

PARASHAT BEHAR

The Unique Perspective of Parashat Behar Rav Amnon Bazak

A. What does Shemitta have to do with Mount Sinai?

The introductory words of our parasha – "God spoke to Moshe at Mount Sinai, saying" (25:1) – puzzled Chazal and the commentators. Their question is familiar to us, as famously formulated by Rashi: "What does Shemitta have to do with Mount Sinai? Weren't all the commandments given at Sinai?!" Rashi goes on to present Chazal's explanation:

Just as in the case of [the laws of] Shemitta, its general outline and rules and details were from Sinai, so all the commandments were given in general outline, rules, and details at Sinai.

On the literal level, however, we must still question why the Torah notes, specifically with regard to this parasha, that it was transmitted to Moshe at Sinai.

Our question is intensified in light of the conclusion of this unit in Parashat Bechukotai,[1] where mention is made of Mount Sinai once again:

These are the statutes and the judgments and the teachings which God gave between Him and Bnei Yisrael at Mount Sinai, at the hand of Moshe. (26:46)[2]

This would seem to indicate clearly that the Torah does emphasize that this parasha and its commandments have a special connection with Mount Sinai.

In this shiur, we will examine the special perspective that our parasha offers. We will examine the relationship between the formulation of the commandments and laws in our parasha and their formulation elsewhere in the Torah, as well as the thread that connects the different units of Parashat Behar.

B. Shabbat unto God

Our parasha begins with the commandment of Shemitta, whose essence is:

Six years shall you sow your field, and six years shall you prune your vineyard and gather in its produce. But in the seventh year the land shall have a Shabbat shabbaton. (25:3-4)

Seemingly, this is a repetition of what we learned already in Parashat Mishpatim:

And six years shall you sow your land and gather in its produce. But [in] the seventh year you shall let it rest and lie fallow... (Shemot 23:10-11)

Why does the Torah tell us about Shemitta twice?

Many reasons have been proposed for Shemitta. The Rambam (Moreh Nevukhim III:39) explains it as a socio-moral command: "Compassion and favor towards all people, as it is written, 'that the destitute of you may eat with you' (Shemot 23:11)." The Sefer Ha-Chinukh (mitzva 84), on the other hand, views it principally as a commandment between man and God:

In order that a person will remember that the land which produces fruit for him year after year does so not because of its inherent powers, but because there is a Master over it and over its masters, and when He so wishes, He commands that it be left alone.

These two themes would seem to express the difference between the unit on Shemitta in Sefer Shemot and that in Sefer Vayikra. Our parasha presents Shemitta as a commandment between man and God, referring to it as "Shabbat:" "The land shall observe a Shabbat unto God" (25:2). The command here, "Six years shall you sow your field and six years shall you prune your vineyard and gather in its produce. But in the seventh year the land shall have a Shabbat shabbaton" (25:3-4), recalls the mitzva of Shabbat in the Ten Commandments:

Six days you shall work and perform all your labor; but the seventh day is a Shabbat unto the Lord your God..." (Shemot 20:8-9)

This, too, is presented (in Parashat Yitro) as a command whose essence is recognition of God as the Creator of the world:

For six days God made the heavens, and the earth, the sea, and all that is in them, and He rested on the seventh day. (20:10)

The cessation of work by Bnei Yisrael on the seventh day expresses faith in God, Who created the world in six days and ceased on the seventh. The unit of time that applies to the land is a year; the rest in the seventh year similarly expresses faith in God, Who owns the heavens and the earth.

In Sefer Shemot, in contrast, Shemitta is not defined as a "Shabbat," and it is presented as a social law:

That the destitute of your people may eat, and the beasts of the field will eat the remainder" (Shemot 23:11.)

Our parasha also discusses eating the produce of the field, but the matter is formulated differently:

The Shabbat [produce] of the land shall be food for you: for you and for your servant and for your maidservant. And for your hired workers and for the residents who reside with you, and for your cattle and for the beasts that are in your land, shall all its produce be, for food. (25:6-7)

Here, no specific mention is made of the destitute; rather, the text emphasizes the equality of all when it comes to the right to this produce, arising from the awareness that the land belongs to God.[3] Indeed, in Sefer Shemot, Shemitta is mentioned together with other

mitzvot pertaining to social relations, such as, "You shall not wrest the judgment of the destitute in his cause" (23:6) and "You shall not oppress a stranger" (23:9).

We conclude, therefore, that the debate among the Rishonim as to the nature of the mitzva of Shemitta actually reflects the difference between the two units in the Torah where this mitzva appears. From Sefer Shemot, it seems that the idea behind it is to help the destitute, while the unit in Sefer Vayikra suggests that its aim is expressed in the central message of our parasha:

For the land is Mine, since you are strangers and sojourners with me. (25:23)

As we shall see below, this perspective characterizes Parashat Behar in other contexts as well.

