



שבת הארץ

בס"ד

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Sefichin, a Shemittah Leap Year, and Support

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Sefichin

On a *d'oraisa* level, food which grows during *shemittah* is permitted. However, *Chazal* found that unscrupulous people would plant during *shemittah* and claim that the produce had grown on its own, and therefore they decreed that all items which are replanted annually – including vegetables, berries, grains, herbs and spices – which grow during *shemittah* are forbidden.

This far-reaching prohibition is known as "*sefichin*," and potentially affects many foods sold in *Eretz Yisroel* and exported elsewhere. In fact, *sefichin* is arguably the most significant concern that consumers have when deciding what they can and cannot eat during *shemittah*, for any food which is classified as *sefichin* is permanently and completely forbidden. [There is a difference of opinion whether *sefichin* applies to produce that is only suitable for animal food.]

Foods which are commonly grown wild, and are usually not cultivated, are not included in this *issur* since *Chazal* were not concerned that anyone would choose to plant them during *shemittah*. The specific foods that qualify for this leniency depend

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Flowers in Shemittah

by Rabbi Yisroel Langer

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During the year of *shemittah*, one must be careful with regard to buying fruits and vegetables that grew in *Eretz Yisroel*. Produce that grows in *Eretz Yisroel* during *shemittah* has a special sanctity known as *kedushas shevi'is*. There are different restrictions that are applicable as far as purchasing, eating, and even disposing of this produce. The question is, do these restrictions apply to flowers as well?

The *Mishnah* in *Shevi'is* (7:1) states that any product of the earth that is a human

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on the practices in each generation. Therefore, although it may be that in previous generations mushrooms were not *sefichin* since they grew wild, nowadays this may no longer be true since it is quite common for them to be planted and harvested like other produce.

The prohibition of *sefichin* does not apply to produce that grew in עבר הירדן (the eastern side of the Jordan River) or which has no *kedushas shevi'is* such as linen. We will see in a future installment that there is a debate whether food which grows on a non-Jew's field has *kedushas shevi'is*; however, all agree that the prohibition of *sefichin* does not apply to that produce. Rambam explains that the reason for this is that it is obvious that non-Jews plant their fields regardless of *hilchos shemittah*; therefore, decreeing that their produce is forbidden serves no purpose. For that reason, *Chazal* did not impose the prohibition of *sefichin* on the produce of a non-Jew's field.

As a result of this leniency, one of the ways in which people in *Eretz Yisroel* who do not rely on the *heter mechirah* obtain vegetables is through purchasing vegetables from farms in the West Bank that are owned by non-Jews. In 1910, Rav Kook wrote a blistering and heartfelt letter decrying this practice, expressing his distress that anyone would support the Arabs instead of Jews, and suggesting that it is against the spirit of the prohibition to give the non-Jews any foothold in *Eretz Yisroel* (חגיגה בקרקע).

An issue raised by purchasing produce from Arabs is that someone has to provide *hashgachah* to ensure that it is truly from Arab-owned farms and not just Israeli-produce that was diverted through Arabs to avoid *shemittah* concerns.

We have seen that *sefichin* only applies to items which have *kedushas shevi'is*. Accordingly, it

would seem logical that vegetables which began growing during *shemittah* but were harvested during the eighth year cannot be forbidden as *sefichin* because they do not have *kedushas shevi'is* (since the "year" for vegetables is determined when they are harvested). On the other hand, *Chazal* were concerned that people would harvest vegetables at the end of *shemittah* and not bring them to the market until the eighth year started, thereby misleading people into thinking the vegetables are not forbidden as *sefichin*. Therefore, *Chazal* decreed that vegetables harvested before Chanukah of the eighth year are *sefichin* unless certain other market conditions are met.

A Shemittah Leap Year

Every two or three years there is a Jewish leap year which contains an extra month of Adar, and the *Gemara* (*Rosh Hashanah* 12a) states that *Beis Din* should not create a leap year during *shemittah*. Rashi explains that the reason for this is to avoid extending the restrictions of *shemittah* for longer than necessary. How can we then understand why this *shemittah* year (5782) is also a Jewish leap year? The following are two possible answers to this question.

The Rambam (*Hil. Kiddush HaChodesh* 4:16) says that if *Beis Din* has a significant reason for adding the extra month during *shemittah* (e.g., to "schedule" the *tekufah* [season] at the correct time), they may create a leap year even during *shemittah*. This

overrides the concern of extending *shemittah*. Nowadays, when all leap years are created due to these types of significant reasons, it is acceptable to have a leap year during *shemittah*.

Also, the Rambam himself (*ibid.* 4:15) suggests



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food, an animal food, or dyestuff, is subject to *kedushas shevi'is*. Flowers would seemingly not fall into this category and therefore not be subject to the rules of *shevi'is*. Although the *Mishnah* at the end of the seventh *perek* of *Shevi'is* states that roses have *kedushas shevi'is*, the *Chazon Ish* (14:9) explains that these roses were used as flavorings and are therefore classified as human food. However, the *Yerushalmi* (*Shevi'is* 7:1) has a *safek* about fragrant spices that are inedible, as to whether they have *kedushas shevi'is*. The question is if the benefit of fragrance is significant enough to confer *kedusha* upon the plant (see *Rash Sirilio* and *Chazon Ish* *ibid.* for alternate explanations). Fragrant flowers would have the same *halachik* status as the fragrant spice.

