

R"H Study Sheet 5782 - Shmita שמיטה Year

This coming year, 5782, is a Shmita Year which occurs every seven years (also called a “Sabbatical Year” or “Year of Release (of debts)”). In this year, there are specific requirements for treatment of the land (only applying to the Land of Israel), and remission of debts. It is doubtful that these rules were followed, even in the ancient world. As a thought experiment, the Shmita offers a provocative perspective on ownership (particularly of land), relationship to natural systems and debt.

Please read the sources carefully and write down any thoughts or questions for our discussion.

The first source is a list of ethical rules independent of Shmita with particular attention to land ownership for farming and debt. Notice how the text contains references to God’s involvement and the experience of enslavement in Egypt. As you read through the sources keep an eye out for wild animals and Shabbat.

TORAH SOURCES (5)

1) Deuteronomy 24:10-22

When you make a loan of any sort to your countryman, you must not enter his house to seize his pledge. You must remain outside, while the man to whom you made the loan brings the pledge out to you. If he is a needy man, you shall not go to sleep in his pledge; you must return the pledge to him at sundown, that he may sleep in his cloth and bless you; and it will be to your merit before the LORD your God.

You shall not abuse a needy and destitute laborer, whether a fellow countryman or a stranger in one of the communities of your land. You must pay him his wages on the same day, before the sun sets, for he is needy and urgently depends on it; else he will cry to the LORD against you and you will incur guilt. ... You shall not subvert the rights of the stranger or the fatherless; you shall not take a widow’s garment in pawn. Remember that you were a slave in Egypt and that the LORD your God redeemed you from there; therefore do I enjoin you to observe this commandment.

When you reap the harvest in your field and forget a sheaf in the field, do not turn back to get it; it shall go to the stranger, the fatherless, and the widow—in order that the LORD your God may bless you in all your undertakings. When you beat down the fruit of your olive trees, do not go over them again; that shall go to the stranger, the fatherless, and the widow. When you gather the grapes of your vineyard, do not pick it over again; that shall go to the stranger, the fatherless, and the widow. Always remember that you were a slave in the land of Egypt; therefore do I enjoin you to observe this commandment.

כִּי־תִשֶׂה בְרַעְוֵה מִשְׁאֵת מֵאוֹמֶה לֹא־תָבֹא אֶל־בֵּיתוֹ לְעֵבֹט עִבְטוֹ: בַּחוּץ תַּעֲמֹד וְהָאִישׁ אֲשֶׁר אִתָּה נֹשֶׂה בּוֹ יוֹצִיא אֵלֶיךָ אֶת־הָעֵבוֹט הַחוּצָה: וְאִם־אִישׁ עֲנִי הוּא לֹא תִשָּׁכַב בְּעֵבְטוֹ: הָשֵׁב תִּשְׁיֵב לוֹ אֶת־הָעֵבוֹט כְּבוֹא הַשֶּׁמֶשׁ וְשָׁכַב בְּשִׁלְמָתוֹ וּבִרְכָה וְלֶחֶם תִּהְיֶה לֹא־תַעֲשֶׂק שְׂכִיר עֲנִי וְאֶבְיוֹן מֵאֲחִיךָ אוֹ מִגֵּרְךָ אֲשֶׁר בְּאַרְצְךָ בְּשַׁעֲרֶיךָ: כִּי־וּמוֹ תִתֵּן שְׂכָרוֹ צְדָקָה לְפָנָי יְהוָה אֱלֹהֶיךָ: וְלֹא־תָבֹא עָלָיו הַשֶּׁמֶשׁ כִּי עֲנִי הוּא וְאֵלָיו הוּא נֹשֶׂה אֶת־נַפְשׁוֹ וְלֹא־יִקְרָא עָלֶיךָ אֶל־יְהוָה וְהָיָה כִּךָ חָטָא: לֹא־יִוָּמְתוּ אֲבוֹת עַל־בָּנִים וּבָנִים עַל־אֲבוֹת עַל־אֲבוֹת אִישׁ כְּחָטָאוֹ יִוָּמְתוּ: לֹא תִטֶּה מִשְׁפַּט גֵּר יְתוֹם וְלֹא תִחַבֵּל בְּגַד אֶלְמָנָה: וְזָכַרְתָּ כִּי עֶבֶד הָיִיתָ כְּמִצְרַיִם וַיְפַדְךָ יי אֱלֹהֶיךָ מִשָּׁם עַל־כֵּן אֲנֹכִי מִצְוֶה לַעֲשׂוֹת אֶת־הַדְּבָר הַזֶּה: כִּי תִקְצַר קְצִירְךָ בְּשָׂדֶךָ וְשָׁכַחְתָּ עֹמֵר בְּשָׂדֶךָ לֹא תָשׁוּב לִקְחָתוֹ לְגֵר לְיְתוֹם וְלֶאֱלֵמָנָה יְהִיָּה לְמַעַן יִבְרַכְךָ יְהוָה אֱלֹהֶיךָ בְּכֹל מַעֲשֵׂה יָדֶיךָ: כִּי תִחַבֵּט זֵיתָךְ לֹא תִפְאַר אֶתְרִיךָ לְגֵר לְיְתוֹם וְלֶאֱלֵמָנָה יְהִיָּה: כִּי תִבְצַר פְּרִמָּךְ לֹא תַעֲזוֹל לְאֶתְרִיךָ לְגֵר לְיְתוֹם וְלֶאֱלֵמָנָה יְהִיָּה: וְזָכַרְתָּ כִּי־עֶבֶד הָיִיתָ בְּאַרְץ מִצְרַיִם עַל־כֵּן אֲנֹכִי מִצְוֶה לַעֲשׂוֹת אֶת־הַדְּבָר הַזֶּה:

