**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Halakha and Jewish History**

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**Shiur #** **30**

**1904: Second *Aliya – Avoda Ivrit***

***Must one purchase Jewish produce*?**

From 1904 to 1914, approximately 35,000 Jews immigrated to Israel. Most of the newcomers were from eastern Europe and some were from Yemen. Although antisemitic attacks in Europe at the time catalyzed the move for many, the *olim* of this wave were mostly Zionist idealists who arrived with the goal of settling and working the Land of Israel. This new wave also established an organization (Ha-Shomer) that trained Jews to defend themselves. This military training paved the way for the future Israeli army.

Unlike the *olim* of the first *aliya*, many of the immigrants were not religious. This created tension between the “old *yishuv*” and the new *olim*.

The produce farmed by the new *olim* had to compete with local Arab produce. The local Jewish farmers of the old *yishuv* preferred to hire the cheaper Arab workers and Arab guards (who were supposed to protect the Jewish fields). The new immigrants introduced a concept called *avoda ivrit* (Jewish labor), advocating a preference for hiring Jewish workers as well as only purchasing Jewish produce.

Leading Zionists such as Aaron David Gordon (1856 –1922) and David Ben Gurion preached and spread this philosophy in their speeches and writings. They emphasized physical work, as in farming the land, as an ultimate Zionist value. The new *olim* believed that only when Jews cultivate Israeli soil can they achieve true liberation from the *galut* mentality.

Rav Avraham Yitzchak Kook made *aliya* in 1904. He also supported *avoda ivrit* and encouraged the Jews of Israel to hire only Jewish workers.[[1]](#footnote-1)

Was this a halakhic ruling, or simply part of an effort by the new *olim* to encourage the community to support the Zionist dream of settling the land of Israel? Does it still apply today, when Jews and non-Jews are living together in a modern state where it can be difficult to differentiate between citizens?

This *shiur* will discuss whether it is halakhically required to support Jewish businesses rather than non-Jewish businesses. For example: should one choose to fly with an Israeli airline? Should one seek specifically to hire a Jewish plumber?

Although this question is also relevant for people living outside the land of Israel, applying the *halakha* in a modern democratic Jewish state raises new challenges which may not have been discussed in the past.

**Unique Considerations of Different Historical Periods**

Rav Moshe Zvi Neria, founder of Bnei Akiva and Yeshivat Kfar [Haroeh](https://en.wikipedia.org/wiki/Kfar_Haroeh), was a student of Rav Kook. He dedicates a chapter in his writings to Rav Kook’s approach to our question.

Rav Neria mentions that prominent rabbis outside of Israel had ruled that one must pay up to a third above the regular price for Jewish produce, and explains that Rav Kook argued against this ruling. He said it might be correct in the future, when there would be a Jewish state. However, in the meantime, claimed Rav Kook, the miraculous return of the Jewish people to the land of Israel required giving preference to Jewish laborers and Jewish produce with no limits.[[2]](#footnote-2)

In an article on the halakhic question of whether one must prioritize buying Jewish products today, Rav Shaul Yisraeli explained that he wished to examine the question in the context of regular times – not when the Jewish farmer is in danger of losing his livelihood. He also said that in the times of the “great *aliyot*,” supporting Jewish farmers is a fulfilment of the mitzva of *yishuv Eretz Yisrael* (settling the land of Israel).[[3]](#footnote-3)

These examples indicate the need to recognize that certain quotes and opinions that have been mentioned over the centuries are not necessarily relevant to our question today.

What halakhic sources might be relevant to our question?

**Mitzva of *Tzedaka***

One possibility is that our issue is connected to the mitzva of *tzedaka*. The Rambam explains that the highest level of giving charity is:

a person who supports a Jew who has fallen into poverty [by] giving him a present or a loan, entering into partnership with him, or finding him work so that his hand will be fortified so that he will not have to ask others [for alms]. Concerning this, ([*Vayikra* 25:35](https://www.chabad.org/9926#v35)) states: "You shall support him, the stranger, the resident, and he shall live among you." Implied is that you should support him before he falls and becomes needy.[[4]](#footnote-4)

One might suggest that hiring Jewish workers and purchasing products from Jews is the ultimate fulfillment of the mitzva of *tzedaka*. Furthermore, the rabbis have ruled that there are rules of preference regarding whom to give charity to. For example, the poor of one’s city take priority over the poor of a neighboring city. This hierarchy could be used to support a ruling that Jewish products (the poor of one’s city) take precedence over non-Jewish products (neighboring city).

