**YESHIVAT HAR ETZION**

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

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**THE PHILOSOPHY OF *SHEMITTA***

**By Rav Binyamin Zimmerman**

**Shiur #20: *Shemitta* in *Ki Tissa* – Extending Holiness**

***Shemitta* in *Ki Tissa***

In last lesson we discussed the first explicit mention of *shemitta* in the Torah, which appears in *Parashat Mishpatim*. It is a matter of dispute whether the next reference to *shemitta* appears in *Parashat Ki Tissa*, rather implicitly.

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)

The glaring difficulty is that the requirement of resting from performing *melakha* on the weekly Shabbat does not merely require resting from the two activities explicitly mentioned in the verse, i.e., plowing and harvesting. After all, there are thirty-nine prohibited *melakhot* (labors) on Shabbat, a point Rabbi Akiva mentions explicitly in the *Mekhilta* and Talmud (*Rosh Hashana* 9a). This is the primary source of Rabbi Akiva's reasoning that at least the conclusion of this verse is not referring to the weekly Shabbat, but rather the septennial *Shabbat ha-aretz*. Rabbi Yishmael demurs, interpreting the mention of these two *melakhot* as adding unique halakhic ramifications.

According to Rabbi Akiva, the sabbatical element of *shemitta's* identity is quite clear: a sanctuary in time, even if limited in much of its practice to the land which bears sanctity of place (*kedushat makom)*, the Land of Israel.

**Why These Two?**

Nevertheless, the questions regarding this verse are many, beginning with the one mentioned above: why focus on these two specific prohibitions, especially according to Rabbi Yishmael?

The Rashbam offers a simple answer to this question:

If these important ones are prohibited, although they are necessary for mankind, then certainly other labors are prohibited as well.

Similarly, ibn Ezra explains that these *melakhot* are singled out for their importance, as man's sustenance is dependent on them. In his shorter commentary, ibn Ezra adds that these *melakhot* are time-sensitive, as even if there is a lot of rain, without proper plowing one cannot plant; thus, an explicit prohibition of these two indicates that all others are definitely proscribed.

Alshikh provides an interesting approach:

The guiding principle is that through the *mitzvot* that are mentioned [here] man is supposed to recognize God's creation of the world… Maybe you will say that the weekly Sabbath provides a remembrance of God's Creation, and that alone should suffice; therefore, the Torah spells out that for six days a man works… indicating that Shabbat represents the conclusion of this renewal of the creative process, and therefore also assumes a national significance for Israel, in addition to the universal one. Yet, while Sabbath observance indicates that one has faith in God's Creation of the world, it does not prove such a belief [as it was not directly witnessed], therefore, there is a weakening of one's resolve to strictly observe Shabbat by refraining from working for one's sustenance, specifically in regards to when the plowing and harvesting times arrive, as it is difficult for the farmer to interrupt his work when time is of the essence. Therefore, Shabbat here is mentioned alongside Pesach and the *mitzvot* of the firstborn, as the fact that Pesach was witnessed firsthand explicitly reminds the Jew of the world order which was created anew and will strengthen his resolve to observe Shabbat carefully, in spite of what sometimes may appear to be a major inconvenience. This then is why we have the laws of Shabbat interposed between the laws of Pesach and Shavuot.

All these commentators explain the verse here as referring to the weekly Shabbat, providing an explanation for its placement and the singling out of these two *melakhot*.

**Is *Shemitta* Missing?**

There is no doubt that the two passages in *Shemot*, 23:10-19 in *Mishpatim* and 34:18-26 in *Ki Tissa*, are mirror images, a covenant restated in the wake of the sin of the Golden Calf. Why would *shemitta*, which appears on the first list, vanish in the second? Rav Hirsch deals with this question, and explains *shemitta's* absence in *Ki Tissa* by distinguishing between the two passages. (He seems to follow Rabbi Yishmael's assumption.)