2) Exodus 23:6-12 - Ethical Laws and first mention of Shmita

You shall not subvert the rights of your needy in their disputes. Keep far from a false charge; do not bring death on those who are innocent and in the right, for I will not acquit the wrongdoer. Do not take bribes, for bribes blind the clear-sighted and upset the pleas of those who are in the right. You shall not oppress a stranger, for you know the feelings of the stranger, having yourselves been strangers in the land of Egypt.

Six years you shall sow your land and gather in its yield; but in the seventh you shall let it rest and lie fallow. Let the needy among your people eat of it, and what they leave let the wild beasts eat. You shall do the same with your vineyards and your olive groves.

Six days you shall do your work, but on the seventh day you shall cease from labor, in order that your ox and your ass may rest, and that your bondman and the stranger may be refreshed.

לא תטה משפט אבינך בריבו: מדבר-שקר תרחק ונקי וצדיק אל-תהרג כי לא-אצדיק רשע: ושחד לא תקח כי השחד יעור פקחים ויסלף דברי צדיקים: וגר לא תלחץ ואתם ידעתם את-נפש הגר פי-גרים הייתם בארץ מצרים: ושש שנים תזרע את-ארצה ואספת את-תבואתה: והשביעת תשמטנה ונטשתה ואכלו אביני עמך ויתרם תאכל חית השדה פו-תעשה לכרמך לזיתך: ששת ימים תעשה מעשיך וביום השביעי תשבת למען ינוח שורך וחסמך וינפש בו-אמתה והגר:

3) Leviticus 25:1-7 - more on Shmita

The LORD spoke to Moses on Mount Sinai: Speak to the Israelite people and say to them: When you enter the land that I assign to you, the land shall observe a sabbath of the LORD. Six years you may sow your field and six years you may prune your vineyard and gather in the yield. But in the seventh year the land shall have a sabbath of complete rest, a sabbath of the LORD: you shall not sow your field or prune your vineyard. 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. 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, your cattle and the wild beasts in your land may eat all its yield.

