**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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This week’s shiurim are dedicated in memory of
Lillian Grossman *z”l* – Devorah Leah bas Shlomo Halevi
by Larry and Maureen Eisenberg

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Dedicated *le-zekher nishmot* Amelia Ray and Morris Ray
on the occasion of their eighth *yahrtzeits*
by their children Patti Ray and Allen Ray

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**Shiur #18: *Shemitta* in *Parashat Mishpatim***

As we have seen, *shemitta* first appears in *Parashat Mishpatim (Shemot* 21-24). This begs the following question: how are the laws of *shemitta* connected to this *parasha*, which deals primarily with interpersonal laws of damages and the like, as well as with the covenant made at the time of the Giving of the Torah? Responding to this question will allow us to revolutionize our conception of interpersonal relationships and the fundamental aspects of the covenant at Sinai.

In the middle of *Parashat Mishpatim*, the Torah (23:10-11) states:

And six years you shall sow your land (*artzekha*) and shall harvest its fruits. But [in] the seventh (*shevi'it*), you shall release it (*tishmetenna*) and let it lie fallow (*u-ntashtah*), and the poor of your nation will eat, and what they leave over the beasts of the field shall eat. So you shall do with your vineyard and with your olive grove.

The following verse discusses Shabbat, stating:

Six days you shall do your work, and on the seventh day you shall rest (*tishbot*) in order that your ox and your donkey shall repose, and your maidservant's son and the stranger shall be refreshed (*ve-yinafesh*).

We have made in the past a number of interesting observations regarding this passage. The seventh year is not known by any particular appellation other than its ordinal number. Clearly, we must define “*tishmetenna u-ntashtah*.” Although we translated this phrase as "you shall release it and let it lie fallow,” it is actually the subject of great dispute, as we will see. Immediately after the description of the sabbatical year is the description of Shabbat, which also has a system of six and seven: six units of working and a seventh of ceasing; it is only the units of time which vary, years versus days. We also have the verb forms of the nominative terms for these periods: from *tishmetenna* we get *shemitta*, and from *tishbot* we get Shabbat.

**The Context**

Chapter 23 mention *shemitta* for the first time, but its context raises some eyebrows, especially with the knowledge that *shemitta* will be repeated and dealt with extensively in *Parashat Behar*. The Torah seems to present a system differing from the normal course of events.

First, let us consider the context. The final chapter of *Parashat Mishpatim* (24) returns to Sinai, just as *Parashat Yitro* describes the Sinaitic revelation and the giving of the Ten Commandments, but its first three chapters (21-23), which contain mostly civil laws rather than ritual laws, doesn't seem to belong. In fact, chapter 24 records the enactment of a covenant between God and His people: a "covenant scroll" is read before the people and they declare *"Na'aseh ve-nishma," "*We will do and we will listen” (7); "covenant blood" is sprinkled upon the two parties to the covenant, the people (8) and the altar, representing God; the people, both before and during the covenant ceremony (3, 7), declare their acceptance of all that God has spoken. The ceremony culminates in a revelatory experience (10), followed by a call to Moshe to ascend into the divine cloud covering Sinai, in order to receive the Tablets of the Covenant. What does *shemitta* have to do with the civil laws, and what do those laws have to do with the Sinaitic revelation?

A number of commentators, such as Rashi and Abarbanel, see the covenant of Chapter 24 as a prelude to the revelation of Chapter 19, explaining that there is a principle that the Torah does not necessarily follow strict chronological order (*mukdam u-me’uchar*). However, others, such as the Ramban, adopt the approach that the Torah is actually describing events as they occurred. In the midst of the Mount Sinai experience, the laws of *Parashat* *Mishpatim*, including *shemitta*, are taught.

The question is heightened according to the Ramban, but it is relevant according to Rashi as well; he doesn't see chronological sequence, but he does see clear thematic significance in presenting *Mishpatim*'s social laws in the midst of the Convocation at Sinai. What is the connection?

