



פרשת משפטים  
שבת מברכים אדר א  
שבט תשפ"ב

## YESHIVAS KAYITZ

Kollel ran a successful Yeshivas Kayitz program during the last week of holidays, for boys in grades 6-10.

Over 30 boys enrolled and participated in the daily program.

The program started with a daily Chassidus shiur with Rabbi Johnson, with Mezonos refreshments.

We studied a fundamental Maamar on Davening by the Friedrike Rebbe explaining the different stages of Davening and what we should be thinking about.

After Davening breakfast was served and this was followed by a topical shiur by the Kollel Rabbis.

Rabbi Stern spoke about pets in Halacha, Rabbi Moshel spoke about archaeology and Halacha, Rabbi Johnson gave a shiur on the Halachos of visiting the graves of Tzaddikim and R' Yonason Jones gave a shiur on the convergence of science and Torah.

The boys were engaged and interacted in the shiurim.

To celebrate the last day of the program, Dovid Tachtman served fresh, hot pancakes.

## UPCOMING SHIURIM

Please visit our website to see the schedule of our regular weekly shiurim including: the Chassidische Parsha with Rabbi Johnson, Parsha with Rabbi Broh, Nach with Rabbi Gordon, Halacha with Rabbi Stern and more.

A collection of Torah thoughts produced by Kollel Menachem

אין בית המדרש בלא **חידוש** Chiddush



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## Whose slave are you?

Parshas Mishpatim begins with the laws of the Eved Ivri, the Jewish slave. The Eved Ivri is to work for 6 years and goes free in the 7th year. If the Eved loves his master and does not wish to go free in the 7th year, his master must take him to a door or doorpost and bore a hole into his ear.

Why is the Eved punished for choosing to remain with his master? And why is the punishment connected specifically to the ear?

Rashi explains; At Har Sinai Hashem declared that the Jewish people are My slaves. When the Eved chooses to remain a slave in the custody of his master, we pierce the ear that heard Hashem's declaration, and nonetheless went and acquired a master for himself other than Hashem.

If this is the reason we pierce the slave's ear, we should do so at the start of the 6 years when he first sells himself and acquires another master. Why do we only do it at the end of the 6 years and only when he chooses to remain with his master?

A person may only sell themselves as a slave in desperate circumstances, when they are poor and have no way to repay their debts.

Whilst taking another master even in these circumstances is still wrong, his actions, driven by desperation are nonetheless understandable. Our sages teach that poverty can cause a person to act in a way that is against the will of Hashem, even doing things that they would never otherwise do.

Such a slave does not treat his sale lightly. He values and appreciates the fact that he is Hashem's slave alone and does not really want to acquire a master for himself other than Hashem. He just feels that he has no other choice.

With this perspective, as soon as the 6 years are over and they are able to go free, they will jump at the opportunity to be free and once again be exclusively a servant of Hashem - fulltime.

By choosing to remain a slave even when they have the opportunity to go free (and no longer having financial pressures), the slave demonstrates that they have a different attitude altogether.

Voluntarily choosing to remain in the service of an earthly master shows that they do not truly value

being a slave to Hashem alone and are not bothered to have another master. Post-facto we see that even their initial sale was tainted by this perspective.

This is why the ear pierced only at this point in time and only when they choose to remain in servitude.

Whilst the laws of slaves are no longer practically observed, they teach us a lessons in our personal Avodas Hashem.

As servants of Hashem, our primary occupation should be to serve Him through the study of Torah and the fulfilment of the Mitzvos.

But we can't do this fulltime. Even according to Torah, we need to work to earn a livelihood. But it should not be in a manner that it detracts from our servitude to Hashem. Our pursuit of parnasa and involvement in worldliness, even when required, should not become a master - a Balabos - over us.

How do we know if we have the proper perspective? The test is on Shabbos.

The 6 days of the week when we are pursuing our parnasa, parallel the 6 years of the slave's service.

When Shabbos comes, like the slave in the 7th year, we have the opportunity to 'go free' and be liberated from our 'service' of the week. On Shabbos when we no longer have the responsibility of parnasa, we can devote ourselves as servants of Hashem alone; forgetting about our businesses and immersing ourselves in Torah, Tefillah and Avodah.

But if a person is enslaved to worldly matters, even when the Shabbos brings the opportunity to be free, they will choose to remain enslaved; thinking about their businesses and materialism instead of devoting the day to Torah and Avodah. They are effectively saying "I love my master and will not go free" even when they have the opportunity to.

The true servant of Hashem knows that even though we need to work for a living, this is not because we are subservient to it. Hashem is the one who provides our parnasa and our work is merely making the Keili. As soon as Shabbos comes, they relish the opportunity to liberate themselves and devote themselves to completely to serving their real Master.

