

# Toras Aish

## Thoughts From Across the Torah Spectrum

**RABBI LORD JONATHAN SACKS ZT"L**

### Covenant & Conversation

**T**he most surprising best-selling book in 2014 was French economist Thomas Piketty's *Capital in the Twenty-First Century* -- a dense 700-page-long treatise on economic theory backed by massive statistical research -- not the usual stuff of runaway literary successes.

Much of its appeal was the way it documented the phenomenon that is reshaping societies throughout the world: in the current global economy, inequalities are growing apace. In the United States between 1979 and 2013, the top one per cent saw their incomes grow by more than 240 per cent, while the lowest fifth experienced a rise of only 10 per cent. More striking still is the difference in capital income from assets such as housing, stocks and bonds, where the top one per cent have seen a growth of 300 per cent, and the bottom fifth have suffered a fall of 60 per cent. In global terms, the combined wealth of the richest 85 individuals is equal to the total of the poorest 3.5 billion -- half the population of the world.

Piketty's contribution was to show why this has happened. The market economy, he argues, tends to make us more and less equal at the same time: more equal because it spreads education, knowledge and skills more widely than in the past, but less equal because over time, especially in mature economies, the rate of return on capital tends to outpace the rate of growth of income and output. Those who own capital assets grow richer, faster than those who rely entirely on income from their labour. The increase in inequality is, he says, "potentially threatening to democratic societies and to the values of social justice on which they are based."

This is the latest chapter in a very old story indeed. Isaiah Berlin made the point that not all values can co-exist -- in this case, freedom and equality. ('Two concepts of liberty,' in *Four Essays on Liberty*, 1969.) You can have one or the other but not both: the more economic freedom, the less equality; the more equality, the less freedom. That was the key conflict of the Cold War era, between capitalism and communism. Communism lost the battle. In the 1980s, under Ronald Reagan in America, Margaret Thatcher in Britain, markets were liberalised, and by the end of the decade the Soviet Union had collapsed. But unfettered

economic freedom produces its own discontents, and Picketty's book is one of several warning signs.

All of this makes the social legislation of parshat Behar a text for our time, because the Torah is profoundly concerned, not just with economics, but with the more fundamental moral and human issues. What kind of society do we seek? What social order best does justice to human dignity and the delicate bonds linking us to one another and to God?

What makes Judaism distinctive is its commitment to both freedom and equality, while at the same time recognising the tension between them. The opening chapters of Genesis describe the consequences of God's gift to humans of individual freedom. But since we are social animals, we need also collective freedom. Hence the significance of the opening chapters of Shemot, with their characterisation of Egypt as an example of a society that deprives people of liberty, enslaving populations and making the many subject to the will of the few. Time and again the Torah explains its laws as ways of preserving freedom, remembering what it was like, in Egypt, to be deprived of liberty.

The Torah is also committed to the equal dignity of human beings in the image, and under the sovereignty, of God. That quest for equality was not fully realised in the biblical era. There were hierarchies in biblical Israel. Not everyone could be a king; not everyone was a priest. But Judaism had no class system. It had no equivalent of Plato's division of society into men of gold, silver and bronze, or Aristotle's belief that some are born to rule, others to be ruled. In the community of the covenant envisaged by the Torah, we are all God's children, all precious in His sight, each with a contribution to make to the common good.

The fundamental insight of parshat Behar is precisely that restated by Piketty, namely that economic inequalities have a tendency to increase over time, and the result may be a loss of freedom as well. People can become enslaved by a burden of debt. In biblical times this might involve selling yourself literally into slavery as the only way of guaranteeing food and shelter. Families might be forced into selling their land: their ancestral inheritance from the days of Moses. The result would be a society in which, in the course of time, a few would become substantial landowners while many became landless and impoverished.

The Torah's solution, set out in Behar, is a

periodic restoration of people's fundamental liberties. Every seventh year, debts were to be released and Israelite slaves set free. After seven sabbatical cycles, the Jubilee year was to be a time when, with few exceptions, ancestral land returned to its original owners. The Liberty Bell in Philadelphia is engraved with the famous words of the Jubilee command, in the King James translation: "Proclaim liberty throughout all the land unto all the inhabitants thereof." (Lev. 25:10)

So relevant does this vision remain that the international movement for debt relief for developing countries by the year 2000 was called Jubilee 2000, an explicit reference to the principles set out in our parsha.

