

## Parshat Behar – 10.5.14

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In the beginning God created heaven and earth in six days and He rested on the seventh day. He placed Adam and Eve in the Garden of Eden and provided them with food on trees they did not need to exert themselves to cultivate, and they ate from them freely, and effortlessly. But then they ate the forbidden fruit and were expelled from the Garden of Eden under a curse (Genesis 3: 17-19)

**...cursed is the ground for your sake; in toil will you eat of it all the days of your life. Thorns and thistles will it bring forth to you; and you will eat the herb of the field. By the sweat of your face will you eat bread, till you return to the ground; for out of it were you taken...**

When Moses sent the spies to scout out the Promised Land they returned with a huge cluster of grapes that required two men to carry and they reported that it was a land flowing with milk and honey. The meaning of this is usually misunderstood today. In those days this description actually meant that the pastures were rich in grasses that the cattle grew fat from eating, enabling them to produce milk abundantly, and the date trees growing in the Land were laden with dates from which date syrup (date honey) was extract in abundance. Before the Children of Israel ever entered the Land it was already very fruitful and very impressive.

We read the following in today's portion:

**"And GOD spoke to Moses in Mount Sinai, saying: Speak to the Children of Israel, and tell them: When you enter the Land I give you, the Land will observe a Sabbath unto GOD. Six years you will sow your field, and six years you will prune your vineyard, and gather its produce. But the seventh year will be a Sabbath of solemn rest for the Land, a Sabbath unto GOD; you will neither sow your field, nor prune your vineyard."**

The Canaanites living in the Land when the spies scouted it out knew nothing of sabbatical years, and yet their agricultural success was exemplary. The Children of Israel, who had been slaves in Egypt for hundreds of years, where the floodwaters of the Nile fertilized the fields regularly every year, and the Children of Israel, who during 40 years of wandering in the wilderness never tilled the soil, were told by God how He wanted it done. Were these instructions wise or foolish? Were they applicable or only theoretical?

Did the Children of Israel ever even keep this commandment? And if so, how long did they keep it? According to Rashi, the Babylonian Exile lasted 70 years so that the Land could lie fallow for 70 consecutive years to make up for the 70 consecutive sabbatical years over a period of about 500 years that were never kept. Exile was punishment for neglecting this commandment; and after the Return from Babylon, those who returned took the practice of this commandment more seriously.

Josephus wrote that when the Land was under Greek rule, the Greek overlords took into account that the Jews did not grow their crops every seventh year and they relaxed the taxes the Jews were to pay during those years. The Romans, however, who ruled after the Greeks, did not show the Jews the same consideration. They considered the practice of not working on

the seventh day, and not farming during the seventh year to be an excuse for laziness given by the lazy Jewish people. They set the taxes (arnona) due the seventh year just like every other year. This was such a heavy burden that the rabbinical halachists of the day, Rabbi Hillel among them, ruled that agricultural activity during the seventh year was a vital and permissible necessity (one of life or death), and they established various dispensations in the face of those great hardships.

Then the Romans destroyed the Second Temple and scattered the Jews all over the world. Few Jews lived on the Land, and the Jews living in the Diaspora only practiced some of the aspects of Shmitah pertaining to debts in their relatively isolated communities. The reckoning of when exactly the seventh year occurred was unclear to the different communities of the Diaspora and it was disputed among them. Only after Maimonides himself determined the proper reckoning through careful consideration and thorough research did everyone eventually agree, universally.

According to Maimonides' calculations, this coming Rosh Hashanah (5775) will be the beginning of the next sabbatical year. We live on the Land once again and the Sabbatical Year is once again a religious/public institution. So how can we properly observe it? And more importantly, should we even consider observing it?

One of the original intents of Shmita was to give the soil of the Land a rest. During the Shmita Year no seeds were to be sown, no vines or trees were to be pruned, no fields were to be irrigated, stones were not to be removed from agricultural land, and nothing that grew from the Land could be exported. It was even forbidden for tools and implements to be bought, sold or manufactured that were meant for agricultural use. The intensive labor of growing things came to a complete halt. People could free themselves from their agricultural yoke and could freely take whatever food they required from whatever grew by itself to meet their immediate needs, but not in commercial quantities.

Is observing Shmita like returning to the "Garden of Eden experience" where all one had to do was take whatever grew on trees of their own accord without effort or sweat expended to guard against hunger? Was opening the gates to the fields and orchards to all who passed by (and to all beasts as well) a great equalizer of status for everybody, for one year, every seven years? In theory, perhaps yes, but in practice, it was almost never completely possible or practical, not in the past, and not now either.

In the Lower Galilee of Israel there is a kibbutz connected to our Masorti Movement, Kibbutz Hanaton. Before the previous Sabbatical Year (5768) it was their intention to properly observe Shmita. They wrote to the Schechter Institute to ask how to do this. They received a long and well-considered responsa from Rabbi David Golinkin.

I will summarize briefly what Rabbi Golinkin said. First of all, Rabbi Golinkin dealt with the question of whether the observance of Shmita is one of De'Oraita (ordained by God) or one of De'Rabanan (interpreted by Rabbis). Rabbi Golinkin compared and weighed numerous interpretations by many Halachists (and he cited them in his comprehensive responsa). Then Rabbi Golinkin drew the following conclusion: After all our history, observance of Shmita is not De'Oraita nor De'Rabanan, but is rather to be seen as Midat Hessed (a measure of righteousness). In our modern day in this modern country it is impossible for all of us to practice it the way it was done from Biblical times until the destruction of the Second Temple and our exile by the Romans. Even so, if the members of Kibbutz Hanaton endeavor to adhere

somehow to whatever aspect of Shmita they can practically perform, then a measure of righteousness will have been performed and the spirit of Shmita will nonetheless have been fulfilled. Based on this consideration, Rabbi Golinkin suggested that Kibbutz Hanaton attempt to keep the Sabbatical Year in the following way:

1. Sow the winter crop before Rosh Hashanah
2. Plant ornamental lawns and trees before Rosh Hashanah
3. Avoid Torah prohibitions such as planting, pruning, reaping, harvesting and plowing as much as possible
4. Avoid planting or treating ornamentals if these ornamentals are not essential to keeping rainfall from eroding the soil
5. Conduct study sessions about the Sabbatical Year in the Mishna, in Maimonides or in other books
6. Plan agricultural development for the six years between Shmita years
7. Leave a "Shmita corner" in one of the fields with a big sign saying, "Here the Shmita commandments are properly observed."
8. Honor the social goal of Shmita, which is summed up in Deuteronomy 15: 11:

**There will always be some among you who are needy. That is why I am commanding you by saying, share your resources freely with the poor and the needy in your Land....**

If the Kibbutz can successfully achieve this goal during the Sabbatical Year, then they can say that, because of them, the original intent of the Sabbatical Year had been realized. And those who are needy but who have food to eat because of the Kibbutz's measure of righteousness during the coming Sabbatical Year can say that because of this, they have gained a "Garden of Eden experience."

Shabbat Shalom