



Nothing as Holy as a Tree: Trees, Tu BiSh'vat, and Halakhah

Parashat B'shalah, Exodus 14:1-18:8 | By Mark Greenspan

"Tu Bish'vat" by Rabbi Alan Lucas / **"The Environment"** by Rabbi Lawrence Troster

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"Tu Bish'vat"

Tu Bish'vat has taken on a life of its own in the contemporary world. Although it is mentioned in passing in the *Mishnah*, the first codification of Jewish law (second century CE), it was not considered a holiday and had no place in the liturgical life of the Jewish people. Rather the fifteenth of *Sh'vat* or the first of *Sh'vat* (depending on which opinion one followed) had more to do with temple offerings and taxation. *Tu Bish'vat* was the April 15th of the Jewish world in matters of making offerings to the temple from trees. In the Middle Ages *Tu B'Sh'vat* took on a new meaning as a time for celebrating our connection to the land of Israel and the mystical tree of life. It is no accident that the *Tu Bish'vat Seder* emerged in the land of Israel at a time when Kabbalists were settling in the holy city of Safed. In contemporary times *Tu B' Sh'vat* has been claimed by Zionists, New Age mystics, and ecological activists. Today when we speak about *Tu Bish'vat* we often ignore the legal and halakhic dimensions of this occasion.

There were three type of sacred offerings made from trees whose cut-off date is measured by this day in the calendar: *Orlah* (fruit from trees during the first three years of growth,) *Neta Reva'I* (the special offering made in the fourth year of growth from trees), and *Ma'aserot* (the two tithes made from fruit trees). This Shabbat we will explore the significance of *Orlah*.

The Torah Connection

When you enter the Land and plant any tree for food, you shall regard its fruit as forbidden (v'araltem orlato). Three years it shall be forbidden for you, not to be eaten. In the fourth year all its fruit shall be set aside for jubilation before the Lord; and only in the fifth year may you use its fruit - that its yield to you may be increased: I am the Lord.

- Leviticus 19:23-25

You shall regard its fruit as forbidden: Rather, "You shall trim its fruit in the manner of a foreskin"(v'araltem orlato). The syntax is unusual. Literally, this clause would read: "You shall trim its foreskin as a foreskin." Here we have a cognate accusative, that is, the verb and the object derive from the same root. Later on in the passage we find the masculine plural noun, 'arelim, "in a state of un-circumcision." Is this formula to be understood graphically, as involving physical acts, or figuratively, as the JPS translation conveys? In Biblical usage, the adjective 'arel and the noun 'orlah usually connote physical conditions that may have moral or religious ramifications. They may describe "thickening about your heart," which prevents the heart from experiencing proper attitudes, as in Deuteronomy 10:16. The metaphor is based on a real physical condition. Or one may say, as in Jeremiah 6:10, that the ear is blocked, by the earlobe, so that one is prevented from hearing God's words. Exodus 6:12, 30 speaks of uncircumcised lips that make articulate speech difficult. In these cases, as well, the metaphor has its origin in a physical condition. In applying the above usages to the fruit of trees and vines, the sense is to 'trim' or 'remove' certain growths. A good case can be made for understanding the law as requiring the trimming of trees and vines. ...As a matter of law, rabbinic exegesis taught that fruit of the first three years be burned. Trimming may have been the actual intent of biblical law.

- Baruch Levine, JPS Torah Commentary on Leviticus 19:23

The four new years are: On the first of Nisan, the New Year for the kings and for the festivals; On the first of Elul, the New Year for the tithing of animals; Rabbi Eliezer and Rabbi Shimon say, in the first of Tishrei. On the first of Tishrei, the new year for years, for the Sabbatical years and for the Jubilee years and for the planting and for the vegetables. On the first of Sh'vat, the new year for the trees, these are the words of the House of Shammai; The House of Hillel says, on the fifteenth thereof.

- Mishnah Rosh Hashanah 1:1

The first of Sh'vat is the New Years for trees. What is the reason? — Rabbi Eleazar said in the name of Rabbi Oshaia: Because [by then] the greater part of the year's rain has fallen and the greater part of the cycle is still to come. What is the sense of this? What it means is this: 'Although the greater part of the cycle is still to come, yet since the greater part of the year's rain has fallen...'

