

Kashrus Kurrents

VOLUME 27 NO. 3

Fall 5768-2007

The Mitzvah of Shiluach Hakan

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Shiluach Hakan¹(sending away the mother bird before taking her young) is a *mitzvah* that is infrequently performed. Its reward is the blessing of a long life - similar to the *mitzvah* of honoring one's parents. Let's examine how, when and where to perform the *mitzvah* of *Shiluach Hakan*.

*"If a bird's nest happens to be before you...young birds or eggs, and the mother is roosting...you shall not take the mother with the young. You shall surely send away the mother and take the young for yourself, so that it will be good for you and will prolong your days."*²

Possible Reasons for the Mitzvah

The Rabbis ruled that a person may not state that the reason for the *mitzvah* is compassion for the mother bird. One commentator interprets the *Talmud's* prohibition as applying strictly to reciting this in one's prayers, as if to establish compassion as the definitive, sole reason. There are, in reality, many reasons for the *mitzvah* and compassion is but one facet.³

The *Ramban* states that compassion for the mother bird herself is not a motive for this *mitzvah*, since human needs override those of animals. Rather, the *Torah* wishes us to act compassionately so that we instill this trait in ourselves. He also references a profound *kabbalistic* reason (*sod*) for this *mitzvah*. *Rabbeinu Bachya* states that taking the mother and her offspring at the same time is analogous to destroying the entire species.

Rewards for The Mitzvah

Rashi comments that *Shiluach Hakan* is a relatively easy *mitzvah* to carry out, involving little hardship or cost. One earns the tremendous reward of long life through its performance. We can, therefore, only imagine how great the reward will be for more difficult *mitzvos*.

A number of *Midrashim* state that fulfillment of this *mitzvah* is a *segulah* for having children.⁴ The *mitzvah* is also a *segulah* for getting married and for acquiring a new house.⁵

The *Zohar*⁶ explains the mystical reason behind the vast rewards of this *mitzvah*. The bird's distress elicits *Hashem's* compassion and He showers His mercy on *Klal Yisroel* and individuals in need. In turn, *Hashem* then rewards the person who brought this about.

Who May Perform the Mitzvah

The *mitzvah* can be executed by men, women,⁷ and children. It may not be carried out on *Shabbos* or *Yom Tov*.⁸

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For over nineteen hundred years, the Jewish people have longed to return to *Eretz Yisroel*, the land of Israel. It is only there that we can realize our full potential as a nation, and the *Torah's* blueprint for life can be completely fulfilled. Throughout the millennia, the most important dimension of this yearning was to once again be able to fulfill the *mitzvos hatluyos ba'aretz* (agricultural laws), the commandments that can be observed only in the land of Israel. With *Hashem's* help, many of us in this past generation have realized part of this two thousand year-old dream. Yet, this realization has presented us with new challenges.

Without a doubt, one of the greatest *mitzvah* challenges of all times is the fulfillment of *shmitta*, the year of Sabbatical rest for the land of Israel. The *Midrash* perceives this multifaceted *mitzvah* as being so challenging and difficult, that it calls one who meets the challenge of *shmitta* in all its details an "angel". This article will outline some practical *shmitta* insights so that we can gain a greater understanding and appreciation of this beautiful *mitzvah*.

The laws of *shmitta* can be divided into three major categories: laws regarding working the land,

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female sits at night. Therefore, the *mitzvah* should be fulfilled at night. The female American Robin, Canada Goose and Mallard Duck sit both day and night. If the roosting habits are unknown, one should fulfill the *mitzvah* at night, as we assume it is the mother on the nest.¹⁴

B. Age

One may fulfill the *mitzvah* any time the mother is incubating her eggs or brood.¹⁵ However, once the chicks develop the ability to fly on their own, the *mitzvah* may no longer be fulfilled.¹⁶ Chicks usually develop this ability approximately two weeks after hatching, depending upon the species.

