YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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Masekhet Shevi'it

**Shiur #15: Wasting Shemitta Produce**

**By Rav Moshe Taragin**

One of the most significant consequences of kedushat shvi'it is the prohibition of wasting shemitta produce. The previous shiur addressed the prohibition of using food for cleansing agents, as this is considered wasteful. Other issurim stemming from the 'waste-prohibition' include cooking fruit which is normally eaten raw or eating in a raw form fruits and vegetables which are normally cooked. Likewise, foodstuffs cannot be used for ointments (and certainly not for medical purposes), and fruits cannot be pressed for their juices (with the exception of grapes which can be squeezed for wine and olives which can be pressed for oil – as these are the designated uses of these fruits).

 This kedushat shvi'it clause has many practical ramifications. Shemitta produce cannot be used in a non-conventional manner (e.g. cooking produce which is normally eaten raw). From a purely theoretical standpoint, lemons or oranges may not be used to produce orange juice or lemonade, as the mishna in Terumot (which discusses parallel prohibitions in the instance of teruma) permits only the extraction of wine and oil. Practically, though, since in our day these substances are conventionally used for juice, this process is permissible even with shemitta produce.

 A more common practical question pertains to leftover fruits and vegetables. Kedushat shvi'it applies even to food which is grown for animals and inedible to human beings. Consequently, any food, even leftovers from human consumption which are still 'ra'uy le-akhilat beheima' (edible for animals), possesses its kedusha and may not be wasted. This creates 'maintenance issues' in Israeli homes regarding the shemitta experience (which lasts close to a year and a half, since fruits which bloom during the seventh year are generally eaten well into the eighth). Is one allowed to simply throw these leftovers into the garbage, or must they be retained? If they must be saved, how long must they be held until they may be discarded?

 The first question surrounds an interesting issue: Is it forbidden only to actively ruin these fruits, or even to passively allow them to rot? The gemara in Pesachim 52b interprets the word le-akhla as mandating "ve-lo le-hefsed" (they should not be wasted). How should we interpret the guidelines of this issur?

 The mishna in Shvi'it (8:7) cites an issur to cook a shemitta vegetable in teruma oil. The mishna also mentions the dissenting opinion of Rebbi Shimon that this is allowed. Rashi and Tosafot claim that the basis of this prohibition surrounds the limitation imposed upon teruma. The halakha of biur shvi'it demands that once a particular item is no longer readily available in the 'field' it must be removed from the house. These limitations – which generally apply to shvi'it - will now be imposed upon the teruma oil which is absorbed into the shemitta vegetable. Causing these types of limitations to kodshim (of which teruma is one example) is forbidden. As Rebbi Shimon generally allows the imposition of limitations onto to kodshim in general, he allows this scenario, as well.

 The Rambam, in his commentary to the mishna, offers a different reading of this mishna. The prohibition of cooking shvi'it together with teruma stems from the repercussions regarding the shvi'it produce. Any teruma which becomes impure must be burnt. As the shvi'it now contains absorbed teruma oil, if it becomes impure it will be burnt. By creating the possibility that shemitta produce will be burned, one violates the kedushat shvi'it condition. This reading of the Rambam would suggest that even indirectly causing shvi'it fruit to be damaged is included within the prohibition against causing hefsed to shemitta produce.

 A second interesting example relates to a mishna in Terumot (11:1), which disallows placing teruma fruits (and by extension, shemitta fruits, since the two are comparable) into a mixture known as 'moryas' (an acidic mixture of fish and vinegar). As this will ultimately decompose the shemitta fruit, the person has violated the prohibition of wasting shvi'it. This, too suggests that a person may not take any action that will launch a process which will advance the damage of shemitta produce, even if that action will not immediately or directly cause the deterioration. It should be noted that the Rash (the commentary of Rebbi Shimshon Mishantz - one of the ba'alei hatosafot - on the mishna in Terumot) argues and allows inserting shvi'it into moryas. (He bases himself on a Yerushalmi which specifically distinguishes between placing shvi'it into moryas and squeezing the juice out first.) According to the Rash, the mishna refers to someone who actually squeezes the juice of the shvi'it into the moryas, as in this case he causes immediate dissolution. By merely placing the fruit into the moryas and launching a slow process, no violation has been committed.

 The case of cooking shemitta produce in teruma oil (according to the reading of the Rambam), as well as the situation of placing fruit in moryas, suggest even a prohibition of causing damage to shemitta produce. However, in each of these scenarios the person performed some action which ultimately caused the damage to occur. Whether it was the cooking of teruma and shvi'it together or the mixing of shvi'it with moryas, some action was taken. What about a situation in which a person remains completely inactive, allowing other factors to cause shemitta fruit to decompose?

 The Tosafeta in Shvi'it prohibits feeding to animals food which is edible for humans, as this constitutes 'wasting' and falls under the prohibition of 'le-akhla ve-lo le-hefsed. The Tosefta concludes that if a person witnesses his animal eating human food, he is not required to prevent it. The Tosefta bases this claim on the pasuk "ve-livhemtikha ve-lachaya …tihyeh kol tevu'ata le-ekhol" (your animals and beasts...should eat the food), suggesting that all food may be eaten by animals (assuming they aren't being fed directly by humans). Doesn't this suggest that a person is not responsible to prevent the waste of shvi'it produce, so long as he does not take any active part in the process? In fact, the Rambam, in Hilkhot Shemitta 5:5, cites this halakha, even though he prohibits cooking shvi'it with teruma as this may necessitate the burning of the shvi'it. Evidently, while active participation in the process is forbidden, passive observance of the process (witnessing an animal eat human food) is permitted. Alternatively, perhaps we should read this halakha allowing an animal to eat human food in a different manner. Since the pasuk specifically mentions the right of animals to eat during shemitta, this is not considered wasting. Though animals cannot be directly fed shemitta produce edible to humans, their eating does not constitute 'wasting.' Hence, we cannot infer anything from this tosefta about passively observing the waste of shemitta produce.

A fascinating teshuva of the Maharit (Rav Yossef Trani, 17th century chief rabbi of Turkey) discusses feeding the leaves from berries to worms which produce silk. As cutting these leaves prematurely will ruin the berries the question of wasting shvi'it produce arises. The Maharit nevertheless allows the process, since the harvest of the leaves only indirectly causes the berries to rot, and indirect damage is not forbidden.

 From a practical standpoint, most poskim maintain that even causing indirect damage to shvi'it fruit is forbidden. For this reason, most people follow the following procedures regarding shemitta leftovers: anything which is still edible for animals is placed in a separate bag and placed on the side until it rots to the point where it becomes no longer edible. It may then be discarded along with the regular garbage. Placing it directly into the garbage is problematic, since this may accelerate the natural pace of decomposition. Additionally, the garbage collectors will ultimately crush the fruit upon collection, and by placing it immediately into garbage collection bins you are assisting this prohibition.