

Similar to Shabbat, the laws that follow in Parshat Behar demand that one desist from working the land. "But in the seventh year the land shall have a Shabbat Shabbaton, a Shabbat to God, you shall not sow your field nor prune your vineyard. You shall not reap the aftergrowth of your harvest nor gather the grapes set aside on your vines; it shall be a year of Shabbat Shabbaton for the land."¹⁴ While the Torah demands that one cease any creative, enhancing, productive or harvesting work in the field, it does not restrict benefiting from that which grows on its own. "The produce of the Shabbat of the land shall be yours to eat – for you, your slave and maidservant, your hired help and bound laborers who live with you, and for your animals and the beasts in your land shall its yield be to eat."¹⁵ The produce might be holy, but its designation is for consumption (לְאֹכְלָהּ) for the all the residents and animals of the land. The Ramban goes as far as to say that there possibly is a Mitzva for each individual to consume the sanctified produce of the seventh year.¹⁶ Once again, Shemitta parallels Shabbat, creative activity is forbidden, but enjoying the results of such activities that were performed beforehand is permissible and maybe even encouraged.

What is so interesting is that if one looks in Parshat Mishpatim, where the laws of Shemitta are found in Sefer Shmot, one will get a very different picture of Shemitta. The two Parshiyot begin in a similar fashion: "For Six years you shall sow your land and gather in its yield," but then they seemingly part ways. In Parshat Behar, as explained above, the Torah explicates that there will be a Shabbat Shabbaton (שבת שבתון), a Shabbat for God (שַׁבַּת לַיהוָה) which is manifest in the desisting from work in order that the fields are able to "rest" in the name of God. On the other hand, in Parshat Mishpatim, the Torah continues with a cryptic statement, "in the seventh year, Tish'metena U'Netashta... (וְהִשְׁמִיטָה וְנִטְשָׁתָה...)"¹⁷ The commentators struggle to translate these words and elucidate their meaning, but what is very clear is that in contrast to Behar, the verb used to describe one's obligation on Shemitta in Mishpatim is not Shabbat. In addition, there is no indication that

the Shemitta is in any way dedicated to God. What was so central to the purpose and meaning of Shevi'it in Parshat Behar is completely absent in Parshat Mishpatim.

The continuation of the verse in Parshat Mishpatim brings another surprise. It seems to indicate that the reason that one must Tish'metena U'Netashta (תִּשְׁמִיטָה וְנִטְשָׁתָה) during the seventh year is so that "the needy amongst your people shall eat of it, and that which is left by them, the wild beasts shall eat." Again here, the description of Shevi'it is dramatically different than that which is found in Parshat Behar. In Behar, the produce of the seventh year was available to everyone to eat, including the owner of the land. On the other hand, in Mishpatim, the produce of the Shevi'it is the sole purview of the destitute and the wild animals. The Mechilta (מכילתא דר' ישמעאל) notes this contradiction and offers two suggestions to resolve the seeming contradiction.¹⁸ It first proposes that when there is bountiful produce everyone eats while if there is limited produce then the owner and his estate gets first rights to it (כשהפירות מרובין הכל אוכלין, כשהפירות מעוטין לך ולעבדך ולאמתך). Rabbi Yehuda ben Be'teira offers the possibility that until the time the produce of Shevi'it needs to be eliminated (ביעור), then anyone can partake in the Shemitta produce whereas after the deadline for removing the Shevi'it produce only those that are poor can partake of it. While the Mechilta acknowledges the inconsistency between the two Parshi'ot, the solutions proposed seem to negate the emphasis of each Parsha in favor of reconciliation. The alternate Mechilta (מכילתא דרשב"י) offers an explanation that somewhat more effectively preserves the character of each Parsha by suggesting that the majority of the produce will go to the poor while a small portion will go to those more well off as well.¹⁹

The verbs Tish'metena U'Netashta (תִּשְׁמִיטָה וְנִטְשָׁתָה) that are utilized in Parshat Mishpatim derive from the roots Sh.M.T (ש.מ.ט), which means to release, and N.T.Sh (נ.ט.ש), which means to uproot. Utilizing these words, the Mechilta also implicitly tries to solve the

עליה: (ויקרא טו, לד-לה) והארץ תעזוב מהם ותרחץ את שבתתיה בהשמה מהם והם ירצו את עונם וען וביען במשפטי מאסו ואת חקתי געלה נפשם: (שם מג)

¹⁴ ובשנה השביעית שבת שבתון יהיה לארץ שבת ליקוק שדך לא תזרע וקרמך לא תזמר: את ספיה קצירך לא תקצור ואת ענבי דצירך לא תבצר שנת שבתון יהיה לארץ: (ויקרא כה, ד-ה)