Location of Nest

The *mitzvah* can be done in any country in the world, and even at sea.¹⁷ However, the *Mishna* states that a *kan mezuman*, a prepared nest, is excluded.¹⁸ This means that the mother bird and her offspring must be ownerless. Since the *halacha* states that a *chatzer*, private property, acquires objects on behalf of its owner even without his knowledge, a nest in one's yard would generally be ineligible for this *mitzvah*. This is because the nest and offspring would automatically belong to the owner. Therefore, some authorities hold that one could

A person who comes across a nest is not obligated to send away the mother unless he actually wants the offspring. Nevertheless, it is commendable to carry out the *mitzvah* and even to seek out the opportunity to do so.⁹ Even if one does not eat the offspring after taking them, and his sole motivation is to perform the *mitzvah*, he has properly fulfilled the *mitzvah*.¹⁰

Eligibility of Birds

Only kosher birds are eligible for this *mitzvah*. When determining which birds are kosher to eat, we require a clear *mesorah*, tradition, that our ancestors ate these birds.¹¹ However, when determining which birds are fit for the *mitzvah* of *Shiluach Hakan*, we may rely on the physical signs of kosher birds as delineated by *Chazal*.¹²

Therefore, we can distinguish among three categories of birds: 1) Kosher birds which we

eat and may use to fulfill the *mitzvah*, for example certain species of pigeons, doves, geese, and ducks; 2) Birds which exhibit kosher signs¹³, yet do not have a clear *mesorah*, for example sparrows, robins, cardinals, and orioles. These birds may be used to fulfill the *mitzvah*, but they are not considered kosher to eat; and 3) Birds which are definitely non-kosher with which we should not perform *Shiluach Hakan*. This includes eagles, ravens and other birds of prey.

A. Gender

The *mitzvah* can be fulfilled only when the mother bird is roosting. Since the male also roosts at times, one should determine the gender of the bird before sending it away. However, there is generally no way the layperson can distinguish between genders of birds. Of note, the male dove, pigeon and sparrow will usually sit during the day, while the



