

Ahavas Olam Shmitta Project

FAQ

Q. Which *mitzvos* does one fulfill by owning a plot of cultivated land in *Eretz Yisroel* and leaving it fallow during the *shmitta* year?

- A. One can fulfill five uncommon *mitzvos*! First of all, one fulfills the positive *mitzvah* of “allowing the land to rest” based on the verse (ויקרא כה,ב) - וְשָׁבְתָה הָאָרֶץ שְׁבֹת לַה' שָׁשׁ שָׁנִים תִּזְרַע שְׁדָד וְשָׁשׁ שָׁנִים תִּזְמַר כְּרִמָּד וְאָסַפְתָּ אֶת תְּבוּאָתָהּ, וּבְשָׁנָה הַשְּׁבִיעִית שְׁבֹת שְׁבֹתוֹן יִהְיֶה לָּאָרֶץ שְׁבֹת לַה' (see *Sefer HaChinuch [mitzvah 112]*). Note: There is a sixth *mitzvah* pertaining to harvesting vineyards, however, the plots we are selling contain only vegetables.

In addition one fulfills two *mitzvos lo saaseh* contained in the verse

שְׁדָד לֹא תִזְרַע וְכְרִמָּד לֹא תִזְמַר - (ויקרא כה,ג) (see *Sefer HaChinuch [mitzvos 326 and 327]*).

When one refrains from harvesting the produce grown in the *shmitta* year, he also fulfills the *mitzvah lo saaseh* of (ויקרא כה,ה) - אֶת סְפִיחַ קְצִירְךָ לֹא תִקְצֹר (see *Sefer HaChinuch [mitzvah 328]*).

When one declares all the produce ownerless and allows others to take it, he fulfills the positive *mitzvah* of “abandoning the produce on *shmitta*” contained in the verse

וְשָׁשׁ שָׁנִים תִּזְרַע אֶת אֲרָצְךָ וְאָסַפְתָּ אֶת תְּבוּאָתָהּ, וְהִשְׁבִּיעַת תְּשֻׁמְטָנָה וְנִטְשֶׁת - (שמות כג,י) (see *Sefer HaChinuch [mitzvah 184]*).

Q. If someone owns uncultivated land in *Eretz Yisroel* on *shmitta*, does he fulfill all the above *mitzvos*?

- A. Obviously one can't fulfill the *mitzvah* of “abandoning the produce on *shmitta*” with barren land, because nothing was grown. According to Rav Nissin Karelitz *shlita* (*Chut Hashani, shivies 1,1 p. 53*), one does fulfill the other four *mitzvos*, because it is theoretically possible to plant on this land on *shmitta* but he refrains from doing so. However, if a structure is built on the land, making it impossible to plant, then perhaps one would not fulfill the *mitzvos*. Rav Chaim Kanievsky *shlita* and others contend that one fulfills those *mitzvos* only if the land was usually cultivated prior to the *shmitta* year.

Q. Are women obligated in the above *mitzvos*?

- A. Even though the positive *mitzvos* are time bound, women are still obligated in their fulfillment according to most opinions (see *Minchas HaChinuch [mitzvah 112]* and *Derech Emunah [1:2]* for a detailed explanation).

Q. How large must the plot be in order to fulfill these *mitzvos*?

- A. According to Rav Chaim Kanievsky *shlita*, there is no specific *shiur*, just the size necessary to sustain plant growth (see *Peah [3:6]*).

Q. Are the *mitzvos* of *shmitta* nowadays *min HaTorah* (biblical) or *m'drabanan* (rabbinic)?

- A. The majority of *poskim* rule like the opinion of R' Yehuda in *Gittin (36a)* that nowadays *shmitta* is only *m'drabanan* (see *Tur [Y.D. 331]*). It is important to remember that many of the *mitzvos* we fulfill today are *m'drabanan*, such as *lulav* on *Sukkos* after the first day, and many others.

Q. Does the Torah's special blessing given to those who keep *shmitta* apply nowadays?

- A. According to the *Chazon Ish (Shivies 18:4)* that blessing applies today, even according to the opinions that *shmitta* is only *m'drabanan*.

Q. Is there a point in pursuing rare *mitzvos* that really don't pertain to us?

- A. According to the *Chofetz Chaim (Mamar Torah Ohr, chapter 4)* quoting Rav Chaim Vital, a person should try and fulfill every single *mitzvah* that is possible to fulfill, even those that are uncommon, in order to achieve complete rectification of all 248 spiritual limbs of a person's soul (see a detailed explanation of this concept in *Orchos Yosher [chapter 27]*). The *Chazon Ish (Y.D. 175:2)* also advocates fulfilling every unique *mitzvah* at least once in a lifetime (see *Maaseh Rav [103]* which describes the *Gra's* efforts at fulfilling the rare *mitzvos*).

Q. How can I confirm that the seller really owns the land?

- A. Ahavas Olam has a copy of the deed and the accompanying legal documents available for review.

Q. Can *maaser* money be used to purchase a plot?

A. Since only a *perutah*'s worth is needed to affect the *kinyan* (acquisition) and the rest of the money goes to Ahavas Olam as a donation, the full amount of money less a *perutah* can be deducted from one's *maser* obligation.

Q. By signing the accompanying contract, is one actually buying the land from Ahavas Olam?

A. No. By signing this contract, the purchaser is merely authorizing Mr. Gabi Grossbard (or his agent) to purchase the land on his behalf. The actual purchase from the landowner will take place right before *Rosh Hashanah* in a separate contractual transaction with Mr. Gabi Grossbard and the owner.

Q. How does the purchased land revert back to the original owner after the *shmitta* year?

A. Included in the enclosed contract is the irrevocable authorization for Mr. Gabi Grossbard to sell back the land to the original owner after the *shmitta* year is over.

Q. What methods will be used to be *koneh* (acquire) the land in *Eretz Yisroel*?

A. Four independent modes of *kinyan* will be used to affect the *kinyan* between Mr. Gabi Grossbard and the owner of the land - *keseif*, *shtaar*, *chalipin*, and *odeesa*. The entire process is being done according to the instructions of Dayan Avroham Gutman *shlita* of the *Vaad HaDayanim* of Lakewood (see accompanying letter).

Q. At the onset of the *shmitta* year, how does a buyer declare the produce of the land they purchased *hefker* (ownerless)?

A. Most *poskim* are of the opinion that the *hefker* status of *shmitta* produce happens by itself (see *Chazon Ish [Shivies 19:24]*). However, according to Rav Moshe Feinstein (*Igros Moshe Y.D. 3, siman 90*) the owner must still verbally declare in front of three people that the produce of the field is *hefker*. We have therefore enclosed in the contract the authorization for Ahavas Olam to make the declaration on the purchaser's behalf.