



ב"ס"ד

The Institute for Torah and the Land of Israel

# Shemita - Buying fruits and vegetables

Emunah

Av 5781, August 2021



## TORAH VEHA'ARETZ INSTITUTE

BY RABBI MOSHE BLOOM  
en.toraland.org.il



# Public Preparations For The *Shemita* Year 5782

**W**hile there is a little more than a year left before *shemita*, we nevertheless need to start preparing for it now—especially on the public level: municipalities, local and regional councils, large corporations, educational institutions, factories, etc. The 2021 annual budget is being drawn up now, and the second half of it falls out during the *shemita* year.

With enough advanced preparations, it won't be too difficult to convince our institutions/councils/corporations to observe *shemita* laws—and with hardly any conflicts with those who are not-yet Torah observant.

Annual budgets generally include planting ornamental flowers, fixing up gardens, salaries to gardeners for annual maintenance, and irrigation, among other components.

It has been our experience at Torah VeHa'aretz Institute, over many *shemita* years, that even the so-called secular are not against *shemita* as a value. Furthermore, they are not opposed to observing *shemita* laws

when provided with appropriate, practical solutions for maintaining gardens and taking care of the appearance of their institutions.

Here's a small example: We can suggest to decision makers at a local council to “cram” all the plantings of flowers, bushes, and trees into the first half of the year 2020 (instead of spreading it out over the entire fiscal year). During the second half of the year they can make repairs to playgrounds, pavement, lighting, and fences—all which do not involve violating *shemita* prohibitions.

If you work at such places and have access to decision makers, we advise you to ask the gardening manager **now** about preparations for the upcoming *shemita* year. The rabbis and agronomists at Torah VeHa'aretz Institute are available to answer questions, provide solutions, and even meet with relevant decision-makers, if necessary.

Next week we will look at a few more tips on public *shemita* preparations. ■



The Consumer's Guide to Shemita includes all of the laws pertaining to private individuals during the shemita year: caring for the home garden, growing plants at home, purchasing fruits and vegetables during the shemita year, kedushat shevi'it, bi'ur, remitting loans, and more.

This book is the fruit of the efforts of the rabbis and agronomists of Torah VeHa'aretz Institute, headed by Rabbi Yaakov Ariel. It was written following the practical experience of guiding the Israeli public through the past five shemita years.

The Consumer's Guide to Shemita is the first shemita guide translated into English by Torah VeHa'aretz Institute.

This book is dedicated to the exceptional Jews who made Aliya from the Diaspora who want to make the Torah of the Land of Israel an integral part of their lives.



