



פרשת משפטים
שבת שקלים
שבט תשפ"ג
שנת הקהל



HAKHEL IN THE PARSHA

One of the Mitzvos in Mishpatim is the Mitzvah of Shemittah. When setting the time of the Mitzvah of Hakhel, the Torah teaches that it should be "at the end of the 7th year, at the appointed time, in the Shemittah year."

Even though Hakhel took place on Sukkos in the eight year, which is the year following Shemittah, the Torah connects its observance to the Shemittah year.

The commentators offer different explanations why Hakhel is associated with Shemittah and had to take place immediately after Shemittah.

(Ibn Ezra actually interprets the verse as teaching that Hakhel was performed at the beginning of the Shemittah year)

Malbim writes that having spent a year not working the land and involving themselves in Torah, after Shemittah is an opportune time to be inspired by the Hakhel reading.

Shem Mishmuel says that the whole Shemittah was a preparation to elevate themselves and be ready to internalise the words of the king.

Others explain that after spending a year not working the land and celebrating the Festivals of Tishrei, Hakhel served to give strength and faith to carry them through the next 7 years working the land.



In this Edition

- Seeing the Goodness & G-dliness in others **P.1**
- Jam from Shemittah Esrogim part 2 **P.2**

Seeing the Goodness and G-dliness in others

The end of Parshas Mishpatim details the preparations made by Moshe and Bnei Yisroel before the Giving of the Torah on Har Sinai. As part of these preparations, Moshe built a Mizbeach and offered Olah and Shelamim sacrifices.

The Torah records how Moshe took half of the blood (חצי הדם) and placed it into basins to sprinkle on the people. The other half (וחצי הדם) he sprinkled onto the Mizbeach.

The Tiferes Shlomo offers a fascinating Chassidic insight on this Posuk, teaching us a powerful lesson on how we should look at our fellow Jew.

One of the names for man in Lashon Hakodesh is אדם (Adam). This name is specifically used for the Jewish people. The word אדם is made up of the word דם, meaning blood, with an additional א at the beginning.

The blood represents the physicality of a person and the life force of their Nefesh, as taught in the verse כי הדם הוא הנפש, the blood is the life force soul. This is the source of our desires for physicality and materialism. It is also the source of our negative Middos and behaviours. In Chabad Chassidus, this is the Nefesh Habehamis, the Animalistic soul.

But we also have an א. Alef alludes to the G-dly spark which shines within us. The Alef represents Hashem, the *Alufo Shel Olam*, the Master of the world. It is this spark that elevates us from being דם, to become אדם, an elevated, G-dly being.

One of the prohibitions in the Torah is לא תעמוד על דם רעך, "Do not stand over the blood of your fellow". Literally this verse teaches that we may not stand idly by when our friend's life is in danger.

Based on the discussion above, Tiferes Shlomo interprets the verse as telling us that when we stand and look at our fellow and pass judgment on them, we should not judge them as דם. We should not define them by their negativity, their physicality and their shortcomings.

Rather, we must remember that they have an א within them. We must see the G-dly spark within them as defining their true being.

In Tehillim, Dovid Hamelech says; מי האיטש החפץ חיים אוהב ימים לראות טוב "Who is the man who desires life, who loves long life, to see good."

Tiferes Shlomo reads the verse as follows; "Who is the man who desires life, who desires long life?" Who will be rewarded with length of days? "The one who sees good", someone who only sees the good and positive qualities in others.

With this perspective, one will automatically come to the fulfillment of the next verse נצר לשונך מרע "guard your tongue from evil". When we see focus only on the good in others and see them as a Divine spark, we will have no thoughts of speaking badly about them.

This perspective is attainable and expected of each one of us. The Posuk in Parshas Mishpatim teach us how Moshe took this attitude to the next level.

Moshe was able to divide the דם. Even in the blood aspect of a person, their physicality, Moshe was able to discern and find positive qualities that could be elevated to Hashem. דם has the Gematria of 44. Half of דם is 22, alluding to the 22 letters of the Alef-Beis, the holy letters of the Sefer Torah.

Our sages tell us how Ahavas Yisroel and unity was the prerequisite for Matan Torah. According to the insight of the Tiferes Shlomo, in the preparations for Matan Torah, Moshe was showing the Jewish people to secret to attaining true unity and harmony.

We have to train our mind to believe in and focus on the goodness and G-dliness of every Jew, no matter how they may present or behave on the outside. Not only on the Neshama level, but also in their physicality, we have to see the holiness and purity of a Sefer Torah.

