



שבת הארץ

בס"ד

CHICAGO RABBINICAL COUNCIL MONTHLY SHEMITTAH NEWSLETTER

TAMMUZ 5782 • JULY 2022

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Using Shemittah Produce

by Rabbi Dovid Cohen

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In the previous installments, we saw which foods have *kedushas shevi'is* and reviewed the basic *halachos* of foods which have *kedushas shevi'is*. In this installment, we will conclude our discussion of *shemittah* produce by discussing the relevant *halachos* regarding how one should eat *shemittah* produce without wasting it. We will organize our points using actual examples described by the *poskim*, and structure those points by different food-types.

Lemon

Shemittah produce must be eaten in a manner which is common and standard in that place and time, although it does not have to be the most common method of eating the food. Therefore, for example, since peaches are rarely eaten in juice form, it is considered "wasting" to juice them and one may not do that. On the other hand, oranges are eaten as-is or as juice, and therefore it is permitted to eat them either way. In contrast, the common use of lemons is for their juice, while the eating of actual lemons is so limited as to be considered "unusual" and a waste of *shemittah* produce.

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Shemittah on a Leap Year?

by Rabbi Aaron Kraft

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Although the *shemittah* year is nearing its end, it is worth reflecting on the fact that this year was not only a *shemittah* year, but also a leap year. Particularly noteworthy is the fact that this confluence contradicts the ruling cited in the *Gemara* (*Sanhedrin* 12a): אין מעברין את השנה לא בשביעית, the intercalation of the year should not take place during a *shemittah* year. According to the understanding of the *rishonim*, this injunction seems rabbinic in nature, and we must understand how it is that today it is not uncommon for a leap year and *shemittah* year to overlap.

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לזכות רפואה שלימה בעבור מרים דישראל בת גאלדא

Using Shemittah Produce (continued from page 1)

Thus, a person can juice a lemon, and he can also cut a slice of lemon and put it into his drink as that is a common way to use lemons. What about the bit of lemon juice left on the knife as a result of cutting it for either of these uses? Must he save that juice and treat it with *kedushas shevi'is*? Rav Elyashiv said that if people who are particularly frugal save a given amount of food (כל שדרך אנשים החסים על) (ממונם לשיירם) then everyone must save that food and treat it with *kedushas shevi'is* as it is considered "edible," but if even those people would not be particular to save this food, then there is no requirement to do so. Therefore, in our case, since no one would be so careful as to save the drops of lemon juice on a knife, there is no need to save it and treat it with *kedushas shevi'is*.

Another example of where this principle comes into play is that if someone fries food in a pan and there is enough oil left over in the pan to cook other food or to use in a fire (such as in a Shabbos candle), the oil must be treated with *kedushas shevi'is*, but if there is just a meaningless residue of oil left in the pan, that oil can be "wasted." Similarly, when one eats food on a plate, the bulk of the leftovers must be saved and treated with *kedushas shevi'is* since there are people who save that amount, but the remaining residue may be washed in the sink (i.e., allowed to go down the drain) since no one makes an effort to keep those bits.

Do the lemon's pits have *kedushas shevi'is*? The pits are suitable for animals, and therefore their status depends on the question of whether food suitable for animals has *kedushas shevi'is* for city-dwellers, as discussed in the previous installment. Once you have squeezed all of the juice out of the lemon, it would appear that you cannot discard the rind/peel, because there are people who use lemon rind in baking.

Apple

One cannot bake/cook *shemittah* produce which is usually eaten raw (and vice versa), and whether that applies to apples depends on whether the creation of "baked apples" is considered a standard method of eating them in the given place and time.

It is permitted to peel an apple before eating it because (a) it is a common method of eating apples, (b) there is no *mitzvah* to eat *shemittah* produce, and (c) the apple peel is just as edible after the peeling as it was beforehand. Of course, the removed peel has *kedushas shevi'is* and must be treated appropriately.

After the person cuts slices of apple, the core retains *kedushas shevi'is*, since there are people who will eat the considerable amount of fruit left on the core after the slices are cut off. After all that fruit has been eaten or removed, the remaining core is only suitable for animals, and therefore its status depends on the question of whether animal food has *kedushas shevi'is* for those of us living in cities.

Wine

If *shemittah* wine is used for *havdalah*, you cannot let the wine overflow the cup unless you subsequently drink the part that spilled over the cup. Similarly, you cannot extinguish the *havdalah* candle in the wine, since that ruins the wine and means that no one will drink from it anymore. You also cannot take some of the *havdalah* wine and put it into your pockets or eyes.

After drinking from the *kiddush* or *havdalah* cup, if there is any leftover wine, it should be treated with *kedushas shevi'is*, but if there are just tiny drops left which not even the most frugal person would keep, those drops may be washed down the sink.

Animal Food

Foods suitable for humans cannot be fed to animals, as that is considered "wasting." Therefore, if you visit the zoo or have a pet, you cannot feed the animals those foods which are (still) suitable for people, but you can give them leftovers which have spoiled to the point that people will not eat them, or you can give them foods which are not suitable for people.

Since animals generally eat their food in a raw state, it is considered wasteful to cook food for them.

The above is a brief overview of the ways *shemittah* produce is treated with *kedushas shevi'is*; readers should consult with their Rabbi for further details.



