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שׁוּב יַעֲיִת

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# TIME 4 MISHNA

## mikra

### שביעית

וַיְדַבֵּר ה' אֶל־מֹשֶׁה בְּהַר סִינַי לֵאמֹר:  
דַּבֵּר אֶל־בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם כִּי תָבֹאוּ אֶל־הָאָרֶץ אֲשֶׁר אָנִי נֹתֵן לָכֶם וְשַׁבְתָּה  
הָאָרֶץ שַׁבַּת לֵה:  
שֵׁשׁ שָׁנִים תִּזְרַע שָׂדֶךְ וְשֵׁשׁ שָׁנִים תִּזְמַר כְּרֶמֶךְ וְאָסַפְתָּ אֶת־תְּבוּאָתָה:  
וּבַשָּׁנָה הַשְּׁבִיעִית שַׁבַּת שַׁבְתוֹן יִהְיֶה לָאָרֶץ שַׁבַּת לֵה שָׂדֶךְ לֹא תִזְרַע וְכֶרֶמְךָ לֹא  
תִזְמַר:  
אֶת סִפִּיחַ קִצִּירְךָ לֹא תִקְצֹר וְאֶת־עֲנָבֵי נֹזֶרְךָ לֹא תִבְצֹר שְׁנַת שַׁבְתוֹן יִהְיֶה לָאָרֶץ:  
וְהָיְתָה שַׁבַּת הָאָרֶץ לָכֶם לֶאֱכֹלָה לְךָ וּלְעַבְדְּךָ וּלְאִמְתְּךָ וּלְשִׁכְרֶךָ וּלְתוֹשֵׁבְךָ הַגֵּרִים  
עִמָּךְ:  
וּלְבַהֲמֹתֶיךָ וּלְחַיָּה אֲשֶׁר בְּאֶרְצְךָ תִּהְיֶה כָּל־תְּבוּאָתָה לֶאֱכֹל:  
(ויקרא כה:א-ז)

**“Hashem spoke to Moshe on Mount Sinai saying:**

**Speak to the Jewish People and say to them: When you come to the land which I am giving to you, the land shall rest a rest for Hashem.**

**For six years you shall plant seeds in your field, and for six years you shall cut [vines in] your vineyard, and you shall gather in your produce.**

**And in the seventh year there will be a great rest for the land, a rest for Hashem; you shall not plant seeds in your field and you shall not cut [the vines in] your vineyard.**

**That which grows from your previous year’s harvest you shall not harvest, and the grapes of your set-apart vine you shall not harvest; it will be a year of rest for the land.**

**The rest of the land will be for you for eating, for you, you slave, you maidservant, your paid worker and your resident who lives with you.**

**And for you domesticated animal and for your wild animal which are in your land - all of its produce will be to eat.”**

## Overview

### שְׁבִיעִית

#### תּוֹסֶפֶת שְׁבִיעִית (1-2)

- ✓ **When this time begins**
  - What and how much is in the field
  - Work which is forbidden **מְדַרְבֵּן** during **שְׁמִיטָה** but doesn't improve the tree itself
  - Produce which grows before & during **שְׁמִיטָה**

#### Forbidden forms of work during **שְׁמִיטָה** (3-4.6)

- ✓ **Activities which appear to be forbidden**
- ✓ **Removing stones and building in a field**
- ✓ **Preventing harming of produce**

#### פִּירוֹת שְׁבִיעִית - **שְׁמִיטָה** produce (4.7-5.5; 7-9)

- ✓ **Prohibition of wasting it, e.g. cutting it before it's ripe**
- ✓ **Unique species**
- ✓ **Which things have פִּירוֹת שְׁבִיעִית קְדוֹשֶׁת**
  - Permitted uses
- ✓ **בִּיעוֹר**
  - Where it applies - When it applies

#### Causing a sin (5.6-5.9)

- ✓ **Prohibition to sell things whose purpose is a form of forbidden work during **שְׁמִיטָה****
- ✓ **Leniencies for the sake of promoting piece**

#### Where **שְׁמִיטָה** applies (6)

- ✓ **3 different levels of obligation depending on location**
- ✓ **Taking things out of or to אֶרֶץ יִשְׂרָאֵל**
  - תְּרוּמָה - שְׁמֵן שְׂרִיפָה - פִּירוֹת שְׁבִיעִית

#### שְׁמִיטַת כְּסָפִים - Cancellation of debts (10)

- ✓ **Which types of debts are cancelled**
- ✓ **Ways to prevent the cancellation**

## Key terms

### שְׁבִיעִית

#### Concepts and Terms:

**תּוֹסַפַּת שְׁבִיעִית** - The period before שְׁמִיטָה when some of the שְׁמִיטָה restrictions apply

**בַּעַל field** - A field which survives mainly on rainwater alone

**אֲבָנֵי כֶּתֶף** - Large stones carried on the shoulder which are most commonly used for building

**קְדוּשַׁת פְּרוֹת שְׁבִיעִית** - Sanctity (and restrictions) of שְׁמִיטָה produce

**בִּיעוּר** - The point during שְׁמִיטָה when a particular species is no longer available for animals in the fields and one must remove all of that species from his house

**שֶׁמֶן שְׂרָפָה** - שֶׁמֶן תְּרוּמָה oil which becomes טָמֵא so must be burnt

- **נִבְלָה** - Animal which dies without valid שְׁחִיטָה
- **טְרֵפָה** - Animal with an internal wound so may not be eaten

**נוֹתֵן טַעַם** - When food/drink affects the taste/flavour of the other foods/liquids in a mixture

**סְפִיחִים** - Produce which grows from seeds which were dropped the previous year

**פְּרוֹזְבוּל** - A document which is signed by judges and witnesses and in which one gives over the right of his loans to בֵּית דִּין and they are therefore not cancelled

**שְׂטֵר חוּב** - Loan document

**נְכָסִים מְשֻׁעָבְדִים** - Property sold by the borrower during the period of the loan which the lender may collect as payment if the borrower can't pay back the loan

## Summaries

### שְׁבִיעִית

- 'תוספת שְׁבִיעִית' – the period before שְׁמִיטָה when some of the שְׁמִיטָה restrictions apply:

- **ר' ישמעאל**: It is **forbidden to plough** (law which has been passed down since מֹשֶׁה) (רַבִּינוּ) that it's **forbidden to plough** in a field for **30 days** before שְׁמִיטָה.

