**YESHIVAT HAR ETZION**

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

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**THE PHILOSOPHY OF *SHEMITTA***

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This shiur is available in the archives at:

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This week’s shiurim are dedicated in memory of Henry Lehmann z”l
by Richard Lehmann

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**Shiur #05: *Shemitta's* Obligation and its Implications**

**The Effects of Man's Actions on the Land**

In last week's lesson, we saw that in the wake of the flood at the time of Noach, God promises that the ground, *adama*, would no longer be held responsible for the actions of Man, *Adam*; nevertheless, the destiny of the Land of Israel would be dependent upon the actions of the Jewish people. The Torah illustrates this distinction by the use of the term *eretz.* Avraham is chosen by God and sent to “the land (*ha-aretz)* which I will show you,” and the promises to Avraham regarding his future and the future of his progeny are intertwined with that of the land. God specifically notes to Avraham the unique character of the Land of Israel, which is both a land of physical beauty and a spiritual storehouse. It is a special land, and it is the unique *adama* of the place of the holy altar in the Temple which is the special dust used for the forming of Adam's body. Even if all of humanity were no longer expected to maintain the standards necessary for survival upon the earth, Avraham and his descendants would be given a special land whose destiny is intertwined with theirs.

For this reason, the Torah repeats in numerous contexts that only a life of listening to the call of God will lead to successful living in the Land of Israel. This is the lesson detailed in the *Shema*, which dictates that man's actions will affect the *adama,* the ground God promised our forefather Avraham. It is repeated elsewhere as well, where the result of the performance of certain iniquities is contamination of the land and being spit out. One such instance involves the defiling of a Jewish girl:

Do not profane your daughter by causing her to act unfaithfully, so that the land not act unfaithfully and the land not be filled with lewdness. (*Vayikra* 19:29)

Rav Hirsch (ad loc.) explains the Torah’s warning that sinful human action affect the agricultural output of the Land of Israel:

The Earth, as a planet, has its place in the cosmos, but the Earth’s surface, which bears its fruit, is called *adama*, and the *adama* is wedded to man, “*adam.”* If man betrays his moral duty, then the land too will betray man. If man is careless with the choice fruit of his world, viz. the seed of man, the land too will withhold or spoil its fruit.

Although the message that man's actions will affect the way in which he lives in the Land of Israel is oft-repeated, there is still a special distinction in the way in which it is presented in *Parashat* *Bechukkotai*. The shocking description in *Bechukkotai* depicts a series of extreme steps taken in regards to the land as well on account of the sins of its Jewish inhabitants. It is not only that man's actions will result in a lack of rain, a defiling of the land, and expulsion; but at every stage, man will be struck, and the land will become more and more vulnerable and impoverished. The various stages of the curses which we will delineate culminate with a connection to *shemitta.* The land will be left desolate as if there were an extended *shemitta*:

I will scatter you among the nations and will unsheathe the sword to pursue you. Your land will be desolate and your cities in ruins. The land [*ha-aretz*] shall be appeased for its Sabbaths while it is desolate and you are in the land of your enemies; the land shall rest and have appeasement for its Sabbaths. All the days of its desolation it shall be at rest, according to the rest that it did not enjoy while you dwelt in it. (Ibid. 26:33-35)

The fact that the Land of Israel can be affected by man's actions notwithstanding, why is there such harshness, and what is the particular connection to *shemitta*? To answer this, we must examine the various factors at play.

**The Shabbat of the Land's Message**

Let's begin with Shabbat. We have noted that *shemitta* is referred to by different terms throughout the Torah. In both *Parashat* *Behar* and *Parashat* *Bechukkotai,* *shemitta* is referred to as *Shabbat ha-aretz*. Shabbat has a special place in the creation of the world. It is the culmination of creation as God rests, in the process indicating that the world had achieved its purpose. Essentially, it attributes spiritual significance to the physical world and gives it purpose and direction. For this reason, Rav S.R. Hirsch (*Bereishit* 2:1) points out that one of the messages of the weekly Shabbat is the spiritual purpose in the creation of the physical world. It stands as the crown of the world:

There is no gulf between physical nature and the moral world of man. The Shabbat was placed in the very midst of the natural world, as its goal and crowning perfection. The purpose of the earth is to be *adama*, the ground and realm of *Adam*, who, created in the image of God, is to rule over the earth according to His Will. The *adama* is wedded to *Adam,* as a woman is wedded to a man. The land blooms and rejoices with the moral blossoming of man; the land withers and mourns at the moral degeneration of its inhabitants. This truth, which runs like a thread throughout *Tanakh*, is rooted here, in the Shabbat narrative. With man's Shabbat, God completes creation; teaching about man's Shabbat is the final touch that Gods put on all His work.