The Consumer's Guide to Shemita



# The Consumer's Guide to Shemita

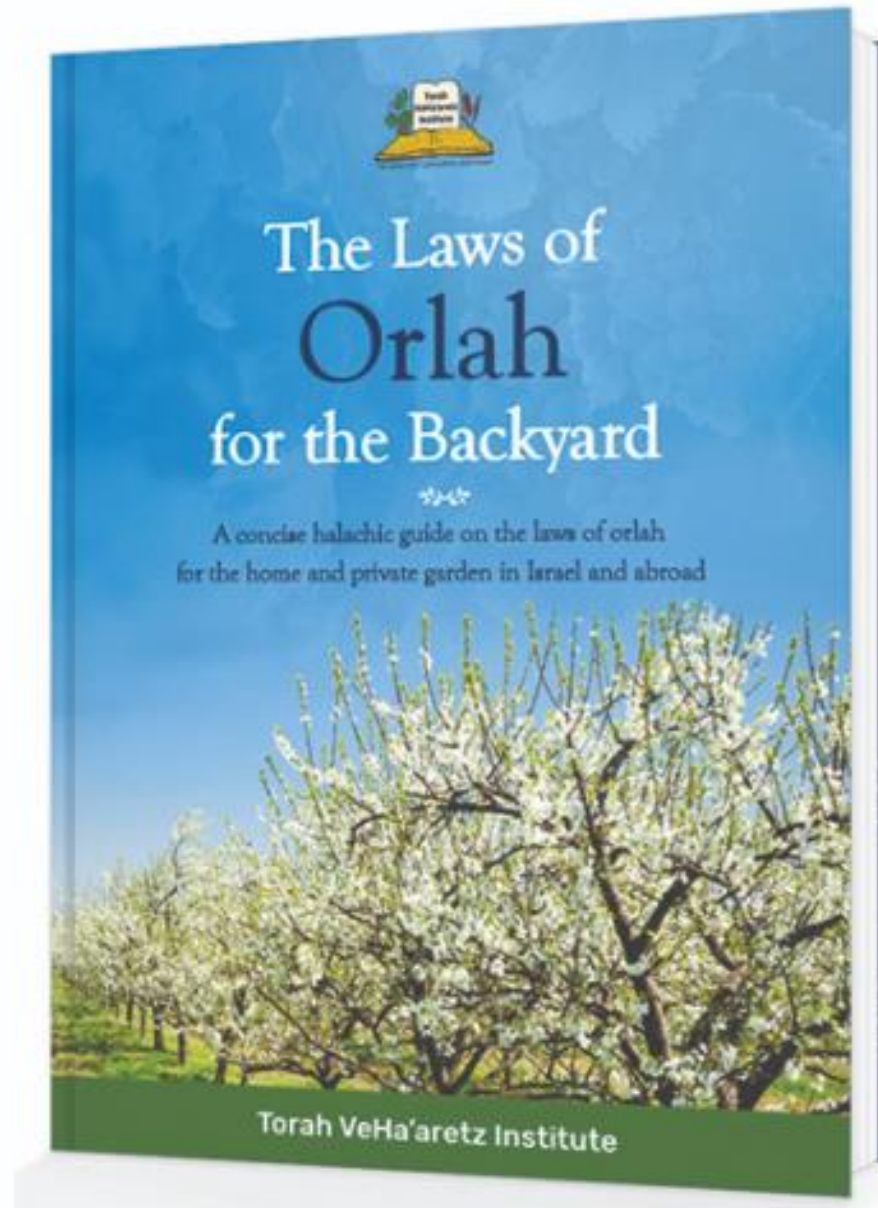


A concise halachic guide on the laws of shemita  
for the home and private garden in Israel



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# Buying fruits and vegetables

The Farmer

The buyer

# The problems faced by Jewish farmers in Israel throughout the years:

- Barely able to make a living
- Long working hours – from sunrise to sunset
- Physical work with numerous difficulties
- Most Israelis do not want to work in agriculture (no continuation in the next generation).

## Options available to farmers during Shemitah:

- Avoid all agricultural work
- Otzar Beit Din option
- Heter mechirah option

# The state of Israel's agriculture, 5781

- **Cost of living:** Food-related expenses is an average of 2,838 NIS per month , constituting 17% of average household expenses (16,475).
- **Farmers in Israel 2018** – 12,100 (without foreign workers).
- **Farmers in Israel 2013** – 17,100 (without foreign workers).

# The state of Israel's agriculture, 5781

- Percentage of farmers above the age of 55 – **65%** of all the farmers (versus 49% in 2013).
- Percentage of farmers under the age of 35 – **Only 1%** of all the farmers (versus 7% in 2013).
- Agricultural territory in Israel owned by Israeli Arabs: 199 million dunam out of 3,560 million dunam [=6%].
- Israel's agricultural territory constitutes 17% of the State.



# The state of Israel's agriculture, 5781

## Imports:

- **Tomatoes: 19%**
- Cucumbers: 10%
- Onions: 28%
- Garlic 72%
- **Apples 23%**
- Pears 35%
- Grapes 6%
- Pineapple 91%

# The common solutions for the Shemitah challenge, are:

Heter mechirah

Import or  
Non-Jewish Israeli Produce

# Heter Mechirah

- Shemen HaMor, Rav Mordechai Rubio - Chevron. Middle of the 18<sup>th</sup> century.
- Shemitah of 5649: 1888-9, and every Shemitah since.
- Chief Rabbis of Israel.
- Most *Dati-Leumi* Rabbis, and many *Charedi-Sefaradi* Rabbis.

# Arguments of those who follow the *Heter mechirah* leniency

- Shemittah in our time is rabbinic (*Derabanan*).
- There is no *kedushat Shevi'it* in fruits owned by non-Jews (*nochrin*) in Eretz Israel.
- Selling the land for a specific amount of time, is legitimate.
- *Melachot Deoraitah* are done by non-Jews.\*\*

# Arguments of those who follow the *Heter mechirah* leniency

- *Ha'arama* (“legal fiction”) is possible for *mitzvot* that are *Derabbanan*.
- Must take responsibility for the entire Jewish public, and the “selling of the land” is for the benefit of the Jewish public.
- Note the resemblance to *mechirat chametz* on Pesach.