**ר' עקיבא**: This isn't **forbidden to plough**, rather it's **learnt from the תורה** which says "you shall rest from ploughing and harvesting", which can't be talking about שְׁבִיעִית since it wouldn't single out just 2 of the 39 prohibited forms of work of שְׁבִיעִית, nor can it be talking about שְׁמִיטָה, since the תורה elsewhere forbids harvesting then. Rather, the ploughing is referring to **תוספת שְׁבִיעִית** and the "harvesting" is referring to doing so the year following שְׁמִיטָה to produce which was grown illegally during שְׁמִיטָה.

→ **ר' ישמעאל**: That **פסוק** teaches that harvesting wheat for the **עונת** is allowed on שְׁבִיעִית.

→ **בית שמאי**: **מדרבנן**, it's **forbidden to plough** in a tree field in the 6th year **once it no longer benefits the 6th year produce** by causing the rain to descend deeper into the ground- and this time is slightly different each year.

**בית הלל**: The time is **שְׁבִיעִית** every year.

- Even before this time, one may only plough the entire field if there are at least **3 trees per בית סאה** which are each the *size* of a tree which can produce fruit weighing **60 Italian מנה** in total; otherwise, only the area around each tree which is taken up by the one who gathers the fruit and his basket (**2 אמות**) may be ploughed.

- o This is true even if the 3 trees are **owned by different people**.

- o There must be a distance of at least **4 אמות** in between each tree, since otherwise they are bound to be uprooted and replanted elsewhere.

- o If there are at least **10 trees per בית סאה**, the entire field **may be ploughed even if they are smaller** than this.

→ If there are **10 נטיעות (young trees) spread throughout a בית סאה**, it **may all be ploughed until the beginning of שְׁמִיטָה**, since they need more water.

- **חכמים**: **Gourd plants** also require lots of water, so up to **4 of the 10** may be gourd plants instead of trees.

**רבן שמעון בן גמליאל**: Even if **all 10** are gourd plants, the field **may be ploughed until the beginning of שְׁמִיטָה**.

- **ר' אלעזר בן עזריה**: A tree is considered a **נטיעה** until it becomes 'חולין' – regular produce which may be eaten by anybody – in its **4th or 5th year**.

**ר' יהושע**: An **olive tree** is young until **7 years**; a **fig tree** until **6 years**; a **vine** until **5 years**.

**ר' עקיבא**: A tree is a **נטיעה** for **as long as people refer to it as such**.

- If a tree is chopped and **branches grow from its stump**, the **branches are considered a נטיעה** if the stump is cut to be less than **1 טפח** high.

## Summaries

### שְׁבִיעִית

- It's **אָסוּר מְדַרְבְּנָן** to **plough** in a **non-tree field** once it no longer benefits the 6th year's produce, which is once the moisture in the upper part of the ground dries up.  
**ר' שמעון**: To avoid people ploughing past this time and claiming that the moisture in their field hasn't dried, it's forbidden for everybody **פְּסוּח**.
- In general, a **form of work which is forbidden מְדַרְבְּנָן** during **שְׁמִיטָה** is **permitted during the entire 6th year** unless it improves the actual tree/ground, for example to:
  - **fertilise**;
  - **remove 'warts'** (bumps on a trunk of a tree);
  - **remove extra leaves** to give the remaining ones enough nutrients and room to grow;  
 → **ר' שמעון**: One **may do so even during שְׁמִיטָה** itself, since it prevents harm as opposed to improving the tree's growth.
  - **cover roots** with dust;
  - **apply smoke** to a trunk to kill insects;
  - **remove stones**;
  - **cut branches** of a tree other than a vine (which is **מְדַרְבְּנָן**), as well as **remove the decay** from a tree;  
 → **ר' יהושע**: One **may do so even during שְׁמִיטָה** itself if it is to protect the 6th year's trees.  
**ר' שמעון**: This is **forbidden already from שְׁבוּעוֹת** of the 6th year, since they improve the tree.
  - **add dung to a peeling tree trunk** to prevent it from dying (which is **מְדַרְבְּנָן** during **שְׁמִיטָה** since sometimes dung was added to *improve* the tree);
  - **wrap a cloth** around it;
  - **add ash** to the bottom of the tree;
  - **make fences** around trees;
  - **water** a tree which can survive without it;  
 → **ר' אלעזר בר צדוק**: One **may do so even during שְׁמִיטָה** itself if he does it in an unusual manner, e.g. if he pours it over the branches.
  - **smear a pin with oil** and **pierce it into figs** so that they ripen faster.  
 → This is **forbidden if they'll only ripen after שְׁמִיטָה** begins, since it's like preparing for the **שְׁמִיטָה** year.  
**ר' יהודה**: In a **location where piercing figs is uncommon**, it's **permitted until the beginning of שְׁמִיטָה**, since it doesn't appear like a form of work.  
**חכמים**: It's **forbidden** to work on a **tree** on which figs grow and were **pierced during שְׁמִיטָה**, even after **שְׁמִיטָה**.  
**ר' שמעון**: It's only forbidden to work on **those figs** themselves.
- **Ploughing in an unusual manner** in a field which doesn't need it is **forbidden even before שְׁמִיטָה**, since it's very similar to regular ploughing which is **מְדַרְבְּנָן**.

## Summaries

### שְׁבִיעִית

- **חֲכָמִים**: One may not plant, bend the tip of a branch into the ground (and later bring it back up at a different spot in the field), or graft 2 branches together **within 30 days of תוספת שְׁבִיעִית**, since they only fully take root/fuse together after 30 days.
- **ר' יְהוּדָה**: One may not do so **within 3 days**, since they begin to take root/fuse after 3 days.
- **ר' יוסי + ר' שמעון**: One may not do so **within 2 weeks**, since they reach a significant stage of taking root/fusing together after 2 weeks.

