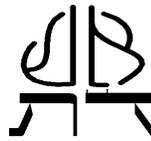


Toras



Aish

Thoughts From Across the Torah Spectrum

RABBI DOV KRAMER

Taking a Closer Look

“**A**nd if you'll ask what will we eat in the seventh year, for we cannot plant nor gather our crops. And I will send (lit. command) my blessing for you in the sixth year, and it will produce crops for the three years. And you shall plant in the eighth year, and you will eat from the old crops (i.e. from the sixth year) until the ninth year- until its crops come you shall eat [from the] old.” (Vayikra 25:20-22) Numerous questions arise, not only on the above verses, but also on Rashi's explanation of them.

(1) This entire paragraph of the Torah, with the exception of these three verses, deals with the laws of "Yovel," the 50th (Jubilee) year, not the seventh (Shmittah) year. We're told when Yovel is (8-10), the laws of Yovel (10-13), how to deal with the sale of land being that it will revert back to its original owner during Yovel (14-17), and that by following these commandments we will be secure and have bountiful crops (18-19) This is then "interrupted" with the three verses on Shmittah (20-22), followed by a warning to have the land returned to its original owner on Yovel (23-24). Why are these verses here, rather than in the previous paragraph (1-7), which dealt with Shmittah?

(2) When exactly would this question of what they will eat be asked? If it is being asked in the seventh year, they should already know that the sixth year produced enough to compensate for the Shmittah year. If it is being asked before the seventh year (actually, before the crops of the sixth year are noticeably larger), why is the Torah concerned about the question? The seventh year hasn't yet arrived, so there are no Shmittah prohibitions to observe yet. If an individual is not sure he will keep Shmittah, by the time it arrives he will have seen that there's enough food. So while we can understand why the Torah promises that there will be enough produced in the sixth year to compensate for the seventh, why is it framed in the form of a question?

(3) Why is the questioner concerned about both planting and gathering the crops? If he cannot plant, there will be nothing to gather! All that needed to be mentioned is the inability to plant- why is his being unable to gather included in the question?

(4) Since the field can be worked as usual in the sixth and eighth years, and only the seventh has these prohibitions, why must the sixth produce for three

years? Two years should be enough to compensate for the one lost year!

Rashi answers this last question by telling us that the Torah is not promising that the sixth will produce three times its normal crops. It only needs to produce double, but it will be used over parts of three years: the second half of the sixth, the entire seventh, and the first half of the eighth. It's not three full years that the Torah alludes to, but parts of three different years.

However, the Torah explicitly says that the produce from the sixth will last until the beginning of the ninth year- i.e. not just the first half of the eighth year, but the entire eighth year! Rashi himself explains that even though the crops were harvested in the middle of the eighth year, they weren't brought in from the silos to the house (to be eaten) until the beginning of the ninth year. Which leaves us with even more questions:

(a) Why did Rashi say that the sixth year would only cover the first half of the eighth year, when it would really cover the entire eighth year?

(b) If the new crop is not eaten until the beginning of the following year, then the produce from the sixth year would not be eaten until the beginning of the seventh year. The "double output" would therefore "only" cover the seventh and eighth years in their entirety, not parts of three years!

Rabbi Chaim Paltiel (late 13th Century/early 14th Century, a student of Maharam of Rothenburg) explains that these verses really are about Yovel after all. After the Torah describes the nature of the sale of land- that the land itself is not being sold (since it goes back to the original owner by Yovel), but rather it is the number of crops that will be produced until Yovel that is sold- it is pre-empting a possible argument by the purchaser. Since he is really buying the number of crops the land will produce, why should he pay for those years that he cannot work the land? For example, if the "sale" occurs ten years after Yovel, then he is purchasing 39 crops. But, since there will be six Shmittos during those 39 years, perhaps he should only have to pay for 33 crops! This, Rabbi Chaim Paltiel says, is the question the Torah refers to. "If you'll ask why should the Shmittah year count, since one can neither plant nor harvest. Don't worry, you'll get all of the crops coming to you."

Since the purchasing "farmer" is buying the crops (not the land), he is concerned with these two aspects of his purchase- the right to plant and the right

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to harvest. He therefore includes both in his "argument" as to why he shouldn't have to "pay" for the Shmittah years, not just the planting.

G-d assures him that he will not be cheated- but will get every year's worth of crops- as the sixth year will make up for the seventh. But since he is not purchasing the food directly- only the crops- the years referred to are not based on when the crops are eaten (from the beginning of the year) but when they are harvested (from the middle of the year). Therefore the sixth year will account for parts of three years (from the harvest in the middle of the sixth until the harvest in the middle of the eighth), not just the produce eaten in the seventh and eighth years. The Torah then assures him that there will be enough food until he starts eating from the new (post-Shmittah) harvest, i.e. until the beginning of the ninth year.

