

Shmitta – Torah law.

Observing shmitta entails three positive and four negative mitzvot. The positive mitzvot are:

- A) 1. Rendering all produce of the 7th year "hefker" (ownerless).
 2. Ceasing all agricultural work during the 7th year.
 3. According to Ramban it is a mitzvah to eat shviit produce invested with holiness.

The negative mitzvot include the prohibitions:

- B) 1. to sow
 2. prune trees
 3. harvest as usual (in commercial quantities)
 4. gather fruits of trees as usual (in commercial quantities)

C) Besides the above, shmitta produce, by virtue of it being invested with holiness, is to be treated with extra sanctity – this includes:

1. not wasting it.
2. not making commercial use of it.
3. not taking it out of Eretz Yisrael.
4. consume the produce in its usual manner.
5. to render the produce "hefker" at the time such produce is no longer available in fields.

Shmitta nowadays

1. The majority of poskim rule that shmitta observance nowadays is a Rabbinical obligation.

The solution of the "Heter Mechira".

2. In the year 1889 with the ever increasing aliyah to Eretz Yisrael, the yishuv faced the dilemma of how to observe shmitta.

On the one hand, many supported the observance of shmitta as "normal" - especially in the light of it being a mitzvah "neglected" for so many centuries whilst being in exile. Others maintained, that the fledging yishuv adhering to the shmitta laws, would cause collapse of our hold on the land and weaken the settlement enterprise.



Some Rabbis (especially Rav Kook ז"ל) espoused the "Heter Mechira" as a solution to this complicated problem.

The "Heter Mechira" (similar to Pesach) involves selling the land to a gentile for the duration of the Shmitta year. **The sale divests the holiness from Eretz Yisrael regarding all laws pertaining to the land.** The land of Eretz Yisrael belonging to a gentile is not subject to any of the agricultural laws of the land and thus the restrictions mentioned above in **A, B, C** are not applicable. The opponents of this "Heter" argue that the "Heter" really uproots the whole Mitzvah of Shmitta.

Limitations regarding "Heter Mechira"

1. The "heter" was meant for those whose livelihood is dependent on the "Heter".
2. The "Heter" should be reviewed every shmitta year to examine whether conditions have changed making it unnecessary to rely on such a dispensation.
3. Agricultural activities explicitly mentioned in the Torah as being prohibited (**B** above) should be done by a gentile.

The solution of "Otzar Beit Din".

Rav Kook organized, concurrently with the "Heter Mechira", a system whereby those wishing to keep shmitta could do so.

The Torah forbade one from gathering fruit on a commercial scale if it was for his own benefit. Gathering fruit on a commercial scale for the benefit of the community is allowed. In Talmudic times the Beit Din hired workers to gather produce to warehouses and it was the Beit Din's responsibility to ensure an equitable distribution of the shmitta produce.

This procedure is known as "**Otzar Beit Din**" – "**The warehouse of Beit Din**".

Today the Rabbinat appoints the farmers/owners themselves as workers to gather the produce and are remunerated for their work rather than the worth of the produce.

So what does one do?!

Option 1. Produce **not** containing Shmitta sanctity

1. Fruit & vegetables of the 6th year
2. Imported fruit & vegetables
3. Vegetables grown in hot houses
4. Produce from land sold through "Heter Mechira"

Option 2. Produce containing Shmitta sanctity

1. Produce of "Otzar Beit Din"
2. Non-aromatic flowers

N.B. Ensure that a valid "Hechsher" is displayed, verifying that the produce comes from "Heter Mechira". Generally, none is available in the Shuk.

There is nothing wrong with any of the above options. The second option has the advantages of partaking of the fruits of our holy land, as well as supporting Jewish farmers in our land, especially those who desire to observe Shmitta without relying on the "Heter Mechira".

Rabbi Raphael Katz

Lifeline

Once every seven years on Succot following a Shmitta year the people gathered in the Ezrat Nashim to carry out the Mitzvah of Hakhel. Devorim 31:10 A wooden platform was raised up on which the king read from the Torah to all people, men women and children.

Sotah 7-8