# Arguments of those who **oppose** the *Heter mechirah* leniency

- Importance of fulfilling the Mitzvot dependent on the land of Israel.
- We were exiled from our land because of our Shemitah-related sins.
- The prohibition of *lo techunem* (A Jew shouldn't sell land in Israel to a non-Jew).

# Arguments of those who **oppose** the *Heter mechirah* leniency

- There is *kedushat Shevi'it* in fruits owned by non-Jews (*nochrin*) in Eretz Israel.
- *Ha'arama* (a legal fiction) is not allowed.  
No *Gemirut Da'at*
- A sale that by-passes the tabu (land registry office), is not a real sale.

# Heter mechirah - Answers

The arguments of those who oppose the Heter mechirah

The importance of carrying out mitzvot associated with the Land of Israel (*mitzvot ha-teluyot ba'aretz*)

We were exiled from our land, because of our Shemitah-related sins

The answers given to the opposers

Other options – such as produce imported or grown by nochrims – also do not fulfill the *mitzvah*

If we do not use the *heter mechirah* option, the farmers will work even though it is forbidden



The arguments of those who oppose the Heter mechirah

The answers given to the opposers

The prohibition of "*lo techunem*"

There is no prohibition on selling (the land) for a temporary time period.  
The "*lo techunam*" prohibition is worse when we buy produce from non-Jews in Eretz Israel.  
Jewish farmers stopping to work and selling their lands.

Ha'arama ("legal fiction")

The Sages permit Ha'arama under certain circumstances: Prozbull, *mechirat chametz*, cooking from Yom Tov for Shabbat

# *Heter mechirah - Answers*

The arguments of those who oppose the Heter mechirah	The answers given to the opposers
A sale without a tabu is not a sale	“Rav Drukman Law” 1980, no need to register in the tabu land-sales made specifically for Shemitah
According to some Poskim There <u>is</u> <i>kedushat Shevi’it</i> in produce owned by non-Jews	The Halacha written by Rav Yosef Karu, is that there <u>is no</u> <i>kedushat Shevi’it</i> in produce owned by non-Jews

# The *psika* rendered by the Chief Rabbinate over the generations:

- **The Heter Mechirah in our day: a MUST!**
- The value of agriculture: There is no practical way to make a living without the Heter
- Farmers' livelihood
- Concern for non-religious farmers

# Guidance of the Chief Rabbinate

- **It is best to limit the Heter**
- Maybe we can at least offer proper help to a large section of our dear brothers, who want to observe the *mitzvah* without any *hafka'a* at all (Rav Kook)