By redefining the question, we have not only answered all of our above-mentioned questions, but have also explained why the Torah asks a question that seems to indicate a less-than-perfect trust in G-d. Rather than being about questioning how we can keep a commandment, it is about ensuring that one is not being taken advantage of in a business deal. And that is something we know the Torah pays very close attention to. © 2004 Rabbi D. Kramer

RABBI AVI WEISS

Shabbat Forshpeis

The blessings in the portion of Behukotai reach toward their crescendo with the words "and I will walk among you and will be your God, and you shall be My people." (Leviticus 26:13) This penultimate gift that is promised is not a material one, it is rather a spiritual one that has extraordinary benefits.

Having God among us is a necessary prerequisite for the world to be ethical. After all, in bringing God back into the world, one makes a

commitment to the ethical laws - the seven Noahide laws and their offshoots. (See Nachmanides, Genesis 34: 13) No doubt, even without God, there can be individuals who live very ethical lives. Yet, for the world at large to be ethical, God's presence is critical. Without God, ethics would be based on human reason which can be relative. Philosophies borne out of human reason can often emerge that declare ethical, what we certainly know to be unethical. But an ethical system based on God's laws is inviolate and can never be altered.

God's presence is also a crucial antidote to personal suffering. The price of living is that all of us, at one time or another, must suffer. The question is not, why do we hurt; rather the question is, when feeling pain, do we sense the presence of God, a presence which makes even the difficult moments livable.

As we all know, sickness is part of the fabric of life. This world is not made up of the sick and the well, but of the sick and the not yet sick. The worst part of sickness is being alone in sickness. How I remember being wheeled into the hospital room for bypass surgery. At a particular moment, my loving family had no choice but to leave my side. As I was placed on the surgical table, I felt alone, so deeply alone. But right then I sensed the closeness of God. If you feel God, then even in difficult times, when it might seem that God is acting kindly, you still sense the closeness of the Divine.

From a mystical perspective, connecting with God makes God fully one. The masters of Kabbalah argue that God above is separated from the part of God which is in each of us. In this approach, the inner Godliness we all possess intrinsically yearns to reunite with God above, like a lover seeking out the beloved. The Kabbalists argue that only when the image of God in all of humankind fuses with the God above, does God, as He is manifest in this world, become one. In the words of the prophet Zachariah, "on that day, the Lord will be one and his name will be one." (14:9) The implication is that until that point, God, as He is present in the world, is not yet one.

Too often it is the case that we measure blessings by material benefits. What the Torah suggests is that the highest blessing is Divine accompaniment, an accompaniment that guides us with a sense of our ethical mission and a feeling of love and spiritual comfort. © 2004 Hebrew Institute of Riverdale & CJC-AMCHA

RABBI SHLOMO RISKIN

Shabbat Shalom

We are now in the midst of the days of sefirat haomer, the count of forty-nine days from the second day of the Passover Festival (Nissan 16), when the barley offering is to be brought to the Holy Temple (omer is a measure of grain) until the night of

the Shavuot Festival (Sivan 6), when the two loaves of bread were to be offered (Leviticus 23:9-21). Most Biblical commentaries link the count—because we are actually commanded to count each day with a special blessing—to the excited anticipation of the Israelites to the Divine gift of the Torah, which was scheduled to be bestowed on the day of Shavuot, the fiftieth day following our exodus from Egypt. The assumption is that the Jews began to anxiously count each day leading up to the Divine Revelation at Sinai in the desert, as soon as they left Egypt; just as they counted then, so do we count each year the days between our freedom from slavery and our adoption of our "mission statement and constitution," expressing the responsibility and the goals which that freedom demands.

But why is the count for Torah revelation bound up with grain sacrifices (the omer)? Why do we count up (from the first day to the forty-ninth day) rather than count down, as is more usual when anticipating a special event? Why may we not recite the blessing any more if we forget to count only once, but thereafter we may only mention the weeks and the days without the blessing praising G-d who gave us this command to count? And why is the Festival towards which we are counting, the Festival of Shavuot, known by a name that means 'weeks,' which describes the period of the counting, rather than the goal of the counting, this particular holy day?

On first glance, the Torah portions in Leviticus seem to have very little to do with each other, appear to be dealing with totally disparate and disjointed issues. The third Book of the Bible opens with the sacrificial ritual, goes on to the tragic eighth day of the dedication of the Sanctuary—when Aaron lost his two beloved sons by a divinely-sent fire—highlights the impurity associated with reproductive emissions and bodily decay, catalogues the commandments which lead the individual to holiness, delineates the festivals of the Hebrew calendar, describes the limitations and blessings of the Sabbatical and Jubilee years, and concludes with the chastisements of Jewish exile and persecution. The panoply of topics seem to have no logical unifying theme, no conceptual scheme which might serve as a connective thread weaving them into a single tapestry of edification.

