

*The night of Shavuos, 5767:
A kollel student and a
businessman sit and study
the laws of shmittah in the
Sadigura synagogue in Bnei
Brak. Near midnight, the
idea is born that will turn
any interested Jew, for a
nominal fee, into a
shmittah-observant farmer.*

by Avraham Zuroff with Chaim Schwartz

A balmy afternoon breeze blew across our faces. Cars sped past the country crossroads; some of the drivers cast astonished glances at the chareidi men walking around in the fields.

They capered between the fields, romped among the plots of land; it seemed as if they knew every square foot here. At least two of the men wore beaming expressions conveying fulfillment of a holy mission, as emissaries of a mitzvah.

Rabbi Mordechai Tirhoiz and Rabbi Simcha Margaliot, two Sadigura chassidim, were indeed on a mission to enable every Jew, no matter what his country of residence, to buy a *dunam* in a plot of agricultural land in Eretz Yisrael. When *shmittah* arrives this coming Rosh HaShanah, the purchaser, by not working his land and rendering its produce *hefker*, ownerless, will have fulfilled the mitzvah of *shmittah* in a practical fashion.

“Why should I buy land?” Rabbi Margaliot asks rhetorically. “The Torah requires one to fasten *tzitzis* to a four-cornered garment but it doesn’t require one to wear a four-cornered garment just to fulfill the mitzvah of *tzitzis*. Yet every Torah Jew wants to fulfill the mitzvah and feels that it’s meritorious.” In this vein, Rabbi Margaliot tells us that we should all look forward to observing the laws of *shmittah*.

“The Torah states: ‘And I shall bestow My blessing upon you’ for those who properly observe *shmittah*. There aren’t many mitzvos in the Torah that have a reward specifically mentioned,” Rabbi Margaliot continues, with passion in his voice. “How many people are running after ‘*segulos*,’ some of which have no

SHMITAH IS FOR

Photos: Uriah Tadmor

A labor of love. Rabbi Simcha Margaliot, on land purchased to offer the mitzvah of shmittah observance to one and all

ITTAH EVERYONE



source? Yet here [by *shmittah*], the Torah explicitly mentions that one will be blessed by keeping its laws.”

Idea Becomes Reality Rabbi Mordechai Tirhoiz, an *avreich* in a kollel in Achuzas Brachfeld in Modiin Illit, and Rabbi Simcha Margaliot, senior vice president of Linguistic Agents, a computer company owned and managed by Orthodox Jews, became captivated by this idea when studying the laws of *shmittah* together on the night of Shavuot.

“We asked ourselves,” Rabbi Margaliot said, “‘How is it possible for someone who is not a farmer or doesn’t have a garden, or yard, to keep this mitzvah on a practical basis?’” When they tried to translate the idea into reality, they realized that it would not be simple. They needed to formulate a contract that would answer the demands of both civil law and halachah. On the one hand, it had to be a real sale of land and not fictitious, on the other hand, the representatives of the purchasers needed to have complete control over the purchase and the eventual resale that would take place after *shmittah*, for they didn’t intend to hold onto the land.

They consulted Rabbi Shmuel Eliezer Stern, a halachic authority in the rabbinic court of Zichron Meir, under the auspices of Rabbi Shmuel HaLevi Vosner. Rabbi Stern is the rabbinic administrator of Chug Chasam Sofer kashrus certification, and the rabbi of western Bnei Brak.

“Your program has raised halachic issues that used to be merely theoretical,” Rabbi Stern told them. “From the moment that one wishes to fulfill a mitzvah, according to all the various opinions, his learning becomes different. He has a completely different outlook.”

In legal terminology, there is the concept of a trustee. Trusteeship allows people to own real estate without their name appearing in the contract. Only authorized authorities where the deed to the land is recorded know who the actual owners are.

Purchasers sign a power of attorney empowering a third party (the trustee) to buy the property for them and to register it in the name of the trustee, even though the purchasers are the actual owners.

However, without halachic validity, this procedure would be useless for the mitzvah of *shmittah*. “We went to Rabbi Stern and asked if there is a halachic equivalent to the idea of a trusteeship. It turns out that the halachic concept of a *shaliach* [emissary], corresponds closely with the legal status of a trustee. According to halachah, one can appoint a *shaliach* to implement many transactions on his behalf, among them, the purchase of property. The purchase accomplished by a *shaliach* is a complete purchase in every regard. To appoint the *shaliach*, one simply needs to make a *kinyan* (an action that symbolizes the acquisition) and the *shaliach* is appointed!”

Mitzvah Dance Armed with these insights, Rabbi Tirhoiz and Rabbi Margaliot went to work, first establishing a corporation, *Agudas Shomrei Shvi’is*.

Next, they began to comb Eretz Yisrael to find landowners willing to sell a portion of their land for one year. They relate: “We crossed the entire length and breadth of the country. Whenever we saw farmers on tractors, we stopped, and offered them the terms.” The pair thought that with such ideas they would soon be offered a place in the local psychiatric ward, but to their surprise, they found a receptive audience among many farmers who were happy to cooperate with the two chareidim who wanted to forge a bond of *achdus*, unity between Jews everywhere and farmers.

They also searched for arable land that was not already plowed and sowed, for without agricultural produce on the land purchased by corporation members, *shmittah* observance would be impossible. They found unused farmland in the Raanana area. The owners agreed to sell their land to the administrators of the new corporation. Some of them wanted the land back after *shmittah*, and others were happy to sell it and move on.