## The weekly Halacha analysis

# Shemittah produce in Chutz Laaretz - Part 1

Rabbi Yonason Johnson

*I was at the fruit shop the other day. Seeing that I was Jewish, the owner was very proud to show me the fruits and vegetables from Israel. I know that this year is Shemittah. How does this affect these fruits and vegetables and can I buy them?*

Shemittah is one of the Mitzvos Hateluyos Baaretz, the agricultural laws that apply in the Holy Land of Eretz Yisroel. The Halachos of Shemittah govern the farming of the land and also the status and use of the fruits and produce.

During Shemittah there is a positive Mitzvah that the land has to be left to rest. No work can be done on the land that prepares or assists with the growth of trees and produce, including; ploughing, planting, watering, pruning, harvesting and fertilising. Some of these activities are Biblically forbidden and some are Rabbinically forbidden.

As Shemittah nowadays is only of Rabbinic status, limited activities are permitted in some circumstances. But for the purpose of this article, working the land in general is forbidden.

### Laws of Shemittah produce

The fruits that grow or are picked during Shemittah also are governed by specific laws. The farmer is not allowed to harvest all of the produce for himself. The produce must be left Hefker and free for anyone to come and take.

Additionally, the fruit attains sanctity known as Kedushas Sheviis. A number of Halachos apply as a result of this 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 to eat.

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.

Shemittah produce may only be used in the normal manner. Fruits that are usually eaten may not be made into juice or jams. Fruits that are made into juice may not be eaten. Similarly produce that is mainly eaten raw

may not be cooked and vice versa.

One is not allowed to trade or sell the fruits of Shemittah and one is not allowed to send Shemittah produce.

Another law that applies is the law of Biur. Once the produce would no longer be available in the field, Biur must be performed on any of this produce that one may have in their home.

To perform Biur one must take the produce out of their home and make it Hefker, after which one may reclaim the produce and take it back inside. Some say that this Biur must be performed in front of three people.

The above applies to all produce, including grains, fruits, legumes and vegetables.

A Torah-observant Jew living in Israel would be very familiar with these laws. Generally, they would not be relevant outside of Eretz Yisroel.

However, it does happen (in cases like you described) that Shemittah produce may end up in Chutz Laaretz, either mistakenly or intentionally. Although it was wrong to send the Shemittah produce to Chutz Laaretz, it nonetheless retains its Kedusha and the laws of Kedushas Sheviis will apply.

In Chutz Laaretz we are not familiar with the Halachos of Shemittah produce. Some Rishonim explain that this is the very reason Shemittah produce may not be taken outside of Eretz Yisroel – because the residents there will not treat them with the proper sanctity as required by Halacha.

### Does Sheviis status apply?

When one finds produce in Chutz Laaretz that has come from Israel from the Shemittah year, a number of factors will determine its status, one of these are where the fruit came from?

### Non-religious farms

Unfortunately, there are some Jewish farms in Eretz Yisroel who do not observe the Shemittah laws. If the farms were worked in violation of Shemittah, there are different opinions on whether the produce is permissible. Accepted practise is that such produce is not purchased or consumed.

### Arab farms

The Shulchan Aruch rules that Shemittah and agricultural Mitzvos such as Terumos and

Maasros, do not apply to fields owned by non-Jews in Eretz Yisroel. Produce from Arab-owned farms would not have the sanctity of Kedushas Sheviis and would be permissible with no restrictions.

### Heter Mechira

Based on this Halacha, many farms in Eretz Yisroel rely on the Heter Mechira under which Jewish farming land is sold to an Arab for the Shemittah year, in a similar manner to the sale of Chometz. The Heter Mechira is a very controversial leniency and many Poskim and Kashrus agencies dispute its validity to remove the applicability of Shemittah laws.

The Rebbe wrote that Chabad should not rely on the Heter Mechira. Most Charedi communities also do not rely on the Heter Mechira.

Those who initially argued for the Heter Mechira in the late 1800s and early 1900s, do so because they perceive a Shaas Hadechak – a very pressing need and possible Pikuach Nefesh if it is not relied upon to circumvent the Shemittah restrictions. It is highly questionable whether such a need exists today.

This has led almost all Kashrus agencies outside of Eretz Yisroel, even the more lenient, large Kashrus agencies such as the OU and OK, to not certify Shemittah produce for Chutz Laaretz or that it must be treated with Kedushas Sheviis, even if the Heter Mechira was employed.

### Where in Israel?

Another question is where the produce was grown. Shemittah laws only apply within the borders of Eretz Yisroel as defined in Halacha. Even though places like Eilat and the lower Negev are part of the borders of the modern State of Israel (and produce from there will be stamped as Israel), they are not within these borders and not subject to Shemittah.

Since there are different opinions on where the Southern border of Eretz Yisroel was, care should be taken when relying on this to determine the status of fruit from the Shemittah year.