**YESHIVAT HAR ETZION**

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

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**THE PHILOSOPHY OF *SHEMITTA***

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**Shiur #21: The Disputed Interpretation**

In our last lesson, we discussed the dispute between Rabbi Akiva and Rabbi Yishmael regarding the following verse in *Parashat* *Ki Tissa*:

Six days you shall work, but on the seventh day you shall rest [*tishbot*]: in plowing and in harvesting*,* you shall rest. (*Shemot* 34:21)

Rashi (ad loc.) cites the Tannaitic dispute regarding the proper interpretation of the verse. The view that the verse refers to *tosefet* *shevi'it*, expanding the sabbatical year, is found unattributed in Mishna *Shevi'it* and then in the Talmud (*Rosh Hashana* 9a) in the name of Rabbi Akiva. Once Rabbi Akiva has this biblical source for the concept, he uses it as the basis for adding to all periods of holiness, e.g. *tosefet Shabbat.* Rabbi Yishmael on the other hand reads the verse simply as a reference to weekly Shabbat.

As noted in the previous lesson, Rabbi Yishmael agrees that there is a concept of *tosefet* *shevi'it*, although he derives it from an oral tradition, a Mosaic law from Sinai*.* Rabbi Akiva too derives some of the particulars of *tosefet* *shevi'it* from an oral tradition, which indicates that the use of this particular verse may provide insight into its rationale and purpose as well. This notion is further substantiated when the Talmudseeks Rabbi Yishmael's source for *tosefet Shabbat*, instead of relying on the Mosaic tradition.

Before analyzing the deeper nature of *tosefet* *shevi'it*, let's take a look at its general laws.

**What is *Tosefet* *Shevi'it*?**

Chronologically, *tosefet* *shevi'it* is the first part of *shemitta* that one confronts and the last part of *shemitta* that one experiences. It is only logical for the tractate of Mishna that deals with the issues of *shemitta*, *Shevi'it*, to open with it.

The other biblical passages give no indication of extending *shemitta* beyond the seventh year. *Tosefet* *shevi'it*, based on this verse or an oral tradition, means that some laws apply earlier, particularly a prohibition on plowing prior to the seventh year. From the Mishna in *shevi'it* and *Mo’ed Katan* 2b-3b it is clear that although biblically the prohibition of plowing prior to *shemitta* lasts only thirty days, this is rabbinically extended to an even longer period. Essentially, from the point at which plowing is no longer performed for the benefit of the sixth year’s crop, but as preparation for planting in the seventh year, it is prohibited. The Mishna therefore distinguishes between grain fields, for which the prohibition begins on Pesach of the sixth year, and orchards, in which it begins only from the festival of Shavuot.

Interestingly, the Mishna (*Shevi'it* 1:6) points out that in a situation where one has ten young saplings planted in the area of a *beit se'a* (50 square cubits), then one can continue to plow the entire field containing these saplings until Rosh Hashana, i.e., the laws of *tosefet* are not applicable. The Talmud explains that the basis for such a dispensation is a Mosaic tradition from Sinai. Since it is a necessity for these young plants to continue to grow, plowing is permitted even during the thirty-day period.

Additionally, the Talmud states that only biblically prohibited *melakhot* are forbidden during this period, but rabbinical ones are permitted until Rosh Hashana. Tosafot (*Avoda Zara* 50b, s.v. *U-mashkin*) take this idea one step further and states that even biblical *melakhot* are not all prohibited during *tosefet shevi'it*, but only those that are classified as *avot*, planting and harvesting, not pruning and gathering grapes, which are only defined as *toladot*.

The Talmud also notes that the oral tradition includes the condition that the laws of *tosefet* *shevi'it* are only biblically mandated so long as the Temple is standing, but not after its destruction. Nevertheless, these laws were maintained until the time when Rabban Gamliel and his court determined that they were no longer binding.

*Tosefet* *shevi'it* is technically limited to thirty days prior to Rosh Hashana, but the first two chapters of *Shevi'it* give a much fuller understanding of what it entails. All these restrictions are connected to plowing, as the verse in *Ki Tissa* mentions resting from plowing (before) and harvesting (after). All plowing of fields of grain is to cease after the Pesach prior to *shevi'it*, while plowing of orchards is allowed until Shavuot. After Shavuot, however, all plowing must be terminated (except for the special exception for ten saplings).

The reasons for the distinctions regarding the permissibility of plowing for different forms of fields relates to how closely we view the plowing as a means of softening the earth for later planting (which should not be done in the seventh year) and how much we view it as a means of maintenance for the existing trees, ensuring their continued growth. As the Rambam puts it:

It is a law conveyed to Moshe at Sinai that it is forbidden to work the land in the last thirty days of the sixth year, just before the sabbatical year, as in doing so one is preparing [the land] for the seventh year.