Above, at the conclusion of the fundamentals of social law, the *mitzvot* of Shabbat and *shevi'it* are mentioned first, because the Torah wants to mention first the relation of the *mitzvot* to the principles of equality and brotherhood, on which all these laws are based. Shabbat and *shevi'it* continuously proclaim that God is the sole Owner of the land and of the universe; it follows naturally that all citizens and all people are equal before the Law. Here, as the covenant is renewed, the same concepts are mentioned, but primarily with regard to their contrast to heathenism. Here, the point of departure is the exodus from Egypt, the great act that demonstrates God's immanence, and in this connection the Torah also mentions the mitzva of Shabbat.

He continues: "The earth will submit only to that work of yours which is done in the service of God. By not working on Shabbat, you express the significance of your work as an act of homage to God." And the mention of resting from plowing and harvesting serves to indicate that "you shall give expression to your homage and to the subservience of your world to God even in the case of work on which your livelihood depends.”

Then he concludes by explaining the absence of *shemitta*:

Whereas above, in connection with the civil laws, the mitzva of *shevi'it* precedes the *mitzvot* of Shabbat and the festivals, here it is not mentioned at all, because here the Torah emphasizes the relationship of the Jew to God, not the relationship of the Jewish state to God.

Rav Hirsch reasons that *shemitta* serves as a lesson in equality and brotherhood, which is an important aspect of recognizing God's relationship to the Jewish state, a topic fitting for *Mishpatim*, but it is absent from *Ki Tissa* which focuses on the Exodus and one's personal connection to God. However, as we shall see, it is very possible that *shemitta* also serves a personal role, and therefore, it should be in the post-Golden Calf covenant.

**Rabbi Akiva and Rabbi Yishmael**

To getter a better idea of the Tannaitic opinions regarding the proper interpretation of this verse, let's take a look in the Talmud. The (anonymous) Mishna in *Shevi'it* (1:4) and Rabbi Akiva (*Rosh Hashana* 9a, *Mo'ed Katan* 3b) maintain that this verse does not refer only to the weekday Shabbat:

"In plowing and in harvest you shall rest” – Rabbi Akiva says: There is no need to be told to desist from plowing or harvesting in the sabbatical year, for it is already stated [elsewhere]: "You shall not sow your field,” etc. [It can be taken] only [to prohibit] plowing in the pre-sabbatical year [which may cause agricultural benefits] extending into the sabbatical year and [likewise] to the harvest of the sabbatical year's [fruit] crops which mature in the post-sabbatical year.

Rabbi Yishmael, however, disagrees, and interprets the verse as referring specifically to Shabbat:

Rabbi Yishmael says: [It is purely a Shabbat law]; as the plowing [forbidden on Shabbat] is optional plowing, so is the harvesting optional harvesting. This comes to exclude the harvesting [of the new barley] for the omer, which is a religious duty.

Interestingly, Rabbi Yishmael understands this phrase as mandating the harvest on Shabbat to bring the omer offering on the second day of Pesach. Rabbi Akiva, on the other hand, understands this verse as a reference to *Shabbat ha-aretz*, extending the laws of *shemitta* beyond the seventh year itself, a concept known as *tosefet shevi'it*, banning certain activities during that period as well.

The Talmud adds that according to Rabbi Akiva, not only does this verse teach that one must add on to *shevi'it*, but it serves as the model for *tosefet* *kedusha*, adding on a period before and after all other sanctified periods, such as Shabbat and Festivals.

The Talmud concludes that Rabbi Yishmael accepts the general principle that one must extend periods of *kedusha*, but he has a different source:

If so, from where does Rabbi Yishmael derive [this principle of], extending a sacred time period by adding from the profane? He derives it from that which is taught in a *baraita*: The verse states [in reference to Yom Kippur]: “And you shall afflict your souls on the ninth of the month in the evening” (*Vayikra* 23:32). One might have thought that one must fast the entire day on the ninth of the month. Therefore, the verse states: “In the evening.” But if it is so that Yom Kippur begins in the evening, one might have thought that one need only begin to fast from when it is dark, after nightfall, when the tenth day of the month begins. Therefore, the verse states: “On the ninth.” How so? One begins to fast on the ninth of the month while it is still day. This teaches that one extends a sacred time period by adding at the beginning from the profane to the sacred.

