



TORAH VEHA'ARETZ

INSTITUTE

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Harvest By A Jew In A Heter Mechirah Field For Agricultural Experimentation

Question: I am a scientist at an agricultural research institute. I would like to harvest samples of wheat planted during *shemittah* in a field sold through *heter mechirah*. Is it permissible for a Jew to harvest in this way, since it is not the regular method of harvest and in addition I do not intend to eat the wheat kernels?

Answer: In principle, *ketzirah*, grain harvest, is one of the four biblical actions that are forbidden to Jews even if *heter mechirah* was performed. It is permissible only for non-Jews.

Rambam (*Shevi'it* 4:1) writes: "The statement "Do not reap the aftergrowth of your harvest" means that one should not reap it in the same manner as one does every year... Examples of 'regular' harvesting include harvesting the entire field, piling up the grain, and threshing it with cattle... Instead, he should reap the land little by little, thresh

the resulting (small amount of) grain, and partake of it."

Rambam implies that the prohibition relates to harvesting large amounts in the general manner of harvest. However, harvesting small amounts for immediate use and not for large-scale piling of grain for storage or threshing is not a biblical prohibition. Small-scale grain harvest usually is forbidden rabbinically in a field sown during *shemittah*, but is permissible even by a Jew if the field was sold by *heter mechirah*. as we shall see below.

Rabbi Shlomo Zalman Auerbach permits Jews to harvest on land sold to a non-Jew

Rabbi S.Z. Auerbach (*Ma'adanei Eretz* §2) writes that even though grain and grape harvest are biblical prohibitions, after *heter mechirah* only sowing and vineyard pruning are forbidden to Jews during *shemittah*. However, harvesting is permitted in the same way as in all other years **since these acts are linked to ownership of the produce and the soil is sold to a non-Jew and thus is not holy**. This is distinguished from sowing and pruning, which are independent of ownership but are forbidden acts

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in and of themselves since it is forbidden for Jews to sow even in fields belonging to non-Jews. Thus it is permissible for a Jew to harvest the wheat of a non-Jew in Eretz Yisrael, which is the case in *heter mechirah*.

It should be noted that Rabbi Kook (*Mishpat Kohen* 67) forbids Jews from participating in any grain or grape harvest following *heter mechirah*.

In conclusion: During shemita a Jew may harvest small quantities of wheat samples grown on land that was properly sold to a non-Jew. ■

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