



Forming Dungheaps

The third *perak* begins by discussing the limitations placed on one wishing to form dungheaps during the *shemittah* year. The law is based on the concern that it could appear as though one is fertilizing their field – which is prohibited throughout *shemittah*. The limitations are in both the time after which one is allowed to begin, and the form and number of piles.

One debate relates to whether one form the piles gradually. *R' Elazar ben Azarya* forbids it. The *Bartenura* explains that he was concerned that the owner would not be able to pile the minimum permissible quantity, and it would appear as though he was fertilizing his field. *R' Elazar ben Azarya* however does provide a solution. Either one could form the piles in a recess that is three *tephachim* deep, a raised area that is three *tephachim* high or on a rock face. In all these cases, it is visually apparent that he forming the pile for storage and not fertilizing his field.

The *Gemara* (*Moed Katan* 4b) finds the position of *R' Elazar ben Azarya* difficult as it appears to contradict his opinion in a different *Mishnah*. There (*Moed Katan* 1:1) *R' Elazar ben Azarya* forbids one forming channels during *Shemittah* or *Chol HaMoed*. The reason is debated by *R' Zeira* and *R' Abba bar Mamal* in the *Gemara*. One opinion is that while he is creating the channel, it appears that he is hoeing his field. The second opinion is that as he forms the channel, he improves the soil on the newly formed banks (for planting) with the soft soil he places there. The practical difference between these two opinions is when one removes the extracted soil and does not place it on the banks. According to the first opinion, the concern that it appears as if he is hoeing his field is still present, while according to the latter opinion, the banks or not being improved.

Ameimar raises a question, based on our *Mishnah*. If the concern is that it appears one is digging his field during the *Shemittah* year, then why is *R' Elazar ben Azarya* not also concerned in our *Mishnah* when digging a surface that is three *tephachim* deep?

Again, *R' Zeira* and *R' Abba bar Mamal* each provided answers. One explains that in our *Mishnah* that deeper surface was already prepared prior to the *shemittah* year. In other words, *R' Elazar ben Azarya* is consistent in that one would not be able to dig either the channel or lower surface during *shemittah*. The other answer is that this case is different since the dungheap he places on that surface after it is prepared demonstrates that he was not hoeing his field.

The *Ritva* asks why it was necessary for *R' Zeira* and *R' Abba bar Mamal* to both provide solutions. Recall, that the difficulty raised by *Ameimar* is only on the opinion that *R' Elazar ben Azarya* was concerned that it looked like he was hoeing.

The *Ritva* answers that despite the fact that our *Mishnah* was a difficulty for only one opinion, the other side still presented a solution for his opponent. This should not surprise us, as we regularly find in the *Gemara* that one side will volunteer a solution for question raised against his opponent.¹

The *Chazon Ish* however answers, that our *Mishnah* also provides a difficulty for the opinion that is based on one improving and preparing the soil. He draws our attention to the fact that *R' Elazar ben Azarya* not only permits forming the heap on lowered surface, but also on a raised surface. Constructing such a surface would result in a surface with fertile soil ready for planting. Since our *Mishnah* provided a difficulty for both opinions, both *Amoraim* provided solutions.

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¹ This is the first answer of the *Ritva*. See inside where he provides other solutions.

Revision Questions

שביעית ג: א' – ד: ד'

- 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? (ז': ג')
- Can one remove a pile of small stones? (ח': ג')
- During which year is one forbidden from building a staircase by the side of a ravine? (ט': ג')
- Are there any restrictions on the construction in the year that the *mishnah* mentions it is permissible to build the staircase? (י': ג')
- What is special about *avnei katef*? (יא': ג')
- What are the restrictions placed on one who wishes to build a fence around his property during the *shmittah* year? (יב': ג')
- What was the original and developed ruling regarding collecting branches from ones field during the *shmittah* year? (יג': 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? (יד': ב')
- 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? (טו': ב')
- Can a person work on a field (as a *choker*) if the field is owned and was ploughed by a Jew during the *shmittah* year? (טז': ד')
- Does it make a difference if the field was owned and ploughed by a non-Jew? (יז': ד')
 What is the definition of *medel*? What is the definition of *machlik*? According to which opinion is there a halachic difference between *medel* and *machlik*? (יח': ד')

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| Sheviit 4:5-6 | Sheviit 4:7-8 | Sheviit 4:9-10 | Sheviit 5:1-2 | Sheviit 5:3-4 | Sheviit 5:5-6 | Sheviit 5:7-8 |

