

CAN YOU ANSWER THESE QUESTIONS?

1. What was the real motivating factor behind Baron Edmond de Rothschild's involvement in the resettlement of Eretz Yisrael?
2. Name the very first settlement in Eretz Yisrael.
3. Describe the consequences for not keeping the laws of Shemitta.
4. Describe the difference in attitude between Rav Shmuel Mohliver and Rav Naftali Tzvi Yehudah Berlin regarding the strict observance of the laws of Shemitta in the settlements.
5. Describe the attitude of the Bais Din of Yerushalayim towards issuing a "heter", permitting working the land on the Shemitta year.

This and much more will be addressed in the tenth lecture of this series:

"Rav Shmuel Mohliver and the Great Shemitta Controversy".

To derive maximum benefit from this lecture, keep these questions in mind as you listen to the lecture and read through the outline. Go back to these questions once again at the end of the lecture and see how well you answer them.

PLEASE NOTE: This outline and source book were designed as a powerful tool to help you appreciate and understand the basis of Jewish History. Although the lectures can be listened to without the use of the outline, we advise you to read the outline to enhance your comprehension. Use it, as well, as a handy reference guide and for quick review.

This lecture is dedicated to the memory and *Li-ilui Nishmas*

הרב אברהם בן הרב צבי הירש ע"ה

Rabbi Avraham Gardin of blessed memory

THE EPIC OF THE ETERNAL PEOPLE
Presented by Rabbi Shmuel Irons

Series XXI Lecture #10

RAV SHMUEL MOHLIVER AND THE GREAT SHEMITTA CONTROVERSY

I. Shemitta and the Sanctification of the Sabbatical Year

A.

וַיְדַבֵּר ד' אֶל־מֹשֶׁה בְּהַר סִינַי לֵאמֹר: דִּבֵּר אֶל־בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם כִּי תָבֹאוּ אֶל־הָאָרֶץ אֲשֶׁר אָנִי נֹתֵן לָכֶם וְשָׁבְתָה הָאָרֶץ שְׁבֹת לַד': שֵׁשׁ שָׁנִים תִּזְרַע שְׂדֶךְ וְשֵׁשׁ שָׁנִים תִּזְמַר כַּרְמְךָ וְאָסַפְתָּ אֶת־תְּבוּאָתָהּ: וּבִשְׁנֵה הַשְּׁבִיעִת שְׁבֹת לְאֶרֶץ יְהוָה לְאֶרֶץ שְׁבֹת לַד' שְׂדֶךְ לֹא תִזְרַע וְכַרְמְךָ לֹא תִזְמַר: אֵת סְפִיחַ קִצְיֶיךָ לֹא תִקְצוּר וְאֶת־עֲנָבֵי נִזְיֶיךָ לֹא תִבְצַר שְׁנַת שְׁבֹתוֹן יִהְיֶה לְאֶרֶץ: וְהִיְתָה שְׁבֹת הָאָרֶץ לָכֶם לְאֹכְלָהּ לָךְ וּלְעֶבְדְּךָ וּלְאִמְתְּךָ וּלְשִׁכְיֶיךָ וּלְתוֹשֵׁבְךָ הַגֵּרִים עִמָּךְ: וּלְבַהֲמֹתֶיךָ וּלְחַיֵּיהֶם אֲשֶׁר בְּאֶרְצְךָ תִּהְיֶה כָל־תְּבוּאָתָהּ לְאֹכֵל: וַיִּקְרָא כה:א-ז

And the L-rd spoke to Moses in Mount Sinai, saying, Speak to the people of Israel, and say to them, When you come into the land which I give you, then shall the land keep a Sabbath to the L-rd. Six years you shall sow your field, and six years you shall prune your vineyard, and gather in its fruit; But in the seventh year shall be a Sabbath of rest to the land, a sabbath for the L-rd; you shall not sow your field, nor prune your vineyard. That which grows of its own accord of your harvest you shall not reap, nor gather the grapes of your forsaken vine; for it is a year of rest to the land. And the Sabbath produce of the land shall be food for you; for you, and for your servant, and for your maid, and for your hired servant, and for the stranger who sojourns with you, And for your cattle, and for the beast that are in your land, shall all its produce be food.

Leviticus 25:1-7

B.

אז תרצה הארץ את שבתותיה (ויקרא כו:לד) אני אמרתי לכם שתהו זורעים שש ומשמטים לי אחת, בשביל שתדעו שהארץ שלי היא ואתם לא עשיתם כן, אלא עמדו וגלו ממנה והיא תשמט מאיליה כל שמיטים שהיא חייבת לי שנאמר אז תרצה הארץ את שבתותיה כל ימי השמה, כל ימי הושמה תשבות. ספרא בחוקותי פרשה ב

Then, [after exile,] will the land be appeased for its Sabbaths (Lev. 26:34). I said to you that you should plant for six years and release [yourself from the land] for one year in order that you will come to know that the land is Mine. You, however, did not do so. Get up, however, and exile yourself from it and it will be released on its own for all of the Shemittas that it owes Me, as it is stated in Scripture: **Then, [after exile,] will the land be appeased for its Sabbaths all of the days of its desolation.** All of the days of its desolation it will rest. **Sifra Bichukosei Parsha 2**

C.

וַיִּגַּל הַשְּׂאִרִית מִן הַחֶרֶב אֶל כָּבֵל וַיְהִי לוֹ וּלְבָנָיו לְעֶבְדִּים עַד־מָלֶךְ מְלָכוֹת פָּרַס: לְמַלְאוֹת דְּבַר ד' בְּפִי יִרְמְיָהוּ עַד רִצְתָהּ הָאָרֶץ אֶת שְׁבֹתוֹתֶיהָ כֹּל יְמֵי הַשְּׁמָה שְׁבֹתָהּ לְמַלְאוֹת שְׁבַעִים שָׁנָה: דברי הימים ב פרק לז:כ-כא

The remnant of those who survived the sword were exiled to Babylon and became slaves unto Nevuchadnezzar until the reign of the Persians. This was a fulfillment of G-d's prophecy to Jeremiah, until the land was appeased of its Sabbaths while being desolate, as a fulfillment of the decree of seventy years. **Chronicles II 36:20-21**

D.

כי מפני חרבות נדדו (ישעיהו כא:טו), מפני חרבו של נבוכדנצר נדדו. מפני חרב נטושה (ישעיהו שם), על ידי שלא שמרו את השמיטה, המד"א והשביעית תשמטנה ונטשתה (שמות כב:יא). איכה רבה פרשה ב

For they fled from the swords (Isaiah 21:15) This refers to their fleeing from the sword of Nevuchadnezzar. **From the unsheathed (נטושה) sword (Ibid.)** Because they did not observe the Shemitta as it is stated in Scripture: **And on the seventh year you should release and abandon (נטשתה) the land. (Exodus 22:11). Eichah Rabbah Chapter 2**

E.

(1) דבר בא לעולם . . . על פירות שביעית. משנה מסכת אבות פרק ה:ח

Pestilence comes to the world . . . because of the sin of not observing the laws of the fruit of the seventh year. **Avos Chapter 5:8**

(2) פירות שנת השמיטה, שהם לעניים, המעכב אותם בידו, אחרי הזמן שחייב לבערם מן הבית, נתחייב במכת הדבר, כי כל אוכל תתעב נפשו, והיא מדה כנגד מדה. פרקי משה על אבות פרק ה:ח

The fruit of the Shemitta year are meant [primarily] for the poor. He who holds on to them after the time that he is required to remove them from his home [and make them available to the poor,] is punished with the plague of pestilence, for his soul then loathes any manner of food (see Psalms 107:18). This punishment is meted out measure for measure. **Pirkei Moshe, Rav Moshe Almosnino (1518-1563)**

II. A Recommitment to Observe Shemitta

A.

ובכל זאת אנחנו כרתים אמנה וכתבים ועל החתום שרינו לוינו כהנינו. . . . מחזיקים על אחיהם אדיריהם ובאים באלה ובשכועה ללכת בתורה האלהים אשר נתנה ביד משה עבד האלהים ולשמור ולעשות את כל מצות ד' אדנינו ומשפטיו וחקיו. ואשר לא נתן בנתינו לעמי הארץ ואת בנתינו לא נקח לבנינו. ועמי הארץ המביאים את המקחות וכל שבר ביום השבת למכור לא נקח מהם בשבת וביום קדש ונטש את השנה השביעית ומשא כל יד: נחמיה פרק יא, ל, לא, לב

And because of all of this we are making a sure covenant and are writing it down. It is being signed by our princes, our Levites and our Kohanim . . . They prevailed upon their brethren and nobles and entered into a curse and into an oath to walk in the Torah of G-d which was given through the hand of Moshe, the servant of G-d, to observe and fulfill all of the *mitzvos* of Hashem, our Master, and His ordinances and statutes. And that we would not take our daughters unto the peoples of the land, nor take their daughters for our sons. And if the peoples of the land [bring their] wares or any food stuffs on the day of the Sabbath to sell, that we would not buy it from them on the Sabbath, or on the holy day, **and that we would abandon [our lands] on the seventh year as well as every debt.** **Nechemiah 10:1,30-32**

B.