וידבר יי אל-משה בהר סיני לאמר: דבר אל-בני ישראל ואמרת אליהם כי תבאו אל-הארץ אשר אני נתן לכם ושבתה הארץ שבת ליי: שש שנים תזרע שדה ושש שנים תזמר כרמך ואספת את-תבואתה: ובשנה השביעת שבת שבתון יהיה לארץ שבת ליי שדה לא תזרע וכרמך לא תזמר: את ספיח קצירך לא תקצור ואת-ענבי גזירך לא תבצר שנת שבתון יהיה לארץ: והיתה שבת הארץ לכם לאכלה לה ולעבדך ולאמתך ולשכירך ולתושבך הגרים עמך: ולבהמתך ולחיה אשר בארצה תהיה כל-תבואתה לאכל: {ס}

4) Deuteronomy 15:1-2, 7-11 - Shmita as release of debt

Every seventh year you shall practice remission of debts. 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.

מקץ שבע-שנים תעשה שמטה: וזה דבר השמטה שמוט כל-בעל משה ידו אשר ישה ברעהו לא-יגש את-רעהו ואת-אחיו כיקרא שמטה ליי:

Deut. 7-11 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.

כִּי־יִי בָּה אֲבִיוֹן מֵאַחַד אֲחֵיהּ בְּאַחַד שְׁעָרֵיהּ בְּאַרְצֵהּ אֲשֶׁר־יִי אֲלֵהֶיךָ נָתַן לָךְ לֹא תִאֲמַץ אֶת־לִבְּךָ וְלֹא תִקְפֹּץ אֶת־יָדְךָ מֵאֲחֵיהּ הָאֲבִיוֹן: כִּי־פָתַח תִּפְתַּח אֶת־יָדְךָ לוֹ וְהִעַבְטַת תַּעֲבִיטוּנוֹ דֵּי מִחֲסָרוֹ אֲשֶׁר יִחְסַר לוֹ: הִשְׁמַר לָךְ פְּוִי־הִנֵּה דָבָר עִם־לִבְּךָ בְּלִיעַל לֵאמֹר קָרְבָּה שְׁנַת־הַשְּׁבַע שְׁנַת הַשְּׁמִטָּה וְרָעָה עֵינֶךָ בְּאַחֵיהּ הָאֲבִיוֹן וְלֹא תִתֵּן לוֹ וְקָרָא עָלֶיךָ אֱלֹהֵי־יִי וְהִנֵּה בָּךְ חַטָּא: נָתַן תִּתֵּן לוֹ וְלֹא־יִרַע לִבְּךָ בְּתַתָּהּ לוֹ כִּי בִגְלַל הַדָּבָר הַזֶּה יִבְרַכְךָ יי אֲלֵהֶיךָ בְּכָל־מַעֲשֶׂיךָ וּבְכָל מְשַׁלַּח יָדְךָ: כִּי לֹא־יִחַדֵּל אֲבִיוֹן מִקְרֹב הָאָרֶץ עַל־כֵּן אֲנֹכִי מְצַוְךָ לֵאמֹר תִּפְתַּח אֶת־יָדְךָ לְאֲחֵיהּ לְעִנְיָהּ וּלְאֲבִינָהּ בְּאַרְצֵהּ:

5) Leviticus 26:18-22, 32-36 - From the lists of blessings and curses resulting from obedience and disobedience at the end of the Book of Leviticus

And if, for all that, you do not obey Me, I will go on to discipline you sevenfold for your sins, and I will break your proud glory. I will make your skies like iron and your earth like copper, so that your strength shall be spent to no purpose. Your land shall not yield its produce, nor shall the trees of the land yield their fruit. And if you remain hostile toward Me and refuse to obey Me, I will go on smiting you sevenfold for your sins. I will loose wild beasts against you, and they shall bereave you of your children and wipe out your cattle. They shall decimate you, and your roads shall be deserted.

