

Section 21

Shemita and Yovel

Both the *Shemita* (Sabbatical Year) and *Yovel* (Jubilee Year) are years of rest for the land of Israel. One may not perform agricultural work in the land of Israel during either of these years. The *Shemita* occurs every seven years and the *Yovel* occurs every fifty years. During these years, the produce of the land becomes open to all: one may pick what they need from the land's produce regardless of whether they would own that crop during other years (Exodus 23:10-11). Additionally, the *Shemita* year marks the remission of debts, while the *Yovel* marks the manumission of slaves and the return of property to its original owners.

The reader should note that the present section of *Adderet Eliyahu* is the first of three sections written by Rav Bashyatzi's student, Rav Calev Afendopolo, after Rav Bashyatzi's passing.

The topics covered in this section are:

1. The Timing of *Shemita* and *Yovel*
2. The Land's Rest
3. Remitting Debts
4. Freeing Slaves
5. Returning Land
6. Where Do *Shemita* and *Yovel* Apply
7. *Shemita* and *Yovel* Today

"The [primary] intent of the Torah in commanding Shemita is the remission [of debts and produce] for the purpose [of the Shemita] is compassion and sustainment for the poor and downtrodden " -*Adderet Eliyahu's* Inyan Shemita VeYovel Ch. 4 (Daf 181A Col 1)

§21.1 The Timing of *Shemita* and *Yovel*

§21.1a Number of Years in the Shemita Cycle

The *Shemita* occurs every seven years: "At the end of every seven years, you will do a *Shemita*" (Deuteronomy 15:1). Because it occurs every seven years and because it marks a year of rest for the land, the *Shemita* is also called a "*Shabbat*" of the land:

"Six years you shall sow your field and six years you shall prune your vineyard and gather the produce thereof but in the seventh year there shall be a Shabbat of solemn rest for the land, a Shabbat to Hashem, you shall neither sow your field nor prune your vineyard" (Leviticus 25:4).

While the *Shemita* occurs every 7 years, the *Yovel* occurs every 50 years:

"you shall number seven shabbatot of seven years seven times and then there will be for you the days of seven shabbatot of years: forty nine years. Then you shall blast the shofar on the tenth

day of the seventh month on Yom HaKippurim you shall blast the shofar in all your lands, and you shall hallow the fiftieth year...a Yovel shall that fiftieth year be to you... for it is a Yovel, it shall be holy to you” (Leviticus 25:8-12).

The first *Shemita* and *Yovel* cycles began in the time of Joshua, when the Children of Israel first settled the land of Israel and received their land inheritance: “When you come into the land which I give you, then the land shall keep a Shabbat to *Hashem*” (Leviticus 25:2).

The *Yovel* year does not count towards the *Shemita* cycle. Thus, the 1st year of the *Shemita* count begins on year 51 (the year after the *Yovel*), not on year 50 (the *Yovel*).

Notes on §21.1a:

We examine the claim that the *Yovel* year does not count towards the *Shemita* cycle (*i.e.*, the 1st year of the *Shemita* count begins on the 51st year of the *Yovel* count). For many readers, the more intuitive position may be to count the *Yovel* year towards the *Shemita* cycle. I am unaware of any Karaite Sages who adopted this position. However, it was known to the Karaite sages because it was recorded in the Talmud¹.

Why then did the Sages not hold that the *Yovel* counts towards the *Shemita* cycle? The simplest answer is that the text implies that the *Yovel* always follows the seventh *Shemita* year. The timing of the *Yovel* would not always meet this requirement if the *Yovel* was the first year of the next *Shemita* cycle².