- BT, Rosh Hashanah 14a

Our Rabbis taught: If the fruit of a tree blossoms before the fifteenth of Sh'vat, it is tithed for the out-going year; if after the fifteenth of Sh'vat, it is tithed for the incoming year. R. Nehemiah said: This rule applies only to trees which produce two broods in a year. If it were two broods in a year then he should have said "two broods!" Trees, however, which produce only one brood, like date trees, carob trees and olive trees, even though they blossom before the fifteenth of Sh'vat are tithed for the incoming year.

- BT, Rosh Hashanah 15b

The words literally mean "You shall block its blockage" which means the fruit shall be blocked and hidden from benefitting from it. The above quote is from Rashi and he explained it well. Accordingly the expression 'arel lev' (Ezekiel 44:9) would mean a closed heart as it is stated "I will rip open the enclosure of their heart." (Hosea 13:8) Similarly 'their ear is 'araylah, (Jeremiah 6:10) means, "Their ear is closed and blocked, so that the sound does not enter it." And 'aral sefataim' means 'closed lips' (Exodus 6:12): "for stammering is caused by blockage and closure in the sinews of the tongue..."

Scripture mentions blocking in connection with fruit that is produced within the first three years of a trees growth to prohibit the fruit from all benefit (not just eating), an expression that is not said in the case of other items forbidden for benefit. The initial emergence of fruit is called "opening;" in contrast, it says here in our verse, "for three years they shall be "closed off" to you." You are to consider it as thought the fruit were closeted off inside the trees which had not sent forth their blossoms or opened their buds. The reason for this commandment is for us to honor God with the first of the fruit of the tree and the produce of the vineyard and not eat from them until we bring all the fruit of one year "as praise to God." Now the fruit within the first three years of a trees planting is not worthy of being offered before the Glorious Name because it is meager and also because a tree does not infuse its fruit with good taste or fragrance within the first three years. Moreover most trees do not produce fruit at all until the fourth year and therefore we must wait until then for all of them...the commandment then is similar to the commandment of first-fruits.

- Moses ben Nachman, Ramban's Commentary on Leviticus 19:23

Idolaters had made it a rule that the first fruit of every fruit tree should be partly offered as a sacrifice and partly consumed in the idol's temple. It was also wide spread belief that if the first-fruit of any tree was not treated in this manner, the tree would dry up...the law in opposition to this doctrine, commands us to burn the produce of fruit trees the first three years; for some trees bear fruit after one year, while some yield after two, and others after three years...As a rule a young tree in Israel bears fruit for the first time not later than the third year after it has been planted.

- Moses Maimonides, The Guide For the Perplexed 3:37

Reflections

When studying Torah most of us gloss over passages dealing with agriculture and the temple offerings. These sacrifices and offerings seem exotic to us and the laws dealing with agriculture seem foreign to our way of life. After all few of us are farmers and at best we have a tenuous connection to the land. A good deal of Judaism deals with these topics. In fact almost a sixth of the *Mishnah* addresses matters of agriculture. The *Mishnah* is divided into six sections called *Sedarim* or Orders. The first *Seder* is called *Zeraim*, "Seeds." Among the topics in *Zeraim* are: *Pe'ah* (corners of field left for the needy), *Terumot* (gifts left for the priests), *Challah* (laws regarding the *challah* offering), *Orlah* (the prohibition of the immediate use of a tree after it has been planted), and *Bikkurim* (the first-fruit gifts). For our agrarian ancestors there was a direct connection between their lives, their work, and their devotion to God.

The law of *Orlah* is a strange and mysterious piece of legislation in the Torah. First there is the question of its name. The word comes from the same root as the word we use for foreskin. We are left to wonder what the connection might be between the removal of the foreskin in circumcision and the practice of *Orlah*. Second it is not entirely clear what was the original practice of *Orlah*. While the sages speak of removing and burning the fruit from trees for the first years of their production Baruch Levine suggests that the original practice might have been something completely different. He proposes that *Orlah* had something to do with the trimming of trees just as *milah* circumcision, was the trimming of the foreskin. While that may be the original meaning of this practice it is not how we came to understand it in the oral tradition of Judaism and we are, after all, rabbinic Jews and not biblical Jews.

