



5782 Divrei Torah on Jerusalem by Rabbi Yosef Bronstein Parashat Behar / פרשת בהר

Shemita in Yerushalayim

The opening verse of the parsha seems to indicate that once the Jewish people enter the Land of Israel they are immediately obligated to observe shemita: “When you enter the land that I assign to you, the land shall observe a Shabbat of God.”¹ The midrash, though, subjects the verse to a close read and concludes that shemita is only obligatory after the Jewish people both conquered and fully divided the land to each tribe, family and then individual – “until each person recognizes his own vineyard.”² Practically speaking, this process took fourteen years.

This requirement poses a problem regarding Yerushalayim. The Talmud contains a debate if Yerushalayim was part of this division and allotted to a specific tribe or remained the joint property of the Jewish people.³ According to the opinion that Yerushalayim was never divided and allocated to a specific tribe, how can there be an obligation to observe shemita in Yerushalayim? While clearly the Jews in Yerushalayim always observed shemita, what is the source of this obligation if in addition to entering the land we also need a division and subdivision to trigger the mitzvah of shemita?

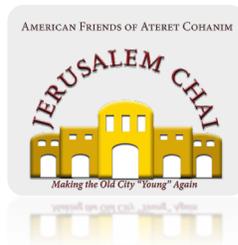
Rabbi BenTzion Uziel, the first Sefardi chief Rabbi of Israel, offers the following explanation.⁴ It is true that Yerushalayim was never given to a specific tribe and remained, therefore, under the collective ownership of the Jewish people as a whole. However, the Jewish people as a whole or a body that represents them such as the king or Sanhedrin, have the ability to bestow a plot in Yerushalayim to a specific person. This is the reason that even if Yerushalayim was never

¹ Vayikra 25:2.

² Sifra on this verse.

³ Yoma 12a.

⁴ Responsa available at <http://haravuziel.org.il/%D7%A1%D7%99%D7%9E%D7%9F-%D7%9E%D7%92-%D7%9E%D7%90%D7%99%D7%9E%D7%AA%D7%99-%D7%97%D7%9C%D7%94-%D7%A7%D7%99%D7%95%D7%9D-%D7%9E%D7%A6%D7%95%D7%AA-%D7%A9%D7%9E%D7%99%D7%98%D7%94-%D7%95%D7%93%D7%99/>



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allocated to a tribe, nonetheless, there is still private property in Yerushalayim and one cannot simply walk into every house and begin to squat.

Having established that the ownership over Yerushalayim begins in the hands of the entire people who then give it to individuals, Rav Uziel argues that we can now understand why shemittah applies to produce grown in Yerushalayim. Even if Yerushalayim cannot be identified as part of a specific tribe, nonetheless, the concept of “each person recognizing his own plot” still exists, just bypassing the regular allocation to a specific tribe.

The picture that emerges from Rav Uziel’s analysis is that the distinction between Yerushalayim and the rest of the Land of Israel is how many layers separate the individual Jew from the Jewish collective. In the rest of the Land, the Jewish nation gives an area of land to a tribe, who further gives it to a family, which further gives it to an individual person. By contrast, in Yerushalayim, each individual owner receives the land directly from the Jewish nation as a whole.

This legal distinction points to the unique nature of Yerushalayim. It is the city of Jewish unity, where all Jews, no matter their tribe or family, can feel and remain totally united. One street in Yerushalayim can include people from multiple tribes, all beholden directly to the Jewish people. While there is importance for each tribe to maintain its unique sub-identity, these sorts of differences between people cannot exist in Yerushalayim. It is a place where all Jews are directly connected to the entire Jewish people.