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## For the Sake of Peace or Benefit of the Doubt?

Agriculture is not the only thing impacted in the *shmittah* year. Commerce and lending have the potential to be affected if there is a concern that the product will be used for prohibited activities.

The *Mishnah* (5:9) teaches that a woman may lend a sieve or hand-mill to her friend, even though the latter is suspected of retaining *shmittah* produce after it must be removed. She may not however assist her friend in sifting or grinding as this may be directly helping her during the performance of a prohibited activity. Nevertheless the *Mishnah* explains that lending was permitted “for the sake of peace” (*darkei shalom*). The implication is that if there were no issues of harmony, then such lending would not be permitted.

The difficulty raised with the above *Mishnah* is found in the *Mishnayot* that precede it. The *Mishnah* teaches that it is prohibited to sell any tools whose sole function is prohibited during the *Shmittah* year – e.g. a plough. If however the item in question can be used for both prohibited and permitted activities then their sale is permitted<sup>1</sup> (5:6). Consequently, the case in our *Mishnah* should be permitted even without considering *darkei shalom* since, for example, the sieve can be used for both types of activities.

*Rabbeinu Tam* explains that our case is one where the friend only has *shmittah* produce (after the time of removal). Consequently it is comparable to the case of selling a plough, where the item would be used for

prohibited activity. Since this case is one of lending, concerns for *darkei shalom* permit the items to be lent. In a sale however, there are no issues of *darkei shalom* – the prospective buyer could think that the seller does not wish to part with the item for that price. Therefore only when the item can also be used for a permissible purpose can it be sold.

Based on the *Yerushalmi* many *Rishonim* understand that even in our case the lent item can be used for both prohibited and permitted activities (*Ramban, Rashba, Ran*). If that is the cases our original question returns: why do we need the extra justification of *darkei shalom*? They explain that ideally one should not place themselves in a situation of doubt; they should not hand over the item if there is chance it will be used for a prohibited activity. In a case of sale, where it is the source of the sellers livelihood, this doubtful scenario is permitted. In our case of lending, since the lender gains no benefit, it is only situations of *darkei shalom* that it is permitted.

The *Meiri* offers another explanation for why the case of the sale can be treated more leniently. In that case, the item belongs to the purchaser immediately after the sale and is therefore permitted in a case where its intended use is in doubt. When an item is lent however, it continues to belong to the lender and forbidden work might end up being performed with his property. Consequently only with *darkei shalom* is lending the item permitted.

*Yisrael Yitzchak Bankier*

<sup>1</sup> The *Tosfot Anshei Shem* explains this to mean that the likelihood of *issur* and *heter* is equal. If the likelihood of *issur* is far greater, then the sale is like in the case of the plough which is prohibited

even though it might be being purchased early for the year after *shmittah*.

## Revision Questions

שביעית ה' א' – ה' ה'

- Which fruit has their *kedushat shvi'it* applying in a year other than the *shmittah* year? (ה' א')
- *R' Yehudah* includes an additional fruit – what is it? (ה' א')
- What restrictions are place on one who stores his *lof* underground? (ה' ב')
- Explain the debate regarding *lof* that was planted in the sixth year, and grew throughout the *shmittah* year into the eighth year. What is the point that stands behind this debate? (ה' ג')
- Explain the debate regarding the manner in which one can remove vegetables that were stored in the ground in the sixth year, during the *shmittah* year. (ה' ד')
- Explain the debate regarding when in the eighth year one can purchase *lof*. (ה' ה')
- What field tools can be sold during the *shmittah* year and what tools are forbidden to be sold? (ה' ו')
- What are the restrictions placed on a potter during the *Shmittah* year? (ה' ז')
- Which of the following are forbidden to do during the *Shmittah* year: (ה' ח')
  - Sell a cow that is ordinarily used for ploughing.
  - Sell fruit, at the time when that fruit is being planted.
  - Lend a tool used to measure the quantity of cut produce.
  - Exchange money with one who employs labourers.
- Which kitchen utensils can one lend their neighbour if they are suspected of keeping *Shmittah* fruit after *zman biur*? (ה' ט')
- How does the above law differ if the neighbour is an *asht am ha'aretz*? (ה' ט')
- What are the “Three Areas” in Israel that have distinctive *halachic* status during the *Shmittah* year and how do the laws of *Shmittah* differ between these areas? (ה' י')
- How do the laws of *Shmittah* differ in *Surya* and why? (ה' י')
- The leaves of onions that were grown in the sixth year but were left in the ground during the *Shmittah* are used to determine whether they have *kedushat shvi'it* – what are the two opinions about this indication? (ה' י')
- Explain the debate regarding when one can purchase vegetables *motzei shvi'it*. (ה' י')
- Can one take *Shmittah* fruit outside Israel? Can they take them to *Surya*? (ה' 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/](http://www.shemayisrael.com/mishna/)

*Rav Meir Pogrow*

[613.org/mishnah.html](http://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
5 <sup>th</sup> December כ"ח כסלו	6 <sup>th</sup> December כ"ט כסלו	7 <sup>th</sup> December ל' כסלו	8 <sup>th</sup> December א' טבת	9 <sup>th</sup> December ב' טבת	10 <sup>th</sup> December ג' טבת	11 <sup>th</sup> December ד' טבת
Shviit 6:6-7:1	Shviit 7:2-3	Shviit 7:4-5	Shviit 7:6-7	Shviit 8:1-2	Shviit 8:3-4	Shviit 8:5-6

