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MAN AND NATURE IN THE SABBATICAL YEAR

R. Abbahu, when asked the reason for the laws of *shev'it* (the sabbatical year), replied, "God said to Israel, 'Sow six years and rest on the seventh so that you might know that the land is Mine'" (*Sanhedrin* 39a). This extension of the Biblical "And the land shall not be sold in perpetuity, for the land is Mine" (Lev. 25:23) is the fundamental exegesis of the institution of *shev'it*. Nevertheless this institution is a complex and rich one, and its study reveals patterns of meaning independent of R. Abbahu's exegesis, though supportive of it. It is one of these patterns that I propose to explore here.

The two Biblical citations of importance to us are:

1. And six years thou shalt sow thy land and gather in the increase thereof; but the seventh year thou shalt let it rest and lie fallow, that the poor of thy people may eat, and what they leave, the beast of the field shall eat. In like manner thou shalt deal with thy vineyard and with thy oliveyard (Ex. 23:10-11).
2. In the seventh year shall be a sabbath of solemn rest for the land, a sabbath unto the Lord; thou shalt neither sow thy field, nor prune thy vineyard. That which groweth of itself of thy harvest thou shalt not reap, and the grapes of thy undressed vine thou shalt not gather; it shall be a year of solemn rest for the land. And the sabbath-produce of the land shall be for food for you: for thee, and for thy servant and for thy maid, and for thy hired servant and for the settler by thy side that sojourn with thee, and for thy cattle and for the beasts that are in thy land, shall all the increase be for good (Lev. 25: 4-7).

Man and Nature in the Sabbatical Year

The social effects of the restrictions here listed are clearly stated: the sabbath produce shall be for all—for erstwhile owner and slave, for Jew and non-Jew, and even for the cattle and wild beasts. Despite the largesse granted the needy, the Bible's first concern is clearly not with the poor; *all* share in the bounty—landowner and poor man and even animals. This is in marked distinction to the Torah's sole concern with the poor in the laws of *lekhet*, *shikchah*, *pe'ah*, and *ma'aser ani*. Not an extension of privilege to the poor, *shevi'it* demands the equalization of all who live off the soil.

This problem of equalization is often posed, in indeed broader dimension, in the book of *Psalms*; so, too, the seemingly absurd yet of course perfectly apt last sentence of God to Jonah: "And shall I not spare the great city of Nineveh, in which there are more than one hundred twenty thousand men who cannot distinguish between their right hand and their left, and much cattle?" But it is in the Oral Law, as reported in rabbinic literature, that the leveling implicit in the passages of the Torah cited above is understood forcefully; it is in the law of *shevi'it* that man's technological ingenuity, his economic activity, in short, his customary potent manipulation of the world about him, are severely restricted.¹

The *Mechilta* (Horowitz-Rabin, p. 330), taking the word *u-netashta* to mean "and you shall abandon it", comments: "This tells us that the owner must break down his fence, but that the sages restrained him from this duty for the benefit of society." Professor Saul Lieberman has gathered the Talmudic evidence corroborating the practice of dismantling the fences during the *shemittah* year.² Clearly, this dramatic line of action was not meant to guarantee the poor access to the fields, for access to the fields (or the fruit) was guaranteed in either case. Rather, in destroying the fences one is pulling down the symbol and reality of private ownership. In the one case, one is entering another man's property and enjoying his generosity; in the other, this distinction has ceased to exist. The "benefit" accruing to society by the limitation of this practice is thus quite obvious, for society depends on such distinctions.³ Yet even after this restriction, Bet Shammai still maintained that one

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may not gather permitted fruit in an area where one feels beholden to the original owner, thus acknowledging even emotionally an ownership that did not exist in fact.⁴

Indeed, this conflict between the radical demands of *shevi'it*, on the one hand, and the social reality it seeks to undermine, on the other, is a paradigm of the history of the institution. Ironically, the more potent its observance became, the less were its chances of survival. We have here more than the commonplace struggle between a radical religious demand and an unconsenting world. Rather, we have here an institution that in its essence contests the legitimacy of that world, and threatens to become not merely the symbolic repudiation of its normal social and economic patterns, but its real menace and ultimately its victor.

