

**SHABBOS SHIUR**

All men and women are invited to join the Shabbos afternoon Shiur between Mincha and Maariv in the Yeshiva Shule.

This week's Shiur will be given by Dr Tzvi Graj on the topic

**Bringing in Yom Tov early - the 1st and 2nd night of Sukkos, Shmini Atzeres & Simchas Torah**

**KINNUS TORAH**

In keeping with the Rebbe's directive, we will be holding a Kinnus Torah on Shabbos Chol Hamoed Sukkos - after Mincha in the Yeshiva Shule. Various speakers on different Halachic topics.

**YOM KIPPUR PUBLICATION**

In honour of Yom Kippur, the Kollel published a collection of insights from Chassidus on the Seder HaAvodah of the Kohen Gadol on Yom Kippur.

The publication was distributed to a number of Chabad Shules and was well received.

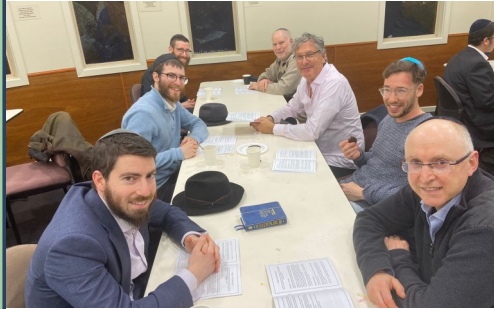
**KOLLEL MINYAN**

The Kollel ran Yomim Noraim Minyanim once again this year in the Werdiger Hall.

The atmosphere was uplifting, with a Chassidishe Chayus and lively Nigunim.

A big thank you and Yasher Koach to all of the Baalei Tefillah, Baal Koreh, Baalei Tokeia, Gabboim and our Mispalleim.

A collection of Torah thoughts produced by Kollel Menachem

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When Haazinu is read on Shabbos Shuva, the Haftorah of Haazinu is replaced by the Haftorah of Shuva Yisroel.

When Yom Kippur falls on Wednesday (as is did this year) or Thursday, there will be an extra Shabbos between Yom Kippur and Sukkos. In these years, Vayeilech is read on Shabbos Shuva and Haazinu is read on the Shabbos between Yom Kippur and Sukkos, together with the actual Haftorah for Haazinu.

The Haftorah is the Song of David. This parallels the theme of the Parsha which is also a song. The same Haftorah is also read on the seventh day of Pesach when the Song of the Sea (Az Yashir) is read.

The Song of David is recorded twice in Tanach, with slight differences between them. One version is found in Shmuel Beis chapter 22 and the other is in Tehillim chapter 18. The Haftorah is the text from Sefer Shmuel, as the Haftorahs come from the Neviim, as opposed to the Kesuvim which includes Tehillim.

One of the most famous differences between the two versions is in the final verse. The version in Shmuel concludes;

**מגדול** ישועות מלכו ועשה חסד למשיחו לדוד ולזרעו עד-עולם:

*A Tower of salvations to His king, Who deals graciously with His anointed, With David and his offspring evermore.*

The version in Tehillim concludes;

**מגדל** ישועות מלכו ועשה חסד למשיחו לדוד ולזרעו עד-עולם:

*He give great salvations to His king, Who deals graciously with His anointed, With David and his offspring evermore.*

The difference between them is in the opening word. One refers to Hashem as being a Tower

(Migdol) of salvations. The other refers to Hashem as giving great (Magdil) salvations.

This difference is the basis for how we change the wording of this Posuk in Bentching. On weekdays we use the Posuk from Tehillim - Magdil. On Shabbos, Yomtov, Rosh Chodesh and Chol Hamoed we use the Posuk from Shmuel - Migdol. This practise is first recorded in the 14th Century work Abudraham and is codified in Shulchan Aruch.

The version in Tehillim was composed by Dovid Hamelech before he became king, whereas the version in Shmuel was from after Dovid had become king. This is like the difference between the holy days which are likened to a king when compared to the weekdays.

Whilst both terms express the greatness of Hashem's salvations, a tower (Migdol) represents a greater form of strength. On Shabbos, Yomtov and Rosh Chodesh, when there is a greater revelation of G-dliness in the world, we use the Posuk Migdol.

This difference is also reflected in the fact that the Kesuvim were written with Ruach Hakodesh. This is a lesser level of G-dly revelation than the words of the Neviim which are words of Hashem.

The Ariza"l gives a Kabbalistic explanation for the change in Nusach.

The Kesuvim are associated with the Sefira of Malchus. In contrast, the Neviim come from a higher spiritual source - the Sefiros of Netzach and Hod.

During the weekdays, Hashem's light is hidden within the Sefira of Malchus as it descends downwards to vivify the created worlds. This is reflected in the word Magdil (מגדל) which is spelled without a Yud.

The greater G-dly revelation on Shabbos and Yomtov comes from the higher Sefiros of Zeir Anpin. This is reflected in the word Migdol which is read with a Cholam vowel.

