



JOINING IN THE UNITY OF THE NATION – ONE FRUIT AT A TIME

This year, 5782, is a shmitta year. Our computation of the shmitta cycle is based on the opinion and custom of the Geonim, as quoted by Maimonides in *Hilkhot Shmitta veYovel* 10:5. The Gemara in *Avodah Zarah* 9b, however, quotes an alternative approach to finding out when shmitta is, suggested by Rav Huna brei d'Rav Yehoshua. In his opinion, one who does not know which year of the shmitta cycle it is should calculate the year using the date of the *churban*. As Rashi explains, this computation makes sense, since the destruction of both the First and Second Temples occurred on *motza'ei Shvi'it*, the first year of the shmitta cycle (*Ta'anit* 29a). Once you know how many years have passed since the day of the destruction of the Beit Hamikdash, you will clearly know where in the shmitta cycle you are. The oddity of

this approach is nonetheless obvious: why should one base his computation on the year of the destruction of the Beit Hamikdash? That date itself is not clear either, and there is an argument between the Rishonim about whether the destruction of the Second Temple took place in the year 68 CE, 69 CE or 70CE, and also about whether the first year of the shmitta cycle was the year of the *churban*, or, as Maimonides argues, the year starting after that Tisha B'Av.

What is the purpose of basing our calculations on a date that is itself ambiguous? The message is clear: by basing our calculations on the *churban*, we are able to appreciate the significance of the mitzvot of the shmitta year and to be reminded that these mitzvot have the power to cause us to merit our redemption and thus to lead us out of *galut*. In a similar vein, Rav Chaim Kanievsky zt"l's

introduction to *Derech Emunah*, his magnum opus on the laws of shmitta, quotes the Chazon Ish's explanation of the statement in *Sanhedrin* 97, "On the conclusion of shmitta, [Mashiach] ben David will come." The Chazon Ish explains that this is not merely a chronological account; rather, it also means to say that *as a result* of shmitta, we will merit our final redemption. Rav Huna says in *Avodah Zarah* that, therefore, if one wants to appreciate shmitta, he should count precisely from our national destruction.

Yet, this idea of a connection between the destructions of the two Batei Mikdash and shmitta raises certain questions. On the one hand, we know that the first *galut*, after the destruction of the First Temple, was indeed the result of the people's failure to observe shmitta. As the verse clearly states:

אז תרצה הארץ את שבתתיה כל ימי השמה
ואתם בארץ איביכם אז תשבת הארץ והרצת
את שבתתיה.

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.

Vayikra 26:34.

The same message is repeated in Divrei Hayamim, i.e., that the exile to Babylon was “until the land paid back its sabbaths; as long as it lay desolate it kept its sabbath, until seventy years were completed” (DHY II 36:21). The lack of observance of shmitta in the First Jewish Commonwealth was a corollary of the pervasive idolatry of that time. As Nachmanides explained, “those who violate [the Sabbath of the land] deny the Divine creation of the world and the existence of the world to come” (on Vayikra 25:2). Clearly, as shmitta was the cause of the first exile, its observance is a direct rectification of the conditions leading up to it, and so, naturally, it should be a catalyst of redemption. On the other hand, the relationship between shmitta and the destruction of the Second Temple is not immediately clear. As the Talmud explains in *Yoma* 9b, “[people during the] Second Temple were engaged in Torah [study, observance of] mitzvot and act of kindness.” The Second Temple was destroyed only due to *sinat chinam*, wanton hatred. If so, what is the relationship of shmitta observance to the second *churban*? How does the fulfillment of the mitzvah of shmitta achieve communal unity and rectify *sinat chinam*?

The *Sfas Emes* (Behar 5638, 5741) and the *Shem MiShmuel* (Behar 5670) provide an amazing explanation: the rectification of the second *churban* comes about as an underappreciated



component of the laws of shmitta. We are used to thinking that the sabbatical year relates mainly to the land’s rest and the farmer’s cessation of any work. We view shmitta solely as an expression of the trust in Hashem by the farmer, who, by resting from farming, acknowledges Hashem’s ownership of the land. Shmitta, however, is much more than that. The laws of *shvi’it* not only impact the farmer and his resting from working the land, but also the fruits grown in the shmitta year, called the *peiros shvi’it*. Fruits grow on their own, even when the land lies fallow. The fruits resulting from the trees’ flowering during the sabbatical year have a special halakhic status and are communal property, belonging neither to the farmer nor to the owner of the field; they are *hefker*. These fruits have a special *kedusha* and significance. The *Acharonim* (see Avi Ezri *Shmitta veYovel* 4:24 and *Teshuvot Maharil Diskin, Kuntres Acharon* 5) note that the *hefker* status of the fruits of *shvi’it* is quite unique. The fruits are not exactly ownerless; rather, they are communal property. They belong to the entire Jewish community as a whole, and every Jew is an equal owner. It is a demonstration of equality at its best, that the rich and poor are all the same.

During the era of the Second Temple,

however, this equality and sense of community were not present; the Jewish community was fragmented. The sectarianism at that time was extreme, and *sinat chinam* was the ultimate expression of such intolerance. The Talmud in *Gittin* 55b relates that the destruction of Jerusalem by the Romans came about because of the well-known story of Kamtza and Bar Kamtza. Bar Kamtza was mistakenly invited to a feast instead of Kamtza, and, after being expelled from the party, with the impression that the rabbis present approved of his ejection, he denounced the entire community to the Romans—a quintessential case of compounded *sinat chinam*. The Maharal (*Netzach Yisrael* 5) asks an obvious question: Why is Kamtza blamed for the *churban*? The Talmud should have said that on account of Bar Kamtza, Jerusalem was destroyed, rather than on account of them both. Why is Kamtza to blame? The Maharal writes that their names explain it all. The word “Kamtza” comes from the root KMZ, i.e., a separate handful. Their names come to represent the clannish nature of the times. There were the “ins” and the “outs,” those who were in the “handful”—Kamtza—and those who were outside of it—Bar Kamtza (in Aramaic, the word *bar* means

“out”). *Sinat chinam* was a product of both. They were equally responsible; the “ins” created the “outs.” *Peirot shvi’it* come to teach us that in the eyes of Hashem, we are all the same; there are no “ins” or “outs.” These fruits are our response to *sinat chinam*. The communal nature of the fruits of *shvi’it* is thus the ultimate rectification of the issues of the Second Commonwealth.