The potency of *shevi'it* has been its historical doom. In the Chumash, *shevi'it* is only a penultimate reality—the radical leveling of the seventh year is fused into an encounter with the divine Sustainer: “If you will say, ‘What shall we eat in the seventh year—for we can neither sow nor gather in our crop?’ I shall command my blessing upon you in the sixth year, and that crop shall suffice for three years!” (*Lev. 25:20-1*). Yet in the course of history this idyll was held to be shattered.

The Oral Law understood the Exile as a disruption in the ideal state of Israel's relation to God through the land. The promise of God miraculously to sustain His people was no longer held effective, and with this divine weight gone, the scale was too greatly tipped in favor of the natural course of events. In fact, one aspect of Exile means precisely this—that in some sense Israel was delivered over to history (despite the hidden presence of God). Hence, the Torah no longer expected the Jew to continue as if nothing had changed; God Himself had declared and decreed change. Furthermore, as the entire people was no longer settled upon the land but is alienated from it, another significant blow was struck against *shevi'it* as postulated in the Torah: the service of *the people* is no longer a reality. This, I think, is the theological dynamic underlying the dictum: “*Shevi'it* in our time is of Rabbinic origin.”⁵

This dictum was not descriptive alone. It was prescriptive as

Man and Nature in the Sabbatical Year

well. It becomes the rationale by which the world seeks to balance the ravages of *shemittah*. Rabbinical *shemittah* can be narrowed, limited, and in effect abolished.

For the more effective *shevi'it* became—or was judged to have become—the harder the world fought back. “R. Judah the Prince wished to abolish *shemittah*” (*Y. Demai* 3.1; 22a). This is the dynamic of the centuries-old struggle between those who would maintain the *shemittah* and those who would not.

This, too, is the anguish one hears in the writing of Rav Kook on *shevi'it*. Twentieth-century economics granted to this most beloved *mitzvah* a majesty the community of Israel could not sustain; it was the very success of *shevi'it* which, ironically, was its downfall. And so the reality of *shevi'it* must be deferred, hints Rav Kook, until the Messianic age (Introduction, *Shabbat Ha-Aretz*, p. 35a).

Let us return now to a closer scrutiny of *shevi'it*, and see the logic of its Halakhah. For the tearing down of fences is not an isolated exercise in economic anarchy. It forms part of a broader, more extensive pattern. Once engaged in the actual gathering of permitted fruit, one's mode of harvest is restricted: “‘Thou shalt not gather’—do not gather as you were wont to gather; hence it is said, ‘Figs of the Sabbatical year may not be cut with a fig-knife, but may be cut with an ordinary knife. Grapes may not be trodden in the wine press but they are trodden in the kneading trough. Olives may not be prepared in an olive press or with an olive-crusher, but they may be crushed and brought into a small olive-press. . . .’”⁶ In a word, we find operating here the concept of *shinnui* (change from the usual method).⁷ Man may harvest, but the law prevents him from using the full measure of that technology which his human talents have devised. According to the Gaon of Vilna, certain primary types of labor must be done by hand,⁸ thus totally denying man his tool-making achievement.

Once harvested, the fruit of the seventh year is assigned an irrevocable status. Its use is forever restricted. “The fruits of *shevi'it* are to be used for eating, drinking, and anointing—eating that which one normally eats, anointing with that which one normally uses for anointing . . . *shevi'it* may also be used

TRADITION: *A Journal of Orthodox Thought*

to kindle a light.”⁹ The *Safra* adds dyeing to this list of approved uses.¹⁰ *Shevi'it* may be sold or exchanged only to acquire food or drink or oil for anointing.¹¹ These stringent regulations naturally eliminate commercial transactions on a large scale, and apply to poor and rich alike. (The poor man cannot sell or exchange what he has gathered to buy clothing, provide shelter, or pay a creditor, any more than a rich man may.) The crop must be used for its ‘natural’ ends; fruit is to be eaten, juices are to be drunk, and oil is to anoint the human body.¹² We shall later explore further the ban on subverting agricultural produce from these ‘natural’ ends, but even this cursory survey clearly indicates the discrimination between what is the ‘natural’ use of goods and what is a sophisticated human utilization of them to satisfy many of his other needs and urges, including the acquisitive. Such utilization of *shemittah* produce is forbidden.

