

# THE TWO SABBATHS

*by Shlomo Katz*

## Parshas Mishpatim

### The Two Sabbaths

We read in this week's parashah (23:10-12), "Six years you shall sow your land and gather in its produce. And in the seventh, you shall leave it untended and unharvested, and the destitute of your people shall eat, and the wildlife of the field shall eat what is left; so you shall do to your vineyard and your olive grove. Six days you shall accomplish your activities, and on the seventh day you shall desist, so that your ox and donkey may be content and your maidservant's son and the sojourner may be refreshed." Rashi z"l explains: "Even in the shemittah / sabbatical year you shall not abrogate the weekly Shabbat; you shall not say, 'Since the whole year bears the name of "Shabbat," the weekly Shabbat need not be observed'."

Why, indeed, is it necessary to observe Shabbat during the shemittah year? R' Aryeh Finkel shlita (rosh yeshiva of the Mir Yeshiva in Modi'in Ilit, Israel) explains:

It is true that the same message of emunah / faith is reflected in both Shabbat and the shemittah, i.e., that by resting from working in the fields we testify that G-d is the Creator and that He sustains all living things; therefore, we recognize Him as the Master of everything and we should listen to His laws and decrees. However, Shabbat has another aspect which is not found in the shemittah, i.e., that Shabbat is an 'ot' / sign of the brit / covenant between Hashem and the Jewish People, as we read (Shmot 31:17), "Between Me and Bnei Yisrael it is a sign forever that in a six-day period Hashem made heaven and earth, and on the seventh day He rested and was refreshed." Moreover, Shabbat is a taste of Olam Ha'ba. This is why Shabbat must be observed even during the shemittah year. (Yavo Shiloh p.448)

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"And these are the ordinances that you shall place before them . . ." (21:1)

Rashi writes: "Wherever it says, 'These are,' it introduces a new subject. Where, however, it says, '\*And\* these are,' it adds something to the previous subject. Thus, here, '\*And\* these are the

ordinances,' means: Just as the former commandments--the Aseret Ha'dibrot in last week's parashah--were given at Sinai, so these civil laws were given at Sinai." R' Avraham Yitzchak Hakohen Kook z"l (1865-1935; Ashkenazic Chief Rabbi of Eretz Yisrael) writes regarding the Divine origin of our civil laws: The essence of the soul of the Jewish People originates in holiness. We do not have values that exist in isolation; rather, unity dwells within us, and the light of the One G-d lives within us. Our laws, the laws of the Torah of the Living G-d, distinguish us from every other nation and tongue.

Holiness operates within us, and all the aspirations of our broader existence lead to it. Certainly, there are inklings of holiness in every nation and tongue; however, their value system does not originate from it.

Not so Yisrael! "In all your ways, know Him" (Mishlei 3:6) is referred to by the Gemara (Berachot 63a) as "the short verse which encompasses the key rules of the Torah." While only unique individuals succeed in putting this verse into practice, it is, in fact, the inheritance of the whole nation. Therefore, the civil laws are the holy of holies of Yisrael. Moshe Rabbeinu taught that seeking G-d and inquiring about civil law are one and the same, as we read (in last week's parashah -- 18:15-16), "The people come to me to seek Elokim. When they have a matter, they come to me, and I judge between a man and his fellow, and I make known the decrees of G-d and His teachings."

He continues: A spirit of heresy in the world has caused justice to be free-for-all. This heresy has declared itself to be full of compassion and imagined kindness, but it actually takes the foundation of the world and destroys it. By separating the foundation of civil justice from its Divine content, it delivers justice into the hands of the basest evil until nations kill over supposed justice. Rather, all eyes must look to the light of the world, the light of Hashem, which will be revealed by the anointed one of the Elokim of Yaakov, "And he will judge the world in righteousness, he will judge regimes with fairness" (Tehilim 9:9). (Orot Yisrael U'techiyato No.3)

A related thought:

R' Kook writes: There are those who, due to their evil thoughts, say that we must keep the spirit of the Torah, but that its practical aspects must be brought in tune with the times. To rebut this false notion, the Aseret Ha'dibrot, which are the symbol of the entire covenant of the Torah, were given to us engraved in stone, a hard material impervious to change. Some people misinterpret the Oral Law as a deviation from the Written Torah. In reality, it is all from Sinai. (Ein Ayah: Berachot ch.1, no.27)

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"He took the Book of the Covenant and read it in earshot of the people, and they said, 'Everything that Hashem has said, we will do and we will obey!'" (24:7)

The Gemara (Nedarim 8a) states that Bnei Yisrael are bound by an oath to keep the Torah which

they received at Har Sinai.