I would suggest that the overarching topic of this entire Book is holiness: holy space and place—especially the Sanctuary—and holy Festival days and years—especially the Feast of Weeks and the Jubilee year. And the connective thread linking the various points of sanctity is the commandment to count—sefirah. In order for one who is ritually impure as the result of contact with death, bodily decay or an emission from an organ of reproduction to be deemed pure enough to bring an offering to the Sanctuary, it is necessary for such a person to count the days towards purity, and the count always has something to do with

the number seven; for example, a woman who sees blood "shall count for herself seven days, after which she shall be purified" (Leviticus 15:28). The days between Passover and Shavuot are days which must be counted: "and you shall count... from the morrow of the festival seven whole weeks... You shall count fifty days" (Leviticus 23:15,16). And finally, every seventh year is to be a Sabbatical year in which the land is to lie fallow, debts are to be rescinded, and the Israelites are to dedicate themselves to acts of charity and the study of Torah: "And you shall count for yourself seven Sabbatical years (49 years, seven Sabbatical years)... And you shall sanctify the fiftieth year, declaring freedom for the land and all of its inhabitants, a Jubilee (Yovel) year shall it be for you, in which each individual shall return to his original land and homestead, everyone shall return to his family" (Leviticus 25:9,10,11).

That which is sacred, Kadosh, is apart from and higher than the mundane, limited world of materialism; it is identified with the Almighty G-d, who is also (as it were) apart from and higher than, a G-d of spirit, love, compassion and peace. The ultimate goal of Judaism is to infuse the world with sanctity, to bring the Divine Presence within this sphere and so "perfect the world in the Kingship of G-d"; hence, the commandment which preceded the Biblical Book of Leviticus, which indeed made the Torah of the Priest-Kohanim possible, was "they shall make for Me a Sanctuary so that I may dwell in their midst" (Exodus 25:8).

Until the Almighty is permanently in our midst, for as long as we are forced to live in a world with Divine Eclipse (hester panim) seeing G-d's goodness only "through a glass darkly" there are still pockets of space and periods of time which are infused with rays of Divine Splendor, which are declared Kadosh, sacred. The Hebrew word mo'ed (usually translated 'Festival') means rendezvous, a day or week when G-d makes Himself available (as it were) to meet with the Israelites, to establish a relationship with us. Passover was the first such meeting-point in history, when we felt G-d's loving concern and achieved political freedom from slavery. But that is only the beginning; we yearn for Torah, we long for a Sanctuary, -- a nuptial home in which G-d and Israel can dwell together in a perfected world. That goal is held aloft on Shavuot, the festival of first fruits in the Holy Temple of Jerusalem, the anniversary of the Revelation at Sinai—and we know that there can be no redemption with the Torah of Divine Revelation.

How do we progress from the beginning of a relationship with G-d on Passover to the fullness of a complete union anticipated on Shavuot? By advancing from Passover's Sippur (telling the story of the Exodus) to the command of Sefirah (counting); the Hebrew root sfr (saffire, blue-white) means to make whiter, holier, more exalted (S'fat Emet).

Just as those who are ritually pure count the days of their purification, so must we—Israel, G-d's bride—purify ourselves during the seven times seven days leading to Shavuot.

Hence our count is linked to grain sacrifices to G-d, because there is no sanctity without sacrifice, without giving of self. We count up and not down because hopefully our personal religious growth is cumulative, we dare not miss a day of counting and growing or we may well descend to our former impurity, and since the goal can never be reached without preparation and improvement, the ultimate Festival of Redemption in the Sanctuary of Divine Union is named for the week's of our counting and purification.

And since we yearn not only to dwell with the Almighty in a relationship expressed in time but also in a world of sanctified earth and sanctified activity, we count the seven Sabbatical Years affecting our land and hopefully will reach the fiftieth year, the Jubilee year, expressing universal redemption, freedom and peace.

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THE SALANT FOUNDATION

Parsha Insights

by Rabbi Zvi Miller

In ancient days, each family in Eretz Yisrael was awarded a parcel of land. This ancestral heritage was their eternal possession. Thus, even if someone became impoverished and was forced to sell his land— notwithstanding— it reverts to the original owner in the Jubilee year.

Moreover, the Torah (Vayikra 25:25) instructs the relatives of the impoverished seller to redeem the land and return it to its rightful owner. The purchaser is required to sell back the land whenever the family is in a position to reimburse him.

What happens if a man has no relatives to help him buy back his land? We would assume that he must wait for the Jubilee year. Yet, the Torah (Vayikra 25:26) states, "If a man will have no redeemer; but his means will suffice and he acquires enough for its redemption, then he pays the purchaser, and he shall return to his ancestral heritage."

A person who had to sell off his land should not despair if he has no relatives to bail him out. Eventually, he will have the sufficient funds to regain his property. Hashem will send him the means so that he, himself, will be able to redeem the land.

