

Visiting Israel During Shemittah

By: Rabbi Dovid Cohen
Administrative Rabbinic
Coordinator, cRc

In the last 200 years, as Jews have once again settled *Eretz Yisroel*, we have once again had the opportunity to fulfill the *mitzvos* of *shemittah*, the Sabbatical year. Most of the halachos of *shemittah* relate to those who farm and live in Israel, and those of us who live in other countries are therefore not as familiar with the relevant laws. This essay will present an overview of the halachos that are relevant to people who visit *Eretz Yisroel* during (and somewhat after) *shemittah*.

When is shemittah

The *shemittah* year 5768 began on September 13, 2007 and will end on September 29, 2008. On a number of occasions this document will refer to "*shemittah* produce" and the *Gemara* (*Rosh Hashanah* 13b) tells us that the defining point as to whether an item is considered produce of the *shemittah* year depends on whether one is discussing a vegetable, grain or fruit. For vegetables the defining point for vegetables is harvest, which means that a pepper harvested after September 13, 2007 is considered a *shemittah* pepper even if it was planted and grew before *shemittah*. The defining point for grains is when they reach 1/3 of maturation, and most fruits are judged by when they reach *chanatah* (an early stage in the fruit's development).

As such, fresh *shemittah* vegetables came to the market at the very beginning of 5768 but *shemittah* fruits won't be for sale until later in 5768 and into 5769. Processed foods, with an extended shelf life, such as wine and canned goods, will be on the market well into 5769 and possibly even beyond that point. As such, although the *shemittah* year lasts for one year, it affects consumers for longer than that.

General Halachos

The following is a brief overview of the basic *halachos* of *shemittah*:

1. Working the ground

One may not plow, plant, prune, water or otherwise cultivate items growing in *Eretz Yisroel*.¹

* Unless otherwise noted, all references to *Rambam*, *Ra'avad* and *Derech Emunah* are in *Hilchos Shemittah V'yovel*, and all references to *Mishnah* and *Chazon Ish* are in *Shevi'is*.

These halachos relate primarily to homeowners who have gardens and to farmers, but even a visitor must be careful about pouring water onto the grass, breaking branches off trees, purchasing and/or caring for a potted plant and other areas where one may violate these intricate halachos.

2. Rights to the produce

Produce of the *shemittah* year is free for anyone to take, and the owner of the land may not restrict others from doing so.²

Contemporary *Poskim* rule that if someone works the ground on *shemittah* or restricts others from taking *shemittah* produce, the produce itself remains permitted in spite of the person's violation of the halacha.³ Therefore, an American visiting Israel must be personally careful to not violate these halachos, but the prohibitions are of little consequence for consumers purchasing Israeli products. In contrast, the coming three halachos are quite relevant to all consumers in Israel.

3. Kedushas shevi'is

Fruits, vegetables, grains, herbs and spices which are *shemittah* produce are endowed with a holiness known as "*kedushas shevi'is*" and therefore cannot be wasted, used for an atypical purpose, transacted in the traditional manner or taken out of *Eretz Yisroel*.⁴ [See the footnote as to whether these halachos apply to flowers].⁵ In the event that food with *kedushas shevi'is* is sold, the money used in the

¹ These halachos are delineated in chapters 1-3 of *Rambam*.

² *Rambam* 4:24.

³ *Chazon Ish* 10:6 (and *Tzitz Eliezer* VI:39:3), *Iggeres Moshe* O.C. I:186 and *Minchas Shlomo* I:44 מבויר ד"ה מבויר, accepting the opinion of *Rambam* 4:15 & 8:12 as opposed to *Ra'avad* 4:15 and *Rabbeinu Tam* (cited in *Tosfos*, *Succah* 39b אגורים אמורים ב"ה במה דברים אמורים), who are respectively *machmir* on these two issues. [See also *Derech Emunah*, *Tziun HaHalacha* 4:316, 4:188 & 4:312].

⁴ These halachos are delineated in chapters 5-6 of *Rambam*.

⁵ [Much of the following is based on *Chazon Ish* 14:9]. *Mishnah* 7:6-7 says that there is *kedushas shevi'is* on flowers that are used to impart taste into foods. *Yerushalmi* 7:1 questions whether the same applies to spices which have a fragrance but no taste, and as *Yerushalmi* doesn't resolve the issue, it is generally accepted that one should treat them with *kedushas shevi'is* (see end of *Chazon Ish* *ibid*). Contemporary *Poskim* debate whether the aforementioned *Yerushalmi* is limited to spices whose primary use is for fragrance or even includes the many decorative flowers that happen to have a pleasant fragrance (see *Mishpatei Eretz* 14:2 and there in footnote 10 citing Rav S.Z. Auerbach as taking the former position and Rav Elyashiv as accepting the latter).



