



DVAR TZEDEK

Parashat Behar 5774

By Jacob Siegel

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While the Israelites are still wandering in the desert, God instructs them in the laws of the *shmita* year, which will take effect once they enter the Promised Land. Once every seven years, instead of farming, they are to let the land lie fallow. The people of Israel will forage communally from the trees and the fields, eating the fruits that grow naturally in the land. The *shmita* year, we learn in *Parashat Behar*, parallels Shabbat—the seventh day of rest—on a grander scale: a year of rest for the land, once every seven years.

In the midst of the section describing the *shmita* year comes a strangely-worded verse that puzzled the rabbis with their deeply sensitive literary ears: “There shall be a Sabbath of the land for you to eat from.”¹ The verse inspires a number of questions. For example, what does it mean that the Sabbath is “to eat from”? One of the most perplexing parts of the verse is the seemingly unnecessary phrase “for you.” Why not just say that there should be a Sabbath of the land?

This question is answered by the 19th-century Lithuanian rabbi the Netziv. He writes that “for you” is the Torah’s clever way of saying “equally.” In most structures of Jewish communal life 3,000 years ago, the owner of a piece of property had the first claim on any food grown on that property. Even when slaves and servants needed to be fed, they came second to the owner’s needs.

Not so during the *shmita* year. The Netziv explains that the words “for you” are there to level the social structure, so that master and servant had equal access to land-based resources. Everyone who lived on the land would have an equal stake in the produce of the land during *shmita*, with no additional weight given to the wealthy owning class over the slaves.²

The lessons of the Netziv are strikingly relevant today. Land today is often used for many purposes and its resources seldom benefit all equally. Corporations and governments seek out land that is rich in resources, and they mine, dam and develop it for profit. The land often belongs to indigenous and poor communities, and those in power proceed without the consent of local people and without guarantees that projects will benefit local communities. Excluded from the process, affected communities sometimes don’t know what land has been traded away and how much money has been paid to explore and extract resources from that land. In many cases they are evicted outright from land that their families have lived on for generations.

Many of AJWS’s grantees in Asia, Africa, Latin America and the Caribbean are seeing their land and resources threatened by large-scale development projects and the rising demand for oil, gas and minerals. These groups are organizing their communities to defend their rights to their land and natural resources and to ensure that they will benefit when projects move forward. However, only when they know the details of the deals made between

¹ Vayikra 25:6.

² Ha’emek Davar, Parashat Behar, 25:6.

corporations and governments can they make sure that profits from these development activities are being used for programs that enrich the entire community, such as better roads, expanded health services and increased educational opportunities.

One important step to ensure this needed transparency came with the passage of the Dodd-Frank financial reform act in 2010. The law included a provision requiring any oil, gas, or mining company registered in the United States to report how much money it pays host governments in other countries each year to extract resources.

Unfortunately, this rule has yet to take effect because of legal battles over its implementation and enforcement. AJWS and its partners in [the Publish What You Pay U.S. coalition](#) (PWYP) are trying to move the stalled process forward. PWYP is a global coalition working to bring increased transparency and accountability to resource extraction so that communities living on resource-rich land can influence decision-making and monitor the terms and conditions of contracts between their governments and the corporations using their land.³

Publish What You Pay is currently working to encourage the Securities and Exchange Commission (SEC) to finalize specific rules so this legal requirement can take effect. However, more pressure is needed, especially from members of Congress and concerned investors. If we act now, we can help communities to know more about who is benefiting from resource extraction on their land and can make sure that those benefits accrue to everyone.

This coming fall of 2014 will begin a *shmita* year. In the spirit of the Netziv, let us take it as an opportunity to reflect on our relationship to land today and to urge our elected officials to protect the rights of communities around the world to effectively participate in decisions about how their land and its resources are used. In this way, we can ensure that the blessings of the land benefit all of its inhabitants equally.



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³ Publish What You Pay United States, <http://www.pwypusa.org/>.

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