C. For you are strangers and sojourners with Me

The mitzva of Shemitta is followed by that of Yovel, which includes two special laws: the restoration of land to its owners and the return of indentured slaves to their families. The restoring of land to its original owners is another expression of God's ownership of the land:

You shall sanctify the fiftieth year, and proclaim freedom in the land for all its inhabitants; it shall be a jubilee for you, and you shall return, each person to his estate... and the land shall not be sold in perpetuity, for the land is Mine, for you are strangers and sojourners with Me. (25:23)

The Jubilee year emphasizes that man does not have ownership over the land; the land belongs to God, while people are merely "strangers and sojourners" in it. The clearest expression of this idea is the law that tracts of land return to their original owners. Paradoxically, it is specifically this that shows that they are actually not the real owners of the land; they are not able to sell their estates in perpetuity, and thus their ownership of them is not complete.[4]

However, we see elsewhere that there seems to be a different reason for this law. The men of the tribe of Menashe complained that if the daughters of Tzelofchad inherited their father's portion and then went on to marry men from other tribes, that portion would be transferred to those tribes, and even the Jubilee year would not solve the problem:

And when the Jubilee comes to Bnei Yisrael, then their inheritance will be added to the inheritance of the tribe[5] to which they will belong, and their inheritance will be subtracted from the inheritance of the tribe of our fathers. (Bamidbar 36:4)

We deduce from this that in principle, the Jubilee year is meant to keep the inheritance of the fathers in the hands of their descendants. According to this parasha, then, the Yovel year has a social aim – retaining the inheritance of the fathers – and not necessarily the religious aim set forth in our parasha.[6]

Yovel, then, is another example of the unique perspective of Parashat Behar, which focuses on the religious aspect of mitzvot that are treated elsewhere in terms of their social impact.

D. For they are My slaves, whom I brought out of the land of Egypt

This brings us to the second unique law related to Yovel: the return of indentured servants to their families. The laws pertaining to the “eved Ivri” are discussed in two other places in the Torah – at the beginning of Parashat Mishpatim (Shemot 21:1-6) and in Parashat Re'eh (Devarim 15:12-18). The text in these two places seems to contradict what we find in our parasha. In Parashat Behar, we are told that in the Jubilee year, an indentured servant returns to his family. The other two sources mention two other possibilities: either the servant goes free in the seventh year or he chooses not to go free – in which case he remains a servant "forever" (according to the literal text; see Rashbam in both places). No mention is made in either place of the possibility of him going free in the Jubilee year. What is the meaning of this discrepancy?

Once again, it would seem that the difference in presentation reflects a difference in points of view. This is especially apparent in a comparison between our parasha and the unit in Sefer Devarim. According to our parasha, the freeing of servants in the Jubilee year is another expression of God's ownership – this time, His ownership of Bnei Yisrael:

Like a hired worker, like a sojourner, shall he be with you; he will serve with you until the Jubilee year. Then he will go out from you – he and his children with him – and shall return to his family, and he shall return to the possession of his fathers. For they are My servants, whom I brought out of the land of Egypt; they shall not be sold into slavery. 25:40-42(

Just as land is not sold in perpetuity, so too no member of Am Yisrael may be sold into slavery – that is, a slave status that remains valid for the rest of his life. A Jew is not the owner of himself and his body; he is a servant of God. Therefore, just as he cannot make a complete, permanent sale of his land because his ownership of it is not complete, he similarly cannot make a complete, permanent sale of himself. The cancellation of the sale in the Jubilee testifies to the fact that a Jew is, first and foremost, a servant of God.

The unit on the eved Ivri in Sefer Devarim, on the other hand, emphasizes the moral, social aspect of the relations between a master and his indentured servant. For this reason, it commands that the servant be freed already in the seventh year:

If your brother, a Hebrew man or a Hebrew woman, is sold to you, he shall serve you for six years, but in the seventh year you shall send him out free from you. And when you send him out free from you, you shall not send him empty-handed. You shall surely provide for him from your flock and from your threshing-floor and from your winepress; you shall give him from that with which the Lord your God has blessed you. And you shall remember that you were a slave in the land of Egypt, and the Lord your God redeemed you; therefore I command you this thing today. (Devarim 15:12-15(

Every member of Am Yisrael was once a slave in Egypt. Since he is familiar with the situation of slavery, he has a moral obligation to let his servant go free in the seventh year.

The difference between the two parashot is also expressed in the verb used to describe the servant's departure. In our parasha, the Yovel discontinues the master-servant relationship, and therefore the text says, "he shall go out from you" – meaning an automatic departure,

over which the master has no control and in which he plays no part. In Parashat Re'eh, however, the situation is presented differently. Here the Torah insists on the moral obligation that the master has towards his servant. The departure does not happen by itself, but rather is an obligation entrusted to the master: "You shall send him out free from you." This is also the reason that the Torah includes, in the same context, the obligation to furnish the servant with some of his own assets; as part of his responsibility to set the servant free, the master is also required to provide him with the tools to start a new life.

We can now understand the discrepancy between the two parashot with regard to a servant who asks to remain with his master and not to go free in the seventh year. Sefer Devarim discusses the master's moral obligation to free his servant. From this perspective, if the servant foregoes his right to go free, then the master is freed from his obligation towards him, and the servant may indeed serve him forever:

And it shall be, if he says to you, "I shall not go out from you," for he loves you and your household, for he is content with you, then you shall take the awl and thrust it through his earlobe and through the door, and he shall be your servant forever. (Devarim 15:16-17)

Our parasha, in contrast, addresses the situation from a religious perspective. Here, the sale expires in the Jubilee year, no matter how either the master or the servant feels about it.