(תהלים קג) ברכו ד' מלאכיו גבורי כח עושי דברו וגו' במה הכתוב מדבר א"ר יצחק בשומרי שביעית הכתוב מדבר, בנוהג שבעולם אדם עושה מצוה ליום א' לשבת אחת לחודש א' שמא לשאר ימות השנה ודין חמי חקליה ביירה כרמיה ביירה ויהבי ארנונא ושתיק יש לך גיבור גדול מזה ואת אינו מדבר בשומרי שביעית נאמר כאן עושי דברו ונאמר להלן (דברים ט"ו) וזה דבר השמיטה מה דבר שנאמר להלן בשומרי

שביעית הכתוב מדבר אף דבר האמור באן בשומרי שביעית הכתוב מדבר, עושי דברו, רבי הונא בשם ר' אחא אמר בישראל שעמדו לפני הר סיני הכתוב מדבר שהקדימו עשייה לשמיעה ואמרו (שמות בד) כל אשר דבר ד' נעשה ונשמע. ויקרא רבה פרשה אא

Bless Hashem, His emissaries, mighty in spirit, who fulfill His word. (Psalms 103:20) To whom does this verse refer? R. Yitzchak said, "The verse refers to those who observe the Seventh Year. Ordinarily, a person may perform a *mitzvah* for a day, a week, for [even] a month, but is it possible to imagine a person keeping it up for a whole year? Yet this person sees that his field and his vineyard lies fallow and he must still pay taxes [to the government], but he is still silent! Have you a mightier man than this? . . ." . . . **who fulfill His word. (Ibid. 103:20)** R. Huna said in the name of R. Acha, "This verse is referring to Israel who stood before Mount Sinai and preceded [their commitment] to implement [the *mitzvos*] before their [commitment] to listen as it stated in Scripture: All that Hashem has spoken we will implement and listen (**Exodus 24**). **Midrash Vayikra Rabbah 1:1**

C. [In the war between the Jews led by Judas Maccabee and the Syrian Greeks led by King Antiochus V (Eupator),] the Jews built war engines to counter the Syrian war engines and they fought for a long time. But there were no provisions in the storerooms [of Jerusalem] because it was a Shemitta year, and those who had taken refuge in Judea from the Syrians had consumed what was left of the stores. And there were few men left in the Sanctuary, for the famine had been too much for them, and they scattered, each man to his home. **The Book of Maccabees 16:52-54**

D. Caius Caesar, imperator the second time, hath ordained, "That all of the country of the Jews, excepting Joffa, do pay a tribute yearly for the city Jerusalem, excepting the seventh which they call the Sabbatical year, because thereon they neither receive the fruits of the trees, nor do they sow their land." **Josephus Flavius, Antiquities Book XIV 10:6**

E. רבי אבהו פתח (תהלים סט) ישיחו בי יושבי שער, אלו אומות העולם שהן יושבין בבתי תרטיאות ובבתי קרקסיות, . . . ומכניסין את הגמל לטראיטות שלהם והחלוקים שלו עליו והן אומריין אלו לאלו על מה זה מתאבל, והן אומרים היהודים הללו שומרי שביעית הן ואין להם ירק ואכלו החוחים של זה והוא מתאבל עליהם. פתיחתא למדרש איכה רבה זי

Rabbi Abbahu expounded upon the verse: **Those who sit in the gate speak [ill] of me. (Psalms 69)** This refers to the nations of the world who sit in their theaters and circuses . . . and they bring in a camel into the theater covered in the [the actor's] clothing [like a mourner] and the actors ask one another, "Why is the camel in mourning?" And they respond, "Those Jews observe the seventh year [of Shemitta] and because they don't have any vegetables to eat, they eat up the thorns [that are normally] eaten by the camel. Therefore the camel is in mourning." **Pesichtah L'Midrash Eichah 17**

III. Extenuating Circumstances to Allow Work on the Seventh Year

A. באלול שנת תרמ"ז היתה פגישה קטנה בוילנה, משלשת הגאונים: הנצי"ב מולוזין, הגרש"מ מביליסטוק ור"מ עלישברג מבוויסק (נם המ"מ דוילנה ר יעקב יוסף היה, נוכח במושב זה, אך הוא לא חוה דעתו בפני הגאונים הקשישים והגדולים ממנו). בישיבה זו עלתה שאלת השמיטה לשנת תרמ"ט – ע"י האכר מראשון-לציון מר ברוך פפירמוסטר שהיה אז בוילנה. הוא פנה אז אל הרבנים

הגאונים בדבריו אלה; רבותי, הנני כעת בסוף שנת תרמ"ז ובשנת תרמ"ט, כלומר: בעוד שנה, תתחיל שנת השמיטה. אנכי בתור אכר עלי לדעת החלטתכם כעת. אי אפשר לנו לחכות, כי עלינו להתאים את עבודתנו משנת תרמ"ח לפי ההחלטה, והנה פה נאספתם אתם רבותי גאוני זמננו, ראשי גדולי ישראל, והנני שואל בשמי, אבל בשאלתי זו נפשות כל אחינו האכרים תלויות, ואפשר קיום כל הענין של ישוב ארץ-ישראל, חקרו והתישבו, וחוו את דעתכם על השאלה הזאת.

רגעים אחדים שררה דומיה, שנפסקה ע"י הזקן שבחבורה הנצי"ב והלה פתח ואמר: הפרשה הראשונה ע"ד שמיטה המזהירה אותנו. והשביעית תשמטנה מסיימת במלות: אל פני ה' אדו'ן ד', להורות לנו שכשם שאסור להעבד לעבד על מצות אדונו בנתינת טעם לעצמו, כן אנו מצווים לשמור את מצות שמיטה בלי כל חקירות וטעמים, ואסורה לנו העבודה בשביעית.

אחריו ענה ואמר הגרש"מ: לפי דעתי אפשר למצא היתר העבודה בשביעית, אך עלינו להתישב אם להשתמש בההיתר הזה, כי הלא זה כאלפים שנה שלא קימנו את המצוה הזאת מפני ההכרח והנה זכנו השי"ת לקיים המצוה אחרי שנת אלפים. אם נקיימנה אז יתנו ידם אלינו כל עם ישראל החרד לדבר ד' ונרכוש נפשות אין מספר להענין הקדוש ישוב א"י.

אז קם ממקומו הגאון ר' מרדכי עלישברג ובהתרגשות גדולה ענה, ואמר, דעתי היא אחרת לגמרי. אפשר למצא היתר לעבודה בשביעית וע"ז הלא מסכים גם הרב ר' שמואל, ואם אך אפשר להתיר, אז אסור עלינו לעשות מסחר ומו"מ ולהעמיד בסכנה גדולה את כל הענין משאת נפשנו, עלינו להתיר בלי שום פקפוק ולהתיר עד כמה שאפשר, כי לא דבר קטן הוא הדבר הזה!

שלשת הגאונים האלה נפרדו הנצי"ב נשאר באסורו והגרש"מ הודה כי צדקו דברי הרב ר' מרדכי עלישברג והחל להתעסק ולעבוד במקצוע זה לאסוף דעות להיתר. זכרונות של י. ל. עפיל הובא בספר שמואל, ר' יהודה ליב פישמן (מאימן) ע' קע"ד-קע"ה

In Elul of the year 5647 (1887) there was a small informal meeting in Vilna between the Gaonim, the Netziv (Rav Naftali Tzvi Yehudah Berlin) of Volozhin, HaRav HaGaon R. Shmuel Mohliver of Bialystok, and Rav Mordechai Eliasberg of Boisk. [The *Magid Meishorim* of Vilna, Rav Yaakov Yosef was also in attendance but didn't express his opinion in the presence of these Gaonim who were older and greater than he.] At this meeting the question of Shemitta of the year 5649 (1888-1889) was brought up through a farmer from Rishon L'Tzion, Mr. Baruch Firemister who was then in Vilna. He directed the following question to the rabbanim: Rabbosai (My masters), Behold it is already the end of the year 5647 (1886-1887) and within a year it will be 5649 (1888-1889). In other words within a year the Shemitta year will begin. As a farmer, it is essential for me to already know what you have decided upon. We cannot wait, because we have to adjust our work schedule in 5648 (1887-1888) in accordance with your decision. Behold, you, my masters, the gaonim of our times, the most distinguished men of Israel, have gathered together. Although I am asking for myself, this question affects the lives of all our fellow farmers and perhaps the viability of the whole settlement project in Eretz Yisrael. [Please] analyze this situation and after carefully coming to a decision [please] communicate it [to us].

After some moments of silence, the eldest of the group, the Netziv began speaking: The first section of the Torah that deals with Shemitta commanded us, "and on the seventh year you shall release (*tishmitena*) [your hold on the land]" (Exodus 23:11) ends with the words, "before the L-rd G-d" (ibid. 23:17). This teaches us that just as it is forbidden for a slave to violate his master's command by creating his own rationalization, so too we are commanded to guard the commandment of Shemitta (releasing) without any analyzing and presenting rationalizations and it is forbidden for us to do any work [in the fields] on the seventh year.

Afterwards, HaGaon Rav Shmuel Mohliver responded and said the following: In my opinion, it is possible to find grounds for a *heter* (dispensation) to work in the seventh year. However, we have to decide if we want to use this *heter* or not, as some two thousand years have elapsed since we last fulfilled this mitzva because of circumstances beyond our control. Behold, Hashem has [now] given us the opportunity to fulfill this mitzva after [an interval of some] two thousand years. If we fulfill it, then all of the religiously committed amongst the Jewish people will support us and we will have acquired an untold number who will associate themselves with this holy cause of resettling Eretz Yisrael.

The Gaon, R. Mordechai Eliasberg then stood up and with great passion raised his voice and said, “I take an entirely different position. It is possible to find a *heter* (dispensation) to work in the seventh year and this is something that Rav R. Shmuel [Mohliver] is also in agreement. And if there is any possibility of finding grounds for a *heter* (dispensation) then it is forbidden for us to just sit back and debate the merits of the various arguments, for the whole project, in which we have invested our entire souls, is in great danger! We should issue a *heter* (dispensation) without any hesitation and allow all that can possibly be allowed, for this is no minor matter!” The three Gaonim then parted company. The Netziv still maintained his position for forbidding work [in the fields] on the seventh year. The Gaon Rav Shmuel Mohliver agreed that Rav Mordechai Eliasberg was correct and began to research this subject and to amass detailed learned opinions that would allow work to be done. **Sefer Shmuel, R. Yehudah Leib Fishman (Maimon)**

B.