EUROPEAN ROBIN

1 See *Meloh Ha'roim* (Chulin 138b) quoting the *Shalah Hakadosh* that the proper pronunciation is *Shiluach Hakein*, with a *tzeirei*. The word for 'nest' is pronounced 'kan', with a *patach*, when it is *samuch* (connected) to another word, as in 'kan tzipol', the nest of a bird. If there is no *smichus* then the word for 'nest' is pronounced 'keir' (as in *Tehillim* 84:4). Nevertheless, common usage is 'Shiluach Hakan', apparently going back as far as the *Shalah* (16th century).
 2 *Dvarim* 22:6-7.
 3 *Tosafos Yam Tov Berachos* 5:3. The *Rambam*, in fact, writes that the reason for the *mitzvah* is to spare the mother bird anguish upon seeing her young taken.
 4 Derived from the words "Ve'es habanim tikach lach", *Midrash Rabba Ki Setzei* 6:6, *Yalkut Shimoni* 930. This *segulah* is cited in the *Sefer HaChinuch* (545) as well. The *Chinuch* and *Ksav Safer Al Hatorah* explain how this is a function of *midah k'neged midah*.
 5 Since this *parsha* is followed by "Ki yivneh ish bayis" and "Ki yikach ish isha" - *Tanchuma Ki Setzei* 1. See *Kli Yakar Dvarim* 22:7.
 6 *Zohar Chadash Rus* pg. 94, *Tikunei Zohar* 6, pg. 23a, cited in *Rabbeinu Bachya*.
 7 *Sefer HaChinuch* 545.
 8 *Responsa Chasam Safer* O.C. 100. One issue is that of *muktzah*, and another is that according to the reasoning of the *Zohar* cited above, it is improper to arouse Heavenly distress on *Shabbos*.
 9 *Aruch Hashulchan* 392:1, *Birchei Yosef* 292:8 quoting the *Arizal*. See, however, *Responsa Chasam Safer* O.C. 100 and *Responsa Torah Lishmah* 277.
 10 See *Responsa Minchas Elazar* 3:43 and *Aruch Hashulchan* Y.D. 292:3.
 11 *Ramo* Y.D. 82:3. The *Torah* lists twenty-four species of non-kosher birds; all others are deemed kosher by the *Torah*. However, our translation of the Hebrew names for birds is not always accurate.
 12 *Responsa Minchas Elazar* 3:43.
 13 Briefly, kosher birds that are sitting on a branch place three toes in front and one in back, non-kosher birds place two in front and two in back. Kosher birds also have a crop and their gizzards can be peeled. In general, birds of prey are not kosher (Chulin 59a). Another sign of kosher birds is that their eggs are not symmetrical; one end is wider than the other.
 14 *Sefer Shalayach Teshalach* pg. 57.
 15 The eggs and chicks go through stages during which it is forbidden to eat them (e.g. while the chick is forming inside the egg). Nevertheless, the *mitzvah* still applies, since they could be re-incubated to a point where they could be *shechted* and eaten. (*Ran Chulin* 150a, *Birchei Yosef* Y.D. 292).
 16 *Shulchan Aruch* Y.D. 292:7.
 17 *Chulin* 139b.
 18 This is derived from the *pasuk* which states, "Ki yikaref" - when you happen upon a nest. *Chulin* 138b, *Shulchan Aruch* YD 292:2.
 19 *Birchei Yosef* 292:3, *Rav Shlomo Zalman Auerbach* (*Minchas Shlomo* 2:97:26), *Rav Yosef Shalom Elyashiv*, quoted in *Kovetz Torani Mevakshei Torah*, chap. 106. See *Chochmas Adam* 105:3. Some authorities hold that before the eggs are laid, one may have in mind that he does not want his property to acquire on his behalf (*Sefer Shalayach Teshalach* pg. 66. See *Chasam Safer Chulin* 141b, and *Igros Moshe* Y.D. 4:45).
 20 *Rav Chaim Pinchas Scheinberg* and other contemporary *poskim* quoted in *Sefer Shalayach Tishlach* pg. 71.
 21 In front of three men who are not related to him or each other.
 22 If the mother has not yet left the nest since laying her eggs, all would agree that one may fulfill the *mitzvah* on his property (*Shulchan Aruch* Y.D. 292:2). Since the owner himself is forbidden to take the eggs while the mother is incubating them, the property cannot acquire on his behalf at that point. However, it would be extremely difficult to determine that the bird has never left the nest.

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fulfill the *mitzvah* only with nests in public places, such as parks.¹⁹

However, according to other authorities it is possible to remove the offspring from the owner's possession by making them *hefker*, ownerless and available to all.²⁰ One may follow these opinions, and declare in front of three people²¹ that the eggs or chicks on his property are *hefker*. He may then proceed to fulfill the *mitzvah*.²²

Brocha Requirement

No *brocha* is recited on this *mitzvah*.²³ One reason given for this is that the bird may fly away of its own volition after the *brocha* is recited, and the *mitzvah* will not have been fulfilled.²⁴

Sending Away The Mother

One need not actually pick up the bird to send it away. Rather, one should create some stimulus to cause it to fly away, such as gently tapping a stick on the nest or nearby tree.²⁵ Even clapping one's hands is satisfactory.²⁶

Taking Eggs or Chicks

Once the mother bird has flown away, one must take the eggs or chicks.²⁷ Even if the mother bird is watching, one still fulfills the *mitzvah*. To perform a *halachic* acquisition, they should be lifted to a height of three *tefachim* (about 12 inches).²⁸ Upon completion of the *mitzvah*, one may put back the eggs or chicks and need not keep them.²⁹

After one takes the eggs or chicks, they may be declared *hefker* by the one who acquired them and then restored to the nest.³⁰ After the mother bird returns, another person may fulfill the *mitzvah*. In this way, the same nest may be used over and over again.³¹

The Cornell Lab of Ornithology notes that contrary to popular belief, most birds will come back to the nest even after their offspring have been handled by humans.³² This is due to their poor sense of smell and inability to detect the scent of humans.