#### Produce which grows both before and during שְׁמִיטָה:

- The critical stage which determines which year produce grew in is different for each type of produce, and for **rice and other produce which ripens and is gathered in at different times** across the field, the **critical stage is when they take root**, since that occurs at roughly the same time across the whole field.
  - This has ramifications for whether produce must be treated with the **sanctity of שְׁמִיטָה**, and which **tithes** must be separated.
  - **ר' שמעון שזורי**: If **Egyptian beans** are planted to produce seeds and are therefore not gathered in at the same time, their **critical stage is taking root**.
  - **ר' שמעון**: The critical stage for **אֶפְרוֹנִין הַגְּמְלוֹנִים** – a type of bean – is **the same**.
  - **ר' אלעזר**: Their critical stage is **when pods grow around them**.
- The critical stage for **vegetables which are treated regularly** is when they are gathered in from the field, but if they **aren't watered** for the last **30 days** of the year, they no longer have the critical stage of vegetables so are considered that year's produce even if they are gathered in after **ראש השנה**.
  - **ר' מאיר**: If they grow in a **'בַּעַל-field'** – one which is watered very infrequently, they lose the critical stage of vegetables, if **2 consecutive times** when it would usually be watered are missed out.
  - **חֲכָמִים**: **3 consecutive times**.
- If one **leaves gourds in the ground to produce seeds** and they dry out **and become inedible** before שְׁמִיטָה, they are **considered 6th year produce** even if they aren't gathered before שְׁמִיטָה, so they may be kept in the ground. However, if they are **still edible** then they **may not be kept in the ground**, since פירות שְׁבִיעִית (שְׁמִיטָה produce) is only "לְאֲכֹלָה" – for eating.
  - The **leaves which remain edible** are considered שְׁבִיעִית פירות even if the main plant isn't.
- **ר' שמעון**: One **may sprinkle some water** even on **ground in between trees**, so that it doesn't harden and end up harming the trees.
- **ר' אליעזר בן יעקב**: This is **forbidden**, since this is unlikely to harm the trees.
- **ר' שמעון**: One **may flood a rice field** during שְׁמִיטָה if it took root beforehand, since this is necessary for it to grow, but he may not cut its leaves since this is unnecessary.

## Summaries

### שְׁבִיעִית

- **Forms of work which are forbidden during שְׁבִיעִית:**

- **חֲכָמִים**: One may only **pile up his animals' dung** (which is used as fertiliser to aid the growth of his plants) in his field after the season for fertilising is over **and** if each pile is at least the size of **10 containers of 15 סָאָה** of dung and there are no more than **3 piles**, so that it's clear that he isn't fertilising the field.
  - **ר' שמעון**: One may have **as many piles as he wishes**, and they only need to be at least the size of **3 containers** of dung.
    - **חֲכָמִים**: He **must raise or lower the piles from the ground by 3 טַפָּחִים** to have **more than 3 piles**.
    - **ר' מאיר**: He must do so to have piles **larger than the size of 30 containers**.
    - **חֲכָמִים**: If one only has a bit of dung, he **may pile it up and continuously add to it**.
    - **ר' אלעזר בן עזריה**: This is **forbidden** unless he raises or lowers it from the ground by **3 טַפָּחִים**, since the pile might not become large enough.
    - **חֲכָמִים**: One **may fence his animals** into an area of **2 סָאָה בֵּית** in his field and may change the location of the **2 סָאָה בֵּית** **once**, resulting in **4 סָאָה בֵּית** being full of dung, and then he must then pile it up.
    - **ר' שמעון**: He may change the location **4 times**, resulting in **8 סָאָה בֵּית** in total.
- It's **אָסוּר מְדַרְבָּנָן** to **dig around a rock to remove it from the ground**, since it looks like he's preparing to plant the ground.
  - If there are **at least 27 stones which are 1 cubic אַמָּה each** and aren't strongly attached to or inside the ground, it's **permitted to remove them**, since it's apparent that he's removing them to use for building.
  - If a **10 טַפָּחִים high stone wall contains at least 10 stones which require 2 people to carry each one**, then one **may take all of the wall's stones** since one would only take apart such a wall for the sake of using the stones.
    - If they are **smaller**, one **must leave the bottom טַפָּח** of the wall to show that he isn't planting that area.
    - If there are at least **2 stones** of this size which are **attached loosely** to the ground, they **may be removed** since if he was removing them to plant there, he would do so when ploughing.
    - If there are stones which are **lying above the ground**, they may be taken as long as the **bottom ones are left on the ground** so that it can't be planted.
      - If there is **stone ground or straw underneath the stones**, he **may remove all of the stones** since that area cannot be planted.
  - One **may remove any stones** from **somebody else's field** and from his own field if he **began to remove them before שְׁבִיעִית** began.
  - If one is **building a stone wall** in his field, he **may only use stones within his hand's reach** so that people see what he's using the stones for.
  - **אֲבָנֵי קֶתֶף** – **large stones** carried on the shoulder which are most commonly used for building – **may be removed** from one's field in the regular way.

## Summaries

## שְׁבִיעִית

- **ר' מאיר**: These are stones which one **isn't able to carry with 1 hand**.
- **ר' יוסי**: These are stones whose size allows for **2 or 3 of them to be carried at one time** on one's shoulders.
  - A **professional builder may transport stones** in the regular way, since it's clear that he wants them for building purposes.
- It's **forbidden to build stairs in a valley** which stores water used to water fields, **after the rainy season of the 6th year**, since he appears to be preparing for planting in **שְׁמִיטָה**; but it's **permitted after the rainy season of the שְׁמִיטָה year**, since it's preparing for the following year.
  - One **may also not build a dam** in the valley and cement it after the rainy season of the 6th year.
- Although it's **forbidden to build a fence** in one's field for fear that after digging the foundation he might decide to actually plant that area, it's **permitted** at the edge of his field **bordering a public area**, since it's uncommon to plant there.
  - **ר' יהושע**: Instead of spreading the soft soil which he digs up into his field, he should **first pile it up in the public area** and then move it into his field, so that it appears as though he's just removing something from a public area and not that he is preparing his field to be planted.
  - ר' עקיבא**: It's forbidden to put a big obstacle in a public area even temporarily, so he should **pile it up in his own field** in the same way that one who fertilises his field during **שְׁמִיטָה** must.