In summary, Rabbi Akiva and Rabbi Yishmael disagree as to whether at least the concluding words of the aforementioned verse in *Ki Tissa* are discussing *shemitta* or Shabbat. However, both of them agree to the concept of *tosefet Shabbat* (as well as *tosefet Yom Tov*, although a discussion of the complex *halakhot* thereof is beyond the scope of this series) though Rabbi Akiva derives it from *Ki Tissa*'s reference to *tosefet shevi'it* and Rabbi Yishmael derives it from a verse regarding Yom Kippur.

Additionally, it is worth noting that the Talmud elsewhere states explicitly that although Rabbi Yishmael understands our verse as a reference to Shabbat, he agrees to the concept of *tosefet shevi'it*. Ostensibly, if Rabbi Akiva derives all forms of *tosefet Shabbat* from our verse regarding *tosefet shevi'it*, then Rabbi Yishmael, who has another source for that concept, should be able to derive *tosefet shevi'it* from his source for *tosefet Shabbat*. Yet interestingly enough, the Talmud doesn't state that, but rather explains that his source for the concept of *tosefet shevi'it* is an oral Mosaic tradition, not a verse or derivative. This indicates that the source of *tosefet shevi'it* is significant. It can serve as the model for expanding temporal *kedusha*, though it cannot be derived from other sources.

The Talmud asks: if Rabbi Yishmael does not derive *tosefet shevi'it* from our verse, what is his source for the concept of *tosefet Shabbat*? Due to the fact that even Rabbi Yishmael accepts the concept of *tosefet shevi'it* and only argues as to the source, the Talmud's question would be unnecessary unless we assume that deriving *tosefet shevi'it* from our verse in *Ki Tissa* provides it with an added flavor that would not be present otherwise.

In order to get a better understanding of *tosefet shevi'it* in general and its possible source in our verse in particular, let's analyze it from the perspective of the dispute between Rabbi Akiva and Rabbi Yishmael.

**Understanding Rabbi Akiva's Opinion**

Rabbi Akiva, as noted, explains our verse in *Ki Tissa* as a reference to *shemitta* as well. This is based on the singling out of plowing and harvesting, two actions which are already known to be prohibited in regards to Shabbat. Although above we noted different explanations of the commentaries as to why these *melakhot* are given specific mention, nevertheless, Rabbi Akiva understands the verse to be referring to *Shabbat ha-aretz*, the *shemitta* year, requiring that both plowing, an action done in advance of planting, and harvesting, an action performed at the end, be further restricted during the seventh year. This is the source for *tosefet shevi'it*, adding on a period during the sixth year when plowing is proscribed and a period during the eighth year when harvesting is limited.

[It can be taken] only [to prohibit] plowing in the pre-sabbatical year [which may cause agricultural benefits] extending into the seventh year and [likewise] harvesting of the seventh year's crops which mature in the post-sabbatical year.

Understandably, Rashi (*Rosh Hashana* 9a, s.v. *Ein*) explains that the first part of the verse in *Ki Tissa* does indeed refer to Shabbat, and it is only the repetition of the two *melakhot* in the second half of the verse that refers to *shemitta*. As noted, it is not just the redundancy of the wording that alludes to *shemitta*; the post-Golden Calf passage reiterates all the *mitzvot* from the first covenant other than *shemitta*. The Ramah goes so far as to understand that Rabbi Akiva interprets the entire verse, not only its conclusion, as a reference to *shemitta*. Yet one must ask, if the verse does in fact intend to speak about the seventh year, rather than the seventh day, why not mention it explicitly?

It may be that referring to *shemitta* implicitly as Shabbat allows it to serve as the model for all other forms of *tosefet* *kedusha* as well, as we shall see. Additionally, the specifics of the *tosefet shevi'it* are not recorded in this cryptic verse, and therefore, even Rabbi Akiva agrees that many of the *halakhot* regarding *tosefet shevi'it*, including its relevance today, come from Mosaic tradition. So what is derived from its implicit source in this verse?