The character of Shabbat also expresses itself in *shemitta*, especially when referred to as *Shabbat ha-aretz*. *Shemitta* is not only a Shabbat of the Land, but it is also a Shabbat of the Lord, a distinction shared only with the weekly Shabbat, and there is good reason to believe that it also teaches us how to merge the physical with the spiritual.

What Shabbat is to the world, *Shabbat ha-aretz* is to the *aretz.* The Shabbat of the Land is there to ensure that the Jewish people do not forget that their acquisition of the Land of Israel does not only serve as a physical acquisition but is accompanied by the recognition of the spiritual purpose behind the land. In the terms we have developed, a recognition that the Land of Israel is composed not only of *afar min ha-adama*, dust from the ground, but it is a unique *afar ha-aretz,* reserved for the nation that carries the banner of bridging man's physicality and spirituality. The Land of Israel has its center upon Mt. Moriah, the origin of the dust of man's body and the core of man's unique spirit, the place where heaven meets earth.

As the concept of *Shabbat ha-aretz* allows for understanding *shemitta's* role in merging the physical and the spiritual, the connection between the *mitzvot* of *shemitta* and the inheritance of the Land is no less important.

**The Natural Aspect of the *Shemitta* of the Land**

The deep-seated connection between *shemitta* and inhering the Land apparent from the way in which the Torah introduces the mitzva in *Parashat* *Behar*. The Torah states (ibid. 25:2-4):

When you come to the land which I shall give you, the land shall rest a Sabbath to God. Six years you may sow your field and six years you may prune your vineyard and gather in the produce. But in the seventh year the land shall have a Sabbath of complete rest, a Sabbath to God; you shall not sow your field nor prune your vineyard.

The obvious question is that this is not the correct order: first one plants for six years, so how can the opening verse speak of resting in the seventh year?

Rav Shelomo Yosef Zevin explains:

There is a difference between the Land of Israel and lands outside it with reference to the relationship between *mitzvot* and holiness. In lands outside Israel, holiness comes through the power of the *mitzvot*. The things that exist in the world do not contain any holiness, but it is through the fulfillment of the *mitzvot* involving these things that they become sanctified and improved… The opposite is true for the Land of Israel, as the *mitzvot* specific to the land come through the force of its holiness. “‘For the land is Mine’ — the holiness of the land belongs to me” (*Gittin* 47a)… It is the actual sanctity of the Land that brings about the obligations of those *mitzvot* which are dependent on the land. From this we may see that the power of *shemitta* is fixed firmly in the land, as a mitzva that is dependent on the Land of Israel.

After expanding on the inherent connection between the Land of Israel and its *mitzvot*, he continues:

*Shemitta* has deep roots in the essence and nature of the Land and its holiness. "When you come to the land which I shall give you," there already exists in this land through its resting in the year of *shemitta* when you arrive — "the land shall rest a Sabbath to God." This rest, in practical terms, comes after six years of work… In the seventh year, there becomes manifest in practice that which was latent in it from the beginning of its holiness.

If *shemitta* observance is so naturally manifested in the character of the Land, it isn't hard to believe that nonobservance results in exile.

**The Status of *Shemitta* and *Yovel* in Our Day**

If *shemitta* is naturally manifested in the Land given to the descendants of Avraham, it is also understandable that the relationship between the nation and the Land as expressed through *shemitta* may have broader implications in our day. We noted that the mitzva of *shemitta* appears in *Parashat* *Behar* immediately prior to a discussion of the mitzva of *yovel*, the jubilee year, which is observed after counting seven cycles of *shemitta*. It shares the agricultural laws of the *shemitta* year but includes other *halakhot* as well, among them the freeing of all servants. The verse in the Torah regarding the freeing of servants was memorialized in American history by being placed on the Liberty Bell, which was cast with the lettering (part of *Vayikra* 25:10) "Proclaim LIBERTY throughout all the land unto all the inhabitants thereof." The meaning is clear in that context, but what does it mean in the Torah? The Talmud cites a fascinating *baraita* which teaches a very important halakha based on these words.

The Talmud in *Arakhin* (32b) quotes a very interesting *beraita*, which serves as an important source in determining whether *yovel* was observed during the time of the Second Temple:

Upon the exile of the tribe of Reuven and the tribe of Gad and half the tribe of Menasheh, *yovel* was annulled, as it is written: “And you shall proclaim liberty throughout all the land unto all the inhabitants thereof” – during the time that all its inhabitants are on it, and not at a time that some have been exiled. Perhaps if they were all on it but mixed together — the tribe of Binyamin with Yehuda, and the tribe of Yehuda with Binyamin — *yovel* should be observed? We learn from “unto all the inhabitants thereof” – at a time that its inhabitants are settled properly, but not when they are mixed.