[Elsewhere](http://etzion.org.il/en/shiur-12mishpatim-appreciating-gods-precepts-study-and-practice) we have explained that this location is testament to the centrality of *mishpat*, justice, which is not only civil law, but the physical expression of how God's statutes and laws play themselves out in society. Knowledge of the laws alone is insufficient; one must learn how to apply them and how to make judgment calls, and in the process to be sensitized and transformed by the appreciation of the Godly principles of justice in society. Social and civil laws are not merely a practical necessity for effective governing; they are divine daily expressions of the Sinai experience, and therefore, no place is more fitting (either practically or thematically). They are part and parcel of the daily reenactment of the Sinai experience.

With this in mind, *shemitta* is also very fitting for this section, especially as it is portrayed in *Mishpatim*. *Shemitta’s* connection to Sinai is apparent from its longer description in *Parashat Behar*, which introduces the ritual aspects of *shemitta* observance as the archetypical system of *mitzvot* taught at Sinai. However, *Parashat Mishpatim* focuses on the social aspects of *shemitta*, indicating how man's relinquishment of his field and its bounty will allow the poor and even the beasts of the field to benefit, describing a message of social concern for the poor and helpless. *Shemitta* is fundamental, demonstrating that the Torah's concern is not limited to rituals.

**Juxtaposed to the Stranger**

The overall context of *Mishpatim* is significant, but so is *shemitta's* placement directly following the laws of proper treatment of the stranger and alongside other laws regarding proper judgment.

Some commentaries explain the connection between justice and *shemitta* as cause and effect. For instance, Alshikh explains that the proper system of judgment will allow one to successfully grow his crop for six years.

Since the previous issue was addressed primarily to the judges, this part lists the reward for a society in which social justice prevails.

The Or Ha-chayim chooses to focus on the direct context of what precedes *shemitta*, i.e. the laws of the stranger, explaining that keeping *shemitta* will prevent exile and living as a stranger in others' lands (as mentioned in *Vayikra* 26).

One might offer another explanation as well for the connection between *shemitta* and the stranger, as offered by Rav Yonatan Snowbell. During the *shemitta* year, one feels like a stranger in his own land, realizing that the land is not really his in the common usage of the word. One essentially returns to the period of the Jewish people in the desert, receiving their food directly from God's blessing.

Rav Hirsch deals with the larger question of why *shemitta* and the holidays should be included in *Parashat Mishpatim*, which deals with social laws. His answer, also referencing the connection between *shemitta* and the stranger, is essentially that through this context the Torah indicates that the perspective of separation of "church" and "state," i.e., dividing and selecting what is a ritual mitzva and what is an interpersonal one for the benefit of society, is often flawed; the two not only overlap but often interact and intertwine.

Rav Hirsch (23:9) explains that verse 9, dealing with proper treatment of the *ger* (stranger), refers back to verse 20 of the previous chapter which discusses equality before the law and the foundations of a Jewish society, in which love and kindness must apply to all in need. Treatment of foreigners is the real test of the principles of lovingkindness, what he terms "an accurate indication of the extent to which justice and humanity prevail in the state."

Rav Hirsch continues by explaining that the various *mitzvot* presented here, including *shemitta*, are only introduced in broad outlines, but despite the singular nature of each mitzva, they all have one feature in common:

They nurture in the nation the spirit of equality and humanity. For these laws are intended to instill in the people the awareness that they, too, should regard themselves as merely strangers and sojourners in God's land and on God's earth; hence they should not exaggerate the importance of material property — an exaggeration which always creates legal inequality and harshness in human relationships. Observance of these laws will guide the people to a proper and heightened appreciation of all the moral and spiritual values that make man truly human, and that are the basis for the equality of all men under the law and for mutual love between man and his fellow man.

Shabbat of the years, i.e., *shemitta*, and Shabbat of the days, the festivals… are all presented here in broad outlines from this one point of view.

