

Guidelines for the Shmitta Year

(adapted from the Israeli Chief Rabbinate's "Recommendations for the Shmitta Year")

Concepts

Kedushat Sheviit [produce which has the sanctity of Shevi'it]: Vegetables are deemed to have kedushat sheviit if they were grown on Jewish-owned land that was not sold to a non-Jew and were harvested in a permissible manner during the Shmitta year. Similarly, fruits that grew on Jewish land and blossomed during the Shmitta year have kedushat sheviit.

The main ramifications of this are: one must take care not to cause these fruits and vegetables to get ruined without a valid reason; it is forbidden to engage in commerce with these Shmitta products; one must get rid of all remaining produce which has kedushat sheviit when the *zman biur* [period when the majority of crops are no longer remaining in the field] arrives [the mechanism will be discussed at some later date]. In addition, when one buys Shmitta products, he should be careful not to purchase them by weight. The money used to pay for the produce also has kedushat sheviit (elaborated below). Kedushat sheviit is in effect on "Otzar Beit Din" produce (see differences below). There is no kedushat sheviit on produce grown in soil detached from the ground in greenhouses. In addition, no kedushat sheviit exists on produce grown beyond the boundaries of Eretz Yisrael during the Second Commonwealth (see below "kedusha shniah"), e.g. the Southern Arava and the northern Golan Heights.

Otzar Beit Din [the treasury of the Beit Din]: A framework wherein both the farmer and seller are agents for the local or national Beit Din for cultivating produce and its distribution. Although it is forbidden to engage in commerce with fruits that have kedushat sheviit, it is nonetheless permissible for agents of the Beit Din to distribute them for a fee. The money used to pay for Otzar Beit Din products does not have kedushat sheviit. Similarly, there are many rabbinic authorities who allow one to weigh the fruits in a normal manner

Fields of a Non-Jew: Fruits and vegetables that grew during Shmitta on farmland of a non-Jew or on land that was sold to a non-Jew do not have the sanctity of kedushat sheviit, although there are those who are stringent on the matter. The custom in Jerusalem is to be lenient regarding produce that is grown on a non-Jew's field. Our institute's founding president, HaRav Shaul Yisraeli, zt"l conducted himself in accordance with the Jerusalem custom. There is more room to suspect that produce that originates from non-Jewish farmers might have kedushat sheviit since there is a possibility that the produce was grown on Jewish-owned land (perhaps the non-Jewish growers are distributing produce grown by Jews on land that was not sold, which is forbidden to eat because of the prohibition of *sfichin*).

Heter Mechira ["leniency based on sale"]: a halachic remedy used in Eretz Yisrael (already for more than 120 years) for the problem of farming and agricultural produce during Shmitta. The farmers sell their land to a non-Jew. In the present Shmitta year, the vast majority of land used for growing vegetables and some of the land used for growing fruits was sold to non-Jews (great efforts were made by Rav Zev Whitman and Rav Avraham Yosef to improve the sale's halachic validity and to make the sale as solid as possible). Instead of utilizing the heter mechira, other fruit growers have joined the framework of the Chief Rabbinate's National Otzar Beit Din.

Sfichin: Our Sages prohibited eating vegetables that grow on Jewish land during Shmitta. Included in the prohibition are vegetables that grew without human intervention. The Sages forbade *sfichin* in order to prevent Jews from violating Shmitta by sowing vegetables and claiming that they grow by themselves. The prohibition of *sfichin* does not apply to vegetables whose majority of growth was prior to the Shmitta year.



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תשובות נוספות בענייני שמיטה ניתן למצוא בשו"ת "במראה הבזק" חלקים ג, ה, ו

Additional questions on the topic of Shmittah can be found in Shut B'mareh Habazak, Vols 3, 5 and 6

In addition, there is no prohibition of *sfichin* on vegetables that were grown in an area not sanctified during "kedusha shniah" or vegetables that were grown on soil detached from the ground (*matza nenutak*).

Kedusha Shniah: refers to territories in Eretz Yisrael that the Jews returning from Babylonia settled in the time of Ezra. All the agricultural laws of Eretz Yisrael, including the laws of Shmittah, apply to produce from these areas. The area of Eretz Yisrael that was sanctified by Ezra is generally defined as being from Ashkelon to the northernmost section of the Aravah desert region, extending north until Akko and the Beit Shean valley area.

Matza Memutak: produce that does not grow directly on the ground; rather, they are grown on elevated platforms within greenhouses. These plants do not have kedushat sheviit.

Practical Halachic Guidelines for the General Populace

Vegetables: In accordance with what we stated above, one can freely purchase vegetables and rely on the fact that the majority of land was sold to a non-Jew. Therefore, it is unnecessary to view vegetables as having kedushat sheviit. Neither are the vegetables suspected as being *sfichin*.

Fruits: All fruits that are available in the market during the first part of 5768 are from the sixth year since all of these fruits budded during the sixth year. Therefore, one should accord them the status of fruits grown in the sixth year.

Towards the end of the winter, there will be fruits that enter the market that will have blossomed during the Shmittah year. It will then be necessary to clarify which fruits will be distributed by the Otzar Beit Din - which will have kedushat sheviit - and which fruits were grown on heter mechira land, where there is no obligation to treat the fruits as having kedushat sheviit. Kedushat shvi'it applies to fruit that buds during the Seventh Year, including those fruits which will be harvested in the following year.

Kashrut Certificates: In the near future, the Rabbanut will issue kashrut certificates and certificates for the Otzar Beit Din to fruit and vegetables growers.

Removal of Terumot and Maaserot [tithes]: Produce that has the sanctity of the seventh year is exempt from the obligation of taking terumot and maaserot. This applies to fruit or vegetables from the Otzar Beit Din. One is absolutely required to separate terumot and maaserot (which includes maaser oni this year) from fruit from the sixth year or vegetables that were stored from the sixth year. It is the accepted practice to remove terumot and maaserot without a bracha from Shemitta products that were grown on a matza menutak in greenhouses (in the event that the farmers did not already remove the terumot and maaserot).

For additional halachic queries dealing with the laws of Shmitta please see volumes 3, 5 and 6 of Shut Be'Mareh Habazak, a halachic work which contains numerous questions/answers dealing with the laws of Shmitta.



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