Three things are worth noting about the Torah's social and economic programme. First, it is more concerned with human freedom than with a narrow focus on economic equality. Losing your land or becoming trapped by debt are a real constraint on freedom. (This is the argument set out by Nobel Prize-winning economist Amartya Sen in his book, *Development as Freedom*, 2001.) Fundamental to a Jewish understanding of the moral dimension of economics is the idea of independence, "each person under his own vine and fig tree" as the prophet Micah puts it. (Mic. 4:4) We pray in the Grace after Meals, "Do not make us dependent on the gifts or loans of other people... so that we may suffer neither shame nor humiliation." There is something profoundly degrading in losing your independence and being forced to depend on the goodwill of others. Hence the provisions of Behar are directed not at equality but at restoring people's capacity to earn their own livelihood as free and independent agents.

Next, it takes this entire system out of the hands of human legislators. It rests on two fundamental ideas about capital and labour. First, the land belongs to God: "Since the land is Mine, no land shall be sold permanently. You are foreigners and resident aliens as far as I am concerned." (Lev. 25:23)

Second, the same applies to people: "Because the Israelites are My servants, whom I brought out of Egypt, they must not be sold as slaves." (Lev. 25:42)

This means that personal and economic liberty are not open to political negotiation. They are inalienable, God-given rights. This is what lay behind John F. Kennedy's reference in his 1961 Presidential Inaugural, to the "revolutionary beliefs for which our forebears fought," namely "the belief that the rights of man come not from the generosity of the state but from the hand of God."

Third, it tells us that economics is, and must remain, a discipline that rests on moral foundations. What matters to the Torah is not simply technical indices such as the rate of growth or absolute standards of wealth but the quality and texture of relationships: people's independence and sense of dignity, the ways in which the system allows people to

recover from misfortune, and the extent to which it allows the members of a society to live the truth that "when you eat from the labour of your hands you will be happy and it will be well with you." (Ps. 128:2)

In no other intellectual area have Jews been so dominant. They have won 41 per cent of Nobel prizes in economics. They developed some of the greatest ideas in the field: David Ricardo's theory of comparative advantage, John von Neumann's Game Theory (a development of which gained Professor Robert Aumann a Nobel Prize), Milton Friedman's monetary theory, Gary Becker's extension of economic theory to family dynamics, Daniel Kahneman and Amos Tversky's theory of behavioural economics, and many others. Not always but often the moral dimension has been evident in their work. There is something impressive, even spiritual, in the fact that Jews have sought to create -- down here on earth, not up in heaven in an afterlife -- systems that seek to maximise human liberty and creativity. And the foundations lie in our parsha, whose ancient words are inspiring still. *Covenant and Conversation is kindly supported by the Maurice Wohl Charitable Foundation in memory of Maurice and Vivienne Wohl zt"l* ©2022 Rabbi Lord J. Sacks z"l and rabbisacks.org

#### **RABBI SHLOMO RISKIN**

## **Shabbat Shalom**

**"**If your brother becomes destitute and is then sold to you, you shall not make him work like a slave" (Leviticus 25:39) If indeed Judaism gave the world the idea and ideal of freedom – "I am the Lord thy God who took thee out of the land of Egypt, the house of bondage" (Exodus 20:2) – how can we justify that our Bible accepts the institution of slavery and even legislates proper and improper treatment of slaves? Why didn't our Torah abolish slavery absolutely?

If we compare the laws of the Hebrew slave as found in Mishpatim (Exodus 21:2-6) to the laws of the Hebrew slave as found in our reading of Behar (Leviticus 25:39-47), our analysis may lead to a revolutionary idea about how the Bible treated the "slave" altogether! At first blush, the two primary sources appear to be in conflict with each other. The portion of Mishpatim explains that if one purchases a Hebrew slave, he may only be enslaved for six years after which he must be completely freed (Ex. 21:2). Secondly, the owner may provide the slave with a gentile servant as his wife, stipulating that the children will remain slaves of the owner after the Hebrew slave (father) is freed (Ex. 21:4).

And thirdly, if the Hebrew slave desires to remain in bondage longer than the six-year period – "Because he loves his master, his wife, his children" – he may continue to be enslaved until the Jubilee 50th year; however, he must first submit to having his ear pierced at the doorpost, so that the message of God's

dominion (“Hear O Israel the Lord is our God, the Lord is one”), rather than human mastery, is not lost upon him (Ex. 21:5,6).

A very different picture seems to emerge from the passage in Behar. Here the Bible emphasizes the fact that we are not dealing with slavery as understood in ancient times, a specific social class of slaves who were captured in war or whose impoverishment caused them to be taken advantage of.