## Summaries

## שְׁבִיעִית

- Originally, it was **permitted to gather large sticks and grass** from one's field, as it appears that he wants them for firewood or to feed to his animals; however, later it became **forbidden** since people gathered all sticks and grass and claimed that they were large.
  - It's **permitted** to gather large ones **from somebody else's field**, as long as they don't receive anything in return, since that would encourage them to gather all of them.
- If one **removes detached thorns** from his field during שְׁמִיטָה, he **may still plant that field the following year**, since subsequent activities are done before it's planted.
- When the government required an annual tax of crop so the חֻקֵּי הַמֶּלֶךְ allowed one to plough his field once so that they could give the tax, if somebody **ploughed his field a second time**, he **may not plant it the following year**; a field which is fertilised by his animals may also not be planted the following year, since these 2 forms of work facilitate the actual growing of produce.
- **בֵּית שְׁמַאי**: One **may not eat produce which grows as a result of ploughing**, since the תּוֹרָה says that only produce from "ground which rested will be for you to eat".  
**בֵּית הַלֵּל**: It's **permitted**, but not for the one who planted it since he may not benefit from his sin.
- **בֵּית שְׁמַאי**: One **may not express gratitude** to the owner of a field from which he takes produce, since it appears like the owner didn't open up his field for everyone as required.  
**בֵּית הַלֵּל**: It's **permitted**.
  - **בֵּית הַלֵּל** and **בֵּית שְׁמַאי ר' יְהוּדָה**'s opinions are the opposite, which means that **בֵּית הַלֵּל** is unusually more lenient than **בֵּית שְׁמַאי**.
- One may arrange with a non-Jew that he will **rent the non-Jew's ploughed field** at the end of שְׁמִיטָה, since the non-Jew's ploughing during שְׁמִיטָה is for his own sake – in order to get a higher rental price.
  - One **may not** make this arrangement **with another Jew**, since he'd be causing and benefitting from a sin.
  - One **may encourage non-Jews** whilst they work their fields during שְׁמִיטָה, but not Jews who are doing so, and one may always **ask of non-Jews' welfare**.
- **בֵּית שְׁמַאי**: If **trees are planted too close to each other** such that each tree isn't receiving enough nourishment, one may chop some down but **must leave their stumps**.  
**בֵּית הַלֵּל**: He **may uproot it**, since it's just preventing harm and people won't think that he's digging up the tree to plant there.
  - If he uproots **3 or more**, he **must leave the stumps**; if it's **in somebody else's field** then he **may uproot them** fully.
- One **may not cover** the part of a tree which was chopped with **earth**, since it improves the tree's growth, but one **may cover** it with **stones/straw**, since it prevents damage (drying out).

## Summaries

## שְׁבִיעִית

- **ר' יהודה**: One **may not chop** a 3-10 **טפחים** high **sycamore tree** for the first time during **שְׁמִיטָה**, since this improves its growth.  
**חֲכָמִים**: It's **forbidden whatever its height**, since it appears like he's sinning even at a different height.
- **ר' יוסי הגלילי**: One who **cuts the tips of branches for firewood** must cut them **1 טפח** away from the regular position of cutting, to show that he isn't doing so for its growth.  
**ר' עקיבא**: He **may cut them in the regular manner**.
- One **may loosely tie** part of a **tree which is cracked** to prevent the crack from expanding, but not tightly to get rid of the crack.
- **'פירות שְׁבִיעִית' - produce:**
  - The **תורה** states that **פירות שְׁבִיעִית** are "**לֹאֲכֹלָהּ**" – for eating, implying that they may not be wasted, and this includes **eating them whilst they are unripe**.  
 → **Figs, grapes and olives** are often consumed in the field once they've reached a half-ripe stage, so that would not be considered wasting **פירות שְׁבִיעִית** if eaten in the field.
    - Even these species only **become obligated in the tithes** of the other years of the **שְׁמִיטָה** cycle once they are fully ripe and are eaten even in the house.
  - **בית שמאי**: From when **fruit have emerged** on a tree until they have fully ripened, it's **forbidden to cut the tree down** even if its main use is for firewood such that the general prohibition against cutting down fruit trees wouldn't apply, since this is killing **פירות שְׁבִיעִית**.  
**בית הלל**: For carobs, it's forbidden from when they become heavy and **droop downwards**; for grapes from when they **produce seeds**; and for olives from when they **produce blossom**.  
 → **חֲכָמִים**: One **may cut down** the tree if it's so **old** that it no longer produces a **קב** of fruit, and for an olive tree  $\frac{1}{4}$  **קב**, because of their significance and value.  
**רבן שמעון בן גמליאל**: The amount depends on how much it used to produce.

## Summaries

## שְׁבִיעִית

## Specific species which have unique laws:

- **White figs** take 3 years from when the bud forms until they ripen fully, so those harvested in the 2nd year of the שְׁמִיטָה cycle have the sanctity of שְׁבִיעִית.
  - **ר' יהודה**: Figs which take 2 years to ripen have the sanctity of שְׁבִיעִית in the 1st year of the שְׁמִיטָה cycle.
- **ר' מאיר**: One may only bury **לוף** (a type of onion) in the ground to store it: he buries at least **12 קב** of them piled up to a height of **3 טפחים**; he adds **1 טפח** of **earth on top** of them, so that it's clear that they aren't being planted; they are buried **in a place where people walk**, so that no shoots sprout from there, making them appear to be planted.
  - חכמים**: There only needs to be **4 קב** which pile up to a height of **1 טפח**.
- **ר' אליעזר**: If **לוף** **grows during שְׁמִיטָה and continues growing** in the following year, then he **must give poor people the proportion of leaves that grew after 'ביעור'** – the point during שְׁמִיטָה when a particular species is no longer available for animals in the fields and one must remove all of that species from his house – since after **ביעור** only poor people may eat the produce so it's like they own it.
  - ר' יהושע**: He **may keep it all**, since after **ביעור** even wealthy people, including himself, may eat the produce.
- **בית שמאי**: **לוף** and other plants which complete their growth in the 6th year and are left in the ground for a long time before being uprooted are considered 6th year produce, but one may only dig them up using **wooden spades**, so that it doesn't appear like digging in order to plant.
  - בית הלל**: **Regular metal tools** may be used, as long as he digs in a slightly unusual way.
    - If it's **growing among rocks**, then **regular tools** may be used since most of that area cannot be planted.
    - **ר' יהודה**: One may buy **לוף** which has been stored in the ground **from the beginning of the year** following שְׁמִיטָה, since **לוף** may only be dug up during שְׁמִיטָה in an unusual and difficult way, so nobody would do so just in order to store it, which means that one can assume that the **לוף** was uprooted before שְׁמִיטָה.
    - חכמים**: If the seller is not known as one who observes the laws of שְׁמִיטָה, one may only buy **לוף** from him once the amount of **that year's produce in the markets is more than the amount of שְׁמִיטָה produce**.
- **Assisting somebody sinning:**
  - During שְׁמִיטָה, one **may not sell** somebody who isn't known as a שְׁמִיטָה observer, tools which can only be used to do an activity which is forbidden during שְׁמִיטָה, but if it has even a **secondary use which is permissible**, he **may sell** it to him.
    - **בית שמאי**: One **may not sell** a **cow designated for ploughing**, since it's expensive so unlikely to be slaughtered rather than worked.