¹⁵ והיתה שבת הארץ לכם לאכלה לך ולעבדך ולאמתך ולשוכרך ולתושבך הגרים עמך: ולבהמתך ולחיה אשר בארצך תהיה כל תבואתה לאכל: (ויקרא כה, ז-ו)

¹⁶ מצוה שלישית שאמרה תורה בפירות שביעית (ר"פ בהר) והיתה שבת הארץ לכם לאכלה ודרשו לאכלה ולא לסחורה. וזה דבר תורה הוא כמו שאמרו באחרון שלע"ז (סב א) נמצא פורע חובו בפירות שביעית והתורה אמרה לאכלה ולא לסחורה. וכן במקומות רבים מן התלמוד (בכורות יב ב, ועי' סוכה מ א, וש"ס) בא כלשון הזה. ונכפלה זאת המצוה באמרו ית' (משפטי' כג) ואכלו אביוני עמך. שלא אמר לאביוני עמך תעזוב www.swdaf.com

אותם כמו שאמר (ר"פ קדושים) לעני ולגר תעזוב אותם בלקט ושכחה אבל לשון אכילה מזכיר בהם הכתוב בכל מקום (שם ופ' בהר ב"פ). והנה העושה סחורה בהם עובר בעשה: (השגות הרמב"ן לספר המצוות לרמב"ם שכתח העשין)

¹⁷ והשביעית תשמטנה ונטשתה ואכלו אביוני עמך ויתרם תאכל חית השדה כן תעשה לקרמך לציתך: (שמות כג, א)

¹⁸ ואכלו אביוני עמך. כתוב אחד אומר ואכלו אביוני עמך, וכתוב אחד אומר (ויקרא כה, ו) לך ולעבדך ולאמתך, כיצד יתקיימו שני מקראות הללו, כשהפירות מרובין הכל אוכלין, כשהפירות מעוטין, לך ולעבדך ולאמתך; רבי יהודה בן בתירא אומר, עד שלא הגיע שעת הביעור, מבערין אותה עניים ועשירים, הגיעה שעת הביעור, מבערין אותה עניים ולא עשירים. (מכילתא דרבי ישמעאל משפטים - מסכתא דכספא פרשה כ)

¹⁹ ואכלו אביוני עמך אין לי אלא עני עשיר מנין ת"ל והיתה שבת הארץ לכם לאכלה אם כן למה נאמר אביוני עמך רובה לעניים. (מכילתא דרבי שמעון בר יוחאי פרק כג פסוק יא)

inconsistency in the requirements that devolve on the individual during Shevi'it²⁰ by explaining that Tishtemena (תִּשְׁמְטֶנָּה) is a demand to release the land from work and U'Netashta (וּנְטַשְׁתָּהּ) is an obligation to forgo eating its produce. Rashi quotes this Mechilta as well as an additional explanation from the Gemara that the first verb is the requirement to desist from plowing and harvesting while the second verb restricts fertilizing and hoeing during Shevi'it.²¹ While these might be Rabbinic exegesis of the verse (אסמכתא), both of these suggestions are rejected by the Ramban because the meaning of the words does not support the explanations. The Ibn Ezra proposes that Tishtemena (תִּשְׁמְטֶנָּה) is a demand to release loans on the Shemitta and matches the verbiage utilized in Sefer Devarim²² to describe the necessity to forgive loans in the seventh year; U'Netashta (וּנְטַשְׁתָּהּ) is the obligation to uproot one's ownership from the field and allow others to benefit equally from its produce.²³

According to the Ibn Ezra, there seems to be no restriction against working the land in Parshat Mishpatim, while there is a requirement to relinquish one's ownership of the produce in favor of the poor. This is also captured in the Rambam's explanation for the reason for Shemitta. "All the laws of Shemitta and Yovel are to engender one to feel compassionate and generous towards others and that is why it says that the produce of the Shemitta is shall be eaten by the destitute... (וְאָכְלוּ אֶבְיֵי עִמָּךְ)." ²⁴ Both of these views see no explicit restriction on working the land being expressed in Parshat Mishpatim and maybe even just the opposite is true since the only restriction indicated is the collecting of the harvest. This would imply that the land was planted during the seventh year. The differences between the Parshiyot can be seen in the following chart, but it leaves outstanding the question as to how is it that the Torah has two conflicting descriptions of Shemitta?

