

project of integration. The main text of *Shabbat Ha'aretz* is a 120-page halakhic argument in favor of the *heter mekhira* leniency that permitted selling parts of the Land of Israel to non-Jews in the shmita year so as to avoid observing many of the stringent shmita laws. As well as arguing for the *heter*, however, Rav Kook endeavored to educate about the importance of shmita. This was the purpose of the non-halakhic introduction to *Shabbat Ha'aretz*, translated here, which discusses the socioeconomic, philosophical, and mystical significance of shmita.

### ✧ The Argument of *Shabbat Ha'aretz*

The halakhic content of *Shabbat Ha'aretz* was bold and innovative. Indeed, one of the book's novel features was that it was explicitly innovative. Rav Kook was not content to present the *heter mekhira* as a seamless evolution of Jewish law; unusually for a halakhic innovator, he stressed that he was proposing something new, arguing that the resettlement of the Land of Israel was a sufficiently radical development to require novel halakhic treatment:

*The sabbatical dispensation by a permit of sale on which we rely was never used and does not appear to have been relied upon by the early sages, of blessed memory, at the time of the Second Temple, in all the days of the sages of the Jerusalem Talmud, nor when the population continued to live in the Land of Israel afterward.... This is not surprising: in the early generations, the need was not so pressing.... Whenever there was no pressing need, the*

*sages did not want to publicize dispensations based on legal fiction, following the maxim "It is the glory of the Lord to conceal a matter" (Prov. 25:2)... In the early days, when Jews lived primarily by working the land for sustenance, it was possible to observe the sanctity of the sabbatical year according to the details of the law without any dispensations; but in our days, when the existence of the community depends on commerce in the produce and crops of the agricultural settlements and the effect of preventing commerce would also lead to the destruction of future stability—under these circumstances, it is certainly our obligation to introduce the dispensation by way of sale of the land.<sup>34</sup>*

Rav Kook alludes to the discretion with which halakhic authorities usually introduce innovation ("It is the glory of the Lord to conceal a matter"). This approach would not do in the present case, he argued. In the new situation—where the community subsisted by commerce in agricultural produce, including for export—it was imperative to introduce the dispensation of selling the land, and to do so publicly, to demonstrate the halakhah's responsiveness to the changed reality.

Rav Kook addressed four basic issues in his argument for the *heter*: (1) whether the sabbatical year is a rabbinic prohibition (rather than a biblical prohibition) in contemporary times; (2)

<sup>34</sup> *Shabbat Ha'aretz*, 59–61.



המפצלות-התלויות-בארץ, הנהל קהילות הולכה ונהלשה, לכל עם ד' המבקשה פניו אל ארצו ברוח ד' אשר עליה, - להובינה קדושה יתר על החובינה הקלה לית המבקשה את כל התורה בלה; וביתור הנהלה וחברתו להנהלות על ילשיבי ארמית-הקנהש.

תלמוד מביא ליד מנישה, שפון הנהלות בברור ותרומה, עשיות קפריס ותרבות מקור פיה, מביאים את התורה והאברה אל המפצלות-התלויות-בארץ, אשר נשפחה שנות-מאות רבות מנהלות להלכה האברה, ואור ד', שפכהל אות ואת נכל פרט ופרט מפרשיה של תורה, מופיע ומעורר את השק שפוחתו בכל פרחיה, והפרת ארץ ונכסדו הנהלת ובמפרה לפי הנהלות תורתו והאברה.

והנה עתה הניעה שנה-השמשוה לפי מנין השנים המוחזק אמתו. מרוב דלות מצב לשוננו בארץ הנהל הוא אמנם להסתפק ע"פ דרכ בהנהלת-שעה, פאשר הספס מאו ע"פ גדולי-הדור, אשר



62. Talmud Bavli, Kiddushin 40b. "Learning is greater [than action] because learning leads to action." This is Rabbi Akiva's opinion, cited in the talmudic debate about whether study is greater than deeds. Through citing this source, Rav Kook expresses the hope that the study of shmita will lead to its fuller observance.

the Torah that speak precisely to the revival of the land: learning about the special mitzvot of the land is becoming more and more significant for all those of God's people who are focusing on what is happening in the land to which God's spirit has returned—where a special holiness must be reflected and revealed by those who are living here, above and beyond the demands that the rest of the Torah makes on us wherever we are.

"Learning leads to action."<sup>62</sup> Studying the halakhot to gain clarity and breadth of understanding, writing books, and expanding research all increase awareness and love of the mitzvot connected to the land, which were forgotten by most of the people for many centuries. The divine light that suffuses every letter of every detail of the Torah awakens in us a desire to carefully observe these commandments in their entirety. Consciousness of their justice and importance will grow as the study of the Torah concerning them becomes greater and more magnificent.

→ Now the shmita year has arrived (according to the reckoning that we have). Owing to the poor situation of our settlements in the land, we will have to make do with the temporary expedient that was endorsed some time



נכנסו לרשותו עמקו מצב השושב החדש בארצנו המקודשת, ובחורגות  
מאמנה החדש אל ערפו בעתיד, ברחמים שלא לבנו ליום-קטנות  
וידעות כי מאת ד' היתה זאת, ליתת ניר לעמו על אדמת-קדשו  
לריות קרבתה-תקנה וצמיחתה-קדוה וישועה, שגורגלה היא חובתנו  
לשור את מסלוליה, לכלי תפגע מקשולים מצד המצוות-התלויות-  
בארץ בכל האפשרי. ואין חקב"ה פא בטרונגא עם ברוחיו, וכל  
המצבור לרקול במקום מצוה ודברים ובמקום תפסד קרבה וישועה-  
חדק, - כל אלה חפרו יחד בשאלה זו במידה מקרה כל-פה, ער  
שארין לה דגמא בכל השאלות אשר נתעוררו בגיוראל בהקדוה דין  
ובשפט, בכל קולו הגלות הארצה, אבל לקרות תפגעות-המצוות  
אשר בורח את-שעה זו ינעם פמה וגפוי-הלכות, הנוגשים לשבור  
ולעשות פבעל. גם נמצאים יראי ד' החדדים אל דברו מאד, אשר  
כפני קדשות חפרת-המצוות-התלויות-בארץ ומצוות השבריעית,  
שענינו כל יגוראל ושוואות לקיומה בארץ-המורה, אינם חסים על

63. Rav Kook refers here to the *heter meshlin* device of selling the land for the duration of the shmita.

64. Hosea 2:17. Rav Kook quotes from the passage that likens Israel's turn to idolatry to a woman's adultery, which he has previously cited in his introduction. This verse describes the lovers' reconciliation. In Hebrew, the phrase is *petah tikun*, which was the name given to one of the first modern agricultural settlements in Israel (founded in 1878) for similar reasons.

65. Ps. 118:23.

ago by the greatest authorities of the generation, who understood deeply the situation of the new settlement in our holy land.<sup>63</sup> 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"<sup>64</sup> for our people and portend the growth of a salvation that "came from the Lord."<sup>65</sup> 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 our lengthy exile. Despite the suspension of the mitzvah (of shmita) that is entailed by this temporary edict, there are still



תַּפְסֹד וְטָרַח וְהֵם נִכְוֵנִים לְקִיּוּמָהּ בְּכָל עֵת, - פָּדִי' וְכִפְּלוֹתָא. בְּרַרְרִים יִדְוִי ד' רַקְעוֹ.

וְכַב־וָה הַתְּלִמּוֹד פִּעֲצָמָה יִבְיֵא יִדְיָא מַעֲשֵׂיָהּ, שְׁנוֹן הַתְּלִכּוֹת יִתְקַוּוּ  
בְּתִבְּתוֹת אֵת הַיּוֹבִים בְּעֵלֵי וּמַשְׁמָטָה לְשִׁמְטָה יִתְנַסְפוּ וּבָרִים, אֲשֶׁר  
בְּעַד "בְּתִבְּתוֹם וְהָיִינוּ אֵת גִּבּוֹל הַמַּעֲרָה בְּעַד הַתְּקִבָּה וּתְקִיָּה,  
וְהַשְׁמָחִת וְשִׁלְיָא בְּעוֹשֵׂי בִרְ-הַיְיָ שֶׁנָּהוּ הַתְּנַעֲמוֹת אֲשֶׁר  
לְעַד-וְ"ד פִּעֲצָמָה אֵת הַיְיָ לִתְקִיָּה הַגָּמוּר הַמַּשְׁמָכֵל.

[illegible]

some halakhot pertaining to shmita that we are required to observe. And those who are especially God-fearing, whose holy love of the mitzvot connected to the land that we have long yearned to observe is so great, are not deterred by the trouble and loss they may incur through fully observing shmita as it should be—and they shall be blessed!

→ In addition, learning itself leads to action. Studying the halakhot will engrave them on our hearts. From one shmita year to the next, more and more people will be caught up with enthusiasm. With godly boldness in their hearts, they will broaden the fulfillment of the mitzvah in all its details. The fierce joy that will be generated by Israel observing the shmita on the holy mountain<sup>66</sup> will lead, in the future, to its complete and all-encompassing fulfillment.

→ 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 will herald salvation, rousing the sleepy and encouraging the recently redeemed.

66. Jerusalem. See, e.g., Isa. 56:7.