



Volume 1. Issue 21.

Amirah L'Akum during Shmittah

The *Mishnah* in *Shviit* (3:1) states:

From when can one take out the manure (*zevel*) to the dung-heaps? From the time that the workers have finished working - this is the opinion of *R' Meir*. *R' Yehudah* says when the moisture has dried up. *R' Yosi* says when it has hardened.

The *Mishnah Rishona* comments on this *Mishnah* stating that the language seems to indicate that the prohibition for taking out the *zevel* during *Shmittah* would apply only to a Jew. A Jew however, would be allowed to appoint a non-Jew to be his *shaliach* to take the *zevel* out to the field.

The *Mishnah Rishona's* stance seems very strange. After all, the *Minchat Chinnuch* states that a person is commanded to rest his field during *Shviit*. How so?

There is a *pasuk* in *Vayikra* (25:4) which states: “(in the Seventh year) your field you shall not sow and your vineyard you shall not prune”. From this *pasuk*, we derive that there are certain actions which are prohibited during the seventh year. However, there are two more *p'sukim* outlining the *chiyuv* of the seventh year:

- (1) “A resting year for the land” (*Vayikra* 25:5)
- (2) “And the land shall observe a Shabbat rest for Hashem” (*Vayikra* 25:2)

These two *p'sukim* seem to give the land during the *Shmittah* year, the same law that applies to animals and *keilim* on *Shabbos*¹. Therefore, there are two aspects of the *Shmittah* year, not only against doing any prohibited work on the field during *Shmittah*, but also there is a positive commandment to lie the field fallow (make it 'rest')².

Consequently, how can the *Mishnah Rishona* state that it is permissible for a non-Jew to take out the *zevel* in the

field belonging to the Jew in the *Shmittah* year? Does this not constitute a violation by the Jew of the positive mitzvah of *Shvitat Karkah*?

The *Mishnah Rishona* brings a number of alternative answers to this question. However, all these answers are based on the fact that moving *zevel* to the field is only a problem on *Shviit* due to *Maarit Ayin*. The *Rabbanan* were worried that people would see a person moving *zevel* to their field during *Shviit* which would appear as though the person was fertilizing his field and assume that they could go and work their own land (even though it was the 7th year). Therefore, they decreed that moving this *zevel* to the land would be *assur* during *Shviit*.

Therefore, why is a Jew able to send a non-Jew to do this for him on *Shmittah*? What is the difference between this and the din of *Amirah L'Akum* that applies on *Shabbos*?

The *Mishnah Rishona* explains that this is different because:

- (a) In this case (moving the *zevel*) the three piles of *zevel* are spread out over the field (as the *Mishnah* goes on to explain in *Mishnah 2*), therefore, it is recognizable as rubbish (*zevel*) rather than actual working or using the land. Therefore, it is not a violation of *Shvita*.
- (b) The case of sending an *akum* (non-Jew) to be a *shaliach* for oneself on *Shviit* is not as strict as that of *Shabbos*. On *Shabbos*, we would be worried about someone seeing a non-Jew doing a *Melacha* for us (*Maarit Ayin*) but we are not as worried during *Shmittah*. This is because we are not as *machmir* as to forbid sending a non-Jew to do the work for you, when dealing with a Rabbinic *gezeirah* (as opposed to the *Amirah L'Akum* where the activity performed is biblically prohibited for a Jew).

¹It is forbidden to use the animal of a Jew to do *Melacha* on *Shabbos* (*Shvitat Beheima*). According to *Beit Shammai* this prohibition extends to the *Keilim* of a Jew as well (See *Messechet Shabbos* 18a).

²A further proof to this fact can be found in the *Gemara* (*Avodah Zarah* 15b) where there is a *machloket Beit Hillel* and *Beit Shammai* over whether a person is able to sell their land during (or just before) *Shviit*.

Beit Hillel holds that one is permitted to sell his land provided that it is laid fallow by the buyer. *Beit Shammai* holds that it is forbidden to sell the land in case the buyer will work on the land during *Shviit*. However, according to both these opinions the din of *Shvitat Karkah* (resting of the land) applies.

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Revision Questions

שבועית ב' ט' – ד' ב'

- What is special about the cut off time for onions that don't produce seeds and Egyptian beans? How does the law differ if the products were planted in a field that receive enough rain water? (ב' ט')
- What determines whether pumpkins that are intended to be used for replanting, are *kedushat shvi'it*? (ב' י')
- Explain the debater regarding watering a *sde lavan*. (ב' י')
- From when is one allowed to create compost piles in his field during the *shmittah* year? Why is it prohibited prior to that point in time? (א' ג')
- What is the limit on the size and number of these compost piles? (ב' ג')
- Explain the debate regarding: (ג' ג')
 - The manner in which one can increase the number of piles.
 - Whether one can create on large pile.
 - Whether one can remove their rubbish bit-by-bit.
- Can one station his flock in a field during the *shmittah* considering that it will inadvertently lead to fertilising his field? If so are there limitations placed on the area that can be used? (ד' ג')
- If one requires stones (eg, for building) can he take the stones from his field during the *shmittah* year? (ה' ג')
- In what manner can one remove the stones of a fence from his field: (ו' ג')
 - If the size of the stone requires two people to carry them?
 - If the stones are small?
- Concerning the previous question, does it make a difference if the person removing the stones is not the owner of the field? (ו' ג')
- Can one remove a pile of small stones? (ז' ג')
- During which year is one forbidden from building a staircase by the side of a ravine? (ח' ג')
- Are there any restrictions on the construction in the year that the *mishnah* mentions it is permissible to build the staircase? (ח' ג')
- What is special about *avnei katef*? (ט' ג')
- What are the restrictions placed on one who wishes to build a fence around his property during the *shmittah* year? (י' ג')
- What was the original and developed ruling regarding collecting branches from ones field during the *shmittah* year? (יא' ד')
- It is forbidden for one to prepare the field during the *shmittah* year for the next year. Which of the forbidden activities, if performed, incur a fine prohibiting one to work the field in the following year? (ב' ד')
- There are two other cases where *Beit Hillel* and *Beit Shammai* argue whether a fine is incurred if someone performs a prohibited activity – what are they? (ד' ב')

Local Shiurim

Sunday -Thursday

Between mincha & ma'ariv

Mizrachi Shul

9:50pm (after ma'ariv)

Beit Midrash -

Naftali Herc

Friday & Shabbat

10 minutes before mincha

Mizrachi Shul

Audio Shiurim on-line!

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DAF YOMI SIYUM

The Melbourne community will be celebrating the 11th completion of the entire Talmud learnt as part of the Daf Yomi (7½ year) program.

Sunday 27th February
At 7:00pm
Carlton Crest Hotel

Guest Speaker
Rabbi Noah Aizik Olbaum

For tickets and information:
email@siyum.info
mishnahyomit@hotmail.com

To add another mishnah yomit shiur send an email to: mishnahyomit@hotmail.com

Next Week's Mishnahyot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
27 th Feb. י"ח אדר א'	28 th Feb. י"ט אדר א'	1 st Mar. כ' אדר א'	2 nd Mar. כ"א אדר א'	3 rd Mar. כ"ב אדר א'	4 th Mar. כ"ג אדר א'	5 th Mar. כ"ד אדר א'
Shvi'it 4: 3-4	Shvi'it 4: 5-6	Shvi'it 4: 7-8	Shvi'it 4: 9-10	Shvi'it 5: 1-2	Shvi'it 5: 3-4	Shvi'it 5: 5-6