## Summaries

## שְׁבִיעִית

**בֵּית הַלֵּל**: It's **permitted**, since it's possible to slaughter it.

- One **may not sell** more than 5 jugs for oil and 15 jugs for wine to somebody who hasn't yet collected olives/grapes, since that's the estimated amount that one is able to collect from fields which are opened for everybody, and he'd be encouraging/assisting him to obtain olives/grapes from a non-שְׁמִיטָה observing field which has more available.
  - One **may sell** more jugs to a **non-Jew** or to a **Jew living outside of אֶרֶץ יִשְׂרָאֵל**, and we aren't concerned that he'll sell them to a Jew in **אֶרֶץ יִשְׂרָאֵל**.
- To promote peace, a woman **may lend** a sieve to a woman who is an 'עַם הָאָרֶץ' – ignorant person who is assumed not to separate tithes and to be טְמֵא – and even help her to sieve, since most עַמֵּי הָאָרֶץ still do separate tithes; but once water is added and it becomes obligated in 'חֻלָּה' – a portion of one's dough which goes to a כֹּהֵן – she **may not assist** her, since one may not allow חֻלָּה to become טְמֵא.

## Summaries

### שְׁבִיעִית

#### • Locations where שְׁמִיטָה applies:

- The land which was **reconquered by עֲזָרָא** when he returned to אֶרֶץ יִשְׂרָאֵל to rebuild the **בֵּית הַמִּקְדָּשׁ** is **obligated** in שְׁמִיטָה according to the **תּוֹרָה**.
  - That which was only **conquered by יְהוֹשֻׁעַ** **may not be worked מְדַרְבָּנָן**, since it was once part of אֶרֶץ יִשְׂרָאֵל, but **בִּיעוּר** doesn't apply there.
- One **may not work** on produce attached to the ground in 'סוּרְיָא' – the lands conquered by **דָּוִד הַמֶּלֶךְ** before he conquered the entire land of אֶרֶץ יִשְׂרָאֵל itself – so that people aren't encouraged to relocate from אֶרֶץ יִשְׂרָאֵל to there.
  - **ר' עקיבא**: Generally, anything **אֶרֶץ יִשְׂרָאֵל** in אֶסוּר מְדַרְבָּנָן is **permitted in סוּרְיָא**.
- Onions which are left in the ground from the 6th year into שְׁמִיטָה are considered שְׁמִיטָה produce if their **leaves are blackened**.
  - ר' חנינא בן אנטיגנוס**: If one is **able to lift up the onions by the leaves**, this is also a sign that the leaves grew whilst the onions were still attached to the ground so they're **considered שְׁמִיטָה produce**.
  - **ר' חנינא בן אנטיגנוס**: If they **grow more in the year following שְׁמִיטָה**, they **cease to be שְׁמִיטָה produce**.
- **חֲכָמִים**: One **may buy vegetables in the year following שְׁמִיטָה** from somebody who isn't known to observe the שְׁמִיטָה laws from the time that the amount of that year's produce being sold in even one market is as much as the amount of שְׁמִיטָה produce being sold.
  - רבי**: It's permitted **from the beginning of the year**, since most of the vegetables sold right after שְׁמִיטָה are imported from outside of אֶרֶץ יִשְׂרָאֵל so not restricted by שְׁמִיטָה.
- One **may not take שְׁמִיטָה produce outside of אֶרֶץ יִשְׂרָאֵל**, since the **תּוֹרָה** says that at the time of **בִּיעוּר** the שְׁמִיטָה produce must be in אֶרֶץ יִשְׂרָאֵל.
  - One may also not take out 'שָׁמֶן שְׂרָפָה' – **שֶׁמֶן תְּרוּמָה** oil which becomes **טָמֵא** so must be burnt – since just like invalid **קִרְבָּנוֹת** must be burnt within the area that they are eaten (יְרוּשָׁלַיִם), so too **תְּרוּמָה** which is **טָמֵא** **must be burnt in אֶרֶץ יִשְׂרָאֵל**, since it may not be eaten outside of אֶרֶץ יִשְׂרָאֵל as other lands are **מְדַרְבָּנָן** טָמֵא.
  - ר' שמעון**: One **may take שְׁמִיטָה produce to סוּרְיָא**, since it's considered to be the same as אֶרֶץ יִשְׂרָאֵל in this regard, and שָׁמֶן שְׂרָפָה since the airspace of סוּרְיָא is **טָהוֹר** so one is able to eat **תְּרוּמָה** there.
- One **may not bring תְּרוּמָה from the lands surrounding אֶרֶץ יִשְׂרָאֵל** which are obligated in **תְּרוּמָה** into אֶרֶץ יִשְׂרָאֵל, so as not to encourage **כַּהֲנִיִּם** to leave אֶרֶץ יִשְׂרָאֵל to fetch more, which is forbidden since those lands are **טָמֵא**.
  - ר' שמעון**: It's **permitted from סוּרְיָא**, since it's possible for the **כַּהֵן** to enter without becoming **טָמֵא**.

