

B] SHEMITA IN THE TORAH

1. (י) וְשֵׁשׁ שָׁנִים תִּזְרַע אֶת-אֲרָצְךָ וְאָסַפְתָּ אֶת-תְּבוּאָתָהּ: (יא) וְהַשְּׁבִיעִית תִּשְׁמְטֶנָּה וְנִטְשָׁתָהּ וְאָכְלוּ אֲבִינֵי עַמְּךָ וְיִתְּרָם תֹּאכַל חֵיטָה הַשְּׂדֵה כְּרֵתֶעֶשֶׂה לְכַרְמְךָ לְאִיתָךָ: (יב) שְׁשֵׁת יָמִים תַּעֲשֶׂה מַעֲשֵׂיךָ וּבַיּוֹם הַשְּׁבִיעִי תִשְׁבַּת לְמַעַן יָנוּחַ שְׁרָדְךָ וְחַמְרְךָ וְיִנְפֹשׂ בְּרֵאֲמֶתְךָ וְהִגֵּר:

שמות פרק כג

The pesukim in Shemot give an outline of Shemita and highlight the following (a) the land lying fallow; (b) not harvesting like we do normally; (c) the produce being available for the poor and the natural world, not guarded and keep as private property; (d) the link with Shabbat, thus attesting to G-d's role as Creator of the world

2. (א) וַיְדַבֵּר ה' אֶל-מֹשֶׁה בְּהַר סִינַי לֵאמֹר: (ב) דָּבָר אֶל-בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם כִּי תְבֹאוּ אֶל-הָאָרֶץ אֲשֶׁר אָנִי נֹתֵן לָכֶם וְשָׁבַתָה הָאָרֶץ שִׁבְתָּ לָהּ: (ג) שֵׁשׁ שָׁנִים תִּזְרַע שְׂדֶךְ וְשֵׁשׁ שָׁנִים תִּזְמַר כְּרַמְךָ וְאָסַפְתָּ אֶת-תְּבוּאָתָהּ: (ד) וּבַשְּׁנָה הַשְּׁבִיעִית שִׁבְתָּ שְׂבוּתְךָ וְהָיָה לְאָרֶץ שִׁבְתָּ לָהּ שְׂדֶךְ לֹא תִזְרַע וְכַרְמְךָ לֹא תִזְמַר: (ה) אֶת סַפְיֹחַ קִצְרֶךְ לֹא תִקְצֹר וְאֶת-עֵנְבֵי נֵזִירְךָ לֹא תִבְצֹר שְׁנַת שְׁבוּתְךָ וְהָיָה לְאָרֶץ: (ו) וְהָיְתָה שִׁבְתָּ הָאָרֶץ לָכֶם לְאָכְלָהּ לָךְ וּלְעַבְדְּךָ וּלְשִׁכְרֶךָ וּלְתוֹשֵׁבֶיךָ הַגֵּרִים עִמָּךְ: (ז) וּלְבַהֲמֹתֶיךָ וּלְחַיָּה אֲשֶׁר בְּאֲרָצְךָ תִּהְיֶה כָל-תְּבוּאָתָהּ לְאָכֹל: ס

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 (יח) וְעַשִׂיתֶם אֶת-חֻקֹּי וְאֶת-מִשְׁפָּטֵי תִשְׁמְרוּ וְעַשִׂיתֶם אֹתָם וְיִשְׁבַּתֶּם עַל-הָאָרֶץ לְבִטּוּחַ: (יט) וְנָתַתָּה הָאָרֶץ פְּרִיָּהּ וְאָכַלְתֶּם לְשִׁבְעַת יָמֵי הַשָּׁנָה לְבִטּוּחַ עֲלֶיהָ: (כ) וְכִי תֵאמְרוּ מַה-נֹּאכַל בַּשְּׁנָה הַשְּׁבִיעִית הֵן לֹא נִזְרַע וְלֹא נִאֲסַף אֶת-תְּבוּאָתֵנוּ: (כא) וְצִמְיָתִי אֶת-בְּרִכְתִּיל לָכֶם בַּשְּׁנָה הַשְּׁשִׁית וְעַשִׂתָּ אֶת-הַתְּבוּאָה לְשִׁלַּשׁ הַשָּׁנִים: (כב) וְזָרְעֶתֶם אֶת הַשְּׁנָה הַשְּׁמִינִית וְאָכַלְתֶּם מִן-הַתְּבוּאָה יָשׁוּ עַד הַשְּׁנָה הַתְּשִׁיעִית עַד-בּוֹא תְּבוּאָתָהּ תֹּאכְלוּ יָשׁוּ: (כג) וְהָאָרֶץ לֹא תִמְכַּר לְצַמְתָּת כִּי-לִי הָאָרֶץ כִּי-גֵרִים וְתוֹשְׁבִים אַתֶּם עַמְּדִי: (כד) וּבְכָל אָרֶץ אֲחֻזְתְּכֶם גְּאֻלָּה תִתְּנוּ לְאָרֶץ: ס