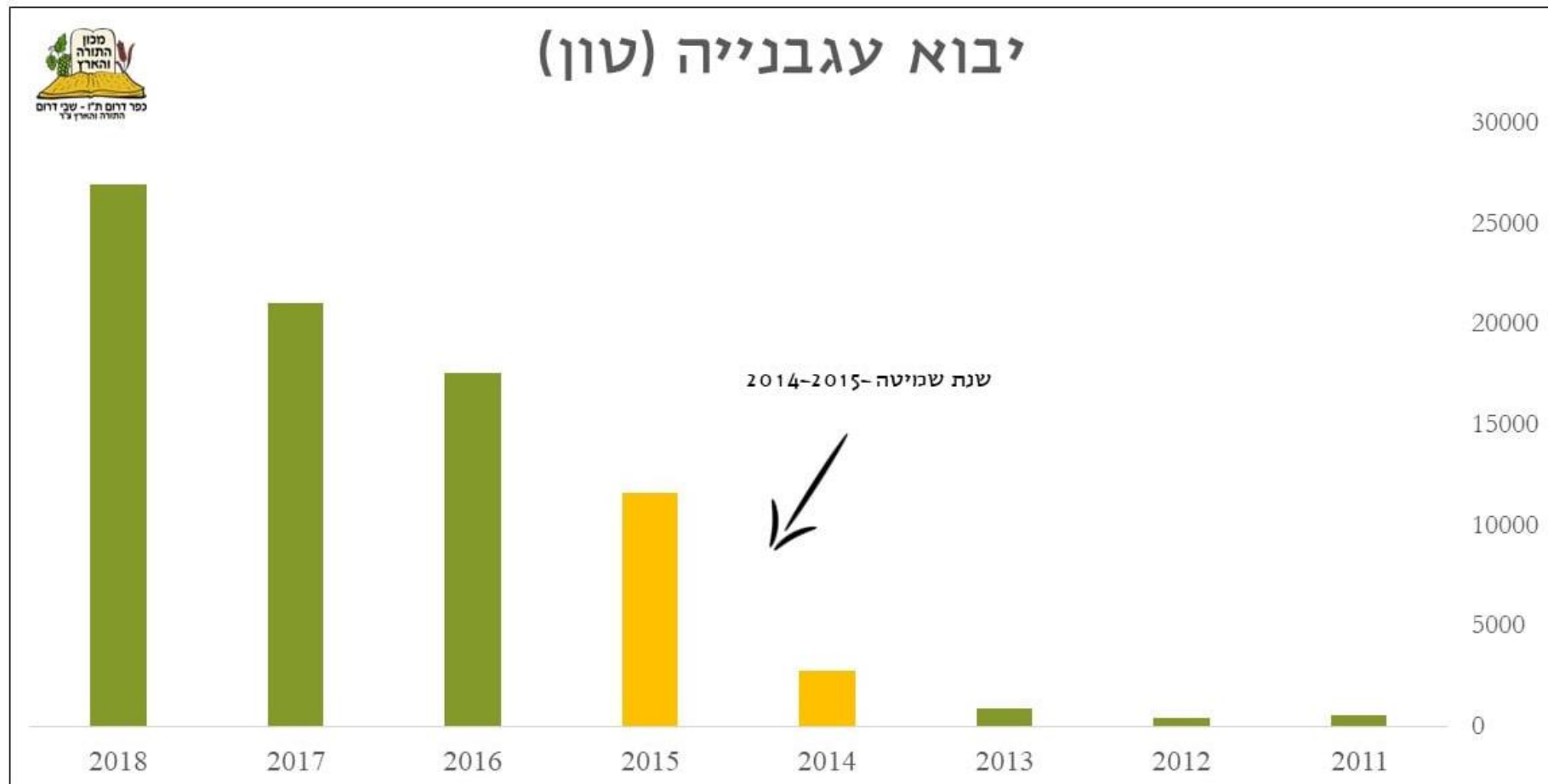
## Non-Jewish crops and imports

- Kosher, is it ideal?
- For the individual, can be a good solution; for the Jews in Israel as a whole, a dangerous solution.
- What is the real intention of the Torah?
- No Kedushat Shevi'it (according to most opinions)

## Non-Jewish crops and imports

- Causes the Jewish farmers to be unable to make a living and/or to violate the mitzvah of Shemitah by working the land.
- Can cause strategic damage to the State of Israel – relying on other countries (including Turkey), and not ourselves.
- Increases the amount of non-Jewish farmers in Israel, and the size of their cultivated land.

# Import during Shemitah doesn't stop at the end of the year...



Similar situation with apples

Heter mechirah, import and non-Jewish produce in Israel, share the following problems:

- Both of them by-pass the mitzvot of Shevi'it, thus leaving a “bad taste”.
- The consumer does not eat fruits of Shevi'it.
- Both of them bear no connection to the purposes and goals for the mitzvah as formulated in the Torah: Forfeiting one's produce and allowing poor people to take freely.



- 
- What will the *Mehadrin* Shops sell?
  - What is “Shemita Le’chumrah”?

# Other options

- Isum Shishit – 6<sup>th</sup> year crops, stored for weeks and months
- Detached platforms

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כרוב קייל גוטה קולה

# Should I eat Kedushat Shevi'it produce?

- Ramban – Mitzvat Aseh:  
“The Sabbath produce of the  
land shall be yours to eat”  
(Vaikrah 25,6)

Is kedushat shevi'it similar to the *issur*  
of tevel and orlah?



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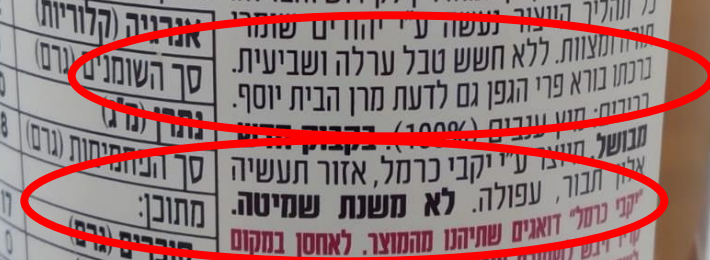
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# The ideal solution – Otzar Beit Din

- Carrying out the actual mitzvah of Shemitah – the same way as our forefathers
- The consumer is privileged to eat from Shevi'it fruit, and to observe the laws of kedushat Shevi'it
- Continuation of Jewish agriculture in Eretz Israel
- Mutual responsibility vis-a-vis the farmers

# The ideal solution – Otzar Beit Din

- From ‘problem’ to ‘opportunity’

Similar to the mitzvah of Shabbat

- Thus we have learned that the only produce of the Sabbatical year of which one may partake are **fruit from trees** and **herbs that are not sown** by most people, e.g., rue, amaranth, and the like (Rambam Shemitah 4,1-3).



