

SABBATICAL YEAR AND JUBILEE FROM THE JEWISH ENCYCLOPEDIA

BIBLICAL IN-JUNCTIONS

The septennate or seventh year, during which the land is to lie fallow, and the celebration of the fiftieth year after seven sabbatical cycles... As regards the latter, the Hebrew term "Yobel" refers to the blast of the shofar on the Day of Atonement announcing the Jubilee year. So important was the law regarding the Jubilee that, like the Decalogue, it was ascribed to the legislation on Mount Sinai (Lev. 25:1). It was to come into force after the Israelites should be in possession of Palestine: "When ye come into the land which I give you". The law provides that one may cultivate his field and vineyard six years, but "in the seventh year shall be...a Sabbath for the Lord," during which one shall neither sow nor reap as hitherto for his private gain, but all members of the community - the owner, his servants, and strangers - as well as domestic and wild animals, shall share in consuming the natural or spontaneous yield of the soil.

The fiftieth year, i.e., that following the last year of seven sabbatical cycles, is the Jubilee; during it the land regulations of the Sabbatical year are to be observed, as is also the commandment "ye shall return every man unto his possession", indicating the compulsory restoration of hereditary properties (except houses of laymen located in walled cities) to the original owners or their legal heirs, and the emancipation of all Hebrew servants whose term of six years is unexpired or who refuse to leave their masters when such term of service has expired.

The regulations of the Sabbatical year include also the annulment of all monetary obligations between Israelites, the creditor being legally barred from making any attempt to collect his debt (Deut. 15:1-11 - "At the end of every seven years thou shalt make a release. And this is the manner of the release: every creditor that lendeth ought unto his neighbor shall release it; he shall not exact it of his neighbor or of his brother; because it is called the Lord's release. Of a foreigner thou mayest exact it again: but that which is thine with thy brother thine hand shall release; save when there shall be no poor among you; for the Lord shall greatly bless thee in the land which the Lord thy God giveth thee for an inheritance to possess it....Beware that there be not a thought in thy wicked heart, saying, The seventh year, the year of release, is at hand; and thine eye be evil against thy poor brother, and thou givest him nought; and he cry unto the Lord against thee, and it be sin unto thee..."). The law for the Jubilee year has not this provision.

Technically the Talmud distinguishes the Sabbatical Year for the release or quitclaim of loans as "Shemittah," more distinctly "shemittat kesafim" (money release), in contradistinction to "shebi`it" (seventh) or "shemittat karka`ot" (land release). There is this difference, however, that loans are not annulled before the expiration or the end of every seven years, as the Mosaic law provides, whereas the land-release, the shemittat karka`ot, begins with the seventh year. The general term for the sabbatical cycle is "shabua`" = "septennate" (Sanh. v. 1).

REASONS FOR OBSERVANCE

Several reasons are advanced for these laws: (1) In the Cabala the number seven is a symbolic division of time, and is sacred to God. The week of creation consisted of seven days, the last being the Sabbath. The Feast of Weeks is so called because it occurs seven weeks after Passover, the fiftieth day being Pentecost. These days are parallel to the years -of Shemittah and Yobel. The duration of the world is 7,000 years, the seven thousandth year being the millennium, the Great Sabbath of the Lord (Sanh. 97a) (2) The physio-economic and socialistic theories are that rest from labor is an absolute necessity both for animal and for vegetable life; that continuous cultivation will eventually ruin the land. The law of the Sabbatical year acts also as a statute of limitation or a bankruptcy law for the poor debtor, in discharging his liability for debts contracted, and in enabling him to start life anew on an equal footing with his neighbor without the fear that his future earnings will be seized by his former creditors. The Jubilee year was the year of liberation of servants whose poverty had forced them into employment by others. Similarly all property alienated for a money consideration to relieve poverty was to be returned to the original owners without restoration of the amount which had been advanced. (3) The rabbinical view, however, is that these laws were made to promote the idea of theocracy: that one year in seven might be devoted "to the Lord," as the weekly Sabbath is devoted to rest from manual labor and to the study of the law. The Jubilee was instituted primarily to keep intact the original allotment of the Holy Land among the tribes, and to discountenance the idea of servitude to men. "For unto me the children of Israel are servants; they are my servants" (Lev. 25:55); and they shall not be servants to servants, as God's bond has the priority. That the main object was to keep intact each tribe's inheritance is evident from the fact that Shemittah and Yobel were not inaugurated before the Holy Land had been conquered and apportioned among the tribes and their families. The first Shemittah year is said to have occurred twenty-one years after the arrival of the Hebrews in Palestine, and the first Yobel thirty-three years later. The Jubilee was proclaimed "throughout all the land unto all the inhabitants thereof". Only when all the tribes were in possession of Palestine was the Jubilee observed, but not after the tribes of Reuben and Gad and the half tribe of Manasseh had been exiled; nor was it observed during the existence of the second temple, when the tribes of Judah and Benjamin had been assimilated. After the conquest of Samaria by Shalmaneser the Jubilee was observed nominally in the expectation of the return of the tribes - according to some authorities, Jeremiah brought them back - and till the final exile by Nebuchadnezzar.