ויקרא פרק כה

The pesukim in Vayikra give more detail. There is a focus on (a) a sabbatical for G-d - ie devoted to spiritual activities; (b) specific prohibited activities - planting, pruning and harvesting (grain or fruit); (c) the produce being available not only to the regular owner, but also to the underprivileged sectors of society - servants, workers, unlanded minorities, animals; (d) national security and blessing flowing from observance of Shemita; (e) Shemita as a demonstration of bitachon; (f) the Land not belonging ultimately to the people, but to G-d; (g) Shemita as a 'redemption' for the Land itself

3. (לג) וְאִתְּכֶם אֲזַרְהָ בְּגוֹלִים וְהִרִיקוּתִי אֲחֻרֵיכֶם חָרָב וְהָיְתָה אֲרָצְכֶם שְׁמֹמָה וְעָרֵיכֶם יִהְיוּ חָרְבָה: (לד) אִזּוּ תִרְצֶה הָאָרֶץ אֶת-שְׁבוּתֶיהָ כָּל יְמֵי הַשְּׁמֹמָה וְאַתֶּם בְּאֲרָץ אֲבִיבִים אִזּוּ תִשְׁבַּת הָאָרֶץ וְהִרְצָתָ אֶת-שְׁבוּתֶיהָ: (לה) כָּל-יְמֵי הַשְּׁמֹמָה תִשְׁבַּת אֶת אֲשֶׁר לֹא-שָׁבַתָהּ בְּשִׁבְתֵיכֶם בְּשִׁבְתְּכֶם עֲלֶיהָ:

ויקרא פרק כו

Exile from the Land is predicted as a consequence of non-observance of Shemita

4. (יט) וַיִּשְׁרְפוּ אֶת-בֵּית הָאֱלֹקִים וַיִּנְתְּצוּ אֶת חוֹמוֹת יְרוּשָׁלַם וְכָל-אֲרָמְנוֹתֶיהָ שָׂרְפוּ בְּאֵשׁ וְכָל-כְּלֵי מַחֲמָדֶיהָ לְהַשְׁחִית: (כ) וַיִּגְלוּ הַשְּׂאֲרִית מִן-הַחָרָב אֶל-בְּבֶל וַיְהִי-לוֹ וּלְבָנָיו לְעַבְדִים עַד-מָלְךְ מַלְכוּת פָּרְס: (כא) לְמַלְאוֹת דְּבָרָהּ בְּפִי יִרְמְלוּהוּ עַד-רִצְתָהּ הָאָרֶץ אֶת-שְׁבוּתֶיהָ כָּל-יְמֵי הַשְּׁמֹמָה לְמַלְאוֹת שְׁבָעִים שָׁנָה: (רשי' - שֶׁל שְׁמִיטָה וַיּוֹצֵל שְׁטוּלוֹ יִשְׂרָאֵל צָרָךְ וְכַנְגְדוֹן גָּלוּ שְׁבָעִים שָׁנָה ...)

