**S.A.L.T. – PARASHAT BEHAR**

**By Rav David Silverberg**

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**This week's SALT shiurim are dedicated in memory of
David Moshe ben Harav Yehuda Leib Silverberg z"l,
whose yahrzeit is Thursday 18 Iyar, May 3**.

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**Motzaei Shabbat**

 The Torah in Parashat Behar presents several different laws relevant to masters and servants, including the prohibition of “*lo tirdeh vo be-farekh*,” which forbids overworking one’s Jewish servant (25:43). The Rambam (*Sefer Ha-mitzvot* – *lo ta’aseh* 259), based on *Torat Kohanim*, gives two examples of this prohibition – forcing a servant to perform work which the master does not actually need, and imposing upon the servant a job with no time limit. This kind of servitude lies beyond the rights of the master, who is required to treat his servant with dignity and respect.

 Several verses later (25:46), the Torah issues what appears to be a reiteration of this command: “but among your brethren, the Israelites, a man shall not impose hard work upon his fellow.” Rabbenu Yona, in a fascinating passage in his *Sha’arei Teshuva* (3:60), contends – remarkably – that this prohibition applies to our dealings with all our fellow Jews, and is not limited to the specific context of a formal *eved ivri* (Jewish servant). According to Rabbenu Yona, this verse forbids asking a favor from somebody whom one knows will be too intimidated or ashamed to refuse. Rabbenu Yona emphasizes that this applies even to small favors, such as heating up some water or running a quick errand. If a person takes advantage of the imbalance of power or stature in a relationship by asking such a favor from somebody who will feel duty-bound to comply, then he is in violation of this Torah command, “*lo tirdeh vo be-farekh*.”

 Later writers noted that other *Rishonim* appear to disagree with Rabbenu Yona. Rashi, in some editions of his Torah commentary, explains the second verse as referring to employees of kings or other authority figures, thus expanding the prohibition beyond the specific context of *eved ivri* to include those who work for people in positions of authority. According to Rashi, this verse does not establish a prohibition relevant to all people, but rather expands the law specifically to the case of employees working for people in positions of power. Additionally, the Rambam, in Hilkhot Avadim (1:7), writes explicitly that this prohibition applies only to situation of a formal master/servant relationship, where the servant would feel helplessly bound to perform demeaning work due to his responsibilities as a servant. Outside this framework, however, where a person has no legal obligation to agree to any favors, there is no such prohibition.

 Nevertheless, there are those who have applied Rabbenu Yona’s position as a practical matter. Rav Nissim Karelitz (*Chut Shani – Shabbat*, vol. 3, p. 244) warns of the potential for violating this prohibition in a household setting. He writes that unduly imposing upon one’s spouse or children would, according to Rabbenu Yona, constitute a Torah violation. Of course, it is permissible to ask a spouse to perform normal, expected household duties, and it is important to train children to help out in the home as part of their education. However, Rav Karelitz warns that one must exercise care to ensure not to exceed beyond legitimate, reasonable expectations when asking favors from the members of one’s household.

 In another intriguing application of Rabbenu Yona’s position, Rav Shlomo Zalman Auerbach is said to have discussed the question of whether it is permissible to invite a rabbi or scholar to speak in a setting where he would feel pressured into agreeing. Rav Shlomo Zalman reasoned that this would, seemingly, depend upon the scholar’s nature, as if he does not generally enjoy public speaking, then inviting him to speak under such circumstances could, indeed, be in violation of this Torah command as understood by Rabbenu Yona.

 It should be noted, in conclusion, that the *Sefer Ha-chinukh* (346) writes that this prohibition applies only when the formal laws of *eved ivri* apply, but that it is nevertheless proper to abide by this rule even in one’s household. As the *Minchat Chinukh* explains, the *Sefer Ha-chinukh* does not accept Rabbenu Yona’s view, but does acknowledge that the technical prohibition relevant to the master/servant relationship serves as an instructive ethical model that should be followed in our dealings with all people, particularly within the family.

(See Rav Reuven Golan’s [*Be’eira Shel Torah*, Parashat Behar, 5776](http://beinenu.com/sites/default/files/alonim/92_32_76.pdf), p. 2.)