We often are discouraged because we feel we lack certain advantages that other people seem to have. We tell ourselves, "If I only had the connections that that guy has.." Or we think, "If I only had wealthy relatives to help me start a business."

The truth is we are never alone. We have the most loving Father—the Master of all power and wealth—that helps us twenty-four hours a day. No

matter what situation we find ourselves in—we can trust and pray to Him.

He will help us and redeem in the most wondrous of ways—the deliverance of Hashem comes as quickly as a blink of the eye. Just as Hashem will help an impoverished person find funds to buy back his land, so too, He will send us help from Heaven. Hashem is there beside you—He will never abandon you.

Implement: Allow faith to fill your heart—and be encouraged that HaShem will help in every area of your life. © 2004 Rabbi Z. Miller & The Salant Foundation

DR. AVIGDOR BONCHEK

What's Bothering Rashi

We have a double portion Torah-reading this week, Behar-Bechukotai. We will analyze Rashi on the following verses, which speaks of the blessings Israel will reap when they follow the word of God.

"And I will give peace in the land and you shall lie down and none shall make you tremble; and I will rid an evil beast from the land, neither shall the sword pass through your land. And you shall pursue your enemies and they shall fall before you by the sword." (Leviticus 26:6-7)

"'Before you by the sword'—Rashi: One by the sword of the other."

This comment tells us that the enemy will kill themselves by their own "friendly fire." What would you ask on this strange comment?

A Question: An obvious question is: Why does Rashi now say that the enemy falls by the hand of his fellow comrade-in-arms, and not that he fell by the sword of the Israelite, which is the more simple interpretation? What led Rashi (and the Midrash) to this far-fetched interpretation? What's bothering Rashi here? Hint: Look at the verses before this one.

An Answer: Had not the previous verse said "The sword shall not pass through your land"? If there is no sword in the land, how can the enemy fall by your sword? Another indication that this war was not waged in the Land of Israel is that the earlier verse also promised: "I will give peace in the land..." So there was neither war nor sword in the land. If so, how did the enemy "fall before you by the sword"?

Actually, this question can be answered satisfactorily even without Rashi's interpretation that they died by their own hand. What answer would you give?

An Answer: The verse says clearly "and you shall pursue your enemies..." Thus, the battle may have been waged outside the borders of the Land of Israel. Outside of Israel, there may be both war and swords and the Israelites may have killed the enemy there. Why, then, must Rashi resort to the unlikely explanation that the enemy will kill each other?

An Answer: Some commentators on Rashi say that the words "before you" are the clue; they are superfluous. The enemy always falls "before you." These commentators conclude that these redundant words lead Rashi to claim that the enemy will die even before you reach them—"before you." How? By their own comrades.

But another, fascinating, answer has been suggested. An amazing answer has been suggested which shows the subtle nuances that can be uncovered in the Torah, if we only look for them. The Nefesh Hager, a commentary on Targum Onkelos, points out an astounding consistency throughout the Torah: Whenever the Torah speaks of Jews or (God) killing others, the words used are, in Hebrew, "l'phi charev"—"according to—or by—the sword." Whenever gentiles are described as doing the killing, the word used is "l'charev" alone.

Examples of the former can be found in: Genesis 34:26; Exodus 17:13; Numbers 21:24; examples of the latter can be found in: Isaiah 65:12; Psalms 7:62.

But our verse is the exception because it uses the word "l'charev" (and not "l'phi charev") even though the Israelites are attacking the gentiles. This is evidence that the gentiles, and not the Israelites, are the ones who are doing the killing! "Each by the sword of the other." The term is a colloquialism. It literally means, "by the mouth of the sword."

What sense can be made out of this strange nuance? A little thought should give you the answer.

Hint: See Genesis 48:22 where Jacob tells Joseph that he took the city of Shechem "be'charbi u'vekashti" and Rashi brings Onkelos' translation of the words "sword" and "bow" as "my prayer and my requests."

An Answer: On the basis of that Rashi we can conclude that when the Jew wages war he precedes battle with prayer to the Almighty. The symbolic meaning of the phrase "l'phi charev" is that the mouth (prayer) always precedes the sword in battles waged by Jews! © 2004 Dr. A. Bonchek and Aish Hatorah

RABBI MORDECAI KAMENETZKY

No One to Hide From

This week we read the Tochaha, a series of unimaginable curses that, with prescient clarity, foretold the horrors that were destined to befall our people in its wanderings in exile.

Listen to the tales of the inquisition, the cruelty of the crusades, and the horrors of the Holocaust. They reflect the Torah's stern admonitions of a wayward nation cast asunder from the land of its inheritance. It tells of the destruction of cities and the starvation their citizens. And one of those curses is about running from our enemies. "And you shall run the flight of one who flees from a sword, yet no one is pursuing you"

(Leviticus 26:36). Simply explained, the Torah is telling us of the inherent fear that we shall have from the suffering that we have endured. We shall run at the slightest thought, even when there is no one in pursuit. Recently I saw a question: Is it not better to run from a figment of imagination than having to flee an actual pursuer? All in all, the imagination can not brandish a weapon!

