

The Sabbatical Year

*Rabbi Stuart Weinblatt
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This week we read about the mitzvah of shmitta, the requirement to let the land lie fallow every seventh year. Just as we are commanded to rest for a day at the end of every week, shmitah is when the land rests after being worked for six years. This means refraining from planting, pruning, plowing, harvesting or engaging in any form of working the land during the seventh year. Seventh-year produce is what is called *hefker*—ownerless and free. Technically speaking, since farmers are not allowed to work the land during the sabbatical year, anything that grows is available for livestock, wild animals and people to gather. Since it belongs to no one, it therefore belongs to everyone, and to anyone, especially the poor who are allowed to take and enjoy whatever is growing free. Also associated with shmitta is the requirement for Jews to cancel outstanding debt obligations between each other.

The commandment was always understood as referring only to the land of Israel. Once the Romans exiled the Jews from Israel and ended Jewish sovereignty in the year 70 CE, the law was not followed. It is fair to ask if this is one of those ancient laws that we read about and think it is quaint and cute, but has no real meaning and can no longer be practiced?

Even in the time of the Talmud the shmitta laws are recognized as among the most difficult laws to follow. The midrash goes so far as to say that anyone who fulfills them is like an “angel mighty in strength.”

For the longest time, it was not an issue. However, with the return of Jews in large numbers to Eretz Yisrael, or as it was called then, Palestine, in the 1880’s, and Jews settling in and establishing agricultural settlements, shemitah became a practical concern.

As you can imagine, it has implications for the growing and selling of produce and creates challenges, not least of which is where the nation will get its food for the year. It just so happens that this year, 5775 is a shmitta year in the land of Israel. Rather than ignore the laws altogether, it is handled today in Israel, by what is called a *shtar mikirah*, a sale of the land.

In the early part of the 20th century Israel’s first chief rabbi, HaRav Avraham Kook relied on precedent used in Tzefat in the 1500’s to find a mechanism within the confines of Jewish law to cope with the situation. He did not want to thwart or circumvent Jewish law, but he was concerned about the impact letting the land lie fallow for a year would have. It would have been economically devastating to the struggling, fledgling economy. He also was concerned that there would be widespread starvation if the lands were allowed to lie fallow.

Knowing that produce grown during the sabbatical year can be obtained from land owned by non-Jews Rabbi Kook permitted the land to be sold to local non-Jews for a token price for the year.

This year, as in past sabbatical years, the Chief Rabbinate continues the practice and allows every farm to register for a sale permit and sells all the land to a non-Jew who observes the seven Noabide laws. This way local farmers are able to continue to grow and sell their produce. This also helps to ensure that the prices for produce remains unchanged, for otherwise all would have to be imported from abroad.

Since the rules apply to not working the land, one other method employed by some to circumvent the restrictions is to use hydroponics, and grow fruits and vegetables in mineral rich solution in water, without soil.

I must admit, I have mixed feelings about the heter mekirah. On the one hand, it would be almost impossible to live without it. Rabbi Kook was correct to take into consideration the economic ramifications for both the farmers and the consumers. On the other hand, though there are many aspects of the law which make a great deal of sense.

I tell you all of this by way of background in order to setup a joke and to be sure you will appreciate and understand the punchline. After all the devastating literature came out about the effects of smoking on one's health, a guy asked his rabbi if it is permissible according to halakha, Jewish law, for a Jew to smoke? The rabbi replies, "Yes. You may smoke, provided you sell your lungs to a non-Jew."

The truth is the rabbis understood the laws of shmitta as being designed to ensure an equitable, just and healthy society. Consequently, we can use this to motivate us to pause and consider our relationship to land and food, as well as to money, rest and time. We now know that there are benefits to crop rotation and to letting the land replenish its composition.

Just as Shabbat is the day we put the world on cruise control, shmita introduces an element of humility. It reminds us that the world can go on without us. Shmita can teach us that caring for the earth is essential and that as stewards of the earth we have responsibility to care for ecology and the environment. The concept of cancelling debts should remind us of the imperative in Judaism to work for economic justice. The underlying premise of the laws of shmitta is that the earth belongs to God, and we are merely temporary residents. And this is a lesson that can help all of us live in greater harmony with our environment and each other.

Rabbi Stuart Weinblatt
Congregation B'nai Tzedek
Potomac, MD
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potomacrebbe@bnaitzedek.org