(1) בתחילה היו אומרים אחד זה ואחד זה פסולין, משרבו האנסיין, ומאי נינהו - ארנונא. כדמכריז רבי ינאי: פוקן וזרעו בשביעית, משום ארנונא. חזרו לומר: אוספין - כשרין, סוחרין - פסולין. רבי חייא בר זרנוקי ורבי שמעון בן יהוזדק הוו קאזלי לעבר שנה בעסיא. פגע בהו ריש לקיש, איטפיל בהדיהו, אמר: איזיל איחזי היכי עבדי עובדא. חזייה לההוא גברא דקא כריב. אמר להן: כהן וחורש? אמרו לו: יכול לומר: אגיסטון אני בתוכו. תו חזייה לההוא גברא דהוה כסח בכרמי, אמר להן: כהן וזמר? אמר לו: יכול לומר לעקל בית הבד אני צריך. אמר להם: הלב יודע אם לעקל אם לעקלקלות. סנהדרין כו.

At first the [Sages] ruled that both [traders and gatherers of the fruit of Shemitta] were ineligible [to be witnesses]. But when the oppressors grew in number, viz., the [collectors of] Arnona (taxes on crops which were due whether or not the field produced), [based upon the considerations of] R. Yanai's proclamation, ‘Go and sow your seed [even] in the Sabbatical year, because of the [collectors of] Arnona,’ they revised the law and enacted that only traders were disqualified but not gatherers, [as they may well be gathering these crops as a payment for their Arnona taxes]. R. Hiyya b. Zarnuki and R. Shimon b. Yehozadak once went to Assia to intercalate the year [on behalf of the Sages]. They were met by Resh Lakish, who joined them, saying, ‘I will come and see their procedure.’ On the way, he saw a man plowing, and remarked to them, ‘That man who is plowing is a priest.’ But they replied, ‘Can he not say: I am an imperial servant on the estate?’ Further on he saw a man pruning his vineyard, and again observed, ‘That pruner is a priest.’ ‘But’, they demurred, ‘he might say: I need [the twigs] to make a bale [‘akkel’] for the wine-press, [a legitimate purpose].’ ‘The heart knows whether it is for ‘akkel’ (a bale) or ‘akalkaloth (perverseness)’, he retorted. **Sanhedrin 26a**

(2) משרבו האנסיין ומאי נינהו ארנונא. וא"ת ומשום ארנונא התירו לחרוש ולזרוע דהויא איסורא מדאורייתא? וי"ל דמיירי בשביעית בזמן הזה דרבנן אי נמי י"ל דפקוח נפש הוא ששואל להם המלך מס ואין להם מה יפרענו ומתים בתפיסת המלך והכי איתמר בירושלמי משום חיי נפש: תוספות שם

But when the oppressors grew in number, viz., the [collectors of] Arnona (taxes on crops which were due): If you ask the question, "How could they allow plowing and sowing, a prohibition based upon Torah law, because of Arnona?", the reply is [either that in his opinion] **Shemitta today is only rabbinically mandated or else that it was a matter of life or death if the king would demand payment and they would not have the means to pay. [for it is quite likely] they would inevitably die in prison [for this crime].** This is how the Talmud Yerushalmi explains it, "In order to insure life." **Tosfos, ibid.**

(3) אגיסטון אני בתוכה. פ"ה לשון ראשון שכיר אני בתוכה וקרקע של נכרי הוא ולא נהירא דאמרינן בגיטין (דף סב. ושם) אין עודרין עם הנכרי בשביעית ע"כ נראה כפירוש אחר שפירש הקונטרס משום ארנונא: תוספות שם

Can he not say: I am an imperial servant on the estate? According to Rashi's first explanation [the word *agiston*] means a hired hand which was on land which belonged to a non-Jew. That explanation does not seem to be correct as the gemora in Gittin (62a) states, "One is not allowed to plow together with a non-Jew [on his property] on the seventh year." Consequently, the other explanation of Rashi is correct, i.e. it was done in order to facilitate payment of *Arnona*. **Tosfos, ibid.**

C.

(1) בזמן הזה, אפילו במקום שהחזיקו בו עולי בבל, ואפילו בימי עזרא אין חיוב תרומות ומעשרות מן התורה, אלא מדבריהם. מפני שנאמר: כי תבואו משמע ביאת כולכם ולא ביאת מקצתן, כמו שהיתה בימי עזרא. הגה: ויש חולקין, וסבירא להו דחייבין עכשיו בארץ ישראל בתרומות ומעשרות מדאורייתא, אך לא נהגו כן (טור בשם ר"י). שולחן ערוך יורה דעה הלכות תרומות ומעשרות סימן שלא סעיף ב

Presently, even within those parts of Eretz Yisrael that the immigrants from Babylon resettled and even during Ezra's lifetime, the obligation regarding separating *terumos* [which is given to the *kohanim*] and *maasros* (tithes) is only rabbinical, as it says in Scripture (Leviticus 25:2) [regarding the seventh year], "When you (Israel) come . . ." which implies the coming of the entire nation and not a minority of the nation, as it was in Ezra's time. **Gloss (commentary of Rav Moshe Isserles):** *There are those that disagree with that opinion and maintain that even presently the obligation regarding terumos and maasros is based upon the Torah's original legislation. However this [second] opinion is not reflected in the common custom. Shulchan Aruch Yoreh Deah, Hilchos Terumos U'Moaasros Chapter 331 Paragraph 2*

(2) . . . ונראה לי דהאידינא שאין חיוב תרומות ומעשרות בא"י אלא מדבריהם, גם בא"י חלקן של עובד כוכבים פטור מכלום. שולחן ערוך יורה דעה הלכות תרומות ומעשרות סימן שלא סעיף יא

It seems to me that presently, where the obligation regarding *terumos* and *maasros* is only rabbinical, the produce from those areas owned by non-Jews is free from all obligations. **Shulchan Aruch Yoreh Deah, Hilchos Terumos U'Moaasros Chapter 331 Paragraph 11**

D.

. . . ואם באנו לדון יותר טעם יש לאומר שיש לו קנין להפקיע משביעית דקרא כתיב והיתה שבת הארץ לכם ולא לגוי' וגו' שו"ת אבקת רוכל ממרן הר' יוסף קארו

. . . In deliberating the effect of the ownership of a non-Jew it would be more reason to say that the ownership of a non-Jew would exempt [the produce] from the laws of *Sheviis* (Shemitta), as

Scripture states (Leviticus 25:6), “And the Sabbath produce of the land shall be food for **you**; for you, and for your servant, and for your maid, and for your hired servant, and for the stranger who sojourns with you.” For you implies but not for a non-Jew, i.e. the non-Jewish produce is exempt from the laws of Shemitta. **Teshuvos Avkas Rochel, Rav Yosef Karo**

E.

מחזיקין ידי עכו"ם בשביעית בדברים בלבד, כגון שראהו חורש או זורע אומר לו תחזק או תצליח וכיוצא בדברים אלו, מפני שאינם מצווין על שביתת הארץ אבל לא יסעדנו ביד. רמב"ם הלכות שמיטה ויובל פרק ח:ח

One is allowed to verbally assist or encourage non-Jews who are working the land on the seventh year. For instance, when one sees him plowing or planting, one is allowed to tell him, “you should be granted strength,” or “success!” or something similar, for non-Jews are not obligated to rest the land. One is not allowed, however, to actually help him. **Rambam, Hilchos Shemitta V'Yovel Chapter 8 Halacha 8**

IV. To Sell or Not to Sell

A.

(1) אין מוכרין להם במחור לקרקע, אבל מוכר הוא משיקצץ. ר' יהודה אומר: מוכר הוא על מנת לקוץ. רבי יוסי אומר: בארץ ישראל משכירין להם בתים אבל לא שדות. עבודה זרה יט: כא.

Mishna: One should not sell to idolaters a thing which is attached to the soil, but when severed it may be sold. R. Yehudah says: One may sell it on condition that it be severed. R. Yosei says: In the land of Israel, one may rent them houses but not fields. **Avodah Zarah 19b-21a**

(2) אין מוכרין להם בארץ ישראל כל דבר המחור, כגון אילן וקמה, אבל מוכרים על תנאי שיקוץ, וקוצץ. שולחן ערוך יורה דעה הלכות עבודת כוכבים סימן קנא סעיף ז

One should not sell to idolaters any thing which is attached to the soil of Eretz Yisrael, for instance a tree or standing grain, but one may sell it on condition that it be severed and the idolator should do the severing. **Shulchan Aruch Yoreh Deah, Hilchos Avodas Cochovim Chapter 151 Paragraph 7**

B.

בזמן שיד ישראל תקיפה עליהם אסור לנו להניח עובדי כוכבים בינינו, ואפילו יושב ישיבת עראי או עובר ממקום למקום בסחורה לא יעבור בארצנו אלא עד שיקבל עליו שבע מצות שנצטוו בני נח שנאמר לא ישבו בארץ אפילו לפי שעה, ואם קבל עליו שבע מצות הרי זה גר תושב, ואין מקבלין גר תושב אלא בזמן שהיובל נוהג אבל שלא בזמן היובל אין מקבלין אלא גר צדק בלבד. רמב"ם הלכות עבודה זרה פרק י

When Israel is in control of the land, it is forbidden to let idolaters (i.e. non-Jews) live within our borders, even if it only be temporary or even if he is just passing through to do business. He is only allowed to pass through our land if he formally accepts upon himself the seven Noachide commandments, as it says in Scripture (Exodus 23:33), “They shall not be allowed a dwelling place in your land,” which implies even temporarily. If he does formally accept upon himself the seven Noachide laws then he is a *ger toshav*. We only accept a non-Jew to be granted the status of *ger toshav* at a time that the Jubilee year is in force. However, when it is not in force we only accept a non-Jew who wishes to be a *ger tzedek* (a complete convert). **Rambam, Hilchos Avodah Zarah Chapter 10 Halacha 6**

V. The Elusive *Heter* (Dispensation)

A.