A messenger may not be appointed to send away the bird. One who is unable to climb a tree should first send away the bird, and then appoint another person to acquire the eggs or chicks on his/her behalf.³³

One should use a sturdy ladder and exercise caution when climbing.³⁴

Nesting Habits of Birds

By learning more about the nesting habits of birds, a person who wishes to fulfill the *mitzvah* will know what to look for when searching for a nest. For example, a dove gathering twigs with its beak is probably the male, who is collecting them for the female while she sits on the site of the future nest nearby.

One may hang a birdfeeder and construct a birdhouse to encourage nesting. Sparrows will nest in birdhouses; however, most other birds fit for *Shiluach Hakan* will not.³⁵

Brief Summary Guide to Shiluach Hakan

When one sees a bird building or sitting in a nest, he should determine whether it is a kosher species. If the nest is on private property, it may be necessary for the owner to be *mafkir*. During the day, it is possible that the male may be roosting. The female will be roosting in the evening, so the *mitzvah* should be performed at that time. One should approach the nest quietly. Usually the nests are higher than an average person's reach, so a stick may be gently used to tap the nest or nearby tree limb. After the bird flies away, one should climb up and gently remove the eggs or chicks. The procedure requires lifting the eggs or chicks approximately twelve inches high. After fulfilling the *mitzvah*, one may keep the offspring or return them to the nest.

Studying the intricate laws of *Shiluach HaKan* brings us closer to fulfillment of this special *mitzvah*. May we merit to carry it out properly.



GOLD CROWNED SPARROW

COMMON BIRDS FIT FOR SHILUACH HAKAN BY GEOGRAPHICAL LOCATION ³⁶

American Robin ³⁷	North America
Canada Goose ³⁸	North America
European Robin	Europe, Eretz Yisroel
Mallard Duck ³⁹	North and Central America, Europe, Asia
Mourning Dove	North and Central America
Northern Cardinal ⁴⁰	Eastern and Central U.S., Central America
Palm Dove	Eretz Yisroel, Africa, Europe
Pigeon	Worldwide
Sparrow ⁴¹	Worldwide



MOURNING DOVE

23 Most authorities state that no *brocha* is recited. See *Birchei Yosef* Y.D. 292:1 citing *Rishonim*. However, *Aruch Hashulchan* 292:10 interprets differently and holds a *brocha* is recited.

24 *Responsa Binyan Tzion Hachadashos* 14. See *Pischei Teshuva* Y.D. 292:2.

25 *Rashi* (*Chulin* 141b), *Chazon Ish* (Y.D. 175:2). However, many understand the *Rambam* (*Hilchos Shechita* 13:5) as ruling that one must pick up the bird with his hands and send her away. (*Aruch Hashulchan* Y.D. 292:6. See, however, *Responsa Binyan Tzion Hachadashos* 14 and *Sefer Kan Tzipor* pg. 30). Many contemporary *gedolim* were seen and photographed using a stick, and that is the common custom.

26 See *Responsa Torah Lishma* 278.

27 *Chazon Ish* (Y.D. 175:2). See *Chofetz Chaim* in *Sefer Hamitzvos Hakatzar* 74 and *Aruch Hashulchan* 292:4. However, in a minority opinion, *Responsa Chacham Tzvi* (83) holds that one need not take any offspring. He interprets "*Habanim tikach lach*" as optional, similar to "*Sheshes yamim ta'aseh melachtecha*." Even if there is only one egg or chick, the *mitzvah* may be fulfilled, though the *Torah* uses the plural "*Banim*" (*Shulchan Aruch* Y.D. 292:1).

28 Based on *Beur Halacha* (O.C. 366 s.v. *tzarich*), they could alternatively be held entirely in one's hand to create a *kinyan chatzer*.

29 *Shiluach Hakan*, Feldheim, pg. 65, quoting contemporary *poskim*.