Rather, our Torah insists that no human being may ever be reduced to servitude, no matter his social or financial status.

At worst, he must be hired like a hired residential worker with you, and “he shall work with you until the jubilee 50th year. Because they [these hired residential workers] are [also, no less than you,] my servants whom I have taken out of the land of Egypt; they may not be sold as one sells a slave. You shall not rule over them harshly; you must fear your God” (Lev. 25:43).

You are not to have slaves, our text is proclaiming; you are merely to have hired residential workers! And upon examining our text in Behar, we find a number of interesting differences between this passage and the text in Exodus. First of all, in our portion there doesn’t seem to be a time limit of six years; the length of time of employment would seem to depend upon the contract between employer and employee.

Second, this passage doesn’t seem to mention anything about the employer providing a gentile servant as wife. And thirdly, our text does not ordain piercing of the ear for a longer stay of employment, and it does tell us in no uncertain terms that our Bible does not compromise with slavery! It only provides for hired residential workers.

The Talmud – which transmits the Oral Law, some of which emanated from Sinai and some of which is interpreted by the Sages (100 BCE – 800 CE) – teaches that each of these biblical passages is dealing with a different kind of “servant” (B.T. Kiddushin 14a): The first (in Mishpatim) is a criminal who must be rehabilitated, a thief who doesn’t have the means to restore his theft to its proper owner. Such an individual is put “on sale” by the religious court, whose goal is to guide a family toward undertaking the responsibility of rehabilitation.

After all, the criminal is not a degenerate, his crime is not a “high risk” or sexual offense, and it is hoped that a proper family environment which provides nurture as well as gainful employment (with severance pay at the end of the six-year period) will put him back on his feet. He is not completely free since the religious court has ruled that he must be “sold,” but one can forcefully argue that such a “familial environment/halfway house” form of rehabilitation is far preferable to incarceration.

The family must receive compensation – in the form of the work performed by the servant as well as the children who will remain after he is freed – and the criminal himself must be taught how to live respectfully in a free society. And, if the thief does not trust himself to manage his affairs in an open society, he may voluntarily increase his period of incarceration-rehabilitation.

The second passage in Behar deals with a very different situation, wherein an individual cannot find gainful employment and he is freely willing to sell the work of his hands. The Bible here emphasizes that there is absolutely no room for slavery in such a case; the person may only be seen as a hired, residential laborer, who himself may choose the duration of his contract; his “person” is not “owned” in any way by his employer. Hence, he cannot be “given” a wife, and of course any children he may father are exclusively his children and not his employer’s children! ©2022 *Ohr Torah Institutions & Rabbi S. Riskin*

#### **RABBI BEREL WEIN**

### **Wein Online**

**T**his week's portion creates an eternal connection between Mount Sinai, the Jewish people, and the Torah itself. The fact that the Torah emphasizes its eternal association with Mount Sinai is meant to teach us important lessons regarding Judaism and Jewish life.

There are grand and majestic mountains that dot our planet. They are awe-inspiring in their height and strength, and they tower over us, making us feel puny and insignificant when standing at their base. I remember that when I was able to visit Mount McKinley in Alaska, a mountain which rises vertically more than 20,000 feet above the plane from which it emanates, the feeling of tension was so overpowering that people in our tour group burst into tears. The mountain blocks out the sun and creates its own weather.

However, the Torah was not given to human beings on Mount McKinley or Mount Everest or any of the other great mastiffs that exist in our world. Midrash teaches us that Mount Sinai was and is a relatively low mountain. The rabbis derived from this the emphasis on and the requirements of humility. Arrogance and godly values do not coexist. So, even though Mount Sinai is a mountain, it is a low mountain, one that can be scaled and conquered. And the achievement of climbing that mountain will not produce fanfare or notoriety.

If the Torah had been granted on Mount Everest it would be unreachable for almost all human beings. It was given on Mount Sinai, to emphasize that it is accessible to all, and that even though it is a mountain, it is one that can and must be scaled, to achieve the eternity that it promises human beings.

From the top of a mountain, one has a majestic view of the surrounding area. A mountain peak

provides us with perspective, and the ability to judge the world from an overview as an observer, even though we are participants. Without that overview, is very difficult to make sense of life, or to have any personal sense of serenity or peace.

The prophet tells us that the wicked are like the raging sea whose waves constantly batter the shoreline but are always limited. Mountains, when appreciated, give us the blessings of unique wisdom, patience, and a sense of optimism and hope in our lives, no matter how bleak events may be, or how worrisome situations are.

