

OVERVIEW of the Daf

1) Shemittah (cont.)

The Gemara explains that the Tanna of our Mishnah follows the position that establishes the shemittah status of an esrog by when it is picked.

The Gemara above stated that a lulav during shemittah does not have sanctity because it is considered sixth year produce. The Gemara questions why that answer was necessary when a lulav should not have the sanctity of shemittah because a lulav is mere wood and wood does not acquire the sanctity of shemittah.

The reason a lulav can acquire the sanctity of shemittah is explained.

2) Shemittah status of firewood

It is asserted that there is a dispute between Tanna Kamma and R' Yosi in a Baraisa, whether firewood acquires the sanctity of shemittah.

The rationale of each position is explained.

The authorship of an additional Baraisa is identified in light of the explanation of the dispute between Tanna Kamma and R' Yosi.

3) Deconsecrating shemittah produce

R' Elazar and R' Yochanan agree that shemittah produce can be deconsecrated by way of purchase. They disagree, however, whether it can be deconsecrated by way of redemption (חילול).

The rationale behind each opinion is identified and the Gemara explains how each opinion explains the other pasuk.

A Baraisa is cited in support of each opinion. ■

REVIEW and Remember

1. According to the Gemara's conclusion, how do we determine an esrog's status for ma'aser and shemittah?

2. Why is it prohibited to use shemittah products for laundry purposes?

3. What is the process of deconsecrating shemittah produce?

4. Why, according to Chachamim, is one not permitted to deconsecrate ma'aser onto live animals?

Distinctive INSIGHT

Why does a lulav have **קדושת שביעית**?

אמר רבא סתם עצים להסקה הן עומדים

The Gemara states that a lulav has **קדושת שביעית**, and it proceeds to identify under what conditions this is true.

Although, in general, leaves or wood grown during shemittah do not possess the restriction of **קדושת שביעית**, there are, however, the following qualifications. If the leaves or branches are edible, even if it be only for animals, they have the status of food, and the rules of shemittah apply to these branches and leaves just as they do for produce fit for human consumption. Certain reed leaves and grape leaves can be used either for animal food or for fuel. In this case, the Beraisa rules that the intent of the one gathering them determines their status. If he intends for them to be eaten by his livestock, they have **קדושת שביעית**. If, however, he collects them for fuel, they have no such holiness. This would suggest that a lulav, which is not used for animal feed, should not have **קדושת שביעית**. Nevertheless, the Gemara explains that the status of holiness due to shemittah is based upon the concept "מי שהנאתו וביעורו שוה". Food is consumed, and the benefit derived from it occurs simultaneous with its being consumed. This type of benefit is prohibited from a shemittah product. Wood used for heating an oven, however, becomes consumed by the fire, and the benefit of baking in an oven heated by such sticks and logs comes only afterwards, when the heated oven has food introduced into it. Here, the benefit from the wood occurs after the commodity is consumed. When the benefit from a shemittah product is only realized upon a "delay," such a benefit is not prohibited. A lulav, all year long, is typically used as a broom. Technically, a broom becomes expended as it is used for sweeping, thus rendering its benefit in the category which is prohibited during shemittah.

This definition leads רבא to conclude that benefiting from wood that is typically used for illumination is prohibited, for in this case the benefit is immediately realized as the fire burns, before the wood turns into a coal. It does not occur upon a delay, as we found regarding baking in an oven or heating a house. **עצים דמשחן** is wood that has oil absorbed into it, and it is used both for heating an oven (אין הנאתו) (הנאתו וביעורו שוה) as well as for illumination (הנאתו וביעורו שוה), yet it does not have **קדושת שביעית**. Why is this different than reed and grape leaves, where the status depends upon the intent of the one gathering them? As Rashi explains, it is because the main use of these branches is for heating, and we do not focus upon its other, occasional usage. ■

HALACHAH Highlight

Does the Lulav acquire the sanctity of Shemittah?

יצאו עצים שהנאתן אחר ביעורן

Excluding wood, whose benefit occurs after it is consumed.