Chubiza – Malva? - Wild Cheeseweed?

- 4 Melachot forbidden from the Torah:  
Sowing, Pruning, Reaping, Picking (Plowing).

## Fruit – Vegetables



# Otzar Beit Din

- “At the beginning, the messengers sent by the Beit Din would sit at the entrances to the villages. people who would come and bring fruits, and they [Beit Din members] would take the fruits and give the person food for three meals. The rest, they bring to the Otzar [storage] in the city”.  
(Tosefta Shevi’it 8)

# Otzar Beit Din

- “The time came to harvest the olives. Shluchei [emissaries of] Beit Din would hire workers, who would harvest the olives; then crush them in the olive press; then transfer them into casks; then place them into the town’s Otzar. On Friday eves, they would distribute the olives to all the families according to the number of people.”

# Otzar Beit Din

- Thus, we see how Shluchei Beit Din hired workers, who served as the owners of the field.
- Can Beit Din plant (and prune) on Shemita as well?
- Fruit - Vegetables

# Otzar Beit Din

- The consumer is responsible to the farmer
- Solidarity with the farmers

# Otzar Ha'aretz Beit Din (5775)



הרב דב ליאור

הרב אליהו בקשי  
דורון

הרב יהודה עמיחי

הרב יעקב אריאל

הרב זלמן נחמיה  
גולדברג

# Otzar Ha'aretz Beit Din (5781)



- Rabanim:  
Aharon Abotbol (Chevel modi'in), Yehuda Amichai,  
Ya'akov Ariel, Shemuel Eliyaho,  
Elierzer Igrah, Dov Lior.

# Borders of Israel, with regards to Shemitah

- Borders of the Promised Land  
(promised to Avraham Avinu)
- Borders of the First Temple period:  
Olei Mitzrayim (Bamidbar 34) and Joshua's conquest
- Borders of the Second Temple period:  
Olei Bavel

# Borders of Israel, with regards to Shemitah

- Mishna Shevi'it 6:1

Three lands for Shevi'it:

Wherever the *Olei Bavel* lived, from Eretz Israel up to Kziv – we can't eat [it is forbidden to eat *sefichin* there] and we can't work [it's forbidden to work during Shemitah].

Wherever *Olei Mizrayin* lived, from Kaziv and [northward] until the river and until Amana – **we can eat** [there is no prohibition of *sefichin* of vegetables], **but we can't work** [it is forbidden to work during Shemitah].

From the river and Amana and further – we can eat and work.



## Borders of Israel, with regards to Shemitah

- Olei Bavel:

Working the land and Sefichin are forbidden,  
the crops are holy with *Kedushat Shevi'it*

- Olei Mitzrayim:

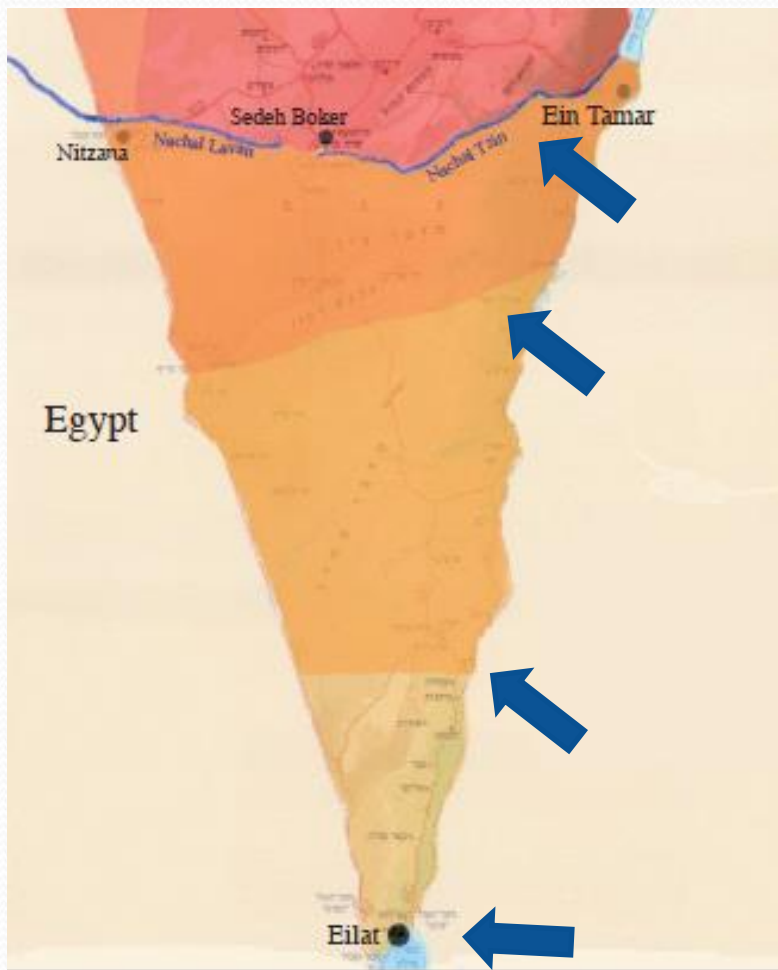
Working the land is forbidden,  
Sefichin are permitted,  
Kedushat Shevi'it regarding crops – *Machloket*

