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Mishloach Manot with Shmittah Fruit

Be'ezrat Hash-m over the coming days, on *Erev Purim*, we will finish *Masechet Shvi'it*. The question of whether one can send *Mishloach Manot* containing *Shvi'it* fruit ties these two occurrences together. Regarding this question there are two issues to be dealt with:

1. The prohibition of paying off a debt with *Shvi'it* money.
2. Man's ownership status of *Shvi'it* fruit.

These ideas are based on an article written by HaRav Shlomo Levi of *Yeshivat Har Etzion*.

1. The Prohibition of Paying Off a Debt with Shvi'it Money

We learnt in the *Mishnah*:

לקח ממנו סתם לא ישלם לו מדמי שביעית שאין פורעין
חוב מדמי שביעית

The *Mishnah* establishes the prohibition of taking from a baker and paying him later with *Shvi'it* money; based on the prohibition of paying off a debt with *Shvi'it* money. The source of the prohibition is established since paying of one's debt appears like a type of business, and as we saw in earlier *Mishnayot*, there is a *Torah* prohibition against dealing with *Shvi'it* fruit (*Shvi'it* 7:3).

One may ask: to what extent do we see *Mishloach Manot* as the payment of a debt? According to *the Mishnat Yosef* (1, 27) and *Shevet HaLevi* (7, 183) it is forbidden to fulfil the obligation of *Mishloach Manot* with *Shvi'it* fruit because they see the commandment of *Mishloach Manot* as an obligation placed upon the person, and one would consequently be fulfilling his obligation using *Shvi'it* fruit. Contrary to this, the *Minchat Yitzchak* and Rav Shlomo Zalman Aurebach hold that there is no special 'obligation', rather a fulfilment of a commandment and it is therefore permitted.

This argument depends on the understanding of two issues:

1. Prohibition of Trade – Those that allow it understand that 'trade' occurs when there is clear giving and taking, and therefore there is no issue with *Mishloach Manot* because one does not receive something in return. Those that forbid it understood that trade is gaining benefit from the value of the fruit, not from the fruit itself - something that occurs with *Mishloach Manot*.
2. *Mishloach Manot* – Those that allow it understand that in essence the commandment is one of giving to another, out of friendship and closeness, and therefore

just as we can say *Kiddush* on *Shvi'it* wine, so too we can send *Shvi'it* fruit to others. Those that forbid the use of *Shvi'it* fruit hold that the essence of the commandment is in the money that I am giving someone else to be used for the *seuda*, and if so, it has already been established that one is forbidden to use *Shvi'it* fruit in order to fulfil a monetary obligation.

2. Ownership of Shvi'it Fruit

The *Shelah* writes that one cannot give *Mishloach Manot* or *Matanot L'Evyonim* from money that has the status of *Ma'aser*, rather one should give from one's own personal money. This is also brought down by the *Magen Avraham* (OH, 694, 1). Those that forbid fulfilling *Mishloach Manot* from *Shvi'it* fruits argue that *Mishloach Manot* is an actual obligation, and just as the *Shelah* says we should not give money from *Ma'aser*, the same should also hold for giving *Mishloach Manot* from *Shvi'it*. They maintain that *Shvi'it* money does not actually belong to man, rather to *Hash-m*.

Nevertheless, those in favour hold that *Shvi'it* fruit is totally in the possession of man, and they bring a proof from *Rambam* who rules that one can marry a woman with *Shvi'it* fruit. Therefore, according to them there should be no comparison between *Ma'aser* money which has the status of *gavoah*, and *Shvi'it* fruit which belongs completely to man and can be used for *Mishloach Manot*.

Halachic Conclusion

Essentially, there is a discussion between the halachic authorities as to whether or not *Mishloach Manot* can be fulfilled with *Shvi'it Fruit*, and according to HaRav Shlomo Levi, since *Shvi'it* is of *Rabbinic* origin we can be lenient and allow it.

If a man has already sent two packages to two people, each extra package that he sends is out of choice but not required, and it is therefore definitely not fulfilling any obligation, and is allowed by everyone. On the other hand, if someone is giving *Mishloach Manot* to someone that sent to him, most opinions forbid the use of *Shvi'it* fruit because it is very similar to the fulfilment of one's obligation (as he is returning something).

Nadav Willner
[Trans. Mark Steiner]

Revision Questions

שבועית ז' - ט' - א'

- Explain the debate regarding *ketaf*? (ז': ר')
- When does a mixture of *shmittah* products and regular products have an obligation of *bi'ur* if: (ז': ר')
 - Both products are of the same type?
 - The *shmittah* food and the regular food are different products?
- Can one use *shmittah* produce that is gathered solely for food to make plaster casts? (ח': א')
- What are the restrictions placed on a product that is not ordinarily gathered for food, yet one collects them intending to consume them? (ח': א')
- Can one burn *shmittah* wood if it can also be used as a spice? (ח': א')
- What laws does *shmittah* produce share with *ma'aser sheni*? In what respect are we more lenient with the *shmittah* produce? (ח': ב')
- In certain rare situations, one can sell *shmittah* produce – what are the restrictions placed in the manner of the sale? (ח': ג')
- If a person paid his worker to retrieve *shmittah* vegetables, in what situation does the money have the status of *d'mei shvi'it*? (ח': ד')
- If someone purchased bread on credit, can he use *d'mei shvi'it* to pay the baker? (ח': ד')
- Can one use *d'mei shvi'it* to pay a well-digger? (ח': ה')
- Are there any restrictions on the way one can process *shmittah* food? (ח': ו')
- Can one cook *shmittah* vegetables in *trumah* oil? (ח': ז')
- If one sold a *shmittah* apple, and used the money to purchase meat, then exchanged the meat for fish, then exchanged the fish for wine – which of the above listed items has *kedushat shvi'it*? (ח': ז')
- Can one use *d'mei shvi'it* to purchase land? (ח': ח')
- What should one do if they purchased a non-kosher animal with *d'mei shvi'it*? (ח': ח')
- Can one use *d'mei shvi'it* to be *kinei yoldot*? (ח': ח')
- What should one do if they used *shmittah* oil to treat leather? (ח': ט')
- What did the *Chachachim* related to *R' Akiva* about how *R' Eliezer* regarded one who ate *pat cutim*? (ח': י')
- Can one use *shmittah* straw to heat a bath? (ח': י"א)
- What foods listed in the last *mishnah* learnt this week are exempt from *ma'asrot*? How does this fact have any bearing on the laws of *shmittah*? (ח': ט')
- Explain the debate regarding purchasing “aftergrowth” during *shmittah*? (ח': ט')

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Next Week's Mishnahyot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
20 th Mar. ט' אדר ב'	21 st Mar. י' אדר ב'	22 nd Mar. י"א אדר ב'	23 rd Mar. י"ב אדר ב'	24 th Mar. י"ג אדר ב'	25 th Mar. י"ד אדר ב'	26 ^h Mar. ט"ו אדר ב'
Shvi'it 9: 2-3	Shvi'it 9: 4-5	Shvi'it 9: 6-7	Shvi'it 9: 8-9	Shvi'it 10: 1-2	Shvi'it 10: 3-4	Shvi'it 10: 5-6