Essentially, the period of *tosefet* *shevi'it* requires that one contemplate whether actions in the field at the end of the sixth year are necessary for that which is already growing or preparation for the growth of the seventh year.

**Additional Restrictions during the Sixth Year**

All of these laws pertain to the permissibility of plowing during the end of the sixth year, due to *tosefet shevi’it*. However, there are other acts prohibited before *shemitta* starts. For instance, the Mishna (*Shevi'it* 2:6) states:

One may not plant, sink or graft [trees] on the eve of the seventh year less than thirty days before Rosh Hashana. If one planted, sank or grafted, it must be uprooted.

The Mishna mentions a prohibition of planting and doing similar acts for thirty days prior to Rosh Hashana, while other opinions vary as to the time:

Rabbi Yehuda says: Any grafting that does not take root within three days will never do so. Rabbi Yosei and Rabbi Shimon say: Two weeks.

In other words, in addition to the prohibitions of plowing and preparing the field, which are in force even before the *shemitta* year begins, planting, sinking and grafting are also forbidden for anywhere from three days prior to Rosh Hashana (Rabbi Yehuda), to two weeks (Rabbi Yosei and Rabbi Shimon), to thirty days (the Sages).

The Rishonim discuss the nature of this prohibition and its relation to *tosefet* *shevi'it* regarding plowing itself. There are primarily three different explanations offered which can be useful for understanding the nature of this law:

1. The Rash (ad loc., as well as others) understands that this is also a restriction based on *tosefet* *shevi'it*. According to this understanding, the three periods mentioned in the Mishna might be in addition to the thirty day period of *tosefet shevi’it*; thus, planting is restricted between 33 and 60 days prior to Rosh Hashana. Secondly, if these laws are predicated upon the principle of *tosefet* *shevi'it*, then they would no longer be in force after the Temple's destruction, and one would be permitted to plant trees right up until the beginning of the *shemitta* year.
2. The Rambam (ad loc.) offers an entirely different explanation, as he reasons that the restriction is rooted in the fear that one's actions will be misinterpreted — *marit ayin*, the appearance of performing a prohibited activity. He explains that they would therefore still be applicable in modern times (*Hilkhot* *Shemitta* 3:11).

Even nowadays, one may not plant a tree, sink or graft on the eve of the seventh year, unless the planting will take root thirty days before Rosh Hashana of the seventh year, and taking root generally requires two weeks.

This is always forbidden due to the appearance of impropriety, lest an observer say that it was planted during the seventh year.

1. A third explanation is offered by Rabbeinu Tam (Tosafot, *Rosh Hashana* 10b, s.v. *Sheloshim*), highlighting the unique nature of the *shemitta* year. He explains that the prohibition is not connected to the law of *tosefet* *shevi'it*. Rather, the prohibition to plant during the *shemitta* year includes restricting one from planting in the sixth year in a manner that will cause a plant to take root during the *shemitta* year. Therefore, there is no need to wait an additional thirty days to ensure that the plants do not take root during *tosefet* *shevi'it*; the only prohibition is causing plants to take root during the *shemitta* year itself. According to our ruling in accordance with Rabbi Akiva, this would mean that one could plant up to fourteen days prior to Rosh Hashana.

Although Rabbeinu Tam explains that the limitations on planting are not related to *tosefet* *shevi'it*, they share the same rationale as the prohibition regarding plowing: improving the land for growth during *shemitta*.

Whether we understand *tosefet* *shevi'it* as extending *shemitta* or recognizing the effects of actions in the sixth year upon the crops of the seventh, this period restricts that which will be felt during the seventh year.

Yet, this quick overview of *tosefet* *shevi'it* and the restrictions in the sixth year only provides a piece of the puzzle, as this period of restriction is rooted in an extended period of holiness according to Rabbi Akiva and actually serves as the model for extending periods of holiness.

***Tosefet* *Shevi'it* as the Source of Expanding Holiness**

According to the above-mentioned Talmudic passage, Rabbi Akiva’s notion of *tosefet* *shevi'it* has further ramifications. What about Rabbi Yishmael? How does he derive the concept of *mosifin me-chol al ha-kodesh*, the notion that we extend periods of holiness into the time before and after them? He uses a verse regarding Yom Kippur, as we discussed during our previous lesson.

