



פרשת יתרו
שבט תשפ"ג
שנת הקהל



HAKHEL IN THE PARSHA

Parshas Yisro records the Giving of the Torah at Har Sinai.

In the laws of Hakhel in Hilchos Chagigah, the Rambam writes that "Gerim who are unable to understand the words of the Torah being read by the king, should prepare their hearts and direct their ears to hear, with fear, awe and seriousness just like the day on which the Torah was given".

The Acharonim elaborate on this idea, explaining how the Mitzvah of Hakhel was a type of re-creation and re-experiencing of the Giving of the Torah and our commitment to the acceptance of Torah and fulfillment of the Mitzvos.

This is reflected in a number of details of Hakhel; the king would read the Torah as the Shaliach of Hashem, just as we heard Hashem's voice at Har Sinai. The king stood on a wooden Bimah, and elevated platform like Har Sinai. The entire Jewish people, men, women and children had to be present at Hakhel, just as they were at Har Sinai.

From the Pasuk שם ישראל, our sages derive that at Har Sinai the Jewish people camped in absolute unity and that this was a prerequisite for Matan Torah. Unity is a key theme of the Mitzvah of Hakhel.

A collection of Torah thoughts produced by Kollel Menachem



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The prayer of a guarantor

When Yisro comes to the camp of Bnei Yisroel, he declares; "Blessed is Hashem who has saved you from the hand of Egypt and the hand of Pharaoh..."

What is so significant about this blessing that it is included in the Torah? The Jewish people in their thousands, already back in Egypt, would have blessed and thanked Hashem for their Redemption. Why are none of these prayers recorded for us in the Torah, but the blessing of Yisro is?

The Tiferes Shlomo of Radomsk shares a beautiful insight in answering this question, showing how the Torah is teaching us a lesson about what prayer is truly worthy of being heard and recorded.

The verse in Shir Hashirim reads; השמיעני קולך כי קולך ערב, "let me hear your voice, because your voice is sweet". The word ערב also means a guarantor. The voice is a metaphor for the voice of prayer. When does Hashem say "let me hear your voice", desiring to hear our prayers? When our prayers are in the manner of a guarantor.

A guarantor puts themselves out on behalf of and to benefit someone else. Even though they become personally liable and exposed to risk, the guarantor is prepared to accept the liability in order to help their fellow.

What does it mean to pray in the manner of a guarantor?

A person should not Daven only for themselves and their personal needs and only rejoices in their own success and blessings. Praying in this way is selfish, crass and lowly. Rather we should Daven on behalf of others and beseech Hashem that they should be

blessed. And we should genuinely rejoice in their good fortune, success and blessings.

Not only that, we should be willing to put ourselves out on behalf of our fellow, just so that they should see goodness and blessing.

After the Bnei Yisroel rebelled against Hashem by demanding a king, Shmuel Hanavi said "as for me, far be it from me to sin against Hashem by refraining from praying for you". We see from this, that not Davening on behalf of others would be considered a sin against Hashem!

The Tiferes Shlomo explains that this type of prayer was instituted by Yaakov Avinu. The Gemara teaches that Avraham instituted the prayer of Shacharis, Yitzchak instituted the prayer of Mincha and Yaakov instituted the prayer of Aravis. The word Aravis can be related to the word ערב (guarantor), suggesting that Yaakov, the father of Klal Yisroel, gave us the ability to Daven on behalf of others.

So back to Yisro. Whereas the Jewish people would have certainly offered infinite prayers and blessings to thank Hashem for saving them from Egypt, these would have all been prayers of thanks for their own personal benefit and salvation. There is nothing unique and special about this type of prayer that warrants recording for posterity.

Yisro did not personally benefit from the Exodus from Egypt. He was not a slave under the hand of Pharaoh. His blessing was an expression of pure joy over the good fortune and salvation of someone else. This is the sweetest prayer, the prayers that Hashem wants to hear and wants recorded in His Torah for all time.

1. According to the Rambam Shemittah 4:12 and Shulchan Aruch, the status is determined by the year in which the Esrog is picked. See Gr" a based on Raava" d, Rashi and Tosfos that for an Esrog we go from the year of budding. Poskim are stringent according to both views, see Az Nidberu 4:57 and Sheivet Halevi 1:175. The discussion is based on a lengthy Sugya in Mesechta Rosh Hashana
2. Tshibiner Rav and Shaarei Deah
3. Not everywhere in the borders of the modern State of Israel are classified as having the sanctity that obligates it in the observance of the agricultural laws.
4. There are different opinions on the reliability of the general Heter Mechira performed in Israel. Most Poskim are against the Heter Mechira and challenge its validity. Therefore, the produce will still be treated as Kedushas Sheviis.
5. Sukkah 3:11
6. Many Poskim question the legitimacy of the Havlaa method. They argue that this only worked at a time when Esrogim were cheaper than the Lulav. Nowadays when even basic level Esrogim and certainly Mehudar Esrogim can cost many times the value of the Lulav, how can Havlaa be justified? According to this view, Esrogim may only be sold at cost price. Other Poskim justify the practise of buying Esrogim at regular prices since Shemittah now is only Rabbinic and it is for the purpose of a Mitzvah.
7. Sheviis 6:5
8. Pesachim 52b
9. In a letter to the Netziv, Rav Shmuel Salant writes that he did not allow his son Rabbi Binyomin Beinisch, to send Esrogim to Chutz Laaretz.
10. Each year, the Lubavitcher Rebbe would be presented with Esrogim from the Kfar Chabad orchards. The Rebbe would use a Calabrian Esrog for the Brocha and a Kfar Chabad Esrog for the Naanumim. In the year following a Shemittah year, the Rebbe would not use a Kfar Chabad Esrog.
11. It is possible that since Esrogim are not usually eaten as fruits, that one can make jam with the fruit as well.