| שמות פרק כג – פרשת משפטים | ויקרא פרק כה – פרשת בהר |
|---|---|
| | (ב) דָּבַר אֶל בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם כִּי תְּבֹאוּ אֶל הָאָרֶץ אֲשֶׁר אָנִי נֹתֵן לָכֶם וּשְׁבַתָּהּ הָאָרֶץ שְׁבַת לִיקוּק: |
| (י) וְשֵׁשׁ שָׁנִים תִּזְרַע אֶת אֲרָצְךָ וְאֶסְפַּתְּ אֶת תְּבוּאָתָהּ: | (ג) שֵׁשׁ שָׁנִים תִּזְרַע שְׂדֶךְ וּשֵׁשׁ שָׁנִים תִּזְמַר כְּרָמְךָ וְאֶסְפַּתְּ אֶת תְּבוּאָתָהּ: |
| (יא) וְהִשְׁבִּיעַתָּ תִּשְׁמְטֶנָּה וּנְטַשְׁתָּהּ | (ד) וּבִשְׁנֵה הַשְּׁבִיעַתָּ שְׁבַת שְׁבַתוֹן יִהְיֶה לָאָרֶץ שְׁבַת לִיקוּק שְׂדֶךְ לֹא תִזְרַע וְכְרָמְךָ לֹא תִזְמַר: (ה) אֶת סְפִיחַ קִצְיֹרְךָ לֹא תִקְצוּר וְאֶת עֲנְבֵי נִזְיֹרְךָ לֹא תִבְצַר שְׁנַת שְׁבַתוֹן יִהְיֶה לָאָרֶץ: |
| וְאָכְלוּ אֶבְיֵי עִמָּךְ וְיִתְּרֶם תֹּאכַל חֵיט הַשְּׂדֵה כֵּן תַעֲשֶׂה לְכַרְמְךָ לְיִזְיֹתָךְ: | (ו) וְהִיְתָה שְׁבַת הָאָרֶץ לָכֶם לֹאֲכֹלָהּ לָךְ וּלְעַבְדְּךָ וּלְאִמְתְּךָ וּלְשִׁכְיֹרְךָ וּלְתוֹשְׁבֵיךָ הַגֵּרִים עִמָּךְ: (ז) וּלְבַהֲמֹתֶיךָ וּלְחִיָּה אֲשֶׁר בְּאֲרָצְךָ תִּהְיֶה כָל תְּבוּאָתָהּ לְאָכֹל: |
| (יב) שְׁשַׁת יָמִים תַעֲשֶׂה מַעֲשֶׂיךָ וּבַיּוֹם הַשְּׁבִיעִי תִשְׁבַּת לְמַעַן יִנוּחַ שׂוֹרְךָ וְחֹמְרְךָ וַיִּנְפֹּשׂ בֵּן אִמְתְּךָ וְהָגֵר: | |

The truth is that very possibly the Torah is emphasizing two different aspects of Shemitta. Each one of those ideals is presented where it is contextually relevant. The motif of Sefer Vayikra revolves around the sanctity of people, place and time. In that context, the focus of Shemitta is the sanctity of the land and its produce. This has two ramifications. First of which is that the holiness of the land derives from the fact that the land actually belongs to God. In order to recognize and emphasize that reality, one must desist from working the land during the Shemitta year. Similar to Shabbat, it is refraining from exercising

one's God-like powers, to produce and create, in order to acknowledge that there is a higher creator that determines all and is the provider of all goodness and success that one experiences. In order to fully comprehend the fact that the land is holy and all its ramifications on one's ownership, there is a derivative impact that reinforces this idea and that is that the produce of the seventh year is imbued with sanctity. It is open to all to consume as long as they abide by the sanctity of the land and its produce. This is reinforced in Parshat Behar by the opening verse that connects Shemitta to Shabbat and has no

²⁰ והשביעית תשמטנה ונטשתה. תשמטנה בעבודתה, ונטשתה באכילתה... (מכילתא דרבי ישמעאל משפטים - מסכתא דכספא פרשה כ)
²¹ תשמטנה - מעבודה; ונטשתה - מאכילה אחר זמן הביעור. דבר אחר תשמטנה מעבודה גמורה, כגון חרישה וזריעה. ונטשתה מלזבל ומלקשקש (רש"י שמות כג, יא)
²² מקץ שבע-שנים תעשה שמטה: וזה דבר השמטה שמוט כל-בעל משה ידו אשר ישא ברעהו לא-יגש את-רעהו ואת-אחיו כִּי-קָרָא שְׁמֹטָה לִיקוּק: (דברים טו, א-ב)
²³ תשמטנה - זהו שמוט כל משה ידו (דברים טו, ב). ונטעם ונטשתה - שתעזבנה כאשר היא כאלו איננה שלך. והיה ראוי להיות ובשביעית (אבן עזרא פי' הקצר שמות כג, יא) www.swdaf.com

