



Benefit from *Sefichin*

In halacha, some prohibited foods are also prohibited for benefit, but not all. For example, non-kosher fish is prohibited to consume, yet one is permitted to benefit. Thus, there is no issue feeding pets non-kosher fish or owning a store selling such fish. On the other hand, a mixture of milk and meat, or *chametz* on Pesach, are not only prohibited for consumption but for benefit as well. Our Sages prohibited the consumption of vegetables, grain and legumes which sprouted or were planted during *shemita*, called *issur sefichin*. This article will address the issue of benefitting from *sefichin*.

According to all authorities, if *sefichin* are found in any field, the owner must uproot the plants, lest someone come to eat the

edible parts of the plant (see *Chazon Ish* 9:6). However, may one benefit from these plants or vegetables? For example, may *sefichin* vegetables be sold to non-Jews (who are permitted to eat *sefichin*?) May one use *sefichin* herbs to smell for *havdala*, or use oil from *sefichin* legumes to light candles?

Authorities analyzing this question try to bring proofs from the *Talmud*. The *Chazon Ish* (13:15) cites the *Gemara* in *Bava Metzia* (118:a) that one is allowed to guard *sefichin* fields to be used for sacrifices in the *Beit Hamikdash*. He maintains that this source proves that *sefichin* are permitted for benefit, since payment for guarding them is considered benefit. In opposition, Rav Chaim Berlin (*Sefer Hashemita* 6:4) cites the *Talmud Yerushalmi*'s ruling that certain plants are included in *issur sefichin* even though they are only edible for animals. Rav Berlin argues that if benefit is permitted, why would plants that are not edible for humans be prohibited? Rather, it must

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be that feeding animals *sefichin* is prohibited because of benefit, and therefore our Sages ruled that even plants that are only edible for animals are part of the decree.

Essentially, there are three main opinions regarding the question of benefit. Rav Ben-Tzion Abba-Shaul (*Shevi'it* 5:3) rules that there is no prohibition to benefit from *sefichin*, based on the simple fact that the *Rambam* (*Shemita Veyovel* 4:2) only writes that eating is prohibited and makes no mention of benefit. Perhaps one could reject Rav Berlin's proof regarding the inclusion of animal food in *issur sefichin*; since the original decree was based on the concern that people would plant during *shemita*, our Sages wanted to prevent planting for both human and animal consumption. According to this opinion, one would be allowed to pick wild herbs that grew on their own on during *shemita* and use them for *havdala*, or use oil from *sefichin* to light candles.

Rav Yaakov Yisrael Kanievsky (*Kehilot Yaakov, Shevi'it* 22) rules that all benefit is prohibited from *sefichin*. He rejects the proof about guarding the *sefichin* for sacrifices, reasoning that such benefit is only permitted because it's so indirect, but that any direct benefit, such as smelling the aroma of *sefichin*, is included in the decree.

The *Chazon Ish* (9:4) takes a middle position. He rules that there is no actual prohibition to benefit from *sefichin*, and consequently it is permitted to receive payment for guarding them. However, he maintains that the original decree also includes a prohibition to "use" *sefichin*; since our Sages did not want to leave any incentive for people to illicitly plant or cultivate crops during *shemita*, they prohibited not only the consumption of *sefichin* but also other common uses of such plants. Thus, *Chazon Ish* prohibits any direct use of *sefichin*, such as feeding them to animals or smelling *sefichin* herbs.

In practice, there is an ongoing dispute among modern authorities how to rule. It seems proper to follow *Chazon Ish* in this matter. However, in some areas and under certain circumstances, there is room to rely on the more lenient opinion. ■

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