**Sources for Halacha analysis on reverse**

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|---|--|--|--|
| 1. Sukkah 3:11  | Eliezer rule leniently. See Az Nidberu 1:41 who is stringent | picking. See Gr"a that for an Esrog we go from budding | 9. Pesachim 52b  |
| 2. Raavad, Ran, Rabbeinu Gershon, Bartenuira and Rad-ba"z rule similarly to the Rambam. | 3. Mahari"l Diskin and Chazon Ish                            | 6. Tshabener Rav and Shaarei Deah                      | 10. 2:560. He brings a proof from the fact that an Esrog was sent to the Gri"z of Brisk with no issue. |
| Minchas Shlomo 1:51:23,   | 4. Tzitz Eliezer 1:15.                                       | 7. Tzitz Eliezer 1:15                                  |  |
| Sheivet Halevi 1:181 and Tzitz  | 5. Rambam Maaser Sheni 1:5. Shulchan Aruch based on          | 8. Sheviis 6:5   |  |

# The weekly Halacha analysis

## Buying Esrogim from Shemittah Year

### Rabbi Yonason Johnson

**Q.** The year 5782 was a Shemittah year. How does this affect the use of our Arbah Minim this coming Sukkos in 5783?

**A.** Produce from the Shemittah year which was grown in Eretz Yisroel, is subject to certain Halachic restrictions. These restrictions include;

- The fruits or produce of Shemittah year have a sanctity known as *Kedushas Sheviis*. Whilst they may be used or eaten in their usual way, they may not be wasted or destroyed.
- Money which is used to acquire Shemittah produce takes on the status of *Kedushas Sheviis* as above. One should not buy Shemittah produce from an *Am Haaretz* who may not treat the money properly.
- One is not allowed to do business by selling Shemittah produce.
- Shemittah produce may not be taken out of Eretz Yisroel.
- There is also an obligation of Biur. Whilst one may bring in Shemittah produce to use, once the produce or fruit is no longer growing on the trees, one must perform Biur. This is done by taking the fruit outside and being *Mafkir* it to declare it ownerless (in front of three people). One may then take the fruit back to use.
- According to Ramban there is a positive Mitzvah to eat the fruits of Sheviis. Halacha follows the Rambam that there is no Mitzvah.
- The above is in addition to the restrictions on farmers working the land and harvesting the fruits (unless via Otzar Beis Din)

Are the Arbah Minim subject to these restrictions? And how do we deal with them?

**Lulav:** The Mishna<sup>1</sup> 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. Therefore it is not subject to the Shemittah produce restrictions.

Rashi and Tosfos offer a different explanation of the Mishna. According to their view, a Lulav which grew during Shemittah would be subject to the laws of Shemittah produce. However, accepted Halacha is to be lenient like the Rambam<sup>2</sup>.

**Aravos:** Since they have no taste or smell or serve another need, Aravos are not subject to the laws of Shemittah produce.

**Haddasim:** There is a debate whether Haddasim are subject to Shemittah restrictions. This is based on a dispute in the Yerushalmi whether plants that are used for fragrances are subject to Shemittah or not. Some Poskim are Machmir<sup>3</sup>. Others are lenient<sup>4</sup>. Minchas Shlomo is lenient because today Haddasim are grown specifically for the Mitzvah and not for fragrance.

**Esrogim:** The biggest Shaalos concern the Esrogim. Whilst they may be used for the Mitzvah of Lulav, they are subject to the laws of Shemittah produce. An Esrog is deemed to be Shemittah produce either if it was picked or it budded during the Shemittah year<sup>5</sup>. The Shaaloh on Esrogim apply for the Sukkos after Shemittah, which are harvested during the Shemittah year.

There is a minority view that Esrogim grown purely for the Mitzvah are not subject to Shemittah, because Mitzvah use is not considered a benefit<sup>6</sup>.

Note, the restrictions only apply to the Minim that were grown in Eretz Yisroel. Esrogim from Italy, as customarily used by Chabad Chassidim, or elsewhere in Chutz Laaretz, are not subject to the restrictions of Shemittah.

Similarly if the field in Eretz Yisroel belongs to a non-Jew, the Esrogim are not subject to Shemittah. Nonetheless, Poskim advise not buying Esrogim grown by non-Jews for fear of grafting<sup>7</sup>.

**Selling Shemittah Esrogim:** On the Posuk *and the Land will be for you to eat*, Chaza"l learn that '*for you*' teaches that the produce may be used for all of our needs. '*To eat*', comes to exclude wasting or doing business with the fruits.

To avoid the Issur of doing business with the Shemittah Esrogim and also to avoid the problem of buying from an *Am Haaretz*, the Esrog is sold together with the Lulav as per the Mishna quoted above. The Esrog is considered a gift and payment is for the Lulav which is not subject to Shemittah. This is referred to as *Havlaa*. The money will not have *Kedushas Sheviis*.

According to those who hold that Haddasim are not subject to Shemittah, one may also do Havlaa for the Esrog with the Hadassim.

**Exporting:** All of the above works fine for Esrogim being used in Eretz Yisroel. But what about exporting Esrogim to Chutz Laaretz?

The Mishna<sup>8</sup> 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 people 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 Gemora<sup>9</sup> 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.

Based on the 3rd reason, if the fruit is not usually eaten, there is no prohibition. According to the reason of the Rosh, if one sends the Esrogim back to Eretz Yisroel after Sukkos for Biur, it is permissible. Tosfos' first answer and answer 5 also give room for leniency since the Esrogim are sent before *Zman Habiur* and not for the purpose of eating.

Shu"t Meishiv Davar rules that Esrogim may not be sent to Chutz Laaretz. This is also the view of the Chazon Ish.

Teshuvos Vehanhagos<sup>10</sup>, although personally Machmir, is lenient and allows an Esrog to be sent for an individual who needs it. He adds that it is preferable to be *Makneh* the Esrog to the purchaser before it leaves Eretz Yisroel. He did not permit wholesale large scale. Others are completely lenient because it is for the purpose of a Mitzvah.

Irrespective, Eretz Yisroel Esrogim which are brought to Chutz Laaretz are subject to the laws of *Kedushas Sheviis*. They should not be disposed of but rather eaten or left to compost. It would also be preferable to send the Esrogim back as per the Rosh.