²⁴ ...ואמנם כל המצות אשר ספרנום בהלכות שמיטה ויובל מהם לחמלה על בני אדם והרחבה לבני אדם כולם, כמו שאמר ואכלו אביוני עמך ויתרם תאכל וגו', ושתוסף הארץ תבואתה ותתחזק בעמדה שמוטה, ומהם חנינה בעבדים ועניים כלומר השמטת כספים והשמטת עבדים, ומהם עיון בתקון הפרנסה והכללה על ההתמדה, והוא היות הארץ כולה שמורה לבעלים אי אפשר בה מכירה לצמיתות, והארץ לא תמכר לצמיתות, וישאר ממון האדם שמור עליו ועל יורשיו, הנה זכרתי סבת כל מה שכולל אותו ספר זרעים מחבורנו... (ספר מורה הנבוכים חלק ג פרק לט)

parallel in Mishpatim, "When you enter the land that I will give you, the land shall observe (וְשָׁבְתָהּ הָאָרֶץ) a Shabbat for God (שַׁבַּת לַיהוָה)." ²⁵

Shemitta in Sefer Shmot is found in Parshat Mishpatim, a Parsha focused on tort laws, or on a more global scale the proper interactions of individuals with their fellow man. In this context, the importance of Shemitta is the relinquishment of one's ownership in favor of others (and not God). It emphasizes the need to be generous and ensure that those that are less fortunate in society are taken care of by the landowner sharing ownership in "his" produce. As the Sefer HaChinuch states, "anyone who finds it in his heart to release his ownership over all his large accumulated properties and the productive inheritance of his forefathers in a single year, and this is practiced by him and his whole family always, he will never be an overly miserly person. It will inculcate within him the character trait of giving because there is no more generous giver than one who gives without any expectation of recompense." ²⁶ This focus is emphasized by the mention of Shabbat at the conclusion of the laws of Shemitta in Parshat Mispatim (and absent in Behar) whereby the Torah states that "For six days you should toil and on the seventh day you shall cease from labor, in order that your ox and your donkey may rest, and that your bondman and the stranger may be refreshed."²⁷ Shabbat is a day of rest for all those that are less fortunate and must labor for others; it is a day where one must be concerned with the well-being of others.

That same sentiment is reflected in the description of the laws of Shemitta in Parshat Mishpatim.

The Torah divides these two ideals into discrete Parshiyot in order to emphasize each aspect of the Shemitta and not to suggest that there are multiple authors with different visions of Shevi'it in the different Sefarim of the Torah. This is supported by the fact that both Parshiyot open with the similar refrain, "For Six years you shall sow your land and gather in its yield," which implicitly suggests that even in Parshat Mishpatim one is not permitted to work in the seventh year. Otherwise, why does the Torah not instruct the individual to plant for seven years and just forfeit the harvest of the seventh year, especially since they would be reluctant to work the seventh year given that they would receive none of its production. In addition, the Ramban points out that the opening Pasuk in Mishpatim which speaks about planting and harvesting is then modified by the verbs Tish'metena U'Netashta (תִּשְׁמְטֶנָּה וְנִתְּשַׁטְתָּה) which would imply that each verb is providing guidance as to how the seventh year is different from those two actions during the other six years.²⁸ One must release themselves from planting and relinquish their ownership by not harvesting; on a broad scale, this would have Parshat Mishpatim incorporate the obligations of Parshat Behar despite its different emphasis.

Shabbat Shalom

²⁵ דָּבַר אֵל בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם כִּי תְּבֹאוּ אֶל הָאָרֶץ אֲשֶׁר אָנִי נֹתֵן לָכֶם וְשָׁבְתָהּ הָאָרֶץ שַׁבַּת לַיהוָה: (ויקרא כה, ב)

²⁶ ועוד יש תועלת נמצא בדבר לקנות בזה מדת הוטרנות, כי אין נדיב כנותן מבלי תקוה אל הגמול. ועוד יש תועלת אחר נמצא בזה האדם שיוסיף האדם בטחון בשם ברוך הוא, כי כל המוצא עם לבבו לתת ולהפקיר לעולם כל גדולי קרקעותיו ונחלת אבותיו הגדלים בכל שנה אחת, ומלומד בכך הוא וכל המשפחה כל ימיו, לא תחזק בו לעולם מדת הכילות הרבה ולא מיעוט הבטחון. (ספר החינוך מצוה פד)

²⁷ שֵׁשֶׁת יָמִים תַּעֲשֶׂה מַעֲשֶׂיךָ וּבַיּוֹם הַשְּׁבִיעִי תִשְׁבֹּת לַמַּעַן יָנוּחַ שׁוֹרְךָ וְחֹמֶרְךָ וְיִנְפֹשׂ בְּךָ אֲמַתְךָ וְהַגֵּר: (שמות כג, יב)

²⁸ ...אבל הכתוב דבק בראשון, אמר שש שנים תזרע ותאסוף התבואה, והשביעית תשמטנה שלא תזרע את ארצך, ונטשתה שלא תאסוף את תבואתה, אבל תעבנה, ואכלו אביוני עמך וחיות השדה פרי העץ ותבואת הכרם, וכן ונטוש את השנה השביעית: (רמב"ן שמות כג, יא)