

Shemittah Simplified

■ I read Rabbi Mordechai Kuber's article on *shemittah* observance ("Shemittah for the Clueless," winter 2007) with interest, but was distressed to find two misleading statements.

Rabbi Kuber writes, "It is important to note that many rabbinic authorities maintain that the *heter mechirah* ... is no longer applicable today." While this statement is perfectly true, for the sake of balance, one would expect Rabbi Kuber to have added the following: "On the other hand, it is equally important to note that many contemporary rabbinic authorities maintain that current economic, security, social and other considerations *justify* the continued use of the *heter mechirah*, even today. It is beyond the scope of this article to rule on the validity, et cetera." The issue is highly complex and one gets the feeling that the *heter mechirah* was simply waved away.

Secondly, the section concluded with "The OU Kashrut Division does not rely on the *heter mechirah*." Period. No further comment. Despite the disclaimer about ruling on the validity of the *heter*, the above statement leaves the reader with the impression that the OU has *indeed* ruled on the *heter mechirah* and found it to be invalid. Rabbi Kuber should have stated that "considering the differing opinions regarding the *heter mechirah*, and in an attempt to serve the broadest number of *kashrut* observers, the OU has chosen not to rely on the *heter mechirah*."

Additionally, there are several basic issues that the author does not mention at all. A partial list includes:

1. There is a long and highly reputable list of contemporary *posekim* who support the *heter mechirah*, including Rabbi Ovadiah Yosef.

2. There is not the slightest doubt that wide-scale support of Arab agriculture (ironically called "*shemittah lechumra*") supports our most vicious enemies.

Because of this, there is a large community that finds the purchasing of Arab produce halachically objectionable—which it is. In addition, supervision of produce in Arab countries is difficult and therefore often questionable.

3. Otzar Ha'Aretz and other organizations have invested immense effort and huge sums of money to provide other, more stringent forms of *shemittah* observance, such as growing produce in hot-houses with no connection to the ground, produce sold through an *otzar beit din*, et cetera. Otzar Ha'Aretz and other such organizations are exceedingly well organized and their produce is widely available in religious communities, making Arab produce unnecessary. It's a pity this tremendous undertaking was not even mentioned in the article.

4. The *heter mechirah*, even if one personally chooses not to rely on it, provides at least minimum "coverage" against *shemittah* prohibitions for the general population and for our less-observant brethren.

5. According to Ramban, it is a mitzvah to eat the produce of the *shemittah year*, which is endowed with *kedushat shevi'it* (holiness). Produce sold by an *otzar beit din* enables us to fulfill this mitzvah. Both *shemittah lechumra* and the *heter mechirah* eliminate the opportunity to perform this mitzvah.

6. The article ends with "It is always a privilege to visit Eretz Yisrael, but during *shemittah* it is also a challenge." I would like to add that those who are privileged to *dwell* in the Land are able to meet the challenge of *shemittah*—no matter which *pesak*, *heter*, *kulah* or *chumra* they accept. I have no doubt that all find favor in the

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May we all be privileged to see the day when a majority of Jews return home to Eretz Yisrael, thus restoring *shemittah* observance to the status of a *mitzvah deOraita*, rather than the *mitzvah dera-banan* it is today.

Avraham Ganz
Jerusalem

Rabbi Kuber Responds

Your love of Eretz Yisrael is evident throughout your letter, but is most apparent in your closing remarks, where you yearn for the day when we have the opportunity to observe *shemittah* and all the Land-dependent *mitzvot* to the fullest extent. As an *oleh* for almost nine years, I fully appreciate and share your sentiments. In this article, I made a modest attempt at informing our brethren in the Diaspora about one of the wonderful, local *mitzvah* opportunities, of which they may only sample when visiting our Holy Land.

As the title of the article, *Shemittah for the Clueless*, indicates, we simplified and abbreviated many aspects of this complex subject in order to present it in a readable and understandable format. Consequently, this approach necessitated a somewhat superficial treatment of certain involved topics, including *heter mechirah*. Most certainly, we understood the need to provide a balanced perspective of the issue of the acceptability of the *heter mechirah* within the constraints of the article's format. Therefore, we began the discussion of *heter mechirah* by stating that it is still employed by Israel's Chief Rabbinate. We could think of no more prominent endorsement of *heter mechirah* than its continued acceptance by Israel's chief rabbis. For balance, we also mentioned that many authorities challenge its validity nowadays, and we did note that the topic is complex and has been more fully treated elsewhere.

Your points about avoiding Gentile agriculture because of security concerns and the difficulties of supervision are excellent.

You cite the good work performed by Otzar Ha'Aretz, which seeks to find ways to assist Jewish farmers during the

shemittah year. I am certain that you realize that Otzar Ha'Aretz is not alone in these efforts. Since it was impossible within the space provided to mention all the Sabbatical-year good doers, and to avoid the risk of offending those we might overlook, we chose to avoid the discussion of *shemittah* organizations and activities entirely, sticking instead to a basic overview of the *halachot* and their consequences.

Finally, regarding our brief mention of the OU Kashrut Division's policy regarding *heter mechirah*, we were deliberately concise so as not to create an impression regarding our halachic stance. As you correctly surmised, there are many factors considered before we arrive at a decision regarding the acceptability of any product. Of course, we cannot accept any product whose *kashrut* does not meet our standards. But even when it does, we must also consider our responsibility to the broad spectrum of kosher consumers who have relied upon the OU logo for decades as a guarantee of the highest *kashrut* standards. We presumed that our readership would correctly understand that this and many other considerations influence such decisions. Judging from your letter, I see that we did not underestimate our readers' acumen.