The weekly Halacha analysis

Jam made from Shemittah Esrogim - part 1

Rabbi Yonason Johnson

On Tu Bishvat, one of the members of the community put out small tubs of jam that they had made from left-over Esrogim from Sukkos. They were placed there for people to take. Since these Esrogim came from Eretz Yisroel and grew during the Shemittah year, what are the issues of concern that apply to the jam?

There are a number of issues that we must address to answer this question, including; 1. Whether Shemittah status applies to the fruit, 2. how it could be sent out from Eretz Yisroel to Chutz Laaretz, 3. whether one can make Shemittah produce into jam, 4. what restrictions or laws govern the consumption of Shemittah produce and 5. What are the requirements of Biur.

Shemittah status of Esrogim

Esrogim are subject to the laws of Shemittah produce. An Esrog is treated as Shemittah produce either if it was picked or it budded during the Shemittah year¹. The Shaalah on Shemittah Esrogim will most likely be in the year after Shemittah.

There is a minority view that Esrogim grown purely for the Mitzvah are not subject to Shemittah, because Mitzvah use is not considered a Hanaah². However, this ruling is not relied upon.

Note, the restrictions only apply to Esrogim which were grown in Eretz Yisroel³. Esrogim from other countries, such as Italy (Calabrian or Yanover Esrogim) as customarily used by many groups, including Chabad Chassidim, or Morocco, are not subject to any restrictions.

Accepted Halocha is that if a field in Eretz Yisroel belongs to a non-Jew or is legitimately sold to a non-Jew, the Esrogim are not subject to Shemittah⁴. Nonetheless, Poskim advise not buying Esrogim grown by non-Jews for fear of grafting.

Produce of Shemittah had special sanctity known as Kedushas Sheviis and is governed by specific laws. These include that one may not do business or trade in Shemittah produce and that one may not send Shemittah produce outside of Eretz Yisroel.

How can Shemittah Esrogim be sold?

The Mishna⁵ teaches that someone who buys a Lulav during Shemittah, should be given the Esrog as a gift. The Rambam explains that the Lulav is like wood as it is not edible or otherwise useful and therefore not subject to the Shemittah produce restrictions.

Based on this Mishna, to avoid the Issur of doing business with the Shemittah Esrogim, merchants will sell the Esrog sold together with the Lulav. The Esrog is considered a gift and payment is for the Lulav which is not subject to Shemittah. This is referred to as Havlaah⁶.

Exporting Shemittah Esrogim

The Mishna⁷ teaches that Shemittah produce may not be taken from Eretz Yisroel to Chutz Laaretz. The Rishonim explain different reasons for this prohibition. Based on the reasons, the Poskim find basis to permit exporting Esrogim to Chutz Laaretz.

1. Raavad explains that this was a precaution because in Chutz Laaretz they may not know how to treat fruits with Kedushas Sheviis.
2. Rosh learns that the prohibition on taking Shemittah produce outside Eretz Yisroel is because the fruits themselves require Biur in Eretz Yisroel.
3. Another opinion is that part of the conditions of Kedushas Sheviis obligates the fruits to be consumed in Eretz Yisroel.
4. The Gemara⁸ relates that Rav Safra took wine from Shemittah to Chutz Laaretz. Tosfos asks how he was able to do so. Tosfos answers that the prohibition is only on taking out the fruits for the purpose of eating. Alternatively, Rav Safra took it out unwittingly.
5. Additionally according to some Rishonim, the Issur of taking the fruits to Chutz Laaretz is only after the time of Biur.

Shu"t Meishiv Davar rules that Esrogim may not be sent to Chutz Laaretz. This is also the view of the Chazon Ish and Rabbi Shmuel Salant⁹. There were Gedolei Yisroel who would not use Esrogim from Eretz Yisroel from the Shemittah year¹⁰. Other Poskim allow sending Esrogim to individuals outside of Eretz Yisroel, but not to make a

business out of it. Others are completely lenient because it is for the purpose of a Mitzvah and this is the common practise.

Based on some of the reasons above, some Poskim require that the Esrog be sent back to Eretz Yisroel after Sukkos. Others write that the Esrog may be fried and eaten before the Zman Habiur. Others are completely lenient and allow keeping the Esrog in Chutz Laaretz without having to consume it before the Zman of Biur.

Kedushas Sheviis and making jam

Irrespective of how Shemittah produce ends up in Chutz Laaretz, it retains the sanctity of Kedushas Sheviis.

One may eat Shemittah produce if one is careful to observe its Halachic requirements. For those who do not send their Esrogim back to Eretz Yisroel, these Halachos will apply to the Esrog in Chutz Laaretz. According to the Ramban, there is a positive Mitzvah to eat the produce of Shemittah however Halocha follows the Rambam that there is no Mitzvah.

Shemittah produce may only be used in the normal manner. Therefore, fruits that are able to be eaten in their raw form, may not be made into juice or jam. For example, one may not make jam using the fruit of an orange. However, since the rind is not usually eaten raw, one may make jam from it. One may make jam from the rind and thick pith of the Esrog¹¹.

The jam must still be treated with Kedushas Sheviis and the laws of Biur will apply to the jam.

Because of its sanctity, one is not allowed to waste Sheviis produce. It cannot be given to non-Jews and food that is edible for humans cannot be given to animals.

One is not allowed to dispose of Shemittah produce in the rubbish in a disrespectful manner. There are different approaches of how left-overs may be discarded. Common practise is to place it into a compost bin and to only dispose of it once the produce has decayed. **TO BE CONTINUED NEXT EDITION**

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