



Volume 7. Issue 24

All about Sefichim

While the issue of *sefichim* has come up a number of times in the course of learning of *shvi'is*, *Mishnah* 9:1 is the first time where the topic is mentioned and dealt with explicitly. Since this topic is central to the *masechta* and features in contemporary *Halacha*, it is important to get the basic facts straight.

First and foremost, *sefichim* are grains, legumes (“*kitnios*”) and vegetables that were not deliberately planted in *shvi'is*, yet grew as an after-growth of plants from the previous year. While these crops may be eaten *mi'deoraisa*, *Chazal* prohibited the consumption of these crops out of the concern that people will plant these items on *shvi'is*, which is *assur*, and claim that they grew on their own. This *shittah* is the opinion of the *Chachamim*. In *Toras Kohanim* (*Behar* 4:5), *Rabbi Akiva* disagrees and holds that *sefichim* are in fact prohibited *min hatorah*.

Fruits have no problem of *sefichim*, since a tree does not produce fruit the first year that it is planted. So it makes no sense for someone to claim that this fruit sprouted and grew on its own during *shmittah*. Additionally, grains, *kitnios* and vegetables that people do not usually cultivate are also not in the category of *sefichim*. In the details of this point that is debated in our *Mishnah*.

To determine whether grains and *kitnios* that are *sefichim* are prohibited under the *gezeirah* of *sefichim*, *Chazal* ruled that if they grow one third during *shvi'is* they have *kedushas shvi'is* and are *assur*. With regard to vegetables however, there is a big *machlokes rishonim*. The *Rambam* holds that “*lekita*”, i.e. when the crops are harvested and gathered, determines both whether vegetables have *kedushas shvi'is* and are *sefichim*. There are other more minor details in the *Rambam's* position on *sefichim* that are not mentioned here, but the *lekita* idea is the most important. Thus,

tomatoes that were gathered from the field during *shvi'is*, according to the *Rambam*, are both forbidden to eat and have *kedusha shvi'is*, and must therefore be treated properly.

The *Rash* holds that *kedushas shvi'is* of vegetables in general is established by when the vegetables' growth is completed (and not the *lekita*). However, whether an item is *sefichim* or not is determined by when the plant (and not the vegetable itself) begins to sprout. Thus, if tomatoes began to sprout in the sixth year and finished their growth during *shvi'is* (when it was then collected from the field), the tomatoes are not *sefichim* and are permissible to eat while having *kedushas shvi'is*. However, if the tomato plants began to sprout on *shvi'is* but finished their growth during the following year they are *sefichim* and do not have *kedushas shvi'is*. *Rav Chaim Kaniefsky Shlita* (*Derech Emunah Hilchos Shvi'is* ch. 4) says that the *Halacha* is to be lenient like the *Rash*.

With that introduction we return to our *Mishnah*. The *Rambam*, *Melech Shlomo*, and the *Tiferes Yisrael* understand the *seifa* to be a *machlokes tanna'im* over which *sefichim* are *assurim* to eat. We rule like the *Chachamim* that all *sefichim* are forbidden.

Interestingly, the *Bartenura* understands the *seifa* of the *Mishnah* as a *machlokes tannai'm* over a separate issue entirely: produce that grew on its own in someone's property, must we be concerned that perhaps the owner did not declare it *hefker* (ownerless)? The *Tosfos Yomtov* and the *Mishnah Rishonah* explain that the *Bartenura* is consistent with his opinion that *Maseches Shvi'is* was taught and written down before *Chazal* prohibited *sefichim*.

(Source: *Mishnah Behirah* 9:1)

Zamir Pollak

Revision Questions

שביעית ח': ז' – ט': ט'

- Can one cook *shmittah* vegetables in *trumah* oil? (ח': ז')
- 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*? (ח': ז')
- Can one use *d'mei shvi'it* to purchase land? (ח': ח')
- What should one do if they purchased a non-kosher animal with *d'mei shvi'it*? (ח': ח')
- Can one use *d'mei shvi'it* to purchase *kinei yoldot*? (ח': ח')
- What should one do if they used *shmittah* oil to treat leather? (ט': ח')
- What did the *Chachachim* relate to *R' Akiva* about how *R' Eliezer* regarded one who ate *pat cutim*? (ז': ח')
- Can one use *shmittah* straw to heat a bath? (ח': י"א)
- What foods listed in the last *Mishnah* learnt this week are exempt from *ma'asrot*? How does this fact have any bearing on the laws of *shmittah*? (א': ט')
- Explain the debate regarding purchasing “aftergrowth” during *shmittah*. (א': ט')
- Into how many areas is Israel divided for the laws of *biur*? (ב': ט')
- What are the names of the three major areas? (ב': ט')
- Why are the definitions of these areas important? (ג': ט')
- Into how many areas does *R' Shimon* divide Israel? (ג': ט')
- What is different about the way olives and dates are treated with respect to the laws of *biur*? (ג': ט')
- Explain the debate regarding whether the law of *biur* comes into effect, if all that remains is guarded produce. (ד': ט')
- What are *t'fichim*, *duphra* and *sivaniot*? Does the law of *biur* come into effect if only these things remain in the field? (ד': ט')
- If someone has a preserve with three different vegetables and the *zman biur* has began for one of these vegetables, what should one do with the preserve? (Include all four opinions.) (ה': ט')
- Until when can one gather: (ו': ט')
 - Moist greens?
 - Dry greens?
 - Moist leaves?
 - Dry leaves?
- Until when does one rent a house if he rented it “until the rains”? (ז': ט')
- Until when can the poor enter a field to collect *peah*, *leket* and *shichecha*? (ז': ט')
- When can one burn straw and stubble of the *Shmittah* year? (ז': ט')
- What does one do at the time of *biur* with his *shmittah* fruit? (ח': ט')
- Explain the debate regarding who can redeem the fruit once it has been removed. (ח': ט')
- Explain the debate regarding what one should do if they inherited a large amount of *shmittah* produce. (ט': ט')
- Does one need to separate *challah* from *shmittah* bread? (ט': ט')

Local Shiurim

Sunday -Thursday

After *Ma'ariv*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat

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

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www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

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

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
19 th December י"ב טבת	20 th December י"ג טבת	21 st December י"ד טבת	22 nd December ט"ו טבת	23 rd December ט"ז טבת	24 th December י"ח טבת	25 th December י"ח טבת
Shviit 10:1-2	Shviit 10:3-4	Shviit 10:5-6	Shviit 10:7-8	Shviit 10:9 – Terumot 1:1	Terumot 1:2-3	Terumot 1:4-5

