branches [along the plumb line] are chopped off.

SUMMARY

Based on our משנה one would think that by merely placing a scarecrow would prevent the טומאה.

THINKING IT OVER

How can the גמרא say that without the ברייתא, we could have thought that the concern is for עורבים, and בדחלולי would be sufficient, when the משנה clearly states כל האילן כנגד המשקולת?!

הדרן עלך לא יחפור
We shall return to you

פרק
לא יחפור

⁸ Presumably תוספות means that after a while this בשר המת will fall to the ground and the tree will be מאהיל on the מת and the passerby, causing him to become טמא.

⁹ The הגהות הב"ח amends this to read: כולם כנגד המשקולת: (instead of [just] כולם).