



# Otzar Beit Din #2 - Harvesting Large Quantities

We described last week the actions that the beit din workers performed: large-scale harvest, processing, storage, and distribution

We asked: isn't harvest and processing with commercial tools and in commercial quantity forbidden? How does the beit din have the right to perform these activities?

There are several approaches to understanding this Tosefta (it is mentioned by Rishonim and Acharonim).

## 1 - Beit din as the hands of the poor

The Rashbash (Rabbi Shlomo ben Shimon Duran, 1400-1467, Algeria) maintains that the rabbinical court acts as agents of the poor and thus receives the power to perform the actions otherwise forbidden during shemita.

When contacted by Jews living in the Land of Israel in his time who wanted to observe shemita but were fearful that

their non-Jewish neighbors would raid their ownerless vineyards, the Rashbash told them that they could appoint a beit din to guard, harvest, and distribute their produce (based on the Tosefta), since the beit din is acting on behalf of the poor ("the hands of the poor"). This is possibly the first post-Mishnaic account of an otzar beit-din system.

## 2 - Not showing ownership

The Chazon Ish (Rabbi Avraham Yeshaya Kareliz, 1878-1953), the major proponent of the modern otzar beit din system whose rulings are relied on for the system today, proposes otherwise:

The underlying point of the shemita prohibitions is to show that the land belongs to Hashem and not to the owner of the field. Thus, when the fields are worked by agents of an organization who are appointed to distribute food to the public, they are not harvesting as owners of the fields.

## Modern Otzar Beit Din

The return to Zion and to agriculture in the late 19th century brought with it the need to find solutions to observe the shemita year.

While heter mechirah was implemented in 5749 (1888-9), it was the subject of major dispute. Next week we will discuss the first otzar beit din, formed during the shemita of 5670 (1909-1910). ■