



Comparing Oil of Sheviit, Terumah and Maaser Sheni

The *Mishnah* (8:2) teaches that one is allowed to consume *shemittah* produce in the ways such produce is normally consumed. This includes eating, drinking and *sicha* (rubbing it on one's skin). In the case of *sicha*, that would specifically be referring to oil. The *Mishnah* continues that *sicha* is also a permitted usage for *terumah* and *maaser sheni* oil. Nevertheless, *shemittah* oil is more lenient since one can use it for *hadlakat ner* (fueling a lamp). We shall try to understand the last statement.

The *Mishnah Rishona* explains that burning *shemittah* oil is a permissible use because the *Torah* allows any human need to be satisfied with *shemittah* produce, as long as its benefit is derived as it is consumed (similar to eating). How then does *shemittah* differ from *terumah* and *maaser sheni*?

The *Bartenura* explains that *shemittah* is more lenient because with *terumah* oil, only if the oil was *tameh* could one light it. Regarding *maaser sheni* oil, it is only if it is *tahor* that one can burn it. With regards to *maaser sheni* this is based on the *pasuk* related to *vidui maaser*, where one declares that "I did not burn it when it was *tameh*", implying one can burn the oil if it was *tahor*. This is also the position of the *Rash*.

The *Tosfot R' Akiva Eiger* however finds the *Bartenura* difficult. One is only allowed to "eat" *maaser sheni*. Eating also includes drink and *sicha*, but not burning. He suggests that the *pasuk* cited by the *Bartenura* however is necessary to teach that one is not allowed to burn *maaser sheni* oil even if it is *tameh* – unlike *terumah*. Indeed, the *Mishnah Rishona* cites *Rashi* that explains the *pasuk* in this way and cites the *Rambam* who rules that one cannot burn *maaser sheni* oil whether it is *tameh* or *tahor* (see also *Shenot Eliyahu*).

The *Tifferet Yisrael* (*Boaz* 8:2) however suggests that we have misunderstood the *Bartenura*. The *Bartenura* would agree that ordinarily one is not allowed to burn *maaser sheni* oil at all. The *pasuk* cited by the *Bartenura* however is referring to the time of *biur* – after the third and sixth year when the *maaserot* must be removed. The *Rambam* explains

that they are removed and burnt. Consequently, it is then that *maaser sheni* oil can be burnt, but only if it is *tahor*.

When the *Yerushalmi* however discusses this *Mishnah*, it mentions the difference between burning *shemittah* and *terumah* oil without mentioning *maaser sheni*. The *Gemara* continues that even though one is allowed to rub *shemittah* oil on one's skin, they cannot do so in a bathhouse since it is degrading to *kodshim* (something that is holy). For the same reason one is not allowed to use (*tameh*) oil of *terumah* in a *shul* or *beit midrash*. The last statement is difficult considering that the *Mishnah* in *Terumot* (11:5) explains that using *tameh terumah* oil for lighting in a *shul* or *beit midrash* is permitted.

The *Pnei Moshe* suggests the *Gemara* is referring to rubbing *terumah* on one's skin in *shul* that is prohibited. Doing so in such a public manner is degrading to *kodshim*. The *Rash Sirilio* however suggests that it is referring to a case where one accepted to donate oil to the *shul's* lighting. Using *terumah* oil would appear to be paying off his debt with *terumah* which is prohibited just like it is with *shemittah* produce. The *Mahara Fulda* however explains that the case is where the only lighting would be from the *terumah* oil and would then be used for all manner of uses, which would be degrading. It is only permitted to use the *terumah* oil if there is other lighting in the building.

R' Chaim in his commentary on the *Yerushalmi* however provides a different answer. The *Gemara* reads *beit kneset* and *beit midrash*. He suggests that it was originally written using the acronyms *בב"כ* and *בב"מ* and wrongly assumed by copier to mean those two locations. Instead, the acronyms should be understood as, in the *beit ha'kisseh* and in the *beit ha'merchatz*, meaning the bathhouse and toilet. Consequently, the *Gemara* is teaching that *terumah* oil shares that same law as *shemittah* oil; while they can be used for *sicha*, doing so in certain locations would be disgraceful to these holy items and therefore prohibited.

Revision Questions

שביעית ז': ב' – ח': ח'

- What is the law regarding fruit that satisfies only one of these criteria? (ז': ב')
- When is one permitted to use *Shmittah* produce for dyes? (ז': ג')
- What things (other than *Shmittah* produce) is one forbidden to trade with? (ז': ג')
- Can one sell from what is left over from *Shmittah* fruit? (ז': ג')
- Under what condition could one sell: (ז': ד')
 - 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*? (ז': ה')
- Explain the debate regarding *ketaf*? (ז': ו')
- When does a mixture of *shmittah* products and regular products have an obligation of *bi'ur* if: (ז': ז')
 - Both products are of the same type?
 - The *shmittah* food and the regular food are different products?
- Can one use *shmittah* produce that is gathered solely for food to make plaster casts? (ז': ח')
- What are the restrictions placed on a product that is not ordinarily gathered for food, yet one collects them intending to consume them? (ז': ט')
- Can one burn *shmittah* wood if it can also be used as a spice? (ז': ט')
- What laws does *shmittah* produce share with *ma'aser sheni*? In what respect are we more lenient with the *shmittah* produce? (ז': י')
- In certain rare situations, one can sell *shmittah* produce – what are the restrictions placed in the manner of the sale? (ז': י')
- If a person paid his worker to retrieve *shmittah* vegetables, in what situation does the money have the status of *d'mei shvi'it*? (ז': י"א)
- If someone purchased bread on credit, can he use *d'mei shvi'it* to pay the baker? (ז': י"א)
- Can one use *d'mei shvi'it* to pay a well-digger? (ז': י"ב)
- Are there any restrictions on the way one can process *shmittah* food? (ז': י"ב)
- Can one cook *shmittah* vegetables in *trumah* oil? (ז': י"ג)
- If one sold a *shmittah* apple, and used the money to purchase meat, then exchanged the meat for fish, then exchanged the fish for wine – which of the above listed items has *kedushat shvi'it*? (ז': י"ג)
- Can one use *d'mei shvi'it* to purchase land? (ז': י"ד)
- What should one do if they purchased a non-kosher animal with *d'mei shvi'it*? (ז': י"ד)
- Can one use *d'mei shvi'it* to be *kinei yoldot*? (ז': י"ה)

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Sheviit 8:9-10	Sheviit 8:11-9:1	Sheviit 9:2-3	Sheviit 9:4-5	Sheviit 9:6-7	Sheviit 9:8-9	Sheviit 10:1-2