לאחר שעדיין לא הגיע ההיתר לידי חובבי ציון, עוררו את הרב שמואל מוהליבר, אב"ד ביאליסטוק, על הדחיפות שבדבר ההיתר. בסוף חודש שבט תרמ"ח נועדו בווארשה הגאונים ר' ישראל יהושע טרונק מקוטנא, ר' שמואל מוהליבר מביאליסטוק ור' שמואל זנוויל קלפפיש מווארשה, ואחרי שיקול הדעת ועיון מצאו תקנת היתר, וכתבו להתיר משום פיקוח נפש ובתנאים מסויימים:

ואם נאסר עליהם לשדד את האדמה ולתקן את הכרמים תושם הארץ ותיפוק מזה חורבן הקולניות חלילה, וכמה מאות נפשות ימוגו ברעב חלילה. על כן, להצלת נפשות והצלת הארץ, הצלת גוף והצלת ממון, מצאנו היתר על שמיטה זו שנת תרמ"ט למכור בקיץ הבא עלינו לטובה את השדות והכרמים וכל השייך לעבודת האדמה לנכרים, על מנת שכשנחזיר להם את האו"ג לאחר השמיטה, ונתן להם סך ריוח, מחויב המה להחזיר לנו השדות והכרמים וכל השייך לזה. נוסח השטר הנ"ל יכתבו אצל הב"ד שבירושלים ועפ"י הסכמתם וכו'. אבל רוקא עפ"י הבית דין שבירושלים שירור אותם עפ"י שאלתם, המלאכות המותרות להם והמלאכות האסורות וכו', כל הנ"ל נעשה רק על שנת תרמ"ט אבל לא על השמיטות הבאות לאחר כן כי אז יצטרכו להיתר מחדש וכו'. אמנם כל זה נעשה באופן שיסכים עמנו גם הרב הגאון פאר דורנו כש"ת מורינו הרב יצחק אלחנן נ"י אבד"ק קאוונא. יחיש וימהר את גאולתנו ונשמור את כל המצות התלויות בארץ כהלכתן ודקדוקן. באעה"ח אור ליום ו' עש"ק תרחם ציון, פה ווארשא.

נאום ישראל יהושע חו"ב קוטנא נאום שמואל בהרב מוהרי"ל מאהליווער החוב"ק ביאליסטוק נאום שמואל זנוויל דומ"ץ דפה ק"ק וורשא. הובא בס' מערכות השביעית מר' יעקב חיים דינקל

Since the *heter* (dispensation) to work in the seventh year had not reached the hands of the [leadership of the] Hovevei Tzion, they impressed upon Rav Shmuel Mohliver, the Av Bais Din of Bialystok, the urgency of the matter. At the end of the month of Shevat, 5648 (1888), the Gaonim, Rav Yisrael Yehoshua Trunk of Kutno, Rav Shmuel Mohliver of Bialystok and Rav Shmuel Zanvil Klepfish of Warsaw came together and after weighing the options and analyzing the subject matter they found grounds to issue a *heter* (dispensation), according to specific guidelines, because of a possible endangerment to life.

"If we forbid them to plow the land and to improve the vineyards, the land will become despoiled and will result in the destruction of the colonies, G-d forbid, and many hundreds of souls will wither away through starvation, G-d forbid. Therefore, in order to preserve these souls and to preserve the settlement of the land, bodily preservation and material preservation, we have issued a *heter* for this Shemitta year, 5649 (1888-1889) to sell, in the coming summer, the fields and vineyards and all that is related to working the soil to non-Jews, on condition that when they return back to them their deposit and a sum of money for their profit, that the [non-Jews] be obligated to return the fields, vineyards, and all that is related to them, back to us. The actual text of this bill of sale should be written under the auspices and approval of the Bais Din of Yerushalayim. It should be done only through the Bais Din of Yerushalayim as they are the ones qualified to answer their questions regarding which forms of labor are permitted for them and which are forbidden etc. All of the above is put into effect only for the year 5649 (1888-1889) and not for Shemittos in coming years, as then they will need a new *heter* (dispensation) etc. However, all of this is to be done only with the approval of HaRav HaGaon, the pride of the generation, the crown of the Torah, our master Rav Yitzchak Elchonon, may his lamp shine brightly, the Av Bais Din of Kovno. May Hashem speedily bring our redemption that we may

observe all of the mitzvos that are related to the land in accordance with all of the laws and its particulars. We are hereby signing on this Thursday night, . . . *Tirachem (5648) Tzion*, in Warsaw. *Yisrael Yehoshua of Kutno, Shmuel ben Moreinu Rav Yehudah Leib Mohliver of Bialystok, Shmuel Zanvil, judge and halachic authority of the holy community of Warsaw.*"
Sefer Maarochos HaSheviis, R. Yaakov Chaim Dinkel

B.

לנוכח דברים אלו, זו היתה תשובתו של הג"ר יצחק אלחנן: א) . . . ואם לא נבקש עצה והיתר יכול להיות כי תשום הארץ ח"ו והיה חורבן לקולוניות (מושבות) וזה נוגע להצלת מאות נפשות ומי יודע וכו'. ב) למכור השדות והכרמים לישמעאלים הגוף והפירות על משך שתי השנים בלבד, ואחרי כלות הזמן יחזרו הכרמים והשדות לבעלים. ג) המכירה תהיה לישמעאל דוקא. ד) בפירוש נאמר כי היתר זה הוא רק לשנת תרמ"ט אבל לא לשמיטות הבאות שאז יצטרכו להיתר מחדש ולענין בזה. וד' יהיה בעזר עמנו שלא יצטרכו להיתר וישמרו השמיטה כדין תורה. ולראיה באעה"ח יום ד' ג' אדר תרמ"ח קאוונא. נאום יצחק אלחנן חופ"ק הנ"ל

נוסח השטר מכירה הנ"ל יכתב אצל הב"ד שבירושלים ועפ"י הסכמתם וכמ"ש כבוד הגאונים הנ"ל.
 יצחק אלחנן הנ"ל

After having reviewed this statement, the following was the response of R. Yitzhak Elchonon:
 1) . . . If we don't try to find some solution and *heter* (dispensation) there is a distinct possibility that the land will become desolate, G-d forbid, and the colonies will become ruined. This touches upon the survival of hundreds of souls and who knows etc. (see Esther 4:14)
 2) The land should be sold to Arabs, the *guf v'hapairos* (legal title and all legal rights to its use and produce) for a period of only two years. After the end of that time the vineyards and fields shall revert back to its owners.
 3) The land should only be sold to Moslems (i.e. monotheists not Christians (trinitarians)). It should be unequivocally stated that this is only for the year 5649 (1888-1889) and not for the coming Shemittos, as the issuing of any future dispensation would have to be thoroughly researched [depending upon changing circumstances]. May Hashem help us that we need not have any further dispensations and we will be able to keep the Shemitta as is specified in the Torah. As a proof of my authorship, I hereby affix my signature on this Wednesday, the third of Adar, 5648, in Kovno. *Yitzhak Elchonon Spektor*

P.S. The text of the bill of sale should be written by the Bais Din of Yerushalayim and subject to their approval, as the above mentioned honored Gaonim have written. *Yitzhak Elchonon Spektor - Sefer Maarochos HaSheviis, R. Yaakov Chaim Dinkel*

C.

ס"ט פטרבורג, ברגע הזה מקבלים אנחנו מאת סוכנו בביאליסטאק ה' קלעמענטינאבסקי, ממוש"ק העבר (ו' אדר), את הבשורה הטובה הזאת, אשר אנחנו ממהרים לתתה לפני קוראינו: הנני לבשרהו כי פסק הדין על אדות שנת השמיטה בארה"ק יצא להיתרא מלפני הגאונים הגדולים ר' יצחק אלחנן מקאוונא, ור' שמואל מאהליווער מביאליסטאק ור' יהושע מקוטנא, ור' זנוויל מווארשוי שליט"א. שלשת הרבנים האחרונים היו במותב תלתא לקול קריאת הגרש"ם, והגאון רי"א שלח את פסק דינו הוא להגרש"מ בסוף שבוע זה. את הפסק הזה יודיעו תיכף להקולוניסטים באה"ק וישלחו להודיעו גם בפאריז. אחרי הדברים והאמת האלה חושבים אנחנו את המו"מ בדבר השמיטה לדבר מיותר ולא נוסף עוד להדפיס את התשובות הבאות אלינו בענין הזה. המליץ No. 33 - 9 פעברואר. הובא בס' מערכת השביעית מר' יעקב חיים דינקל ע' 61

St. Petersburg: At this moment we have received the following good news from our agent in Bialystok, Mr. Klementinovski, dated this past Motzoei Shabbos (Saturday night), the sixth of Adar, which we are quickly presenting to our readers: A *heter* (dispensation) in regards to the Shemitta year in our holy land was issued by the following prestigious gaonim: Rav Yitzchak Elchonon of Kovno, Rav Shmuel Mohliver of Bialystok, Rav Yehoshua of Kotno and Rav Zanvil of Warsaw, may they live a long and productive life. The last three named *gaonim* assembled together at the behest of Rav Shmuel Mohliver and the *Gaon* Rav Yitzchak Elchonon sent his halachic ruling to HaGaon Rav Shmuel Mohliver at the end of this week. They will quickly make known this ruling to the colonists in our Holy Land and also to [representatives in] Paris. After [publishing] these facts, we feel that further discussion in regards to Shemitta is unnecessary and we will no longer publish the various responses (letters to the editor) that we receive concerning this issue. **HaMeilitz, no. 33, February 9, 1888, quoted in Sefer Maarochos HaSheviis, R. Yaakov Chaim Dinkel**

D.

