



Volume 7. Issue 19

Taking Root in *Shevi'is*

The topic of this *Mishnah* (3:6) is the prohibition of planting or grafting during *tosefes shvi'is* and *shevi'is*. A simple reading of the *Mishnah* indicates that all the *tanna'im* agree that it is forbidden to plant before *shevi'is* such that the plant will take root during *shevi'is*. However, there is a three way dispute regarding the length of time necessary for a plant to become rooted in the ground or in another plant into which it has been grafted. The first *tanna* holds that this period of time is 30 days, while *R' Yehuda* holds three days and *R' Yose* and *R' Shimon* hold two weeks. It thus follows that it is forbidden to plant 30, 3, and 14 days, respectively, before *shevi'is*. This viewpoint is in fact the view of *Rabbeinu Tam* cited by the *Rash* on our *Mishnah* and found on *Rosh Hashanah* (10b).

According to *Rashi* on the aforementioned *daf*, our *Mishnah* is to be understood quite differently. That *Gemara* in *Rosh Hashanah* says that really the three opinions in our *Mishnah* also take the *deoraisa* period of *tosefes shvi'is* into account, which we know from *Moed Katan* (3b) is 30 days. Therefore, it is forbidden to plant 60, 33, and 44 before *Rosh Hashanah*, and if one did plant and the sapling becomes takes root during *tosefes shvi'is*, it must be uprooted. While this understanding is not the straightforward reading of the *Mishnah*, nevertheless, according to *Rashi*, that is how the *Gemara* instructs us to read it. (*Rabbeinu Tam* understands the *Gemara* to be referring to *orlah* and not *tosefes shvi'is*, so he maintains the simple reading of the *Mishnah*).

The *Rash* takes an intermediate stance saying that according to all the opinions in the *Mishnah* it is forbidden to plant during the 30 days of *tosefes shvi'is*, which is what the *Gemara* in *Rosh Hashanah* teaches, however only when the plant is rooted during *shvi'is*, must it be uprooted.

The question that must be asked on all three views is why must a plant that takes root during *shevi'is*, according to *Rabbeinu Tam* and the *Rash*, or during *tosefes shvi'is*, according to *Rashi*, be uprooted? The *Minchas Chinuch* (*mitzvah* 298) explains that there is a *mitzvas aseï* on *shvi'is* of “*v'shavsah ha'aretz*” (*Vayikra* 25:2), which means that the land should rest. This *mitzvah* is very similar to *shvisas beheimah*, which is resting one's animal on *Shabbos*. The *Minchas Chinuch* explains, if any work is done by the animal on *Shabbos*, even if not directly caused by the Jewish owner, (such as when the animal is borrowed by a non-Jew) nevertheless, the Jewish owner still violates an *issur deoraisa*; the same idea is true by this *mitzvah* of *shvisas ha'aretz*. Any *melacha* carried out on the land, even if not directly done by a Jew, is an *issur deoraisa*. The *Minchas Chinuch* continues, thus the rooting of a plant in the ground is as if the land's owner planted right then (even though the sapling was planted days beforehand); it's as if one planted on *shevi'is*! To explain *Rashi*, the *Minchas Chinuch* simply says this stringent *issur* of *shvi'is* also applies to *tosefes shvi'is*. In other words, this *din* to uproot a plant rooted on *tosefes shvi'is* is due to the *issur* of *shvi'is*. Therefore, *Rashi* would view the *issur* of rooting on *tosefes shvi'is* just as if the plant was rooted on *shevi'is*.

This interesting explanation of the *Minchas Chinuch* is debated amongst the *achronim*. Some fascinating questions are raised. One such example (that I believe was asked by the *Chazon Ish*) is that according the *Minchas Chinuch*, if it rains on *shvi'is* is it considered as if the land's owner watered his field, which of course is *assur* (under certain conditions, see *Moed Katan* 2a)? This would be hard to believe. In any event, the *Minchas Chinuch's* approach is validated in that it is found in the *Rishonim*, such as *Tosafos R' Elchanan* on *Avodah Zarah* (see the footnotes in the *Minchas Chinuch*).

Zamir Pollak

Revision Questions

שביעית ב' ג' – ג' ר'

- What is the latest time *erev shvi'it* that one can:
 - Remove stones? (ב' ג')
 - Water his trees?
 - Insulate or repair his trees? (ב' ד')
- Explain the debate regarding placing oil on unripe figs prior to, and after the *shmittah* year. (ב' ה')
- When is the latest time that one can plant a new tree prior to *shmittah*? (ב' ו')
- What is the law regarding 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' ז')
- 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 received 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 debate 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? (ב' יא')
- What is the limit on the size and number of these compost piles? (ב' יב')
- Explain the debate regarding: (ב' יג')
 - 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 *shmittah*, considering that it will inadvertently lead to fertilising his field? If so are there limitations placed on the area that can be used? (ב' יד')
- If one requires stones (e.g. for building) can he take the stones from his field during the *shmittah* year? (ב' טו')
- In what manner can one remove the stones of a fence from his field: (ב' טז')
 - 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? (ב' טז')

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Mizrachi Shul
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Friday & Shabbat

10 minutes before *Mincha*
Beit Ha'Roeh
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www.shemayisrael.com/mishnah/

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Next Week's Mishnayot...

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | שבת קודש |
|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|--------------------------------------|
| 21 th November י"ד כסלו | 22 th November ט"ו כסלו | 23 th November ט"ז כסלו | 24 th November י"ח כסלו | 25 th November י"ח כסלו | 26 th November י"ט כסלו | 27 th November כ' כסלו |
| Shviit 3:7-8 | Kilayim 3:9-10 | Shviit 4:1-2 | Shviit 4:3-4 | Shviit 4:5-6 | Shviit 4:7-8 | Shviit 4:9-10 |

