**YESHIVAT HAR ETZION**

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

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**THE PHILOSOPHY OF *SHEMITTA***

**By Rav Binyamin Zimmerman**

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In memory of Abraham and Batsheva Leidner z”l

by Jesse and Brenda Hefter

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**Shiur #01: The Gift of the *Shemitta* Challenge**

***Shemitta* Excitement?**

*Shemitta,* the sabbatical year, is once again upon us. It is with tremendous gratitude to the Almighty that we begin this series on *machshevet ha-shemitta,* the philosophy of the *shemitta* year, examining the deeper significance of its particular *mitzvot*. The gratitude goes beyond appreciating the opportunity to write about this topic, as it is coupled with the recognition that the concept of practicing and living *shemitta* is a unique privilege of recent generations. The *mitzvot* of *shemitta* are, for the most part, *mitzvot ha-teluyot ba-aretz,* agricultural commandments whose observance is limited to the land of Israel; therefore, generations of Diaspora Jews lacked the ability to fulfill these *mitzvot*. Although there was a constant Jewish presence in Israel at all times, due to the lack of Jewish involvement in agricultural development, the mitzva as a whole was little discussed and captured little interest until the Aliyah movement of less than 150 years ago.

Even those who have lived in Israel their whole lives must jog their memories every seven years in order to remember how to observe *shemitta* properly, let alone how to appreciate it. Like all time-bound *mitzvot* which apply infrequently, there is an expectation of excitement upon fulfilling these *mitzvot*. *Mitzvot* which are performed only once a year are usually accompanied by the joyous recitation of a special blessing, *Shehecheyanu,* recognizing God as the source of all blessing who has renewed us and kept us alive to arrive at this special time. By that token, logically, the system of *mitzvot* associated with *shemitta*, occurring only once in seven years, should certainly call for the recitation of the *Shehecheyanu* blessing; yet we do not recite this blessing for *shemitta.*

However, what is most troubling is not this omission per se; there are many considerations to warrant such an omission.[[1]](#footnote-1) What is truly disconcerting is the all-too-prevalent lack of excitement regarding the arrival of the *shemitta* year. For many the arrival of *shemitta* does not bring enjoyment but rather tension, and for others despair. We will attempt to ascertain why this is true. To begin, let's quickly review the *halakhot* of *shemitta*, so we at least know the basic laws.

**A Quick Look**

As we will soon see, the *halakhot* of *shemitta* primarily apply to two different individuals. The first set of laws apply to the farmer or anyone who works in the field (or owns a garden), as the land must be treated differently in the *shemitta* year; the second set of laws apply to the consumer as well, as they concern the sanctified status of the produce. In order to get a better idea of what to do, we might try to look for the bottom-line *halakhot* codified in the *Shulchan Arukh* in regards to *shemitta* observance. The only problem is that we won't find them there.

This is an expression of *shemitta*’s irrelevance in past generations; the *Shulchan Arukh*, a book dedicated to the practical *halakhot* of Jewish life, does not discuss the *mitzvot* of the agricultural *shemitta*, but only those of the monetary *shemitta,* calling for the forgiveness of debts at the conclusion of the *shemitta* year, as those laws apply even outside the land of Israel. What is especially interesting is that the author of the *Shulchan Arukh*, Rav Yosef Karo, lived in Israel, in the city of Safed. He writes about many of the other agricultural laws which apply in the land of Israel but decided to skip over *shemitta*. Before we provide an explanation for this phenomenon, it is important to note that due to his omission of this topic, our primary halakhic discussion will surround the text of the Rambam's *Mishneh Torah*, as it is the authoritative halakhic work which discusses the details of these *halakhot*.

The Rambam introduces these laws by briefly listing the *mitzvot* involved. Those of *shemitta* amount to nine, six of which concern the agricultural *shemitta* and three of which concern the monetary *shemitta*. He states as follows regarding the agricultural *mitzvot*:

1. [A positive commandment] to allow the land to rest from its laborduring the seventh year.
2. [A negative commandment] not to work the land during this year.
3. [A negative commandment] not to perform work on one's trees during this year.
4. [A negative commandment] not to harvest that which grows as reapers do.
5. [A negative commandment] not to pick grapes which grow as pickers do.
6. [A positive commandment] to release ownership of that which grows.

Regarding the monetary *shemitta* at the conclusion of the year, the Rambam adds another three *mitzvot*:

1. [A positive commandment] on creditors to forgive all their debts.
2. [A negative commandment] that the creditors not try to collect their debts or make claims upon the borrowers.
3. [A negative commandment] not to withhold loans before the arrival of the *shemitta* year for fear that one's money will be lost.