## Summaries

### שְׁבִיעִית

- What things have 'קְדוּשַׁת פִּירוֹת שְׁבִיעִית' - sanctity of שְׁמִיטָה produce:
  - The תּוֹרָה says that שְׁמִיטָה produce is "לְאֵכֶלָה" - "for eating", so any **produce which is consumed in a similar way to eating**, i.e. that the gain comes at the same time as it is consumed, **gains קְדוּשַׁת פִּירוֹת שְׁבִיעִית**.
    - This includes (1) **human food**, (2) **animal food** and (3) plants used for **dying**.
    - Money used to buy שְׁמִיטָה produce **gains קְדוּשַׁת פִּירוֹת שְׁבִיעִית** too.
  - **ביעור** **doesn't apply** to **plants which don't disintegrate if left in the ground**, since there will always be some available for animals in the field.
    - **ר' מאיר**: Money used to buy this type of שְׁמִיטָה produce **must be gotten rid of** by the end of שְׁמִיטָה, so that it doesn't get mixed up with non-שְׁמִיטָה money.
    - If the **leaves of such a plant fall off** and do disintegrate, then **ביעור** **does apply** to the leaves if they're edible.
  - One **may not do business** with:
    - produce which has **קְדוּשַׁת פִּירוֹת שְׁבִיעִית**;
      - If somebody collects produce from a field, his **son may sell it on**.
    - **first-born animals** which have blemishes so may be eaten even by non-כֹּהֲנִים, in case the כֹּהֵן waits for the market price to rise before selling them and thereby comes to work or shear them, which is forbidden;
      - If he buys a firstborn for his own feast and then **decides that he doesn't need it** anymore, he **may sell it on**, since this isn't business-like.
    - **תְּרוּמָה** (produce which goes to a כֹּהֵן and only he may eat)
    - **Animals which may not be eaten**, such as a 'נְבִילָה' - animal which dies without valid שְׁחִיטָה, a 'טְרֵפָה' - animal with an internal wound, and small insects.
      - **תַּנָּא קַמָּא**: A **hunter** who happens to **capture some non-kosher animals** too **may sell** them, since they need to pay a high tax to the government.
      - ר' יהודה**: **Anybody** who finds a non-kosher animal may sell it, as long as he doesn't do this frequently.
      - חֲכָמִים**: Only a **hunter** may do so, but he **may even deliberately look** for non-kosher animals to capture and sell.
  - **חֲכָמִים**: The **liquid which oozes out of the trunk** and branches of a tree **has קְדוּשַׁת פִּירוֹת שְׁבִיעִית**.
    - ר' שמעון**: It **doesn't**, since it has the same status as the wood which it comes from, and the gain from wood comes only once it has been consumed and turned into coals, so it is dissimilar to eating.
  - If a **rose which grew during שְׁמִיטָה is placed in non-שְׁמִיטָה oil** for over a day and makes up 1/60 of the mixture and isn't removed before the time of **ביעור**, then **even the oil is obligated in ביעור**, since the rose is 'נֹתֵן טַעַם' - gives off its taste/flavour.
    - If any amount of שְׁמִיטָה oil is **mixed with non-שְׁמִיטָה oil**, it's **all obligated in ביעור**.

## Summaries

## שְׁבִיעִית

## • What פירות שְׁבִיעִית may be used for:

- Produce which is **designated for human food** may not be used for healing humans or animals, but if it's **designated for animal food** then one may use it for healing humans, since the תורה says "לְכֶם לְאֹכְלָהּ", meaning only that which is designated for you to eat must be eaten.
  - If somebody harvests produce which isn't designated for a specific use with the intention to use it for both human and animal food, the stringencies of both apply, so it may not be used for healing and it may not be cooked; if he harvests it with the intention to use it as wood, then שְׁמִיטָה doesn't apply to it.
- **Drinking** is considered like **eating**, and it's learnt from the תורה that **rubbing oil on one's body** is like drinking it. Therefore, these 3 things may be done with שְׁמִיטָה produce, as long as they are done in the regular manner, e.g. if something is usually eaten cooked then it may not be eaten raw, and wine may not be rubbed on one's body.
  - These 3 uses are what may be done with תְּרוּמָה and נֶעְשֶׂר שְׁנִי (1/10 of one's produce which he must consume in יְרוּשָׁלַיִם) too.
    - An extra word which the תורה uses when talking about פירות שְׁבִיעִית teaches that שְׁמִיטָה oil may be used for lighting, which is similar to eating in that the gain occurs at the same time as it's used up.
- It's **forbidden to sell** פירות שְׁבִיעִית in a way that is regular for sales, even if it's not regular for that particular produce, e.g. selling vegetables by weight.
  - בֵּית שְׁמַאי**: One may not even sell produce in bundles.
  - בֵּית הַלֵּל**: One may bundle up produce in an unprofessional way if that's normal for that produce.
- If somebody **pays his worker to gather שְׁמִיטָה produce** for him, the **money doesn't gain** קְדוּשַׁת פְּרִוֹת שְׁבִיעִית since he's not paying him for the produce but for the job.
  - This is not the case if he tells him to gather it "for the money".
- It's **permitted** to **take a loaf of bread from a baker and tell him that he'll bring him שְׁמִיטָה vegetables**, since vegetables are so widely available that it's not considered payment, and since he didn't say that it would be payment.
  - If he **took the loaf without saying anything**, it's assumed that he'll pay for it later and the loaf is a loan until then, so it's **forbidden** to give him פְּרִוֹת שְׁבִיעִית for it since to pay off a debt comes under the category of business.
- One may not **exchange** פְּרִוֹת שְׁבִיעִית, or money which was exchanged with פְּרִוֹת שְׁבִיעִית, for **services which aren't for eating or drinking purposes**, e.g. a barber, unless he gives it to the worker as a 'gift'.
- One may not **harvest and process פְּרִוֹת שְׁבִיעִית in the regular way**, e.g. he may not **cut a fig off a tree** using a knife designated for that; he may not **crush grapes/olives** in a regular wine/olive-press.
  - ר' שְׁמַעוֹן**: He may initially crush the olives in a regular olive-press, and then complete the process in a smaller one.

## Summaries

## שְׁבִיעִית

- חֲכָמִים**: One **may not cook a שְׁמִיטָה vegetable in תְּרוּמָה oil**, since if the oil becomes טָמֵא then the vegetable would need to be burnt with it, which is wasting פִּירוֹת שְׁבִיעִית.

**ר' שמעון**: It's **permitted**, since it won't necessarily become טָמֵא and it's only forbidden to waste פִּירוֹת שְׁבִיעִית directly.
- If פִּירוֹת שְׁבִיעִית are **exchanged for something else** and that in turn is exchanged for something else multiple times, then the **last thing** which is exchanged and **the produce** itself have שְׁמִיטָה sanctity.
- חֲכָמִים**: Money exchanged for פִּירוֹת שְׁבִיעִית **may only be used to buy food**, and if one **buys other things** then he **must buy that amount of other food and treat it with קְדוּשַׁת פִּירוֹת שְׁבִיעִית**.

