

Parshat Behar:

The Seventh Year

– A Utopian Dream?

Despite the advances of Western society in the areas of morality, democracy and liberalism and despite the most affluent society that the world has ever known, our generation increasingly finds itself plagued by severe problems. The pristine streets of our capital cities are marred by the homeless and starving; we have become accustomed and desensitised to the sharp discords of affluence and poverty side by side. "Alienation" is a new buzzword to describe the feeling of personal detachment, lack of direction and loss of community and family that are an inexorable result of modern living. Career frustration, burnout, anxiety. These are but a few of the feelings that pervade the modern, sophisticated, technological world that we have created and which we inhabit. Unfortunately, this disturbing urban landscape is far from that which we desire in life.

Judaism has much to say about these problems, but few people would begin with our parsha. This week's parsha turns our attention to the institution of the Shemitta and jubilee years. Behind the technical laws and details lie a sophisticated system of social cohesion, moral teaching and religious commitment and inspiration. What on the surface would seem to be an ancient agricultural practice, long extinct, might give us some well needed lessons for our fast-paced lives.

WHAT IS THE SHEMITTA YEAR?

The laws of the SEVENTH year include a number of aspects:

- A total ban on agricultural work
- Annulment of all loans

In the JUBILEE year an extra regulation is added:

- All land is returned to its original tribal owner (ie. all land is on a fifty year lease)
- All Jewish Slaves are given their freedom.

The laws of the Shemitta and jubilee years are found in several locations in the Torah. We shall look at three such sources. We will read through each reference highlighting its unique aspects and thereby developing a comprehensive, holistic philosophy of the seventh year - the Shemitta.

[A methodological note: Whenever a particular law or event is described in multiple passages in the Torah, it is always a valuable exercise to read each sourcetext individually and to attempt to capture the unique nature of each particular passage. One then has to ask oneself why each aspect needed to be emphasised separately and why each passage appears in the location that it appears. In this way, we emphasise the varied dimensions of each passage in the Torah rather than merging each topic into a single mold. If you wish to try this method for yourself, then read each of the following passages, one at a time, patiently and thoroughly (- if you can, read the passages in the original and note the wider context of the surrounding verses -) and jot down the central elements, the emphasis of each passage.]

THE SOURCES

1. Six years shall you sow the land and gather in its yield; but in the seventh shall you 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 to your vineyards and olive groves. (Exodus 23:10-11)

2. When you enter the land that I assign to you, the land shall observe a Sabbath to the Lord. Six years you may sow your field and six years you may prune your vineyards and gather in the yield. But in the seventh year the land shall have a Sabbath of complete rest, a Sabbath to the Lord: you shall not sow your field nor prune your vineyard...It shall be a year of complete rest for the land. But you may eat whatever the land during its Sabbath will produce....ö (Lev.25:1-5)

3. At the end of the seven year (period) you shall practice the Shemitta (Remission of debts). This shall be the nature of the Shemitta: every creditor shall remit the due that he claims from his fellow; If there is a needy person among you... you must open your hand and lend him sufficient for his needs ... Beware lest you harbour the base thought, "The seventh year, the year of remission is approaching," and 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...

If a fellow Hebrew, man or woman, is sold to you (as a slave), he shall serve you six years and in the seventh year you shall set him free." (Deut 15:1-12)

SOURCE 1: THE SOCIO-ECOLOGIC CONCERN

What is the nature of this passage? What does it tell us about the Shemitta year? The first thing that we can notice is the focus on the land. The land is to "rest and lie fallow". It would seem that there is some ecological (or even religious?) concern that the land - the very earth itself, fields and orchards - should take a break. A chance for the land to replenish itself, to restore nutrients worn away by the six years of farming.

The second emphasis here is the human aspect, the socio-economic dimension. The Shemitta year is a time where the "needy among your people" will have food. The entire harvest is declared ownerless to the point that even the "beasts of the field" are allowed to eat freely. The verses which precede this law emphasise a sensitivity to the disadvantaged and the desire for a fair treatment of the poor and helpless in society – "You shall not subvert the rights of the poor in their disputes... you shall not oppress the stranger for you know the feelings of the stranger having yourselves been strangers in the Land of Egypt."

The concepts that we have highlighted thus far are picked up in the Guide to the Perplexed – Maimonides' philosophical masterpiece. There he notes the benefits of Shemitta in its communal and ecological context:

"...they are designed to promote the well-being of all mankind as the Torah states: 'And the needy of

your people shall eat...,' furthermore the earth will increase its yield and improve its fertility through the Shemitta." (3:39)

But with a little thinking, we can gain a far deeper understanding of the social impact that this special year might have. How does Shemitta become an "equalizer" between rich and poor?