How does Scripture imply that the *Yovel* always follows the seventh *Shemita*? First, Scripture suggests that the fiftieth year must follow a 49-year period ending in a *Shemita* year: “you shall number seven *Shabbatot* of seven years seven times and then there will be for you the days of seven *Shabbatot* of years: forty nine years. Then you shall blast the *shofar*. . . and you shall hallow the fiftieth year” (Leviticus 25:8-2). Second, God promises three years’ worth of produce (Leviticus 25:21) in the 6th year of the *Shemita* cycle: “then I will command my blessing upon you in the sixth year and [the land] shall bring forth produce for the three years” (Leviticus 25:21). According to many Sages “The three years” mentioned in this verse refer to a specific set of years: the 6th year, the *Shemita* year, and the *Yovel* immediately following the *Shemita*. God promises threefold produce during the 6th year to ensure sufficient provisions in the last two of these years – during which working the land is forbidden. Under the Sages’ view, this situation occurs every *Yovel* cycle. However, if one holds by the position that the *Yovel* counts towards the *Shemita* cycle, a situation in which threefold produce is needed in the 6th year is very uncommon, happening only once every 350 years³. Furthermore, if one were to hold that *Yovel* counts towards the *Shemita* count, it would make just as much sense to promise threefold produce in the 5th year, because the 5th year under this position is sometimes followed by the *Yovel* and then by the *Shemita*⁴.

¹ *Talmud Bavli* Rosh Hashannah 9a

² Why will the *Yovel* not always follow the 7th *Shemita* under a system where the *Yovel* counts towards the *Shemita* cycle? The *Yovel* cycle cannot be divided into a whole number of *Shemita* cycles (50 is not divisible by 7). Thus, under a system where the *Yovel* counts in the *Shemita* cycle, the two cycles will only align once every 7x50=350 years (350 is the smallest number divisible by both 7 and 50).

³ See footnote 2.

⁴ See footnote 2.

§21.1b Start of the Shemita and Yovel Cycles

According to most of the Sages, the *Shemita* and *Yovel* years begin on the 15th of the seventh month (the first day of *Sukkot*) and last through the 14th of the seventh month the following year. We have discussed this matter in depth in §6.1.

§21.2 The Land's Rest

§21.2a Introduction

The *Shemita* is a year of rest for the land:

“Six years you shall sow your field and six year you shall prune your vineyard and gather the produce thereof but in the seventh year there shall be a Shabbat of solemn rest for the land, a Shabbat to Hashem, you shall neither sow your field nor prune your vineyard” (Leviticus 25:4).

During the *Shemita*, one is forbidden from sowing produce. One is also forbidden from harvesting produce whether one has planted the produce or whether it has grown on its own (Leviticus 25:3-5). Although one may not harvest produce with the intent to store surplus, one may pick of the land's produce in order to nourish themselves in the immediate future: “the Shabbat-produce of the land shall be for you for eating: for you, your man-servant and your maid-servant and for the hired laborer, and for the settlers living with you and for your cattle and for the beasts that are in the land” (Leviticus 25:6-7). Finally, one may pick produce regardless of whether they would have been the rightful owners of that produce during other years (Exodus 23:10-11).

The laws described above also apply during the *Yovel* (Leviticus 25:11-12).

§21.2b Non-Jews

Non-Jews living in lands and times where the *Shemita* or *Yovel* apply (§21.6) must refrain from working the land during these years. The focus of the *Shemita* is the land; *Shemita* is “a Shabbat *shabbaton* for the land” (Leviticus 25:4). Thus, the land must rest regardless of who works it.

§21.2c Working the Land in the Sixth Year for the Shemita

Some of the Sages forbade preparing crops in the sixth year that would grow in the seventh. Others, however, permitted such work while maintaining that any resulting crops would be open to all for nourishment, as is the case for all produce during the 7th year (§21.2a).

§21.2d Applicable Produce

The prohibition on working the land mentions both fields and vineyards: “your field you shall not sow and your vineyard you shall not prune” (Leviticus 25:4). The prohibition thus applies to both grain produce and produce from trees. The Sages differed, however, as to whether the prohibition applies to

vegetables or fruit that do not grow on trees (e.g., watermelons). Some of the Sages held such work to be directly forbidden from the command: “your fields you shall not sow” (Leviticus 25:4). Others believed this command to literally apply to grains but held the cultivation of other plants to be forbidden by analogy. Finally, a third group of Sages held that only produce that can be stored for long periods of time (namely, 1-2 years) are forbidden. These Sages based their view on God’s promise regarding the sixth year of the *Shemita* cycle: “then I will command my blessing upon you in the sixth year and [the land] shall bring forth produce for the three years” (Leviticus 25:21). God promises that those observing *Shemita* will have a surplus of produce sufficing for two years after the sixth year. God’s promise is thus concern with produce that lasts 1-2 years. Therefore, these sages argued that the prohibition on cultivation similarly applies to produce that can last 1-2 years. Vegetables and fruit that grow in the soil generally cannot be stored for 1-2 years.