Rashi¹ explains that the primary benefit from wood occurs after it has been burned into coal when it is used for baking. A lulav, on the other hand, is used primarily for sweeping one's house, thus the benefit and consumption of the lulav occur simultaneously. Since the benefit from the lulav occurs simultaneously with its consumption, as is the case concerning food, it is subject to the sanctity of shemittah. In our times, when lulavim are no longer used to sweep the floor, one could ask whether lulavim acquire the sanctity of shemittah. Perhaps they should be treated the same as regular wood which does not acquire the sanctity of shemittah.

Rav Yosef Liberman² suggested a line of reasoning which would indicate that lulavim would acquire the sanctity of shemittah even though they are not used as brooms. He cites a ruling of Rav Shmuel Wosner³ that orange peels acquire the sanctity of shemittah. Since animals can eat

them, they acquire shemittah sanctity despite the fact that they are normally discarded, unless they are rendered inedible for animals. Thus, we see that something that can be used in a way that its benefit and consumption occur simultaneously will acquire sanctity even if that is not its normal use. Therefore, submits Rav Liberman, a lulav should also acquire sanctity since it could still be used as a broom notwithstanding the fact that it is not normally used in that fashion.

Rav Shlomo Zalman Auerbach⁴ disagreed with this assertion. Rav Auerbach writes that only food items acquire the sanctity of shemittah, even if it is not normally used as food. Since it is by nature an edible item, it acquires sanctity automatically. Non-food items, on the other hand, do not acquire sanctity simply because they are able to be used in a way that would involve their benefit and consumption occurring simultaneously. Only if in practice they are used in a way that involves their benefit and consumption occurring simultaneously would they have the sanctity of shemittah. ■

1. ד"ה יצאו עצי הסקה

2. מובא דבריו במנחת שלמה ח"א סי' נ"א אות כ"ג

3. שו"ת שבט הלוי ח"ב סי' קצ"ט ודבריו דלא כחזו"א (שביעית סי' י"ד סק"י) דס"ל דאין להם קדושת שביעית כיון דרוב אנשי זורקים אותם לאשפה

4. מנחת שלמה הנ"ל ■

STORIES Off the Daf

The "dust" of Shemittah

א"ר יוסי בר חנינא בוא וראה כמה קשה אבקה של שביעית

On today's daf, we see the terrible consequences that befall one who trades commercially in the produce of shemittah. If it is not declared ownerless and open to the public, one may not use it.

The Chazon Ish, ז"ל, struggled mightily to halt the improper use of shemittah produce in Israel in modern times. During the last shemittah year of his life, the Chazon Ish refused to make a brachah on the superior esrogim that were available through the device known as the

היתר מכירה, which he opposed vehemently. Since the esrogim had not been declared ownerless, they were considered the merchandise of שביעית that invites the awful curse brought down in our Gemara.

That year, the Chazon Ish elected instead to use an esrog that was kosher, but had several minor blemishes on its surface. Since this particular esrog had been raised in an orchard owned by a Godfearing Jew who could be relied upon to have really opened it to the public completely, it was preferable to a perfect fruit with real halachic problems attached.

On another occasion, unrelated to shemittah, a very wealthy man spent a very large amount of money on his ארבע מינים by purchasing the most expensive set available. He took it to a number of very prominent

Rabbonim in Israel, and all declared that they had never seen a set to match it. Since the Chazon Ish was the ultimate halachic authority of his time, the wealthy man wanted very much to hear the gadol sing the praises of his ארבע מינים. He figured, that way, no one he knew would be able to resist envying the great wealth that had bought him the good opinion of all the gedolei Yisroel.

When he brought them to the Chazon Ish shortly before Sukkos, the gadol inspected them closely. He said, "Your ארבע מינים are truly impeccable, they are b'tachlis ha'hidur."

The man was nearly swollen to bursting with pride. The Chazon Ish went on, "Tell me, though, was the money used to buy them also earned b'tachlis ha'hidur?" ■