דברי הימים ב' לו:יט-כא ורשי' שם

.... and this is in the end how it happened - 70 years of exile for 70 missed Shemitta and Yovel years

C] PROHIBITED FARMING/GARDENING ACTIVITIES

C1] TORAH PROHIBITIONS

The following activities are Torah prohibitions during Shemita year:

- Planting (even non fruit-bearing plants)
- Pruning - cutting branches to stimulate growth
- Plowing

The following activities are Torah prohibitions for Shemita produce²:

- Reaping as an owner (grain, vegetable and other annual crops)
- Gathering as an owner (picking fruit and other perennial crops)

As such gathering small amounts of produce (a few day's food) in a non-professional/commercial manner is permitted for anyone - even the owner of the field

C2] RABBINIC PROHIBITIONS

- Any other activity (the halacha gives 22 categories) which enhances the growth of plant is prohibited rabbinically - such as watering, weeding, fertilizing, removing stones³ etc
- BUT any such activity which is carried out in order to save the plant from dying (and according to some to save the fruit from dying) is permitted

In practice: - gardens and plants are watered minimally to stop them from dying
 - hedges etc can be cut back and lawns mown for aesthetic purposes
 - there are special rules for potted plants (inside and out), plants standing on tiles/flooring etc, window boxes and plants inside the house

D] DEALING WITH SHEMITA PRODUCE

D1] SEFICHIN

5. א כל שתוציא הארץ בשנה שביעית, בין מן הזרע שנפל בה מקודם שביעית, בין מן העיקרים שנקצרו מקודם וחזרו ועשו ושניהם נקראו ספיח, בין מן העשבים והירקות שעלו מאיליהן ואין להן זרע הכל מותר לאכלו מן התורה שנאמר והיתה שבת הארץ לכם לאכלה. ואפילו שדה שנטיבה בשביעית וצמחה פירותיה מותרין באכילה. וזה שנאמר את ספיח קצירך לא תקצור - שלא יקצור כדרך שקוצר בכל שנה אלא קוצר מעט מעט וחובט ואוכל

ב ומדברי סופרים שיהיו כל הספיחים אסורין באכילה. ולמה גזרו עליהם? מפני עוברי עבירה, שלא ילך וזרע תבואה וקטניות וזרעוני גנה בתוך שדהו בסתר, וכשיצמח יאכל מהם ויאמר ספיחים הן, לפיכך אסרו כל הספיחים הצומחים בשביעית

ג הא למדת שאין אוכלין מפירות שביעית אלא פירות האילנות והעשבים שאין זורעין אותם רוב האדם אבל הירקות שדרך רוב האדם לזרעם בגנות ומיני תבואה וקטניות כל הצומח מהן אסור מדבריהם

רמב"ם הלכות שמיטה ויובל פרק ז הלכות א-ג

According to then Torah law, although there are prohibitions on planting, working and commercial harvesting, all produce that grows from the ground is permitted to eat. However, Chazal made an independent rabbinic prohibition on plants that do not NORMALLY grow on their own eg vegetables and grains. This was to prevent people planting in breach of Shemita and telling people that the produce grew on its own. As such, produce which DOES normally grow on its own (eg fruit) is not subject to the prohibition of Sefichin

In practice:

- Vegetables which started growing during the 6th year will not be Sefichin⁴. As such the prohibition of Sefichin for any particular product only kicks in at the point in the year that that vegetable grew entirely during the Shemita year.
- There are fixed dates based on the produce markets in Israel on which specific vegetables become Sefichin - see Appendix 1. From the date that Sefichin applies **that vegetable may not be bought from a store unless it has a hechsher which states the origin of the produce**⁵.

2. There are different ways to establish whether produce is 'Shemita produce'. Fruits are normally classified according to which year the fruit first started to grow. Vegetables are usually classified according to which year they are picked in. Grains are often classified according to which year they grew to 1/3 maturity. There are exceptions to these general rules.

3. Although it should be noted that the equivalent activities on Shabbat would be prohibited on a Torah level

4. This point is subject to some halachic debate but the standard practice is to follow this lenient opinion

5. Note that it is always (not just during Shemita) recommended to buy all fruit and vegetables from a store with a hechsher. Otherwise it is likely that terumot and maaserot will have to be taken by the consumer (at least out of safek - doubt). The procedure for doing this is not so complicated but needs to be learnt! If you don't know how to do it, or can't get someone else to do it, you should stick to fruit and veg stores/supermarkets with a fruit/veg hechsher. Most of the makolets and supermarkets in religious neighborhoods have hechsherim.

