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Saplings and Trees

Masechet Shviit deals with the laws of the *shmittah* year – the final year in the seven year cycle. One aspect of that year is the prohibition against any field work. The *masechet* opens with the concept of *tosefet shviit* – the extension of this prohibition before the *shmittah* year by a month. In particular, the *Mishnah* details the original rabbinic lengthening of the extension. When dealing with trees however the *Mishnah* differentiates between mature trees and saplings¹. This distinction and how it relates to the source of *tosefet shviit* will be our focus.

The *Mishnah* (1:4) records a debate between *R' Akiva* and *R' Yishmael*. The *Gemara* (*Moed Katan* 3a) explains that one of the points of the debate is whether *tosefet shviit* is sourced in a *pasuk* or is a *halacha l'moshe mi'sinai*². According to the latter opinion the *halacha* transmitted was the law of “*Eser Netiyot*” (ten saplings)³.

To explain, the *Mishnah* (1:6) teaches that if ten saplings are planted in an area of a *beit seah* (2500 square *amot*) then the entire area can be ploughed until *Rosh Hashanah* of the *shmittah* year – there is not *tosefet shviit*. The *Rash* explains that these immature plants are weak and likely to dry out if the earth around it is not ploughed. The *Torah* was concerned for the livelihood of *Am Yisrael* and therefore did not apply *tosefet shviit* to saplings. This is the *halacha l'moshe mi'sinai* of *eser netiyot*.

Now because the tradition tells us that only it is only for saplings that a field can be ploughed for the entire sixth year, by extension we learn that for mature trees field work cannot be performed at the end of the sixth year – *tosefet shviit*. The *Tosfot* (*Moed Katan* 3b) explain the justification: the *halacha l'moshe mi'sinai* cannot only be teaching that such field work is

permitted. If that were the case then we would not need that tradition; there would have not been any reason to think that any work outside the *shmittah* is prohibited! Consequently, the necessity of this *halacha l'moshe mi'sinai* must be teaching the law of *tosefet shviit*.

When the *Bartenura* however explains our *Mishnah* he has a different observation that catches the attention of the *mefarshim*. He comments that we find that the law of saplings is actually stricter than mature trees. With mature trees, even if there are only three trees, provided that there is enough yield the entire *beit seah* can be ploughed (1:2). For saplings only if there are ten trees can the entire field ploughed.

Why did the *Bartenura* not mention the more obviously leniency of saplings – they can be ploughed until *Rosh Hashanah*. Furthermore, *R' Akiva Eiger* is at a loss to the source of the stringency. While the *Mishnah Rishona* also questions the source, he notes that the *Yerushalmi* appears to be supporting the *Bartenura's* (and *Rambam's*) position.

The *Tifferet Yisrael* (*Boaz* 1:2) suggests a solution. Recall that *tosefet shviit* was derived from the *halacha l'moshe mi'sinai* of the permissible case of *eser netiyot*. Now if that was the only thing that the tradition was teaching us, it would have been much simpler and direct if the tradition related to *tosefet shviit* of mature trees. Consequently, argues the *Tifferet Yisrael*, it must be that the *halacha* of *eser netiyot* contains a stringency for those saplings as well. This stringency is the requirement of a minimum of ten saplings no matter their yield to allow the entire field to be ploughed, as explained by the *Bartenura*.

Yisrael Yitzchak Bankier

¹ The definition of “sapling” is debate in the *Mishnah* (1:8).

² A law that was given to *Moshe* orally at the giving of the *Torah* and has the weight of a biblical law.

³ *R' Akiva's* opinion regarding *Eser Netiyot* is beyond the scope of this article.

Revision Questions

כלאים טי ז' – טי י'

- List some of the garments that require checking? That do not? (טי: ז')
- What three necessary processes are hinted to be the word “*shatnez*”? (טי: ח')
- What does *R' Shimon* learn from this word? (טי: ח')
- Are felted materials problematic? (טי: ט')
- Can wool be used to form the edge of a linen material? (טי: ט')
- Can one make a belt of a strip of linen and wool, separated by leather? (טי: ט')
- Is it a prohibited to wear a linen garment that has wool connected to it with a single stitch? (טי: י')
- Who many passes of a needle (stitches) are need, such that one material is considered fixed to the other for *hilchot Shabbat*? (טי: י')

שביעית א' – ב' ב'

- 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*? (א: ב')
- How does one determine whether a field containing non-fruit bearing trees is defined as a *sde ilan*? Why is this important? (א: ג')
- Is the above definition used when there are ten or more trees in a *beit se'ah*? (א: ד')
- 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: ט')
 - Fertilise their field?
 - Prune?
 - Water a field that does not get enough rain water? (א: י')

Local Shiurim

Sunday -Thursday

After *Ma'ariv*
Mizrachi Shul
 Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Beit Ha'Roeh
 Melbourne, Australia

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendar/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
 In US dial: 718 906 6400
 Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
14 th November ז' כסלו	15 th November ח' כסלו	16 th November ט' כסלו	17 th November י' כסלו	18 th November יא' כסלו	19 th November יב' כסלו	20 th November יג' כסלו
Shviit 2:3-4	Kilayim 2:5-6	Shviit 2:7-8	Shviit 2:9-10	Shviit 3:1-2	Shviit 3:3-4	Shviit 3:5-6