The Talmud here seems to formulate a unique requirement regarding *yovel* which will only be biblically mandated if all (or at least a majority) of the Jewish people reside in Israel, and the various tribes are all settled in their proper territories. Even when the Land of Israel is inhabited, if the settlement structure of the nation is not as it should be, then there can be no *Yovel*. Therefore, at least one opinion in the Talmud seems to state that even after Ezra returned with a portion of the nation and re-sanctified Israel as far as the agricultural *mitzvot* are concerned, nevertheless, *yovel* was not biblically mandated.

The commentaries dispute the exact understanding of this passage as well as its implications. Part of their discussion focuses on the historical question of whether there were representatives of all twelve tribes in the Land during the Second Commonwealth and whether that is sufficient. Other sources indicate that if *yovel* is not applicable biblically, then neither is *shemitta* (*Yerushalmi* *Gittin* 4:3). There is good reason to believe it is the basis for Rabbi’s opinion in the Talmud that *shemitta* in our time is only rabbinically ordained (see *Bavli Gittin* 36a, Rashi s.v. *Bi-shvi'it*).

In truth, there are four opinions regarding the status of *shemitta* in our day.

* There are opinions that *shemitta* still applies biblically (see *Sefer Ha-ittur, Pruzbol*).
* Others understand its obligation is *mi-divrei kabbala*, from the words of the Prophets, as the observance of *shemitta* was accepted by those returning to build the second Temple with Nechemya (*Nechemya* 10).
* A third opinion maintains that *shemitta's* obligation nowadays is rabbinic in nature for one of two reasons: either because the sanctity of the Land of Israel regarding all agricultural *mitzvot* in our day and age is only rabbinic (*Sefer Ha-teruma, Hilkhot Eretz Yisrael*), or because of the connection to *Yovel,* which requires the whole nation to be inhabitants of the land.
* A fourth opinion understands that *shemitta* in our day and age is not even rabbinically mandated; it is only *middat chasidut*, an expression of special piety.

While there is some disagreement, the modern-day consensus follows the third opinion: *shemitta* in our day is rabbinically mandated. This would seem to be the opinion of Rav Yosef Karo *(Beit Yosef,* YD 331, ruling on the matter and explaining the Rambam accordingly, although in his *Kesef Mishneh, Hilkhot Shemitta* 9:1, 10:9, he seems to understand the Rambam’s view to be that it is biblically required), and this is accepted by the primary contemporary halakhic authorities who have dealt with the question since the re-emergence of *shemitta* as a pressing halakhic issue in the late nineteenth century (Chazon Ish 3:8; Rav Kook; Rav Ovadya Yosef, *Yabbia Omer* 10:37). These authorities specifically rule that *shemitta* is rabbinic due to the connection to *yovel* and the need for the Land of Israel to be inhabited by all Jews, despite the fact that this is not a requirement for other *mitzvot* specific to the Land. But why would there be such a requirement regarding *shemitta* only?

One possible explanation is that other *mitzvot* specific to *Eretz Yisrael* are primarily focused on agriculture, and the holiness of the land is therefore critical. *Yovel*, however, contains an agricultural component as well as a social one. On the one hand, agricultural work is prohibited during *yovel*, just as it is prohibited during *shemitta*. On the other hand, all Hebrew slaves are set free at *yovel*, and land which was sold returns to its original owners. The laws of *yovel* allow those who suffered economically and were consequently forced to sell their property or themselves to regain that which they lost. People who lost their property and their freedom are able to rebuild their lives. This aspect of *yovel* is not rooted in the soil, but rather in an ethical, social ideal to which the Jewish people should aspire.

The ethical sensitivities that inspire these laws always apply. However, *yovel* and its laws are binding only when the vision of *yovel* can be realized. When some of the tribes are no longer in *Eretz Yisrael*, the nation can no longer function as an organic whole, and the vision of “liberty throughout all the land unto all the inhabitants thereof”” is no longer attainable. The socio-ethical component cannot be achieved, and *yovel* as a complex idea cannot be implemented. Put simply, the agricultural component cannot be applied independently of the social component. Therefore, there is no *yovel* when freedom for all the land’s inhabitants cannot be fulfilled.

According to the ruling that *shemitta* is only observed rabbinically due to the lack of sufficient Jewish inhabitants, the extent of the implications of the verses in *Bechukkotai* recorded above are even more astounding. To a certain degree, the destruction of Israel and the exile of its inhabitants is not only significant insofar as the punishment is concerned, as it has implications for the applicability of the mitzva of *shemitta* itself. As the Jews as a people are kicked off the land due to their actions, the *mitzvot* of *shemitta* and *yovel* actually cease to be obligatory; the land loses a mitzva integral to its character and deeply implanted in its nature. Why would that be?