§21.2e Agricultural vs. Non-Agricultural Work

All forms of agricultural work are forbidden. For example, one may not plow a field. Likewise, one may not graft trees. Non-agricultural work of the land is permitted, however. For example, one may dig a well during the *Shemita* or *Yovel* year.

§21.3 Remitting Debts

Lenders must forgive debts owed by needy Israelites during the *Shemita* (but not the *Yovel*). The remission of debts applies only to those debts lent to the needy for two reasons. First, just as *Shemita* makes public the land’s produce so that the needy may eat (Exodus 23:10-11), so too debts are remitted for the sake of the needy. Second, in discussing the remission of debts the Torah specifically singles out the needy:

“if there be among you a needy man one of your brothers within any of thy gates...you shall surely open your hand to him and lend him sufficient for his needs that he lacks. Beware lest a base thought enter in your heart saying: ‘the seventh year, the *Shemita* approaches’ ... and you give him nought...you shall surely open your hand to your poor and needy brother in your land” (Deuteronomy 15:7-11).

If one is himself poor, he may exact a debt from another poor man contingent on the approval of a *beit din*. A man who owes his ex-wife late-*mohar* (§18.2b) is not forgiven from his debt during the *Shemita*, even should said man be poor.

§21.4 Freeing Slaves

§21.4a Manumission of Slaves during the Yovel

At the start of the *Yovel* (but not the *Shemita*) all slaves who were of the Israelite faith before their enslavement are set free:

“ And if your brother (i.e., fellow member of the Israelite faith) waxes poor with you and sells himself to you...he shall serve you until the year of the Yovel then shall he go out from you, he and his children with him and shall return to his own family...for they are My servants whom I brought forth out of the land of Egypt” (Leviticus 25:39-42).

The manumission of slaves during the Yovel applies to Israelite slaves but not to gentiles because the text states regarding the emancipated slaves: “they are My servants whom I brought forth out of the land of Egypt” (Leviticus 25:42). Converts to the Israelite faith are also included in this ruling because as a general rule, the same laws apply to converts as to Israelites.

A gentile slave or a gentile who converts to Judaism after his enslavement, however, is not emancipated during the *Yovel*. Rather, it is permissible, but not required, to enslave him perpetually:

“Furthermore the children of the strangers that sojourn among you of them you may buy of their families that are with you which they have begotten in your land and they may be your possession. And you may make them an inheritance for your children after you to hold for a possession, of them you may take as your bondsmen forever; but over your brethren the children of Israel you shall not rule over one another with rigor” (Leviticus 25:45-46)

§21.4b Manumission of Slaves before the Yovel

A slave of the Israelite faith is freed at the start of the *Yovel*. However, an Israelite slave may also be freed at the end of six years of servitude: “If you buy a Hebrew slave, six years he shall serve and in the seventh he shall go out free ” (Exodus 21:2). The slave is freed either at the end of six years or at the start of the *Yovel*, whichever is sooner.

The passage that discusses the manumission of Hebrew slaves at the end of six years also mentions another important case:

“But if the slave shall plainly say: I love my master, my wife, and my children; I will not go out free; then his master shall bring him to the judges and shall bring him to the door or to the doorpost and his master shall bore his ear through with an awl and he shall serve him forever” (Exodus 21:5-6).

The Sages disagreed on the meaning of the statement “he shall serve him forever (*va'avado leolam*)”. Some said the word “forever” meant until the death of the servant’s master. Other Sages said it meant until the death of the servant. According to these Sages, the servant would be passed on to his master’s heirs should the master die before his servant. Still, other Sages said the phrase “forever” actually means “until the *Yovel*”. Rav Calev Afendopolo, noting that none of three interpretations literally mean “forever”, concludes that the last interpretation is the most reasonable. This interpretation was also adopted by Rav Aharon the Younger and Rav Aharon the Elder.