That could be:-

- heter mechira produce (no kedushat shevi'it - 'K7') - only acceptable if you follow a psak which accepts the heter mechira
- otzar beit din (does have K7)
- 'matza menutak' - produce grown in special beds disconnected from the ground (no K7)
- yevul nochri - local Arab produce (no K7 according to most views)
- imported produce (no K7)

• Note that all vegetables picked during the Shemita year have K7 even if they are not Sefichin (eg they grew in the 6th year)

• In stores look for the following wording on the hechsher: **ללא חשש [טבל ו] שביעית**

D2] SHAMUR & NE'EVAD

• Aside from the issue of Sefichin, there is a discussion about whether produce which was improperly guarded (shamur) or tended (ne'evad) during Shemita is prohibited (rabbinically). Some poskim are strict but most are lenient on this (especially today when the entire application of Shemita is Rabbinic - see Shiur 2)

D3] KEDUSHAT SHEVI'IT - K7

6. כִּי יוּבַל הוּא קֹדֶשׁ תְּהִיָּה לְכֶם מִן־הַשָּׂדֶה תֹאכְלוּ אֶת־תְּבוּאָתָהּ

ויקרא כה:יב

7. כתיב כי יובל היא קודש תהיה לכם וגו' מה היא קודש אף תבואתה קודש

תלמוד ירושלמי (וילנא) מסכת שביעית פרק ד

Chazal learn that the produce of the Yovel (and by extension Shemita) year has intrinsic kedusha

8. שביעית תופסת את דמיה שנאמר כי יובל היא קדש תהיה לכם - מה קדש תופס את דמיו ואסור אף שביעית תופסת את דמיה ואסורה

סוכה מ:

The kedusha of Shemita produce transfers onto the money used to buy it, and the original produce remains kadosh

9. והיתה שבת הארץ לכם לאכלה - ודרשו לאכלה ולא לסחורה. וזה דבר תורה הוא ונכפלה זאת המצוה באמרו ית ואכלו אביוני עמך. שלא אמר 'לאביוני עמך תעזוב אותם' כמו שאמר (ר"פ קדושים) לעני ולגר תעזוב אותם בלקט ושכחה אבל לשון אכילה מזכיר בהם הכתוב בכל מקום

השגות הרמב"ן לספר המצוות לרמב"ם שכחת העשין

The Ramban comments that the Torah stresses the importance of eating Shemita produce. According to some opinions, the Ramban's position is that it is a mitzvah to eat Shemita produce

The following produce has K7 (N.B. Only produce in 'halachic Eretz Yisrael' has K7 - see below)

- vegetables which were picked during Shemita year
- fruit which first began to ripen during Shemita year
- grains which grew to one third during Shemita year
- flowers with a scent which are grown primarily for their scent have K7: perennial - if they blossom in the Shemita year
annuals - if picked in the Shemita year

Note that K7 produce, especially fruit, is in the markets for a long time after Shemita year. In the case of canned or bottled goods (especially wine) it can remain in circulation for many years

D4] KEDUSHAT SHEVI'IT IN THE KITCHEN

10. לאכלה אמר רחמנא, ולא להפסד

פסחים נב:

*Produce with K7 is to be eaten and not 'wasted'**In practical terms, this means the following for K7 food in the modern kitchen:-*

- One should try not to waste, spill or leave-over K7 produce where possible
- It must not be thrown away loose into the garbage, if edible. It could be wrapped in a sealed bag and thrown away. The minhag is to place it in a 'meichal Shemita' - a shemita holder until it become inedible and it can then be thrown away. Each day a new bag should be used for left-overs, then sealed, kept for a few days and then thrown away
- Soup can be left out overnight to spoil. Preferably it should be bagged and sealed and thrown away
- Food still has K7 as long as it is fit for animal consumption - eg some peels
- Pits and peels which have fruit on them in an amount that would normally be eaten may not be thrown away. Small bits of fruit sticking to pits that would not normally be eaten or small bits of food left sticking to plates may be thrown away but many people separate them and put them in the shemita holder (watch out for Borer issues on Shabbat!)
- K7 produce may only be used in the regular manner - ie cooked, squeezed or blended only when that is normal for this food
- If K7 products are cooked with other food, all the food becomes K7

D5] WHICH PARTS OF ISRAEL HAVE K7

11. שלש ארצות לשביעית: (1) כל שהחזיקו עולי בבל מארץ ישראל ועד כזיב לא נאכל ולא נעבד. (2) וכל שהחזיקו עולי מצרים