(1) (כ' ימים לחודש אייר שנת תר"ח ציון לפ"ק) יען בי קרבה שנת השמיטה לבא היא שנת תרמ"ט הבעל"ט לזאת מודיעים אנחנו לאחינו יושבי הקאלניות יצ"ו כי אין שום היתר לחרוש ולזרוע לקצור ולנטוע הן ע"י עצמו הן ע"י נכרי לבד מעבודת האילנות לאוקמי אילנא מותר מצד הדין, ופרטי הדברים כפי שיורו הרה"ג שי'. ואנחנו כולנו תמוכים ובטוחים כי שביתת הארץ תהי' להם לברכה, ולמותר יחשב להודיע להם חומר עונש עון חילול השמיטה ושכר השומרה כהלכתה כי ידוע הוא לכל בעל תורה. ואלה אשר הטו אזנם עד כה לשמוע תורת ד' ומצותיו, בטחונינו שישמעו גם עתה ונזכה כולנו לביאת גואל צדק בב"א.

משה יהושע יהודא ליב כהר"ב הגאון הצדיק מו"ה בנימין זצ"ל
שמואל סלאנט

(The 20th day of the month of Iyar, 5648) Because the year of Shemitta is drawing near, i.e. the year 5649 (1888-1889), may it be a source of blessing, we are hereby informing our brethren who live in the colonies, that there is absolutely no *heter* (grounds for a dispensation) to plow, seed, harvest or plant, whether it be done by oneself or through a non-Jew. The only exception is regarding the husbandry of trees where measures to preserve the trees are allowed by Talmudic law. Regarding the exact details [of this dispensation] one should be guided by the *gaonim* [of Yerushalayim]. We are supportive and most certain that resting the earth will be a cause of blessing. There is no need to inform them of the severe punishment that results in violating the Shemitta and the reward that one receives for keeping it in accordance with halacha, for it is common knowledge to anyone who has a firm grounding in Torah. It is our firm belief that those who have bent their ears to hear the Torah of Hashem and His mitzvos will also do so now. May we all merit to the coming of the righteous Redeemer, soon, in our days. Amen.

Moshe Yehoshua Yehudah Leib ben HaRav HaGaon HaTzadik Moreinu Binyamin o.b.m Shmuel Salant

(2) תדעו כי רבני ירושלים ת"ו לא אסרו העבודה בשביעית אלא מפני שכך דעתם נוטה שאין היתר לעבודה, וכמו שיש הרבה מגאוני חו"ל שהסכימו כן, ואף כי בהיותם בקירוב מקום ונודע להם מרוב הקולוניסטיין שאדרבה האדמה צריכה שביתה, ומכ"ש כי אין אסון חלילה אם לא יעבדו בשנה זו, ואך בשקר השמיעו קולי קולות כי השמירה בשביעית נוגע לסכנת נפשות אשר רק עפ"י נמצאו כמה גאונים בחו"ל להקל מעט בזה בשבתם מרחוק. מכתב מהרה"ג ר' מרדכי גימפל יפה ר"ח מנחם אב תרמ"ט. הובא בס' מערכת השביעית מר' יעקב חיים דינקל ע' 61

You should know that the rabbanim of Yerushalayim only forbade working [in the fields] during the seventh year because that was their true opinion, that there is no room for a valid dispensation, which is also the opinion of many of the *gaonim* outside of Eretz Yisrael, who agreed with them. This is especially so since they [in Yerushalayim] lived near by and were kept informed about the situation by a great number of the colonists. [They were told] that on the contrary, the land needed to rest and most certainly there wasn't a fear of endangerment to life if they didn't work that year. They falsely called out at the top of their voice that keeping the laws of the seventh year might well cause the loss of life which was the reason that there were *gaonim* outside of Eretz Yisrael, who, [because they] lived far away [and were not able to see the situation as it truly was], were lenient in some regard. **Letter from HaRav HaGaon Rav Mordechai Gimpel Yaffe, Rosh Chodesh Av, 5649 (1889) quoted in Sefer Maarochos HaSheviis, R. Yaakov Chaim Dinkel**

E.

ב"ד יום ב' ד' סיון תרמ"ח קאוונ"א. כבוד ידי"נ ה"ה הרב הגאון המפורסם סוע"ה פאר הדור והדרו כו' כקש"ת מו"ה שמואל מאהלווער, נ"י, האב"ד דק' ביאליסטאק, שוכטו"ס. אחדשה"ט באה"ר הנני להודיעו כי הגיעני מכתב מן הרב הגאון ר"ש סלאנט נ"י שכותב כי בא לירושלים הג' ד"ר גאלדבערג נ"י בשליחות השר הנדיב דפאריז יחי' שיעשה שטר מכירה עד השביעית בבי"ד דשם, וכותב הרה"ג ר"ש דאינו מסכים לזה לפי דכל שטר דאינו נעשה בערכאותיהם אינו בו שום ממשות כלל וע"כ יהיה המכירה בערכאותיהם דוקא, ואנכי השבתי כי מספיק דיהיה המכירה בבי"ד של ישראל וכמו שהארכתי בביאור הענין בקונטריסי ב"ה, ותיכף אחר זה הגיעני מכתבים מן כל הרבנים דכולל פרושים ובד"ץ שם, וחתומים ערך שבעה עשר חתומים הצועקים עלי בקולי קולות על מה שיצאתי בהיתר ע"ד שביעית ומוכיחים ע"ז בתוכחות וגם אומרים כי אין בזה שום חשש נפשות כלל והדחק, ואדרבה זהו טובת הארץ והכולל, וכדרכם ברוב דברים וטענות, וכהיום בא אלי מכתב מן כבוד הד"ר גאלדבערג שכותב אלי לדרוש עצה ממני וממך, ומה אעשה כי אינם רוצים שם להכריז להיתרא כלל, ואדרבה הכריזו באיסור לאסור הפירות בשביעית, וגם לאסור שלא יעשו אף נכרים, ולא לסמוך על איזה היתר וכדרכם הידוע, וכותב הד"ר גאלבערג אלי כי הבי"ד דאשכנזים אינם מסכימים על היתר המכירה בבי"ד שלהם רק דעתם שיהיה הכל עשוי בערכאות דוקא, רק הבי"ד דספרדים מסכימים שיהיה המכירה מועיל לעשות בבי"ד שלהם, ודרש אלי הד"ר הנ"ל אם לנו האשכנזים לילך לבי"ד הספרדים כיון שאנו נגרים תמיד אחר הבי"ד אשכנזים, ולע"ע לא השבתי עדיין כלל, כי לפי הנראה יהיה הענין במחלוקת גדולה ח"ו. ויש לי צער מזה כי מעולם לא דמיתי על זה כלל, וגם החתומים על המכתב הגדול הנ"ל יש שם רבנים חתומים מצידו של הגאון ר' יהושע לייב וכותבים כי כן גם דעת הגאון הנ"ל לאיסורא ונמנה ג"כ בהאוסריין. ובמכתב הנ"ל מכחישיין עיקרי הענין ואומרים אין בזה הדחק, ושקר אמרו השואלים ע"ד השביעית, זהו ג"כ במכתבם וכדרכם רק בריבות וקטטות. וכל זה הוא להודיע למעכ"ת וגם יודיעני מה הוא תשובת כת"ר להם, וכן מה השיב להם ידידנו הגאון מוהר"י דקוטנא, כי בטח דוקא להם שלחו המכתבים הנ"ל, ויש לי עגמת נפש מזה ד' ירחם ויראנו בשמחת ציון וירושלים ועינינו תחזינה בהיכל קדשו, והנני לברכו בברכת החג הק' יחוג אותו בחדוה ובגילה ובנחת ושלוו, ויהיה ד' בעזרתו שנהיה כולנו באגודה אחת ובשלוו ובאמת, ידידו דו"ש ומחכה לישועת ד' והכותב בצער ומצפה לישועה במהרה, ידידו יצחק אלחנן החופ"ק קאוונא. – והנה במכתבי ששלחתי בקצרה למעכ"ת בחורף העבר ע"י ידי"נ יעקב בכרך לא כתבתי כלל מענין שיעשו העניים בעצמם, רק כתבתי ההיתר לעשות ע"י נכרים, וע"כ מרעישים שם בקולות ובדרכם. על אכו"כ אם היו כותבים שם ע"ד עשיית י ש ר א ל י ם העניים כו'. ד' ירחם וירא בעניינו ולחזק אותנו ו ל ה ו ר ו ת לכולנו הדרך האמת והשלוו ולד' הישועה. ידידו דו"ש הנ"ל ובקשתי שיודיע לי תשובתו על כל זה בהחזור הקודם. מכתב הרה"ג ר' יצחק אלחנן ספקטור להרה"ג ר' שמואל מוהליבר הובא מערכת השביעית מר' יעקב חיים דינקל

Monday, the 4th of Sivan, 5648 (1888), Kovno

To the honor of my dearest friend, the mighty cedar, the celebrated Rav HaGaon, *Sinai* (one with an encyclopedic knowledge) *v'Oker Harim* (literally an uprooter of mountains, i.e. a brilliant analyst), the pride of the generation and its majesty etc. Moreinu V'Rabbainu Shmuel Mohliver, may his light shine brightly, the Av Bais Din of the community of Bialystok, peace and continued success.