Sunday

 The Torah commands in Parashat Behar (25:17), “*Ve-lo tonu ish et amito*” (“Do not mistreat one another”), which *Chazal* (*Torat Kohanim* and Bava Metzia 58b, cited by Rashi) understood as referring to the prohibition of *ona’at devarim* – inflicting pain through the spoken word. The Gemara (there in Bava Metzia) gives a number of different examples of *ona’at devarim*, including telling somebody that the suffering he endures is the result of his misdeeds, insulting a person, and recalling embarrassing mistakes of the past. This prohibition is listed by the Rambam as one of the 365 Biblical prohibitions (*lo ta’aseh* 251).

 The *Sefer Ha-chinukh* (341), in his discussion of this prohibition, famously qualifies this command as referring to initiating hurtful comments. If, however, a person is confronted by somebody who insults him, he is entitled to defend himself and respond in kind. The *Sefer Ha-chinukh* explains that for most people, it is simply impossible to remain silent in the face of insults, and, moreover, remaining silent can easily be interpreted as tacit agreement to what is being said. A person has no obligation to appear as though he accepts insults being hurled at him, and so he is absolutely allowed to respond.

 Later in his discussion, the *Chinukh* cites the Gemara’s famous comment in Masekhet Shabbat (88b) extolling the virtue of “*ha-ne’elavin ve-einan olevin*, *shom’in cherpatam ve-einam meshivin*” – “those who are insulted but do not insult, who hear their shame but do not respond.” Seemingly, this Gemara proves that to the contrary, one should remain silent in the face of humiliating insults, rather than respond. However, the *Sefer Ha-chinukh* explains that the Gemara speaks here not of a strict halakhic requirement, but rather of a special level of piety which extends beyond the letter of the law. He writes that the people described by the Gemara are “a group of people whose piety grows to such an extent that they do not wish to bring themselves to this ruling, and respond to those who shame them, lest anger overcome them and they will go too far…” Although it is certainly permissible to respond to insults, and for the vast majority of people, it is impossible to expect them to remain silent in the face of abusive speech, nevertheless, there is value, for those who are capable, in keeping silent as a safeguard against an excessive response. As the *Chinukh* writes earlier, the halakha allowing one to respond in kind to those who speak to him abusively does not authorize unrestrained anger, which is never permitted. One is allowed to defend himself, but not to lose his composure and erupt in a fit of rage, even against those who insult him. Hence, the especially pious make a point of remaining silent in the face of insults, despite their halakhic right to respond, in order to ensure that their response does not lead them to inappropriate anger.

Monday

 The Torah in Parashat Behar presents several laws relevant to the master-servant relationship, emphasizing that such an arrangement may never be made permanent. All servants must be released with the onset of the *yovel* (jubilee year), and in the case of a Jew forced to sell himself into the service of a gentile, his relatives are to try to purchase him from his master, and if this does not happen, then he is released on the jubilee. The Torah emphasizes that this law is based upon the basic tenet that “they are My servants, whom I took from the land of Egypt” (25:42). Several verses later (25:55), the Torah reiterates, “For it is to Me that the Israelites are servants; they are My servants whom I took from the land of Egypt.”

Rashi, citing *Torat Kohanim*, succinctly explains, “*Shetari kodem*” – “My contract preceded.” Meaning, a person’s status as God’s servant precedes the status of servitude he receives by virtue of his being forced to sell himself as a servant for his livelihood. As such, his servitude to a human master is inherently limited by the terms and conditions of his status as the Almighty’s servant. Therefore, God demands that servitude to a human master may not be permanent, in order not to undermine the servant’s status as service to the Almighty. Seforno (25:42) adds that this explanation of these laws is provided as the reason why a person does not have the authority to make himself permanently subservient to a human master. Even if the servant prefers this life of subservience, he is not allowed to choose lifelong servitude because of his prior commitment to the Master of the world.

Symbolically, the message of “*shetari kodem*” is very relevant and vitally important to each and every one of us, even though formal servitude no longer exists. We all knowingly submit to the “authority” of various “masters.” As in the case of the servant in Parashat Behar, our material needs force us to commit to a profession, effectively placing ourselves into the “servitude” of one, or more, “masters” to whom we are accountable and whose wishes we are duty-bound to fulfill. We also voluntarily submit to other “masters,” such as in the pursuit of wealth beyond our basic necessities, in the pursuit of hobbies and interests, or simply out of a desire for amusement. These forms of “subservience” are, in and of themselves, perfectly legitimate, but only on the condition that we live with an awareness of “*shetari kodem*,” that our first obligation is to the Master of the world. Whenever any conflict arises between our self-imposed commitments and our commitments to the Almighty, the former must give way to the latter. Just as the Torah bars every member of *Benei Yisrael* from subjecting himself to servitude that undermines his servitude to God, likewise, we are never free to prioritize any commitment over our most important and earliest commitment – to faithfully serve our Creator.