Our father Abraham founded the Jewish people and brought "godliness" down to our earth. He saw that measure of godliness as being in the form of a mountain. His son, Isaac, would modify it so that it would become like a field. And his grandson Jacob would see it as being a house. But all of these characteristics still remain within Judaism. Mount Sinai exemplifies the mountain that Abraham saw.

Life is never an easy climb, but climb it we must, to be able to stand at its peak, and truly observe life in society in a measured and wise way. ©2022 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](http://www.rabbiwein.com). For more information on these and other products visit [www.rabbiwein.com](http://www.rabbiwein.com)

#### **RABBI AVI WEISS**

### **Shabbat Forshpeis**

**W**hile it is critical to be present for those in physical need, it is similarly essential to provide spiritual support.

Consider the following sentence: "If your brother becomes poor, and sells [u'machar] some of his heritage, his closest redeemer shall come and redeem [v'ga'al] what his brother sold" (Leviticus 25:25). While these words refer to financial loss, Noam Elimelech relates the situation to a person in spiritual crisis, asserting that u'machar is a play on the word nitmaker (estranged). In other words, we are obligated to redeem (v'ga'al) the struggling souls of those who have become spiritually impoverished from their heritage, giving spiritual direction.

At first glance, this seems to be a call to what is commonly referred to as outreach, in which one tries to convince the person being reached to become fully observant. But v'ga'al is circular – recalling the word gal (wave), a half-circle; or galgal (wheel), as two halves make a whole wheel – inspiring spiritual striving for all involved. Indeed, those reaching out have much to learn from those being reached.

I've many times experienced this sort of reciprocity in my own life. For example, over the years that I've taught Bible and basic Jewish concepts to beginners, I have been repeatedly struck by the extraordinary comments of my students and their novel

textual interpretations. In sharing the insights deriving from their unique backgrounds, they have in turn become my teachers.

What is true in the realm of learning is similarly valid on an experiential plane. For the observant Jew, for example, Shabbat can become a mechanical experience. But sharing Shabbat with someone observing it for the first time can enlighten even the most seasoned Shabbat observer. Caught up in the beginner's excitement, the "Shabbat pro" is lifted through the spiritual joy of the learner.

For these reasons, a more appropriate term than outreach would be encounter, which describes a mutual interaction in which all parties benefit and acquire deep respect for the other. Outreach, at its heart, should be reciprocal rather than one dimensional.

V'ga'al as a wheel also considers that sometimes the wheel does not move in a full circle. In terms of outreach, even partial observance of the Shabbat or dietary laws undeniably constitutes an important step forward. A door slightly ajar offers greater potential than a closed one. The goal in reaching those spiritually wavering is not only the observance of ritual but the stirring of Jewish consciousness, the lighting of the spiritual fire, allowing those reached to chart their own direction.

Inherent in this approach is the fundamental idea of process. A person who chooses to remain less observant is fully embraced and accepted in our community. Here again, the term encounter is most appropriate. It evokes the way that each of us, souls ignited, becomes involved in a process of continuous religious striving and, in this sense, encounters our inner spiritual selves.

Reaching, always reaching, higher and higher!  
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#### **RABBI JONATHAN GEWIRTZ**

### **Migdal Ohr**

**"A**ccording to the greater number of years shall the purchase price increase... and do not wrong one another, and you shall fear your G-d... (Vayikra 25:16-17) The land of Israel was divided and given to the various tribes when the Jews entered the land and conquered it under Yehoshua's leadership. There were Divine methods of division and each family was supposed to keep its land. To that end, the Torah does not allow selling land in most cases. Instead, as the posuk tells us, one is only buying the rights to "own" that land until the next Yovel year. [Ever wonder where the word jubilee came from? "Yovel hee..."]

Thus, if one were to "buy" a field, and there was

a long time until Yovel, he could expect to pay a higher price as he'd be able to do more with the land in that time. He could build upon it and plant in it whatever he wished. If only a few years remained, the price would be lower, as one would not invest in buildings and other improvements, and could not plant crops that weaken the soil, since soon he'd have to return the land as he got it.

The next posuk speaks of o'naah, which might refer to overcharging. That would be a good fit to the previous verse, which discusses setting the proper sales price. However, Chazal seem to feel that the o'naah discussed here is not referring to price gouging. Instead, as Rashi tells us, this refers to o'naas devarim, speaking painful words to another. Yes, it includes giving bad advice, and perhaps the buyer convinced the seller that the field was not worth as much as it truly was, but it seems that this posuk really is an entirely new commandment, with the prohibition of harming another with words.

