



Stairway down the Ravine

The third *perek* discusses various activities in the field that need to be limited during *shemita* due to the appearance of being field work. One *Mishnah* teaches that one is not allowed to build stairs leading down to a ravine on *erev Sheviit* after the rain season has ended. The *Mishnah* adds however, that from that time of year during *shemita* one can start building those stairs in preparation for the next year – *motzei sheviit*. We shall try to understand this *Mishnah*.

The *Bartenura* explains that the purpose of the stairs was to access the water that filled the ravine, for watering the field. Constructing them late in the sixth year would appear as though one was preparing to water their field on *shemita* and is therefore forbidden¹. The same concern however is not present late in the *shemita* year since watering one's field *motzei sheviit* is permitted.

The *Mishnah Rishona* however notes that the *Rambam* (*Shemita* 3:10) rules that the law prohibiting the construction only applied in the times of the *Beit HaMikdash*. Recall that we have learnt that it was only during the times of the *Beit HaMikdash* that the law of *toseft shviit* (extending the prohibitions of *shemita* to the sixth year) applied. The *Mishnah Rishona* explains that according to the *Rambam* this would suggest that this issue is not one of *marit ayin*. Instead, it would seem that that is an issue of *avodah* (field work). If that were the case then it should be prohibited to construct the steps during *shemita* also, which the *Mishnah* explicitly permits. The *Mishnah Rishona* leaves the question unresolved.

The *Rambam's* ruling is based on the position of *R' Krispa* brought in the name of *R' Yochanan* in the *Yerushalmi*. The *Rash Sirilio* does indeed explain that *R' Yochanan* understands that the construction of the stairs is a *toladah* (derivative) of ploughing. Consequently, when *toseft sheviit* does not apply, and ploughing is permitted until *Rosh Hashanah*, the construction is permitted also. *R' Shammai* however argues with *R' Krispa* and his question is unanswered. The *Rash Sirilio* explains that *R' Shammai's* question is that according to this understanding it should be

prohibited on *shemita* also. Put simply the *Gemara* appears to end with the question posed by the *Mishnah Rishona* above. Understanding the *Yerushalmi* this way would make it difficult to understand why the *Rambam* ruled against the conclusion of the *Yerushalmi*.

There is another way to understand the *Yerushalmi*. We can still understand that the prohibition of constructing the stairs during the sixth year is because it appears that one is preparing to water the field during *shemita*. *R' Yochanan's* position is that the prohibition of constructing these stairs is only during the time of *toseft shevi*. Why? After the destruction, *R' Gamliel* permitted ploughing until *Rosh Hashanah*, which benefits the *shemittah* year and is biblically prohibited during *shemittah*. Consequently, the construction of the stairs was permitted also.

According to this understanding, how do we understand the continuation of the *Gemara*? *R' Chaim* cites the *Chazon Ish* who explains that *R' Shammai* is asking that if the *Mishnah* was referring to the time when *toseft sheviit* applied, then preparing the stairs on *shemittah* should also be prohibited. That is because it would appear to be preparing for watering on *motzei sheviit* for a time when *toseft shviit* still applies. The *Gemara* however undoubtedly approved of *R' Shammai's* question. Returning then to our original questions, why does the *Rambam* rule like *R' Yochanan* in the face of *R' Shammai's* question?

R' Chaim (*Biur Halacha* 2:11, 3:10) explains that whether *toseft sheviit* applies to *motzei sheviit* is a debate between *R' Akiva* and *R' Yishmael*. *R' Shammai's* question only applied according to the position of *R' Akiva* that *toseft sheviit* extends to *motzei sheviit* also. The *Rambam* however rules according to *R' Yishmael*. Consequently, it is understandable why, even during the times of the *Beit HaMikdash*, building the stairs towards the end of *shemittah* would not be problem. The construction itself is not considered field work and the appearance that one is preparing for watering after *shemittah* is not a problem since watering is permitted then.²

Yisrael Bankier

¹ See the *Mishnah Rishona* deals with the question that the *Bartenura* appears to permit water during *shemittah*. See also the *Tosfot Anshei Shem*.

² *R' Chaim* also uses this understanding to explain why he does not include the ruling that constructing the stairs after the rains on *shemittah* is permitted. As we explained, according to *R' Yishmael*, that conclusion is obvious.

Revision Questions

שביעית ב' ה' – ג' ח'

- Explain the debate regarding placing oil on unripe figs prior to, and after the *shmittah* year? (ב' ה')
- What is the law regard one that plants after this time? (ב' ו')
- What is exceptional about the grain listed in *mishnah* 7 and why is this important for the laws of *ma'asrot* and *shmittah*? (ב' ו')
- What other foods are added to the above group by other *Tana'im*? (ב' ח')
- What is special about the cut off time for onions that don't produce seeds and Egyptian beans? How does the law differ if the products were planted in a field that receive enough rain water? (ב' ט')
- What determines whether pumpkins that are intended to be used for replanting, are *kedushat shvi'it*? (ב' י')
- Explain the debater regarding watering a *sde lavan*. (ב' י')
- 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? (ג' א')
- What is the limit on the size and number of these compost piles? (ג' ב')
- 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? (ג' ד')
- If one requires stones (eg, for building) can he take the stones from his field during the *shmittah* year? (ג' ה')
- In what manner can one remove the stones of a fence from his field: (ג' ו')
 - 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? (ג' ו')
- Can one remove a pile of small stones? (ג' ז')
- During which year is one forbidden from building a staircase by the side of a ravine? (ג' ח')
- Are there any restrictions on the construction in the year that the *mishnah* mentions it is permissible to build the staircase? (ג' ח')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
15 May י"ד אייר	16 May ט"ו אייר	17 May ט"ז אייר	18 May י"ז אייר	19 May י"ח אייר	20 May י"ט אייר	21 May כ"א אייר
Sheviit 3:9-10	Sheviit 4:1-2	Sheviit 4:3-4	Sheviit 4:5-6	Sheviit 4:7-8	Sheviit 4:9-10	Sheviit 5:1-2

