**PARASHAT BEHAR**

First Year of Triennial Cycle

*Va-Yikra* 25.1 – 38 (42)

*Eitz Hayim* 738; Hertz \*\*\*\*; Plaut 946

This year as we near the end of the Book of *Va-Yikra* (Leviticus), but in the triennial cycle we stay entirely in Parashat Behar. Formally, we go from verses 1 through 38 in Chapter 25. However, because I want to talk about the Jubilee Year, I will start with verse 8 and extend my comments through verse 42. The first seven verses deal with the Sabbatical year that Jews are commanded to observe every seventh year, a commandment that sources tell us was observed by many Jews of that time. Indeed, Josephus noted “that Julius Caesar exempted Palestinian Jews from certain taxes in sabbatical years.”[[1]](#footnote-1) The additional verses after 38 are needed because they are the first to say clearly that Hebrew slaves were freed in the Jubilee Year.

The Jubilee Year occurs once every 50 years, or more colourfully occurs just after the seventh of seven Sabbatical (aka *Shemitah*) Years, which is 49 years. Three things predominate in the requirements of a Jubilee Year. First and best known, all restrictions that apply to letting the land fallow in a Sabbatical Year also apply in that 50th Jubilee Year. Second, most land holdings that have been sold during the preceding 49 years must be returned to their original owners. And, third, as noted just above, Hebrew slaves must be released and allowed to go free. In addition, verse 25:23 contains a phrase that is often quoted by Jewish environmentalists and that links us to the concept that the land really belongs to God: ". . . for the land is Mine; you are but strangers resident with Me. . . . You shall hallow the fiftieth year, and proclaim release throughout the land for all its inhabitants."[[2]](#footnote-2) Those words extend the notions of Jubilee from agricultural practice into economic and social policies.

Let’s start with God’s commandment that land—the meaning is agricultural land--must have a Sabbath once every seven years, and not just a Sabbath but a "Shabbath Shabbaton" (25:4 and 5), which is translated in *Etz Hayim* (739) as a sabbath of complete rest, but I prefer Hertz’ translation as a sabbath of *solemn* rest. This means that the rules observed for the weekly Sabbath have their analogs for agriculture every seventh year. Essentially, human beings are not to seed or harvest their fields, and they just eat what grows naturally. Now, once every 50 years, the same rules apply two years in a row, and the arrival of the Jubilee Year is proclaimed by blasts of the shofar. Moreover, that blast comes not on just any day but (25:9) “in the seventh month on the tenth day of the month—the Day of Atonement.” Why the repetition--first the date and then the name? Many commentators agree that it tells us to blow the shofar even if it is Shabbat. No wonder we are supposed to treat the Jubilee year as holy.

The late Rabbi Plaut of Holy Blossom synagogue in Toronto has a lot to say about both Sabbatical and Jubilee Years in his Chumash.[[3]](#footnote-3) During Sabbatical Years and therefore also in the Jubilee, he writes (940): “. . . the landowner and the landless pauper are to be on equal footing.” Continuing, he writes that they are (941): “an expression of the Sabbath idea; and, like the weekly Sabbath, it has no parallel in other cultures of the ancient Near East.” Indeed, a whole tractate (*Shivi'ith*) appears in the Mishnah as well as a Gemara in the Talmud Yerushalami. Among other things, they relax some of the rules on land manage-ment. For example, farm work was permitted if required to rebuild terraces after a storm or to provide water for trees during a drought.

Even so, if the Sabbatical Year was a radical idea, the Jubilee year was even more so. No doubt many farmers and even the urban population remained skeptical. The text seems to anticipate concerns about even a single fallow year (25:20-22):

And should you ask, “What are we to eat in the seventh year, if we may neither sow nor gather in our crops?” I will ordain that 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 be eating old grain of that crop; you will be eating the old until the ninth year, until its crops come in.