What then is the connection between the two? Why are they juxtaposed as they are?

Perhaps we can suggest a very obvious connection. O'naas devarim, as Rashi says, means belittling another, or giving him advice that helps the advisor and harms the receiver of that advice. How could one do that? Only if he feels he has more right to life and goodness than his fellow. If he considers the other man an interloper in his life's happiness and success, he will denigrate him and feel free to harm him. But the Torah tells us, "You shall fear your G-d."

The previous verse regarding Yovel speaks about how we don't own the land. How we only get to use it for a certain allotted time. This is precisely why one should not feel greater than his friend. Who is to say which of you have more time left on this world? Do you know that you have a greater claim to this life than he? Certainly not. Only Hashem knows.

Therefore, the Torah reminds us that we are all just visitors passing through. Use the land as you can in the time allowed, but don't forget that it will be going back to its rightful Owner. Remain humble and treat each other properly, as you are all on a level playing field, and one day you will all be under it. The wise man will focus on maximizing his crops, and not minimizing other people.

*A woman in Israel became gravely ill. Her oldest daughter cared for her with great love and compassion, and prayed for her mother's recovery. She also went to visit a well-known Torah sage. He said to her, "Your mother will have a full recovery and she will walk you down to the chupa!" Soon thereafter, her mother did recover.*

*Her wedding, though, was not as quickly forthcoming. She seemed to be a very picky girl as she turned down one suggestion after another. One by one, her younger siblings came of age and married but she*

*was still single.*

*Shortly after her last sibling married, at the age of 34, the eldest daughter accepted a Shidduch suggestion. She became engaged and married him. Her mother walked her down to the chupa but a few days later the mother suddenly passed away. During Shiva, the newlywed confessed:*

*"I knew that my mother would walk me down to my chupa, but what about all my siblings? I therefore waited for them to marry so she could walk each of her children down the aisle." ©2022 Rabbi J. Gewirtz and Migdal Ohr*

**RABBI DAVID LEVIN**

## Redeeming Our Ancestral Land

**P**arashat Behar deals with the concept of Shemittah, leaving the land fallow in the seventh year, Yoveil, the Jubilee year in which all land is returned to the ancestral owner, and the selling of land for funds to cover one's family needs of food. The selling of ancestral land is not a simple matter and is discouraged at all times except as a last resort. If the land must be sold, the seller is required to attempt to redeem his land as soon as is possible.

The Torah tells us, "If your brother becomes impoverished and sells of his ancestral heritage, his redeemer who is closest to him shall come and redeem his brother's sale. If a man will have no redeemer, but his means suffice and he acquires enough for its redemption, and he shall calculate the years of his sale and he shall return the excess to the man to whom he had sold it; and he shall return to his ancestral heritage. But if he does not acquire sufficient means to repay him, then his sale shall remain in possession of its purchaser until the Yoveil year; in the Yoveil, it shall leave and return to his ancestral heritage."

The Torah recognizes that a person can become so impoverished that he believes that his only solution to feed his family is to sell all or part of his ancestral land. It is clear that this is discouraged as the Torah immediately discusses the redemption of that land either by the original owner or by the closest relative of that owner. Since the Torah says "mei'achuzato, from his ancestral land," Rashi and the Sifra explain that the Torah recommends to the seller that he should not sell all of his ancestral land, but only "from" his ancestral land. He should maintain a portion of the ancestral land for himself. But even that redemption has stringencies placed upon it. HaRav Shmshon Raphael Hirsch explains that the original owner may not borrow funds for the redemption of his property, but must have had a complete change in his situation that now enabled him to redeem the land on his own. While the Torah suggests that the nearest relative has the right to redeem the land, it does not

require this of him. Nor does it require that if he redeems the land that he must give it to the original owner. He may keep the land for himself, thus maintaining the ancestral aura of the land and keeping the land within the ancestral family from which it was sold.

The Kli Yakar responds to the connection between this paragraph and the paragraph which precedes it concerning the Shemittah year, the seventh year of the cycle which requires that one leave the land fallow and receive no benefit from produce. The Kli Yakar points to the use of the double term “timkaru mimkar, when you surely make a sale”. If a person chooses to disregard Hashem’s command and sell his fruit during Shemittah, this “sale” will lead to him becoming impoverished, and may force him to “sell” his land. Thus, one sale leads to a second sale, the message of the double use of the word. The Rambam does not permit the sale of land for any reason other than food. Our Rabbis, however, explain that a sale for any reason would still be considered a valid sale.