- Borders of the Promised Land

Working the land and Sefichin are permitted

Where does Olei Mitzrayim end, and the Promised Land boundaries begin?

Differences of opinion



Where does Olei Bavel end, and Olei Mitzrayim begin?

The line of Ashkelon–Ein Kadis (the biblical Kadesh).



# The Borders of *Eretz* Israel

## Olei Bavel

## Olei Mitzrayim

### Borders of the Land of Israel



There are several opinions on the exact parameters of the Land of Israel's borders. The map below represents the main opinions. For a detailed explanation, see Chapter 11 and Katif Shevi'it, Chapter 4.

- We are stringent and follow the laws governing olei Bavel territory
- Olei Mitzrayim territory; some are lenient with all melachot
- Olei Mitzrayim territory; Tevu'ot Ha'aretz – outside of olei Mitzrayim territory
- Olei Mitzrayim territory; Admat Kodesh – outside of olei Mitzrayim territory
- Olei Mitzrayim territory – Rabbi Yechiel Michel Tucazinsky and the Chief Rabbinate of Israel; Rabbi Yosef Shalom Elyashov – outside of olei Mitzrayim territory



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# Possibilities for agricultural produce during Shemittah

	Kedusha	Strengthens Jews	Halachic doubts For the Farmer	Halachic doubts For the Consumer
<b>Crops 6<sup>th</sup> year</b>	None	Yes	None	None
<b>Otzar Beit Din fruits</b>	Yes	Yes	Yes	None
<b>Otzar Beit Din vegetables</b>	Yes	Yes	Yes	A little bit
<b>Disconnected surface</b>	None	Yes	A little bit	None
<b>Arava + Negev, Heter mechirah</b>	None	Yes	Yes	A little bit
<b>Heter mechirah fruits – Bavel</b>	None	Yes	Yes	None
<b>Heter mechirah vegetables – Bavel</b>	None	Yes	A lot	Yes
<b>Imports</b>	None	No	None	None
<b>Non-Jewish</b>	None	No	None	Yes

# Otzar Beit Din

- Fruits – a convenient possibility
- Vegetables –relevant throughout the country **only in the early months**  
[It's forbidden to plant vegetables during Shemitah]
- Vegetables within the boundaries of Olei Mitzrayim - The Arava and Western Negev; relevant throughout the whole year.

# Otzar Beit Din - Disadvantages

- Not all consumers will carry out the *halachot* connected to eating *kedushat Shevi'it*.
- Purchasing is *halachically* complicated (it is forbidden to treat *Shevi'it* fruit as merchandise to be bought).
- Weighing is problematic
- The quality is lower, while the price is higher
- May be a limited variety of vegetables

# Otzar Beit Din - Disadvantages

- These products may not be exported.
- Halachic concerns: The Otzar Beit Din solution appears in the Tosefta, but not in the Mishna, Gemara or in Rambam.
- Treatment of fruits is similar to regular year.