FIFTY AND FORTY NINE YR CYCLES

There is a difference of opinion in the Talmud as to whether the Jubilee year was included in or excluded from the forty-nine years of the seven cycles. The majority of rabbis hold that the Jubilee year was an intercalation, and followed the seventh Sabbatical year, making two fallow years in succession. After both had passed, the next cycle began. They adduce this theory from the plain words of the law to "hallow the fiftieth year," and also from the assurance of God's promise of a yield in the sixth year sufficient for maintenance during the following three years, "until the ninth year, until her fruits come in" (Lev.25.22), which, they say, refers to the Jubilee year. Judah ha-Nasi, however, contends that the Jubilee year was identical with the seventh Sabbatical year. The opinion of the Geonim and of later authorities generally prevails, that the Jubilee, when in force during the period of the first temple, was intercalated, but that in the time of the second temple, when the Jubilee was observed only "nominally," it coincided with the seventh Sabbatical year. In post-exilic times the Jubilee was entirely ignored, though the strict

observance of the Shemittah was steadily insisted upon. This, however, is only according to a rabbinical enactment, as by the Mosaic law, according to R. Judah, Shemittah is dependent on the Jubilee and ceases to exist when there is no Jubilee.

That the Sabbatical year was observed during the existence of the second temple is evident from the history of the Maccabees (1 Macc. vi. 51,55). The Mishnah includes in the examination of witnesses questions as to dates in giving which there must be specified the Sabbatical year, the year, month, week, day, and hour (Sanh. v. 1).

PALESTINIAN AREA OF SHEMITTAH

The area of the Holy Land over which the Shemittah was in force included in the time of the first temple all the possessions of the Egyptian emigrants, which territory extended south to Gaza, east to the Euphrates, and north to the Lebanon Mountains. Ammon and Moab in the southeast were excluded. In the period - of the second temple the area of the Babylon emigrants, headed by Ezra, was restricted to the territory west of the Jordan and northward as far as Acre (Acco). The Rabbis extended the Shemittah to Syria, in order not to tempt settlers of the Holy Land to immigrate thither. The area of Palestine was divided into three parts, Judea, Galilee, and the Transjordan districts, where Shemittah existed in more or less rigorous observance.

The duration of the Shemittah year was from autumn to autumn, beginning with New-Year's Day; but as a precaution against any infringement of the law, the Rabbis extended the time and prohibited sowing and planting thirty days before Rosh Hashanah. Still later they prohibited the sowing of grain from Passover, and the planting of trees from Pentecost preceding the Shemittah Year, in order not to derive any benefit from the fruits bearing in that year. The extension of the time is known as "ereb shebi`it" (preceding the seventh). The penalty for non-observance of the Shemittah year is exile; for eating the fruits of the seventh year (i.e., of the sixth year's growth), pestilence (Abot v. 11,12).

RABBINICAL EXTENSIONS BANKRUPTCY

The rabbinical enactment extended the shemittat kesafim or money-release to countries other than the Holy Land, but confined the shemittat karka`ot or land-release to Palestine within Ezra's boundary-lines of occupation during the period of the second temple. The money-release was obviously independent of the Holy Land and was intended to free from his debts the poor in every land, and at a certain period of time. On the other hand, this bankruptcy law checked all business enterprises which the Jews were engaged in after they had largely abandoned agricultural pursuits. Hillel the Elder then amended the law by his institution of the Prosbul. In addition to this subterfuge, there are various exceptions which exclude the following debts from the operation of Shemittah: wages, merchandise on credit, loans on pledges, a note guaranteed by mortgage, one turned over to the bet din for collection (according to the theory of the Prosbul), and one which stipulates that the debtor waives the Shemittah defense as regards this particular note (but he can not waive the law in general).