As I listened to a survivor tell the tale of his survival and its aftermath, I wanted to offer a homiletic interpretation.

Al Feurstein is a retired businessman who volunteers in our yeshiva's financial office. But more than that, he is a Holocaust survivor who recently told the story of his ordeals of concentration camps and death marches that wracked his 16-year-old body but were unable to conquer his faith and conviction.

After enduring years of unspeakable horrors, the war ended and Al arrived in the United States. With the help of relatives, he resettled in Laurelton, New York. A few weeks after his arrival, he was invited to speak at his cousin's synagogue.

As he recounted his personal story and detailing the atrocities perpetrated by the Nazis and their willing civilian executioners, mouths fell open in literal disbelief. News had reached the US of mass murders and barbarism, but never had these congregants heard in full detail how men born to human mothers performed such horrific crimes.

What happened after his talk back then was most depressing, compounding the terror of his experience a hundredfold. A few prominent members of the congregation approached him. "Al, my dear boy," they coddled him. "You couldn't have seen and experienced those tales you told! We are sure you are shell-shocked from the terrible hardships you endured. After all, it could not have been all that bad."

The worst curse may actually be when no one believes that the other calamities happened. Perhaps that is also included in the curse "no one shall pursue you."

A great Rosh Yeshiva was complaining bitterly about not feeling well. Some colleagues did not take him seriously at first, and humored him by saying that the pains were more in his mind than in his body. Before those pains were actually diagnosed as the disease that eventually claimed his life, he lamented: "The Talmud in Bava Basra (15a) debates the historical timeframe of the story of Iyov (Job). Some say he lived during the time of Moshe, while others maintain he lived during the period of the Judges, and yet others even claim that he lived during the period of Purim. However, there is one opinion that Job never existed at all and the entire episode is only a parable."

Painfully, the Rosh Yeshiva sardonically commented, "that opinion was Iyov's worst tzarah (distress). Imagine, after all the pain and suffering Iyov endured, there is an opinion that he did not even exist!"

Perhaps this week, the Torah alludes to another form of curse. "When there is pain and suffering, when there is persecution and oppression, yet the world ignores the cries of those suffering - as if " no one is pursuing," that is a terrible curse, too. Perhaps that curse is as unfortunate as when the aggressors are clearly recognized for whom they are. Often our greatest enemies are not recognized as such. We are told that they are our partners and our fears are nothing but paranoia. Even our past experiences are being discredited by deniers, scoffers and skeptics.

We cannot control the ears and eyes of our detractors, but we can do our utmost to tell the story and make sure that they live on. And we can do our best to hear, too, the pain and suffering of those who cry to us, to make sure we understand the pursuers behind the pain. © 1998 Rabbi M. Kamenetzky & torah.org

MACHON ZOMET

Shabbat B'Shabbato

by Rabbi Amnon Bazak

The Torah portion of Behar is almost exclusively devoted to the laws of Yovel, the Jubilee Year. The first part of the Torah portion gives the laws pertaining to returning land and houses to their owners in Yovel (Vayikra 25:1-34), and the second part is concerned with the laws of a slave who returns to his family (25:35-55). Does Yovel mean the same thing with respect to these two issues?

In the first section, mainly related to the laws of land and houses, there is one verse that combines the two central themes. "You shall sanctify the fiftieth year, and proclaim freedom in the land for all its inhabitants. Let this be a Yovel for you—let man return to his heritage, and let every man return to his family" [25:10]. Returning to the heritage and to the family are mentioned together, and it is the holy character of the fiftieth year that leads to a declaration that all the inhabitants are free. This implies that the laws are the consequence of the inherent sanctity of the fiftieth year: "For it is Yovel, let it be holy for you" [25:12]. The essence of this holiness is explained further on, "For the land is mine, you are strangers and residents with me" [25:23]. The fact that the Almighty owns the land leads to the fact that all types of purchase that take place there are limited in scope, since it is really in complete possession of its actual owner, the Almighty. This approach is relevant both for the sale of land and for the sale of slaves.

However, in the second part of the portion, where slaves are discussed, the subject of sanctity is not mentioned at all. The reason for freeing the slaves in Yovel is different, and it is given twice. First, with respect to selling a Jew to another person from Yisrael, the slave must be released in Yovel because "they are my slaves, whom I took out of Egypt, they shall not be sold into slavery" [25:42]. Second, with respect to a Jew

who is sold to a Gentile dwelling on the land, "Bnei Yisrael are my slaves, they are my slaves whom I took out of Egypt" [25:55]. A man from Bnei Yisrael is in principle a slave of the Almighty, and it is therefore not possible to sell him to another person for an unlimited time.