Advantages of Heter mechirah	Disadvantages of Heter mechirah	Advantages of Otzar beit Din	Disadvantages of Otzar beit Din
Export	The mitzvah is in fact expropriated	Coping directly with the actual mitzvah of Shemitah	Was not mentioned in the Rambam
A national solution	No direct coping with the actual mitzva of Shemitah	The public is more connected with the mitzvah of Shemitah	The prices are higher than in local market
Offers a solution with regards to complex work	This solution was defined as temporary and when there is no other solution	The public eats produce with <i>Kedusha</i>	The quality of the fruit is lower, and there is a lack of variety
	Involves a number of halachic difficulties		

# Otzar Ha'aretz sources, 5782

- Vegetables from the sixth year that were put in storage.
- Vegetables and fruits that have *Kedushat Shevi'it*:
  - Vegetables planted in the 6th year and picked on Shemitah.
  - Fruit: Otzar Beit Din.
- Detached platforms
- Arava (south of the Dead Sea, until Eilat) including *Heter mechirah le'chumra*.
- Western Negev – Winter: Otzar Beit Din; Summer: including *Heter mechirah le'chumra*.

# Heter Mechirah vs. Otzar Beit Din

- **Torah VeHa'aretz Institute:** Otzar Beit Din
- **Rav Eliezer Melamed:** Heter Mechirah

# Heter Mechirah vs. Yevul Nochri

- **Torah VeHa'aretz Institute:** Heter Mechirah
- **Chredi-Ashkenazi Rabbis:** Import

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איך זה עובד?

מזה אוצר הארץ?



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- **Local groceries** mainly in *Dati-Leumi* areas.  
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To sum it up:

It depends only on us!!!

## ◆ Shemita

Lema'seh / Beit Midrash / Articles / Shemita

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Book Hilchot Shemita

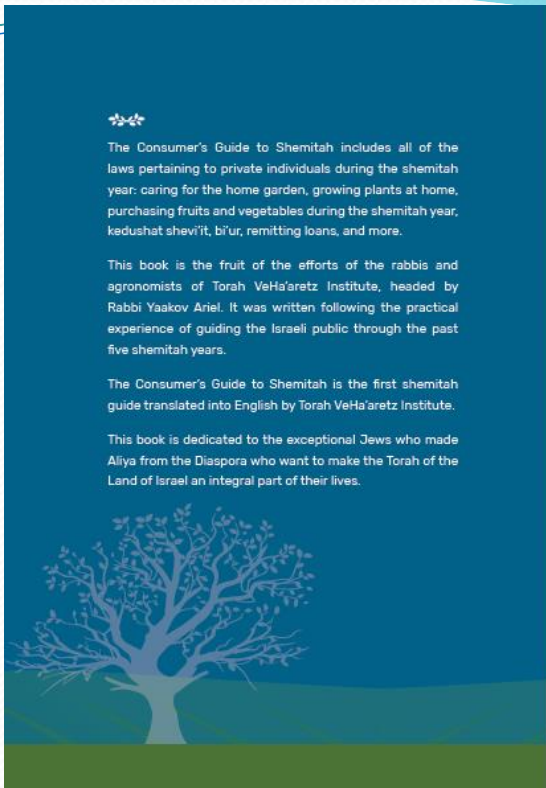
Thoughts about Shemita

Halachic Articles

Shemita Kesafim and Hakhel



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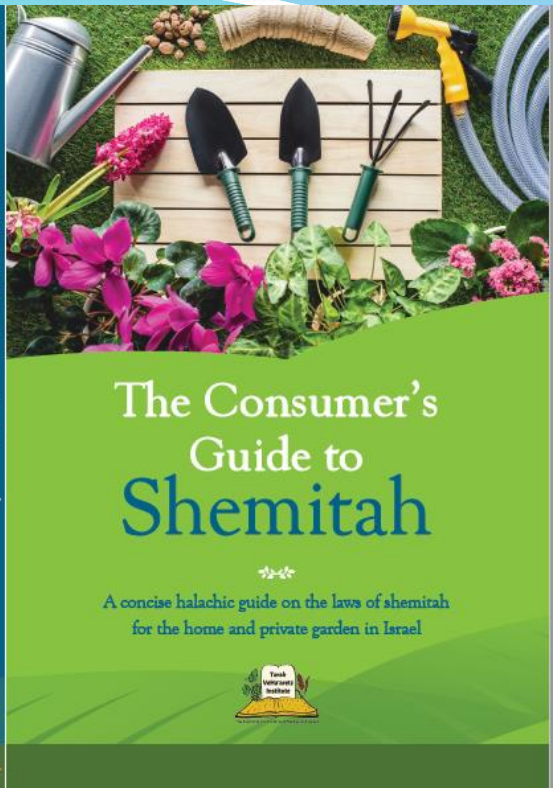
The Consumer's Guide to Shemitah includes all of the laws pertaining to private individuals during the shemitah year: caring for the home garden, growing plants at home, purchasing fruits and vegetables during the shemitah year, kedushat shevi'it, bi'ur, remitting loans, and more.