The Talmud (*Sukkah* 40a) derives this hierarchy of uses from an attentive reading of the verse, “And the sabbatical produce of the land shall be food for you”; the general rule is that any permitted use must share that most evident characteristic of eating—its immediate enjoyment and consumption. Here, too, the primitive use is preferred to the more sophisticated.¹³

As we have pointed out, permitted fruit of the *shemittah* year gathered in accordance with the *shemittah* regulations may be sold (if only to buy other foodstuffs). Yet here, too, the mode of acquisition and sale clearly sets off this exchange from any normal commercial transaction: “One may not engage in business with the fruits of *shevi'it* . . . one may not buy vegetables and sell them in the market, but one may gather vegetables and they may be sold by one’s son. If one bought vegetables for one’s own use and could not use them, he may sell them. . . . The fruit of the *shemittah* year may not be sold by measure, weight, or number. . . .”¹⁴ To be sure, these regulations serve to emphasize the sacred character of the fruit of the seventh year, but the fact that sanctity is underscored precisely by the withdrawal of the produce from the circuit of commercial transaction is most significant.

Man and Nature in the Sabbatical Year

Even when sold, the condition that the money may be used only as an intermediate step between different foods, or the like, demonstrates that we have here only an advanced type of barter, rather than anything resembling a money economy. For one cannot convert the produce into money to be spent, saved, or invested indiscriminately. Hence we need not be too surprised at reading, "Bet Shammai say one may not sell the fruit of *shevi'it* for money but only [exchange it] for fruit, lest one buy an ax with it, and Bet Hillel permit it."¹⁵ The immediate source of the disagreement is the degree to which the average man is to be trusted in his observance of this particular law (a theme upon which Bet Hillel and Bet Shammai disagree elsewhere). Both schools agree, however, as to the nature of exchange of *shevi'it*-produce: it is barter. This barter is limited even further by its being a function of the restriction that this produce be used only for eating, drinking, and the like, as pointed out above.

The climax of the *shemittah* year is reached, perhaps, with the observance of *bi'ur shevi'it* (the elimination of produce). In their study of the Talmudic sources, the *rishonim* reached varying conclusions as to the nature of this *bi'ur*; for some it meant public re-distribution (Ramban and some Tosafists), for others it meant destruction of the produce (Rambam and, apparently, Rashi), and for yet others it meant a sequence of the two (Ra'abad). What concerns us, however, is an aspect of *bi'ur* which remains constant in all these different interpretations: its date.

The Torah, in its opening of the *shemittah* produce to all who live off the soil, had stated, "and for thy cattle and for the beasts that are in thy land, shall all the increase thereof be for food."¹⁶ Upon this the *Sifra* comments: "The statement, 'for thy cattle and for the beasts' compares cattle with wild beasts—as long as the beast finds food in the field, feed the domestic animals. When the food for the beast is exhausted in the fields, stop feeding the domestic animals."¹⁷ Elsewhere¹⁸ the *Sifra* makes a similar comment on the verse (Lev. 25:12), "Ye shall eat the increase thereof out of the field,"—"While you can eat off the field, you may eat what is in the house; when the

TRADITION: *A Journal of Orthodox Thought*

fruit of the field is exhausted, eliminate the fruit in the house.”

Taken together, these passages (for which parallels can be found in both Talmuds) reveal that man may eat of what he has stored only as long as God's natural storage—the open fields—hold their crops.¹⁹ When the wild animals can no longer find food man must release the grain in his granaries and the wine in his vats (of the *shemittah* produce alone, naturally). Man must relinquish that which his human capabilities have achieved, and in his use of the growth of the soil be reduced to the lowest of creatures that live off the soil. Man must live the rhythms of nature, despite his obvious ability and duty to circumvent them; he must live the rhythms of the countryside despite the city in which he dwells.

Thus we have seen the two basic statements of the Torah (limiting man's planting of the soil, and opening the land to all who live off it) flower in the Oral Law into a regimen in which man's technological and economic manipulation of the earth's products is restrained, if not eliminated. One is tempted to describe some of these phenomena as embodying a type of “primitivism,” despite the ambiguities inherent in that term, the fact that it does not accurately describe other phenomena of the *shemittah* year, and one's general disinclination to label complex structures of one culture by a term already ambiguous in another culture. Perhaps more important than the designation we apply to these phenomena is the attempt to enter into the spirit of an institution whose practice has been made remote by history and experience.