§21.5 Returning Land

When God first gave the land to the Israelites, he assigned different tracts of land to different families⁵. These familial lands are to remain permanently in the possession of their rightful inheritors. Therefore, any familial lands sold by their rightful inheritors return to their proper inheritors (Leviticus 25:28) at the start of the *Yovel* (but not the *Shemita*). Lands that are dedicated as *cherem*, however, do not return to their original inheritors during the *Yovel* (§13.1). Furthermore, houses in walled cities do not return to their inheritors (Leviticus 25:29). However, Houses in walled cities originally belonging to the tribe of Levi, are returned during the *Yovel* (Leviticus 25:32).

§21.6 Where and When the *Shemita* and *Yovel* Apply

The laws of *Shemita* and *Yovel* clearly applied within the land of Israel when it was ruled by a legitimate Jewish theocracy. They also applied, however, in other lands conquered by the Israelite government. This is because regarding the *Yovel* the Torah states “in the day of atonement you shall make a proclamation with the horn [announcing the *Yovel*] throughout all your **lands**” (Leviticus 25:9). The plural term “all your lands” includes all lands ruled over by a legitimate Jewish theocracy.

The laws of *Shemita* and *Yovel* do not apply today, however. These laws are prefaced with the condition: “when you come to the land that I am giving to you” (Leviticus 25:2). Thus, the laws of *Shemita* and *Yovel* only apply when the land of Israel has been divided according to how God had originally distributed it: as tracts of familial inheritance given to specific families (§21.5). Even should the land of Israel come under Israelite control, *Shemita* and *Yovel* would not be reinstated unless the land were divided according to the proper system of familial inheritance.

Why then did the settlers returning from the First Exile observe the laws of *Shemita*? (Nehemiah 10:32) Rav Calev Afendopolo explains that the returned exiles had reinstated the system of familial inheritance: “in the cities of Judah every one dwelt in their familial inheritance in their cities” (Nehemiah 11:3). Furthermore, although only a small minority of the Jewish people had returned to their familial plots, the people had also sworn an oath (Nehemiah 10:30) to, among other things, “forego the seventh year and the exaction of every debt” (Nehemiah 10:32). Therefore, Rav Calev argues, even if the people were not bound by the original laws of *Shemita* found in the Torah, they were bound by their oath to obey similar laws regarding the seventh year.

Notes on §21.6:

Rav Calev's explanation for why the people kept the *Shemita* in the Second-Temple period raises difficult questions. His first explanation (that those returning from exile dwelled in their inheritance lands), suggests one position regarding the pre-conditions of *Shemita* and *Yovel*: that only **some** of Israel need return to their proper inheritance for *Shemita* and *Yovel* to become binding. By contrast, his second explanation states that *Shemita* is

⁵ Joshua used lots to divide the land into both tribes and family plots. For example, Scripture states: “and the lot of the tribe of the children of Benjamin came up **according to their families**” (Joshua 18:11).

only binding because of the oath sworn by the people of the Second Temple. This explanation assumes a second position: that **most or all** of Israel need return to their proper inheritance for *Shemita* and *Yovel* to become binding.

This explanation raises a second question. If the oath mentioned in Nehemiah explains why people throughout the entire Second Temple period observed *Shemita*, then this oath applied to the original signatories of the oath as well as their descendants. If so, why does Rav Calev assume that the oath bound only to the Israelites of the Second-Temple period but not today's generation? Perhaps he believed the oath applied only in the context of the Second-Temple period, when at least some of the people had returned to their familial land inheritance. Rav Calev states that the intent of the people in swearing the oath was to abide by the "original Torah practices"⁶. Therefore, the *Shemita* required by oath was likely meant to resemble the original *Shemita* as much as possible. Furthermore, the returned exiles swore the oath under the assumption that some of the land was split according to the proper system of land inheritance. In the absence of this fact, the oath does not hold because an oath is annulled when the assumptions relevant to it are no longer met.

⁶ *Adderet Eliyahu* Inyan Shemita VeYovel Ch. 4 Daf 179A Col 1