These are the *mitzvot* of *shemitta*. They place a number of limitations on the way in which a landowner may work his field during the *shemitta* year. They also state that a creditor stands to lose the rights of his collection during the *shemitta* year, although he is simultaneously enjoined from fearing such a reality and refraining from lending due to such thoughts.

What the Rambam omits in his listing of *mitzvot*, only to appear in the *halakhot* themselves, are the various laws regarding the status of *shemitta* fruits. The sixth mitzva recorded by the Rambam requires that the owner must release his hold on the produce in his garden or field, giving equal access to all members of society, Jews and non-Jews. Additionally, one's right to eat produce exists only so long as those types of crops are growing in the fields and available to animals as well. The landowner is not only enjoined from improving and growing his fields; he must forfeit his ownership on all that "his" fields grow.

Additionally, the produce itself enjoys a sanctified status. This status places a number of limitations on the way in which the produce can be used, with restrictions on bringing it to market or doing business with the produce, as well as a prohibition of wasting the produce in any way.

**The *Shemitta* Challenge, Then and Now**

In short, a look at these *halakhot* allows us to understand a bit regarding why *shemitta* observance has always proved difficult. The farmer's livelihood would seem to be severely compromised. Moreover, there are questions and worries for all members of society of whether there will be enough produce for all. Additionally, even one who is able to get one's hands on produce will have to be more cautious with it than ever and will have to be careful to act accordingly with it.

These challenges have made *shemitta* scary for some and downright dreadful for others. Rather than anticipate the arrival of the *shemitta* year, people await its conclusion. Yet, even at the conclusion of the *shemitta* year, although the farmer is permitted to return to work on his field, all the fruits and vegetables of the *shemitta* year retain their sanctity, and the impact of *shemitta* on the consumer remains. Wines and canned foods with *shemitta* sanctity will be available for an extended period of time.

While these matters have always been factors contributing to the challenges involved in fulfilling the *mitzvot* of *shemitta*, modern systems of farming have made *shemitta* observance all the more trying.

In older agricultural configurations in the land of Israel, the *halakhot* of *shemitta* had less of a devastating impact on overall growth; before more advanced irrigation systems were developed, farmers would spread out crops able to subsist on rainfall alone. If the Jewish people were acting properly, God would provide sufficient heavenly rain, without the need to work the fields extensively, as Moshe states (*Devarim* 11:8-12):

You shall observe all of the commandments that I command you today, in order that you be strong, and come and possess the land to which you are passing over to take possession of it, and in order that you prolong your days upon the land that God promised your Patriarchs to give to them and their seed, a land flowing with milk and honey.

For the land to which you are coming to take possession of it is not like the land of Egypt, from which you came out, where you sowed your seeds and watered with your foot, like a vegetable garden. The land to which you are passing over to inherit it is a land of mountains and valleys; it drinks water from the rain of heaven. It is a land for which the Lord, your God, cares: the eyes of the Lord, your God, are always upon it, from the beginning of the year to the end of the year.

This land, Moshe points out, is irrigated in a very different manner from Egypt; not through extensive human labor to channel water through canals from the Nile River, but rather through the divine showering of rainfall, in a way that makes clear the need for God constantly to tend to it.

In our time, when less people are involved in agriculture, the reality of planting with genetically-engineered produce very close together to maximize space, new growing techniques are required, as well as much more irrigation. What this essentially means is that many plants and even trees would die if one were to abandon one's field, even if it proved to be a very rainy year.

**The Trying Decision**

The modern Israeli farmer is faced with three options. One is to leave his field fallow for the year, as the Torah prescribes; but, as Rav Kook points out, the realities of this decision are much more difficult in a non-agrarian society. In an agrarian society, all the farmers would leave their fields fallow and everyone would be sustained by eating the natural growth of their neighbors’ fields. Yet in a society where only a small percentage of the population are farmers, everyone else continues their yearly pursuits, and the farmers are left to bear the brunt of *shemitta* observance independently. Additionally, before the age of swift means of transportation, in every locale there would be different farmers growing the various necessities for subsistence. However, in our time, modern means of transportation allow farmers to grow that which is ideally suited for each location, which essentially means that the option of filling all one's food needs from one's local farmers is less applicable. There is a good chance that in any location many farmers are planting the same group of crops that are suited for the terrain; being able to sustain oneself on the produce of other farmers would require travelling every few days the length and breadth of the land of Israel to satisfy one's needs.

