



Benefit from *Sefichin* Part 2

Our Sages decreed that any vegetables, grains or legumes that grew on their own or were planted during *shemita* are prohibited for consumption. Regarding benefit, however, there is a dispute among *poskim*.

The *Chazon Ish* (13:16) maintains that there is no prohibition of general benefit from *sefichin*, but only a prohibition to “use” them. *Chazon Ish* himself does not explain the difference between the two concepts. Later authorities grapple with the definition of “using” *sefichin*. Rav Shlomo Zalman Auerbach (*Minchat Shlomo* 1:51) disagrees with the *Chazon Ish*, distinguishing between normal use of the food and other benefit. Rav Auerbach explains that vegetables that are only meant for eating are prohibited for consumption, but are permitted for benefit. With plants that are normally used only for benefit, such as for smelling or animal food, it is prohibited to smell them or feed them to one’s animals, since that is their main purpose.

Feeding animals

It is clear from various sources that animal food is part of the decree of *sefichin*, even if it is only edible for animals. *Chazon Ish* and Rav Auerbach agree that *sefichin*

may not be fed to animals (*Netiv HaShemita* 6:5). However, authorities rule that the prohibition is only to directly feed animals *sefichin*. If an animal is let into a garden and eats the produce on its own, there is no prohibition (see *Beit Ridbaz* 3:5).

Smelling *sefichin*

Many private and public gardens contain fragrant annual plants, such as basil or lemongrass. According to most *poskim*, such plants are considered *sefichin* (*Derech Emuna* 7:127; *Chut Shani* 1:10). As such, one should not smell them, even if they belong to someone else. Similarly, they may not be used as *besanim* for *havdalah*.

Selling or giving as a gift

If someone has *sefichin* in his garden, whether edible vegetables or fragrant plants, is there a halachic problem with giving them to someone as a gift or selling them? It would seem that selling or giving *sefichin* as a gift to a fellow Jew is strictly prohibited – not because of the benefit of *sefichin*, but rather due to “*lifnei iver*,” the prohibition of causing someone to sin. Even though such benefit might be permitted for the giver, if the receiver (a Jew, even if not observant) would consume the *sefichin*, the giver is causing a sin.

Regarding selling or giving to a non-Jew, based on the explanations above, it would seem permissible. According to *Chazon Ish*, there is no “usage” when selling or giving as a gift. According to Rav Auerbach, food



that is meant to be eaten does not have an issue of benefit. Rav Nissim Karelitz (*Chut Shani* 4:2) rules, based on his understanding of Chazon *Ish*, that selling to a non-Jew should be prohibited because of the prohibition of “using” *sefichin*. However, this does not seem clear from the words of *Chazon Ish*. In addition, some authorities write explicitly that under certain circumstances, *sefichin* may be sold to a non-Jew and also given as a gift (see *Brit Olam, Shevi'it* 3:19).

Burning *sefichin*

Poskim discuss whether oils extracted from *sefichin* crops, such as legumes, are included in this decree. If the oil is extracted and used for food, it is certainly prohibited to consume it, just as it is prohibited to eat the *sefichin* itself (see *Derech Emuna, Shemita* 4:17; *Kedushat Ha'Aretz* 26:7). *Poskim* disagree, however, over whether such oil may be used for fuel. According to *Tzitz Eliezer* (11:69), there is room to be lenient regarding burning *sefichin* for benefit. Rav Shmuel Wosner (*Shevet HaLevi* 1:184) at first also seems to be lenient, but due to certain concerns leaves the matter unresolved. Based on the opinions of *Chazon Ish* and Rav Auerbach, there should be no concern using *sefichin* oil for lighting candles. Using the *sefichin* plants themselves for a bonfire or in a fireplace should surely be permissible (based on Rav Auerbach, cited above.)

Milk from *sefichin*-fed cows

In the last several *shemita* years, there has been an initiative to monitor what cows eat. This is based on the claim that if cows eat *sefichin*, it affects the kashrut status of their milk, since one who drinks the milk thereby benefits from *sefichin*. This stringency is a gross exaggeration of what halachah proscribes. Firstly, the benefit of the milk in relation to the *sefichin* is quite indirect, since the cow's own metabolism is what creates the milk. Secondly, the cow feed is sometimes mixed with *shemita* and non-*shemita* ingredients. Lastly, when the milk is received in the dairy plant, it is surely mixed with milk from cows that did not eat *sefichin*. Seventy years ago when this subject was debated, Rav Yitzchak Zev Soloveitchik (Rav Velvel) and the first Satmar Rebbe, Rav Yoel Teitelbaum, ruled firmly that there is no concern about drinking milk from cows that ate *sefichin* (see *Halichot HaShevi'it*, p.99).

Some later *poskim* have written that

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although one can be lenient regarding *sefichin* that grew on their own, if cows were fed crops that were planted on shemita (which are also *sefichin*), one should refrain from drinking milk from such cows. It seems there is no real difference between these two situations, and that extending the decree to the milk is a needless stringency.

In Summary:

- According to later authorities, there is no general prohibition to benefit from *sefichin*. However, there are certain elements of benefit that are prohibited.

- *Sefichin* that are not meant for human consumption should not be given to animals, although one may allow an animal to enter the garden where it might eat *sefichin*.

- *Sefichin* may not be sold or given as a present to a Jew.

- It is permitted for *sefichin* to be sold or given as a present to a non-Jew.

- Oil extracted from *sefichin* may not be consumed. However, such oil may be used as a fuel source for lighting.

Sefichin plants may be used for a bonfire or fireplace.

- Milk from cows that are fed *sefichin* is permissible. Furthermore, the milk is permitted even if the cows were fed crops that

were illicitly and intentionally planted on *shemita* for that purpose. ■

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