At the elementary level, we can say that the poor are provided for during this year. They have a ready food supply. They can walk into any field and collect the grain, the fruit. This year, they can live as kings. But there is a deeper dimension that relates to the intricate workings of class society. The very dependency of the poor on the rich engenders a bruised self-perception, feelings of vulnerability and inadequacy, on the part of the poor. They lack confidence and question themselves. They know that they are the lower class with limited means, a limited future. The rich, on the other hand, live in an atmosphere of self-confidence and with a knowledge that their future is secured and stable.

The Shemitta year has the power to adjust this situation somewhat. This year, both rich and poor go out to collect the grain together. Yesterday, the poor farmhand was a simple employee in this field, a labourer. Today he has full permission to enter and take the food for himself. Today the poor can enter the field with their heads high. As for the rich, maybe this year presents them with certain feelings of insecurity that they have never faced: "Will there be enough food to provide for the entire year's needs? Do we have to admit the commoners into our farms, our estates?" Shemitta is indeed, a very powerful equalizer.

And it goes further still. How many times have you met a person and asked: "What do you do?" intending to ask them about their work, their career. We all ask that question. We define our friends and acquaintances by their job, by their career. But there is so much more to a person!

Maybe this Shemitta year will be the first year that employer and employee, rich and poor will meet as equals. The first time that they will see each other as people. In the Shemitta year, the simple clerk and the Chairman of the bank will meet in the orchard as they both collect their food and they will talk to each other for the first time in their lives. This is a year of equality which can bind an entire society together with bonds of mutual respect and togetherness.

SOURCE 2: A YEAR OF GOD

This source is the opening passage of our parsha. At first glance the reader should notice the NAME used to describe the year. In our first text from Exodus, it was called "the seventh year" or simply "Shemitta." Here it is described by the title "the Sabbath." To be even more precise, the seventh year is denoted as "Shabbat LaShem - a Sabbath to the Lord." In fact the word "Sabbath" appears, in one form or another, seven times in the opening paragraph of the parsha.

With this name, we realise that our second text perceives Shemitta beyond the realm of the social - between man and man - but as reaching higher, to God Himself. Shemitta belongs to the realm of the religious, the connection between man and God. But how does Shemitta act as a pointer to God, a mode of contact between us and him?

"It is our duty to fix firmly in our minds that the universe was created by God, as it is stated (Ex

19:11): 'For in six days the Lord made heaven and earth,' and on the seventh on which he created nothing, He declared rest for Himself. Now, in order to eliminate the philosophy of the eternity of the world... a view which destroys the foundations of Torah, we are instructed to measure time - day, by day, year by year - counting six and resting on the seventh. In this way, the principle of creation will never leave our consciousness.... That is why God commanded us not just to refrain from all agricultural labour but also to renounce our ownership of the produce of the land during this year. It reminds man that it is not by virtue of its own independent power the earth which yields its fruits year by year, but because there is a God who is master over it and over its owner...

A further objective of these laws is to foster man's trait of generosity ... and another objective - to cultivate and strengthen man's faith and reliance on God, for he who can relinquish ownership over his land and the land of his fathers, every seven years, and accustom his entire family to it, will never become obsessed by desire for possession, nor suffer from lack of reliance on God." (Sefer Hachinuch. Mitzva #84)

According to the Sefer Hachinuch, Shemitta teaches us about God and strengthens our ties with Him. It is a tool to entrench the image of a God-creator in our minds, thus giving direction and meaning to the course of human events. It also draws us to Him in that we have to rely on faith alone to give us the sense of security necessary to survive the year intact. Indeed, it would have to be a very dedicated person who could hold back from engaging in providing the elementary needs of his family, the bread on the table.

The Shemitta year mirrors the (weekly) sabbath: The 6/7 rhythm, leads to an intensified awareness of God as creator. As Sabbath is designed to facilitate greater connection with the divine, an opportunity for the spirit to take the leading role, the Shemitta year functions as a year of "Sabbath."

We might add one further point. What did the nation do all year if they were not working? The traditional view has it that the entire nation would turn to Torah study and engage themselves in spiritual matters. This was a year of Jewish education. A good example of this phenomenon would be the ceremonial "Hakhel (Assembly)." It was a mass education rally, a "happening" at the site of the Mikdash, legislated by the Torah to occur on the festival of Sukkot each Shemitta year (Deuteronomy 31:10-13). But why only once in seven years? Why learn Torah specifically this year? The reason is that this year was designated for the spirit, a time for the religious to stake a central claim, overtaking the more "normal" pace of life. Let us not be narrow about this. Imagine an entire nation turning not only to Torah study, theology, philosophy, but also focussing on solving social problems, a public discussion about the values of the nation, and an opportunity to stop and think, to examine and plan, and dream. Just think what type of a nation that could be!