Therefore, it is not surprising to read later in Parashat *B'hukotai* (26:33-34) that failure to observe these sabbatical rules brings divine retribution:

Your land shall be a desolation, and your cities a ruin. Then shall the land make up for its Sabbath years throughout the time that it is desolate and you are in the land of your enemies; then shall the land rest and make up for its Sabbath years;

Let’s turn to the second major requirement in the Jubilee Year. All landed property that had been sold was returned to its original owners, as defined by the distribution among the tribes by Joshua.[[4]](#footnote-4) Here again, Rabbi Plaut offers a comment on the thinking behind this provision (942): The land “is not to be exploited for the enrichment of some individ-uals to the detriment of others.” Apparently, the land is not actually sold but only rented for the number of crops until the next Jubilee year. Therefore, it could be “redeemed” if one of the original owners pays a sum proportional to the number of number of crops until the next Jubilee Year. However, some land was exempt from redemption. The Jubilee requirement did not apply to land outside the original tribal inheritance nor to land in a city surrounded by a wall. Inherited land, as opposed to purchased land, did not have to be returned, which explains why special provisions were made for the daughters of Zelophehad (Bmd 26:3-4). *Yes*, they could inherit land, but *No*, they could not marry outside the tribe. In addition, special rules protected land held by the Levites (verses 29-34).”

The third requirement in a Jubilee Year is that all Hebrew slaves had to be released. Again, Plaut (942) goes back to a religious rationale to explain this provision:

The legislation regarding slaves is motivated by the same kind of thinking as the land law: the Israelites are God’s servants and therefore should not be enslaved to any other master. . . .The release of Hebrew slaves is part of the process, since they were most probably sold into servitude for the satisfaction of a debt.

Support for this rationale stems from the statements in the text that tell Israelites to get their slaves from neighboring peoples. One Israelite could engage another who is “in straits and must give himself over to you,” but you must “not subject him to the treatment of a slave” (25:39). Other places in the nearby text state further that, “. . . as for your Israelite brothers, no one shall rule ruthlessly over him” (2:46).

Though human slavery was widespread in the ancient world, the Hebrew Bible seems conflicted about it, and it seems to come does come down with the conclusion that an Israelite may serve you not so much as a slave, but only as what we might today call an indentured servant. Further, as already indicated (25¨40-41):

He shall serve with you only until the jubilee year. Then he and his children with him shall be free of your authority; he shall go back to his family and return to his ancestral holding.

Admittedly 50 years is a long time, but his family does have the right to buy him out of indenture at any time during his sentence, which is not true for non-Israelite slaves.

Before concluding this d’var on the Jubilee Year, I want to ask one other question: Was the Jubilee Year every really observed? *In the written version of this d’var, I also ask a second question: What were its ecological implications?*  *Bu t we don’t have time for that today*.

As for the first question, we can say that it only applied in Israel itself, and, even then, according to Talmudic sources cited by Plaut (942), only when all tribes were living on the lands allotted to them by Joshua, something that was never the case given that Reuben and Gad chose to stay east of the Jordan River. Perhaps that explains why there is no *Gemara* in the Babylonian Talmud. The *Book of Jubilees*, which I have not read, is described as a retelling of *Genesis* written during the last two centuries BCE. Apparently, it does refer to both Sabbatical and Jubilee years, but with little information about them. No reference to the Jubilee Year has ever been found from the Second Temple period. More to the point, Rabbi Plaut dismisses the whole idea in a pair of definitive comments (respectively 942 and 943) in his chumash:

Indeed, the basic assumption behind the law—namely, that at some time in the past every Israelite family had its own holding, all approximately equal—is, to put it mildly, open to question.

Our credulity is further strained by the notion that, even once in a half-century, agricultural work should have been suspended for two consecutive years. The “Sabbath of the land” entailed serious hardships; two years without cultivation would have meant ruin and famine.

If I were ever called upon to comment on the Jubilee Year, I would suggest that it was little more than an idealistic concept based on unrealistic notions of equity and inappropriate extensions of the concept of Sabbath.

