**YESHIVAT HAR ETZION**

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

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**THE PHILOSOPHY OF *SHEMITTA***

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**Shiur #26: The Sanctified Produce of *Shemitta***

In *Parashat Behar*, after delineating the limitations of working the land, the Torah goes on to mention the unique laws regarding produce:

But the sabbath of the land shall be for you to eat (*le-okhla*), for you, and for your servant and for your maid, and for your hired servant and for the residents by your side that sojourn with you. And for your cattle, and for the beasts that are in your land, shall all the produce of it be for food. (*Vayikra* 25:6-7)

These laws indicate that all which grows during the seventh year without human input must be used *le-okhla.* This *shevi’it* is designated *le-okhla*, for consumption — by human or animal, by the owners or anyone else. We will soon see that this term is understood to severely limit the possible uses of *shevi’it*, a rule which has moral implications. The sparing use of the term means we must delve into its meaning and message.

***Kedushat Shevi’it***

*Shevi’it*, the produce of the seventh year, has a specific purpose and sanctified status. The Talmud Yerushalmi (*Shevi’it* 4:7) derives this from a verse in the following paragraph, which discusses *yovel*, the jubilee year:

“For it is the jubilee, it shall be holy to you” (25:12)… just as it is holy, so, too, its produce is holy.

The Talmud (*Sukka* 40b) explains:

A *baraita* supports the view of Rabbi Elazar: *shevi’it* transfers its holiness to the money used to purchase it, as the verse states, “For it is the jubilee, it shall be holy to you” – just as with holy objects the money assumes the sanctity and becomes forbidden, so too with *shevi’it*, the money assumes the same sanctity and becomes forbidden.

According to this, *shevi’it* should be compared to *hekdesh*, the property of the Temple. If sacred property is sold, the money becomes holy. In this, it is different from agricultural gifts such as *teruma*, which do not transmit their holiness to cash. This power is known as *tefisat damim.* So what other special laws does *shevi’it* have, and what may we learn from them?

**The Unique Laws**

In truth, we already know a few things about *shevi’it*. “*Tishmetenna*” in *Parashat Mishpatim*, according to most, requires relinquishing ownership over the food. Additionally, among the four prohibited acts recorded earlier in *Parashat* *Behar*, two of the prohibited activities refer more to the produce than to the ground: neither grains nor grapes may be harvested normally.

The restrictions on planting and pruning are easily understandable, as they are the means of promoting new growth, proscribed during the period of *shemitta,* whose goal is to promote spiritual rather than physical growth. However, the prohibitions of harvesting need to be analyzed. Ostensibly, one might forbid any gathering, but there is an obligation to consume *shevi’it*.

Yet, if the produce cannot be harvested, how may it be eaten? Is one supposed to consume it while it still attached to the ground? Clearly, it is harvesting in the normal, proprietary manner which is banned. Recognizing one's lack of ownership of the land includes leaving fruit for all to take, and not harvesting large amounts that are generally taken to market.

***Shabbat Ha-aretz*: Guarded and Worked**

The simple understanding of the verses also indicates that the permissibility of eating the fruit of the land is dependent on how well the *mitzvot* of *shemitta* are maintained: “*Shabbat ha-aretz* shall be for you to eat.”

*Torat Kohanim* (*Behar* 1) deals with this contradiction by stating that there is a prohibition to gather unguarded fruit in a usual manner, but unguarded fruit may be gathered in the unusual manner:

“Nor gather the grapes of your untrimmed vines” (*Vayikra* 25:5) – from that which has been guarded you shall not gather, but you may gather from that which has been declared ownerless.

“Nor gather” – you shall not gather in the usual manner.

Rashi (ibid.) expresses the rationale thusly:

Although I have prohibited the produce to you, I did not prohibit you to eat it or to derive benefit from it, only that you should not treat it as if you were its owner. Rather, everyone is deemed equal — you, [your slaves] and your hired worker and resident.

The basis of a number of the limitations regarding *shevi’it* is the fact that one must recognize their lack of ownership over the produce, as any effort to the contrary might remove any license to benefit from them.

These possible prohibitions of guarded or worked produce indicate to what degree violations of *shemitta* laws affect the produce growing in the land. Although these two prohibitions are generally not viewed as normative, their existence is indicative of the unique status of *shevi’it*.