According to the simple understanding of the Talmud as accepted by the Sephardic sages(though questioned by Acharonim such as Rabbi Akiva Eger and the Turei Even), Rabbi Akiva uses *tosefet* *shevi'it* as template for *tosefet Shabbat* and the like. There are a number of questions with this reading of the Talmud. Firstly, as noted, Rabbi Yishmael also has a source for *tosefet* *shevi'it*, albeit from an oral tradition; why does that not serve as a source for the more general concept of *mosifin me-chol al ha-kodesh* (viz. Tosafot, *Rosh Hashana* 9a)? Secondly, why does Rabbi Yishmael require a Mosaic tradition as a source for *tosefet* *shevi'it*; if Rabbi Akiva can use his source for *tosefet* *shevi'it* for *mosifin me-chol al ha-kodesh,* why can't Rabbi Yishmael do the reverse?

Thus it is clear (as some Rishonim indicate) that Rabbi Akiva's concept of *tosefet* *shevi'it* is indeed radical and has a number of ramifications. It not only restricts agricultural work during the concluding period of the sixth year; it mandates extending the *kedusha* of *shemitta* beyond the seventh year. In fact, it even serves as the archetype for extending *kedusha*, teaching us that holy periods, *shemitta*, Shabbat or Festivals, should be felt before and after, and their messages should expand beyond their borders.

This may answer the question posed by some Acharonim: how can *tosefet* *shevi'it,* which only applies to agricultural work, teach us about the wide-ranging labors of Shabbat? Some Rishonim (e.g. Baal Ha-maor) state that even Rabbi Akiva must eventually derive the concept of *mosifin me-chol al ha-kodesh* from Rabbi Yishmael's verse regarding Yom Kippur, but most accept the simple reading of the passage: Rabbi Akiva uses *tosefet* *shevi'it*. The reason might be based on what we said above. *Tosefet* *shevi'it* is rooted in the extension of the holiness of the *shemitta* year to the mundane periods surrounding it, and that is the root of the laws of the *tosefet shevi’it* period. Therefore, although the laws might be different if the period is *shevi'it* or if it is Shabbat, nevertheless, the concept of *mosifin me-chol al ha-kodesh* is identical.

The notion that we might view the period of *tosefet shevi’it* as an actual extension of *shemitta* is raised by Tosafot (*Mo’ed Katan* 3b s.v. *Yilkeh*) in a different context, as they try to explain why there is at least an initial thought in the Talmud there that one would receive lashes for performing *melakha* during the period of *tosefet* *shevi'it*. Tosafot explains that although lashes are only given for violations of negative commandments and *tishbot* is a positive command, nevertheless the term might be viewed as a clarification indicating that "the seventh year begins in the sixth, and all sabbatical laws apply then.”

It may be that *tosefet* *shevi'it* is not viewed by all commentators as an extension of *shemitta* into the sixth; that classification may in fact be dependent on the two sources for *tosefet* *shevi'it* brought respectively by Rabbi Akiva and Rabbi Yishmael. Nevertheless, the simple reading of the Talmud definitely indicate that this is the basis of Rabbi Akiva's view: *shemitta* begins early as its extended holiness requires that one be cognizant of the effects that one's actions in the sixth year will have on the seventh. The Talmud Yerushalmi (*Shevi'it* 1:1) even phrases Rabbi Akiva's derivation as "plowing to be harvested in the seventh,” i.e., the prohibition is on plowing land whose produce would normally be harvested during the *shemitta* year.

**Practical Guidelines of *Tosefet* *Shevi'it***

On a practical level, obviously someone who is a farmer will have to prepare well in advance of *shemitta*, not only because his activities are limited in the seventh year but because he must maximize his output in the sixth. Clearly, guidelines for the farmer are beyond the purview of these lessons. However, there are applications of *tosefet* *shevi'it* even for those who are not farmers, but are privileged to own property with a garden of some sort in the Land of Israel.

Without dealing with the specifics, the restrictions will include what one is permitted to plant, as discussed in the Mishna. Here halakhically one will find distinctions between planting flowers, vegetables, fruit-bearing trees and non-fruit-bearing trees.

Additionally, prior to the onset of the *shemitta* year, any preparations not for planting or plowing that can be done in advance of *shemitta*'s arrival should be performed, such as setting the timer for one's sprinkler system for the *shemitta* year, fertilizing one's grass, pruning one's trees and the like, the specifics of which are, again, beyond the purview of this series.

Yet one thing should be clear; the basis of these restrictions is the desire and even the mitzva of *mosifin me-chol al ha-kodesh,* extending the *shemitta* experience. The basis of this period is not the restrictions but the positive aspects of a time dedicated to the goals of *shemitta* even prior to its advent.