This book is the fruit of the efforts of the rabbis and agronomists of Torah VeHa'aretz Institute, headed by Rabbi Yaakov Ariel. It was written following the practical experience of guiding the Israeli public through the past five shemitah years.

The Consumer's Guide to Shemitah is the first shemitah guide translated into English by Torah VeHa'aretz Institute.

This book is dedicated to the exceptional Jews who made Aliya from the Diaspora who want to make the Torah of the Land of Israel an integral part of their lives.

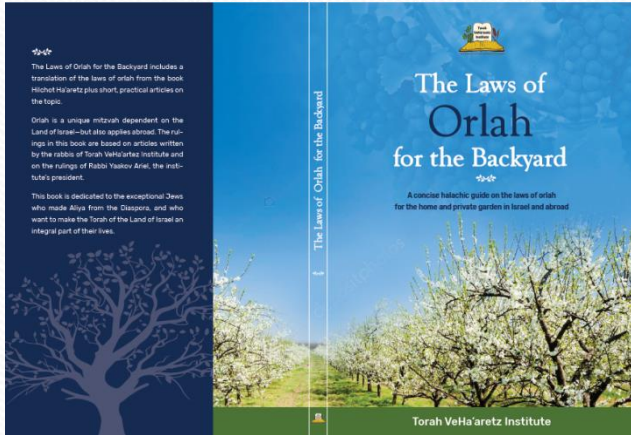
The Consumer's Guide to Shemitah



# The Consumer's Guide to Shemitah



A concise halachic guide on the laws of shemitah for the home and private garden in Israel



The Laws of Orlah for the Backyard includes a translation of the laws of orlah from the book Mishpat Ha'aretz plus short practical articles on the topic.

Orlah is a unique mitzvah dependent on the Land of Israel—but also applies abroad. The rulings in this book are based on articles written by the rabbis of Torah VeHa'aretz Institute and on the rulings of Rabbi Yaakov Ariel, the institute's president.

This book is dedicated to the exceptional Jews who made Aliya from the Diaspora, and who want to make the Torah of the Land of Israel an integral part of their lives.

The Laws of Orlah for the Backyard

## The Laws of Orlah for the Backyard

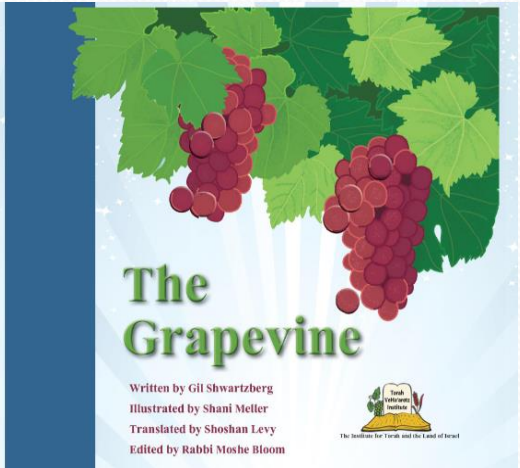
A concise halachic guide on the laws of orlah for the home and private garden in Israel and abroad

Torah VeHa'aretz Institute



“וְכִי תֵבֵן אֶת הָאָרֶץ וְנָטַעְתָּ אֶת הָעֵץ לְאֹכֶל וְקִדְּשְׁתָּ אֶת פְּרִי הָעֵץ לַיהוָה שְׁלֹשָׁה שָׁנִים יִהְיֶה לַיהוָה וּשְׁנֵי שָׁנִים יִהְיֶה לְעַבְדְּךָ וּשְׁנֵי שָׁנִים יִהְיֶה לְעַבְדְּתֶךָ וּבַשְּׁמִיטָה יִהְיֶה לַיהוָה חֹמֶשׁ הָאֵלֶּים כֹּל”

“When you enter the land and plant any tree for food, you shall regard its fruit as forbidden; three years it shall be forbidden for you, not to be eaten. In the fourth year, all its fruit shall be set aside for jubilation before Hashem.” (Vayikra 19:23-30)



## The Grapevine

Written by Gil Schwartzberg  
Illustrated by Shani Metter  
Translated by Shoshan Levy  
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ב"ס"ד

The Institute for Torah and the Land of Israel

Thank you!

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