



# Yeshivat Ateret Yerushalayim

IN THE HEART OF THE OLD CITY OF JERUSALEM

**Ha-Rav Shlomo Aviner on...**

*The Heter Mechirah*

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Prepared by Mordechai Friedfertig

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## I am Strict about Shemittah

You told me that you are strict about Shemittah (allowing the Land of Israel to lay fallow every seven years), and that you do not rely on the "Heter Mechirah" (selling the Land to non-Jews in order to continue to work it in a limited fashion). I therefore tell you that I am not strict about Shemittah nor about other things, since I have yet to reach the level to be strict. I am at the level that I struggle to perform mitzvot and not transgress.

This means that what is defined in the book "Mesillat Yesharim" as "cautiousness," as "alertness" and as "cleanliness" is not to sin in what the community does not regard as a sin, but is in fact a sin.

To my distress I do not yet fulfill what I am obligated to do, I therefore definitely will not purport to think that it is proper for me to act strictly. I saw in "Mesillat Yesharim" how he defines the level which he calls "abstinence": A. to separate from any pleasure which is unnecessary in life. B. To act strictly regarding everything in the world. C. To dedicate all of one's time to Divine service. I am definitely not there. How then can I agree to act strictly in the mitzvah of Shemittah which is a Rabbinic mitzvah at this time?

If I were at the level to act strictly, I would actually be strict to eat fruits of the "Heter Mechirah," based on what I saw in "Mesillat Yesharim" in the chapter about "the scales of righteousness." It says that it is forbidden to act strictly in a matter which raises questions about the authority of the great Rabbis, as if I am wiser and more righteous than them. Our great Sages have clearly permitted use of the "Heter Mechirah" since the year 5649, 17 Shemittah years have already passed. For the last 119 years it was okay and suddenly it is not okay?!

I have been told that our master Rav Kook thought about being strict regarding Shemittah in the yeshiva "Mercaz Ha-Rav." People started saying that even he does not rely on the sale (although he was one of its biggest proponents). He said: If this is the case, out of necessity we will eat food

from the "Heter Mechirah." And this is indeed the way they act in Yeshivat Mercaz Ha-Rav and in its offspring to this very day.

Another reason why I am strict about eating the fruit of the "Heter Mechirah" is in order not to effect the livelihood of the farmers, as it is written: "And your brother shall live with you" (Vayikra 25:36), which is a mitzvah from the Torah. This is especially because the severe blow will not only be for this year, but for years to come, since other countries will grab our farmers' place in the market and they will obviously not give it back. Furthermore, the State of Israel needs independent farmers so that we do not rely on imports and placed in a position where we could be threatened by an economic and agricultural closure.

Based all of this, I understand that eating fruit of the "Heter Mechirah" is not being strict, but an actual obligation to support our agricultural brothers and the entire Nation who dwells in Zion at this time. If so, I am not among those who are "strict," I am obligated to act this way.

Regarding "Otzar Beit Din" (a rabbinic court takes possession of the fields and hires the farmers to work the field, since the prohibition is for an individual to work the field. The Beit Din then pays the farmer a salary as opposed to the farmer being paid for the fruit), this is certainly good, since these are Jewish farmers. This is even better. Similarly, fruits of the sixth year which are stored in cooling facilities, this is good, these are Jewish farmers. This is normal.

But to import fruits from non-Jews outside of Israel, this is bad. One should buy from Jews. "You shall buy from the hand of your fellow" (Vayikra 25:14), this is also a Torah mitzvah. And to buy from non-Jews in the Land of Israel, who are murders or supports of murders, this is really bad, really bad, and it is known that the Government established a boycott in order not to subsidize terror – "Do not eat over the blood" (Vayikra 19:26).

I also learned that there is holiness in the fruit of the Land of Israel (Bach Orach Chaim 208), and even more so in the fruit of the seventh year according to the Ramban.

I did not say that I am holy. I am a regular Jew, but if The Holy One, Blessed be He, decreed upon me that when I act like a regular Jew and when I eat fruit of our Holy Land, I absorb holiness within me – this is His will and I am happy to perform His will.

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This article and other responsa by Rav Aviner deal largely with proper conduct for Jews living in Israel during the Shemittah year. Rav Shmuel Jablon, head of Lower School at Fuchs Mizrachi School in Cleveland, Ohio, asked Rav Aviner regarding the proper conduct for Jews living in the Exile. Rav Jablon pointed out that Rav Aviner wrote that it is forbidden to buy from our enemies who murder Jews, but what about buying from non-Jews in United States who do not hate Israel? Is it better fruit from Israel relying on the "Heter Mechirah" or to buy fruit from grown in the United States? Rav Aviner answered, "It is preferable to buy from the Land of Israel in order to strengthen the Land of Israel."  
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