



Air Conditioner Drain Pipe During Shemitta

Question: In preparation for the upcoming *Shemitta* year, should I reroute my air conditioner drain pipe so that it does not drip in an area around vegetation?

Answer: While watering is not one of the four *melachot* that are forbidden by the Torah on *Shemitta* (planting/sewing, pruning, reaping, and harvesting), watering is forbidden Rabbically (Mo'ed Katan 3a).

Let us first see what the *halacha* would be if this watering were happening on Shabbat. While one is allowed to do action A to get the permitted result A even if it **might** unintentionally cause forbidden result B, it is forbidden from the Torah if action A will certainly cause result B (*p'sik reishei* – Shabbat 75a). On the other hand, there is an important *machloket* about whether *p'sik reishei* is forbidden even if

one has no interest in the result (*lo nicha lei*) and the prohibition is only Rabbinic. The Terumat Hadeshen (64) is lenient and the Magen Avraham (314:5), it is forbidden. While some *poskim* rule leniently (Yabia Omer V, OC 28), the standard ruling is to be stringent (Mishna Berura 314:11). However, here there are additional reasons to be lenient. One is that the fact that the water comes out of the pipe at a distance from the place of the main activity. *Shemirat Shabbat K'hilchata* (12:(51)) posits that this is considered the equivalent of *gerama* (indirect causation) and be permitted even in a *p'sik reishei*.

There are various reasons to be more lenient regarding *Shemitta*. The simplest is that we can throw in an additional reason that there is no Torah prohibition involved, and that is because we usually assume that *Shemitta* in our days is only Rabbinic in any case (Rav Kook, introduction to *Shabbat Ha'aretz*; Chazon Ish, Shvi'it 3:8). This is not infrequently used as the rationale for **relatively** lenient rulings on matters of *Shemitta*.

The more fundamental question is whether *Shemitta* should be forbidden at all when there is no intention for

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agricultural gain by one's action. Let us start with the *gemara* in Sanhedrin (26a). Reish Lakish saw one cutting off a branch from a grapevine and criticized him for pruning. Others responded that perhaps he just needed a vine branch for tying something down. Tosafot (ad loc.) asks what difference did it make what his intentions were if he did an act of pruning and answers that it was talking about a case in which it was not beneficial. The simple reading of Tosafot implies that the intention for something else would not help when the action is agriculturally positive. The Aruch Hashulchan He'atid (Shemitta 19:22) assumes this approach.

The Chazon Ish (Shvi'it 19:14) posits that regarding a case of no intention whatsoever for improvement, there is no fundamental violation of *Shemitta*, and if done in a manner in which this is clear, it is permitted. Therefore, in a case like putting on an air-conditioner, where it is absolutely clear that his action's intent is unrelated to watering plants outside, it is permitted. The logic can be as Rav Yisraeli (Eretz Hemdah I, additional pieces to Shaar II:2) presents to explain the Rambam's leniency about doing work in a field that is not his own. The nature of the prohibitions on *Shemitta* are not innate but require one to refrain from actions that show his dominion over his land. Therefore, even if a *melacha* was technically

performed, if it was in a way that is unrelated to treating his agricultural land as his own, it is permitted.

Rav Chaim Kanievsky (Derech Emunah, Shvi'it 1:2:(18) cites Rav Elyashiv as forbidding having the air-conditioner drip on an area with vegetation, which apparently rejects all of the leniencies above as well as the confluence of all of them. However, we agree with Minchat Asher (Shvi'it p. 25) who says that one need not be concerned about the air conditioner drip. (He adds that the way the water drips, often from well above on one spot could even be not good for whatever is growing below.) He also reports a discussion with Rav Kanievsky, in which he too agreed to be lenient when one's intention is not to thereby water the garden. ■

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