



Volume 1. Issue 23.

Hunting Follies

The *Mishnah* in *Shviit* (7:3) discusses the prohibition of using fruits of the seventh year for trade purposes. Tangentially it brings other items which, because of their sanctity or impurity may not be used for trade. However, the next *Mishnah* (7:4) states that a hunter may trade impure animals if he did not intentionally hunt them. This point is disputed by *R' Yehuda* and the Sages - *R' Yehuda* holds that "a person who is not a hunter also has the same leniency"; the sages disagree. There are numerous opinions about the point of disagreement. The *Talmud Yerushalmi* explains that the sages are lenient with the hunter because he must pay a 'hunting tax' to the government and therefore, to offset his financial pressure he is given a special dispensation allowing him to keep the animal. Therefore, the sages do not let a normal person trade such animals if he accidentally trapped them, because they do not pay a hunting tax. *R' Yehuda*, however, permits a normal person to sell an impure animal provided he does not do so on a regular basis in order to make a living.

In his commentary on this *Mishnah*, *Rambam* says the *Halacha* follows *R' Yehuda*, however, *Tosfot Yom Tov* and *Kehati* point to the *Rambam* in *hilchot Ma'achalot Assurot* (8:17) where *Rambam* seems to hold like the sages.

The *Lechem Mishne* claims that *Rambam* understands the opinion of the sages and *R' Yehuda* in a different manner to other commentaries and therefore his statement is not contradictory.

The *Nodah B'Yehuda* (yoreh de'ah question/answer 63) offers a different

interpretation of the *Rambam*. He says that the *Rambam* is not quoting the opinion of the sages, rather, when he mentions a hunter he does not mean exclusively a hunter and not a normal person, but is rather citing the usual application of this *Halacha*, i.e. there is a far greater chance that a hunter will chance upon an animal forbidden in trade than a normal person, simply because he is occupied throughout the day in trapping animals.

There is another fascinating point brought down in the last two *mishnayot* of this week's cycle. *Tosfot Yom Tov* asks (also discussed in *Pesachim* 23, 24 and in *Moed Katan*) why the interpreters of the *Mishnah* imply the rulings are rabbinic when in fact there is a biblical source to the prohibition. Even more problematic is the question posed by the *Tosfot Yom Tov* on 7:4 - how could the sages have permitted hunters to trade animals regarding which the Torah forbids trade? It is difficult to understand how the sages can institute a rabbinic law that overrides a biblical prohibition?

In short, *Rashi* and other *rishonim* in *Pesachim* answer the first question explaining that in several cases the Torah made a general prohibition but also gave the rabbis authority to derive more detailed individual prohibitions though proper exegesis. *Tosfot Yom Tov* answers his second question by explaining that the rabbis even have the right to limit a prohibition to certain circumstances and rule that in certain cases – like when hunters have to pay tax – the prohibition would not apply.

Yoni Fisher

Revision Questions

שביעית ה' ז' – ז' ה'

- What are the restrictions placed on a potter during the *Shmittah* year? (ה' ז')
- Which of the following are forbidden to do during the *Shmittah* year: (ה' ח')
 - Sell a cow that is ordinarily used for ploughing.
 - Sell fruit, at the time when that fruit is being planted.
 - Use a tool used to measure the quantity of cut produce.
 - Exchange money with one who employs labourers.
- Which kitchen utensils can one lend their neighbour if they are suspected of keep *Shmittah* fruit after *zman biur*? (ה' ט')
- How does the above law differ if the neighbour is an *asht am ha'aretz*? (ה' ט')
- What are the “Three Areas” in Israel that have distinctive *halachic* status during the *Shmittah* year and how do the laws of *Shmittah* differ between these area? (א' י')
- How do the laws of *Shmittah* differ in *Surya* and why? (ב' י')
- The leaves of onions that were grown in the sixth year but were left in the ground during the *Shmittah* are used to determine whether they have *kedushat shviit* – what are the two opinions about this indication? (ג' י')
- Explain the debate regarding when one can purchase vegetables *motzei shviit*? (ד' י')
- Can one take *Shmittah* fruit outside Israel? Can they take them to *Surya*? (ה' י')
- Does one bring his *trumah* from outside Israel to Israel? Can he bring it from *Surya* to Israel? (ו' י')
- What are the two criteria used to determine whether a particular fruit has *kedushat shviit* and *zman biur*? (א' יז')
- What is the law regarding fruit that satisfies only one of these criteria? (ב' יז')
- When is one permitted to use *Shmittah* produce for dyes? (ג' יז')
- What things (other than *Shmittah* produce) is one forbidden to trade with? (ג' יז')
- Can one sell from what is left over from *Shmittah* fruit? (ג' יז')
- Under what condition could one sell: (ד' יז')
 - A *b'chor ba'al mum*?
 - Non-kosher animals?
- What is the difference between the branches and leaves of the *eilah, batnah* and *atadim* with respect to the laws of *Shmittah*? (ה' יז')

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

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Next Week's Mishnahyot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
13 th Mar. ב' אדר ב'	14 th Mar. ג' אדר ב'	15 th Mar. ד' אדר ב'	16 th Mar. ה' אדר ב'	17 th Mar. ו' אדר ב'	18 th Mar. ז' אדר ב'	19 th Mar. ח' אדר ב'
Shvi'it 5: 7-8	Shvi'it 5:9-6:1	Shvi'it 6: 2-3	Shvi'it 6: 4-5	Shvi'it 6:6-7:1	Shvi'it 7: 2-3	Shvi'it 7: 4-5

