



Is Shemitah Produce to be Preferred?

During the last few *shemitah* cycles, the consumer has had numerous options for purchasing fruits and vegetables. In some circumstances, families with certain kashrut norms might prefer not to be hosted by others who do not keep their same standards. This could also apply to *kedushat shevi'it* – produce that is holy because of its growth during the year of *shemitah*. Is it legitimate to abstain from purchasing and consuming *shemitah* produce in one's home or when being hosted by others?

Shemitah produce served at a meal

There is a dispute among authorities whether there is a positive mitzvah to consume *shemitah* produce. Three main opinions exist, some say there is a positive mitzvah (*Tashbetz*), others claim there is absolutely no mitzvah whatsoever (*Chazon Ish*), and the third opinion maintains that although there is no obligation to eat *shemitah* fruit, if one does so he has performed a mitzvah (*Torat Ha'aretz*).

Although many later authorities rule that there is no obligation to consume *shemitah* produce, it is clear that in many situations such produce should be eaten. For example,

Rav Nissim Karelitz (*Chut HaShani, Shevi'it* p.245-246) ruled that while there is no mitzvah to consume *shemitah* produce, in a case where someone is present at a meal with *kedushat shevi'it* food which will spoil if he doesn't eat it, he is obligated to consume it. This is based on *Ramban*, who learns from the term לאכלה – (*l'ochla*, “to eat”) in the verse the command not to ruin the fruit; in a situation where a person has a direct opportunity to eat or the food will rot, he has done a mitzvah by eating the produce. (See *Amudei Eretz* p.120.)

Rav Shmuel HaLevi Vosner in his responsa *Shevet Halevi* (4:232) does not seem to rule definitively regarding a mitzvah to eat *shemitah* produce. However, his ruling is quoted elsewhere regarding a case in which one has two types of food in front of him, one which has holy *shemitah* produce and the other which does not. Rav Vosner ruled that one is obligated to choose the *shemitah* food, since according to many authorities there is a mitzvah to consume *kedushat shevi'it*. Even according to those who disagree, there is no doubt that actively avoiding eating such food is not the manner in which one should treat holy *shemitah* produce (See *MiBeit Halevi* 6, p.176.) Similarly, Rav Avigdor Nebenzahl is quoted as ruling that since *kedushat shevi'it* produce is connected to a mitzvah, it should be consumed whenever possible, similar to bread used for an *eruv* that should be consumed (*Responsa Avnei Derech* OH:141).



Should the public prefer *kedushat shevi'it*?

As previously mentioned, in a situation where *shemita* produce is served to an individual, it is certainly appropriate to eat it. However, regarding obligating the public to purchase or prefer *shemita* produce, the halachic ruling is more complicated. In today's modern market, *shemita* produce is readily available to the public; the *Otzar Beit Din* system has vastly developed over the past few *shemita* cycles, and in many cities in Israel one can acquire *shemita* produce in a properly halachic fashion. But

is there an obligation to actively search out and travel in order to do so? Most *poskim* rule that there is no positive mitzvah to eat *shemita* produce. Thus, there is no halachic obligation on the individual to make extraordinary effort to purchase *shemita* produce, as opposed to, for example, the mitzvah of eating matzah on the holiday of Pesach. Nevertheless, certain *poskim* advocate for the public to purchase *shemita* produce.

In the *shemita* year of 5747 (1987) a group of religious winemakers organized together to produce kosher *shemita*

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wine. They received halachic guidance from Rav Shlomo Zalman Auerbach and Rav Yosef Shalom Elyashiv. After the *Otzar Beit Din* was set up and the process approved, Rav Auerbach and Rav Elyashiv published a letter supporting these wine-makers. In the letter, they requested that the public should support these dedicated Jews and purchase the wine distributed by *Otzar Beit Din*. Rav Auerbach and Rav Elyashiv added that those who consume the wine will be performing a mitzvah according to *Tashbet*"z and others. The fact that those *Gedolei Torah* mentioned the opinion that there is a mitzvah is perplexing, since that is not the accepted ruling. It seems that Rav Auerbach and Rav Elyashiv felt it important that the public be aware of the preference for *shemita* fruit. Additionally, they apparently reasoned that even though an individual may not be obligated, the public should make an effort to help those who keep *shemita* properly, supporting observant Jewish agricultural workers who face great difficulties. This perspective is similar to the idea cited by other *poskim* that when one has an option to buy fruit and vegetables from non-Jews or purchase produce that has *kedushat shevi'it*, one should purchase *Otzar Beit Din*. This is based on the *halacha* that one should prefer purchasing merchandise from a Jew over a non-Jew when possible, as our Sages derive from the verse (*Vayikra* 25:14) "...or [when you] buy any from your neighbor...." (See *Sifra Vayikra* 25:14.)

In summary:

- When served holy *shemita* produce at a meal there is no reason to abstain, rather it is preferable to eat it.

- Even though there might not be an absolute obligation to actively purchase *shemita* produce, it is surely preferable over buying produce from non-Jewish farmers. ■

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