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A Sabbath of the Land for You: Shemita, Ethics, and Jewish Philosophy

Session 1: Introduction - Why does Shemita matter to Jewish Ethics?

An Initial Explanation of the Ethical Significance of Shemita

Maimonides, *Guide for the Perplexed*

“With regard to all the commandments that we have enumerated in Laws concerning the Sabbatical Year and the Jubilee, some of them are meant to lead to pity and help for all men—as the text has it: That the poor of thy people may eat; and what they leave the beasts of the field shall eat, and so on—are meant to make the earth more fertile and stronger through letting it lie fallow. Others are meant to lead benevolence toward slaves and poor people; I refer to the remission of debts and freeing of slaves. Others consider what is useful from a permanent point of view in providing for a living, through turning the whole land into an inalienable possession that cannot be sold in absolute fashion: And the land shall not be sold in perpetuity; consequently a man’s property remains, as far as the landed property itself is concerned, reserved for him and his children, and he can only exploit its produce” 553 (III 39).

The Biblical Injunctions

| Leviticus 25:1-10 | ויקרא 10–25:1 |
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| <p>The LORD spoke to Moses on Mount Sinai:</p> <p>Speak to the Israelite people and say to them:</p> <p>When you enter the land that I assign to you, the land shall observe a sabbath of the LORD.</p> <p>Six years you may sow your field and six years you may prune your vineyard and gather in the yield.</p> <p>But in the seventh year the land shall have a sabbath of complete rest, a sabbath of the LORD: you shall not sow</p> | <p>וַיְדַבֵּר ה' אֶל־מֹשֶׁה בְּהַר סִינַי לֵאמֹר:</p> <p>דַּבֵּר אֶל־בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם כִּי תְבֹאוּ אֶל־הָאָרֶץ אֲשֶׁר אָנֹכִי נֹתֵן לָכֶם וְשָׁבַתָה הָאָרֶץ שְׁבַת לַה':</p> <p>שֵׁשׁ שָׁנִים תִּזְרַע שָׂדֶךְ וְשֵׁשׁ שָׁנִים תִּזְמַר כַּרְמְךָ וְאָסַפְתָּ אֶת־תְּבוּאָתָהּ:</p> <p>וּבַשְּׁנָה הַשְּׁבִיעִית שְׁבַת שְׂפָתוֹן יִהְיֶה לְאָרֶץ שְׁבַת לִיהְיֶה שְׂדֶךְ לֹא תִזְרַע וּכְרַמְךָ לֹא תִזְמַר:</p> |

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| <p>your field or prune your vineyard.</p> <p>You shall not reap the aftergrowth of your harvest or gather the grapes of your untrimmed vines; it shall be a year of complete rest for the land.</p> <p>But you may eat whatever the land during its sabbath will produce—you, your male and female slaves, the hired and bound laborers who live with you,</p> <p>and your cattle and the beasts in your land may eat all its yield.</p> <p>You shall count off seven weeks of years—seven times seven years—so that the period of seven weeks of years gives you a total of forty-nine years.</p> <p>Then you shall sound the horn loud; in the seventh month, on the tenth day of the month—the Day of Atonement—you shall have the horn sounded throughout your land</p> <p>and you shall hallow the fiftieth year. You shall proclaim release throughout the land for all its inhabitants. It shall be a jubilee for you: each of you shall return to his holding and each of you shall return to his family.</p> | <p>את ספיח קצירך לא תקצור ואת ענבי גזרך לא תבצר שנת שבתון יהיה לארץ:</p> <p>והיתה שבת הארץ לכם לקלה לך ולעבדך ולאמתך ולשכירך ולתושבך הגרים עמך:</p> <p>ולבמהמך ולתניא אשר בארצה תהיה {כל-תבואתה לאכל: }ס</p> <p>וספרת לך שבע שבתות שנים שבע שנים שבע פעמים והיו לך מיל שבע שבתות השנים תשע וארבעים שנה:</p> <p>והעברת שופר תרועה בתחדש השבלי בעשור לחדש ביום הכפרים תעבירו שופר בכל-ארצכם:</p> <p>וקדשתם את שנת הקמשים שנה וקראתם דרור בארץ לכל-ישיביה יובל הוא תהיה לכם ושבתם איש אל-אחוזתו ואיש אל-משפחתו תשבּו:</p> |
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| Deuteronomy 15:1-15 | דברים 15:1-15 |
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| <p>Every seventh year you shall practice remission of debts.</p> <p>This shall be the nature of the remission: every creditor shall remit the due that he claims from his fellow; he shall not dun his fellow or kinsman, for the remission proclaimed is of the LORD.</p> <p>You may dun the foreigner; but you must remit whatever is due you from your kinsmen.</p> | <p>מקץ שבע-שנים תעשה שמטה:</p> <p>וזה דבר השמטה שמוט כל-בעל משה ידו אשר ישה ברעהו לא-יגש את-רעהו ואת-אחיו כייקרא שמטה לה':</p> <p>את-הנכרי תגש ואשר יהיה לך את-אחיקה תשמט ידה:</p> <p>אפס כי לא יהיה-כֹּה אביון כייקרא יברכה ה'</p> |

There shall be no needy among you—since the LORD your God will bless you in the land that the LORD your God is giving you as a hereditary portion—

if only you heed the LORD your God and take care to keep all this Instruction that I enjoin upon you this day.

For the LORD your God will bless you as He has promised you: you will extend loans to many nations, but require none yourself; you will dominate many nations, but they will not dominate you.

If, however, there is a needy person among you, one of your kinsmen in any of your settlements in the land that the LORD your God is giving you, do not harden your heart and shut your hand against your needy kinsman.

Rather, you must open your hand and lend him sufficient for whatever he needs.

Beware lest you harbor the base thought, “The seventh year, the year of remission, is approaching,” so that you are mean to your needy kinsman and give him nothing. He will cry out to the LORD against you, and you will incur guilt.

Give to him readily and have no regrets when you do so, for in return the LORD your God will bless you in all your efforts and in all your undertakings.

For there will never cease to be needy ones in your land, which is why I command you: open your hand to the poor and needy kinsman in your land.

If a fellow Hebrew, man or woman, is sold to you, he shall serve you six years, and in the seventh year you shall set him free.

When you set him free, do not let him go empty-handed:

בְּאֶרֶץ אֲשֶׁר ה' אֱלֹהֶיךָ נֹתֵנְךָ נַחֲלָה לְרִשְׁתָּהּ:

רַק אִם־שָׂמוּעַ תִּשְׁמָע בְּקוֹל ה' אֱלֹהֶיךָ לְשָׁמֵר לַעֲשׂוֹת אֶת־כְּהַמְצָנָה הַזֹּאת אֲשֶׁר אֲנִי מְצַוֶּךָ הַיּוֹם:

כִּי־ה' אֱלֹהֶיךָ בְּרַכְךָ בְּאֲשֶׁר דָּבַר־לְךָ וְהִעֲבַטְתָּ גוֹיִם רַבִּים וְאַתָּה לֹא תַעֲבֹט וּמִשְׁלַחַת בְּגוֹיִם רַבִּים וּבָרְךָ לֹא יִמְשְׁלוּ: {ס}

כִּי־יִהְיֶה לְךָ אֶבְיוֹן מֵאַחַד אֶחָיִךָ בְּאַחַד שְׁעָרֶיךָ בְּאֶרֶץ אֲשֶׁר־ה' אֱלֹהֶיךָ נָתַן לְךָ לֹא תֵאֶמֶן אֶת־לִבְּךָ וְלֹא תִקְפֹּץ אֶת־נַדְךָ מֵאַחֶיךָ הָאֶבְיוֹן:

כִּי־פָתַח תִּפְתַּח אֶת־יָדְךָ לּוֹ וְהִעֲבַט תַעֲבִיטּוּ דַי מִחֲסֹרֹו אֲשֶׁר יִחְסֹר לּוֹ:

הַשָּׁמֵר לָךְ פְּוִי־יִהְיֶה דְבַר־עַם־לִבְּךָ בְּלִיעַל לֵאמֹר הַקִּרְבָּה שְׁנַת־הַשְּׁבַע שְׁנַת הַשְּׁמִטָּה וְרַעַה עֵינֶיךָ בְּאֶחָיִךָ הָאֶבְיוֹן וְלֹא תִתֵּן לוֹ וְקִרָא עֲלֶיךָ אֱלֹהֵי הַיּוֹם וְהִנֵּה לְךָ חַטָּא:

נָתַן וְתָתַן לוֹ וְלֹא־יָרַע לִבְּךָ בְּתַתָּה לּוֹ כִּי בְּגִלְגַּל הַדָּבָר הַזֶּה יִבְרַכְךָ ה' אֱלֹהֶיךָ בְּמַעֲשֶׂיךָ וּבְכֹל מַשְׁלַח יָדְךָ:

כִּי לֹא־יִתְדַל אֶבְיוֹן מִקֶּרֶב הָאָרֶץ עַל־כֵּן אֲנִי מְצַוֶּךָ לֵאמֹר פָּתַח תִּפְתַּח אֶת־יָדְךָ לְאֶחָיִךָ לְעִנְיָה וְלֹא־בִינְךָ בְּאֶרֶץ־ךָ: {ס}

כִּי־יִזְכְּרֶךָ לְךָ אֶחָיִךָ הָעֶבְרִי אוֹ הָעֵבֶרֶיָה וְעַבְדְּךָ נָשִׂא שְׂגִיִם וּבַשָּׁנָה הַשְּׁבִיעִית תִּשְׁלַחְתָּנוּ חֲפָזִי מֵעִמָּךְ:

וְכִי־תִשְׁלַחְתָּנוּ חֲפָזִי מֵעִמָּךְ לֹא תִשְׁלַחְתָּנוּ רֵיקָם:

הַעֲנִיךָ תַעֲנִיךָ לּוֹ מִצֹּאֲנֶה וּמִגִּרְנָה וּמִקִּבְּהָ אֲשֶׁר בְּרַכְךָ ה' אֱלֹהֶיךָ תִתְּנוּ־לוֹ:

וְזָכַרְתָּ כִּי עֶבֶד הָיִיתָ בְּאֶרֶץ מִצְרַיִם וַיִּפְדֶּךָ ה' אֱלֹהֶיךָ עַל־כֵּן אֲנִי מְצַוֶּךָ אֶת־הַדָּבָר הַזֶּה הַיּוֹם:

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| Furnish him out of the flock, threshing floor, and vat, with which the LORD your God has blessed you. | |
| Bear in mind that you were slaves in the land of Egypt and the LORD your God redeemed you; therefore I enjoin this commandment upon you today. | |

Key Ethical Questions Raised by Shemitah:

Nechama Leibowitz: Commentary on Behar 1, pg. 516.