After inquiring after your welfare, with great affection, I would like to inform you that I received a letter from HaRav HaGaon Rav Shmuel Salant, may his lamp shine brightly, who writes that Dr. [Elyakim] Goldberg, a representative of the Baron [Rothschild], the Benefactor from Paris, may he be blessed with life, arrived in Jerusalem with the task of creating a bill of sale for Shemittah purposes in the Jerusalem *Bais Din*. Rabbi Salant wrote that he does not concur, because any bill of sale that is not executed in the [Ottoman] courts has absolutely no legal standing, consequently, the sale should be done through their courts. I responded that it is sufficient that it be done in a *Bais Din*, as I elaborated in a special treatise which I wrote on the subject. Shortly thereafter, I received letters from all the rabbis of the Kollel ha-Perushim and of the *Beis Din* there. Seventeen signatories in all, howling and railing against my *heter* regarding Shemittah, admonishing and telling me that there exists no danger to life or any state of emergency whatsoever. On the contrary - [observing Shemittah] benefits the land and the Kollel. [These rabbis communicated] in their typically verbose and rancorous manner. Today I received a letter from the honorable Dr. Goldberg who sought out my advice as well as yours. And what can I do, as they don't want to publicize the *heter* at all. On the contrary, they publicized a prohibition to prohibit the produce of the land on the seventh year and also prohibited the use of non-Jews and not to rely on any *heter*, as is their well known custom. Dr. Goldberg wrote me that the *Bais Din* of the Ashkenazim does not agree that the sale be done through their *Bais Din*. It is their opinion that it be solely done in an [Ottoman] court. Now the Sefardic *Bais Din* agrees to have the sale done in their *Bais Din* and he asked me if it is proper for us Ashkenazim to go to a *Bais Din* of Sefardim, since we are under the jurisdiction of the *Bais Din* of Ashkenazim. Up until now I haven't responded at all, as it seems that this will cause strife, G-d forbid. This is causing me great pain, as I never imagined that this would arise. In addition, amongst the signatories are those who are signing on behalf of the Gaon Rav Yehoshua Leib and write specifically that this prohibition is also the opinion of the aforementioned Gaon, who numbers himself amongst those that prohibit this. In the letter they also deny the whole matter and claim that there is no state of emergency and those that seek out a *heter* are lying. This also appears in their letter and written in their confrontational and rancorous style. I wrote all of this to inform his honor and to know the nature of his response to them. I would also like to know about the response of the Gaon of Kutno, because I am sure that he sent these letters to both of you as well. I have much pain and sorrow from this and may Hashem have compassion and show us the joy of Tzion and Yerushalayim and may our eyes see His holy Sanctuary. I hereby bless you with the blessings of the holy holiday [of Shavuot]. May you only celebrate it with joy, cheerfulness, restfulness and peace and may Hashem be at your assistance that we all remain united together in peace and truth. Your beloved friend who seeks your welfare and awaits Hashem's salvation who is writing with pain and awaiting a speedy salvation. Your beloved friend, ***Yitzchak Elchonon of Kovno.***

P.S. Behold, in the brief letter that I sent to your honor this past winter through our friend, Rav Yaakov Bachrach, I didn't write at all concerning what the poverty stricken [farmers,] themselves, are allowed to do. I only wrote concerning the dispensation of having the work done

by non-Jews. It is on that basis that they are howling in their [rancorous] style. Most certainly that would have been the case had I written regarding the actual work done by the impoverished Jews themselves. May Hashem have mercy and see our impoverished state and strengthen us and guide all of us on to the path of truth and peace. To Hashem belongs the salvation. Your beloved friend who seeks your welfare, [*Yitzchak Elchonon of Kovno*]. Please write back to me and let me know your response to all of this at the first possible opportunity. **Letter from HaRav HaGaon Rav Yitzchak Elchonon Spektor to HaRav HaGaon Rav Shmuel Mohliver, quoted in Sefer Maarochos HaSheviis, R. Yaakov Chaim Dinkel**

This lecture, entitled, "**Rav Shmuel Mohliver and the Great Shemitta Controversy**", is **dedicated to the memory and *Li-ilui Nishmas* הרב אברהם בן הרב צבי הירש ע"ה Rabbi Avraham Gardin of blessed memory.**

At the end of the last lecture we covered the historic meeting between HaRav HaGaon Rav Shmuel Mohliver and the Baron Edmond Benjamin James von Rothschild which took place on the first day of Sukkos, תרמ"ג 1882. It was the beginning of what turned into a life long commitment on the part of the Baron to promote the resettlement of Eretz Yisrael. His philanthropy on behalf of Eretz Yisrael was so unique that throughout the Jewish world he came to be known as "HaNadiv HaYedua," the well known Benefactor or philanthropist. Although the Jewish world at the time claimed many of equivalent or perhaps even greater wealth, it was he, Baron Edmond Rothschild, alone, who made such a commitment. Although Rav Mohliver's impassioned speech, which we quoted in the last lecture, made a profound impression upon the Baron, it seems that even before that, the Baron was entertaining the thought of supporting the resettlement project. Mr. Sam Finkel, in his excellent book, "Rebels in the Holy Land," quotes the writer Isaac Naiditch, in his work, *Edmond de Rothschild*, (Washington, D.C.: Zionist Organization of America, 1945, pp. 22,23) regarding Baron Rothschild's relationship with Eretz Yisrael and the settlements. Mr. Naiditch, who interviewed Rothschild over a period of fifteen years claimed that the Baron's interest in the Jewish colonization of Eretz Yisrael began before Rabbi Mohliver's visit and his primary motivation was to stem assimilation, and I quote: "You understand, he said, everybody makes the mistake of assuming that I joined the Palestine effort because I happened to see a couple of Jews from Russia. The truth is that I arrived at the idea much earlier, when I observed the rapid strides of assimilation among the Jews of France, especially the mixed marriages. I saw great families, once the strongholds of Judaism, become estranged from us. Their children and their children's children leave the fold and Judaism, for which we fought for thousands of years in our history, is disintegrating. I came to the conclusion that we must find a country where Judaism could develop further in the spirit of our great prophets. And I realized that the only place was Palestine, where every plot of ground, every strip of soil, is saturated with the memories of the great eternal works of our prophets." And again want to quote from Mr. Finkel's "Rebels in the Holy Land, citing a recently revealed correspondence between the Baron and Shmuel Hirsch, the director of Mikveh Israel, the agricultural school outside of Jaffa, that was founded by the Alliance, the French organization on behalf of world Jewry, and particularly by Carl or Yaakov Netter a leading member of the Alliance. It was uncovered by Ran Aaronsohn, the author of the book, *Rothschild and the Early Jewish colonization*, p. 55) and I quote, "Only a handful of people in Rothschild's inner circle knew that just a month earlier (i.e. before he met with Rav Mohliver, he had conferred with the French Jewish communal leader Carl Netter). Horrified by the ravages of intermarriage and assimilation among Jews in France and elsewhere, the Baron sought to direct the flow of refugee resettlement to Palestine. At his initiative, plans were made to create an experimental farm there in order to train Russian Jews in agriculture. Then they would be given land with which to establish colonies. Rabbi Mohliver's meeting with Rothschild was just another link in a chain of fortuitous events. The elderly rabbi didn't realize the extent of his being the right man in the right place at the right time."

Now although he had the greatest respect for Orthodox Judaism and had a close personal relationship with the Chief Rabbi of Paris, Rav Tzadok Kahn, nonetheless, the Baron himself was not Orthodox, nor were many of those whom he hired to carry out his plans of supervising the many farming colonies which he supported and founded. This created much friction amongst

the farmers. who were overwhelmingly strictly Orthodox. In addition, even the Orthodox Jews in France with whom he was close, were quite Westernised and were more closely linked to the Haskalah, the secular movement, than to the traditional form of non Westernized Judaism which was, at least originally, the religion of the majority of the Russian Jewish immigrants whom the Baron supported on his settlements. This culture dissonance was a large contributing factor for the friction between the immigrants and the Westernized supervisors who the Baron appointed to oversee his settlements. And it was also for that reason that the Baron, even though he gave lip service to allow those who wished to rest on the seventh year to do so, gave the settlers who actually strictly kept the laws of Shemitta, the seventh year, according to the dictates of the Bais Din, the court of the Perushim in Yerushalayim, such a very difficult time. It seems that those of the French Orthodox community who supported the Baron in his settlement project, especially Michael Erlanger, were very anxious that the lands not lay fallow on the seventh year as this, in their opinion would cause a great reversal for the whole settlement project. In addition, they felt that the settlers would be forced to live on charity, just like the much criticized members of the so called "old Yishuv" the Perushim and their counterparts in the Chasidic and Sefardic communities, which, in their mind would be degrading and fly in the face of all that they hoped to achieve, i.e., to create a self sustaining Jewish community in Eretz Yisrael. Now before I begin to go into detail regarding the great Shemitta controversy surrounding the years 1888-1889, I would first like to give you an idea of the progress that was made in the six years between 1882 and 1888 in terms of the settlement project.:

As we stated in before in the last lecture, at the time when Rav Mohliver spoke to the Baron, two settlements, one in Petach Tikva and the other in Gai Oni, outside of Tzefas, had already failed. Rishon L'Tzion which was founded a few months before the meeting with the Baron, on July 31, was encountering serious problems, the soil was sandy, not favorable for planting wheat or barley, water was scarce, and the settlers had no agricultural experience. Shortly after the meeting with Rav Mohliver on Sukkos on 1882, Yosef Feinberg of Rishon L'Tzion came to the Baron for his support. Initially the Baron committed himself to 25,000 francs to help support their poorer families of the settlement and complete digging a much needed well. After the well was dug and additional help through the immigration of the Biluim, the colony slowly took shape. In a future lecture, im yirtzeh Hashem, we will discuss in detail the story of the Biluim, suffice to say, that they were university students who, after the pogroms of 1881, realized that they had no future in Russia, and decided to emigrate and settle in Eretz Yisrael. "Bilu" is an acronym based on a verse from the Book of Isaiah (2:5) "בית יעקב לנו ונלכה" Beis Ya'akov Lekhu Venelkha ("House of Jacob, let us go [up]"). It seems that because of their secular background, they didn't fit well with the more traditional members of Rishon L'tzion and eventually, at least some of them, left to form their own settlement, Gedera, which was uniquely supported by the Chovevei Tzion, not by the Baron, and whose spiritual mentor and patron was none other than Rav Yechiel Michel Pines, whom we encountered previously. Now getting back to Rishon L'tzion, despite their best efforts, the sandy soil of the area could not support wheat or barley crops and their efforts ended in failure. Eventually the Baron gained control and possession over the entire area and converted the sandy soil into a fertile area for planting grapes and later citrus fruits. French rootstock were imported, and the Baron sent his own wine specialists to advise the pioneers in this enterprise and in 1886 construction began on a large wine cellar. Later, as we will soon cover, a second winery was established in Zikhron Ya'akov, situated near Mount Carmel just south of Haifa. These were the wineries of the famed Carmel wine company, today's Israel's largest. - Now regarding Petach Tikva, upon Rav Mohliver's return from seeing Baron Rothschild in Paris he arrived in Warsaw together with Rav Yechiel Brill, the publisher of the periodical HaLevonan, to inform the members of Warsaw's Hovevei