However, if one wishes to apply this idea in modern times, one must remember that the rabbis also ruled that:

We provide sustenance and clothing for the poor of the gentiles together with the poor of the Jewish people, as an expression of the ways of peace.[[5]](#footnote-5)

*This* *halakha* suggests that: 1) one should not necessarily prioritize Jewish businesses over non-Jewish businesses, and 2) the idea of the “ways of peace” is a halakhic consideration that one should take into account regarding this issue.

It is possible that today, the “ways of peace” may take precedence in our modern Jewish State and play a major role in answering our question.

**Other Possible Sources**

In its discussion on the laws of *shemitta*, the Torah rules that:

And when you make a sale to your fellow Jew or make a purchase from the hand of your fellow Jew, you shall not wrong one another. (*Vayikra* 25:14)

The Midrash Halakha derives from these words that it is preferable to sell and buy properties and belongings to or from a Jew, rather than a non-Jew.[[6]](#footnote-6) Can one use this as a source to answer our question?

Rav Baruch Ha-Levi Epstein (1860–1941) notes that this source is only a moral suggestion and caries no halakhic weight.[[7]](#footnote-7) This observation is probably based on the fact that both the Rambam and *Shulchan Arukh* omit it in their books of law.

However, Rav Moshe Isserles (Rema) quotes this source in a *teshuva* regarding a famous copyright dispute that occurred during his time. According to the Rema, the *midrash* indicates one should give preference to Jewish businesses even if the price is higher![[8]](#footnote-8)

The Rema also quotes two other Talmudic laws to prove that one must even pay more for Jewish produce.

The first has to do with the mitzva to lend money to a fellow Jew. In a situation in which one has to choose between lending money to a Jew or to a non-Jew, Rav Yosef ruled that a Jew comes first.[[9]](#footnote-9) The Gemara questions the ruling because it seems obvious, and goes on to explain that Rav Yosef’s *chiddush* (new point) is in applying this rule even if it means one would lose the interest that would have been paid by a non-Jew (as it is prohibited to receive interest from a Jew).

This source clearly maintains that one must give preference to a Jew even if it means a financial loss.

The second source the Rema quotes is a Talmudic response to the Torah’s rule:

You shall not eat any carcass [i.e., an animal that dies on its own]. You may give it to the stranger who is in your cities, that he may eat it, or you may sell it to a foreigner. (*Devarim* 14:21)

The Gemara infers that although the Torah suggests that one may get rid of the carcass by either selling it to a non-Jew or giving it as charity to a *ger toshav* (a foreigner who accepts certain conditions to live peacefully in the land of Israel) it is preferable to give it to the *ger* *toshav*.[[10]](#footnote-10)

This last source again proves that one must prioritize supporting the livelihood of a Jew over a non-Jew – because if a *ger toshav* takes priority over a non-Jew, then all the more so when it comes to a Jew!

However, *Tosafot* argue that the Torah does not require us to sustain heavy losses by choosing to buy from a Jew. The Gemara’s case involves a carcass which has very little value; thus, giving it to charity rather than selling it does not involve a big loss for the Jew.[[11]](#footnote-11)

According to this view, one is required to buy from a Jew only if it involves a small loss. However, elsewhere Rabbenu Tam argued against that approach and claimed the requirement applies only if there is no loss at all involved![[12]](#footnote-12)

**What is the *halakha* today?**[[13]](#footnote-13)

As the topic of prioritizing Jewish businesses is not mentioned by Rambam or in the *Shulchan Arukh*, it is difficult to determine practical *halakha*.