  - The same applies to **buying קְרִבְנוֹת with the money**, since they must be bought with one's own unholy money.
  - **חֲכָמִים**: One **may not heat up the water in a bathhouse** by burning שְׁמִיטָה straw, since the benefit gained from bathing in the bathhouse occurs after the שְׁמִיטָה produce is used up, so it's not like eating. However, if one did do so, he is still **permitted to bathe in it** as long as he buys other food in its place and treats it with שְׁמִיטָה sanctity.
    - A **well-respected person shouldn't bathe** in it, since it will cause others to be even more lenient.

**ר' אליעזר**: If one buys other things, they **must be burnt**.

  - When **ר' עקיבא** was told of **ר' אליעזר**'s opinion, he said that in reality **ר' אליעזר** was far more lenient.
    - So too, **ר' עקיבא** was told of **ר' אליעזר**'s opinion that one who **eats bread baked by a 'כּוֹתִי'** – somebody from a certain nation whose conversion to become Jewish was uncertain – it's **as if he's eaten pork**, in order to distance them from the Jews. **ר' עקיבא** said that in reality **ר' אליעזר** was far more lenient.

## Summaries

## שְׁבִיעִית

- One **may not give** שְׁבִיעִית פִּירוֹת to an 'עֵם הָאָרֶץ' – one who is ignorant of many laws – since he might not observe the restrictions of שְׁבִיעִית פִּירוֹת; one **may also not buy** שְׁבִיעִית פִּירוֹת from him, in case he didn't open up his field for everybody.
  - One **may buy wild produce** which isn't generally looked after from him, since the owner **disregards** them so would allow people to take them from his field.
    - These are also considered הֶפְקֵר – ownerless, so they are **exempt from tithes**, which mean that one may buy/sell them from/to an עֵם הָאָרֶץ.
    - **ר' שמעון**: 'ר' סְפִיחִים' – produce which grows from seeds which were dropped the previous year – are also **disregarded** by the owner so are included, except for **קָבֵבִיט** סְפִיחִים.
    - ר' יהודה**: This is only true of **mustard** סְפִיחִים.
    - ר' יוסי**: סְפִיחִים **aren't** disregarded.
- 'בִּיעוֹר' – The obligation to remove שְׁבִיעִית פִּירוֹת from one's house once that type of produce is no longer available for animals in that area:
  - **ר' חזקוני**: אֶרֶץ יִשְׂרָאֵל is split into 3 different areas, and animals don't roam for food in a different area, so once a particular type of produce is no longer available for animals in one area, then everybody in that area **must remove** that produce from their house.
    - ר' שמעון**: אֶרֶץ יִשְׂרָאֵל is considered like **one area**, so one may eat produce anywhere in the country until it is no longer available in הַר הַכּוֹלֵד – the mountain upon which produce remained for the longest. However, the **area of יהודה** is split into 3 different areas.
      - The entire אֶרֶץ יִשְׂרָאֵל is considered **one area** for **olives** and **dates**, since animals roam around the whole country for these.
  - **ר' חזקוני**: If a particular type of produce only remains in an **inhabited area**, that **doesn't withhold** בִּיעוֹר since animals rarely approach these areas.
    - ר' יוסי**: This does **withhold** בִּיעוֹר so that produce doesn't yet need to be removed from one's house, since it's still possible for animals to approach there; however, produce in a **field which was illegally closed off** during שְׁמִיטָה **doesn't withhold** בִּיעוֹר since animals are prevented from entering.
      - According to **ר' יוסי**, produce in a **bird's nest** which is in the wall of a house **withholds** בִּיעוֹר.
  - If a **tree is harvested twice in one year**, one **may continue eating** from the first crop as long as the second crop is still available.
  - **ר' חזקוני**: שְׁמִיטָה **grapes which are only picked in the winter** following שְׁמִיטָה **don't withhold** בִּיעוֹר, since don't appear to be שְׁמִיטָה produce.
    - ר' יהודה**: They **do**, since they are שְׁמִיטָה produce if they begin ripening during שְׁמִיטָה.
  - **ר' אליעזר**: If one **pickles 3 different vegetables together** such that each one absorbs the others' taste, they must all be removed from the house as soon as the time of בִּיעוֹר is reached for **one of them**, since each one contains that one's taste.

## Summaries

### שְׁבִיעִית

**ר' יהושע**: They only need to be removed once the times of **ביעור** are reached for all of them, since it's learnt from the **תורה** that as long as part of something doesn't need to be removed, all of it may be eaten.

**רבן גמליאל**: Each vegetable still has its own time of **ביעור**, since the absorption of the taste doesn't affect **ביעור** since it isn't tangible.

**ר' שמעון**: All vegetables are considered one produce with regards to **ביעור**.

→ The הלכה follows **רבן גמליאל**.

- 1) **רגילה** (a moist plant which lasts for a long time and grows in hidden places so its exact **ביעור** time is unknown) may be eaten for as long as artichokes may be eaten.
- 2) The **ביעור** time for grass is unknown, so **edible grass** must be removed once it has dried, and **dry grass** fit for animal consumption must be removed once the **2nd rain** has come.
- 3) The **ביעור** time for **leaves of grapevines** is **once they've dried**, and for dry ones once the **2nd rain** has come, since different animals eat different types so they have a different **ביעור**.
  - **ר' עקיבא**: The **ביעור** time for all grass and leaves of a grapevines is once the **2nd rain** has come.
    - 1) One who **rents a house** "until the rains" has it until the 2nd rain.
    - 2) One who **makes a vow** not to benefit from somebody else "until the rains" may not benefit from him until the 2nd rain.
    - 3) Poor people, and people gathering food during **שמיטה**, may not **enter fields** after the 2nd rain, since they will damage the plants which have just begun to sprout.
    - 4) One may **use שמיטה straw for any purpose** after the 2nd rain, since it becomes unfit even for animal consumption so loses its **שביעית פירות**.
- **ר' יהודה**: After the owner has removed his produce and declared it ownerless, **only poor people may eat it**, since the **תורה** says that "the poor ones of your nation shall eat".
- **ר' יוסי**: **Even wealthy people may** do so, since the **תורה** also says that it will be "for you to eat", implying everybody.
- **ר' אליעזר**: According to **בית שמאי** that one may not show gratitude for receiving **פירות שביעית** since they're ownerless, if one **inherits or receives a gift of שביעית פירות** he **must share it** with others too.
  - חכמים**: He **may not keep any of it** for himself.
- Although **שביעית פירות** are ownerless and therefore exempt from tithes, **dough from פירות שביעית is obligated in 'חלה'** – the gift of dough which is given to a **כהן**.