Rambam and Ramban offer two different interpretations of this practice. For Rashi and Nachmanides' (*Ramban*) *orlah* had something to do with blockage just as Moses had *arel sefataim* (blocked lips) and the prophets speak of people having a closed heart (*arel lev*). The fruit of the first three years is blocked from use or benefit because there has not been enough time for the trees to fully mature and develop so that they are worthy of being offerings to God. Maimonides (*Rambam*) suggests that there is a connection between *Orlah* and primitive pagan rites. Since Israel's neighbors offered the first fruits of a tree as an offering Israel chose to destroy the fruit rather than benefit from it in any way. This explanation is typical of Maimonides. In a sense, he was an early anthropologist who often explained Jewish practices by comparing them with Israel's neighbors.

But all of this begs the question: what greater meaning did the practice of *Orlah* have for our ancestors and what does it mean to us today? I think there is something sad about the fact that we have lost our connection to the earth. *Orlah* was one of the many ways that our ancestors expressed their belief that we belong to the earth and the earth does not belong to us. There is something deeper and more abiding in the idea that there is more to our lives than productivity. Nurturing a tree or allowing the fruit of its first years to return to the earth was a way of saying that we are caretakers and not the landlords of our environment. In light of this *Tu Bish'vat* is an opportunity to reconnect to our environment (not to mention to the land of Israel) by acknowledging the change of seasons both here and in *Eretz Yisrael*. In the Northeast we are still deeply entrenched in the cold of winter - there is snow outside today - but we are reminded that the buds are sleeping and spring will soon come. The timing of *Tu Bish'vat* is a way of resetting our internal clocks to the seasons.

Halakhah L'ma-aseh

1. "It is said, 'follow the Lord, your G-d' (Deuteronomy 12:5). This means follow His example. When He created the world, His first action was to plant trees, as it written, 'and G-d planted a garden [of trees] in Eden' (Genesis 2:8). So you, too, when you will enter the land of Israel, planting trees should be your first involvement."
- *Vayikra Rabba* 25:3
2. "When G-d created the first man He took him and showed him all the trees of the Garden of Eden and said to him 'See My works, how beautiful and praiseworthy they are. And everything that I created, I created it for you. Be careful not to spoil or destroy My world – for if you do, there will be nobody after you to repair it.'"

- *Kohelet Rabba* 7:28

3. One day as Honi was walking along he saw a man planting a carob tree. Honi asked him “how many years will it take until it will bear fruit?” The man replied “not for seventy years”. Honi asked him, “Do you really believe you’ll live another seventy years?” The man answered, “I found this world provided with carob trees, and as my ancestors planted them for me, so I too plant them for my descendants.”
- *Pirkei d’Rabbi Eliezer* chapter 34
4. Six voices go from one end of the world to the other and the sound is not audible... When a fruit-bearing tree is cut down the voice cries out from one end of the world to the other, and its sound is not audible... When the soul departs from the body the voice goes out from one end of the world to the other, and its sound is not audible...
- BT *Ta'anit* 23a
5. If you are holding a sapling in hand and someone tells you, ‘Come quickly, messiah has come,’ first finish planting the tree and then go to greet the messiah.
- *Avot D’Rabbi Natan*, 31b
6. When Jacob went down to Egypt, he received a prophecy that his descendants would be redeemed from there and be commanded to build a Mishkan (Sanctuary) in the desert. Jacob instructed his children to plant acacia trees in Egypt. Over the hundreds of years of slavery, those saplings grew into large, mature trees. Before the Exodus, the Israelites cut down those trees and brought them with them through the Sea of Reeds into the desert. When the Israelites built the Sanctuary out of these trees, the trees sang jubilantly before God, as it says in Psalms, “then all the trees of the forest will sing with joy before God.”
- *Tanchuma Terumah* 9

Questions to Ponder

1. What is the connection between Orlah that comes from a tree and the Orlah, the foreskin which we remove in the Brit Milah ceremony? Do you think there is more than a metaphoric connection between these two uses of the word?
2. The Mishnah speaks of four different New Years in the Jewish calendar. What are some of the new years that we mark in our contemporary lives? What significance do they have?
3. What question is Nachmanides’ trying to ask in his comment on the meaning of Orlah? What question is Maimonides asking? How are they different from one another? Which is more convincing?
4. Many of us live disconnected from our natural environment? How can we reconnect to our environment? Why should we do so?
5. Tu Bish’vat has different meanings for us today. What importance does it have for you personally?

Adapted from Torah Table Talk by Mark Greenspan