HaRav Zalman Sorotzkin stresses the concept that the word, “achicha, your brother” does not refer to your immediate relative, but also someone else from your tribe. HaRav Sorotzkin extends this commitment to help a relative to the stranger and the sojourner, who is also considered to be your brother. Here, however, we are only talking of poverty and not ancestral land, as a stranger or sojourner may own land, but it is never referred to as ancestral land. The Torah says, “If a man will have no redeemer.” The Gemara (Kiddushin 21a) asks if it is possible that a person would not have anyone to redeem his land. HaRav Sorotzkin explains that this is talking about a stranger’s land, which cannot be ancestral. In that case, it is possible that a person might be reluctant to redeem property owned by a non-Jew, since he would be endangering his wealth for non-ancestral property.

The Or HaChaim has a different approach to this entire section. He sees this entire section as a hint to the future of the B’nei Yisrael once they enter the land. The Or HaChaim understands the destitute as those Jews who are impoverished both in mitzvot and in faith. He sees the selling of one’s ancestral land as the abandonment of the Temples to the other nations of the world, as the Temple is also considered to be the ancestral property of the B’nei Yisrael. The Or HaChaim equates the redeemer as a tzaddik, a righteous person, who is hakarov eilav, one who is near to Him (Hashem). The tzaddik is like the brother of Hashem, worthy of being called echav, His brother.

The Or HaChaim continues with his analogy. “If a man will have no redeemer,” could be translated, “a man who does not have a redeemer.” The word “Ish, Man” is often associated directly with Hashem: “ein ish elah HaKadosh Baruch Hu, there is no Man except The Holy One Blessed is He.” The Torah calls

Hashem “Ish Milchamah, a Man of war.” If there is no one who has Hashem in his heart, no one who sees Hashem as His Redeemer, his Director of the world, no one to grab hold of, who will help him (the one who strayed) return to His Father, he must not give up hope. He must strive to return on his own, to earn the funds (mitzvot) to redeem his ancestral land (the Holy Temple).

We no longer know what part of Israel is our individual ancestral heritage. We have no knowledge of our family tribe, except for those of us who can trace our roots as Kohanim and Leviim. The other tribes and their ancestral rights have been blurred over the centuries. When Hashem returns all of the Jewish People to Israel and sends us the Moshiach, our questions of heritage will be answered. Until that time, some of the laws of this parasha will be impossible to fulfill. Even though we are unable to reference ancestral land, the concept of assisting our brothers who become impoverished, and helping him to regain his ability to own property still exists. Certainly, if we read this entire passage as the Or HaChaim interpreted it, there is much that we can do today to help rebuild the Temple in Jerusalem. Whether we bring about Moshiach as Tzaddikim who redeem the Temple, or whether as imperfect people who strive to become closer to Hashem to be worthy of a new Temple, we each have a task which we can perform. May we soon see the complete return to Zion and the rebuilding of Hashem’s house on Earth. © 2022 Rabbi D. Levin

#### ENCYCLOPEDIA TALMUDIT

## Disposing of Shemittah Produce

*Translated by Rabbi Mordechai Weiss*

**O**n Lag BaOmer of a *Shemittah* year, at some point between the customary bonfire and the haircuts, some knowledgeable people will get up and declare ownerless the *etrog* jelly that they made after Sukkot. A short while later, they will reclaim their food. Before Shavuot, they will declare ownerless the olives they picked, and then reclaim them. Earlier, before Pesach, they will do the same thing with the wine that was produced through *Otzar Beit Din*. The pattern is repeated through *Shemittah* with many types of fruit.

These actions are indirectly derived from the verse, “And your cattle and the [wild] beasts in your land may eat all its yield” (*Vayikra* 25:7). Why is it necessary to specify “the cattle” (i.e., domesticated animals), when the verse also mentions “the beasts in your land”? For if a wild beast may eat of the *Shemittah* produce, a domesticated animal certainly may!

Our Sages use this verse as grounds for the following exposition: “Once the fruits have disappeared from the field and are unavailable for wild beasts, the fruits must disappear from the home as well and be

unavailable for domestic animals." In other words, once there are no more fruits on the tree because they have all either fallen off or rotted, people may no longer hold onto them at home either. Rather, they must dispose of them. This disposal is called *biur*.