30 It should be noted that if a child fulfills the *mitzvah*, no one else may fulfill the *mitzvah* on those eggs or chicks since a child cannot effect *hefker*.

31 If the eggs cool down too many times, they may no longer be viable (University of Arkansas Division of Agriculture). The *mitzvah* is not fulfilled on non-viable eggs.

32 Communication with Anne Hobbs, Specialist, Cornell Lab of Ornithology and at www.birds.cornell.edu. The Lab strongly advises against trying to home-raise a baby bird. One issue noted is that they are ravenous eaters and need to be fed every 15 to 20 minutes from sunrise to sunset. (Note: This would introduce the *halachic* issue of not eating before feeding your animals, see "Feeding Your Pet-Barking Up the Right Tree" by this author at www.stark.org.) The Lab states that most home-raised birds die, often before being released into the wild.

33 Rav Chaim Kanievski, cited in *Sefer Shalayach Teshalach* pg. 123.

34 Proper care should also be taken when handling birds, eggs, or nests, as parasites may be present. See *Talmud Kiddushin* 39b stating that in a dangerous situation (*sh'chiach hezek*) even a *shliach mitzvah* can be harmed.

35 *Shiluach Hakan*, Feldheim, pg. 234. This is an excellent source of practical information.

36 As discussed above, sparrows, robins, and cardinals are not to be eaten.

37 Although unrelated to the smaller European Robin, they are similarly named since they both have red chests. (Smithsonian - www.nationalzoo.si.com)

38 Geese are aggressive and can attack when provoked.

39 One can distinguish the gender by color. The male mallard has an iridescent green head.

40 The male cardinal is bright red and the female is light brown.

41 It is difficult to perform the *mitzvah* on sparrows, since they nest in places that are not easily accessible.

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laws pertaining to the produce of the land, and consumer *halachos* of *pairos sheviis*, fruit grown during the *shmitta* year.



1/3 of their growth before *Rosh Hashanah*. Otherwise, they are prohibited as *s'fichin* during *shmitta*.

I. Working The Land—What Is Prohibited?

The laws regarding the land are extremely complicated and not very relevant to people who don't own land in Israel, so we will deal with this only briefly. In general, all work intended to enhance the land, to prepare the land for producing a yield, or to enhance vegetation is forbidden. Therefore, one may not plow the land, plant seeds or saplings, or even prune trees because these activities promote growth and are considered forbidden forms of work.

Some other prohibited activities include watering, fertilizing, weeding and other essential fieldwork. If the purpose of the work is to protect what has already grown from becoming ruined, or if trees are in danger of dying, certain activities are generally permitted. Since these laws are very complicated, a *posek*, *Torah* authority familiar with these laws, should be consulted.

Flower pots at home in the land of Israel present their own problems. A *posek* should be consulted for instruction on proper *shmitta* plant care.

II. The Produce of the 7th Year — *Pairos Sheviis*

In order to facilitate an understanding of fruits and vegetables that are permitted or forbidden, we must clearly define the four W's: *Which produce are we speaking about? When was the produce grown? Where was the produce grown? Who owns the land?*

WHICH produce? There are essentially three categories of produce concerning *shmitta*: 1. Vegetables, e.g. tomatoes, lettuce, carrots; 2. Legumes (*kitniyos*), pulses and grains, e.g. corn, peanuts, wheat; and 3. Fruits of a tree, e.g. dates, figs, pomegranates.

WHEN was the produce grown? There are different time frames in effect for the different types of produce.

FRUIT OF A TREE - New fruit trees cannot be planted 44 days or less before *Rosh Hashanah* of a *shmitta* year (there are many details as to when this prohibition applies. A reputable *posek* should be asked if one wants to plant after that date). Fruit that starts growing during *shmitta* is considered *shmitta*

produce that is vested with *kedushas sheviis* and may be consumed. (Fruit is considered to start growing after the flower falls off.) The different *halachos* regarding the consumption of *shmitta* produce will be dealt with in Section III.