Shemittah on a Leap Year? (continued from page 1)

Rashi (ibid.) provides the simplest reason to explain why the *Beis Din* may not declare a leap year during *shemittah*: לפי שמאריכין עליהן איסור עבודת קרקע. In other words, upholding the laws of *shemittah* with all the agricultural restrictions is difficult enough on a regular year. Extending the year by adding a month prolongs the duration of these restrictions, making the burden of *shemittah* even harder for the farmers to endure. According to Rashi, this ruling is meant to protect the farmers, and in theory should apply equally today just as in ancient times when the *Beis Din* declared *Rosh Chodesh* each month based on witness testimony. Why, then, do we see that leap years often coincide with a *shemittah* year? Rav Yaakov Epstein (in *HaTorah V'Haaretz* volume 6 pg. 495) explains that when we shifted from declaring the new month based on witness testimony in court to relying on a preestablished set calendar based on calculations, the *shemittah* years no longer fall out in the optimal fashion. This results in occasional *shemittah* years that overlap with leap years.

The Rambam, however, understands the desire to separate *shemittah* years from leap years in a different way. In the fourth chapter of *Hilchos Kiddush Hachodesh* (halachos 15-16) the Rambam explains that the *shemittah* year should not be declared a leap year to ensure that there will be enough grains (known as *sefichin*) that grow on their own in the

fields to use for the *Korban Omer* and *Shtei Halechem* offered on Pesach and Shavuot respectively. If the *shemittah* year is prolonged, that will result in more people taking from these grains, leaving nothing to use for these *korbanos* (see *perush* on the Rambam ibid. that even though this produce is forbidden to take *miderabbanan*, people took it nonetheless). According to this understanding, the enactment to avoid *shemittah* leap years is not to protect the farmers, but to ensure sufficient grains to bring the requisite *korbanos*. Therefore, according to the Rambam, it is only problematic to have a *shemittah* leap year when the *Beis Hamikdash* stands and *korbanos* are offered. Unfortunately, we have not yet merited the rebuilding of the

Beis Hamikdash, and so according to the Rambam, *shemittah* during a leap year would not pose an issue. Even when the *Beis Hamikdash* is standing, the Rambam does acknowledge that *bidieved* a leap year can coincide with a *shemittah* year. (Also see *A Shemittah Leap Year* by Rabbi Cohen in issue 6.)

Although according to both Rashi and the Rambam, a *shemittah* leap year is not ideal, our reality does allow for such an occurrence. When this does occur, as it did this year, it is important to acknowledge and admire the extra *emunah* and *bitachon* exhibited by Israeli farmers who are *moser nefesh* for an additional month to uphold the sacred laws of *shemittah*.

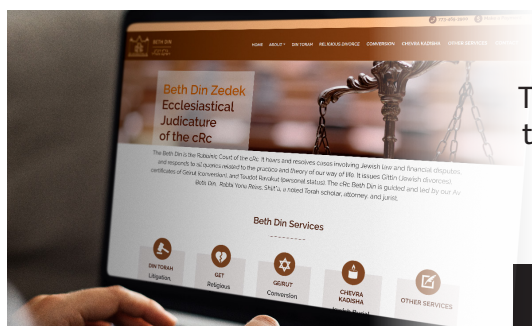


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Land or Person?

by Rabbi Dovid Cohen

During *shemittah* there are restrictions on which type of work/*melacha* may be done on and with the land, and that leads to a conceptual question: did Hashem command that the land should rest and merely assign that responsibility to the person who occupies a given piece of land? Or is it purely a *mitzvah* on the person, and the land is just the "tool" through which he performs the *mitzvah*?

One indication as to the resolution to this question is that the Torah (Vayikra 25:2) describes the *mitzvah* of *shemittah* using the words "ושבתה הארץ" (the land should rest) and the Gemara (Avodah Zara 15b) says that אדם מצווה על שבתת שדהו בשביעית (people are commanded that their land should rest on *shemittah*) which seem to imply that the *mitzvah* is on the land. On the other hand, Chazon Ish asks that if the *mitzvah* is that the land should rest, why does the Torah not require a person to rip out plants which grow by themselves?

The question of whether the *mitzvah* is on the land or person is noted in *Minchas Chinuch* 112, *Chazon Ish* 17:25, *Mitzvos HaMelech* (Aseh 134:a and 135:a), and many others who also provide the following practical applications:

- If a non-Jew performs *melacha* for a Jew on the Jew's property, is that a standard violation of *amirah l'akum* (asking a non-Jew to do something which Jews are not permitted to do) or is that a full violation of the *mitzvah* to have one's land rest? If the *mitzvah* is on the land, the land's owner is enjoined not to do anything which will prevent that "rest"; therefore, if he asks

a non-Jew to perform *melacha*, that is a *d'oraisa* violation of his obligation.

- Similarly, if a person lives in a building with irreligious people who do not observe *shemittah* and the building's gardener will continue to perform *melacha* on the garden during *shemittah*, does the religious tenant have to relinquish his ownership of that property so that his land will not be worked on *shemittah*?
- May one apply a slow-release chemical fertilizer to his field (or set a timer on his watering system) before *shemittah*? The person will not be performing any *melacha* on *shemittah*, but his land will not be resting.

For practical *halacha* on these issues, please consult with your Rabbi.



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