## Summaries

## שְׁבִיעִית

## • 'שְׁמִיטַת כְּסָפִים' - Cancellation of debts:

- At the end of the שְׁמִיטָה year, all **loans are cancelled** (even outside of אֶרֶץ יִשְׂרָאֵל) and the debtor no longer owes money to the lender.
  - This is true even if the loan document stated that the lender would be able to collect the borrower's property if he can't pay back.
  - **חֲכָמִים**: If somebody **buys items from a shopkeeper on credit**, this **isn't considered a loan** so he still owes the money, unless they agreed to turn it into a loan.
    - ר' יְהוּדָה**: If he buys on credit more than once, then **only the most recent purchase is not considered a loan**, since it's inappropriate to buy so much on credit so it's understood that it becomes a loan.
  - **חֲכָמִים**: Wages owed to a worker are not considered a loan.
    - ר' יוֹסִי**: If the **work which he did is something forbidden during שְׁמִיטָה**, then at the beginning of שְׁמִיטָה it becomes a loan so **would be cancelled** at the end of שְׁמִיטָה if still not paid.
- If one **slaughters a cow and gives out the pieces on ראש השנה** of the year following שְׁמִיטָה, the money which they owe to him **isn't cancelled**, since they only owed it to him from after שְׁמִיטָה.
  - If it emerges that **ראש השנה was actually the next day** because the previous month of אָלוּל contained 30 days, the loan occurred before the end of שְׁמִיטָה so **is cancelled**.
- A **fine issued by בֵּית דִּין** **isn't cancelled**, since it's viewed as if it's already been paid.
- If a **lender takes collateral** from the borrower, the loan **isn't cancelled** since he's already got potential payment for the loan.
- If one **gives over his loan documents to בֵּית דִּין** to collect for him, they **aren't cancelled** since the תּוֹרָה implies that only a loan "in your hand" is cancelled.
- הַלֵּל instituted a 'פְּרוֹזְבוּל' – a document which is signed by judges and witnesses and in which one **gives over the rights of his loans to בֵּית דִּין** and they are therefore **not cancelled** – in order that people would be willing to lend money close to the end of שְׁמִיטָה.
  - If the date written on the פְּרוֹזְבוּל is mistakenly an **earlier date**, it is still **valid** since this is to his detriment, as a פְּרוֹזְבוּל only helps for loans written beforehand. If it's mistakenly a **later date**, it's **invalid** since that would include loans which occur after the פְּרוֹזְבוּל is written.
    - A regular 'שֵׁטֶר חוֹב' – **loan document** – whose written date is an **earlier** one is **invalid**, since the lender gains from there being more 'נְכָסִים מְשֻׁעָבָדִים' – property sold by the **borrower** during the period of the loan which the lender may collect as payment if the borrower can't pay back the loan. If it's a **later date**, it's **valid** since it's to his detriment.
  - A פְּרוֹזְבוּל can **include multiple loans** to different people.

## Summaries

## שְׁבִיעִית

- It **only works if the borrower owns land**, so if he has none then the lender should give him a tiny piece of his land.
  - **ר' חֲצִפְתִּית**: If one's **wife owns land**, that's **sufficient**; if **orphans own land**, that's **sufficient** for their guardian to write a **פְּרוּזְבוּל**.
  - **ר' אֶלְיעֶזֶר**: A **beehive** which lies on the ground but isn't connected to the ground still **has the status of land**.
  - **חֲכָמִים**: It **isn't considered land**.
- If a **borrower wishes to repay a loan** after it's been cancelled, the **lender must say that it's cancelled** and he has no right to it, and then he may accept it as a gift, since the **תּוֹרָה** says "this is the word of **שְׁמִיטָה**", implying that as long as he says it's cancelled he may accept it.
  - If somebody kills unintentionally so is **exiled to an עִיר מְקֻלָּט** (refuge city) and **the people of the city wish to honour him**, he **must tell them that he's a murderer** and then he may accept, since the **תּוֹרָה** says "this is the word of the murderer".
  - The **חֲכָמִים** are **pleased** with somebody who **repays a loan after it's cancelled**, since it will make people less reluctant to lend money close to the end of **שְׁמִיטָה**, as they will know that they might still receive their money back.
    - The **חֲכָמִים** are **also pleased** with one who **pays back the children of a convert from whom he borrowed if he dies**, even though they don't Halachically inherit their father.
    - The **חֲכָמִים** are **also pleased** with one who **keeps his word if he agrees to a sale**, even if the sale hasn't yet occurred.

# TIME 4 MISHNA TEST

## מסכת שביעית

1. How long is תוספת שביעית מדאורייתא?
2. מדרבנן, from when during the 6th year may one not plough his tree field?
3. How many trees must there be in a בית סאה for one to be able to plough there *regardless of their size*?
4. Until when, may one perform a form of work which is forbidden מדרבנן during שמיטה, if it doesn't improve the actual ground/tree?
5. What is the critical stage of the growth/processing of vegetables that determines what year they are from?
6. Why may one generally not remove stones from the ground during שמיטה, and what type of stones may be removed?
7. What is forbidden in the last part of the 6th year and permitted in the last part of the שמיטה year itself?
8. In what situation is it forbidden (according to בית שמאי) to express gratitude, and why?
9. What does the תורה say should be the primary use of פירות שביעית, and why is burning שמיטה wood to use as coals not permitted?
10. What is ביעור?
11. Why have white figs which are harvested in the 2nd year of the שמיטה cycle got קדושת פירות שביעית?
12. What is the rule for what one may sell to another Jew during שמיטה if it could be used to violate שמיטה?
13. Into how many areas is ארץ ישראל split?
14. What lands are part of סוריא?
15. List 2 things which may not be taken out of ארץ ישראל and 2 things which may not be brought into ארץ ישראל?
16. What plants don't have ביעור?
17. List 4 things with which one may not do business?
18. In what way may one harvest produce during שמיטה?
19. Define ספיחים.
20. What is a פרזבול?