VEGETABLES - Vegetables cannot be planted after *Rosh Hashanah* during the entire *shmitta* year. Vegetables planted before *Rosh Hashanah*, which start growing before *shmitta* and are picked during *shmitta*, do not get a *shmitta* prohibition. This means they may be eaten, but the laws of *kedushas shiviis* discussed below still apply to them. Therefore, practically speaking, if someone has tomatoes growing in his backyard, they can be eaten on the condition that the plant started growing in the sixth year. (He must observe all the laws



pertaining to working the ground during *shiviis*.) Similarly, vegetables one buys immediately after *Rosh Hashanah* may be eaten.

Vegetables that start growing by themselves during *sheviis* are known as *s'fichin*. Vegetables grown during *sheviis* may not be eaten at any time, since there is a Rabbinical prohibition against eating *s'fichin*. This was instituted to deter dishonest people from planting vegetables and then claiming that they are wild.

LEGUMES (KITNIYOS), PULSES AND GRAINS - These generally have the same rules as vegetables, except that legumes and grains planted before *Rosh Hashanah* will be permitted during *shmitta* only if they reached

WHO owns the land? There is a difference of opinion among the *poskim* as to whether produce grown on land owned by a non-Jew in the land of Israel is considered produce of *sheviis*. The custom in Jerusalem is not to consider it produce of *sheviis*; the custom in *Bnei Brak* is to consider it produce of *sheviis*.

SELLING THE LAND (*HETER MECHIRA*) -

The system of selling the land was formulated and instituted by many very prominent *Rabbanim* (including the *Gadol Hador*, Harav Yitzchok Elchanan Spector) in the year 1887. Those who proposed the *heter* claimed that the situation in the land of Israel was so precarious that not working the land for an entire year would endanger the entire Jewish settlement, thus warranting this drastic measure. There was a great deal of controversy surrounding the *heter*, and it was opposed by many other prominent *Rabbanim*, the foremost among them being the *Netziv* (Harav Naftoli Zvi Yehuda Berlin) of Volozin. Most of the controversy centered around the problem of the *Torah* prohibition of selling any part of the land of Israel to non-Jews. Some felt that the prohibition of selling the land was worse than the prohibition of working the land. Since then, there were *Rabbanim* who sold the land every *shmitta*. Harav Avraham Yitzchok Kook institutionalized the sale, although he agreed it was to be

done only in situations of grave duress. Since its inception, the Chief Rabbinate of Israel has sold the land every *shmitta*. However, there are many *Gedolim* who question whether the situation warrants the sale, and whether the sale is effective. In addition, for the consumer there is another more serious problem. The produce that is sold in the regular stores during the year of *shmitta* predominantly comes from non-religious *kibbutzim* and *moshavim*, who would never agree to sell their land. This is compounded by the fact that the non-religious *kibbutzim* don't observe those prohibitions which Harav Kook instituted, and Harav Kook never permitted their current practices. The *Rabanut Harashit* is trying to see to it that the *heter mechira* is limited as much as possible.

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Even if the laws of *shmitta* are observed, *shmitta* fruit may be eaten only with certain restrictions. Certainly, a tourist who is not knowledgeable concerning the *dinim* of *shmitta* should buy produce only from *shmitta*-free stores.

WHERE is the location of the land where the produce was grown? The laws of *shmitta* apply only to produce grown within the boundaries of *Eretz Yisroel*. The boundaries of *Eretz Yisroel* are defined as those areas which were occupied by the people of Israel in the period of the Second Temple. These boundaries are not the boundaries of the State of Israel. Where these boundaries extend is a matter of great controversy. Some authorities say anything grown south of *Ashkelon* is outside of the boundaries of *Eretz Yisroel*. Others extend the boundaries well into the Negev desert until Eilat. In the north, the Golan Heights is questionable. Each supervising organization will follow the *psak* of its own Rabbis and advise companies and facilities where produce may be purchased. Produce grown outside the boundaries of *Eretz Yisroel* are not bound to the laws of *sheviis*.

