YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Masekhet Shevi'it**

**Shiur #19: Feeding Shemitta Produce to Gentiles**

**By Rav Moshe Taragin**

The Tosefta in Shvi'it (5:14) lists the individuals to whom shemitta fruit may be fed. These fruits may not be offered to a gentile or daily worker, but may be offered to semi-permanent workers and guests. What is unclear from the tosefta is:

1. Why can't a gentile be fed shemitta fruit?
2. Are gentile workers and guests allowed to eat of fruit?

The source of this Tosefta can be traced to a statement in the Sifra: "Ve-liskhirkha" (to your worker) – even a gentile, "Ve-litoshovkha" (to your resident) – even a gentile, "Hagarim imcha" (who reside with you) – including guests. Though the Sifra does not elaborate regarding the reason for this halakha, it is clear that a gentile who is not a worker/resident/guest may not partake of shemitta fruit. Only by entering into the Jewish 'home' environment may he partake of shemitta fruit.

The Mikdash Dovid (in Siman 59) claims that the reason for this prohibition is the indirect damage caused to shemitta fruit. As a gentile is unfamiliar with kedushat shvi'it laws, he might eat them improperly. By selling them to him, one assists in this process. This prohibition thus parallels the prohibition to export fruit according to the Ra'avad (see [shiur #18](http://etzion.org.il/en/shiur-18-export-shemitta-fruits-chutz-la-aretz)); in either case, one's actions augment the possibility that kedushat shvi'it laws will not be observed. Evidently, according to the Mikdash Dovid, if the gentile becomes part of your household it is more likely that these laws will be kept carefully.

The Rambam (Shemitta Ve-yovel Perek 5 halakha 13) cites this halakha without any explanation. Is it possible that he understood the prohibition along more fundamental lines that the very kedusha of shemitta fruits demands that they be eaten by Jews and not by others? Just as the kedusha determines how and where they are eaten (Eretz Yisrael), it also guides who may eat them. Permanent workers become part of the Jewish family structure and are hence allowed to eat, much in the same manner that Kohen-held servants are allowed to partake of teruma with their masters. Interestingly enough, in citing this halakha, the Rambam explains the allowance for semi-permanent workers: "they become part of the household." This would suggest that their leniency is based upon the degree of their formal integration into the family.

If this second approach is true, we might be more strict in handing out allowances for gentiles to eat. Whereas the concern of the Mikdash Dovid can be solved by placing the guest's eating under the supervision of his Jewish host, the second concern is more basic or structural. For example, though we might allow gentile workers to eat (since they have integrated themselves as part of the Jewish family), we might not allow gentile guests. In fact, there is much debate (even within the Sifra itself and certainly within the Rambam) as to whether the Tosefta allowed gentile guests to eat. Possibly, the Tosefta which allows guests to eat, was referring exclusively to Jewish guests. After all, a second Tosefta prohibits feeding 'boarders' with shemitta food because this is equivalent to paying off your debt with shemitta produce (which is forbidden because it resembles profiting from shemitta). In many instances, subjects of a monarchy were forced to house and feed soldiers of the king. Feeding these types of guests with shemitta produce would be prohibited as it is akin to paying off a debt. By contrast, the Tosefta (5:14) allows feeding casual guests in which a debt is not incurred. (See, for example, the commentary of the Rash to the Sifra, who explains the halakha in this manner). The Tosefta never extended this 'achsania' permit to a gentile because he hasn't sufficiently integrated himself into the household. In fact, when the Rambam cites the 'achsania' rule, he doesn't explain (as he did earlier, with regard to semi-permanent workers) that they are part of the household. Namely, the Rambam might not have viewed guests as sufficiently integrated to eat shemitta. They may eat - IF THEY ARE JEWISH - on their own account, and this practice does not violate the prohibition of paying loans with shemitta. Casual guests (despite the host's obligation to feed them and even if they pay for their lodging) do not create a legal debt. However, if the guests are gentile, they may not eat on the host's account since their temporary residence does not integrate them sufficiently.

A second question might pertain to a weekly worker. The Tosefta allows the following gentile workers to eat Shvi'it: one who works for an entire shemitta cycle, an entire year, an entire month, or an entire week. The only worker who is excluded is a daily one. The Rambam, however, omits a weekly worker from this allowance. The Pe'at Ha-shulchan assumes that the Rambam would endorse this rule, as well, but the simple reading of the Rambam suggests otherwise. Might the Rambam have adopted a stiffer standard than the Tosefta so that the worker can be viewed as an integral part of the Jewish family structure? Perhaps, according to the Rambam, a weekly worker cannot reach this degree of integration, and for this reason he may not partake of Shemitta fruit.