

TORAH VEHA'ARETZ

INSTITUTE

BY RABBI MOSHE BLOOM

en.toraland.org.il

The Responsibility Of Individuals For Planting Flowers And Trees In Their **Municipality During Shemitah**

I am a resident of *Modi'in* and the municipality is currently expanding the road and planting flowers and trees alongside it. Since I pay municipal taxes, public land is also mine to a certain extent. Am I violating

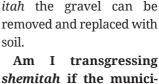
shemitah? Was heter mechirah employed?

Answer:

Heter mechirah never meant for gardening, rather for agricultural purposes. Unfortunately, few municipalities in Israel decided to plant during this shemitah. To minimize shemitah violation in such places it is preferable to sell the land, but this is not optimal. We checked with the rabbanut of Modi'in.

who told us that the municipality sold its land to a non-Jew and that only non-Jews are involved in planting activities. The basic guidelines during renovations is wait until after shemitah to plant trees and flowers. Note that also filling in soil after renovation is problematic, since it prepares the ground for future planting. Our instructions lechatchilah are to lay soil but save 10-30 cm, which should be filled in after

> shemitah or to fill in the upper 30 cm with material that is not fit for planting, such as gravel. After shemitah the gravel can be



Rabbi Moshe Sternbach in Teshuvot Vehanhagot (5:305, 5765) relates that the Chazon Ish warned the gardener of the Bene Berak

municipality that if he performs forbidden work in the city's gardens, all of the city's residents will be violating shemitah since (1) public land also belongs to residents and (2) the municipality cares for the gardens

pality is?



on their behalf. However, continues Rabbi Sternbach, if an individual protests and declares that he is against these forbidden activities, he does not transgress *shemitah* prohibitions. Rabbi Nissin Karelitz (*Chut Hashani*) writes similarly.

In conclusion: Complain to the Urban Improvement Department (SHEFA) or the municipality. It is best to also petition to religious council members and the city rabbi. After you protested the violation, you are no longer held accountable and are not considered violating *shemitah* prohibitions.

In cases where the municipality performed *heter mechirah*, such as Modi'in, it seems there is not a need to protest (even those who do not rely on *heter mechirah*) since the municipality relies on rabbis who are lenient.