III. The Practical Laws of Produce of *Sheviis*:

There are many laws regarding produce of *sheviis*. They are:

- The Rabbinical prohibition against eating *s'fichin*. As stated above, the prohibition applies only to vegetables, legumes, pulses and grains which started growing during the year of *sheviis*. The prohibition does not apply to any fruit from trees. Produce grown in a non-Jewish field, even according to those who consider it produce of *sheviis*, is not *s'fichin*.

- Produce of *sheviis* must be used in their usual manner. This means that fruits usually eaten raw may not be cooked, and fruits usually eaten cooked may not be eaten raw. Fruits not usually squeezed may not be



squeezed. Fruits usually eaten by people may not be given to animals.

- Produce of *sheviis* should be treated as *hefker*, ownerless, and should not be withheld from the public. Ideally, fences should be left open and permission given for anyone to harvest. However, since most people don't know how to pick fruit without ruining the trees, tree owners can insist on picking fruit themselves for those who request it. Fruit under the auspices of an "Otzer Beis Din" (see related article www.star-k.org/kashrus/kk-medi-otzer.htm) should not be taken without its permission. There are some authorities who forbid consumption of any produce that is guarded during *sheviis*.

- Produce of *sheviis* is not permitted to be sold in its usual commercial manner. This means that it should not be sold in regular stores, where it is weighed and/or sold for profit in its usual manner. Furthermore, the money used to buy produce of *sheviis* becomes sanctified, and whatever is bought with that money must be treated in the same sanctified manner as produce of *sheviis*. Because of these potential complications, a system of *shmitta* produce distribution has been organized to ensure a steady supply of produce for the urban population in a proper *halachic* manner. The distribution of this produce is administered by the local *Beis Din* of each city, commonly known as the *Otzer Beis Din*. Fees are permitted to be charged by the *Otzer Beis Din* to offset the cost of maintaining the warehouse, picking the produce,

- and performing work that is permissible in the orchards to maintain the fruit, but not for the fruit itself.

- All authorities agree that it is not permissible

to destroy produce of *sheviis*, as long as it is fit for consumption. Leftover food should be put into a bag and discarded only after it spoils. If this is impossible, it should be put into a sealed plastic bag and discarded. Cooked food may be disposed of if it was left unrefrigerated for an entire night and has spoiled. Similarly, an *esrog* grown during *shmitta* must be discarded in this fashion after being used during *Sukkos*.

- Under normal circumstances, produce of *sheviis* should not be exported. It is for this reason that Israeli fresh produce and Israeli manufactured goods must clearly state that they are *shmitta*-free. Many authorities permit the export of *esrogim* for *Succos*. When products come to foreign markets from the land of Israel, one should look for a reliable kosher certification.

At the end of the season, one is required to remove from his possession all produce of *sheviis* for each type of fruit or vegetable. This requirement is called *biur*. The custom is to take all produce at the end of the season into the street, in front of three people, and declare it ownerless. The same person may take it back into his own possession. The exact time of *biur* for most produce varies from one *shmitta* to the next, and for different types of vegetables. Charts have been published in Israel to give the consumers exact dates of *biur* for each fruit and vegetable.

- There are some authorities who consider it a *mitzvah* to eat produce of *sheviis*; most authorities disagree.

Shmitta is a *mitzvah* that lasts for a full year and requires great *mesiras nefesh*. But if we look at the accomplishment of the *mitzvah* as the fulfillment of our merit to keep *Eretz Yisroel*, this will be a source of blessing and spiritual enhancement to us all for eternity.