***Le-okhla***

The term *le-okhla,* that *shevi’it* is designated for consumption, is the source for various lawsregarding *shevi’it*. Firstly, it is indicative of a special state of holiness, expressive of the requirement to consume *shevi’it* by eating, drinking, or anointing with it in the normal way it is used. (This holiness exists alongside a holiness of prohibition*,* as Rav Chaim Ilson explains in his work on *shevi’it*).

The commentaries derive a number of important lessons from this. For instance, the Or Ha-chayim states that the term “for you” indicates:

The principal reason for this verse is to inform us that contrary to other sacred matters which are restricted to the altar or to the priests, in this instance everybody is entitled to consume what has grown during the seventh year.

The Ramban explains this verse as a reference to the status of the fruit of the sabbatical year:

This indicates that the *shevita* mentioned in the verse is for you to eat of the fruit alongside the servants and animals, that all should be able to eat of the produce during this year without working the land.

Alshikh as well points out that although naturally unworked land may not provide sufficient food for consumption, the Land of Israel is not like other lands, and it is nourished by supernatural blessing.

Chizkuni explains:

You are not obligated to tithe any part of it, nor to set it aside for the poor, **as it is not yours to distribute**. Neither is what it produces to be converted into libations to be offered in the Temple.

This indicates the special status of *shevi’it*. One can't even "decide" to use it for a holy purpose, as it is not a personal possession, at all.

**The Laws of the Produce**

Moreover, the Talmud derives a number of lawsfrom the term *le-okhla.* Unfortunately, some view these lawsas difficult, as Tosafot note regarding the money used to pay for *shevi’it* (*Sukka* 39a, end of s.v. *She-ein*):

There are countless laws and prohibitions that govern the produce of the seventh year, which must be treated with *kedushat shevi’it*!

Although there are numerous laws, we may highlight the privilege of eating sanctified produce without belonging to a certain segment of society or being in a state of purity. The various lawsessentially require normal consumption and proper treatment of leftovers, extending their *kedusha* to money used to purchase them. The same way that the fruits are holy, anything given in exchange becomes holy. In the language of the Talmud (*Avoda Zara* 54b) the sacred character of *shevi’it* "grips" the object given in exchange for it.

There are only three objects that have this power of *tefisat damim* – *hekdesh*, *avoda* *zara* (pagan artifacts), and *shevi’it*. Rav Hirsch notes:

*Shevi’it* occupies a middle position between *hekdesh* and *avoda zara*, as the Talmud states that *shevi’it* itself remains sanctified (similar to *avoda zara*), but the object for which *shevi’it* was exchanged receives *kedushat shevi’it*, but only to the same degree as in the case of *hekdesh*: the *kedusha* is transferred from object to object, with the last one become *hekdesh* and each preceding one becoming unsanctified again.

Why is this? Rav Hirsch explains in terms of *Shabbat Bereishit*, the weekly Sabbath.

Just as *Shabbat Bereishit* is the antithesis of *avoda zara*, so that the avowal of *Shabbat Bereishit* is a positive expression of God's rule over the soil of Israel, whereas *avoda zara* is a denial of God's exclusive rule. Everything that the soil of Israel produces during *shevi’it* is an object bearing the idea of God's rule; it is sacred so as to express and evoke this idea. Conversely, *avoda zara* is an object that represents the opposite of this idea. Both *shevi’it* and *avoda zara* are objects of avowal regarding the fundamental truth of Jewish consciousness. *Shevi’it* represents faith in God's rule, whereas *avoda zara* represents denial of it; and in this respect they differ from all other objects of mitzva or prohibition.