SOURCE 3: ECONOMIC POWER

In our third and final source-text, we leave the world of agriculture behind. We find ourselves in a post-agrarian society, talking of loans and money, not of fields and cattle. In this text we return to a concern for the underclass in society. This text talks about three main issues;

1. The annulment of all loans in the Shemitta year.
2. The command to give charity to the poor by extending a loan.
3. The freeing of Jewish slaves in the seventh year of their enslavement (not necessarily the Shemitta year but not by chance, here too is the 7 year pattern).

This passage is about a periodic redressing of inequalities within society that have accumulated over the years. The person so poor that he had to sell himself as a slave, who has served his master for six years, now gets another chance to succeed as an independent citizen. The person who has loans piling up against him in the bank has them annulled and he too is given a fresh start. And these laws are coupled with the command to financially assist the needy. The Torah takes care for the individual who's only hope for security and stability is a loan that might assist him in developing independent means of earning money. It instructs those in society who have the means at their disposal to put that person on their feet, to let him try to achieve financial stability.

This redressing of inequalities of wealth is taken a stage further in the Jubilee year. In the fiftieth year, all land reverts back to its tribal owner. Land which (especially in an agrarian society) is so central in defining who has and who has not, is legally returned to its owner. Since all Jews have a family inheritance somewhere in the land of Israel (on entry to the land, every family received their due allotment,) every citizen should return to being a landowner on their ancestral estate. Effectively then, we might talk about all real estate in Israel as being on a fifty year lease. Thus, at the Jubilee there is a periodic opportunity to redress certain imbalances on a national scale.

BALANCE

Does the institution of Shemitta sound too much like Socialism? - sharing wealth, ignoring loans, property shared equally. Maybe! It would seem that the Torah has a system here which contains elements of Capitalism and Socialism.

For six years, we work on the basis of the free market, with all the competition and ambition that push any modern economy. People buy and sell, they raise finance, build companies and employ a workforce; and - they make money! But, we know only too well the downsides of Capitalism: the process of aggressive competition and the pressures of the free-market that open the possibility of extreme poverty, the enormous gap between rich and poor and the resultant ills of substandard education, crime and social problems for the disadvantaged, those who don't make it in the "rat-race". How do we ensure that society will not develop such extremes: the homeless and the Fortune 500 list? How do we devise a system of opportunity for the poor so that they will be able to break out of the rut, so that an "Underclass" will not develop as a permanent feature of society? Maybe Capitalism tempered with Socialism a 6:1 ratio is not a bad idea? Maybe it is precisely this balance of elements that will ensure a healthy society where ALL citizens might flourish.

Rav Avraham Yitchak HaKohen Kook put it in the following way:

"The same mechanism that Shabbat performs for the individual on a weekly basis is put into effect for the entire nation in Shemitta. This nation - in which the divine spirit of creativity is planted, prominently and eternally - has a special need of expressing the revelation of its own divine light from time to time in its fullest intensity without

being suppressed by the worry and the pace, the passions and competition of everyday life.... That aggressiveness, which is essential to the workings of institutions in the public arena, causes a diminishing of moral sensitivities. The ongoing tension and conflict between the idealistic call to care, kindness and truth, pity and compassion on the one hand, and ruthlessness, coercion, and the pressures of quest for material success - inevitable and essential in daily life - on the other hand, causes a distancing of the divine light from the collective mindset of the nation, a distancing which has the power to lurk with poisonous effect even in the moral world of each individual. - Now the periodic suspension of the "rat-race" - the societal order - can bring a phenomenal boost to the nation, when society is morally and spiritually ordered raising and perfecting the social order." (Introduction to Shabbat Ha'aretz)

UTOPIA?

If we recap at this point, collating all our observations and insights, we emerge with a powerful picture of the institution of Shemitta. In this year we get a chance to breath, to think, as individuals and as a nation. It is a time for the poor to raise their heads and plan a better future. It is a year of equality for all. It is a year of togetherness and kindness. It is also a year where the spiritual comes to the fore and one is encouraged to develop one's spiritual world. Remember; this is not the Torah's image of the ideal life. This is a "Shemitta;" an opportunity for a different year, a balance to the competition and power politics that pervade the world that humans inhabit. Shemitta is a symbol of faith in man and society - that we might be able to change, to address our social ills and conflicts; that society might work at improving itself.

DIFFICULTIES.