Star-K's Annual Kashrus Seminar to Benefit Polish Jewry

MARGIE PENSAK
Contributing Writer

With the expulsion of Jews from Spain in 1492, Poland became the recognized haven for exiles from Western Europe and the cultural/spiritual center of the Jewish people. Prior to the outbreak of World War II, it housed the second largest Jewish community in the world, with nearly 3.5 million Jews. All that changed rapidly following Nazi Germany's invasion in 1939. A scant 11 percent (369,000) of the Polish Jewish population escaped the death camps. Many fled their native Poland in reaction to anti-Semitic violence or repression under Communism. Those who stayed often turned their backs on *Yiddishkeit*. Now, Polish Jews are feeling a new sense of tolerance and security in their post-Cold War democracy. An increasing number are returning to their Jewish roots, which in many cases have been discovered only recently.

Rabbi Mati Kos is the first known religious person in his family in the past 200 years. The 35-year-old native of Warsaw had the first publicly held post-World War II *bar mitzvah* in Poland. To further discover his Jewish roots, he left his home to attend *Yeshiva Ohr Somayach* in Monsey, New York. He then worked as Director of Recruitment for *Yeshiva Aish HaTorah* in Passaic, New Jersey. Rabbi Kos recently accepted a pulpit position in Warsaw because he decided it was time to give something back to his community.

Rabbi Kos was one of 28 attendees present at the intensive annual *Kashrus Training Seminar*, held in Baltimore's Star-K offices from July 9 through July 12. He joined fellow *rabbonim*, *kashrus* administrators, and aspiring *smicha* students considering careers in *rabbonus*, *kiruv*, and *kashrus*, in expanding their hands-on knowledge of *kashrus*. Classroom concepts came to life for the



diverse group of participants, who had the opportunity to go behind the scenes of a kosher kitchen at a first class luxury hotel in downtown Baltimore. Additional tours of a local slaughterhouse, flavor factory, confectionary, bakery, restaurant, and butcher shop were arranged. Participants also had the chance to check for less obvious thrips and aphids hiding in vegetables.

"Because I am going back to Poland, I need as much training as I can get," admitted Rabbi Kos. "I wanted to get it from a big kashrus organization with great rabbonim so it would be on a higher professional level. I needed to learn how to put a system in place from an organization that knows the ins and outs of kashrus. The Star-K program is geared to small communities, like Warsaw."

Rabbi Kos was impressed with the fact that Star-K's program covers all of the

angles. "It teaches kashrus at the micro-level, from the kashering of the kitchen in your house, to teaching about kashrus on the national and international business level," remarked Rabbi Kos. "My only criticism of the program is that it is too short," he chuckled. "I hope to put into practice what I've learned from the seminar and maintain close ties with Star-K, tapping into its vast resources."

Rabbi Zvi Goldberg, Star-K *Kashrus* Administrator, and coordinator of the seminar, attributes the success of this program to a mutual benefit relationship. "I believe it is advantageous for both groups, the participants and the Star-K staff", remarked Rabbi Goldberg. "The participants gain knowledge of the inner workings of kashrus, and the staff is energized by the opportunity to teach kashrus to a highly motivated group."

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We wish to acknowledge those organizations in Eretz Yisroel that dedicate themselves to Shmitta observance, and most of all, the farmers, who at great sacrifice, observe the laws of Shmitta.

Get ready for Shmitta 5768!

Contact the STAR – K (410.484.4110) for information on Shmitta, and more...

"Shmitta 5768", an article from Kashrus Kurrents, STAR-K's quarterly bulletin.

CD Rom of Rabbi Moshe Heinemann's, shlita, August, 2007 lecture: "Learning to Navigate the Complex Laws of Shmitta".

Power point presentation, August, 2007: "The Land of Israel – Borders for Shmitta" by Dr. Shalom Kelman.

Teleconference for Rabbonim with Rabbi Moshe Heinemann, shlita, discussing Yesodos, Otzar Beis Din, Sfichin and practical eitzas, in conjunction with the National Council of Young Israel/ Young Israel Council of Rabbis. (Call for details.)

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This publication is dedicated to the memory of **M. Leo Storch**, of blessed memory, through a grant from Mrs. M. Leo Storch & Family.

Subscriptions

\$10(USD) annually for 4 issues -US & Canada
\$15(USD) annually for 4 issues -Overseas

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