Idolatry is something we should be repulsed by, and therefore, it demands total rejection, as the Torah (*Devarim* 7:26) refers to it as an abomination which must be completely distanced from one's sphere of existence. Additionally, the Talmud (*Kiddushin* 58a) teaches that anything whose existence comes about through *avoda zara* is prohibited, as nothing in one's possession should lead one back to thoughts of *avoda zara.*

By contrast, *shevi’it* represents God's rule over one's property; reminding man that even if his land is called "his," it is really God's. God's ownership of the land is reflected in the limited manner and time in which one is entitled to use *shevi’it*. Now, were you allowed to have unrestricted use of the value of this produce by selling it, this would make a sham of the very idea represented by it. The Torah therefore says of *yovel*, and the same applies to *shemitta*, “For it is the jubilee, it shall be holy to you,” its produce is sacred unto the idea of God. Hence, sale of this produce transfers its sanctity to the object acquired in return, for this is the law in the case of all sacred objects. Anything that is paid in exchange for *shevi’it* becomes holy. *Kedushat shevi’it* is transferred to it, once it has been given in exchange for *shevi’it*. But this *kedusha*, like all monetary sanctity, is subject to redemption. The *kedusha* of *shevi’it*, however, is not merelymonetary, but objective, applicable to produce simply because it grows during the *shemitta* year. Hence this *kedusha* is not subject to redemption, and the produce never becomes unsanctified…

**A Mitzva to Eat?**

While all agree that *shevi’it* is meant for consumption, is there a mitzva to do so? The Ramban, in his addenda to the Rambam’s *Sefer Ha-mitzvot* (Positive 3), writes:

The Torah states, concerning *shevi’it*, “But the sabbath of the land shall be for you to eat,” regarding which the rabbis taught: “‘for food,’ but not for trade…” And this mitzva was repeated through the expression, “And the poor of your nation will eat.”

What this means is a matter of some dispute. The Megillat Esther (ad loc.) understands the Ramban to be stating that there is an actual mitzva to eat *shevi’it* and challenges this view, supporting the Rambam’s decision not to count it. He explains that the verse merely permits one to consume the produce, so long as one does not waste it or use it for commerce. Others assert that the Ramban does not mean that the consumption is a mitzva per se, but rather that using *shevi’it* for one of the proscribed purposes has the status of a prohibition derived from a positive commandment.

**Washing Hands**

In a similar vein, some understand the Tosefta (*Shevi’it* 7:6) to prohibit use of *shevi’it* in a state of ritual impurity:

One must not apply oil of the seventh year with impure hands.

While some understand that the Tosefta is only restricting usage of *shevi’it* with hands that are known to be impure, Rav Kook (*Shabbat Ha-aretz* 5, 7) understands that according to the Tosefta there is a requirement to wash one's hands before using the produce. He notes that it is unnecessary in our day because we don't observe special ritual purity, but it is a meritorious practice. This practice is advocated by the Chayei Adam as well. Others suggest that being stringent to wash one's hands before eating *shevi’it* will lead one to consume less of it, and therefore, for practical reasons the ostensibly meritorious practice is ill-advised (see Rav Rimon, *Hilkhot Shemitta*, p. 234). In fact, when it comes to other produce, the Talmud (*Chullin* 106a) states: “A person who washes his hands for fruit exhibits a haughty spirit.” Regardless, these special laws underscore what is unique about *shemitta*.

**“For consumption but not for…”**

All fruit in the Land of Israel wears a *kippa.* Whatever grows in the holy soil requires levies and tithes to be taken from it; until they are separated, the produce is considered *tevel*. *Teruma* is only fit for *kohanim* and must be eaten in purity; the first titheis given to Levites… These are just some of the laws which express the *kedusha* of all that grows in the Land of Israel. *Shevi’it* is ownerless and therefore is not *tevel.* It is meant to be consumed only, reflecting its inherently sanctified status.

The Talmud states that *shevi’it* must not be used for trade and must not be wasted (but rather must be eaten); it must not be used for removing laundry stains; it must not be used to create a nice aroma or induce vomiting.

Rav Hirsch notes how all these laws express a limitation on man's ownership, transforming *shevi’it* from a commodity associated with business, trade or non-food use, to a food that one can enjoy not only through its physical taste, but through the spiritual serenity of eating sanctified produce in the Holy Land.

Rav Eliyahu Blumenzweig explains that the nature of the prohibition of wasting *shevi’it* is an expression of the central, underlying principle of *shemitta:* man is not the owner of the land; rather, God is. When a person rents or borrows an object he has no right to destroy it, despite his right to make use of it. Only the owner has the right to destroy objects, not the renter or borrower. Thus, there is no greater sign of ownership than being allowed to destroy the object. Given that during the *shemitta* year the produce is not the property of its human “owner,” one has no right to destroy it.