Let us take a deeper look at *Shemot* 34. Vv. 11-17 tell us that our covenant with God means that we may not make a covenant with other nations, as this will lead to idolatry. Success in the Land of Israel means fulfilling the Torah, and if we are in touch with the spiritual aspects of living in the land, then "No man shall covet your land when you go up, to appear before God, three times a year" (v. 24).

Rabbi Zev Leff explains the verse based on ibn Ezra's explanation of the mitzva of “Do not covet,” which at first glance seems odd: how can one control an emotional response? Ibn Ezra explains that just as a pauper does not covet a princess, as he realizes the king's daughter is out of his league, so too we must develop a perception of other’s property as beyond our purview, preventing us from coveting or desiring it. Similarly, Rav Leff explains, this verse uses the same terminology of coveting, to indicate that although all defenders of the cities will be in Jerusalem, evidently the spiritual nature of the land will be so pronounced that other nations of the world won't covet it.

The placement of the source of *tosefet shevi'it* in this *parasha*, camouflaged as Shabbat, evidently indicates that a fundamental aspect of the covenantand our secure right to success in the land is not only one's observance of the spiritual potential of the Shabbat of *Eretz Yisrael*, something expressed elsewhere in regards to the seventh year itself, but the manner in which we add on to it through *tosefet shevi'it.* As we will see, *tosefet shevi'it* not only involves certain *halakhot* to precede and follow the actual *shemitta* year; it serves as a source for preparing to accept *kedusha*, longing for it, and giving it a lasting impression.

**Understanding Rabbi Yishmael's Opinion**

Rabbi Yishmael, as noted, understands the verse in *Ki Tissa* according to its explicit reading, as a reference to Shabbat, explaining that the reason to specify these *melakhot* is to explain that just as the prohibition regarding plowing on Shabbat is only applicable with regards to unmandated plowing (as there is never a mitzva to plow), so too the prohibition of harvesting on Shabbat only applies to unmandated harvesting, and therefore, it is permitted to harvest on Shabbat when necessary for a mitzva, such as the harvesting of the *omer* measurement of barleybrought on the second day of Pesach.

Nevertheless, the Talmud explains that Rabbi Yishmael concedes to Rabbi Akiva regarding the laws of *tosefet shevi'it* and *tosefet Shabbat,* disagreeing only as to their source. For the former, he cites a Mosaic tradition and the latter he derives from Yom Kippur.

Although a fuller understanding of these concepts of *tosefet kedusha* will have to wait for the next lesson, it is interesting to note that Rabbi Yishmael's source for *tosefet kedusha* is a verse regarding Yom Kippur.

In *Avnei Shoham* (p. 233), Rav Moshe Luria asks the following: since Shabbat is the source for our concept of *melakha,* why is Yom Kippur the source for *tosefet kedusha*, expanding the temporal dimensions of *melakha*? He explains that the primary aspect of *tosefet kedusha* is not the additional prohibitions it brings, but the “awakening from below” (in Kabbalistic terms, the spiritual impetus from the earthly plane) of the desire to expand *kedusha*. From a halakhic point of view, this is harder to understand regarding Shabbat, as Shabbat is set in time and not dependent upon the court's sanctifying of the new month. Therefore, Yom Kippur is the template, and Shabbat is derived from it, if there is an “awakening” to do so.

Additionally, the example of Yom Kippur teaches that the manner in which one can actively increase *kedusha* is by broadening the time period for purification from sin, for peacemaking and eschewing grudges and resentment. In the process, one understands that those aspects of purification and pacification are the essential ingredients for adding *kedusha* throughout one’s life.

Although these attributes of Yom Kippur make it a fitting source for deriving *tosefet kedusha* for all holy days, the fact that Rabbi Akiva uses *shemitta* in our verse may indicate that he understands *shemitta* to possess not only these aspects of Yom Kippur, but even more.

In our next lesson, we will amplify the concepts regarding *tosefet shevi'it* and begin to understand its role as a model for extending *kedusha* to all aspects of one's existence.