The two reasons given for the prohibition of permanent slavery have in common that the Almighty is the one who has absolute possession of the nation of Yisrael. However, in the first section of the Torah portion, the reason for this ownership is the sanctity of the land, which belongs to the Almighty. In the second section, the reason is that the Almighty rescued Bnei Yisrael from Egypt, transforming them from being Pharaoh's slaves into slaves of G-d. Clearly, this second reason applies only to slaves and not to the land, which is not directly linked to the redemption from Egypt. Thus, it would not be appropriate to repeat this reason in the second section of the Torah portion.

The conclusion is that there are two reasons for freeing the slaves on Yovel, both of them related to the fact that the Almighty is in possession of Bnei Yisrael. The first is the fact that He owns all the land, which took effect at the moment the world was created. The second is related to the fact that He owns Bnei Yisrael, since He rescued them from Egypt. In summary, this matter, like others in the Torah, has a dual meaning, like Shabbat, which is both in memory of the creation and also in memory of the Exodus from Egypt.

YOUNG ISRAEL OF PASSAIC-CLIFTON

This Land is Mine

by Rabbi JB Love

An analogy: A king had slaves and maid-servants. His custom was to marry foreign maids to his slaves and foreign slaves to his maids. Then he thought; 'I have slaves and I have maids, better I should marry **my** slaves to **my** maids.' In the same way, G-D, as it were, said, 'This land is Mine, for it is written, 'The earth and all that is in it are G-D's,'¹ it is also written, 'the land is Mine.'² And *Yisrael* is Mine, as it is written, 'for *B'nai Yisrael* are My servants.'³ Better I should give My land to My servants, what is Mine to Mine."⁴

The Midrash arouses an interesting question: The whole earth is G-D's. And although the second proof-text ("the land is mine.") refers to *Eretz Yisrael* alone, why, indeed were they only given that land? Why, for that matter, two proof-texts? By the Midrash's logic the earth should be their's.

Furthermore, what is this "Mine" relationship that *bnai Yisrael* and *Eretz Yisrael* enjoy? Isn't, "the earth and all that is in it," G-D's"?

There is, however a bit of a qualification on the

¹ T'hilim 24:1

² Vayikra 25:23

³ Ibid. 26:55

⁴ B'midbar Rabbah 23:11 and cf. Tanchuma, Masay 10.

last verse. The *Gemara*⁵ contrasts the verse with another from *t'hilim*, "the earth, He gave to mankind"⁶. Thus, by some mechanism, G-D has imparted what was His to others.⁷ Rav Ovadia Sforno zl, tells us that no such mechanism can apply for *Eretz Yisrael*. On the verse, "for the land is mine,"⁸ he comments, "'*ha'aretz*' [means] this area⁹ which is G-D's land. 'For you are aliens and sojourners with Me,'¹⁰ [means] in that area for it is **not** included in 'the earth I gave to mankind.'"

The two proof- texts in the midrash mentioned above are quite clear now. The land is Mine, since the, "earth and all that is in it," is Mine. Lest you say, then, that the whole earth should be given to *Yisrael*, "the land is Mine." The rest of the earth may have been given away but not this particular area. It enjoys a special status of being "Mine". This, unfortunately, still does not explain **why** this particular area enjoys special status nor does this explain how, or why, *Yisrael* is "His."

There are, given all the different text variants, six things which are called "*kinyanim*" - acquisitions of G-D: *torah*, *Yisrael*, *beis hamikdash*, heaven and earth, *Avraham* and *Eretz Yisrael*.¹¹ The first three seem to be most common to all the sources. Heaven and earth is added in some and replaces *beis hamikdash* in another. *Eretz Yisrael* replaces *bais hamikdash* in yet another

⁵ B. B'rachos 35a

⁶ T'hilim 115 :14

⁷ The *Gemara* cited sees the mechanism as a *b'racha* recited as "payment" for the fruit of the earth. This, of course, would not apply to the earth itself or to the nations of the world who were **given** their lands, evidently, without a *b'racha*. (V. E.g. Rashi on B'raishis 1:1, D'varim 2:5,9,19) All these "gifts" were in some way earned. The answer, given in the *Gemara*, to the contradiction is just one of many mechanisms for transfer.