The shemittat kesafim was undoubtedly intended for the poor debtor, though the rich man also might take advantage of the general law. the Mishnah, however, plainly expresses the Rabbis'

satisfaction with the debtor who does not make use of the Shemittah in order to be relieved of his obligations. The Rabbis nevertheless desired that "the law of the Shemittah shall not be forgotten".

Maimonides, in his responsa, rules that Shemittah is not operative against orphans, but that all other debts are wiped out. Incidentally he says "the Sabbatical year occurred last year" (1507 of the Seleucid era = 4956 of creation = 1195 c.e.; "Pe'er haDor," No. 127, Amsterdam, 1765). Apparently the Jews of Spain in the thirteenth century, did not observe the shemittah kesafim; and in Germany the Jews made use of the Prosbul. When Asher b. Jehiel (1250-1328) went to Spain he was surprised at the violation of the law of Shemittah, finding that collection was exacted of notes that had passed many Shemittahs without a Prosbul. Neither Jacob Asheri in his Tur nor Joseph Caro in his Shulban Aruk, Yoreh De'ah, mentions the shemittat karka'ot and Yobel (evidently considering the law obsolete); but both of them refer to the shemittat kesafim and Prosbul, which they claim are operative both in and out of Palestine. Moses Isserles adds, however, that the majority of Jewish authorities in Germany are indifferent to or ignore the custom of the Shemittah. He dates the latest Shemittah in the year 5327 (1567 c.e.), and says the next was to occur in 5334 (1573 c.e.).

RELAXATION IN OBSERVANCE

Isserlein, in a responsum, explains the relaxation in the observance in European countries as due to the fact that the rabbinical extension was originally for the purpose "that the law of Shemittah may not be forgotten," and that it was apparently intended to apply to Palestine proper and its neighboring countries, Babylon and Egypt, but not elsewhere. Joseph Colon decides that the Shemittah defense is a very weak one; consequently a creditor is believed without an oath when he says that he has lost the Prosbul. He rules, as regards the enforcement of the shemittat kesafim, that the bet din should be guided by the prevailing Jewish custom in the particular country.

The shemittat kesafim is equally relaxed in Palestine to-day. The principal reasons seem to have been that the fixed date of payment, the guarantee attached, and the terminology of the present-day notes abrogate the law of Shemittah. The shemittat karka'ot, however, has been generally observed in Palestine; and during the Shemittah Year the Jews of the Holy Land eat only of the products grown in the transjordanic districts.

Since the Zionist movement began to encourage agriculture in Palestine, the observance of Shemittah has become a problem for solution. The leaders of the movement, who had the interest of the colonists at heart and feared that the Shemittah might jeopardize their existence, claimed that the law is now obsolete. The Jewish periodicals, especially "HaMeliz," strenuously objected to enforcing the law of Shemittah upon the colonists.

SHEMITTAH AND PALESTINIAN COLONISTS

When the Shemittah Year 5649 (=1888-89) approached, the question was submitted to the chief rabbis in Europe and Palestine. Rabbi Isaac Elhanan Specter was inclined to be lenient, and advocated a nominal sale of the land to a non-Jew and the employment of non-Jewish laborers

during Shemittah. The Sephardic hakam bashi, Jacob Saul Elyashar, concurred in this decision. But the Ashkenazic rabbis in Jerusalem opposed any subterfuge, and issued the following declaration:

"As the year of Shemittah 5649, is drawing nigh, we inform our brethren the colonists that, according to our religion, they are not permitted to plow or sow or reap, or allow Gentiles to perform these agricultural operations on their fields (except such work as may be necessary to keep the trees in a healthy state, which is legally permitted). Inasmuch as the colonists have hitherto endeavored to obey God's law, they will, we trust, not violate this Biblical command. By order of the bet din of the Ashkenazim at Jerusalem. (Signed by the rabbis) J.L. Diskin and Samuel Salant" ("Ha-Habazzelet," Oct. 26, 1888, No.6; "Jew. World," Nov.16, 1888)."