מכזיב ועד הנהר ועד אמנה נאכל אבל לא נעבד. (3) מן הנהר ומאמנה ולפנים נאכל ונעבד

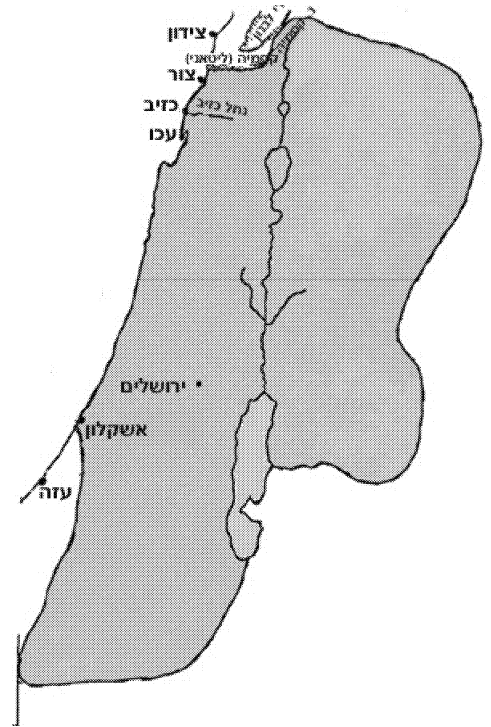
משנה מסכת שביעית פרק ו משנה א

The Mishna identifies 3 different areas for the purposes of K7. Shemita applies in full to the area of the 'Olei Bavel'. It applies less to the greater area of the 'Olei Mitzrayim'. It does not apply at all beyond those borders (even in areas which may be part of 'Biblical Eretz Yisrael', which was promised to Avraham)



- This map shows the boundaries of the Olei Bavel - those Jews who came back to Eretz Yisrael with the permission of the Persians in the 5C BCE to re-build the Second Temple
- Today's kedusha of Eretz Yisrael for K7 is dependant on this area, which covers all of modern Israel except the Southern Negev. All laws of Shemita apply fully here
- As such, produce from these areas has K7 but food grown in the 'Southern Arava' region - towards Eliat and the Jordan Valley south of the Dead Sea - does not have K7

- This map shows the larger area of Olei Miztrayim - those Jews who came to conquer Eretz Yisrael with Yehoshua after leaving Egypt in the 14C BCE
- The biggest difference is that it includes much of Jordan, most of the Golan and some of Syria
- Shemita applies partially in these areas - there is no issur of Sefichin but work on the land is restricted
- The 'Southern Arava' area down to Eilat is still excluded and produce from there will certainly not have K7



- Interesting halachic questions arise in the Western Negev

- Note that there is a very major debate about whether land owned by non-Jews within the Eretz Yisrael boundaries still has K7. The minhag in Yerushalyim and most places in Israel is to treat such produce as regular, NON-K7⁶. The minhag in Bnei Brak is to treat such produce with K7⁷

- Modern technology has enabled food to be mass produce in beds which are detached from the ground - מצע מנותק - According to almost all poskim this does not have K7⁸

D6] BIYUR

- Once a K7 fruit or vegetable is no longer present in the fields and available for the animals it must be removed from the house - 'biyur'
- Every product has its own date for biyur - see the charts in Appendix 1 and 2
- Biyur is done by taking the relevant food outside the house and declaring it to be hefker. It can then be brought back inside
- Biyur does not apply to small quantities of food (3 meals worth for each member of the household)

D7] OTHER K7 ISSUES

- K7 food may not be exported outside Israel
- It is prohibited to trade commercially in K7 food
- K7 food may not be weighed or measured for sale in the regular manner
- Money paid for K7 produce can itself become K7. Other food bought with this money can become K7 in turn, even if it is not fruit or veg - eg K7 meat! Money which is K7 may not be given to people who will not respect its kedusha
- NOTE: paying for Otzar Beit Din produce does not involve these issues - see below

6. Based on the psak of the Beit Yosef

7. Based on the psak of the Mabit, which was followed by the Chazon Ish

8. But there are many other conditions eg non-Jewish ownership of the beds, which melachot may be performed by Jews/non-Jews

E] MODERN SHEMITA 'SOLUTIONS'

There are no 'safe' options. Each solution resolves one set of challenges and yet causes others. Those who think that they can 'avoid' Shemita are not only missing out on the opportunities of Shemita, but are often also ignoring or down-playing significant halachic and hashkafic issues. Expressions such as 'Shemita LeChumra'⁹ or 'Shemita Kehilchata'¹⁰ only tell part of the story!