⁸ Vayikra 25:23

⁹ The area referred to is specifically *Eretz Yisrael*, to the exclusion of the land on the East Bank of the Jordan. The Sifra (B'har 1:2) states that the laws of *sh'mita* did not take effect until the actual land was settled. Sforno alludes to this in verse 25:2 where he identifies "the land" with "*g'il ha'goyim*" of Yeshayahu 8:23. That *ever hayarden* is considered *chutz la'aretz* is further upheld by the following midrash. "Because the people of [the tribe of] Gad and of Reuven favored their *kinyanim* - possessions and settled themselves **outside of Eretz Yisrael**, therefore they were exiled first of all the tribes." (B'midbar Rabba 22:6)

We know for a fact that all of the *mitzvos* which applied to the areas settled by the nine and one half tribes West of the Jordan were in effect, as well, for the tribes of Gad and Reuven (see Bartenura on Yadayim 4:3). It is also known that any land conquered by all of *k'lal Yisrael* is considered "*Eretz Yisrael*" for the purposes of all *mitzvos*. (See Rambam, Yad Hilchos Teruma, 1. The Rambam's stipulation that all *Eretz Yisrael* be conquered first only applies after entering *Eretz Yisrael* similar to the rule in B. Megila 14a.) It would seem, therefore that this special relationship *Eretz Yisrael* enjoys is not dependent upon the land's *mitzvos*. Nor are the *mitzvos* of the land particularly connected to this relationship of "Mine" since *ever hayarden* does not enjoy the relationship though the *mitzvos* apply there.

¹⁰ Vayikra, Ibid.

¹¹ B. Pesachim 87b. V. Y'fey Eynayim, ibid. (printed in the Vilna edition of the Talmud behind tractate Yoma) for all the variants.

source and seems to replace heaven and earth in the context of another.¹² *Avraham* is added in some texts and is seen by the commentators to be erroneous.

The fact that *bais hamikdash*, *Eretz Yisrael* and *shamayim va'aretz* are interchanged leads this writer to believe, with the help of G-D, that all three allude to the same *kinyan*. *Eretz Yisrael*, it would seem, is the median between the more geographically specific *bais hamikdash* and the more general *shamayim va'aretz*.

The *Gemara* tells us that one who wishes to purchase ten unconnected plots of land needs only to perform an act of acquisition (*kinyan*) on one of them, all are thus acquired simultaneously since the, "surface of the earth is one."¹³

The heaven and the earth do, indeed, belong to G-D, but the acquisition was made on *Eretz Yisrael*. The actual point of *kinyan* might well be the spot of the *bais hamikdash*¹⁴ but the contiguous "field" through which all the rest were acquired was *Eretz Yisrael*. In a similar way, all mankind belongs to G-D. The acquisition, however was made through *Yisrael*.¹⁵

"*Eretz Yisrael* is holier than all other lands. And what is its [extra] holiness? That from it are brought the *omer*,¹⁶ the *bikurim*,¹⁷ and the two loaves.¹⁸ These are not brought from other lands."¹⁹

The Gaon of Vilna zl in his work on the Mishna emends the text to exclude *bikurim* which, he claims,

¹² Mechilta, B'shalach:9 reads, "Let *Yisrael*, who are called *kinyan*, enter **the land**, which is called *kinyan*, and build the *mikdash*, called *kinyan*, in the merit of the *tora*, called *kinyan*." This even though the list of *kinyanim* includes heaven and earth and not *Eretz Yisrael*. The following paragraph, which is almost a repetition, uses *nachala* — possession, instead of *kinyan* and *Eretz Yisrael* instead of heaven and earth. This lends credence to the Yalkut (B'shalach 252) which has *Eretz Yisrael* in the first list (*kinyan*) instead of *shamayim va'aretz*.

¹³ B. Kidushin 27b, Bava Kama 12b

¹⁴ I.e. the spot of the *even hashesia* from which the world was founded. (B. Yoma 53b)

¹⁵ And specifically, possibly, through *Avraham avinu*. This idea of *Eretz Yisrael* being the "interface" between the mundane and the sacred and its being representative of the rest of the world, i.e. G-D's *kinyan* for the world, is alluded to in kabalistic terms by Ramban in his comments on D'varim 11:11.

¹⁶ A measure of the first cut barley brought as a communal offering on the second day of the *pesach* holiday. No new grain could be eaten or cut before this offering was brought. The day the *omer* was brought was the first day counted toward the *shavuot* holiday which took place after the forty ninth day was counted, hence *sefiras*- the counting of, *ha'omer* - the *omer*. (Vayikra, 23: 9-17)

¹⁷ First fruits. Each landowner was to bring to the *beis hamikdash* some of the first produce to have budded on his land. A representative amount of either wine, olive oil, figs, dates and/or pomegranates were brought at intervals between *shavuot* and *sukos* and as late as *chanuka*. (D'varim 26:1-12)

¹⁸ Brought as communal offering of the first wheat on the *shavuot* holiday. No sacrificial offerings were to be brought from new grain before these leavened breads were waved in the *bais hamikdash* and eaten by the *kohanim*. This marked the end of the grain harvest ritual begun with the *omer*.

¹⁹ Mishna, Keilim, 1:6

are not brought from *Eretz Yisrael* "because of the holiness of the land but, rather, because, 'all agricultural [*mitzvos*] are practiced only in the land [of *Yisrael*].'"²⁰ One wonders, though, if that very rule is not, itself tied in with the holiness of the land. If it is, however, the list could have gone on to include many more agriculturally oriented *mitzvos*.²¹ What, then, sets these three apart from the others and what "holiness" do they represent? Furthermore what separates *omer* and the two breads from *bikurim* in the Gaon's version and what *kedusha* does that difference infer?