May Hashem grant us the opportunity to witness the day when the *Sanhedrin* will be reinstated, and Klal Yisrael will observe together one unified *pesak halachah*. Until then, let us consult our rabbis for personal guidance, and appreciate the words of the Sages: "These and those [opinions] are [all] the word of the Living God."

The Science vs. Religion Debate

■ In the winter 2007 issue of *Jewish Action* ("Knowledge in the Realm of Science and Knowledge in the Realm of Religion; Are They Different?"), Dr. Nathan Aviezer attempted to show that knowledge in science and knowledge in religion are not different. In order to make this argument, Dr. Aviezer redefined the very definition of science. For centuries science has been defined as a system

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based on observation and experimentation, whereas Dr. Aviezer redefined science as a system that “begins with theories and concepts” and suggests that “only after” formulating theories can facts be understood. Aviezer’s evidence for this definition comes only from the extremes of nature, e.g., subatomic particles and cosmology, concepts that are beyond our limits for either observation or experimentation. Therefore, Dr. Aviezer proves his point not by addressing the basic issue, but by redefining the premise to fit his argument.

The great majority of science is based on observation and experimentation. This includes biology, physiology, biochemistry, physics (other than most of subatomic and cosmology), anatomy, medicine, pharmacology, immunology, bacteriology, computer science, psychology, genetics, et cetera. In these branches of science facts are defined by observation and experimentation, and only after these steps are taken are theories formulated. Only in the very limited extreme areas of science described by Dr. Aviezer does science not work this way.

It is neither fair nor accurate to make generalizations based on branches of science that do not fit the generally accepted description of the great majority of science. A generalization is not proven by an exception.

What Dr. Aviezer showed was that systems that cannot be observed or experimented with, such as Judaism and quarks, are similar—but this does not hold for science in general. Science is based on observation and experimentation and religion is based on faith. That is, they are indeed very different systems of knowledge.

Ivan M. Lang DVM, PhD
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Dr. Nathan Aviezer’s article was enlightening and revealing.

I think one comment is appropriate: In scientific writing especially, we ought to get away from the word “religion.” It is a non-Jewish, narrow and limiting word,

and was never part of the Jewish vocabulary. We are an *am*, a people, a nation.

In discussing spirituality, the significant words in the Jewish lexicon are “*emunah*” and “*emet*.” *Emunah* does not mean belief; it means loyalty and affirmation. *Emet* means more than truth; it connotes certainty, reality. Our forefathers experienced God’s presence and miracles. They stood at the foot of Mount Sinai and heard the voice of Hashem.

The Jewish experience encompasses every aspect of life. Our service of God extends far beyond the synagogue and “religious” obligations—it extends to every area and aspect of society and humanity.

Rabbi Pinchas Stolper
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Dr. Aviezer Responds

Dr. Lang vigorously questions my thesis that science begins with theories and concepts, and that only after formulating theories can one understand the facts. He states that this thesis is false for “the great majority of science ... including biology, physiology, physics ... medicine, immunology, et cetera.”

I did not invent the famous phrase, “All facts are theory laden.” This aphorism is widely quoted by scientists to describe how the scientific enterprise works in practice. Leading researchers realize that without a theoretical framework, one cannot hope to understand what “facts” have been observed. Non-scientists are also aware of this principle. As the German philosopher and playwright Johann Goethe wrote: “We only see what we know.”

Many times in the history of science, the acceptance of an incorrect theory caused “facts” to be misconstrued. A well-known example relates to the nature of light. The incorrect classical wave theory of light, accepted throughout the nineteenth century, led scientists to misunderstand many experimental “facts.” In the twentieth century, the correct quantum theory of light showed that the “facts” that had been measured were actually

quite different than previously thought. Light is not a wave phenomenon at all, but rather a stream of quantum particles, called photons.

Turning now to the letter of Rabbi Stolper: I agree with most of it. However, I fail to understand why the word “religion” should be removed from our vocabulary in discussing Judaism. We all accept Rabbi Stolper’s statement that Judaism is much more than a religion, that “the Jewish experience encompasses every aspect of life ... far beyond religious obligations...” However, Judaism is *also* a religion, defined by my Merriam-Webster’s Dictionary as “a system of beliefs held with ardor and faith ... commitment to religious faith and observance.” This accurately describes an important aspect of Orthodox Judaism, which I deal with in my article.

Rabbi Stolper writes: “*Emet* means more than truth; it connotes certainty, reality. Our forefathers experienced God’s presence and miracles. They stood at the foot of Mount Sinai and heard the voice of Hashem.”

However, our contemporary generation did *not* stand at the foot of Mount Sinai and today we do *not* experience overt miracles. Therefore, our beliefs do *not* have the solid basis of certainty experienced by our forefathers. Do we have any rational basis at all for our beliefs? This was the question addressed in my article.

The question is important because current non-fiction best-seller lists include *The God Delusion* by Richard Dawkins and *God is Not Great: How Religion Poisons Everything* by Christopher Hitchens. These books, and others like them, assert that religious belief is based on nothing but “holy books” and traditions that describe miraculous events that supposedly occurred in the distant past for which there is no historical evidence whatsoever. These authors go on to state that religious belief is all nonsense and often worse. I wrote my article to show that this is not the case for Orthodox Judaism. **IA**

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