

Shmita 5768  
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As Rosh Hashana approaches, one additional aspect of the new year that we have to prepare for is the return of shmita. As we all know, shmita is the Biblically ordained seventh year of a seven year cycle which is called the “Shabbos of the land.” During this year, there are many halachos that apply to produce grown in Israel. Since many people have the privilege of visiting Israel, and since Israeli products are widely exported, we will identify a few of the key points with regard to shmita here.

The laws of shmita apply to fruits and produce grown within the boundaries of *Eretz Yisroel*, the historically land of Israel as it was populated by the Jewish people during the Second Temple times. The borders of the modern Israel are not the same as the halachic borders of *Eretz Yisroel*, for which the poskim differ as to the precise location. For example, some authorities do not consider Eliat to be part of Biblical Israel and according to those authorities produce grown in that city would not be subject to any shmita restriction.

During shmita, and on those lands subject to the mitzvah, one may not work the land in any way to promote growth of produce. This includes such constructive activities as plowing, watering, weeding, pruning trees, fertilizing – all of which are activities that promote growth. The prohibition actually starts 44 days before Rosh Hashana at which point it is not allowed to plant trees, and on Rosh Hashana at which point all other agricultural activity must stop, and continues until the following Rosh Hashana. This coming year is unusual in that it is a leap year and as such shmita will last for 13 months.

Fruits that started growing before Rosh Hashana do not acquire shmita sanctity and may be eaten as normal even if they do not ripen until during the shmita year. Vegetables do not fall into this category. Fruits and vegetables that grow during the shmita year have a special sanctity (*kedusha shvi'is*) and can be used under certain conditions. Fruits or vegetables that grow of their own accord can be consumed on shmita under certain conditions. Basically, the produce must be made *hefker* (ownerless) such that anyone can come and take from the fields. *Peiros Shvi'is* have a special *kedusha* and may not be discarded if they are edible – edible portions left over must be left to spoil before they can be discarded. Further, such produce may not be marketed in the normal manner and should be eaten in Israel, not exported.

Ownership of the land is a factor in shmita – *minhag Yerushalayim* is that produce grown on non-Jewish owned land is permitted. *Minhag Bnei Brak* is that such produce is not permitted. In 1887, a number of prominent Rabbonim including HaRav Yitzchok Elchonon Spector formulated the *heter mechira* under which land was sold to non-Jews for the shmita year so as to permit the produce of these sold lands. Other Rabbonim including the Netziv were against this procedure. HaRav Kook utilized the *heter mechira* based on the dire needs of the Yishuv at that time. The Rabbonim who wrote in favor of the *heter* indicate that this was done only due to the great need. Today, many poskim are not in favor of the *heter*, and the major kashrus organizations do not rely on it.

An alternative system called *otzer beis din* has been operating for some time now. Essentially, Beis Din hires the farmer to harvest for the public good while having *Hashgacha* over the process. The farmer does not perform any of the prohibited labors – he only picks fruit and vegetables that grow on their own. He is paid a set wage as a worker on behalf of Beis Din. The produce is transported to a distribution point (often a store) to make them accessible to the public. The consumer “buys” the produce, but is in fact simply reimbursing Beis Din for their expenses, not paying for the produce itself. It is important to note that such produce must be cared for as mentioned above as it has *kedushas shvi'is*.

Shmita year presents some challenges to the traveler. It is always important to discuss with your Rav before your visit the shmita options and how you should conduct yourself.