

Keeping Shemittah From Abroad

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Case : Reuven owns an apartment in *Eretz Yisroel*, and it has a fruit tree outside. He lives in America and has no plans to visit *Eretz Yisroel* during *shemittah*.

Question: Are there any *hilchos shemittah* that he needs to know about?

Answer: Yes. There are several halachos he needs to be aware of.

First of all, we all know that on Shabbos there is a halacha called *amira l'akum*, which means that you cannot have a non-Jew do work for you. On Shabbos, that is an *issur d'rabanan*. On *shemittah*, however, many Rishonim hold that having a non-Jew do work on your land for you is *assur m'doraysa*. This is because the prohibition on *shemittah* is for any work to be done on your land, no matter who does it. In *yeshivish* parlance, it can be said that the *issur* is on the *cheftza*, rather than on the *gavra*.

Not only is it prohibited to ask a non-Jew to work on your land during *shemittah*, there is an obligation to tell him to stop if you are aware that he is working. Accordingly, if Reuven finds out that a non-Jewish caretaker is doing any kind of forbidden work on his tree, he must call him up and tell him to desist.

Secondly, there is a halacha that all land in *Eretz Yisroel* becomes *hefker* during the *shemittah* year. The Bais Yosef says that the land does not become *hefker* automatically. One must make a proclamation that he is being *mafkir* the land. The Mabit argues with the Bais Yosef and says that the land becomes *hefker* automatically and no action is needed on the part of the owner. According to the opinion of the Bais Yosef, Reuven would have to find out exactly how to make this proclamation and take the appropriate action, even though he lives in *chutz la'aretz*.

Thirdly, there is a halacha that it is forbidden to guard one's land during *shemittah* and everyone must be allowed to take fruits from the trees. Accordingly, Reuven would have to allow anyone who wants to pick fruit from his tree to do so, and he cannot allow any action to be taken to prevent people from doing so.