



Bitul for Sheviit

The *Mishnah* (7:7) provides a general rule regarding *bitul* (annulment). If there is a mixture of *shemittah* produce with regular produce, if the mixture is *min be'mino* – the same type of produce – then even the smallest amount (*kol she'hu*) of *shemittah* produce would affect the mixture. In other words, in a case of *min be'mino*, *shemittah* produce is never annulled. If however the mixture was *min be'she'eino mino* – the *shemittah* and regular produce are of different types – then the *shemittah* produce only affects the mixture if it is *noten taam* – it noticeably imparts a flavour. We shall try to understand this ruling.

The *Bartenura* explains that the rule of the *Mishnah* only applies after *biur*. Prior to that, irrespective of the types in the mixture, the *shemittah* produce only affects it if it is *noten taam*. Before we can explain the *Bartenura*, we must first understand the *mitzvah* of *Biur*.

The law of *biur* is that one is only allowed to have *shemittah* produce inside their house as long as it is found in the field. What must be done after that time is debated by the *Rishonim*. We will learn (9:8) that one can first distribute three meals worth of food to each member of his household. According to the *Rambam* (*Shemittah* 7:1-3) the excess must be burnt or thrown into the dead sea. According to the *Ramban* (*Vayikra* 28:7) the excess must be removed from the house and declared ownerless; after which anyone can claim them. If someone keeps the produce beyond that time it becomes *assur* (rabbincally). The *Raavad* however explains that *biur* is really a two steps process. Once the produce is no longer found in the field about the city, the food is distributed or declared *hefker*. When the food can no longer be found in any of the fields in the region (9:2-3) then anything remaining must be destroyed.¹

Returning to the *Bartenura*, his position is based on the *Gemara Nedarim* (58a). There *R' Shimon* explains that if a prohibited food is in a mixture, but that there is a means for that prohibited item to become permissible, then it is not *batel* (annulled). This is referred as *davar she'yesh lo matirin*. Our case is raised as a difficulty since it a perpetual prohibition, yet, in the case of *min be'min* is not *batel*. He responds that with respect to *Shemittah* it is not *batel* only with respect to *biur*; regarding consumption however, the threshold is *noten taam*. What does this mean?

The *Ramban* understands that prior to the time of *biur*, since the *mitzvah* of *biur* can be performed which would permit the entire mixture, it is not *batel*. The *Ran* explains in a similar manner, that prior to the time of *biur* the problem can be solved by consuming the entire mixture – a permissible resolution to the problem. If however one keeps *shemittah* produce beyond this time then it becomes completely *assur* like a regular *issur*. Consequently, it would only prohibit the mixture of it was *noten taam*.

Note however that the *Bartenura* takes the opposition stance. Why, according to the *Bartenura*, prior to the time of *biur* is the *Shemittah* produce *batel* if there is a means of permitting the mixture?

The *Tosfot Anshei Shem* cites the *Nodeh BeYehuda* who explains that he holds like the *Terumat HaDeshen* that a *dvar she'yesh lo matarin* refers only to a prohibited item that becomes permissible at a later point. Prior to the time of *biur* one is not prohibited from eating *shemittah* produce therefore it cannot be referred to as a *davar she'yesh lo matirin*. After the time of *biur* however, since one had the opportunity to remove the *shemittah* and decided not to, the *Chachamim* instituted a *knas* (fine) prohibiting the entire mixture irrespective of proportions.

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¹ See Volume 7 Issue 23 where we explain this debate in more detail.

Revision Questions

שבועיות ה' ט' – ז': ז'

- 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 areas? (א' ז')
- How do the laws of *Shmittah* differ in *Surya* and why? (ב' ז')
- 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 shvi'it* – what are the two opinions about this indication? (ג' ז')
- Explain the debate regarding when one can purchase vegetables *motzei shvi'it*? (ד' ז')
- Can one take *Shmittah* fruit outside Israel? Can they take them to *Surya*? (ה' ז')
- Does one bring his *trumah* from outside Israel to Israel? Can he bring it from *Surya* to Israel? (ו' ז')
- What are the two criteria used to determine whether a particular fruit has *kedushat shvi'it* and *zman biur*? (א' ז')
- What is the law regarding fruit that satisfies only one of these criteria? (ב' ז')
- When is one permitted to use *Shmittah* produce for dyes? (ג' ז')
- What things (other than *Shmittah* produce) is one forbidden to trade with? (ג' ז')
- Can one sell from what is left over from *Shmittah* fruit? (ג' ז')
- Under what condition could one sell: (ד' ז')
 - 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' ז')

Melbourne, Australia

Sunday -Thursday
10 minutes before *Mincha*
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Melbourne, Australia

Friday & Shabbat
10 minutes before *Mincha*
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Reemon Neighbourhood

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SHIUR ON KOL HALOSHON

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
4 September א' אלול	5 September ב' אלול	6 September ג' אלול	7 September ד' אלול	8 September ה' אלול	9 September ו' אלול	10 September ז' אלול
Sheviit 8:1-2	Sheviit 8:3-4	Sheviit 8:5-6	Sheviit 8:7-8	Sheviit 8:9-10	Sheviit 8:11-9:1	Sheviit 9:2-3