How do we *paskin* regarding the *safek* of the *Yerushalmi*? The *Tzitz Eliezer* (6:33) points out that this question, as to whether a fragrant spice or flower has *kedushas shevi'is*, only appears in the *Yerushalmi*, while there is no mention anywhere in the *Bavli* of any such *safek*. In addition, the Rambam does not mention any restrictions with regard to them either. Accordingly, the *Tzitz Eliezer* holds that one can be lenient with fragrant flowers. The *Shevet Halevi* (2:202) disagrees and holds that one must be strict and treat fragrant spices and flowers as having *kedushas shevi'is*. In practice the consensus of the *poskim* (*Mishpatei Eretz* 14:2) seems to be to follow the stricter view. The *sefer Chut Shani* (*Shevi'is* p. 246-247) qualifies this stringency and limits it to flowers that are sold for its fragrance, and not ones that are

primarily sold for their beauty and happen to have a good fragrance as well.

Sefichin

Vegetables and grains that grow on their own during *shemittah* are forbidden to be eaten under a Rabbinic prohibition called "*issur sefichin*." The reason for the prohibition is because *Chazal* were afraid that people would intentionally plant these items during *shemittah* and then claim that they grew on their own. HaRav Binyomin Zilber zt"l (*Bris Olam Shevi'is* 29-30) posits that this prohibition should apply to anything that grows from the ground and for which there is a market. Accordingly, he says, it would be forbidden to have benefit even from non-fragrant flowers that grew in *Eretz Yisroel* during *shemittah*. This is so because although non-fragrant flowers have no *kedushas shevi'is*, it is still strictly forbidden to plant them. However, the consensus of the *poskim* (*Minchas Shlomo* 51:11) is to only apply the *issur* of *sefichin* to produce that has *kedushas shevi'is*, and there would be no



issur in benefitting from non-fragrant flowers. Although ornamental flowers do not have *kedushas shevi'is*, and one is allowed to benefit from them, one should still avoid purchasing them if they are known to have been planted during *shevi'is*. By purchasing them, one is assisting those who are violating the *mitzvah* of *shevi'is* by planting them during the *shemittah* year, which is strictly forbidden (see Rambam *Shemittah* 8:1).

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that the reason why a leap year is generally not scheduled during *shemittah* is because during *shemittah* all produce is *hefker*, and people will grab all of the grains as soon as they ripen. To ensure that there would be barley available for the *korban haomer*, *Beis Din* would not add an extra month so that the barley would ripen just before Pesach (when the *korban haomer* is brought) and there would be barley available in the fields for that *korban*. Rav Chaim Kanievsky (*Shekel HaKodesh*) suggests that Rambam's reason may be limited to when the *Beis HaMikdash* was standing and a *korban haomer* was offered. If so, that would explain why nowadays we are able to have a leap year during *shemittah*.

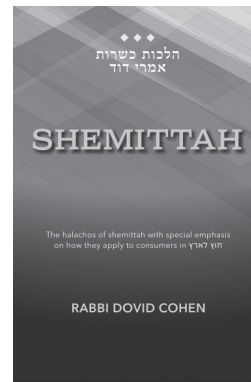
Support

The Torah (*Vayikra* 25:21) says that those who observe *shemittah* will be blessed with such abundant crops before *shemittah* that they will be able to survive a year of not farming and growing crops. Does that same guarantee apply nowadays when *shemittah* is only a *mitzvah d'rabannan*?

The answer to that question revolves around a statement of *Tosfos* (*Gittin* 36b) who says that the reason the Rabbis only instituted *shemittah mid'rabannan* and not *yovel mid'rabannan* is because it would be too difficult for people to observe the restrictions of *shemittah* for two consecutive years (i.e., *shemittah* in the 49th year, and *yovel* in the 50th).

SM"A (*Sefer Meiras Eynaim* by Rabbi Yehoshua Falk) (*CM* 67:2) sees this as saying that nowadays when *shemittah* (and *yovel*) are only *mitzvos d'rabannan*, Jews cannot count on having enough produce to last them through these years when they cannot plant and harvest. Accordingly, to survive for two years without any means of sustenance would be too difficult for people.

However, *Chazon Ish* (18:4) argues that if there is a *mitzvah* of *shemittah mid'rabannan* then Hashem will take care of the physical needs of the Jews who trust in Him and observe the *mitzvah*. *Chazon Ish* disagrees with *SM"A's* interpretation of *Tosfos* and provides an alternate explanation for the statement that it is too difficult for Jews to observe two consecutive years of "*shemittah*." [It is also noteworthy that *Urim V'Tumim* 67:2 and *SM"A* offer alternate reasons why *Chazal* did not create *yovel mid'rabannan*].



A comprehensive treatment on the subject of *shemittah* is available in the recently released *sefer, Shemittah*, by Rabbi Cohen.

For more information on the *sefer*, please visit ShopcRc.org.



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