In order to understand this. we have to unlock a little bit more regarding the connection between *shemitta* and the curses discussed in *Parashat Bechukkotai*.

***Behar* and *Bechukkotai*: A Shared Message**

The relationship between *Behar* and *Bechukkotai* goes way beyond their placement next to one another. As we have noted, the Torah connects the horrifying results depicted in *Bechukkotai* to the failure to properly observe the *Shabbat ha-aretz* described in *Behar*. The Torah goes out of its way to teach us that both were taught upon Mt. Sinai (*Vayikra* 25:1, 26:46, 27:34) and constantly repeats the number seven in both contexts. Further, there are parallel verses (compare 25:18-19, and 26:3-5, and the *berakha* regarding *shemitta* 25:20-22). Rav Yair Kahn ([http://vbm-torah.org/archive/parsha71/32-71*Behar*.htm](http://vbm-torah.org/archive/parsha71/32-71behar.htm)) beautifully illustrates some of the parallels and reasons:

Evidently, *shemitta* and *yovel* provide the eyeglasses that allow for life in *Eretz Yisrael* with a recognition of it being the land of Hashem (25:23). They describe a religious ideal of human faith reciprocated by divine providence. They contain a promise of a relationship between Hashem and Yisrael. And therefore they are a context for attaining the *berakhot* of the covenant.

These parallels focus on the *berakhot* (blessings) bestowed upon the nation in the Land of Israel when they fulfill the will of God. However, the ensuing *tokhacha* details the unfortunate results of the opposite reality, when the Jewish people don't uphold their part of the bargain. What is interesting to note is that this punishment is not instantaneous, as the verses detail a five-step process, with incremental levels of punishment. As the penalties become more severe, the Torah reveals a further level in the relationship between the land and the people.

Thus, God does not merely punish the nation with expulsion at the first sight of iniquity; there is a progression. The *tokhacha* lists five stages of development, the first four of which, involving catastrophic repercussions within the Land of Israel are essentially calls to improve before the fifth stage of a destroyed Temple and exile.

In short, the first four of the five stages are as follows:

1. The first stage involves illnesses and losing sovereignty to one's enemies. There is still a harvest and planted things grow, but not for the nation, as enemies eat the agricultural harvest. The nation becomes impoverished, but does not begin to die.
2. The second stage (26:9) is characterized by a drought and famine, where planting is futile, but what has already grown is available for harvest.
3. The third phase denotes another sevenfold punishment including death by beasts (26:22). One might suggest that this refers to the beasts who were not able to enjoy the produce which was to be left for them during the *shemitta* year.
4. The fourth phase introduces the avenging sword (26:6) with war and bloodshed.

All of these stages appear in the Torah in one paragraph, with the Torah starting a new paragraph for the fifth and final stage. In this stage, the famine is so fierce that parents devour the flesh of their own children. The cities are laid waste and the Temple is destroyed. The people are sent into exile and the land becomes desolate due to nonobservance of *Shabbat ha-aretz*.

Evidently, this fifth stage is a disaster that God wants to avoid at all costs. He, therefore, sends four stages of divine messages; informing us that our behavior will not only result in personal punishment, but the land too will be affected. When the message is not received, and the nation continues with its inappropriate behavior on the land, the only option left for God is the fifth stage: expulsion, desolation, and destruction.

One who reads the verses carefully also notices another message; as much as the first four stages are warnings, once the fifth stage arrives it is too late for penitence. Even though there is a mention of some measure of confession and repentance (26:40), the results of the people’s intransigence are unavoidable: it is too late to turn back the destruction.

If we backtrack, we find that while the Torah consistently links the bounty of *Eretz Yisrael* with the behavior of its Jewish inhabitants, it is only regarding *shemitta* that the Torah presents a step-by-step description which illustrates the stages of punishment, including the effects on the land of the nation's misbehavior. Why is it *shemitta* which is chosen for such a lesson? It might be due to the Shabbat aspect, merges the physical and the spiritual, and is illustrative of the inherent connection between *shemitta* and the Land. *Shemitta* is a mitzva whose very existence is dependent on the nation inhabiting the land and settling it according to the tribes. Therefore, it is only proper to illustrate the nation's forced exile through the *shemitta* imagery which the Torah employs.

Thus, the Torah clearly states that nonobservance of *Shabbat ha-aretz* is the cause of the land’s desolation; due to the sins of the nation, the land will finally rest. This is more than just a depiction of what would and ultimately did happen to the people and the land; as mentioned above, it is the cause of modern-day *shemitta* observance being only rabbinical in nature. Nevertheless, surprisingly, a number of commentators view this as not just a horrifying historical commentary, but also a reason for hope. The Ramban goes as far as to call it "a good tiding." How could that be? We hope to explore this next week.