E1] SOLUTION 1 - OTZAR BEIT DIN

Summary

• A collective of Jewish farms, owned and managed during Shemita year by a Beit Din. The owners of the fields are not paid profits according to the harvest, but a fixed rate like workers.

One of the main Otzar Beit Din organizations in Israel today is 'Otzar Ha'Aretz'¹¹. There are Otzar Ha'Aretz stores all around Israel serving the religious neighborhoods. Produce in the stores comes not only from Otzar Beit Din, but also from other sources¹² which are all clearly labelled. They also have a loyalty club and voucher system

Pros

- Halachically less problematic than Heter Mechira¹³. Wider halachic support for the concept across the communities
- Produce has K7 - opportunity to engage with K7 (for those who see this as pro!)
- Money has no K7 since payment is for the labor, transportation, distribution etc and not the produce itself
- Supports Israeli agriculture
- Cheaper than regular produce since the costs are labor etc only

Cons

- Not halachically perfect - some of the major classic poskim (eg Rambam) did not mention it
- Hard to supervise on a large commercial scale
- Only helps with harvesting and distribution but does NOT allow planting and tending. Thus it will most effective for fruit but only works for vegetables at the beginning of the Shemita year since they were planted in the 6th year

E2] SOLUTION 2 - MATZA MENUTAK¹⁴

Summary

• Produce grown in beds detached from the ground and also inside an enclosed building

Pros

- No concerns of K7 (if you see that as a pro!)
- Able to plant and tend
- Supports Israeli agriculture and technology
- Bug free

Cons

- Expensive
- Limited supply

9. Often used in the Charedi sector for hechsherim or products

10. Used by the Rabbanut sector for hechsherim

11. Their Beit Din includes such highly respected dayanim as R' Zalman Nechemia Goldberg and Rav Eliyahu Bakshi Doron - see the full line-up and photo on

<http://www.otzarharetz.co.il/%D7%91%D7%99%D7%AA-%D7%94%D7%93%D7%99%D7%9F-%D7%A9%D7%9C-%D7%90%D7%95%D7%A6%D7%A8-%D7%94%D7%90%D7%A8%D7%A5/>

12. See <http://www.otzarharetz.co.il/sources-supply/>

13. Although this is itself a debate - Rav Ovadia Yosef zt'l preferred the Heter Mechira over Otzar beit Din!

14. Also known as 'Gush Katif' since this technology was pioneered by the farmer of Gush Katif before they were expelled from Gaza

E3] SOLUTION 3 - 'SHISHIT'Summary

- Produce from the 6th year or before

Pros

- No concerns of K7 (if you see that as a pro!)

Cons

- Limited availability as the Shemita year progresses, especially with fresh vegetables
- Shishit is often stored for long periods and can be poor quality

E4] SOLUTION 4 - IMPORTED PRODUCE ('YUVAL CHU'L')¹⁵Summary

- Can be imported from all over the world, but often from neighboring Arab countries - Egypt and Jordan and, as of March 2015, from Gaza too¹⁶

Pros

- No K7 issues (if you see that as a pro!)

Cons

- Damage (often long-term) to the Israeli agricultural sector - now worth billions of dollars per year
- Expense - transport costs etc
- Unreliable supply
- Political/economic concerns of 'funding Arab terrorism'

E5] SOLUTION 5 - HETER MECHIRASummary

- Farmers sell their fields to a non-Jew through a local Beit Din. The fields are then worked normally but melacha deOraita is done by non-Jews (foreign workers who are regularly employed these days in Israel's agriculture sector)

Pros

- No K7 or sefichin issues
- Supports the Israeli economy
- Plentiful supply at good prices
- Halachically acceptable solution for non-religious consumers and traders who would otherwise ignore Shemita entirely
- Protects overseas contracts and long-term economy