This is especially true according to Rabbi Akiva, who reasons that *tosefet* *shevi'it* serves as the archetype for extending the holy time into the mundane, spreading the sanctity of Shabbat into the mundane days of the week; *tosefet* *shevi'it* is not only an extension of holiness in time, but extending the holy aspects of *shemitta*, restricted to a specific place, into the sixth year as well.

***Tosefet* *Shevi'it* vs. Other Forms of Extension**

*Tosefet* *shevi'it* serves as the model for *tosefet* *Shabbat*, and therefore a number of laws are derived from it. For instance, regarding the time which can be added on to the weekly Shabbat for *tosefet*, the Rema (*Darkhei Moshe* *OC* 261:1) cites the Maharach Or Zarua, who says that the period of *tosefet* *Shabbat* should be identical to the period of *tosefet shevi'it;* just as the extension of *shevi'it* is one month, a twelfth of the entire *shemitta* period, so too *tosefet Shabbat* should be two halakhic hours, which also equals one twelfth of the Shabbat.

This might even be the basis for the Midrash's pointing out that added words in a verse regarding Shabbat might be necessary according to Rabbi Akiva to indicate that even after we derive *tosefet* *Shabbat* from *tosefet* *shevi'it*, they are not the same.

The Mekhilta De-Rabbi Yishma'el (*Vayakhel* 1) expound the final phrase of *Shemot* 35:3, "You shall not kindle a fire in all your dwellings on the Sabbath day", indicating that only on Shabbat itself is it forbidden to kindle a fire, on behalf of Rabbi Akiva. Since he understands that *tosefet shevi'it* is the source of *tosefet Shabbat,* he requires a verse stating that the prohibition of *melakha* only begins on the Shabbat day itself, and not beforehand. Due to the connection between them, one might have thought their laws are identical. Even according to Rabbi Akiva who uses *tosefet* *shevi'it* as the source for the concept of *tosefet* *Shabbat*, there are significant differences between them.

In fact, the Meshekh Chokhma explains that this derivation is necessary according to Rabbi Akiva in order to explain why we don't use *shemitta* as a model for Shabbat, telling us that no *melakha* can be performed on *Erev Shabbat*; the concept of *tosefet kedusha* is a call to add on time to Shabbat, but in its own right it doesn't restrict *melakha* before Shabbat.

*Tosefet* *Shabbat* applies wherever one might be, and therefore, is understandably classified as a *chovat gavra*, a personal obligation incumbent upon each individual. *Tosefet* *shevi'it*, on the other hand, is restricted to the area of the world in which there is *shemitta*, and since the sabbatical year is only applicable in the Land of Israel due to its holiness, so too the *tosefet* of that year is only applicable in the Land of Israel. There is good reason to believe that this generates a fundamental distinction regarding the nature of these two additional holy times, as pointed out by the Chatam Sofer (*Rosh Hashana* 9a) who explains that the distinction between *tosefet* Shabbat and *tosefet* *shevi'it* can be understood based on their respective focuses. Regarding Shabbat, we rule in line with the opinion of Beit Hillel, that one is permitted to set up the mechanism for a *melakha* which will continue into Shabbat or conclude on Shabbat, as long as one's personal involvement in the *melakha* is completed prior to the onset of Shabbat.

However, regarding *shemitta* the laws are different, as we see. Especially according to Rabbeinu Tam, and partially the Rambam as well, the nature of the prohibition regarding *shevi'it* is improving the ground during the *shemitta* year, which essentially prohibits even acts which are completed prior to the onset of *shevi'it*, so long as they will cause benefit to the ground during *shemitta*.

The Chatam Sofer explains that this discrepancy between Shabbat and *shevi'it* is actually rooted in the distinction between their natures. The focus of weekly Shabbat is man himself, and therefore, as long as man does not perform *melakha* on Shabbat itself, there are no restrictions (at least biblically) on what he does prior to the onset of Shabbat, even if on Shabbat itself there will be direct benefit from his *melakha*.

Regarding *shevi'it*, however, the focus is not upon man but the land itself, as it is *Shabbat ha-aretz*, and the land must take part in the resting. Therefore, any *melakha* performed prior to *shevi'it* that will directly affect growth during *shevi'it* may be subject to restriction.

The aspects of *tosefet shevi'it* discussed in this lesson focus on the restrictions on work during the conclusion of the sixth year which will impact growth during the seventh. The additional focus of this period, though, is the holiness which may be extended to a mundane period through the concept of *tosefet kedusha*. The Talmud sees this as Rabbi Akiva's prime innovation in utilizing the verse in *Ki Tissa*. In our next lesson, we'll conclude our discussion of the concept of *tosefet shevi’it* by seeing how this model for extended holiness transforms our *shemitta*, our Shabbat and our Festivals.