Already, the Torah warns of the hardships – practical and psychological – in observing the practices of Shemitta.

In Parshat Behar, we read of the very real worries that people will suffer from a lack of food:

"And should you ask: What are we going to eat in the Seventh year if we may neither sow nor gather in our crops?" (25:20)

The answer is predicated upon a sense of trust in God:

"I will ordain my blessing for you in the sixth year so that it shall yield a crop sufficient for three years. When you sow in the eighth year, you will still be eating old grain of that crop (of the sixth year)..." (25:21-2)

Likewise, regarding loans, the Torah knows that people will be nervous about lending without the prospect of the loan being repaid:

"Beware lest you harbour 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 God against you, and you shall commit a sin. 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 ..." (Devarim 15:9-10)

However despite these divine promises, in the test of history Shemitta always seemed too difficult to observe. Ezra in Sefer Divrei Hayamim records that Shemitta was not observed during the first Temple period (See II Chronicles 36:19-21).

Similarly, At the end of the second Temple period, the great sage Hillel, saw that in the lead-up to Shemitta people were refusing to lend money for fear that the loan would be cancelled. He used a rule that if the loan contract had been given to the court for collection, the loan would not be cancelled. Hillel instituted the "Prozbul," a document which transfers authority for the loan to the courts. Now, the Shemitta year would not annul the loan because the court would reinstate it. Effectively Hillel circumvented the Torah law of loan annulment. Why did he do this? Hillel was faced with a dilemma. On the one hand, the loans were to be annulled. But on the other, this was a measure to protect the poor. Now, the very law that was to protect them was hurting the poor! Nobody would lend them money in the lead-up to the Shemitta. With a heavy heart, Hillel instituted the Pruzbul, ensuring the welfare of the poor but effectively eliminating one of the powerful tools which would activate the communal conscience of Shemitta.

[On a positive note, it would appear that the AGRICULTURAL Shemitta was observed during Bayit Sheni despite huge hardship! There is a Midrash which preserves an anti-semitic Roman play. There a camel complains that he is hungry because the Jews ate all his straw and thorns during Shemitta! In other words, to their credit, the Jews resorted to eating thistles and other wild fruits and foods in order to sustain themselves.¹]

In our century when the pre-State Yishuv was in its early years, the religious farmers were faced with a tremendous dilemma. They were fighting for every inch of land and barely able to support their families. What should they do about Shemitta? Should they refrain from agriculture during Shemitta, thus effectively abandoning their Kibbutzim and settlements. This would be a major setback for the Zionist cause and was unthinkable. Or should they disregard Shemitta? That too was out of the question. Rav Kook followed Hillel's lead and developed a Halakhic solution that would allow the farmers to continue working the land but circumvent the ban on agricultural labour. (The mechanism here was to sell the land to a gentile for a year - sort of like selling Chametz on Pesach - and Jews are permitted to work the land of a gentile during Shemitta.)

So what has become of this noble concept today? Unfortunately, today this utopian image of Shemitta is nothing but a mirage. Rav Aharon Lichtenstein has spoken of "The tragedy of Shemitta." Today Shemitta has retained certain technical laws but has totally lost its spiritual-social vision.

CONCLUSION.

So today, we have eliminated the loan issue and we do not put a halt to agricultural labour. In any event, today's high-tech world is so removed from the land and the rhythm of life which agriculture nurtures that Shemitta would have little impact for most. Shemitta has become a passing thought, a Kashrut issue at the most - we check the packaging to ensure that it is 'kosher for shemitta'.

¹ ויקרא רבה פרשה א ד"ה א ויקרא אל

עושי דברו במה הכתוב מדבר א"ר יצחק כח גבורי ((תהלים קג בשומרי שביעית הכתוב מדבר

Here the Midrash calls those who observe Shemitta, "Giborim" because it demanded such fortitude.

But what of the lofty vision? The idealism of national Shemitta - the human face of society, the spirit of equality, the elimination of the underclass, the time to think and grow - where is all of that? That is the tragedy of Shemitta today. The vision is but a memory.

So what shall we do? Do we give up? Maybe let us say that if we cannot experience Shemitta today, then let us at the very least share an awareness of its great dream, its scope and power, and let us attempt to uphold the values of Shemitta every day, every year. Let us be more aware of our obligation to our fellow workers our employees, society at large. Let us treat them in all their human dignity, learning from their strengths, assisting with their weaknesses. Let us devote time to the spirit, to ourselves, and to the things in life that count. Shemitta teaches us that we don't need to be controlled by the rat-race. We are not rats. We are human. And Shemitta teaches us that sometimes our work can be put on hold.

Shabbat Shalom!