This has led to other options for the farmer during the *shemitta* year, who is presented with two additional possibilities: one controversial means of weathering the challenge involves selling one's agricultural land to a non-Jew in an agreement known as *heter mekhira*, allowing one to maintain at least a modicum of working one's land by temporarily transferring ownership of the land to a non-Jew. The halakhic validity of such an approach and its philosophical propriety have been the subject of great dispute; even when necessary, it is a very disheartening means of dealing with the challenge.

Additionally, there is a final option, based upon the Tosefta. It attempts to maintain the *halakhot* of the *shemitta* restrictions involving the limitations of working the land during the year, using a body representing the *beit din*, the Jewish court, to deliver the produce to markets over Israel. This option, known as *otzar beit din* (the court’s warehouse), is the clearest attempt to allow for society to continue to subsist on Jewish-grown produce in the land of Israel, but due to the particulars in the way it is often performed, it is not without its detractors. The farmer, whose livelihood is dependent upon the crops he plants, cannot plant normally for more than a year and is limited in the manner he can tend to his crop. In our day and age, when one's crop no longer supplies only a small village or locality but the entire world, will concern for the observance of *shemitta* prevent the farmer from signing contracts with foreign markets? Will the farmer have to forgo contracts to supply fruits and vegetables that require delivery during the *shemitta* year, being limited to contracts for only five or six years out of every seven?

This debate, often internal, revolves around the following question: what does God really want from us? All the possibilities, which will be discussed at greater length in the coming lessons, are fraught with imperfections. *Heter* *mekhira* seems the most viable option for naturally supporting one's family and ensuring the livelihood of Jewish farmers, but its halakhic difficulties and implications are frightening. On the other hand, having all farmers simply let their fields lie fallow will not result in the same reality it did in the past, but will deal a serious blow to Israel's agricultural revolution and require an entire country to be supported by either local Arab or imported produce. Even the *otzar beit din* option is not always applicable; moreover, it involves putting sanctified produce in the markets with the knowledge that not all Jews will treat it with the proper sanctity. Deciding which is best, personally and for the people as a whole, is not always easy.

Although the chief challenge in this regard is the lot of the farmers, the consumers also struggles with deciding what type of produce they should purchase. Jewish-grown and -owned *shemitta* cost more, and the produce itself, which cannot be grown normally, may not be the same as what they are used to. The unity which is supposed to be achieved during the *shemitta* year is often subverted by debating the proper approach to its observance.

While the debate regarding the proper approach to *shemitta* primarily applies in Israel, its repercussions can be felt even beyond the Land. Due to the fear of the misuse of *shemitta* produce, one can find on some kashrut certificates that the food does not contain *tevel, orla* or *shevi'it.* The first two, *tevel*, untithed produce, and *orla*, fruits of the first three years of a tree, are forbidden to eat. But *shevi'it*, produce of the *shemitta* year, is uniquely holy and meant to be eaten. In fact, it is the only produce of heightened sanctity that can be eaten by all Jews, anywhere in Israel, and doesn't have to be eaten while in a ritually pure state. According to some, consumption of *shemitta* produce is even a mitzva, but due to the halakhic challenges involved, many have distanced themselves from it.

**HaRav Lichtenstein's Strong Reservations**

When HaRav Aharon Lichtenstein arrived in Israel in the early 70s, he discovered what he felt was the sorry and tragic state of *shemitta* at the time. He describes his shocked feelings in powerful terms. Decades later, in 5761 (2000), he revisited the topic, finding that, unfortunately, not much had changed. After describing what *shemitta* could be and the amazing vision it presents, he states:

What remains today of this spectacular vision? Virtually nothing. The transition from an agrarian to industrial economy eliminated - for the vast majority of society - the direct relevance of the forbidden farming activities. Yet, in this area the situation is relatively good: we neither circumvent nor distort the prohibitions; the majority of us simply do not encounter them. Regarding, however, the prohibitions pertaining to eating and the sacred status of the produce, the situation is ten times wore.

What options avail themselves to those reverently concerned about the sanctity of *shemitta* produce and the detailed laws relevant thereto? They can rely on a legal fiction, according to which - woe unto the ears that hear such a thing! - the fields of the entire land, from Lebanon to Egypt and from the sea to the Jordan River, are sold or leased to a gentile... Even should we assume the halakhic propriety of the lenient position, the phenomenon itself must make us tremble.

Alternatively, those who feel skeptical about the "*heter*" can purchase produce grown overseas or in Arab fields... But how vast a gap exists between running to special greengrocers in order to pay exorbitant prices for non-Jewish produce - grumbling over the schlep and expense while priding oneself for his piety - and the biblical vision that "You may eat whatever the land during its Shabbat will produce!" Can we find any commonality between that sense of arrogance, and the sense of human submission and divine greatness that stand at the center of the institution of *shemitta*? …What percentage go through the *shemitta* year with genuine joy, as opposed to those who long, almost desperately, for relief from its burden?

