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> A Sabbath of the Land for You: Shemita, Ethics, and Jewish Philosophy Class Session: Labor and Economic Justice

Shemita and the Ideal of Poverty

Deuteronomy 15:1-15

If, however, there is a needy person among you, one of your kinsmen in any of your settlements in the land that the LORD your God is giving you, do not harden your heart and shut your hand against your needy kinsman.

Rather, you must open your hand and lend him sufficient for whatever he needs.

Beware lest you harbor the base thought, "The seventh year, the year of remission, is approaching," so that you are mean to your needy kinsman and give him nothing. He will cry out to the LORD against you, and you will incur guilt.

Give to him readily and have no regrets when you do so, for in return the LORD your God will bless you in all your efforts and in all your undertakings.

For there will never cease to be needy ones in your land, which is why I command you: open your hand to the poor and needy kinsman in your land.

If a fellow Hebrew, man or woman, is sold to you, he shall serve you six years, and in the seventh year you shall set him free.

When you set him free, do not let him go empty-handed:

Furnish him out of the flock, threshing floor, and vat, with which the LORD your God has blessed you.

זברים 15-15:1

בּי־יִהְיֶה בְּךָּ אֶבְיֹּזוֹ מֵאַחַד אַטָּידּ בְּאַתַד שְׁעֶלֶּידְ בְּאַרְצְדְּ אֲשֶׁר־יְהְוָה אֵלֹהֶידְ נֹתֵן לֶדְ לָא תִאַמֵּץ אֶת־לְבָבְרָּ וְלָא תִקְפֹּץ אֶת־יָדֶדְ מֵאָחִידְ הַאָּבִיִּוֹן:

בִּי־פָתְּחַ תִּפְתַּח אֶת־יָדְדָּ לֵוֹ וְהַעֲבֵטֹ תַּעֲבִיטֶׁנוּ ְדֵּי מַחְסֹרוֹ אֲעֶׁר יַחָסֵר לְוֹ:

הָשָּׁמֶר לְדְּׁ פֶּן־יִהָּיָה דָבָר ׁעִם־לְבָבָּךּ בְלְיַּעֵל לֵאמֹר הָקְבָּהוֹ וְלָא תִתַּוֹ לְוֹ שָׁנֵת־הַשָּׁבַע שָׁנַת הַשְּׁמִטָּה וְרָצָה צִינְדּ בָּאָחִידּ הָאֶבִּיוו וְלָא תִתַּוֹ לְוֹ וְקַרָא עַלִּידּ אֶלִי דְּלָה וְתָיָה בָּהָ חַטְא:

נָתְוֹן תִּתֵּן לוֹ וְלֹא־יֵרָע לְבָבְהָ בְּתְתְּהָ לֵוֹ כִּי בִּגְלַלוּ הַדְּבָר הַנֵּהּ יְבָרֶכְהּ יְהָוָה אֱלֹהֶיִה בְּכֶל־מַעֲשֶׂה וּבְכֵל מִשְׁלַח יֻדְהִ:

בָּי לֹא־יָחָדַל אֶבְיֻוֹן מִקֶּרֶב הָאָרֶץ עַל־בַּוֹ אָנֹכִי מְצַוְּדְ ֹלֵאמֹר ۗבָּּתֹחַ תִּפְתַּח אֶת־יָדְדְׁ לְאָחָיִדְּ לַעֲנֵיֶדְ וּלְאָבִינְּהָ בַּאַרְצֵּדְ: {ס}

כִּי־יִמֶּבֶּר לְךְּ אָתִידְ הַעִּבְרִי אֻוֹ הַעִּבְרִיֶּּה וַעֲבֶדְדָּ צֵׁשׁ שָׁגֵים וּבַשֶּׁנָה הַשָּׁבִיעִּת הִשַׁלְחַנוּ חָפִּשִׁי מִעְמֵּדְ:

וָכִי־תִשַׁלְּחָנוּ חָפִשִׁי מֵעִמֶּך לֹא תִשַׁלְחָנוּ רֵיָקִם:

הַצְגֵיק תַּצְנִילִ לֹוֹ מִצְּאנְהֹּ וּמְגָּרְנָהַ וּמִיּקְבֶרְ אֲצֶׁעְר בַּרַכְהָ יְהָֹנָה אֱלֹהָירִ תִּתָּוֹ־לִוֹ:

Model One: Halakhic Responses to Poverty

Iggeret HaMusar - Yisrael Salanter

For an illustration, in our district, praise to the Almighty, the injunction to abstain from non-kosher meat is naturally implanted within the souls of Israel. So strong is this proclivity that no one has to force his nature and desire to abstain from non-kosher meat—it is foreign to him. There is no kosher butcher who would not consult a competent, halakhic authority concerning the status of any questionable meat. Even if his inquiry would cause him a significant loss, the fear of Hashem is within him—in his nature and his ways. This generates the attitude: 'God forbid that I should do evil and deceive my fellow Jews.'

However, in the multitude of our sinful business dealings, we find just the opposite. Most people do not seek advice concerning a suspicion of stealing from their fellow. Oftentimes they oppress victims, even before legal claims are fairly evaluated. Some people, even after legal decisions are made, execute deceptive or strong-arm tactics. Doesn't the Torah view all these things equally? All of them are classified as transgressions, according to the Torah and its judgments. Thus, whether concerned [the Torah injunctions pertaining to non-kosher meat] like: 'You shall not eat the flesh of an animal torn in the field,' (Exod. 22:30) and 'You shall not eat any carcas' (Deut. 14:21) or... 'You shall not oppress your fellow and you shall not steal' (Lev. 19:13)—all of these are equally transgressions of the Torah [and must be stringently observed].

It is naturally ingrained in the soul of Israel that all non-kosher meat is forbidden to him; whatever meat is declared non-kosher by a halachic authority—he will distance himself בַּדּוֹמֶה בִּמְחוֹזוֹתֵינוּ אֵלּוּ, תְּהָלֶּה לָאֵל אִסוּרֵי נְבֵלוֹת וּטְרֵפוֹת וְטְרֵפוֹת וְטְבָּפוֹת הַיְשְׂרָאֵלִי, עַד אֲשֶׁר לֹא יִצְרַךְּ שׁוּם אִישׁ לֶאֱכֹף טִבְעוֹ וְתַאֲנָתוֹ לְהִתְרַחֵק מֵהֶם, כִּי הַמָּה לוֹ שׁוּם אִישׁ לֶאֱכֹף טִבְעוֹ וְתַאֲנָתוֹ לְהִתְרַחֵק מֵהֶם, כִּי הַמָּה לוֹ לְוַרָא. הַלֹּא לֹא יַצְלֶה חָלִילָה עַל לֵב שׁוּם אֶחֶד מִמּוֹכְרֵי בָּשָׂר בָּשֵׁר, לְהַתְרַפּוֹת מִלְּדְרֹשׁ אֵצֶל הַמּוֹרֶה צֶדֶק, בְּמָצְאוֹ שׁוּם בָּעֵר, לְהַתְרַפּוֹת בָּאֵבְרִים הַפְּנִימִים, עִם הֱיוֹת לוֹ דְּכָרִים בְּעְנִין כָּזָה הָפְּסֵד מְרָבֶּה, מוֹרָא שָׁמֵיִם עָלָיו בְּטִבְעוֹ לְּכָעְמִים בְּעִנְין כָּזָה לוֹ מֵּרְשַׁע, לְהַכְשִׁיל אֶת יִשְׂרָאֵל:

ן אוּלָם בַּעְוֹנוֹתֵינוּ הָרבִּים, בְּמַשָּׁא וּמַתָּן הוּא בְּהֵפֶּה, רֹב בְּנֵי אָדָם לֹא יִדְרְשׁוּ עַל חֲשַׁשׁ גָּזֵל וְעֹשֶׁק מֵעַצְמָם. טֶרֶם יִתְבָּעָנּוּ חָבֵּרוֹ, וּמֵהֶם אֲשֶׁר גַּם אַחַר הַתְּבִיעָה יַצְשֶׂה תַּחְבּּוּלוֹת מִרְמָה מִּנְעֵּשְׁה וְזָה לֹא מִנְעֵשָׁה וְזָה לֹא מַנְעֵשָׁה וְזָה לֹא מַנְעֵשָׁה וְזָה לֹא מַנְעֵשָׂה בְּפִי עִנְיַן הַתּוֹרָה וּמִשְׁפָּטֶיה, וּבְשָׁר בַּשָּׁדֶה טְרַפָּה לֹא מִצְעֵשְׁה, כְּפִי עִנְיַן הַתּוֹרָה וּמִשְׁפָּטֶיה, וּבְשָׁר בַּשָּׂרָא, וְלָא מִאכֵל בָּל נְבֵלָה, אוֹ לֹא תַעֲשֹׁק אֶת רַעֲדָּ, וְלֹא מִגְלֹּ, וְבָלְה אָמֹיִם בְּנָפְשׁ הַיִּשְׂרְאֵלִי, שָׁבָּל מִינֵי טְרֵפוֹת שָׁוִים אָצְלוֹ, וְכָל אֲשֶׁר יוֹרָה הַמּוֹרָה כִּי הוּא טְרַפָּה מְתְּלָה שָׁיָך לַחְבֵּרוֹ הָנֵי בְּעָשְׁה, כֵּן בְּמָמוֹן, הַלֹא כָּל מַה שֶּׁעַל פִּי מְתוֹרָה שַׁיָּדְ לַחֲבֵרוֹ הָוֵי נְּזָל וְעוֹבֵר בְּלֹא תִגְזֹל. וַאֲנַחְנוּ הַתִּיבוּ הַבְּלֹא תַנְעָשׁה הַלְּזֹוֹ, צֵשְׁה נִים בִּיְבִים בְּלָא תַנְשָׁה הַלְּזֹוֹ, צֲשָׁר יוֹם הַנְּיִבִים נְבָּפְרִים עַלָּיה: מַנְתִּה הָּמִיתָה אָינִם בְּיָּבִים מְבָּבְּרִים עַלָּיה:

from it and conduct himself only according to the Torah. So, too, in money matters—whatever the Torah classifies as belonging to one's fellow, if someone else besides the owner has it, this is stealing, and he transgresses 'you shall not steal.' We see, in the multitude of our transgressions, than even the scholars, as well as nearly the God-fearing people, are not careful to refrain from this sin. And, yet, so serious is this transgression that Yom Kippur, and even death, do not grant atonement.

Yet, if a man will direct his heart and soul to learn in-depth the laws germane to business matters from the Talmud and the halachic authorities - each person according to his ability a character transformation will take place. If the focus of his study is to internalize the knowledge of the forbidden and the permitted, then his study will be particularly effective to guard him from stealing. Even if at first he is unable to desist from all infringements of stealing, he should not despair - for this is due to the strong desire to steal, as well as the prevalent practices of society. He should know with certainty how great is the power of Mussar, that slowly a vast acquisition of knowledge and new habits will take root in his soul. Eventually, questions concerning kashrus and questions concerning stealing will be equally important in his eyes.