Cons

- Based on certain halachic positions - in particular that Shemita today is all rabbinic and also that land owned by a non-Jew has no K7. Whilst both of these are mainstream halachic positions they are not unanimous.
- If it does NOT work, farmers are doing issurim AND vegetable produce will be prohibited to eat as sefichin. However fruit will not be prohibited as sefichin and could be eaten even if one does not accept the heter (although it would be K7)
- Selling land in Eretz Yisrael to a non-Jew is itself halachically problematic
- Is the sale a legally binding and 'real' sale or a 'legal fiction'
- Jewish farmers may ignore the rules and perform melacha

See Shiur 2, in particular the Appendix there, for more background and detail on the Heter Mechira

Many poskim rule that a person who, as a chumrah, does NOT normally eat Heter Mechira MAY eat it with when a guest in someone else's home - ask your posek

15. Sometimes incorrectly called 'Yevul Nochri', which more properly refers to produce grown on land owned by non-Jews in Israel

16. Israel plans to import 1,200 tones per month from Gaza

E6] SOLUTION 6 - SOUTHERN ARAVASummary

- Produce from the Southern Negev and Southern Jordan Valley which is outside the areas of K7
- Often grown in combination with the Heter Mechira

Pros

- No concerns of K7 (if you see that as a pro!)
- Supporting Israeli farmers and economy in Southern Israel
- Planting and supply all year round

Cons

- Significant halachic debates as to precisely where these areas are - especially in Northern and Western Negev
- Patchy and limited supply of certain vegetables

E7] SOLUTION 7 - YEVUL NOCHRISummary

- Produce from non-Jewish (usually Arab) farmers in Israel grown on land owned by non-Jews (eg in the 'West Bank'/Yehuda and Shomron, Galilee and other areas in Israel)

Pros

- No concerns of K7 (if you see that as a pro!), although this is not clear and some authorities DO treat this with K7

Cons

- Some unscrupulous Jewish producers have been caught selling their produce to Arabs to be sold on as Yevul Nochri. Also, some land used by Arabs has been illegally acquired and is actually legally owned by Jews
- Some of the producers live in hostile areas, endangering mashgichim
- Strengthens Arab land ownership in Israel. There are Arab organizations which seek to buy back Jewish land in Israel to try and strengthen Arab presence to create a future Arab State. This has possibly negative short-term economic and longer term political and security impact
- Damage (often long-term) to the Israeli agricultural sector - now worth billions of dollars per year

E8] SO WHAT DO PEOPLE IN ISRAEL DO?

Here is a generalized summary of how communities in Israel prioritize the different options (1 is top)

Charedi community:

1 - Yevul Nochri/Shishit/Imported; 2 - Arava; 3 - Matza Menutak; 4 - Otzar Beit Din¹⁷; 5 - Heter Mechira^{18 19}

Religious Zionist community:

1 - Otzar Beit Din; 2 - Arava/Shishit/Imported; 3 - Matza Menutak; 4 - Heter Mechira²⁰; 5 - Yevul Nochri²¹; or

1 - Otzar Beit Din; 2 - Arava/Shishit/Imported; 3 - Matza Menutak; 4 - Yevul Nochri²²; 5 - Heter Mechira; or

1 - Heter Mechira²³; 2 - Arava/Shishit/Imported; 3 - Matza Menutak; 4 - Otzar Beit Din; 5 - Yevul Nochri ;

17. Considered permitted by most poskim but looked on with some suspicion by many as 'unfamiliar'. Also, many in the Charedi community do not wish to risk the possible halachic prohibitions of misuse of K7

18. Regarded by many people in the Charedi community as totally 'treif'. Some poskim take the view that Heter Mechira also treifs up the pots and pans. However other Charedi poskim permit the Heter Mechira in exceptional circumstance eg when eating with parents

19. It is clear that many people in the Charedi community are also driven by hashkafic pressure to reject 'solutions' proposed by the Zionist communities. This can sometimes be extreme, given the actual halachic issues involved

20. Many in the Religious Zionist community regard the hashkafic and possibly halachic problems of not supporting the Israeli economy and supporting Arab farmers as more serious than the halachic problems raised by the Heter Mechira. This is Rav Rimon's position

21. At the same time it is clear that some in the Religious Zionist community are driven by right-wing political considerations which sometimes have little to do with real hashkafic or halachic concerns. This can sometimes be extreme, with people indignantly refusing to buy Arab produce during Shemita, which they are happy to buy in other years.

