



## Stumped Tree

*Masechet Sheviit* opens by discussing when various field work must stop prior to *Shemittah* during the sixth year. This period where field work is prohibited is referred to as *tosefet sheviit* (see 13(19)). Regarding the prohibition of ploughing around trees, we have seen that there is a difference whether we are dealing with mature trees (1:1) or saplings (1:6) (see 17(19)). We learnt that if there are ten saplings spaced out in an area of a *beit seah*, then the entire area may be ploughed for the benefit of the saplings until *Rosh Hashanah*. *R' Shimon* (1:8) adds that if a tree has been cut down such that less than a *tephach* of the stump remained, and new branches grew from the stump, then it is considered like a sapling.

The *Bartenura* explains that according to *R' Shimon* they would not only be considered like saplings for this law of *tosefet sheviit*, but also for the law of *orlah*. In other words, for the next three years, any fruit that is produced would be forbidden.

The *Bartenura's* explanation is based on the *Yerushalmi* that explains that both *R' Shimon* in our *Mishnah* and *R' Eliezer ben Yaakov* maintain the same position. *R' Eliezer ben Yaakov* explains that if one cuts their vine to less than a *tephach* from the ground and new branches grow, then the prohibition of *orlah* applies. It is important to note that it applies due to *maarit ayin*. In other words, to an onlooker that regenerated vine would appear like a newly planted vine so it must be treated as *orlah*. The *Chachamim* however argue that it would only be considered *orlah* if the vine was cut down to the ground.

If the prohibition of *orlah* is due to *maarit ayin*, it would imply that it is not really considered a sapling. If *R' Shimon* and *R' Eliezer ben Yaakov* maintain the same position, why then can these stumps be considered like saplings for *tosefet sheviit*?

The *Mishnah Rishona* suggests that when *R' Shimon* treats the stumps as saplings, he is only applying a stringency (much like a stringency of *orlah*). Recall that for mature trees, if three trees can produce enough for a *kikar deveila*, it is sufficient to plough the *beit seah*. For saplings, even if they

produce a *kivar deveila* three trees are not enough – ten are required. It is this law only that *R' Shimon* applies to the stumps. If ten stumps do not produce enough, he does not apply the leniency of ten saplings that the entire area can be ploughed until *Rosh Hashanah*. The *Mishnah Rishona* however notes that when the *Rambam* rules like *R' Shimon* he does not explain that they are treated like saplings only with respect to the stringency.

If *R' Shimon* understands that the stumps are considered like sapling in all respects, how then can we understand the alignment of *R' Shimon* and *R' Eliezer ben Yaakov*?

*R' Chaim Kanievsky* (in the commentary on *Yerushalmi*) explains that the two opinions are indeed dependent on one another. The reason why there is an issue of *maarit ayin* (for the law of *orlah*) is because when they are cut down so close to the ground, the ground around it needs to be ploughed and cared for to the same extent needed for a young sapling. Likewise, *R' Shimon* maintains that this greater need means that, just like for saplings, the ground can be ploughed until *Rosh Hashanah*.

The *Rash Sirilio* however notes that the *Rambam* rules like *R' Shimon* for *tosefet sheviit*, yet do not rule like *R' Eliezer ben Yaakov* for *orlah*. If they maintain the same position, ruling only like *R' Shimon* is difficult to understand.

*R' Chaim Kanievsky* (*Biur Halacha, Shemittah VeYovel* 3:8) cites the *Chazon Ish* who answers that for *tosefet sheviit* it depends on whether the plant will die without ploughing the soil around it. The *Rambam* rule like *R' Shimon* that these small stumps require the extra care. The extra care however does not mean that the law of *orlah* should then apply. What then does the *Yerushalmi* mean that *R' Shimon* and *R' Eliezer ben Yaakov* say the same thing? The *Chazon Ish* explains that they do not share the same position or understanding, but instead simply share the same *shiur* for their respective laws – the importance of a stump being under a *tephach*.<sup>1</sup>

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<sup>1</sup> *R' Chaim* cites the *Tosfot* in a few places as precedent for this explanation.

**Revision Questions**

כלאים טי: טי-י

- Are felted materials problematic? (טי: טי)
- Can wool be used to form the edge of a linen material? (טי: טי)
- Can one make a belt of a strip of linen and wool, separated by leather? (טי: טי)
- Is it a prohibited to wear a linen garment that has wool connected to it with a single stitch? (י: טי)
- Who many passes of a needle (stitches) are need, such that one material is considered fixed to the other for *hilchot Shabbat*? (י: טי)

שביעית א': א' – ב': 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*? (ב': א')
- How does one determine whether a field containing non-fruit bearing trees is defined as a *sde ilan*? Why is this important? (ג': א')
- Is the above definition used when there are ten or more trees in a *beit se'ah*? (ד': א')
- 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)
- Can trees owned by different people combine to define the area as a *sde ilan*? (א': ה')
- When is the latest time that one can plough a field containing young trees?
- During this time how large an area is one allowed to plough?
- Does it make a difference how the trees are arranged? (א': ו')
- Which other vegetable combines with young trees to enable an entire *beit se'ah* to be ploughed? (א': ז')
- Explain the debate regarding the time period when a tree is defined as a young tree? (א': ח')
- What is the latest time *erev shvi'it* that one can:
  - Plough a field of grain? (א': ב')
  - Fertilise their field?
  - Prune?
  - Water a field that does not get enough rain water? (ב': ב')
  - Remove stones? (ג': ב')
  - Water his trees?
  - Insulate or repair his trees? (ד': ב')
- What three necessary processes are hinted to be the word "*shatnez*"? (ט': ח')
- What does *R' Shimon* learn from this word? (ט': ח')

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8 May ז' אייר	9 May ח' אייר	10 May ט' אייר	11 May י' אייר	12 May יא' אייר	13 May יב' אייר	14 May יג' אייר
Sheviit 2:5-6	Sheviit 2:7-8	Sheviit 2:9-10	Sheviit 3:1-2	Sheviit 3:3-4	Sheviit 3:5-6	Sheviit 3:7-8