Unity is also one of the themes of Parshas Shekalim. Every thing that we give to Hashem must be from the best. Like a Korban, it must be whole and complete. Yet, here we are commanded to give a half Shekel. The Rebbe explains that the message of the half Shekel, is that the only way we can become whole ourselves and bring a perfect gift to Hashem, is when we come together with a fellow Jew.

The weekly Halacha analysis

Jam made from Shemittah Esrogim - part 2

Rabbi Yonason Johnson

In last week's edition we discussed the prohibition on trading in Shemittah produce and on taking Shemittah produce outside of Eretz Yisroel.

The Poskim present a number of Heterim on the basis of which Esrogim from Eretz Yisroel from the Shemittah year can be sent and sold to Chutz Laaretz to observe the Mitzvah of the Arba Minim.

As they are Shemittah produce, they have Kedushas Sheviis and must be treated with specific care and respect and they are subject to certain restriction, including not wasting or discarding it, feeding it to an animal or giving it to a non-Jew.

Being that Esrog peels and pith is generally not fully edible, it may be made into jam. The jam will be subject to all of the laws of Kedushas Sheviis.

A Torah-observant Jew living in Israel would be very familiar with these laws. 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.

Biur

Whilst one is allowed to take Shemittah produce home to consume, once the produce would no longer be available growing in the field, there is an obligation to perform Biur.

When the appropriate time comes, Biur must be performed on any of that type of produce that one still has in their home. One may not continue to consume or benefit from the produce until Biur has been performed.

Whilst the Rambam¹ rules that Biur means that the produce must be destroyed (like Biur Chametz), the Halacha follows the Rishonim² who explain that in relation to Shemittah, especially since Shemittah nowadays is only Rabbinic, Biur means to render the produce Hefker (ownerless).

After performing Biur and declaring it owner-

less, one may even reclaim the produce for themselves and take it home.

To perform Biur one must declare it Hefker. Some say that this Biur must be performed in front of three people. Many Poskim also require that the produce be physically removed from one's house and placed outside in the public domain. Others rule that it suffices to render the produce Hefker inside their home in the presence of three people.

Biur must be performed on Shemittah produce even in Chutz Laaretz.

The time for Biur will be different for each type of fruit, vegetable or legume, depending when it is no longer in the field. Special calendars are printed in Eretz Yisroel with the date of Biur for each different type.

When is the time of Biur for Esrogim?

There is an opinion that if the Esrogim are from Otzar Beis Din, they do not require Biur at all³. Indeed, since Esrogim continue to grow on the tree year-round, it is questionable whether Biur applies at all.

However, accepted practise is that Biur applies and is performed for Esrogim. There are differing views on when is the time of Biur for Esrogim. Some Poskim write that the Zman Habiur is the day of Tu Bishvat. Others are stricter and require Biur to be performed before Rosh Chodesh Shevat. A more lenient opinion puts the Zman of Biur as the beginning of Nissan.

Chabad Poskim in Eretz Yisroel write that one should follow the stricter opinion and perform Biur before the month of Shevat begins.

There is a dispute whether Kedushas Sheviis continues to apply after Biur has been performed. Accepted practise is that the produce retains Kedushas Sheviis and must be treated accordingly.

Conclusion

Since it is after Rosh Chodesh Shevat, the Esrog jam in question that was put out at the back of the Shule, should not be used before performing Biur. The fact that the jam has been brought to Shule and put out for people to take, satisfies

the requirement of Biur. As an extra Hiddur, the 'owner' should declare it Hefker in the presence of three others. The jam must be eaten and treated with Kedushas Sheviis.

If the jam had been put out before the Zman of Biur, each person who took jam would have to perform Biur when the Zman arrives, if they hadn't eaten it before then. They may then continue to use it at home.

The status of the other Minim

Lulav: The Mishna⁴ 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.

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. This is because Lulavim are useable for sweeping. Accepted Halacha is to be lenient like the Rambam⁵.

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

Haddasim: There is a dispute on 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 Machmir⁶. Others are lenient⁷. Minchas Shlomo is lenient because today Haddasom are grown specifically for the Mitzvah and not for fragrance.

1. Hilchos Shemittah 7:3

2. Ra"n, Sema"g, Rabbeinu Yishaya, Rosh and Ramban

3. Yalkut Yosef Sheviis is lenient

4. 1 Sukkah 3:11

5. Raavad, Ran, Rabbeinu Gershonm, Bartenura and Radba"z rule similarly to the Rambam. Minchas Shlomo 1:51:23, Sheivet Halevi 1:181 and Tzitz Eliezer rule leniently, since Lulavim are not used today for sweeping. See Az Nidberu 1:41 who is stringent

6. Mahari"l Diskin and Chazon Ish

7. Tzitz Eliezer 1:15.