



Volume 7. Issue 23

## Mitzvat Bi'ur

One of the new concepts that have been discussed regularly this week has been *bi'ur*. Question relating to which food it applies to and whether it can be annulled have been raised. Yet what is *biur*?

The *Torah* teaches: “[the food of the *shmittah* year] shall be for your animal (*behema*) and for the beast (*chaya*) that is in you land...” (*Vayikra* 25:7). *Rashi* explains that the *pasuk* is in the process of permitting *shmittah* food for personal consumption. If the *pasuk* permits *shmittah* produce to wild animals, then it would be unnecessary to teach that it is permitted to animals under one’s care. The *Chachamim* therefore deduced that collected *shmittah* produce is permitted to animals in one’s care as long as it is still available in the fields for wild animals. Past this point all stored food requires “*biur*”.

The later *Mishnah* (9:8) teaches that one can first distribute three meals worth of food to members of his household, relatives and neighbours. But shall he do with anything that remains after that? What exactly then is *biur*? This is a subject of debate.

The *Rambam* (*Hilchot Shmittah* 7:1-3) understands that the excess must be destroyed – burnt or thrown into the dead sea.<sup>1</sup>

The *Ramban* (*Vayikra* 28:7) however (amongst other *Rishonim*) disagrees. He explains *biur* simply means “removal”. In other words, the owners must take the produce out of his house and declare them ownerless (*hefker*). (Interestingly, the owner can reclaim these items if he wishes.) The *Ramban* cites the *Tosefta* (*Sheviit* 8:1-4) that states explicitly that this is the procedure. Furthermore, the *Ramban* notes that the *Mishnah* in *Temura* (7:5) lists the prohibited objects that must be burnt. There is no mention of *shmittah*

products after the time of *biur* which supports his position that they need not be burnt.

The *Raavad* takes an interesting, almost intermediate position. He explains that *biur* is really a two steps process. Once the produce is no longer found in the field about the city, then the food is distributed or declared *hefker*. When the food can no longer be found in any of the fields in the region (9:2-3) then anything remaining must be destroyed.

The *Chazon Ish* explains the *Raavad*’s position as follows. During the *shmittah* year, all the produce in the field are declared ownerless and everyone collects them into their house. Once the produce is no longer found in the surrounding fields, the following *pasuk* applies: “And in the seventh year, you shall leave it untended and unharvested, and the destitute of your people shall eat, and the wild life shall eat what remains...” (*Shemot* 25:7). Consequently at that point, anything stored in one’s house must be made ownerless so that “the destitute of your people shall eat.” However, once nothing is found in the region, then the earlier quoted *pasuk* applies and what remains must be destroyed.

What is the opinion of *Rashi*? *Rashi* (*Pesachim* 52b) explains that they must be made *hefker* in a place where animals and beasts tread. The *Tosfot* understands that *Rashi* means that they must be placed there so that they can be trampled and destroyed by these animals. Consequently this understanding would align *Rashi* with the *Rambam*. The *Ramban* however understands that *Rashi* is merely explaining that the products must not only be *hefker* to humans, but even to animals as well and therefore agreeing with the *Ramban*.

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<sup>1</sup> The *Kesef Mishnah* explains that the *Rambam* had a different text of *Mishnah* 9:8 that read: “... *R' Yosi* teaches, both the poor and weath cannot eat after the time of *biur*.”

**Revision Questions**

שביעית ו' – ח' :ו'

- Can one bring his *trumah* from outside Israel to Israel? Can he bring it from *Surya* to Israel? (ו' :ו')
- What are the two criteria used to determine whether a particular fruit has *kedushat shvi'it* and *zman biur*? (א' :ו')
- What is the law regarding fruit that satisfies only one of these criteria? (ב' :ו')
- When is one permitted to use *Shmittah* produce for dyes? (ג' :ו')
- What things (other than *Shmittah* produce) is one forbidden to trade? (ג' :ו')
- Can one sell from what is left over from *Shmittah* fruit? (ג' :ו')
- Under what condition could one sell: (ד' :ו')
  - 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*? (ה' :ו')
- Explain the debate regarding *ketaf*. (ו' :ו')
- When does a mixture of *shmittah* products and regular products have an obligation of *bi'ur* if: (ו' :ו')
  - 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' :ח')
- Can one burn *shmittah* wood if it can also be used as a spice? (ז' :ח')
- What laws does *shmittah* produce share with *ma'aser sheni*? In what respect are we more lenient with the *shmittah* produce? (ח' :ב')
- In certain rare situations, one can sell *shmittah* produce – what are the restrictions placed in the manner of the sale? (ח' :ג')
- If a person paid his worker to retrieve *shmittah* vegetables, in what situation does the money have the status of *demei shvi'it*? (ח' :ד')
- If someone purchased bread on credit, can he use *demei shvi'it* to pay the baker? (ח' :ד')
- Can one use *demei shvi'it* to pay a well-digger? (ח' :ה')
- Are there any restrictions on the way one can process *shmittah* food? (ח' :ו')

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**Sunday -Thursday**

After *Ma'ariv*  
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 Melbourne, Australia

**Friday & Shabbat**

10 minutes before *Mincha*  
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**SHIUR  
 ON KOL HALOSHON**

*Rabbi Moshe Meir Weiss*  
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**Next Week's Mishnayot...**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
12 <sup>th</sup> December ה' טבת	13 <sup>th</sup> December ו' טבת	14 <sup>th</sup> December ז' כסלו	15 <sup>th</sup> December ח' טבת	16 <sup>th</sup> December ט' טבת	17 <sup>th</sup> December י' טבת	18 <sup>th</sup> December יא' טבת
Shviit 8:7-8	Shviit 8:9-10	Shviit 8:11-9:1	Shviit 9:2-3	Shviit 9:4-5	Shviit 9:6-7	Shviit 9:8-9