Furthermore, the communal nature of these fruits carries a very unique feature: the fruits have special holiness and significance. Thus, they cannot be wasted and have to be disposed of with dignity. They have *kedushah*. As explained by the *Mikdash David* (*Shvi’it* 59:5), these fruits are holy, and, therefore, they cannot be sold by exact measurement or weight (see *Shnot Eliyahu Shvi’it* 8:3). One has to treat them with respect (*Yerushalmi Shvi’it* 8:2) due to their holiness.

Notably, however, the fruits are also the only type of *kedushah* that can be consumed in a state of impurity, either their impurity or the impurity of the persons who eat them. No other *kedushah* has this property. Therefore, in our times, they provide us with the only opportunity to eat something holy. No other types of *kedushah*, from *terumah* to *challah* to *ma’aser sheini*, may be eaten today, since we are all ritually impure.

Why doesn’t *tumah* impact the fruits of *Shvi’it*? *Sfas Emes* (*Parshat Parah* 5646) explains that this is a direct result of the communal status of these fruits. Their *kedushah* emanates from the *yichud*, unity, expressed by the communal ownership of these fruits, and precisely this unity precludes any impurity from affecting them. They are a shield against impurity. They represent the letter *aleph* of the word *tamei* (טמא), which the *Zohar* (3:41b) says is the source of the purification of

impurity. The communal nature of the *peirot* is analogous to the concept of communal impurity, *tumah b’tzibbur*, in which ritual impurity is overridden in cases involving the community. The unity of the community overrides impurity. The unity of the community is paramount.

This unique communal property of the fruits is even more relevant today.

In our times, when farms are usually located far from urban centers, it is largely infeasible for individuals to come and harvest the fruits for their private use. The only feasible approach is the *otzar beit din* structure, envisioned by both Rav Kook and the Chazon Ish as ideal for harvesting fruits during the shmitta year in modern times. *Otzar beit din* is a system in which the Jewish Court (*beit din*) acts on behalf of the community to provide for the communal harvesting and distribution of the fruits of *shvi’it*. The farmers are hired by the community to act as their agents in the harvesting and distribution of the fruits. They act as employees of the community, and, although they are allowed to be paid for their time and effort, they cannot profit from the fruits. They act under the guidance of the *beit din* on behalf of the community. This system is based on a similar method that is mentioned in the Tosefta (*Shvi’it* 8:1-3) and was employed during the Second Commonwealth. In our times, not only are the fruits communally owned, but, further, they are communally farmed, harvested and distributed. It is an amazing display of unity, a triangle of communal enterprise; the community, the rabbinical court and the farmers all work in tandem for the communal benefit. These fruits are the result and the expression of the *achdut*, solidarity, of the community, social activism at its best.

Sfas Emes (Behar 5641) explains that this is the lofty goal of shmitta: the total unity of the Jewish people. This idea comes about through the fruits of *shvi’it*, and the benefits are experienced not just by the farmers but, rather, by the entire community as a whole. As Rav Kook noted in the introduction to his magnum opus, *Shabbat haAretz*

טבע הנשמה הכללית של כנסת-ישראל הוא אלקיוּתהּ. אין חלול-קִדְּשׁ שֶׁל קִפְדָּנוֹת רְכוּשׁ פְּרָטִי בְּכָל תּוֹצְאוֹת-יְבוּלָהּ שֶׁל שָׁנָה זוֹ, וְחֻמְדַּת-הָעֵשֶׂה, הַמּוֹתְגֵרָה עַל-יְדֵי הַמְסַקֵּה, מְשַׁתְּכַחַת "לְאֲכֹלָהּ – וְלֹא לְסַחֲרָהּ". עִיר־טוֹבָה וְהוֹקֵרָה נִאֻמָּנָה בָּאָה לְכָל בְּרַכְתּוֹ ד' אֲשֶׁר בְּפָרִי-הָאָרֶץ, "לְאֲכֹלָהּ – וְלֹא לְהַפְסֹד".

The essential quality of the Jewish people's collective soul is its divine nature... Pernickety claims to private property will not profane the holiness of the produce of the land during this year, and the urge to get rich, which is stimulated by trade, will be forgotten; as it says, "for you to eat — but not for your trade." A spirit of generosity will rest on all; Hashem will bless the fruit of the land "for you to eat and not your loss."

The Torah envisions a capitalist society for six years, but, in the seventh year, socialism prevails in the agriculture of the Holy Land. We are all equal stakeholders in the land of Israel.

This precise message is the connection between shmitta and Har Sinai mentioned in Parashat Behar. Shmitta enables us to fully experience *matan Torah k'ish echad b'lev echad*, as one person with one heart. The fruits of shmitta bring to fruition the true power of *Etz haChayim*. In this vein, this Shavuot is quite unique, since, for the first time, all *bnei Torah* in Israel, more than 77,000 students, will partake of the fruits of the *otzar beit din* for their entire season. Let us thus join in the unity of the Jewish people *k'am echad b'lev echad* — one fruit at a time.