



# Introduction to Shemita Produce

**S**hemita begins on the first day of the year, *Rosh Hashanah*, and ends on *Erev Rosh Hashanah* of the following year. Once *shemita* has begun, all of the prohibitions of working the land come into effect. These include planting, pruning and plowing, as well as laws pertaining to the produce itself.

## Timing for produce

The first Mishnah in *Rosh Hashanah* lists four types of yearly cycles which govern different branches of halacha. For example, there are annual animal tithes whose cycle begins on the first of *Elul*. The *Mishnah*

(*ibid*) explicitly lists the first day of *Tishrei* (*Rosh Hashanah*) as the beginning of all laws pertaining to *shemita*. There is a minority opinion in early sources that certain laws of *shemita* begin only from the fifteenth of *Shevat* (see *Rabeinu Chananel* on *Rosh Hashanah* 15:b). Nevertheless, it is clear from the *Rambam* (*Shemita Veyovel* 4:9) and other authorities (*Pe'at HaShulchan* 22:14, *P'nei Yehoshua* on *Rosh Hashanah* 15:a) that the first of *Tishrei* is the definitive time for all *shemita* laws including those pertaining to produce. Later authorities codify this ruling as well (see *Mishpetei Eretz* 15:1).

## Kedushat Shevi'it

Produce that grows or is harvested during the *shemita* year acquires a unique holiness, called *kedushat shevi'it*. The laws of *kedushat shevi'it* apply to the produce even before it has been picked, and continue until the produce is either consumed or is no longer edible in any fashion (see *Mishpetei Eretz* p.220). Once it acquires *kedushat shevi'it*, the produce maintains that status even after the *shemita* year is over, and even if it has not yet been harvested.

## Relinquishing ownership

The Torah (*Shemot* 23:11) proclaims “*v'ha-shevi'it tishm'tenah untashtah*” (“but in the seventh you shall let it rest and lie fallow”).

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This verse teaches that according to Torah law, *shemita* produce belongs to everyone. In order to fulfill this mitzvah, the owner of the land must relinquish ownership of the produce while it is still on the tree or plant (see *Chazon Ish Shevi'it* 15:11). The owner must allow anyone, rich or poor, to enter his property and freely harvest the produce. Although he must relinquish all ownership of the produce, he may still collect a certain amount of fruit for personal consumption (including for his immediate family.) Neither the owner nor anyone else may harvest more than a certain amount at a time, generally considered to be a week's worth. According to certain authorities, if too much produce has been collected, the food is prohibited for consumption (see *Chut Shani* 4:15).

### Exemption from *Terumot* and *Ma'asrot*

Produce grown in Israel requires the removal of tithes, referred to as *terumot* and *ma'asrot*. Produce which has not had tithes removed from it is thereby prohibited for consumption. *Shemita* produce which has *kedushat shevi'it* (holiness of the seventh year) is exempt from these tithes. Early authorities dispute what the reason is. *Rashi* (*Rosh Hashanah* 15:a) explains

that only fruit that has ownership requires the removal of *terumot* and *ma'asrot*, but since *shemita* produce belongs to everyone, there is no obligation to remove these tithes. Thus, it is accepted among most *poskim* that if ownership was not relinquished (doing so intentionally would be a halachic transgression, although such a case could happen inadvertently), one must separate *terumot* and *ma'asrot* (see Responsa *Avkat Rochel* 24).

### In Summary

- The cut-off date that determines which produce is *shemita* produce is *Rosh Hashanah* of the seventh year.
- Produce that has *kedushat shevi'it* remains holy even if picked during the eighth year.
- Ownership of *shemita* produce must be relinquished, allowing anyone, rich or poor, to harvest.
- The owner of the land may collect produce up to a certain amount to feed himself and his family. An outside collector is limited to the same quantity.
- *Shemita* produce is exempt from *terumot* and *ma'asrot* as long as ownership was indeed relinquished. ■

**Refuah Shleima to אלה בת רחל**  
who was seriously injured in the Bnei Akiva  
bus accident last week up north

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