*FOR ORAL PRESENTATION, SKIP TO PARAGRAPH BEGINNNG “TO CONCLUDE, . . . “ FOR WRITTEN PRESENTATION, CONTINUE WITH THE TEXT BELOW.*

Starting at least as far back as Maimonides, it has been argued that the Sabbatical year was intended to save the soil from exhaustion. In the days before crop rotation and artificial fertilizers, the practice of fallow may have made sense, at least if properly planted with a Nitrogen-fixing ground cover. *(I cannot emphasize too strongly that it was never recommended to leave land without a cover crop, and especially not in semi-arid climates.)* I would also emphasize that, just as we must be cautious of basing kashrut on provisions for human health, so too should we be cautious about basing provisions for the Jubilee Year or the Sabbatical Year on provisions for natural ecology. Ultimately, the goal was to re-assert God's claim to ownership of the land and to instill humility in the human tendency to see ourselves as creators.

Ehrenfeld and Bentley support this perspective, but I must caution that they are here talking about the Sabbatical Year, not the Jubilee Year:[[5]](#footnote-5)

For Jews, it is the Sabbath and the idea of the Sabbath that introduce the necessary restraint into stewardship. . . . During the Sabbath day, and during the Sabbath year, "we create nothing; we destroy nothing; and we enjoy the bounty of the earth . . . a celebration of our tenancy and stewardship in the world.

I cite Ehrenfeld and Bentley because they are among the earliest of the modern commentators to write about Judaism and ecology. I would love to hear what they might say about the Jubilee Year, which, as emphasized above, added much greater burdens on Israelite farmers and indeed everyone who ate food in the land of Israel.

To conclude, it has been many centuries since any of the agricultural requirements of the Jubilee Year have been observed, though some provisions of the Sabbatical Years are observed by the more Orthodox farmers and kibbutzim. Even allowing for that exception, I doubt that many Israelis regret the absence of the Jubilee Year’s agricultural requirements in today’s Jewish calendar in Israel. However, as indicated above, the Sabbatical and Jubilee years also carried ethical and social messages as well as agricultural ones. Under their guidance, no one could become too rich nor could anyone fall into poverty. Some people, and I count myself among them, do regret that most of its ethical and social requirements are also ignored today, with the sad result that, just as in Canada, inequality grows in Israel with every passing year.

Shabbat shalom,

Further Reading

Mishnah *Shevi’ith* is the fifth tractate in order *Zeraim.* It contains 10 chapters, many of which focus on agriculture in the land of Israel. In particular, it tries to find a balance between the Biblical rules for the Sabbatical year and the exigencies of farming in a semi-arid climate. For example, farmers were allowed to repair terraces that had been destroyed in a storm. There is a gemara in the Jerusalem Talmud but none in the Babylonian. Berkman (*op.cit*., p. 236) notes that “Even greater precautionary measures were introduced by the Rabbis, but these were not generally accepted.”

Details of the Jubilee year are discussed in the last three of the nine chapters of Mishnah Tractate *Arachin* of the Order *Kodashim.*  However, the focus is mainly on issues related to buying and selling of land between Jubilee years, or the obligations owed to Hebrew slaves upon their departure, rather than agricultural practices in the Jubilee Year. In this case, there is a gemara in the Babli, but none in the Yerushalmi. I guess that the rabbis compiling the Babylonian Talmud were more comfortable dealing with the legalities of land ownership than with the provision of food.

1. Josephus, *Antiquities*, as cited by Plaut 941 and in note 6 on 741. See also *Mishnayot – Order Zeraim* by Philip Blackman, Judaica Press (1983), p. 235, which states that both Alexander the Great and Julius Caesar “remitted to the Jews the tribute due every Sabbatical Year” because fields were not cultivated. [↑](#footnote-ref-1)
2. All translations are taken from chumash *Etz Haim.* [↑](#footnote-ref-2)
3. *The Torah: A Modern Commentary*, New York: Union of American Hebrew Congregations, 1981 edition. [↑](#footnote-ref-3)
4. See *Book of Joshua*, chapters 13 - 21 [↑](#footnote-ref-4)
5. Ehrenfeld and Bentley, Judaism and the Practice of Stewardship, Judaism, 34:3 (Summer 1985). [↑](#footnote-ref-5)