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## A Sabbath of the Land for You: Shemita, Ethics, and Jewish Philosophy

Class Session: Land and Zionism

### The Modern Problem of Shemita

Nima Adlerblum *Memoirs of Childhood: An Approach to Jewish Philosophy*

Jacob Mordechai's *Devar ha-Shemittah*—a research into the laws of the Talmud referring to the sabbatical and jubilee years—was written on account of the controversy regarding the cultivation of the land in the *Shemittah* year 1888-1889. The administrators of Zikhron Yaakov, Ekron, Petach Tikvah, and Rishon le-Tzion came to Jerusalem to talk the matter over with the rabbis and hope that they might find a way whereby the tilling of the soil would not be interrupted. Shemuel of Salant, in the name of his *Beit Din*, decreed that the laws of *Shemittah* must be strictly applied, and he appealed for financial assistance to Baron de Rothschild and older philanthropists, Jacob Mordechai, on the other hand, Jacob Mordechai, on the other hand, felt that a careful study of the *Shemittah* laws might point towards some *better* (permissive easement). The agitation is reflected in the introduction to his book...

**If there cannot be found a means for a *better* in accordance with the *din*, there will be untold loss, which would endanger the lives of hundreds of Jewish souls, who have no way whatever to sustain themselves during the *Shemittah*....** There is also some ground for apprehension that it might cause the philanthropists engaged in this great *mitzvah* to weaken and withdraw their aid, and all this holy endeavor might collapse. It is my advice that the colonists should issue a public call to all our rabbis, both in Palestine and outside Palestine, to point out the way in which they should walk, according to the letter of the law of our holy Torah. This would be a most proper approach, right in the eyes of God and man. **As for myself, I am acceding to their request to look into the matter without any intention of making a *halakhic* decision, but only to arouse and plead before the rabbis who know the statutes and the laws, that they may find what can be done in accordance with them. First of all, it is necessary to look into the matter of *Shemittah* at this time as to plowing and sowing. If it is a Pentateuchal (*Mi-de-Oraytha*) prohibition, then**

there is no hope of a lenient way out; but if it is a rabbinical injunction (*mi-de-Rabbanan*) then a basis for leniency might be found in the argument that the Talmudic rabbis did not intend for their decree to apply where it would cause such a great loss.

ועיקרו (מחזקו) שנה ובעיון נלקח זה צד

— כבוד האדונים הנכבדים, ורמסר פקיד מושבת זכרון יעקב, יושע אוסובי צקי פקיד עקרון ופתח תקוה, והאדון בלוק, הפקיד החדש למושבת ראשון לציון, שהיו בעירנו השבוע העבר, פקדו את כבוד פחת עירנו יר"ה ואת כבוד הרבנים הגדולים הי"ו, וידברו את כבוד הרבנים הי"ו על אודות השמיטה הבאה לקראתנו בשנה הבאה. ויפסוק הרב הגאון הרש"ם הי"ו את הדבר בהדיא לחלוטים, לאסור, כמו לו היתה השאלה על דבר קל שבקלים, וכמו לולא היו חיי כמה מאות נפשות תלויים בזה וחרבן כל דבר הישוב הלילה.

Agriculture in the Old Yishuv



**Proclamation of Chief Rabbi, Rav Avraham Yitzchak HaKohen Kook, Regarding The Importance of Shemitah Observance, and collecting for a communal fund to support those who observe shmita without compromise.**



**sanction the breach by preemptive priority or outright violation of specific norms.** However **these factors are themselves halakhic consideration, in the most technical sense of the term,** and their deployment entails no rejection of the system whatsoever. (67)

It goes without saying that Judaism has rejected contextualism as a self-sufficient ethic. Nevertheless we should recognize equally that it has embraced it as the *modus operandi* of large tracts of human experience. **These lie in the real, of *lifnim mishurat badin*. In this area, the halakhic norm is itself situational.** (79)

### Preserving Shemitah - At What Cost?

**Rav Kook - Introduction to Shabbat Ha'Aretz (1909).**

Now the shmita year has arrived (according to the reckoning we have). **Owing to the poor situation of our settlement in the land,** we will have to make do with the temporary expedient that was endorsed some time ago by the great authorities of the generation, who understood deeply the situation of the new settlement in our holy land. They had a penetrating sense of what it could become in the future and knew not to belittle its smallness because they understood that plowing these first furrows on our land could be a “gateway of hope” for our people and portend the growth of a salvation that “came from the Lord.” They realized their historical obligation to smooth the path of the new settlements and, as much as possible, not to let the mitzvot that are connected to the land be obstacles. **God does not make tyrannical and unreasonable demands of His creatures.**

The circumstances that allow us to be lenient regarding mitzvot pertaining to the whole community when there is the likelihood of significant financial loss, or in a temporary situation of acute need, are all compounded in this case to an extent unparalleled in the annals of legal questions that have arisen throughout lengthy exile. [...]