…Concurrent with our concern for the welfare of *Kenesset Yisrael*, we sense ever so strongly the pain of the Giver of the Torah. Specifically the mitzva of *shemitta* - a mitzva of such critical importance, whose underlying idealistic depth is so clear and so easy to identify with - we circumvent, hiding behind a trick of sorts rather than properly fulfilling it.

…This describes our situation today with regard to the agricultural prohibitions of *shemitta*. Formally, perhaps, all has been taken care of, but we do not observe the land's year of rest. We, including both supporters and opponents of the "*heter*," those who shop as usual and those who consult regularly with calendars and charts, are not "*meshamet*" (observing "*shemitta*"), but rather "*mishtamet*" (shirking our responsibility). I see no way to save the situation in the foreseeable future. At very least, however, we must sense the pain, just as Hillel felt the pain in his day. With no alternative, we will use the various "*heterim*" and means of circumvention, and we will bow our heads in humble submission to reality. But let us not resign ourselves to it. Let us admit to our failure and feel distress, hoping that the Almighty will make good our loss.

**The *Shemitta* Vision**

Suffice it to say, this isn't what *shemitta* was meant to be. The *shemitta* year was never without its challenges, yet it was always marked by the promise it brought with it: a different year that allowed for a markedly different perspective on life as a whole, on existence, on finances. It was meant to breed a different character of man. The Jewish outlook has always been this: "Corresponding to the pain is the reward" (*Avot* 5:23). In order to achieve the goals of *shemitta*, one must be committed to accepting the challenge. The “no pain, no gain” approach involves the recognition of the tremendous inner strength of those who properly observe *shemitta* in all generations, referred to by our Sages as *gibborei khoach,* based on the verse: "Bless God, you angels of His, you mighty in strength [*gibborei khoach*], who fulfill His word, hearkening to the sound of His word" (*Tehillim* 103:20).

It is partially due to the challenge involved in the fulfillment of the mitzva that the stakes are so high. The Torah details its deeper significance by connecting its most descriptive passage to Mount Sinai, leading some to remark that “this is a *mitzva* which all other *mitzvot* are dependent upon… as through this *mitzva* one fulfills all *mitzvot*” (*Sefat Emet, Behar* 5635). Additionally, the Torah states that failure to fulfill this mitzva will lead to exile and the land's desolation. Its broad message is because it is not just one mitzva but a series of *mitzvot* which directly relates to all areas of human involvement: one’s relationship with God, with others, with himself, with the Holy Land and with the environment as a whole.

Its messages transform our personality, investing us with better character traits and a new perspective regarding ownership and property. It gives us time for ourselves, to be involved in spiritual pursuits and to have a rendezvous with eternity while revealing the beauty and depth of our agricultural and physical labors when they are directed towards a deeper central purpose.

The goal of this series is to present this other side of the coin. With God's help, a lot has changed in the fourteen years since HaRav Lichtenstein voiced his comments. A growing number of Jews have taken hold of the opportunity of *shemitta* and have embraced its laws, while advancing means of observing *shemitta* in better ways.

Nevertheless, in our discussion of all these values and *halakhot* of *shemitta*, we will also try to stress one important reality in this regard. Yes, the modern challenge of *shemitta* poses difficulties that were not experienced in the past, but the reason is simple. Never since the Temple's destruction have we as a nation had such a successful agricultural and demographic rebirth in our Holy Land. The lack of *shemitta* observance brought in its wake desolation for the land and dispersion for its people, but we have finally reached a turning point. The Jewish return to and rebirth in the Land of Israel is a welcome blessing, and the trials of *shemitta* observance are a welcome reminder of the divine favor shown in the reconnection to our land and national purpose.

It is not the contemporary reality of *shemitta* which makes its observance so difficult, but it is the modern world which makes its message so necessary, and we hope this series will help explain why.

1. Some explain that for technical reasons the *berakha* is not recited, as they maintain that the experience of *shemitta* is primarily associated with the land and the produce growing in the fields, rather than man; however, Rav Shelomo Zalman Auerbach maintains that the omission of *Shehecheyanu* is not because it does not deserve a *berakha*, but because it already has one. The *shemitta* year always begins on Rosh Hashana (see tractate *Rosh Hashana* 2a), which already has a *Shehecheyanu* of its own. [↑](#footnote-ref-1)