“When we spoke to the farmers, we saw their eyes light up. They were very excited to be part of the mitzvah for a complete year,” Rabbi Margaliot tells us, “and this year has an extra month. That’s thirteen months of a nonstop mitzvah. It’s extremely rare for a leap year to occur during a *shmittah* year.”

Following Rabbi Stern’s ruling, they hired an agriculturist to take responsibility for the new planting, which will include produce that grows quickly, including

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— Rabbi Yitzchok Zilberstein



Rabbi Mordechai Eliyahu reviewing the purchase contract



Rabbi Gershon Edelstein, rosh yeshivas Ponevezh buying a tract of land

radishes and turnips. One has to know when to plant each species; when it is permitted and when it is prohibited; when it is considered a product that was sown in the seventh year which is one of the forbidden labors of *shmittah*, and when it is considered a product of the sixth year, but the laws of *shmittah* still need to be observed for it. All the supervision and the careful halachic guidance take place under the auspices of Rabbi Stern, one of the generation's leading authorities on *shmittah*.

"The idea has excited people very much," says Rabbi Margaliot "to the point that completely secular Jews, whom we thought knew nothing about *shmittah*, wanted to help us; they helped us find appropriate land for sale, refusing to take a penny for their help."

After garnering support from farmers, the organization began to request letters of approbation for the project from the generation's Torah leaders and ask for their blessing. The response was overwhelming. Rabbi Boruch Dovid Povarsky, *rosh yeshivah* of Ponovezh, immediately bought a plot. Afterwards, he began dancing, exclaiming happily, "I bought land in Eretz Yisrael!"

Rabbi Chaim Kanievsky mentioned to Rabbi Margaliot that Rabbi Avraham Danzig, the Chayei Adam, in his book, *Shaare Tzedek*, recommends that Diaspora Jews appoint an agent to plant in Eretz Yisrael. This way they can fulfill the agricultural mitzvos that are unique to Eretz Yisrael.

Rabbi Yitzchok Zilberstein jumped up in excitement when Rabbi Margaliot mentioned his idea. "Now there's no reason not to participate in the mitzvah of *shmittah*. Finally, there's a way to give people the possibility!" he exclaimed.

When Rabbi Margaliot approached Rabbi Mordechai Eliyahu for his support, the rabbi replied, "The Ben Ish Chai preceded you. He appointed an emissary to buy land in Eretz Yisrael on his behalf." Rabbi Eliyahu then mentioned a responsum of the Ben Ish Chai on whether it is possible to appoint an agent for a mitzvah that one is not obligated in, like the agricultural mitzvos of Eretz Yisrael. The Ben Ish Chai responded that since he could technically make the trip from Baghdad to Eretz Yisrael, and would then be obligated in agricultural mitzvos, he could appoint an agent on his behalf.

"Perhaps this will be the key to the Redemption," Rabbi Eliyahu told the organizers. "I'll say more than that; in the merit of your efforts, maybe Mashiach will come before *shmittah* [begins]!"

Why did tens of Israeli residents, some with private gardens, decide to join the *Agudas Shomrei Shvi'is*? Rabbi Margaliot



The Sadigura Rebbe purchasing a plot of land through the *Agudas Shomrei Shvi'is*

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— Rabbi Simcha Margaliot

explains that most real estate sold in Israel is actually merely rented to individuals by the government for a period of forty-nine years. And technically, the Israeli government has the legal ability to refuse to renew the contract. Therefore, the land isn't completely owned by the individual. Since the Torah states that the mitzvah of letting the land lie fallow during *shmittah* is on one's own land, the plots procured by the *Agudas Shomrei Shvi'is* are not rented from the Israeli government, but fully owned. Thus, one can fulfill the mitzvah of letting your land lie fallow with *hiddur*.

Touching on the Redemption Rabbi Margaliot informs us that his idea has snowballed. He initially intended to limit membership to those who register via sign-up sheets posted in yeshivos. After advertising in several religious publications, the idea gained momentum, way beyond his expectations.

Although the corporation has just begun to publicize the project and sell the land, scores of phone calls are coming in from people who have heard about the idea and want to join. Not only residents of Israel are calling; many residents of the Diaspora are interested in having a portion and inheritance in Eretz Yisrael. Thus, even Diaspora residents who are unable to fulfill the agricultural laws of the Torah, the mitzvos that depend on Eretz Yisrael, can still fulfill the mitzvah of *shmittah l'mehadrin* (in the best way).

"An interested party phoned me," Rabbi Margaliot says, "and told me he was a new immigrant from America. One of the things he was so pleased about was his newfound accessibility to the mitzvos that depend on Eretz Yisrael. 'In *chutz l'Aretz*,' he told me, '*shmittah* was a subject resembling *korbanos* [sacrifices], something we hardly ever learned about. You know *shmittah* exists but that doesn't say much. But here in Eretz Yisrael we at least feel it; you are limited in which fruits or vegetables you buy; you have to keep the laws of *kedushas shvi'is* [the holiness of *shmittah* produce], in purchasing and sometimes in the home. Suddenly, you are touching on the laws of the Redemption!'"

Another surprise was the strong interest of farmers to join. "We were sure that for the farmers who already observe the laws of *shmittah*, the project would have no relevance. However, a portion of them told us that since this was the very best way to fulfill the mitzvah, 'why should we be deprived of the opportunity?'"

"This reminds us of the Divine promise to those who keep the *shmittah*: 'I will command My blessing to you in the sixth year as well,'" says Rabbi Margaliot. "The *gedolim* we visited told us that this *pasuk* is not only a promise for good produce in the sixth year, but also a general blessing for *parnassah* for anyone who participates in the mitzvah." ■