The answer, from what we've seen with the help of G-D, is that unlike *t'ruma*, *ma'aser* and the like, which are *mitzvos* that are societal²² and are thus connected with the "land of *Yisrael*",²³ the *omer* and the two loaves effect the entire world. No one may eat new grain anywhere before the *omer* is brought, and no meal offerings of new grain, from anywhere, may be brought before the two loaves are brought. This representation of the rest of the world, says the Vilna Gaon, shows a particular *kedusha* of *Eretz Yisrael* in these *mitzvos* not found in any of the others. That particular *kedusha* is the *kinyan* of the world through *Eretz Yisrael*.²⁴

The *Gemara* relates that it was considered inappropriate to sell the first land one had acquired.²⁵ Hence, possibly, the reason *Eretz Yisrael* was never given to man is because that which is G-D's could only be acquired for consideration.²⁶ It could, however be transferred as a gift.²⁷ Since, however, G-D decided to give His land to His servants, this primary *kinyan* remained His. © 1997 Rabbi JB Love

RABBI BEREL WEIN

Wein Online

The final double parsha of this week concludes for us this year's reading of the book of Vayikra. There are a number of subjects that dominate these two parshiyot, but the theme that runs throughout both is the concern for human beings, for justice and fairness and for an equitable society. The ideas and *mitzvot* of *shmita*, the canceling of debts, *yovel*, the return of property to original owners, the freeing of servants, and

²⁰ Mishna, Kidushin 1:9

²¹ I.e. *t'ruma*, *ma'aser*, *sh'mita* et. al.

²² *T'ruma*, and *ma'aser* are a tithe for the spiritual cast, *pe'ah*, *leket*, etc. for support of the poor and *sh'mita* etc. are, as well socioeconomic *mitzvos*.

²³ When it is owned by the people of *Yisrael*.

²⁴ The text of the mishna as it stands, includes *bikurim*, perhaps because: a) It is not a social *mitzva* but thanks for the new fruits. b) Only the seven fruits of *Eretz Yisrael* are to be brought. c) Only one who owns land in *Eretz Yisrael* brings them. The *Gra*, however, feels that since they do not represent anywhere outside of The Land, they are not to be included with the others.

²⁵ B. Kedushin 59a

²⁶ As in above, note 7.

²⁷ Kedushin, loc. cit.

the support of the stranger and the alien living in our midst, are all meant to point the way to a more just and caring society. The Torah is about people - human beings and their obligations and relationship one to another. Without that perspective of humanity that the Torah is built upon, this holy book would shrivel away into a mere law book instead of being the living guide for Jewish life and thought.

At the conclusion of the parsha of B'Chukotai the Torah discusses the "worth" of an individual. Even though this is seemingly only a complex and technical halachic issue resting on the basis of a pledge of money to the Temple, it is symbolic of the far deeper issue of how we are to value the life and worth of another human being and of our own lives as well. The Torah forbids us from sacrificing human life for a "cause." The Bolsheviks destroyed tens of millions of people and justified their murderous brutality by stating that it was all-necessary for the cause of Marxism-Leninism to triumph. The Torah treats human life very gingerly and sparingly. Having just completed the bloodiest century in human history, our society could certainly stand a strong dose of Torah humanity and perspective. The Torah does not demonize the "other" amongst us and it requires us to look inwards into ourselves for sources and answers to problems and not to foist all blame for our ills and difficulties on hapless and innocent scapegoats. If we adopt the Torah's way of behavior and view of life then God promises us a much better life here on earth. If we persist in ignoring God's path then we are doomed to sadness and tears. This is also made explicit to us in B'Chukotai.

The Torah reading concludes this week with the recitation of "chazak" - be strong - by the assembled congregation. Whenever we complete one of the books of Moses we recite "chazak." Part of the reason for this is that the Torah sets very high standards for us. It does not compromise its demands in order to soothe us into smug complacency. Therefore there could arise a tendency to become discouraged when comparing our actual state of behavior and the bar that the Torah has erected for us. To counter this feeling of depression we recite "chazak" and pledge ourselves with renewed strength to attempt to do better and have our behavior and life fall more in line with the Torah standards placed before us. We renew our commitment to be strong and to strengthen others in the task of building this better society and more harmonious world. The Torah is a book of optimism and hope. We know that we can do better and we will therefore do better in the future. © 2004 Rabbi Berel Wein- Jewish historian, author and international lecturer offers a complete selection of CDs, audio tapes, video tapes, DVDs, and books on Jewish history at www.rabbiwein.com. For more information on these and other products visit www.rabbiwein.com/jewishhistory.