R' Avraham Bornstein z"l (1838-1910; rabbi, rosh yeshiva and chassidic rebbe in Sochatchov, Poland) asks: What weight is there to such an oath? If one were not obligated to keep the Torah, why would he be obligated to honor his oath, which is one of the Torah's mitzvot?

He explains: The commandment (Devarim 23:24), "You shall observe and carry out what emerges from your lips," is not the source of the obligation to honor an oath made to another person or to G-d. That obligation arises from common sense and basic decency. Rather, what the Torah adds by stating, "You shall observe and carry out what emerges from your lips," is an obligation to honor oaths made "to oneself" [e.g., an oath to learn Daf Yomi or not to eat cake], which is not dictated by common sense.

Because the obligation to honor an oath made to another person or to G-d is an element of basic decency, it is independent of, and precedes, the Giving of the Torah. Thus, Bnei Yisrael are obligated by the oath which they made to keep the Torah—an oath that was made to G-d. This explains, as well, why the oaths of the Patriarchs—for example, Avraham Avinu's and Yitzchak Avinu's oaths to Avimelech--were binding even though the Torah had not been given.

This also explains, continues R' Bornstein, why the Gemara (Bava Metzia 44a) imposes a curse on a person who goes back on his word in a business deal even where no kinyan / legally binding act has taken place. True, a person's word alone is not legally binding. However, since that person has acted inconsistently with basic decency, he is deserving of a curse. (She'eilot U'teshuvot Avnei Nezer: YD 306:15-18)

R' Nachum Borowsky shlita (Rosh Kollel, Halichos Yerushalayim) adds: In light of the above, we can understand why the formula of that curse is, "He who exacted retribution from the Generation of the Flood and the Generation of the Dispersion [i.e., the builders of the Tower of Bavel] will exact retribution from one who does not keep his word." Our Sages say that, of all of the sins of the Generation of the Flood, the one that sealed their fate was theft. Ramban z"l explains that the severity of the sin of theft is due to its being a violation of common sense and basic decency. It follows, writes R' Borowsky, that a person who does not keep his word is no different than the Generation of the Flood.

Likewise, Ramban writes that the Generation of the Dispersion did not commit any specific sin; rather, they were dispersed because they defied Hashem's desire that mankind spread out across the earth and settle it. Similarly, a person who goes back on his word has not committed any specific sin, but he has defied Hashem's desire that man behave with decency. [Like the Generation of the Dispersion, he has acted in a manner that does not promote establishment of a healthy society.] (Shalmei Nachum p.158)

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## Letters from Our Sages

This letter was written by R' Naftali Zvi Yehuda Berlin z"l (the "Netziv"; 1816-1893), rabbi of Volozhin, Russia and rosh yeshiva of the yeshiva there, as well as the author of many Torah works.

The verse (Mishlei 3:18), "It is a tree of life to those who grasp it, and its supporters are praiseworthy," contains two separate expressions describing support for Torah study. The explanation would seem to be there are two ways to support Torah study. Some support Torah scholars out of love, just as they support themselves. Others support Torah study because they recognize it as a necessity, so that the Torah will not be forgotten, but not because they want to.

In this world, both types of donors are praiseworthy, for no one knows what is in someone's heart. However, their reward in Olam Ha'ba is not equal. The one who supports Torah with joy will take pleasure in his reward in the World-to-Come as well. The other one, however, will have a place in Olam Ha'ba, but he will take no pleasure from it. He will appear to others to be enjoying his reward, but actually will not be doing so. (Igrot Ha'Netziv Mi'Volozhin no.113)

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