Tzion branch of the Baron's willingness to support ten farmers and their families to move to Eretz Yisrael in order to create their own farming colony and his willingness to supply them with the necessary land and equipment. The problem was that in Poland and Russia, itself, because of the draconian laws that then existed, although there was some farming done by Jews it was still a relative rarity and neither Rav Mohliver nor the members of the Warsaw branch of the Hovevei Tzion had any knowledge of their whereabouts. It so happened, though, that a lawyer from Warsaw and a friend of Rav Mohliver, Dr. Yisrael Yanovsky, told him that he had heard that there were religious Jewish farmers who lived not far from Rozhiny, in White Russia, today's Belarus, in a village called Pavlovka. If you remember from a previous lecture, the Rav of Rozhiny was HaRav HaGaon Rav Mordechai Gimpel Yaffa, an enthusiastic supporter of the Hovevei Tzion, who was also the mentor of Rav Yechezkel Michel Pines, a native of Rozhiny. Rav Mohliver then entrusted Rav Brill with the mission of making the trip to Rozhiny and recruiting these farmers. Not only was Rav Brill successful in his recruitment effort, but he also accompanied these very idealistic and experienced farmers who jumped at the opportunity to be "mikayaim" to fulfill the mitzva of Yishuv Eretz Yisrael, settling in Eretz Yisrael. These farmers of simple faith, emunah peshuta, were not motivated by the ideals of the Hovevei Tzion, to build a refuge for European Jewry on the site of their ancient homeland, but simply, as thousands of Jews before them, to live and breathe on Hashem's holy soil. The story of the many difficulties that these naive but stubborn farmers experienced and how they finally created the farming colony of Ekron, in the year 1884, and the difficulties they faced with the Baron's supervisors, and especially how they successfully resisted all the pressure put upon them and fulfilled the mitzva of resting the land on the seventh year, is captured in the excellent book by Sam Finkel, *Rebels in the Holy Land*. Now after sending Rav Brill to Ruzhany, Rav Mohliver continued his mission of trying to convince the wealthier Jews of the various communities within Poland and Russia to support the settlement effort. One of the cities which he visited was Bialystok, where he succeeded in persuading some of the leading figures of the city to buy land and restore the buildings in Petah Tikva, a colony that had been largely abandoned by then. It seems that the leaders of this community, who were impressed by HaRav Mohliver's personality, learning and leadership, apparently intended to offer him the position of Chief Rabbi during his visit there. Rav Mohliver learned of this while he was in the city and immediately prepared to leave lest people think the real reason for his visit was not the support of settlements in Eretz Yisrael, but rather his candidacy for the rabbinate. Nevertheless, later that year, in 1883, he was appointed to that position and left Radom to become the Rov of Bialystok. Now it seems that just as the farmers of Rishon Litzion were helped by the Baron Rothschild, so too, the original farmers of Petach Tikva appealed for his help and through his financial support they were able to drain the swamps sufficiently to be able to move back in 1883. They were soon joined by a group of immigrants from Bialystok who were inspired by Rav Mohliver. Petach Tikva, however, soon also became completely controlled and owned by the Baron who, through his supervisors supplied all of their needs. Now amongst the immigrants who took over these newly created settlements were a group of Chasidim from the town of Moiniste or Bohush, in western Moldavia, part of today's Romania. The Rebbe of Bohush was a descendant of Rav Yisrael of Rizhin, who himself was very supportive of living in Eretz Yisrael. The synagogue, Tiferes Yisrael, built by Rav Nissan Beck in Yerushalayim, was named in his honor, as we covered in a previous lecture. Consequently, thirty of these Bohusher Chasidim settled in the almost abandoned settlement of Gai Oni, which was renamed Rosh Pina, in the spirit of the verse in Tehilim, Psalms, 118:22, which is part of Halel: אֶבֶן מָאֲסוּ הַבּוֹנִים הִיְתָה לְרֹאשׁ פִּנּוֹהּ The stone which the builders rejected has become the head stone of the corner. "rosh pinoh". Because it could not survive on its own, it too was taken over by the Baron and his supervisors. In addition, another group of these Bohusher Chasidim, numbering over a hundred, acquired an area at the

southern end of the Carmel mountain range overlooking the Mediterranean Sea called Zammarin and founded a settlement at the end of 1882. The difficulty of working the rocky soil and an outbreak of malaria led many of the settlers to leave before the year was up and in 1883, Baron Rothschild also became the patron of this settlement who later renamed it in memory of his father, James (Ya'akov) Mayer de Rothschild, Zichron Yaakov, a memorial to Yaakov or James, now famous for its Carmel winery. But more than being a patron, the Baron completely took over the settlement. He brought in French planners who designed and allotted housing lots along the main road for the use of settlement farmers, with each lot consisting of a house facing the street, a long interior courtyard and a rear building for storing agricultural implements. The French-inspired architecture included tiled roofs and painted wooden windows. Each farmer was given a salary and placed under the direction of Elie Shaid, the Baron's appointed supervisor of the colonies. The Baron then proceeded to establish his winery together with a bottling factory which he named Carmel, since Zichron Yaakov is adjacent to mount Carmel. More than any other colony, the Baron felt most attached to this settlement that bore his father's name and in 1954, the family reinterred his remains there, in Zikhron Ya'akov. By the way, Ekron, which still managed to retain some of its independence from the Baron's supervisors until the end of the 1880s, was also renamed by the Baron, who named it in honor of his mother, Zichron Batya or Basya, after his mother Betty or Basya. At approximately this same time yet another settlement, Yesud Ha-Maalah, was founded adjacent to the Hula lake or swamp in the Galilee, in the north of Eretz Yisrael. Today much of the swamp has been drained, although some wetlands were preserved as a natural habitat. This settlement, too, was founded by "ertheleche yidden," pious Jews. This group came from Mezeridzh, Poland, and many of them were Torah scholars. With the exception of Gedera, which was founded in the winter of 1884 by members of the secularly inclined Biluim, on land acquired through Rav Mechel Pines, all of the other settlements were owned and largely controlled by Baron von Rothschild. The colonists of these first settlements were known as the members of the first Aliyah. Although their children and their children's children, who were largely educated in the Westernized schools sponsored by the Baron and run by his supervisors, who, it seems, were on the whole distant from Torah observance, became increasingly secularized, those first settlers, by the large, wished to live a life which was inspired by the ideals and mitzvas of the Torah.

With this, I would like to proceed to the next part of this lecture, which concerns the great controversy regarding resting the land on the seventh year, known as Shemitta, literally, release referring to the mandated release of one's hold on the land and its produce once every seven years. It also refers to the release of all unsecured debts. I would like to first begin with some of the source material and background of the history of Shemitta. This is how the Torah describes the laws of Shemitta as it applies to the land. **I A p. 1** The Torah, in Parshas B'Chukosai, Leviticus Chapter 26, explains that the punishment for non-compliance with the laws of Shemitta is exile, as we now read from the Sifra, the Halachic Medrash to Parshas B'Chukosai: **B** And the end of the Book of Chronicles describes the plight of the exiles in the following manner: **C** And the Medrash Eichah Rabbah Perek Bais, gives us a further insight: **D p. 2** Evidently, the observance of the Shemitta year is to be taken quite seriously. In fact, it is evident that the whole continued settlement of the land is contingent upon observance of the Shemitta year. Now in addition to the prohibition of working the land, one is required to be mafkir, make public, any fruit grown on the land. And later in the year, at a time when a particular fruit is no longer available in the fields, one is required to release the remnant of that fruit which he had picked and stored and make them available again for the public and particularly for the poor. This is called "biur" or ridding oneself of the produce of the seventh year. The punishment for non-compliance for this is also severe, as we read **E 1)** and Rav Moshe Almonino in his