Thus, at the end of *Parashat* *Mishpatim*, which includes the fundamentals of social law, the Torah shows us the importance of these laws (although *shemitta*, Shabbat, etc. are generally considered "religious" institutions) for social life. What is more, these laws are the true soul of social life; they are a never-failing source from which the social existence of the nation can draw nourishment and abiding vitality for its spirit and life-force. Only by dint of these laws will there emerge from the nation's inner essence a national life based on justice and humanity. Without these laws, countries strive in vain — and always clumsily — to base such a national life on all sorts of superficial statutes and state institutions.

With this in mind, it is understandable not only why *shemitta* should be placed in *Mishpatim*, but play a central role in the Sinaitic covenant. ensuring continued recognition of the Godly perspective that must accompany any attempts to create a society of lovingkindness based on the Torah's principles.

**The Amazing Six Years**

The Torah does not merely address the unique *halakhot* associated with the seventh year, but contrasts them with the previous six years by stating:

And six years you shall sow your land and shall harvest its fruits.

A similar introduction is found in the next section regarding Shabbat:

Six days you shall do your work, and on the seventh day you shall rest.

The commentators understand that these statements indicate a certain outlook and perspective which guides these six years or days. Particularly in regards to working the land during the six years, there is an expression of the ideal involved in working the land, as well as the miracle which allows six years of cultivation without completely diluting its resources.

In antiquity, the common practice of many was to leave one's field fallow every other year; the idea of planting for six years straight without crop rotation was unthinkable. The Rambam mentions that *shemitta* enables the land to rest for a year, but the novelty involved is less the need of the land to rest than the scheduling of this period once every seven years.

Additionally, what makes *shemitta* unique is that everyone does it simultaneously on all their fields, rather than having a portion of society leave some of their fields fallow, so they may rely on other fields.

Alshikh, however, argues that it is not true that in the seventh year, the ground is so depleted that it is incapable of growing; it is clear from the verses that had one planted, produce would grow. Rather it is for a greater purpose, i.e., to enable all that *shemitta* has to offer.

The Chizkuni and ibn Ezra note that the mention of the six years here also serves another purpose. One might think that due to the seventh year, one may rest assured that the poor have been taken care of. Therefore the verse states that one should not rely on *shemitta* alone, as there are charitable needs attached to the fields throughout the rest of the cycle as well, even if *shemitta* affords one an extreme means of helping the poor.

Additionally, the contrast to the six years of planting indicates the importance of developing *Eretz Yisrael*. The Rashbam notes that the description of gathering in one's grain during the six years is a directive that during that period one should not leave one's land *hefker*, ownerless, as not all years are meant to be *shemitta* years. It is almost as if the Torah is saying that although there is an ideal of working hard to cultivate the land, this is true for only six years out of seven. The seventh year is a year in which that ideal is put aside in the search of something bigger.

Daat Zekenim cites a tradition that man is essentially obligated to work the land during the six years:

Even if one only has a small scorched piece of land in his garden, he must work it every day.

 However, he goes on to cite an interesting observation:

It appears to HaRav Moshe that it is specifically in the Land of Israel [that this obligation to work the land applies] in order to increase the amount of levies and tithes that are taken from the produce.

One might offer a similar reading of the verses, yet attach a different rationale to it. Daat Zekenim cites that possibly the mitzva to work one's land during the six years only applies to the Land of Israel, and opines that the reason is to increase the quantity of gifts given to the priests and Levites. However, one might explain that while it is true that the mitzva to work the land is only applicable where *shemitta* applies in the seventh year, i.e., in the Land of Israel, the reason is otherwise. The reason is because the mitzva of *yishuv (*settling) *Eretz Yisrael* requires that we build up the land — specifically *artzekha*, the land of the Jewish nation. Against this backdrop, the *mitzvot* of *shemitta* are a clear deviation from the norm, and represent the putting aside not only of the ideal of being self-sufficient but the ideal of furthering the beauty and bounty of the Land of Israel.

As we will see during ensuing *shiurim*, *shemitta* is not supposed to be a period in which the Land of Israel becomes destitute and unbeautiful. Rather, as we maintain the current beauty of the land, our focus shifts so that we may retain religious ideals and avoid escapades in personal conquest and wealth-building. *Shemitta* allows us to recognize the purpose in our activities in the field and that one's success is part of a larger unified national objective, rather than a personal attempt to build up one's fortune.