NOTES

1. The parallel to the Sabbath is too obvious to belabor, and is amply suggested by the Torah itself. See *Commentary* of Rabbi Samson Raphael Hirsch to verses cited in text.

2. S. Lieberman, *Tosefta Ki-Pshutah*, Vol. II, p. 583, n. 2.

3. Cf. Ra'abad, *Commentary to Eduyot*, 5:1. I believe that here there is a slightly different reading of the *Mechilta* than that presented above.

4. Mishnah *Shevi'it* 4:2. I follow here the Rambam, in his *Commentary to the Mishnah*, among others. See S. Safrai, *Tarbitz XXXV*, 5726, 4, pp. 314-6.

Man and Nature in the Sabbatical Year

5. See *Arachin* 32b and Maimonides *Shemittah Ve-Yovel* 10:8-9. I am aware that I have not gone into the critical or historical aspects of these sources. I believe that there is a conceptual meaning to these *dicta* irrespective of the meaning given them by their origins.

6. *Sifra, Bahar*, Chap. 1, par. 3, 106a; Mishnah *Shevi'it* 8:6. I followed the Soncino translation in their identification of the various utensils described. In taking this Mishnah to refer to fruit which is *hefker*, I follow Ra'abad (in his *Commentary to the Sifra*), Ramban (*Commentary to Lev. 25:5* and *Yevamot* 122a), among others; the variations found in even these readings are of no concern to us here. Note also the conclusion to Tosafot, *Sukkah* 39b, *s.v. ba-meh*.

7. Note again the similarity to the Sabbath.

8. *Shenot Eliyahu*, 7:2, 8:6.

9. Mishnah *Shevi'it* 8:2.

10. *Ba-har*, Chap. 1, sec. 10, 106c.

11. Mishnah *Shevi'it* 8:4-5, 8; 7:1-2. If sold or exchanged, the money or goods received may not be used for kindling a light or dyeing; cf. Tosefta *Shevi'it* 5:4, 6:14. The halakhic discrimination is hard to discern; cf. *Or Same'ach* to Rambam, *Hilkhot Shemittah Ve-Yovel*, 5:8. For a different reading of these last *baraitot*, cf. *Pe'at Ha-Shulchan*, Chap. 24, sec. 11, n. 26. The omission of dyeing from Mishnah 8:2 is of interest.

12. Obviously, light and dyeing present difficulties here. It should be pointed out, however, that these two uses apparently play less of a role in the approved uses of *shevi'it* than do the other types of direct human consumption; cf. n. 11, *supra*. It should also be pointed out that according to some, one may oil various utensils and clothing; cf. Mishnah *Shevi'it* 8:9 and *Yerush.* Generally, the text of my essay presents the majority opinion.

13. The *sugyah* is a very difficult one. On the face of it, it presents the typology of permitted uses of *shevi'it* produce as the determinant of which produce is included within the law of *shevi'it*. Once again, my essay assumes the majority view, and does not explore the view of R. Yossi, or the various reasons suggested to explain it.

14. Mishnah *Shevi'it* 7:3, 8:3.

15. Tosefta *Shevi'it* 6:19. Cf. Y. Baer, *Zion*, XVII, 32 ff.

16. Despite the openness of the Torah with regard to animal consumption, cf. Tosefta *Shevi'it* 5:20; *Sifra Bahar*, Chap. 1, sec. 7, 106c. On the problem of the gentile cf. the reconciliation of Tosefta *Shevi'it* 5:21 and *Sifra op. cit.*, on the one hand, with *Sifra* Chap. 1 sec. 6, 106b, in Ra'abad *ad loc.*

17. *Sifra*, Chap. 1, sec. 8, 106c.

18. *Ibid*, Chap. 3, sec. 4, 107c.

19. Maimonides, *Shemittah Ve-Yovel*, 7:1, directly links human consumption in the house with animal consumption in the field. I have been unable to find such direct equation in the sources; the equations found in the *Sifra* are those of beast and animal, on the one hand, and human consumption in the home with human consumption in the field, on the other.