It would seem that this *biur* should be similar to *biur chametz*, which involves burning the forbidden food. Indeed, there are some who require this (Rambam, for example). However, the generally accepted practice is to remove the fruit from the home and declare them ownerless. After this has been done, it is permissible for the former owner to reclaim them. In theory, of course, someone else could come along in the meantime and acquire the food that had been declared ownerless. Nevertheless, it is rare to find people trying to find a bargain this way. This is likely because those who declare the items ownerless can do so in front of three good friends, and rely on their not taking advantage of the opportunity to acquire the items for themselves.

The times mentioned above for declaring certain produce ownerless (before Pesach, on Lag BaOmer, and before Shavuot) were designated by the Sages, based on their estimates when each type was no longer available in the fields for the wild beasts. They designated other times for other fruits. Today, various organizations (such as Machon HaTorah VeHa'aretz) produce *Shemita* calendars which detail the specific dates relevant to many different fruits and vegetables. ©2017 Rabbi M. Weiss and *Encyclopedia Talmudit*

#### RABBI ZVI SOBOLOFSKY

### TorahWeb

**T**he first day of Tishrei begins the new year for many halachos. Yet, the laws of Yovel that appear in Parshas Behar do not begin until Yom Kippur of the Yovel year. Why is the beginning of Yovel delayed from Rosh Hashannah until Yom Kippur?

Many of the halachos that apply during Yovel are difficult to understand. A person who sold his land that was received as an inheritance has the land returned to him at the beginning of Yovel. According to the regular halachos that govern *dinei mammonos* (monetary law) this is incomprehensible. Once a sale of property occurs, it can never be revoked without the consent of the buyer. Yovel also frees slaves who previously had agreed to remain as slaves. After six years of servitude, the slave requested to remain in this state forever. Yet, when Yovel comes the owner is forced to free even such a slave. Following regular monetary practices, once a decision was willingly made to sell oneself to another, one should not be able to revoke that choice. Why is it that Yovel supersedes the standard rules of *dinei mammonos*?

Chazal teach us that when Hashem created the world, the theoretical plan was to create a world

following the strict rules of justice. The name of Hashem that appears in the beginning of Sefer Bereishis is "Elokim" which is synonymous with *middas ha'din* -- the attribute of justice. Ultimately, Hashem merged in *middas ha'rachamim* -- the attribute of mercy -- and created the world in such a manner because a world built on justice alone cannot endure. The description of creation, therefore, describes Hashem as "Hashem Ha'elokim" -- the fusion of *middas ha'din* and *middas ha'rachamim*. In the musaf of Rosh Hashannah we say, "Ha'yom haras olam -- today marks the creation of the world." As such, the reenactment of *ma'aseh Bereishis* begins with a time of justice. Rosh Hashanah is such a day. However, just as the original creation necessitated incorporating mercy and compassion to enable the world to exist, every year we relive that tempering of justice by mercy via our Yom Kippur observance.

The very gift of *teshuva* which is the primary theme of Yom Kippur emanates from *middas ha'rachamim*. According to strict justice, there should be no way to rectify a sin. Yet, on the day of mercy, *teshuva* becomes a possibility.

In a world that would be governed by strict justice, there would be no place for Yovel. Fields that were sold and servitude that had been willingly entered into would remain so for eternity. Yet Hashem in His great mercy decreed that His world would also follow the dictates of compassion. Previous landowners who, sadly, had to sell their ancestral inheritance are miraculously given a second chance. Former slaves are granted their freedom even if they don't deserve it.

Hashem expects of us to act in a way that emulates His attribute of mercy. There is no more appropriate time to display *middas ha'rachamim* to our fellow man than on Yom Kippur. Rosh Hashanah as a day of justice is not the opportune time for the beginning of Yovel. When Yom Kippur arrives and we look to Hashem for mercy and compassion, the best way to attain this mercy is by showing mercy to others. We live in a time when Yovel does not apply for technical, halachik reasons. However, the lessons of Yovel, i.e. the need to show compassion to others and enable others to rectify previous errors, is a message that is a timeless one. ©2022 Rav Z. Sobolofsky & *TorahWeb.org*

#### RABBI SHLOMO RESSLER

### Lelamed Weekly Dvar

**T**he Torah prohibits us from making idols, statues, or monuments and immediately follows with a mandate to keep Shabbat and fear G-d's Sanctuary (26:1-2). What is the connection between the two sets of directives, such that they are placed next to each other?