וְאִם־עַד־אֵלֶּה לֹא תִשְׁמָעוּ לִי וְיִסְפַּתִּי לְיִסְרָה אֶתְכֶם שִׁבְעַת עַל־חַטֹּאתֵיכֶם: וְשִׁבְרַתִּי אֶת־גְּאוֹן עֵינֵיכֶם וְנִתְתִּי אֶת־שְׁמִיכֶם כְּבַרְזֶל וְאֶת־אַרְצְכֶם כְּנֹחֶשֶׁת: וְתָם לְרִיק כְּחֹכְמְךָ וְלֹא־תִתֵּן אֶרְצְכֶם אֶת־יְבוּלָהּ וְעֵץ הָאָרֶץ לֹא יִתֵּן פְּרִיֹו: וְאִם־תִּלְכּוּ עִמִּי קָרִי וְלֹא תֵאָבִו לְשִׁמְעַי לִי וְיִסְפַּתִּי עָלֵיכֶם מִכָּה שִׁבְעַת פְּחַטֹּאתֵיכֶם: וְהִשְׁלַחְתִּי בְכֶם אֶת־חַיֵּית הַשָּׂדֶה וְשִׁפְלָה אֶתְכֶם וְהִקְרִיתָה אֶת־בְּהֵמַתְכֶם וְהִמְעִיטָה אֶתְכֶם וְנִשְׁמֹו דְרָכֵיכֶם:

I will make the land desolate, so that your enemies who settle in it shall be appalled by it. And you I will scatter among the nations, and I will unsheathe the sword against you. Your land shall become a desolation and your cities a ruin. *Then shall the land make up for its sabbath years throughout the time that it is desolate and you are in the land of your enemies; then shall the land rest and make up for its sabbath years. Throughout the time that it is desolate, it shall observe the rest that it did not observe in your sabbath years while you were dwelling upon it.* As for those of you who survive, I will cast a faintness into their hearts in the land of their enemies. The sound of a driven leaf shall put them to flight. Fleeing as though from the sword, they shall fall though none pursues.

וְהִשְׁמַתִּי אֲנִי אֶת־הָאָרֶץ וְשִׁמְמוּ עָלֶיהָ אִיבֵיכֶם הַיֹּשְׁבִים בָּהּ: וְאֶתְכֶם אֲזַרְהָ בְּגוֹיִם וְהִרִיקוּתִי אֶתְרֵיכֶם חָרֵב וְהִימָה אֶרְצְכֶם שְׁמָמָה וְעָרֵיכֶם יִהְיוּ חָרְבָה: אִז תִּרְצָה הָאָרֶץ אֶת־שְׁבַת־תִּמְיָה כָּל יְמֵי הַשְּׁמָה וְאַתֶּם בְּאֶרֶץ אִיבֵיכֶם אִז תִּשְׁבַּת הָאָרֶץ וְהִרְצַת אֶת־שְׁבַת־תִּמְיָה: כָּל־יְמֵי הַשְּׁמָה תִשְׁבַּת אֶת אֲשֶׁר לֹא־שְׁבַתְתָּה בְּשְׁבַת־תֵּיכֶם בְּשְׁבַתְכֶם עָלֶיהָ: וְהִנְשָׂאִים בְּכֶם וְהִבְאִיתִי מָוֶד בְּלִבְכֶם בְּאַרְצַת אִיבֵיכֶם וְרָדְף אֶתְכֶם קוֹל עֹלָה גֹדֶף וְנָסוּ מִגִּסְת־חָרֵב וְנִפְלוּ וְאִין רָדְף:

CONTEMPORARY SOURCES (2)

6) Excerpts *The Land Ethic* [14pgs], A Sand County Almanac by Aldo Leopold 1949,

[Opening paragraph:] When god-like Odysseus returned from the wars in Troy, he hanged all on one rope a dozen slave-girls of his household whom he suspected of misbehavior during his absence. This hanging involved no question of propriety. The girls were property. The disposal of property was then, as now, a matter of expediency, not of right and wrong.

THE ETHICAL SEQUENCE This extension of ethics, so far studied only by philosophers, is actually a process in ecological evolution. Its sequences may be described in ecological as well as in philosophical terms. An ethic, ecologically, is a limitation on freedom of action in the struggle for existence.

There is as yet no ethic dealing with man's relation to land and to the animals and plants which grow upon it. Land, like Odysseus' slave-girls, is still property. The land-relation is still strictly economic, entailing privileges but not obligations. The extension of ethics to this third element in the human environment is, if I read the evidence correctly, an evolutionary possibility and an ecological necessity.