“Thus there are two precepts to be complied with by the Jew in the *shemitah* year, which leave their imprint on life during that year: The suspension of agricultural work, and the renunciation of ownership of all agricultural produce, declaring it public property. (We shall not now deal with the third precept, the cancellation of all monetary debts mentioned in *Parasbat Re'e.*) Whoever wishes to find a reason for the institution of the Sabbatical year of the land, must bear in mind, not only one, but both above mentioned aspects of the *Shemitah* year.

Jeffery Tigay, JPS Commentary on Devarim (15:3) (p.146)

The remission applies only to debts owed by fellow Israelites, not those owed by foreigners. Similarly, the *msharum* edict of the Babylonian king Ammitsaduka canceled only the debts of Akkadians and Amorites in Babylon. The distinction between citizens and foreigners may be due to the fact that forgiving debts is an extraordinary sacrifice. Collecting debts is a legitimate right that members of society are willing to forgo only on behalf of those who have a specific familylike claim on their generosity. In practical terms, remission of debts aims to reestablish economic equilibrium within a society, and since foreigners are only temporary residents they are not members of that society. Indeed, since foreigners were normally present in a country for purposes of trade, goods or money given to them on credit were usually investments or advance payments on goods, not loans because of poverty.

A Mitzvah We Cannot Perform?

Jeffery Tigay, JPS Commentary on Devarim 15:7-11 (p. 146-7)

Moses anticipates a complication arising from the preceding law. Even those who would normally be willing to lend to the poor might be reluctant to do so as the year of remission approaches, since they would very likely lose what they loaned. Moses urges the people to disregard such calculations, arguing that God would bless with further prosperity those who do not lend to the poor and would punish

those who refuse to lend. (In late Second Temple times this law did become a deterrent to lending, and a legal fiction was devised to remedy the problem...)

This section of the chapter is not a law but an ethical exhortation. Because there is no way for authority to judge the true motives of persons who refuse to lend, the exhortation could hardly have been enforceable. This is why the only recourse of the poor who are denied loans is a plea to God (v. 9b). To add force to the exhortation, Moses uses several value-charged idioms—‘hardening the heart,’ ‘base thought,’ and ‘mean’—to deprecate refusal to lend.

| Mishnah Gittin 4:3 | משנה גיטין ד:ג |
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| <p>A widow is not paid from the property of orphans except if she takes an oath [that she has not already received part of her <i>ketubah</i>]. The courts were reluctant to administer the oath, and so Rabban Gamliel the Elder established that she should take any vow that the orphans wanted, and then collect her <i>ketubah</i>. And witnesses sign a <i>get</i> because of <i>tikkun olam</i>. Hillel established <i>prozbul</i> because of <i>tikkun olam</i>.</p> | <p>אין אלמנה נפרעת מנכסי יתומים אלא בשבועה. נמנעו מלהשביעה. התקין רבן גמליאל הזקן שתהא נודרת ליתומים כל מה שירצו וגובה כתובתה. העדים חותמין על הגט מפני תיקון העולם. הלל התקין פרוזבול מפני תיקון העולם:</p> |

| Mishnah Shevi'it 10:3 | משנה שביעית י:ג |
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| <p>The <i>Prozbul</i> is not suspended [because of <i>sbemitab</i>]. This is one of the things that Hillel the Elder established, when he saw that people were reluctant to lend to one another, and that they were violating what is written (Deut. 15:9) “Beware lest you harbor the base thought, “The seventh year, the year of remission, is approaching,” so that you are mean to your needy kinsman and give him nothing. He will cry out to the LORD against you, and you will incur guilt.” Therefore, Hillel establishes the <i>Prozbul</i>.</p> | <p>פרוֹזְבוּל, אינו מְשַׁמֵּט. זֶה אֶחָד מִן הַדְּבָרִים שֶׁהִתְקִין הַלֵּל הַזֶּה, כְּשֶׁרָאָה שֶׁנִּמְנְעוּ הָעָם מִלְהַלוּת זֶה אֶת זֶה וְעוֹבְרִין עַל מֵה שְׁכָתוּב בַּתּוֹרָה (דְּבָרִים טו) הַשְּׁמֵר לָךְ פֶּן יִהְיֶה דְבָר עִם לְבָבְךָ בְּלִיעַל וְגו', הִתְקִין הַלֵּל לְפְרוֹזְבוּל:</p> |