commentary Pirkei Moshe explained: **2)**: But it seems that after they returned to the land, at the beginning of the second Temple period, the Jewish people made a new commitment to adhere to the laws of the Torah in general and of Shemitta in particular, as we now read from the book of Nechemiah: **A page 2**. Throughout the second Temple period it is clear that they faithfully fulfilled their commitment, often with much self sacrifice as we read: **page 3** Now getting back to our story, it seems that over a year before the Shemitta year of תרמ"ט (1888-1889) the rabbinic leadership of the Chovevei Tzion movement was debating the need of finding some ground for a dispensation for allowing the land to be worked upon during the Shemitta year, as we read on page **4 A**. Now what grounds could there possibly be for allowing the land to be worked on the Shemitta year? One of the major sources of those who argued for a dispensation is the following gemora in Sanhedrin **B p. 5** Now you notice on page **6 (2** that according to Rashi, if the land would be owned by a non-Jew, then one could possibly hire themselves out to a non-Jew in Eretz Yisrael and work the land. According to Tosefos, one is not allowed. Also, according to one of the previous explanations of Tosefos, the laws of Shemitta may only be rabbinical in the present period, before the redemption, before Moshiach. This point seems to be quite widely held, as we now read from the Shulchan Aruch Yoreh Deah, as the law applies to terumah u'maasros, setting aside a portion for the kohanim, the priests, and for the tithes, as we read: **C p.6** And we see now from the following that there may well be a practical *nofka mina*, difference if at present the laws are mandated midoraiisa, by the Torah or miderabonon, rabbinically: **(2** Now, in addition, according to the following teshuva, response in Rav Yosef Karo's work, Avkas Rochel, land owned by a non-Jew in the seventh year is exempt from the laws of Shemitta, at least as it pertains to the fruit, as we now read **D**: It seems, though, from the following ruling of the Rambam, based on the gemora in Gittin סב. 62a that Tosefos in Sanhedrin quoted, that working the land is still forbidden on the seventh year, even on land owned by a non-Jew, as we now read: **E** I just wanted to give you a greater sense of the issues involved regarding issuing a dispensation. In the next lecture, which I hope, im yirtzeh Hashem, to give in the next season, we will further explore the various opinions, largely based upon these sources. But even if the laws of Shemitta do not apply to non-Jewish owned land, the land at the time, was owned by the Baron. Actually, it was legally placed in the name of the Baron's close associate, Michael Erlanger. For there to be any allowance, the land would have to be sold, at least temporarily, to a non-Jew. But is that allowed? And how valid is such a sale? Now regarding the permissibility of such a sale, those who wanted to issue a heter, a permit, had the following Mishna in Avoda Zara to contend with: **IV A** And as we see from **(2** this Mishna is authoritative. Now perhaps there would be grounds to say that Moslem Arabs who are monotheists are not subject to the prohibition of selling the land to idolators. However, there is strong evidence to contend that a non-Jew's status only changes through a formal conversion in a Bais Din to become a Ger Toshav, a resident ger or sojourner, upon making a formal declaration before the judges to adhere to the Noachide Laws and reject idolatry. Short of that, the non-Jew's status is the same as any idol worshiper in regards to living in Eretz Yisrael. In addition, the Rambam maintains that such a process is only in effect during the Temple period and not today, as we now read: **p. 7 B**

Based on all of the above we can now appreciate the difficulties involved in finding a solution to allow working the fields on the Seventh year, despite the ill effect of letting the land be fallow would have on the settlement project. The material here is too much for only one lecture, and we hope to continue next year. However, for the next part of this lecture, I would like to share with you some of the historical drama connected with the Shemitta of 1888-1889. Much of these same issues face Eretz Yisrael today and this issue is still the topic of much controversy. Now at the end of 1887 and at the beginning of 1888, both the secular leadership of the Hovevei Tzion and the representatives of the Baron Rothschild, fearing the devastation that would be caused by

letting the land go fallow, demanded the issuance of some sort of dispensation by the Rabbis in order to enable the settlers to work the land. We know from a letter sent by Michael Erlanger of Paris to the head of the Hovevei Tzion, Dr. Leon Pinsker, of his efforts to receive such a dispensation. The one that they turned to was the foremost halachic authority in Russia at the time, Rav Yitzchak Elchonon Spektor, the Chief Rabbi of Kovno. Because of the many halachic difficulties involved, however, he was reluctant to issue a definitive ruling. In fact, on the 22nd of Kislev 1887, Rav Yitzchok Elchonon sent a letter addressed to the foremost rabbanim of Yerusahalyim, Rav Shmuel Salant and Rav Yehoshua Leib Diskin, to ask them for their opinion. In addition he sought a copy of the work, *Shemen HaTov*, by a Sefardic scholar, Rav Mordechai Rubio, who had been a rof and rosh yeshiva in Chevron. The sefer, the book, was published in the year 1793. In that work Rav Rubio argued that in a difficult situation involving Shemitta, one is allowed to make a temporary sale of one's land in Eretz Yisrael, such as for a period of two years. This sale, according to Rav Rubio is equivalent to a permanent sale in regards to being considered as if it would owned by a non-Jew in regards to the laws of Shemitta, and yet, according to Rav Rubio, since it would only be temporary i.e. for a period of two years, one would be allowed to make such a sale and it would not be in violation of the prohibition of selling land to a non-Jew in Eretz Yisrael. Still and all, though, Rav Rubio did not allow a Jew to work such land on the seventh year. It was to be worked by non-Jews. Despite the pressure placed upon him by various factions, Rav Yitzchak Elchonon was still reluctant to issue a heter, a permit or dispensation. In order to facilitate the process and receive Rav Yitzchak Elchonon's official sanction for such a sale, at the beginning of 1888, three of the leading rabbis of the Hovevei Tzion movement met together in Warsaw, as we now read: **p. 8** - If you notice, there is no mention in this part of the heter, which I quote from the work, "*Maarochos HaShemitta*," by Rav Yaakov Chaim Dinkel, regarding the nature of the work or the identity of the workers, just simply the allowance of the sale of the land. In fact, although Rav Mohliver approved of having Jews work the land under such circumstances, Rav Yehoshua Trunk of Kotno, was opposed, as we will touch upon in the next lecture, *im yirzteh Hashem*. It seems though, from my research, that there was an additional clause in the agreement which read: - "It should obviously be understood that those colonists who are men of means and who can afford to hire non Jewish workers, should not themselves do work that is forbidden during the Seventh year. But the poor people who are unable to hire workers may do the work themselves, . . . but only in accordance with the instructions of the Beis Din in Yerushalayim who will instruct them on any question that may arise." This last clause would seem to leave the specific heter for a Jewish worker subject to the approval of the Yerushalayim Bais Din, which we will see was not willing to issue such a dispensation. - Now having issued their own heter for a sale, subject to the approval of Rav Yitzchak Elchonon, Rav Yitzchok Elchonon was now placed in a situation where he couldn't be silent. As a result, shortly afterwards, Rav Yitzchok Elchonon issued the following heter, permit: **p. 9** You see clearly that Rav Yitzchak Elchonon made use of the ruling of Rav Mordecha Rubio. And again, if you notice, Rav Yitzchak Elchonon did not make any mention of the identity of the workers on the seventh year. For all you know from the text, the non Jew who would buy the land would supply his own non Jewish workers during that year. This would insure that the land remain tended to and productive, thus not ruining the land. How the settlers would be employed or supported that year is left unsaid. However, since his heter, his dispensation was an approval of the psak, the ruling of the three rabbonim it was also interpreted as a heter for Jewish workers as well. - Now the secular members of the Hovevei Tzion as well as those close to Baron Rothschild, understood this heter, permit, to allow the Jewish workers to continue working the land without any reservations as if nothing had occurred. The following is a news bulletin issued by the secular leaning Hebrew language periodical, *HaMeilitz*: **p. 10** It seems also that Michael Erlanger, the Baron's close associate had the same impression. As a

result, he was very opposed to those settlers who worked the Baron's lands to rest on the seventh year. The following is a letter sent by Mr. Erlanger to Dr. Leon Pinsker the head of the Hovevei Tzion: Baron's close associate Michael Erlanger wrote to Dr. Leon Pinsker, the secular leader of the Chovevei Zion movement a Russia: "I don't know how the colonists will act regarding Shemittah. Six or eight months ago, we [Erlanger and Rabbi Zaddok Kahn] wrote to Rabbi Yizchak Elchanan Spektor and Rabbi Shmuel Mohilever. After serious deliberation, they ruled that working the soil was permissible if the land didn't belong to Jews. Those [colonists] who want to work may proceed in good conscience. If people still don't want to work, they are free to cease [working], but they will **not receive a special subsidy** in order to observe Shemittah. The ruling of the rabbis has been publicized and posted in the colonies." - Now a few months after the heter was issued, the rabbinate in Yerushalyim issued their own ruling, strictly prohibiting any form of work on the land. Since the ruling itself is quite lengthy, we are only quoting the letter written by Rav Yehoshua Leib Diskin and Rav Shmuel Salant as an addendum to the ruling of Yerushalayim's Bais Din, which was signed by 17 rabbanim: **p. 10 (1** In addition, the much respected Gaon HaRav Mordechai Gimpel Yaffe, formerly the Rov of Rozhiny, who had moved to Yahud, near Petach Tikva, and also a firm supporter of the Hovevei Tzion, the settlement movement, was fiercely opposed to the heter. Writing later during the Shemitta year, evidently reacting to the rumor that the only reason the rabbanim of Yerushalayim were opposed to the heter was not on strict halachic grounds but rather because they wanted to torpedo the whole settlement movement, as, in their opinion, it would inevitably undermine the Kollel Perushim and its support from outside of Eretz Yisrael. To this claim he responded: **(2 p. 11** Now this response from the rabbanim in Eretz Yisrael prompted the following letter from Rav Yitzchak Elchonon Spektor in regards to the heter mechira. By the way, from the letter itself you see the high regard in which he held Rav Shmuel Mohliver: **p. 12 -13** Im yirtzeh Hashem we will continue the saga of the Shemitta controversy next season as we continue on with the history of the Hovevei Tzion movement and later the Zionist movement and the opposition that they encountered from those of the Orthodox community who didn't wish to compromise their principles for the sake of the opportunity to effect the return of Jewry to Eretz Yisrael and the creation of a secure homeland for the Jews. **This concludes this year's lecture series: The return to Zion: Part Two. ה"ח in the coming years we will continue this saga of the great mesiras nefesh, self sacrifice, that went into making Eretz Yisrael the center of Torah and Yiddishkeit that it is today. Baruch Hashem, this lecture also marks the end of our twenty fifth season. We began in the fall of 1992. As in the past, I would like to take this opportunity to thank Dr. Mark Blumenkehl for all of his efforts. Without his continuing efforts, this lecture series would not have been possible. I would also like to thank Mrs. Rabinowitz for graciously helping us out. A special thanks to Rabbi Michael Cohen and the Young Israel of Oak Park for being such gracious hosts and a special thanks to Mr. Jerry Eizen for making sure that everything ran so smoothly. And, of course, to my wife Leah, who spends countless hours in editing and recording and making these lectures available to the community in the form of notes, MP3 CDs and tapes. Thank you all for coming and I hope to see you next season. A Guta Voch and a Gut Gebenchteh Yor. Now, are there any questions:**