והנה עתה הגיעה שנת השמיטה לפי מנין השנים המחזק אתנו. **מרוב דלות מצב ישובנו בארץ הכרח הוא אמנם להסתפק ע"פ רוב בהוראת שעה, כאשר הסכם מאז ע"פ גדולי הדור, אשר נכנסו לתוך עמק מצב הישוב החדש בארצנו הקדושה, ובהרגשה נאמנה חדרו אל ערפו בעתיד, בחושם שלא לבזו ליום-קטנות ולדעת כי מאת ד' היתה זאת, ליתת גיר לעמו על אדמת קדשו להיות לפתח-תקנה וצמיחת-קרן-ישועה, שגדולה היא חובתנו ליישר את מסלולה, לבלי תפגע מכשולים מצד המצות התלויות בארץ ככל האפשרי. ואין הקב"ה בא בטרוניא עם בריותיו.**

וכל הנאמר להקל במקום מצוה דרבים ובמקום הפסד מרבה ושעת-הדחק, – כל אלה חברו יחד בשאלה זו במדה מרבה כל-כף, עד שאין לה דגמא בכל השאלות אשר נתעוררו ביישראל בחקר דין ומשפט, בכל משוה הגלות הארבה. [...]

ולבד-זה התלמוד בעצמו נביא לידי מעשה, שנון ההלכות יחקוק בלבבות את חיובם בלב ומשמטה לשמטה יתוספו רבים [...]

<p><b>In addition, learning itself leads to action. Studying the halakhot will engrave them on our hearts.</b> From one shmita year to the next, more and more people will be caught up with enthusiasm. [...]</p> <p>The holiness of shmita will emanate from the spirit of God that hovers over His people and land and spread to all life - to all God's people and especially to those who live in the holy shelter of this precious land, in the sweet companionship of its loving refuge. The spirit of the Jubilee, which lies latent, will appear from within the storehouse of holiness that is in the shmita, and the sound of the shofar with herald salvation, rousing the sleepy and encouraging the recently redeemed.</p>	<p>מרוח ד' החופף על עמו וארצו תחל קדשת השמטה ותפארת זיו כבודיה להתפשט על כל רוח ונפש, לכל עם ד' ובחוד ליושבים בצל קדש של ארץ המדה, ובנעימת ידידות עז אהבתה. ורוח קדשת היובל המסתתר יופיע מאוצר קדשו על קדשת השמטה, לעורר קרו ישועה וקול שופר לשגב ישע, לעורר ישנים ולעודד גאולים.</p>
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**Rav Aharon Lichtenstein - “Thoughts About Shemittah” (1972-73) in *Leaves of Faith*, pg. 179-188.**

But the true nature of shemittah remains a deep secret. The simple fact is that the shemittah year of 5733 constitutes a **halakhic tragedy**. (179)

**What remains for us today of this enchanting vision? Nothing but a hollow shell!** The transition from an agricultural economy to an industrial one has taken most of the prohibitions of work off the agenda for nearly everyone. For most people, the situation is relatively convenient and also straightforward - they need not circumvent or destroy the prohibitions; they are simply lucky enough not to confront them. [...] **What options are available to people who are anxious to observe the kedushah of shemittah with careful attention to the details?** They can rely on the legal fiction that - woe to the ears that hear this! - the fields of Eretz Yisrael, from Lebanon to Egypt and from the Mediterranean to the Jordan, have been sold or leased to non-Jews. (181-182)

**In a formal sense, perhaps, all is well; but we are not fulfilling the mitzvah of giving the land its ‘Sabbath of complete rest.’** All of us - those who support and oppose the *heter* alike - are not so much observing the shemittah as **avoiding its observance**. I do not see any way to improve the citation in the foreseeable future. But at least, **let us feel the pain of it**, as Hillel did in his day. Since

we have no choice, we will make sure of all the *heterim* and other means of circumvention, and we will bow our heads before the sad reality. **But we will not - nay! a thousand times not - make peace with it.** We will admit our failure and regret it - and hope that God will provide what is missing. (185)