22. In recognition of the widespread concerns as to the halachic weakness and unacceptability of the Heter Mechira

23. Some poskim in the Religious Zionist community see the Heter Mechira as a critical institution in supporting Yishuv Eretz Yisrael and a long-standing heter by great halachic figures. This is Rav Aviner's position

F] SHEMITAT KESAFIM

11. (א) מִקֵּץ שְׁבַע-שָׁנִים תַּעֲשֶׂה שְׁמִטָּה: (ב) וְזֶה דְבַר הַשְּׁמִטָּה שְׁמוּט כָּל-בַּעַל מִשָּׂה יָדוֹ אֲשֶׁר יִשָּׂה בְרַעְיוֹ לֹא-יִגַּשׁ אֶת-דַּעְוָהוּ וְאֶת-אֲחִיו כִּי-קָרָא שְׁמִטָּה לָּהּ: (ג) אֶת-הַנֶּכְרִי תִגַּשׁ וְאֲשֶׁר יִהְיֶה לְךָ אֶת-אֲחִיךָ תִשְׁמַט יָדְךָ: (ד) אֲפֹס כִּי לֹא יִהְיֶה-בְּךָ אֲבִיוֹן כִּי-בָרַךְ יְבָרְכֶךָ ה' בְּאֶרֶץ אֲשֶׁר ה' אֱלֹהֶיךָ לִתְרוֹן לְךָ נָחֳלָה לְרִשְׁתָּהּ: (ט) הַשְּׁמֵר לְךָ פֶּן-יִהְיֶה דְבָר עִם-לְבַבְךָ בְּלִעַל לֵאמֹר קָרְבָּה שְׁנַת-הַשְּׁבַע שְׁנַת הַשְּׁמִטָּה וְרַעַה עֵינֶיךָ בְּאֲחִיךָ הָאֲבִיוֹן וְלֹא תִתֵּן לוֹ וְקָרָא עֲלֶיךָ אֱלֹהֵי-ה' וְהָיָה בְּךָ חֵטָא: (י) נָתַן תִּתֵּן לוֹ וְלֹא-יִרַע לְבַבְךָ בְּתִתֵּן לוֹ כִּי בְּגִלְלֵי הַדָּבָר הַזֶּה יְבָרְכֶךָ ה' אֱלֹהֶיךָ בְּכָל-מַעֲשֶׂיךָ וּבְכָל מַשְׁלַח יָדְךָ: (יא) כִּי לֹא-יִחַדֵּל אֲבִיוֹן מִקְרֹב הָאָרֶץ עַל-כֵּן אֲנִי מִצְוֶיךָ לֵאמֹר פְּתַח תִּפְתָּח אֶת-יָדְךָ לְאֲחִיךָ לְעִנִּיךָ וּלְאֲבִינֶךָ בְּאֶרֶץ:

דברים פרק טו

- There are three separate mitzvot:- (i) to release debts in the Shemita year; (ii) not to demand repayment; (iii) not to refuse to lend before Shemita in fear of not getting the money back;
- This applies even outside Eretz Yisrael
- According most poskim it takes effect at the end of the Shemita year
- Debts belonging to the Beit Din are not released. A Prozbul document assigns debts to the Beit Din and thereby ensure that they survive the release at the end of the Shemita year. It has become customary for all those with money owed to them to sign a Prozbul before the end of the Shemita year and thereby ensure that the debt can be collected in future

G] FURTHER READINGSefarim dealing in detail with Shemita

- Shemita - R' Yosef Zvi Rimon

Material on the Web

- A great free downloadable 20-page guide by Rabbi Alan Haber, available at <https://rabbihaber.files.wordpress.com/2014/08/shemita-guide.pdf>
- OU: a short primer at <https://oukoshher.org/blog/feature/shemittah-primer/>, <https://oukoshher.org/blog/consumer-kosher/shemittah-for-the-clueless/> and articles at <https://oukoshher.org/blog/shemittah/>
- A short 'how-to' guide produced by Sha'alvim for Women <http://shaalvim.org/Uploads/files/Kitzur%20Hilchot%20Shmitta.pdf>