The whole picture is made up of a combination of the two contradictory parashot. In the seventh year, the master has the moral obligation to free the servant. If the servant does not want to go free, the master no longer has this moral obligation towards him. However, in the Yovel year, the servant goes free automatically, because from a religious point of view the sale of an eved Ivri cannot apply beyond that; it expires on its own.

R. Mordekhai Breuer summarizes the relationship between the two units as follows:

In light of this, we can also understand the new significance with which Chazal invest the term "eved olam" (a servant forever): Forever means the "forever" of the Yovel. This interpretation does not fit with the literal text in Parashat Re'eh; however, it does match a literal "combined" reading of Parashat Behar and Parashat Re'eh. The master, for his part, will not free the servant "forever", and therefore the servant remains in his previous servitude "forever." However, that same servitude was entered into in the first place [within a conceptual framework that extends] only until the Jubilee. Therefore, the servitude "forever" that is assumed by the servant likewise lasts only until the "forever of the Yovel." [7]

Thus, in the matter of Yovel, too, our parasha presents the religious aspect of the mitzva, unlike other parallel units, which focus on its social, moral aspect. [8]

Translated by Kaeren Fish

[1]It is clear that the blessings and curses in chapter 26 are a direct continuation of chapter 25, and apply first and foremost to the commandments mentioned in our parasha. There are several proofs for this; we shall cite only two. First, the commandment of Shemitta

occupies a central place in the section of the curses: "Then the land will be paid its shabbatot for the duration of its desolation, while you are in the land of your enemies; then the land will rest, and will be paid its shabbatot. So long as it is desolate it shall rest that which it did not rest in your shabbatot, when you dwelled upon it" (26:34-35). Second, the introduction to the section of blessings – "If you follow My statutes and observe My commandments and perform them... you shall dwell securely in your land" (26:3-5) – is a restatement of what we find in our parasha: "You shall perform My statutes and observe My judgments and perform them, and you shall dwell upon the land in security" (25:18.)

[2]We shall not address here the question of the relationship between chapter 26 and chapter 27, which features a similar conclusion, likewise making mention of Mount Sinai: "These are the commandments which God commanded Moshe to Bnei Yisrael at Mount Sinai" (27:34). For our purposes, it suffices to note that the unit comprising chapters 25-27 has a special connection to Mount Sinai.

[3]The difference is noticeable in the discussion of the animals as well. In Sefer Shemot, the fruits of the Shemitta year are meant mainly for "the destitute of your people," only "the remainder" is given to the beasts of the field. In our parasha, the main principle is that a person is not sovereign over his field, and therefore its fruits are meant for all – humans and animals alike.

[4]An exception to this rule is a house in a walled city, which, after a year, becomes the property of whoever has purchased it; it does not return to the original owner in the Jubilee year. Ramban proposes that there is a fundamental difference between a house and a field: "Since a person has to work a field, and from it there emerges the bread that sustains him, he wants the field to be released in the Jubilee year. But when it comes to a house – after a person despairs of it, having moved house and spent a year in a different house, it would not harm him [if the house were to remain in the possession of the new owner], since his sustenance is in no way lessened if it falls to him".

However, there is room to suggest a different understanding. While God is the Master of all the land, He gives it to mankind, in order that they might develop it and create in it. A city surrounded by a wall is a human creation; therefore, it is attributed to him as his own achievement. A house in a walled city is regarded as a human creation, something which man has rights over – both in its construction and in its purchase. It therefore does not revert to its original owner in the Jubilee year; its legal status is determined by the human parties involved in the sale.

[5]Ibn Ezra explains the formulation of the verse as meaning: "Even when the Yovel year comes, we have no hope of having that inheritance return to us; rather, it will remain forever added to the inheritance of that tribe".

[6]The importance of this principle is evident in Navot's answer to Achav, when the latter seeks to buy his vineyard: "I am forbidden by God from giving the inheritance of my fathers to you" (Melakhim I 21:5.)

[7]Rav Mordekhai Breuer, *Pirkei Mo'adot* (Jerusalem, 5753), part I, p. 22.

[8]The unique nature of Parashat Behar may also be expressed in its concluding verses, which discuss the mitzvah of Shabbat within the framework of the commandments between man and God: "You shall not make for yourselves idols, nor shall you put up for yourselves a graven image or pillar, nor shall you place a figured stone in your land, to prostrate yourselves before it, for I am the Lord your God. You shall observe My shabbatot and revere My Sanctuary; I am the Lord" (26:1-2). The context makes it clear that Shabbat, too, is a commandment between man and God – unlike its presentation in Sefer Devarim, where the focus is on the social aspect: "And the seventh day is a Shabbat unto the Lord your God; you shall perform no labor – you and your son and your daughter, and your man-servant and your maid-servant... in order that your manservant and

maidservant may rest, like you. And you shall remember that you were a slave in the land of Egypt..." (Devarim 5:13-14 .(