



Shemitah in the Arava

Determining the Biblical borders of the Land of Israel is an essential component in regards to the mitzvot dependent on the land. These mitzvot include *Terumot* and *Ma'asrot*, the Mitzvah of *Challah* and *Shemitah*.

The Torah clearly maps out the borders of Israel in various passages. The current article focuses on the southern border as it applies to the mitzvah of *Shemitah*.

The source

The Torah in *Sefer Bamidbar* (34:3-5) mentions various landmarks when defining the southern border of Israel. Based on these verses, it would seem that the south-eastern border is the edge of the Dead Sea, while the south-western border is almost in a straight line to *Kadesh Barnea*. This southern region of Israel is referred to as the “*Arava*”

Can halacha rely on archeological research?

For hundreds of years, Rabbis, historians and archeologists have researched the borders of Israel for their own purposes. Halachically, the question arises whether archeological research and historical maps may influence the halachic ruling regarding the borders of Israel. The *Chazon Ish* (*shevi'it* 3:18) ruled that since there are so many doubts regarding areas surrounding both the

southern and northern borders, we are stringent and determine the border to be further south. Others disagree claiming that there is sound proof regarding the accuracy of maps and research surrounding the southern borders of Biblical Israel (see *Moria* 10-12). This point is strengthened by the claim that numerous *poskim* would rely on *Seforim* like *Admat Kodesh* and *Tevu'ot Ha'aretz* in order to determine the exact borders. A third opinion brought by Rav Yaakov Ariel *Shlit'a* is that many historical and archeological proofs might not affect the halacha but in a case where there is an ancient tradition regarding certain borders even the *Chazon Ish* would agree (see *Be'ohalo Shel Torah* 3:1).

The southern border

Three main opinions exist regarding the southern border of Israel in regards to *Shemitah* and other mitzvot. According to Responsa *Mishnat Yosef* (1:44), the border of Israel ends around the area of Ein Yahav which is approximately 130 kilometers north of Eilat. According to this opinion one may plant, maintain and harvest any vegetables or fruit south of Ein Yahav (including). *Kedushat Shevi'it* and the prohibition of *sefichin* would not apply in this southern region (see *Teshuvot Ve'hanagot* 5:307).

The second opinion is that of Rav Yosef Shalom Elyashiv (*Ashrei Ish* YD 2:202) and others (see *Chelkat Ha'sadeh* 2:4) that the southern border is further south. Rav Elyashiv ruled that the area of Yotvata is the southern



border of Israel. Kibbutz Yotvata is approximately 45 kilometers north of Eilat. There is also testimony that the *Chazon Ish* who was very doubtful regarding the actual borders of Israel allowed the cultivation and selling of produce south of Yotvata as no doubt exists regarding this region.

The third opinion is that of Rav Yechiel Michal Tikochinsky (*Ir Hakodesh Vehamidash* 3, p. 263). Rav Tikochinsky fiercely disagrees with some of the proofs both historically and halachically of his predecessors. He brings testimony from the time of the *Geonim* (10th century) that the borders of Israel end around Akaba which currently is within the borders of Jordan. The *Tzitz Eliezer* (3:23) strengthens Rav Tikochinsky's opinion that sources show that the Judean kingdom conquered Eilat and even south of it. The *Rabanut Harasheit* (Chief Rabbinat of Israel) rules like this opinion and requires all areas currently under the Israeli government to sell their land through *Heter Mechira* if they wish to work the land. Although according to the *Chazon Ish* and *Mishnat Yosef* the additional *Heter Mechira* requirement is unnecessary in the Arava region as those areas are not considered part of Biblical Israel. It should be noted that Rav Mordechai Eliyahu held that the areas around Eilat may not be considered part of Biblical Israel, yet he was stringent to handle produce from such areas with *Kedushat Shevi'it* (*Ma'amar Mordechai* 11:5).

This specific dispute has numerous halachic applications and causes much controversy. According to each one, the opposing opinion would be considered a transgression of the mitzvah in terms of planting and cultivating in areas which are part of Israel. As such, it is recommended to discuss this matter at length with one's own competent halachic authority. ■

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