Rav S. R. Hirsch expounds that the Torah laws that govern our lives should not be limited to a

particular space or act but function as a way of life, expressed through all our actions. Living a life guided by Torah laws enables G-d to dwell within us as we show homage to G-d through acts of personal sacrifice and commitment. Observance of Shabbat and Holidays symbolize our recognition, covenant, and remembrance of G-d's guidance and influence upon our actions. ©2022 Rabbi S. Ressler and Lelamed, Inc.

### SHLOMO KATZ

## Hama'ayan

In this week's Parashah, the Torah commands, "The land shall observe a Sabbath rest for Hashem. For six years, you may sow your field and for six years you may prune your vineyard, and you may gather in its crop. But the seventh year shall be a complete rest for the land, a Sabbath for Hashem; your field--you shall not sow and your vineyard--you shall not prune." This is the Mitzvah of Shemittah.

R' Aryeh Finkel z"l (1931-2016; Rosh Yeshiva of the Mir Yeshiva in Modi'in Ilit, Israel) writes: Early commentaries write that this Mitzvah teaches us Bitachon / trust that Hashem will provide our needs even if we do not work the land. One who does not observe Shemittah, effectively denies that Hashem created the world, for if He is the Creator, He certainly can provide.

R' Finkel continues: Midrash Tanchuma applies to those who observe Shemittah the verse (Tehilim 103:20), "Bless Hashem, His angels; the Gibborim / strong warriors who do His bidding, to obey the voice of His word." This verse, says the sage Rabbi Huna, refers to those who said, "Na'aseh ve'nishma" / "We will accept the Torah without knowing what it says." The sage Rabbi Yitzhak Nafcha says: The verse refers to those who observe Shemittah, who have the strength to declare their crops ownerless and watch others collect them. [Until here from the Midrash]

Where does one acquire such strength? asks R' Finkel. Certainly, human nature does not allow one to stand by silently while someone else enjoys his crops!

R' Finkel answers: If one has Bitachon that Hashem will give him this strength, then Hashem will indeed do so. On the other hand, if one resigns himself to being a prisoner of his nature, he will remain a prisoner of



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that nature. This, continues R' Finkel, is the secret that was revealed to Bnei Yisrael, which enabled them to say, "Na'aseh ve'nishma." They did not worry that Hashem would give them a Mitzvah that was too difficult for them to observe. Instead, they trusted that, if it is Hashem's will that we perform a given Mitzvah, nature cannot get in the way.

R' Finkel adds: Our Sages say that, when Hashem offered the Torah to the gentile nations, they asked, "What does it say?" Ultimately, they did not accept the Torah because its commandments contradicted their inborn desires. When one sees nature, rather than Hashem's will, as the reality, he cannot grasp that man can overpower his natural desires and change his nature for the better. (Har Yeira'eh)



"If you will say -- What will we eat in the seventh year? -- Behold! We will not sow and not gather in our crops." (25:20)

R' Avraham Saba z"l (1440-1508; Spain and Italy) writes: There are many deep secrets relating to the Mitzvot of Shemittah / the Sabbatical year and Yovel / the Jubilee Year. But, even on a revealed level, they are the foundation of the Torah and of the world.

He elaborates: The world could not exist without both poor people and rich people living side-by-side. [See Devarim 15:11 -- "For destitute people will not cease to exist within the Land."] But, while the poor live in suffering and privation and, at all times, are looking Heavenward for their next meal, the rich live in happiness and comfort, oblivious to their poor brethren's pains.

The Shemittah and Yovel make the poor and the rich equal. For one year--and, sometimes, for two consecutive years--the wealthy man also must look Heavenward for his sustenance. In this way, he feels the poor man's pain, and he performs Chesed / acts of kindness, which is the foundation of the world, as we read (Tehilim 89:3), "The world will be built through Chesed." (Tzror Ha'mor)



"The land shall not be sold in perpetuity, for the land is Mine; for you are sojourners and residents with Me." (25:23)

Rabbeinu Nissim ben Reuven Gerondi z"l (Spain; 1320-1376) writes: Even if the buyer and seller would agree amongst themselves that the land being sold will not revert to the seller at the Yovel, their agreement would be void, for the Torah says, "For the land is Mine." The very purposes of this Mitzvah are to remind us, first, of the holiness of Eretz Yisrael and, second, that everything we possess is Hashem's, not ours. (Quoted in Perushei Ha'Ran Al Ha'Torah Ve'Nach) ©2022 S. Katz and torah.org