



Kollel in the CBD

Kollel joined together with JBD and Kliger Partners to host a lunchtime legal symposium on the topic of Child Custody.

Rabbi Johnson presented the halachic framework on deciding child custody cases through the Shulchan Aruch, classic response and modern day rulings of the Israeli Rabbinical courts.

Rebecca Goldman presented on the topic in the Australian legal context.

The program was well attended and engaging. Plans for part two are already underway.

Mikraei Kodesh Journal

Look out on Rosh Hashona for the Kollel *Mikraei Kodesh* publication. The journal shares Divrei Torah, Halocha and Yomtov inspiration, written and compiled by the Rabbinic of Kollel Menachem.

Hakhel Melbourne 5776

The Rebbe strongly urged the making of Hakhel gatherings.

Join us on Thursday Chol

Hamoed Sukkos for a major family Hakhel event, hosted by the Kollel together with Yeshivah Shule, Chabad Youth, Young Yeshivah and Ohel Devorah

Featuring; A Kinnus Hakhel, Kid's rallies, Rides, Food, Shiurim and Live music Simchas Beis Hashoeva.

4:00-8:00pm at Yeshivah. See flyers for more details.



In this Edition

It's for us, not for them **P.1**

Arbah Minim from the Shemittah Year **P.2**

It's for us, not for them

At the end of this week's Parsha we read the words **וּלְדַבְּקָהּ בּוֹ**, "and to cleave to Him". The Gemora asks how it is possible to cleave to Hashem? In answer, our sages teach that through cleaving to Talmidei Chachomim, it is as though one cleaves to Hashem himself.

The Alter Rebbe in Tanya explains that it's not just "as though" we cleave to Hashem. Rather, through the Talmidei Chachomim our connection to Hashem is revealed.

In Hilchos Talmud Torah, the Rambam lists two Mitzvos; 1) To learn Torah and 2) To honour those who learn and are knowledgeable in Torah.

Why is the Mitzvah of honouring Talmidei Chachomim placed in the Halachos of learning Torah? It would have been more appropriate to place the Mitzvah of honouring Talmidei Chachomim in either Hilchos Deios, where the Rambam brings the Mitzvah of cleaving to Talmidei Chachomim, or in Hilchos Mamrim, where the laws of honouring parents are discussed.

The answer is that the Rambam is teaching us a lesson; If we want to have Talmud Torah, the study of Torah, we must show Kovod for its learners.

We are obligated to teach our children Torah. We want them to respect Torah and embrace its study. By showing respect for those who are learned in Torah, we demonstrate the *Chashivus* of Torah and the awe and veneration with which we value it.

This can be illustrated by the following story;

A Ben Torah, who had spent many years learning in Kollel, was upset that his sons had not grown up to follow in his ways. To add insult to injury, his neighbour, a simple Jew who had not spent time in Yeshivah, saw all of his sons grow up to be Talmidei Chachomim, Roshei Yeshivah and Rabbonim.

Burdened and with a strong sense of injustice, our Ben Torah went to his Rosh Yeshivah to pour out his heart. He had devoted his whole life to Torah, so why didn't his children follow his example?

The Rosh Yeshivah answered. As a Lamdan, when you come home to your Shabbos table after the shiur or after hearing the Rov's Droscha on Shabbos, you start to *upshlog*; The Rov misquoted the Gemora, there's a false argument, etc. This is what your children hear.

Your simple neighbour doesn't know the Gemora or if the Rov misquoted. He comes home excited and shares with his family what the Rov said at the shiur or the message of the Droscha. His children see his sincerity, respect and excitement and are infused with respect and awe themselves.

In a Yechidus, the Rebbe asked Rabbi Chaim Klein, director of Heichal Shlomo in Jerusalem, "Who is the Rov of the Shul where you Daven on Shabbos"? Reb Chaim answered that there was no official Rov. The Rebbe replied, "if you seek my advice, then on Friday nights, for Kabbolas Shabbos, take your son to a Shul where there is a Rov. It makes no difference which Shul, as long as there is an officiating Rov."

The Rebbe explained why this was so important. "A Yiddische child must know that at the end of Davening, he approaches the Rov to wish him Gut Shabbos and the child will look forward to receiving Gut Shabbos back (Sippurei Tzaddikim, Simcha Raz).

For the Rebbe, Rabbonim and their Pispei Dinim were Kodesh Kodoshim and the Rebbe exemplified and actively defended the due respect which must be accorded to them.

There are many other ways in which we show this respect and it is important, as the Rebbe pointed out, that our children see and hear us doing so;

A Shochet shows their knife to the Rov, not because the Rov is more expert, but to show Kovod.

It is customary for the Shlich Tzibbur and the community to wait for the Rov to finish his Krias Shema or Shemoneh Esrei before continuing the Davening.

We honour Talmidei Chachomim with certain Aliyos and Kibbudim throughout the year in Shul and at private Simchas.

One should stand when a Talmid Chochom enters the room and listen respectfully when they speak.

When speaking about/quoting a Talmid Chochom, they should be referred to respectfully and with their title.

This showing of Kovod is not for the Talmid Chochom. Torah emphasises humility and not pursuing Kovod.

Showing Kovod to Talmidei Chachomim is for us and for our children; for our relationship with Torah and so that we may thereby cleave to Hashem Himself.

Arbah Minim from the Shemittah Year



Q. The year 5775 is a Shemittah year. How does this affect the use of our Arbah Minim this coming Sukkos in 5776?

A. Produce from the Shemittah year which was grown in Eretz Yisroel, is subject to certain 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 Mishna¹ 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. Accepted

Halacha is to be lenient like the Rambam².

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 Machmir³. Others are lenient⁴. Minchas Shlomo is lenient because today they are grown for the Mitzvah 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 year⁵. The Shaaloh on Esrogim will most likely be for the Sukkos after 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 Hanaah⁶.

Note, the restrictions only apply to the Minim which were grown in Eretz Yisroel. Esrogim from Italy, as customarily used by Chabad Chassidim, are not subject to any restrictions.

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 grafting⁷.

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 your 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 Mishna⁸ 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 be-

Rabbi Yonason Johnson

cause 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 Gemora⁹ 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 not 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 they 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 Vehanhagos¹⁰, 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. ■

¹ Sukkah 3:11

² 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. See Az Nidberu 1:41 who is stringent

³ Mahari"l Diskin and Chazon Ish

⁴ Tzitz Eliezer 1:15.

⁵ Rambam Maaser Sheni 1:5. Shulchan Aruch based on picking. See Gr" a that for an Esrog we go from budding

⁶ Tshibener Rav and Shaarei Deah

⁷ Tzitz Eliezer 1:15

⁸ Sheviis 6:5

⁹ Pesachim 52b

¹⁰ 2:560. He brings a proof from the fact that an Esrog was sent to the Gri"z of Brisk with no issue.