אָכֶן אָם יָשִׂים הָאָדָם לְבּוֹ וְנַפְשׁוֹ, לְלְמֹד הַהַּלָכוֹת הַשַּׁיָּכוֹת לְמַמוֹן בָּעִיוּן, גְּמַרָא וּפּוֹסְקִים אִישׁ לְפִי עֵרְכּוֹ, וּבְפָּרָט אִם הַמֶּרכַּז יָהָיָה עַל תִּכוּנַת אָסוּר וְהַתֵּר, לֵידַע אֵיך לְהָשָׁתַּמֵּר ַמָּגַזַל, (אַף אָם לֹא יָקַיֵּם בָּתָחַלַּה, כִּי הַתַּאֲוָה רַבַּה בַּזַה, וְגַם רַחוֹק הַדָּבַר מֶהֶרְגֵּל הַמְּדִינִי), מַה רַב כֹּחַה לְהַשְׁרִישׁ לְאַט לאַט קָנָיַן רַב בַּנֵפַשׁ, עַד אֲשֶׁר יִהְיֵה שַׁוֵה בִּעֵינַיו שָׁאֵלוֹת אָסּוּר וְהֶתֵּר וּשְׁאֵלוֹת הַשַּׁיָכוֹת לְמָמוֹן. כֵּן אָם הָאָדָם נִכְשַׁל ַרַחַמָּנָא לְצָּלַן בַּעֲבֶרָה אֲשֶׁר אֵין הָעוֹלָם רְגִילִין בָּהּ, כְּמוֹ בָּנָאוּף וְכַיּוֹצֵא, כְּמַאֲמָרָם זַ"ל מִעוּטָן בַּעֲרָיוֹת, וְתָקַף עָלָיו יִצָרוֹ שֵׁנַעשָה לוֹ כָּהֶתֵּר רַחֲמָנָא לְצִלַן, עִקַּר רְפוּאָתוֹ (לְבַד הָתְבּוֹנְנוּת הַיִּרְאָה וְהַמּוּסָר מֵאַגָּדוֹת וּמְדְרְשֵׁי חֲכָמֵינוּ זַ"ל וְסְפָרֵי מוּסֵר הַשַּׁיַכִים לָזָה), הוּא לְמוּד הָהַלָכוֹת הַשַּׁיַכִים לַזֵה בָּעִיּוּן, וּבָפָרַט עַל מָנַת לַעֲשׁוֹת, זֹאת תְּהַן פִּרְיַהּ לְאַט ַלאַט, לַתֵּת עוֹ בַּנֵּפָשׁ לְהָשַׁמֵּר מִעַט מִשָּׁאוֹל תַּחָתִּית, לְכַל הַפָּחוֹת מִלַּעֲשׁוֹת אֶת הָעֲבֵרָה בִּבְחִינַת לְהַכְעִיס *), עַד אֲשֶׁר תּוֹכַל תַּת כֹּחָה, עַל יִדֵי עֶסֶק רַב בַּהַלָּכוֹת הַשַּׁיָּכִים לְהָעֲבֶרוֹת הָרְגִילוֹת, לְקְנוֹת טֶבַע אֲחֶר, לְבַל יַעֲלֶה עַל לֵב לַעֲבֹר עֲלֵיהֶם גַם אָם יִכְבַּד הַדְּבָר:

Model Two: Infinite Debt

Mishnah Bava Metzia 7:1

If one hired laborers and told them to work early or to work late, he has no right to compel them to do so where the custom is not to work early or not to work late. In a

7:1 משנה בבה מציה

הַשּׂוֹבֵר אֶת הַפּּוֹעֲלִים וְאָמֵר לָהֶם לְהַשְׁכִּים וּלְהַעֲרִיב, מְקוֹם שֶׁנָּהַגוּ שֶׁלֹא לְהַשְׁכִּים וְשֶׁלֹּא לְהַעֲרִיב, אֵינוֹ רַשַּאי לְכוֹפָן. מְקוֹם שֶׁנָּהָגוּ לְזוּוְ, place where the custom is to give them their food he should give it to them, and where the custom is to provide them with sweet food, he must give it to them. Everything should follow local custom. It once happened that Rabbi Yochanan ben Mattia said to his son: "Go and hire laborers for us". He went and struck a deal to provide them with food. When he came to his father, his father said to him, "My son, even if you make them a banquet like Solomon's in his time you will not have fulfilled your obligation to them. For they are sons of Abraham, Isaac and Jacob. But, rather, before they begin to work go and say to them, "On condition that I am not bound to give you more than bread and beans only." Rabban Shimon ben Gamaliel says: "It was not necessary to speak thus, for everything should follow local use."

יָזוּן. לְסַפֵּק בִּמְתִיקָה, יְסַפֵּק. הַכּל בְּמִנְהַג הַמְּדִינָה. מַצְשֶׂה בְּרַבִּי יוֹחָנָן בֶּן מַתְיָא שֶׁאָמֵר לְבְנוֹ, צֵא שְׂכֹר לָנוּ פּוֹעֲלִים. הָלַך וּפָסַק לָהֶם מְזוֹנוֹת. שְׁכֹר לָנוּ פּוֹעֲלִים. הָלַך וּפָסַק לָהֶם מְזוֹנוֹת. וּלְשֶׁבָּא אֵצֶל אָבִיו, אָמֵר לוֹ, בְּנִי, אֲפָלוּ אִם אַתָּה עוֹשֶׁה לָהֶם כִּסְעַדַּת שְׁלֹמֹה בִשְׁעָתוֹ, לֹא יָצָאת יְדֵי חוֹבְתְךְּ עִפְהָן, שֶׁהֵן בְּנֵי אַבְרָהָם יִצְחָק וְיַעֲקֹב. אֶלָא עַד שֶׁלֹא יַתְחִילוּ בַמְּלָאכָה צֵא וָאָמֹר לָהֶם, עַל מְנָת שָׁצִין לָכֶם עָלִי אָלָא פַת וְקִטְנִית בִּלְבַד. רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, לֹא הָיָה צָּרִיךְּ לוֹמַר, הַכּּל בְּמִנְהַג הַמְּדִינָה:

Emmanuel Levinas, "Judaism and Revolution" in *Nine Talmudic Readings* (commenting on Mishna Bava Metzia 7:1):

Here are some indications as to the extent of the other man's right: it is practically an infinite right. Even if I had the treasures of King Solomon at my disposal, I still would not be able to fulfill my obligations. Of course, the Mishna does qualify this. In question is the other man, who descends from Abraham, Isaac, and Jacob... The descendants of Abraham, Isaac, and Jacob are human beings who are no longer childlike. Before a self-conscious humanity, no longer in need of being educated, our duties are limitless. Workers belong to this perfected humanity, despite the inferiority of their condition and the coarseness of their profession. (98)

Model Three: Systemic Justice

Mishnah Gittin 4:3	משנה גיטין ד:ג
A widow is not paid from the property of orphans except if she takes an oath [that she has not already received part of her <i>ketubah</i>]. The courts were reluctant to administer the oath, and so Rabban Gamliel the Elder established that she should take any vow that the orphans wanted, and then collect her <i>ketubah</i> . And witnesses sign a <i>get</i> because of <i>tikkun olam</i> . Hillel established <i>prozbul</i> because of <i>tikkun olam</i> .	אין אלמנה נפרעת מנכסי יתומים אלא בשבועה. נמנעו מלהשביעה. התקין רבן גמליאל הזקן שתהא נודרת ליתומים כל מה שירצו וגובה כתובתה. העדים חותמין על הגט מפני תיקון העולם. הלל התקין פרוזבול מפני תיקון העולם:

Mishnah Shevi'it 10:3	משנה שביעית י:ג
The <i>Prozbul</i> is not suspended [because of <i>shemitah</i>]. This is one of the things that Hillel the Elder established, when he saw that people were reluctant to lend to one another, and that they were violating what is written (Deut. 15:9) "Beware lest you harbor the base thought, "The seventh year, the year of remission, is approaching," so that you are mean to your needy kinsman and give him nothing. He will cry out to the LORD against you, and you will incur guilt." Therefore, Hillel establishes the <i>Prozbul</i> .	פְּרוֹזְבּוּל, אֵינוֹ מְשַׁמֵּט. זֶה אֶחָד מִן הַדְּבָרִים שֶׁהָתְקִין הַלֵּל הַזָּקֵן, כְּשֶׁרָאָה שָׁנִּמְנְעוּ הָעָם מִלְהַלְווֹת זֶה אֶת זֶה וְעוֹבְרִין עַל מֵה שֶׁכָּתוּב בַּתּוֹרָה (דברים טו) הִשָּׁמֶר לְךּ כֶּן יִהְיֶה דָבָר עָם לְבָבְךְּ בְּלִיַעַל וְגוֹ', הִתְקִין הִלֵּל לַפְּרוֹזְבּוּל:

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With the invention of *prosbul*, Hillel directly overturns a biblical law. Given that the Torah specifically forbids potential creditors from refusing to make loans in the year preceding the *sh'mitah* year we might expect Hillel to respond to the widespread disregard for this prohibition by castigating his community for their sins. Instead, Hillel, perhaps recognizing that the entire system of lending and borrowing is at risk, devises a legal loophole that allows for the technical observance of the *sh'mitah* year while also protecting lenders from losing money as a result of this biblical institution.

In all of these Mishnaic cases [= the ones listed in M. Gittin (S.Z.)], we might translate *mipnei tikkun ha'olam* as 'for the sake of the preservation of the system as a whole.' Within the Mishnah, this phrase is invoked in response to situations in which a particular legal detail threatens to cause the breakdown of an entire system (33-4).