Another message we can learn from here is the uniqueness and significance of *Eretz Yisrael*. Produce of the seventh year is essentially “holy fruit from a holy land,” meaning that if we recognize the fruit’s *kedusha*, we are reminded of how the land is also holy. It rains in *Eretz Yisrael* only when God wills it, and crops grow only when the Jewish people are here (see later in the unit for more on this). We should make sure to appreciate the land via its produce every time *kedushat shevi’it* foods are consumed.

Rav Kook writes (*Shabbat Ha-aretz*, Introduction):

There is no desecration of sanctity, expressed by the strict claims of private property, regarding anything that grows during this seventh year; the endless desire of wealth, which is stimulated by trade, will be forgotten, as *shemitta* food is “‘For food,’ but not for medicine, ‘for food,’ but not for trade.” A beneficent eye (and point of view) and deep appreciation will rest on all with the blessing of God in the fruit of the land, “‘For food,’ but not for loss.” Mankind will return to their healthy nature in a manner where they will not need healing for sicknesses, which mostly come on account of harming one's balance in life while distancing oneself from the pure spiritual nature of man: “‘For food,’ but not for an emollient; ‘for food,’ but not for perfume; ‘for food,’ but not for an emetic.” A holy and elevated spirit will be poured out on all of life, "It will be a year of complete rest for the land, a sabbath to God.”

Man may achieve *ayin tova*, a beneficent point of view, realizing that not everything in life is about ownership and amassing wealth.

Some explain how the fruits are supposed to impact those who eat them, as the Pri Tzaddik (*Vayikra* 25) states:

The fruits sanctified with the seventh-year [holiness] should inject within the people Godly holiness, as the fruits are holy… and the fruits will also inject holiness within those who eat them.

*Shemitta* is similar to Shabbat… and eating the fruits of the seventh year will inject the holiness of Shabbat into the hearts of those who eat the fruit…

Rabbi Chayim Vital (*Eitz Ha-da’at Tov*, *Vayikra* 25) writes that the significance of eating sabbatical fruit is not only due to its holiness, but additionally in that it aids one to occupy oneself in the study of Torah, which is part of the goal of the *shemitta* year.

**The Broader Lessons**

There is good reason to believe that the laws of *shevi’it* are supposed to impart broader lessons as well. The purpose of the food is for consumption, and not merely to be viewed as a commodity. Some even understand that essentially all food is holy in that it is the property of God, but it is given to mankind to make use of. When man's ownership is removed, the produce reverts back to God's domain and is therefore consecrated.

Besides lessons regarding ownership, *le-okhla* also teaches the need to make use of what we have. Food is for consumption, for oneself and the needy, and not only for commercial uses. Additionally, food should be eaten and not wasted.

***Le-okhla***

The term *le-okhla* appears only a few times in the Torah. It is initially mentioned during the creation of man, repeated twice by Noach (before and after the Flood), and then appears regarding consumption of the manna in the desert and finally regarding the eating of *shevi’it* in the Land of Israel.

The use of this particular term in these contexts does not seem arbitrary. It is the word used to describe eating before there is a need to work the land, and it defines eating before and after the cataclysmic Flood. It recurs concerning the manna, indicating the new reality in which the Jewish people eat directly from the hand of God. This recalls Adam’s original position in Eden. Yes, he is commanded literally to work the garden and protect it, but there cannot be a requirement to physically work the land, as this is before his sin and punishment. Essentially, Adam is given the responsibility to be involved in spiritual pursuits, and as long as he retains this outlook, he may eat from God's hand, without physical toil. Although Adam fails to live up to his potential and he is condemned "by the sweat of your brow you shall eat bread," the eating of the manna in the desert recreates that reality. Man merely needs to recognize God's hand in his sustenance, and he may eat to his heart’s content.

Use of this term of *le-okhla* concerning *shemitta*, beyond all its laws, indicates that for an entire year man can return to the Garden of Eden. Man can spend a year involved in spiritual pursuits without any physical effort, and partake of the physical bounty that comes as a direct blessing from God. The privilege of eating this produce, something numerous generations of Jews in exile could not do, is an opportunity that should not be taken for granted. All the laws should help us realize the lessons that *shevi’it* provides us, not only about our consumption for a year, but concerning who really provides for our physical needs.