An appeal signed by prominent Jews in Jerusalem for funds to enable the colonists to observe the Shemittah was directed to the Jews outside the Holy Land. Dr. Hildesheim as president of the society Lema`an Ziyyon, in Frankfort-on-the-Main, collected donations for this purpose. Baron Edmond de Rothschild, being informed by Rabbi Diskin that the law of Shemittah is valid, ordered the colonists under his protection in Palestine to cease work during the Sabbatical Year.

TALMUDIC AND SAMARITAN CALCULATION OF JUBILEES

The exact year of the Shemittah is in dispute, and different dates are given. According to Talmudic calculations the entrance of the Israelites into Palestine occurred in the year of Creation 2489, and 850 years, or seventeen Jubilees, passed between that date and the destruction of the first temple. The first cycle commenced after the conquest of the land and its distribution among the tribes, which occupied fourteen years, and the last Jubilee occurred on the "tenth day of the month (Tishri), in the fourteenth year after that the city was smitten" (Ezek. 40:1), which was the New-Year's Day of the Jubilee. Joshua celebrated the first Jubilee and died just before the second.

The Samaritans in their "Book of Joshua" date the first month of the first Sabbatical cycle and of the first Jubilee cycle as beginning with the crossing of the Jordan and the entrance of the Israelites into their possession; and they insist that the date was 2794 of creation, according to the chronology of the Torah "and the true reckoning known to the sages since the flood".

The first and the second temple, the Talmud says, were destroyed "on the closing of the Sabbatical year". The sixteenth Jubilee occurred in the eighteenth year of Josiah, who reigned thirty-one years; the remaining thirteen years of his reign, together with the eleven years of those of Jehoiakim and Jehoiachin and the eleven years of that of Zedekiah (II Kings 25), fix the first exilic year as the thirty-sixth year of the Jubilee cycle, or the twenty-fifth year of the captivity of Jehoiachin, or fourteen years from the destruction of the holy city.

The Babylonian captivity lasted seventy years. Ezra sanctified Palestine in the seventh year of the second entrance, after the sixth year of Darius, when the temple was dedicated. The first cycle of Shemittah began with the sanctification of Ezra. The second temple stood 420 years, and was destroyed, like the first, in the 421st year, on the closing of the Shemittah.

VARIOUS DATES

The Talmud gives as a rule for finding the year of Shemittah to add one year and divide by seven the number of years since the destruction of the second temple, or to add 2 for every 100 years and divide the sum by seven. The difference among the Jewish authorities as to the correct Shemittah year is due to the varied interpretation of the words "closing of shebi`it," as meaning either the last year of the cycle or the year after the cycle; also as to the beginning of the exilic Shemittah from the year when the destruction of the temple occurred, or from the year after. There is another version of the Talmudic rule mentioned above, namely, to "add two years to or deduct five years from" the number of years since the destruction.

Maimonides gives the date of a Shemittah year occurring in his time as the year 1107 from the destruction of the temple, 1487 of the Seleucid era, 4936 of creation (= 1175 c.e.); i.e., he begins the cycle with the year following that of the destruction. Rashi's interpretation is that the destruction occurred at the "closing of shebi`it" (= "after the cycle had been closed with the previous year"), and he makes the year in which the destruction occurred as the first year of the new cycle. Rabbenu Tam agrees with Rashi as to the date of the destruction, but differs from him in asserting that the Shemittah fell in the year of the destruction, which was the "closing year of the cycle." He fixes the Shemittah at the time of his writing as the year 5012 of creation (=1251 c.e.); this result agrees with that of Maimonides, though it is reached by a different method of calculation. Rabbenu Hananeel claims that the closing of shebi`it - that is, Shemittah - was the year after the destruction of the temple.

The year of the Shemittah was finally settled according to the view of Maimonides, which agreed with the most plausible interpretation of the correct Talmudic text and also with the practise of the oldest members of the Jewish communities in the Orient by whom the Shemittah years were observed. Evidence to this effect was given at a conference of rabbis called in Jerusalem, who concurred in the opinion expressed by the rabbis from Safed, Damascus, Salonica, and Constantinople fixing the Shemittah year of their time as 5313 = 1552.