Alshikh's comments regarding the necessary ingredients for allowing one to miraculously plant for six years straight without depleting the land's resources can also be understood against this backdrop.

Whereas in other countries, the earth needs to recover after each year and cannot be worked six years in succession, Israelites in their land can work the same soil six years in a row without fear of famine. Seeing famines is the penalty for social injustice. In fact, in the seventh year, the same soil will produce a crop **without** it having been worked at all. Even in that year, the soil does not need to recuperate from having produced harvests for six years consecutively. Your poor will have what to eat, and there will be leftovers for the beasts of the field.

Alshikh points out that it is specifically the adherence to the values of *shemitta* and its social messages which enables the land to be fruitful. Taking a year off for *shemitta* and allowing one to inculcate the proper perspective on one's field does not result in less growth, but rather allows the land to be more productive during the other six years.

The Midrash presents a similar idea as well, explaining that when the nation observes the *halakhot* of *shemitta*, then only once in seven years is *shemitta* necessary; but when the nation fails in its *shemitta* observance, than one must observe four *shemittot* in seven years, as the land will not bear fruit yearly, but will require crop rotation and only be cultivatable every other year.

**The Reinvigorating Shabbat**

Alshikh, who mentioned the physical benefits of observance of *shemitta*, understandably feels the need to explain what is to be gained from the observance of *shemitta*. One might recognize its being an insurance policy for sustained growth or even a period of physical rest, giving the farmer, not only the land, the opportunity to regain physical strength. Alshikh therefore derives from the verse which follows *shemitta*, that of Shabbat, that the rest is much more of a physical opportunity than a spiritual one. This is where he notes the addition of a *neshama yetera*, an expanded soul, during the *shemitta* year, and the need to take advantage of it. He states:

Should you think that the legislation is designed to give man a year's vacation, this is not so. Just as it had been decreed to abstain from work every Shabbat, as a reminder of the fact that God imbued the Shabbat with sanctity already at the time of creation, so the seventh-year legislation is also rooted in similar considerations, i.e., that both on the Shabbat and during the seventh year a person acquires an additional spiritual dimension, similar to the *neshama yetera*.

The aspect of physical rest mentioned here applies only to "your ox and your donkey;” humans, even your non-Jewish slaves, must fulfill part of the Torah precepts, so they are to benefit from *ve-yinafesh*, this additional soul. There is no need to mention again the fact that this concept applies in an even greater measure to the Jew.

Similarly, Rav Hirsch, on the same verse, describes how Shabbat and *shemitta* share similar goals of allowing the people to recognize the Creator; therefore, the Torah juxtaposes them.

Just as the Shabbat year of the land establishes the nation's standing in its land, the Shabbat day establishes man's standing in the world. By observing the Shabbat, man acknowledges God as the Creator and Master of the world and of himself. On the seventh day, man refrains for exercising his own mastery over any of God's creations and humbly subordinates himself and his world to the Creator. While he observes the Shabbat, the Shabbat teaches him to respect every other creature alongside himself, as all are equal before God, and all are His children.

This dismantling of man's mastery over all creatures is one of the objectives of the Shabbat, the day on which man pays homage to God, so that rest should come to the working animals and beasts of burden, and so that the son of your handmaid and the stranger in your midst shall "return to themselves” (*yinafesh*), become conscious of their own human dignity, and recognize that their purpose in life is their very own.

From “in order that your ox and your donkey shall repose,”the *Mekhilta* derives that a person has a special obligation toward his animals: not only must one leave one's animals at rest on the Shabbat, but one must also turn them out and allow them to graze undisturbed.

In our next lesson, we will see how all these ideas play out in the primary obligation described in *Parashat Mishpatim*, “you shall release it (*tishmetenna*) and let it lie fallow (*u-ntashtah*)” and its prescription for recognizing the true owner and provider of all our bounty*.*