



Extending Tosefet Sheviit

Masechet Sheviit discusses the laws of the *Shemittah* year – the final of the seven-year cycle. The *Masechet* opens by discussing the prohibition of working the land during the *shemittah* year and how that prohibition extends into the sixth year. The *Mishnah* first deals with the *sdeh ilan* – orchard – and present the following debate. According to *Beit Shammai* one is allowed to plough the field as long as it benefits the fruit that grew in the sixth year. *Beit Hillel* however maintains that the limit is *atzeret* – the festival of *Shavuot*¹. Ultimately the *Mishnah* explains that the timing for both opinions are very close to one another.

This *Mishnah* must be understood alongside another *Mishnah* we have learnt (1:4). There, the *Mishnah* debates that the source of the law of *Tosefet Sheviit*. *R' Akiva* understands that it is based on the following *pasuk*, “*be’charish u’v’katzir tishbot*” (*Shemot* 34). The context of the *pasuk* is *Shabbat*. Since however, the *Torah* already taught the prohibition of *melecha* more broadly, it is understood that the *pasuk* must be referring to another *Shabbat* – the *Shemittah* year. However, with respect to *Shemittah* as well, there is already a source for the prohibition of ploughing and reaping during the *Shemittah* year. Consequently, *R' Akiva* understands that the *pasuk* is coming to prohibit the ploughing whose harvest is prohibited and the harvesting whose ploughing is prohibited.

R' Yishmael however disagrees that the verse is superfluous and connects it to another different law relating to *Shabat*. *R' Yishmael* agrees with the law of *tosefet sheviit*, however he understands that it is a *halacha le'moshe mi'sinai*. Furthermore, he understands that the *halacha* was only during the time of the *Beit HaMikdash*. The *Bartenura* explains that this how *Rabban Gamliel* and his *Beit Din* was able rule against how *Mishnah* enabling one to work their field the entire sixth year. Normally a later *Beit Din* cannot overrule a law instituted by an earlier one unless it is “greater in wisdom and number”. The *Gemara* explains that *Rabban Gamliel* maintained the position of *R' Yishmael* that the source of *tosefet sheviit* is a *halacha le'moshe mi'sinai*. Furthermore, it applied only during the time of the *Beit*

HaMikdash and was for a period of thirty days prior to *Shemittah*. The debate in our *Mishnah* was regarding extending that on a rabbinic level, but was limited to the time of the *Beit HaMikdash*. Consequently, *Rabban Gamliel* understood that post-destruction since the core did not apply, neither does did the extension. In other words, he was not in conflict with a previous institution, but rather ruling according to the opinion of *R' Yishmael*.

How do we understand the base *halacha* and the rabbinic extension? *Rashi* (*Moed Katan* 3b) explains that after the point that ploughing is no longer beneficial to the tree it is as if he working for the benefit of the produce of the *Shemittah* year. While we mentioned that according to *R' Yishmael* that base *halacha* was thirty days (during the time of the *Beit Hamikdash*), *Rashi* (4a) comments that *R' Akiva*, who bases *tosefet sheviit* on a *pasuk*, also understands that it is thirty days. Why? The *Rash* explains that the ploughing then is beneficial for the *Shemittah* year. The *Tosfot* (4a) add that even though thirty days was not explicitly stated, the actual time was left to the *Chachamim* to determine, based on when it would begin to be beneficial for the *shemittah* year (*Maharsha*).

The *Igrot Moshe* (YD 3:6) however asks that if prior to the thirty days it was not beneficial, what was the ground of extending *tosefet sheviit* to *Shavuot*? He first answers that it appears that according to the *Rash* and *Bartenura* that after *Shavout* since it is no longer beneficial for the sixth year, it appears as though one is preparing for the seventh, even though it is only really beneficial thirty days before. He finds that suggestion difficult, since if it is not beneficial for either year, why is he ploughing? He therefore suggests that according to this line of reasoning, perhaps after *Shavuot* it is beneficial, but only minimally. This benefit is not great enough to pass the threshold as understood by the *Chachamim* that was prohibited on a biblical level (crossed within thirty days prior to *Shemittah*)².

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¹ See the *Tosfot Anshei Shem* that discusses why the *Mishnah* refers to the *chag* as *Atzeret*.

² We have only cited the beginning of the *Igrot Moshe* who discusses *Tosefet Shviit* at length. He continues by citing another *Rashi* and presenting a

different understanding of why *m'deoraita*, *tosefet sheviit* is thirty days.
ע"ש

Revision Questions

כלאים ט' א' – י'

- Which two fabrics when combined constitute the prohibition of *kil'ei begadim*? What two other laws relate specifically to these two fabrics? (ט' א')
- When is it a problem to have a mattress made with linen and wool? (ט' ב')
- Does one transgress *kil'ei begadim* if the prohibited garment is worn on top of ten other layers of clothing? (ט' ב')
- Explain the debate regarding handtowels made from *shatnez*? (ט' ג')
- Do the laws of *kil'ei begadim* apply to death shrouds? Why? (ט' ד')
- When can *shatnez* saddles be problematic? (ט' ד')
- Can a seller of fabrics hang his *shatnez* garments over his shoulder when sampling his products? (ט' ה')
- Can a tailor rest *shatnez* garments on his lap while mending the garment? (ט' ו')
- What do the *tznuyim* do in the above two cases? (ט' ה-ו')
- What three necessary processes are hinted to be the word “*shatnez*”? (ט' ח')
- What does *R' Shimon* learn from this word? (ט' ח')
- Are felted materials problematic? (ט' ט')
- Can wool be used to form the edge of a linen material? (ט' ט')
- Can one make a belt of a strip of linen and wool, separated by leather? (ט' ט')
- Is it a prohibited to wear a linen garment that has wool connected to it with a single stitch? (ט' י')
- Who many passes of a needle (stitches) are need, such that one material is considered fixed to the other for *hilchot Shabbat*? (ט' י')

שביעית א' א'-ד'

- What is the latest time that one can plough a sde ilan the year before the shmittah year (erev shvi'it) (א' א')
 - What is the definition of a sde ilan? (א' ב')
 - How does one determine whether a field containing non-fruit bearing trees is defined as a sde ilan? Why is this important? (א' ג')
 - Is the above definition used when there are ten or more trees in a beit se'ah? (א' ד')
 - Explain the debate between the Tana Kama and R' Yishmael regarding what is learnt from the following pasuk: (א' ד')
- ”ששת ימים תעבד וביום השביעי תשבת בחריש ומקציר” (שמות ל"ד : כ"א)

Melbourne, Australia

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10 minutes before *Mincha*
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10 minutes before *Mincha*
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Next Week's Mishnayot...

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | שבת קודש |
|-------------------|-------------------|-------------------|--------------------|--------------------|--------------------|--------------------|
| 7 August ג' אב | 8 August ד' אב | 9 August ה' אב | 10 August ו' אב | 11 August ז' אב | 12 August ח' אב | 13 August ט' אב |
| Sheviit 1:5-6 | Sheviit 1:7-8 | Sheviit 2:1-2 | Sheviit 2:3-4 | Sheviit 2:5-6 | Sheviit 2:7-8 | Sheviit 2:9-10 |