THE COMMUNITY CONCEPT All ethics so far evolved rest upon a single premise that the individual is a member of a community of interdependent parts. His instincts prompt him to compete for his place in that community, but his ethics prompt him also to co-operate (perhaps in order that there may be a place to compete for). The land ethic simply enlarges the boundaries of the community to include soils, waters, plants, and animals, or collectively: the land. This sounds simple: do we not already sing our love for and obligation to the land of the free and the home of the brave? Yes, but just what and whom do we love? Certainly not the soil, which we are sending helter-skelter down river. Certainly not the waters, which we assume have no function except to turn turbines, float barges, and carry off sewage. Certainly not the plants, of which we exterminate whole communities without batting an eye. Certainly not the animals, of which we have already extirpated many of the largest and most beautiful species.

LAND HEALTH A land ethic, then, reflects the existence of an ecological conscience, and this in turn reflects a conviction of individual responsibility for the health of the land. Health is the capacity of the land for self-renewal. Conservation is our effort to understand and preserve this capacity.

7) Excerpts *Walking* [22 pgs] by Henry David Thoreau, 1862

[Opening paragraph:] I wish to speak a word for Nature, for absolute freedom and wildness, as contrasted with a freedom and culture merely civil—to regard man as an inhabitant, or a part and parcel of Nature, rather than a member of society. I wish to make an extreme statement, if so I may make an emphatic one, for there are enough champions of civilization: the minister and the school committee and every one of you will take care of that.

...in Wildness is the preservation of the World. Every tree sends its fibers forth in search of the Wild. The cities import it at any price. Men plow and sail for it. From the forest and wilderness come the tonics and barks which brace mankind. Our ancestors were savages. The story of Romulus and Remus being suckled by a wolf is not a meaningless fable. The founders of every state which has risen to eminence have drawn their nourishment and vigor from a similar wild source. It was because the children of the Empire were not suckled by the wolf that they were conquered and displaced by the children of the northern forests who were.

PERKEI AVOT “Sayings of the Fathers” SOURCES (2)

The Mishnah was the first piece of rabbinic oral tradition to be written down - in approximately 200CE. Perkei Avot is a unique book of the Mishnah containing no rabbinic disputation or formation of law (halacha). Rabbi Edward Feinstein suggests that Perkei Avot is a handbook for how to continue a community that has suffered catastrophe (Second Temple’s destruction, sacking of Jerusalem and exile in 70AD)

8) Perkei Avot 5;9 (first part)

Wild beasts come to the world for [the sins of:] swearing in vain, and the profanation of the Name. Exile comes to the world for idolatry, for sexual sins and for bloodshed, and for [transgressing the rules of] the Shmita Year.

חיה רעה באה לעולם על שבועת שוא, ועל חלול השם. גלות באה לעולם על עובדי עבודה זרה, ועל גילוי עריות, ועל שפיכות דמים, ועל השמטת הארץ.

EXPLANATION: Exile, which is the ultimate communal punishment, comes from a trio of the worst crimes: idol worship, sexual crimes (incest and adultery) and murder. Generally, if a person is told to sin or be killed, one is supposed to commit the sin in order to preserve life. However, this is not the case with these three: idol worship, sexual crimes and adultery. When people willingly commit these sins, God will exile them from their land. According to Jewish legend, it is for these three sins that the first Temple was destroyed. During the seventh year, the Shmita Year, Jews are not allowed to work their land. The punishment for not observing this law is that the land itself will exile you from living on it. This is another case of “measure for measure”; the punishment fits the crime.

9) Perkei Avot 5;10

There are four types of character in human beings:

One that says: “mine is mine, and yours is yours”: this is a commonplace type (בינונית); (and some say this is the character of a person of Sodom - מדת סדום).

[One that says:] “mine is yours and yours is mine”: is an unlearned person (עם הארץ)

[One that says:] “mine is yours is yours is yours” is a pious person. (חסיד)

[One that says:] “mine is mine, and yours is mine” is a wicked person. (רשע)

ארבע מדות באדם:
האומר: "שלי שלי ושלה שלה, " זו מדה בינונית. (ויש אומרים: זו מדת סדום).
"שלי שלה ושלה שלי, " עם הארץ.
"שלי שלה ושלה שלה, " חסיד.
"שלי שלי ושלה שלי, " רשע: