

OVERVIEW

The Sabbath-year is to be observed immediately after the conquest of the land. The yovel-year, following a period of forty-nine years, effects the return of fields and houses to their original owners and the full release of slaves. Measures in support of the poor and the prohibition of interest on loans conclude this portion.

COMMENTARY

The entire Sidrah is devoted to matters involving the "land". The Torah does not visualize a national existence based on G-d's direct intervention as was the case in the desert. Israel is to take its place among the peoples of the world, as a properly constituted nation, to create the conditions necessary to fulfill its assigned tasks. There is an obvious parallel between the life of the Jewish individual and the existence of the Jewish nation. The common challenge is the conscientious fulfillment of the Torah precepts. Both must provide the foundation on which this purely internal activity can unfold. For the individual it is the family, for the nation it is land and community.

The laws contained in this sidrah center on one great premise: G-d, Master over our lives, is also Master over the land. These laws serve a double purpose: a steady reminder of the true owner's presence (such as during the Sabbath year) and the perpetuation of the great ideals of justice and loving kindness that feature prominently throughout the pages of the Torah.

On numerous occasions our prophets stress the fatal role disobedience of these fundamental laws played in the catastrophes that cost our people its independence and its land. They brand as treason the lack of loyalty towards the laws of G-d. It had to come to the bitter end that we knew so well from our tragic history. Rebuilding the land and the state in our time can only succeed if we are willing to take a lesson from the mistakes of the ancient and not so ancient past.

We have referred to the main aspects of the Yovel-year regarding the purchase and sale of houses and fields. Another important feature is the release of slaves. Significantly, the seventh as well as the fiftieth year do not begin on the first of Tishri, Rosh Hashana, the normal start of the Jewish year, but on Yom Kippur, the tenth of Tishri. Yom Kippur calls on the individual to turn his back on the wrongdoing of the past and to chart a new course as an act of rebirth. Yom Kippur creates a new person whose moral equilibrium will have been restored. No day of the Jewish year is more capable of achieving this goal. No law is more capable of restoring the nation's moral conscience than the institution of Yovel, of the return of houses and fields to their original owner and the release of slaves. No day is more effective in bringing the nation together under the rulership of G-d and His Divine Torah.

The law pertaining to the sale of houses differentiates between houses located in cities that are surrounded by walls and those that stand in open land. The former generally include smaller

parcels with gardens and pasture grounds in the city's immediate vicinity forming a kind of green belt around it. The law prescribes:

- 1) Houses in walled cities may be sold (with a year's option for recovery) and are not returned in the Yovel-year.
- 2) Houses in open areas are subject to the same law applying to fields and must be returned in the Yovel-year;
- 3) Parcels of land in the "green belt" cannot be permanently sold and are considered parts of the open areas;

The immediate effect of this law was a remarkable stabilization in the division between urban and rural areas. The measures, prohibiting a permanent sale of properties located near the city, were designed to prevent the growth of large cities at the expense of surrounding countryside. Not even the open spaces in the city could be used as building sites. The result was an arrangement typical for the holy land to this day (with the exception of several major cities that are indeed not typical in the land of Israel.) The active intelligence and sophisticated approach of city dwellers combined with the simplicity and solidity of the average farmer were to be instrumental in forming the characteristic type of the Jew in Eretz Israel.

No less striking is the legislation regarding the "slave" in the final verses of our Sidrah. We noted elsewhere the true nature of this "slavery" which in actuality is no slavery at all. On the contrary, it is the most fitting way to

give a man a chance to earn a living without having to resort to public welfare and, at the same time, to prevent the employer from dismissing him at will. It would be proper to substitute "service" for "slavery". It is essentially a work contract containing detailed obligatory clauses applying to both employer and worker. (The slightest violation in his humane treatment would result in his immediate release; the living standard of the worker must match that of the employer: similar food, similar dwelling, etc.) In order to have a clear picture of such an agreement one need only compare the Torah's social attitude toward the servant with the rules prevailing in ancient Rome and Greece – and in our time in numerous places – in order to appreciate the epoch-making progress of this Torah legislation.

The Greeks considered the slaves as "living tools" who had no more rights than a domestic animal. Greek slaves could not walk on the street without chains. If they proliferated, the "surplus" was killed as one exterminates a plague of locusts. A sick slave, no longer of use, was starved to death. Tacitus reports that four hundred slaves of a patrician family were executed because they slept in the house of the master at the time he was poisoned by a political opponent. One portrait will suffice to illustrate the place of the Jewish "slave": Eliezer.

The Sabbath

"My Sabbaths you shall keep and My sanctuary you shall respect, I am G-d". There are many lessons in this last verse of our Sidrah (26:2). The divine Sabbath law must never take second place to the respect for the sanctuary. If, for example, one lives a considerable

distance away from the synagogue and wishes to attend Sabbath services, the frequent argument is heard: "would it not be preferable to commit a "minor" transgression by driving to the synagogue than being absent from the sacred service?" The answer, of course, is that there cannot be a divided loyalty in the observance of the Torah laws.

The Sabbath Year

1. Every agricultural activity must cease during this year. Produce which grows without human assistance becomes common property and may be used by the public. Plowing, sowing and harvesting are forbidden. The earth shall rest and lie fallow.

2. The farming population is urged to use this year for Torah study and general learning activities for which there is no sufficient time during the previous years. The Sh'mitta year demonstrates the reverence of a nation who presents the soil to Him from Whom it was received. It reflects the conviction that the land can only become the people's full property under the benevolent rule of Him "Who owns all". The weekly Sabbath is on the same plateau as the national Sabbath year. Both mirror the eminently Jewish concept of G-d as the absolute ruler over the entire creation, sole source of our well-being and prosperity.

The Yovel Year

The fiftieth year, coinciding with a Sabbath year, calls for the return of landed property to its original owner. Thus no sale that was effected during the preceding period of forty-nine years can be considered as permanent, for the land

cannot be transferred to another owner. A farmer who lacks the resources to cultivate his fields, regains possession of them at the beginning of the fiftieth year. The Torah desires to instill in him the feeling of independence and freedom. The Yovel year has another possible effect in that it curbs the emergence of great landowners who are often a state within the state and contribute to the erosion of the national consciousness.

Trust

(Ch. 25:20-24)

The Sabbath and Yovel years require the Jewish inhabitant to provide his family with a quantity of supplies sufficient to last them until the beginning of the following year. He can do so with the calm assurance of G-d's promise (21): "Then I will command My blessing upon you in the sixth year so that it will bring forth produce for the three years". Imbued with the unshakeable belief, in the reality and truth of the Divine Word, the Jew will unhesitatingly walk the path prescribed for him by the Torah. The law of the Sabbath year is the great challenge for the Jew requiring his determination to put his very existence trustingly in divine providence which becomes the triumphant hymn of universal harmony when human labor, nature's abundance and divine blessing join together.

The prohibition of Interest

Verses 35-37 in Ch. 25 seem ambiguous. There are two questions:

- a) Why is it forbidden to take or give interest?
- b) Why does the law apply only to Jews and not to gentiles?

Could it be that we deal here with a "two-fold morality" and support the view of those who maintain that the Jewish law discriminates steadily against the gentile world?

There is another facet to the problem. It is normal for a person to make full use of his property to earn his living. This can be done in two ways: the direct way, i.e. living in one's own house, plowing one's own field, letting one's own machines do the work, a.o., or the indirect way, i.e. :letting one's house, hire out one's horses, a. o. Logically there appears to be no valid reason to exclude the exchange of money from such practice. Instead of letting one's house, one "hires out" money. What is more natural than asking for a rental fee and calling it "interest"? Is not interest merely compensation for depriving the owner of the temporary use of his property? Accepting or giving interest does not seem to contravene the moral principles of human ethics.

The Torah's categorical insistence on giving up any claim on "interest" is meant to promote solidarity and mutual help among the people and not just as an act of general moral principle. As to business relations with the gentile world, it would be an injustice if the Jew were forced to grant interest-free loans to non-Jews while he would have to pay interest to them. By limiting this principle to inter-Jewish relations, the Torah outlines the ideal state of a society that is built on true distributive justice and mutual assistance. Then money will not become a means to gain personal power but an efficient tool towards promoting the welfare of one's fellow man and to share

in the attainment of universal peace and prosperity.

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