Rav Yisrael Meir Kagan (the Chofetz Chaim) ruled that although one is not obligated to do so, it is a mitzva to buy and sell from and to a Jew, even if there is a small difference in price.[[14]](#footnote-14)

Chief Rabbi Benzion Uziel (1880-1953) ruled that preferring to do business with a Jew is a Rabbinic law which is applicable today. He said, however, that a ruling cannot be made regarding the amount one must pay to fulfill this mitzva; rather, it is a mitzva for Israeli society to give preference to Jewish businesses and to pay them the normative acceptable prices.[[15]](#footnote-15)

Rav Yosef Zvi Rimon dedicates an entire chapter in his book about *shemitta* to our question.[[16]](#footnote-16) The reason for this is that during each *shemitta* year, Jews living in Israel debate which type of *kashrut* solution for the purchase of fruits and vegetables is preferable. Some prefer the *heter mekhira* solution, in which the produce is grown by Jewish farmers,[[17]](#footnote-17) and some prefer only buying non-Jewish produce.

In this situation, should the halakhic preference for buying from Jews take precedence over halakhic concerns with the *heter mekhira* solution?

First, Rav Rimon explains that it is preferable to buy “*shemitta* produce marketed through *otzar bet din*[[18]](#footnote-18) or produce grown on detached bedding[[19]](#footnote-19) rather than to buy imported produce.” However, if one has to choose between relying on the *heter* *mekhira* solution to buy Jewish-grown produce or importing non-Jewish produce:

…we must take great effort to buy *shemitta* produce grown by Jews, and not to buy imported produce when doing so will harm Jewish agriculture in Eretz Yisrael.

Among the reasons for this ruling, Rav Rimon mentions that:

When we buy from Jews, we strengthen Jewish agriculture, helping to prevent it from collapsing so that we will continue to “eat of its fruit and satiate ourselves with its goodness”[[20]](#footnote-20) and not from imported produce.

And also:

Buying Jewish produce during the *shemitta* year is a way to participate in the observance of the mitzva of *shemitta*.

We have seen that rabbis debate whether the requirement to specifically buy Jewish produce is a halakhic matter or merely a moral suggestion. It would seem that today, one should try to support Jewish businesses when possible, as this is surely a fulfillment of the mitzva of *tzedaka*. During difficult times when other religious values are at stake, such as *yishuv* *Eretz Yisrael* and *shemitta*, it is clear that Jews should invest even more effort in supporting their fellow Jews.

1. See *Likutei HaRe’iyah*, Kfar [Haroeh](https://en.wikipedia.org/wiki/Kfar_Haroeh), 1991, pp. 284-288. [↑](#footnote-ref-1)
2. Ibid. pp. 279-280. [↑](#footnote-ref-2)
3. See *Chavat Binyamin* Chapter 22, p. 178. [↑](#footnote-ref-3)
4. Rambam, *Matnot Aniyim* 10:7. [↑](#footnote-ref-4)
5. Rambam, *Matnot Aniyim* 7:7. See Aviad HaCohen’s article on this matter, which can be found at https://daat.ac.il/mishpat-ivri/skirot/skira.asp?id=283. [↑](#footnote-ref-5)
6. *Sifra, Behar* 3. [↑](#footnote-ref-6)
7. *Torah Temima* *Vayikra* 25:14, note 84. [↑](#footnote-ref-7)
8. *Teshuvot HaRema* 10. [↑](#footnote-ref-8)
9. *Bava Metzia* 71a. [↑](#footnote-ref-9)
10. *Avoda Zara* 20a. [↑](#footnote-ref-10)
11. Ibid. s.v. *Rav* *Meir*. [↑](#footnote-ref-11)
12. *Tosafot Bava Kama* 114a, s.v. *ad*. [↑](#footnote-ref-12)
13. See Rav Shlomo Aviner’s summary of all opinions in *Techumin 32*, pp.127-137. [↑](#footnote-ref-13)
14. *Ahavat Chesed* 5:6-7. [↑](#footnote-ref-14)
15. *Piskei Uzie*l, Mossad Ha-Rav Kook,1977, pp.255-257. [↑](#footnote-ref-15)
16. *Shemita: From the Sources to Practical Halacha*, Maggid, pp.499-516. [↑](#footnote-ref-16)
17. See *shiur* #29 in this series. [↑](#footnote-ref-17)
18. A halakhic solution which involves selling *shemitta* produce through the Jewish courts. [↑](#footnote-ref-18)
19. A halakhic solution which argues that produce grown on earth that’s detached from the ground is permissible during *shemitta*. [↑](#footnote-ref-19)
20. From the *Berakha Me’ein Shalosh*. [↑](#footnote-ref-20)