Tuesday

 We read in Parashat Behar of the limits established by the Torah over property sales in the Land of Israel, requiring that agricultural lands return to their original owners on the *yoveil* (the jubilee year). The Torah commands, “The land shall not be sold for perpetuity, for the land is Mine, for you are but foreigners and residents with Me” (25:23).

 The common interpretation of the term “*geirim ve-toshavim*” (“foreigners and residents”) is that both words denote inferiority and subservience. God prevents us from permanently selling land in *Eretz Yisrael* in order that we always remember that the land belongs to Him and we reside on the land only through His grace. Indeed, Avraham describes himself with this very term – “*ger ve-toshav*” – in humbly submitting his request to the Chittites that they sell him property as a burial site (Bereishit 23:4), and thus here, too, this phrase refers to our “foreigner” status vis-à-vis the Almighty in *Eretz Yisrael*.

 Some, however, have suggested that the words “*geirim*” and “*toshavim*” actually connote two opposite statuses (similar to the Midrashic interpretation of “*ger ve-toshav*” cited by Rashi there in Bereishit). Whereas “*geirim*” refers to alien residents, the word “*toshavim*” could be understood as a reference to permanent citizens – the very opposite of “*geirim*.”

 This discrepancy between the two words led Rav Avraham Yehoshua Heschel of Apta (the “*Oheiv Yisrael*”) to offer a novel reading of this phrase – “for you are foreigners and residents with Me.” The Rebbe of Apta finds in this verse an allusion to the paradoxical experience of *Am Yisrael* in their state of exile, as they live as both “*geirim*” and “*toshavim*.” On the one hand, as Rashi famously cites from the Midrash in his opening comments to the Torah, the world was created for *Am Yisrael*, in the sense that we are given the mission of representing God to the world. Our unique role and responsibility makes our status as “citizens” on earth as stable, secure and distinguished as anyone else’s. At the same time, however, the reality is that we live as “*geirim*,” as an infinitesimal minority that has frequently been shunned and mistreated. When God tells us that we are “foreigners and residents with Me,” the Apter Rebbe writes, He assures us that His condition in this world, so-to-speak, is no different from ours in this sense. He is, of course, as much a “*toshav*” – a legal resident on earth – as anyone else. He created the universe and continues to sustain it at every moment. Nobody has “earned” greater rights and privileges as a “*toshav*” than the Almighty. And yet, it so often seems that He is but a “*ger*,” a “foreigner” among inhospitable and resentful “natives” who deny His rightful place among them. As though to comfort us in our uneasy state of exile, we are told that we are foreigners and residents “with Me” – just like God is, that we and Him find ourselves in the same paradoxical condition here on earth, existing as both “residents” and “foreigners.”

 The broader message conveyed by this Chassidic reading of the verse is that we must not be deterred or discouraged from fulfilling our roles by the feelings of discomfort and “foreignness” that they sometimes entail. Occasionally we are thrust into an unfamiliar situation, or given a challenge for which we find ourselves ill-suited, essentially turning us into “*geirim*,” alien residents forced to manage and find our way in hostile and foreign surroundings. At times we feel like an employee without the training and experience needed for the job, who needs to struggle to adapt and grow comfortable with the new demands. We must remember that even in situations where we feel like “*geirim*,” we are also “*toshavim*” if we devote ourselves to doing what we need to do. If we embrace the challenge and commit ourselves to doing the best job we can under the undesirable circumstances, then our sense of “*geirim*” can be combined with a sense of “*toshavim*,” and we can then approach the task at hand with confidence and determination no matter the difficulty entailed.

Wednesday

 The Torah in Parashat Behar (25:36-37) reiterates the prohibition against lending on interest to other members of the nation, introducing this law by requiring that when one’s fellow falls into financial straits, “you shall support him…so that he may live among you” (25:35).

 *Chatam Sofer*, in one of his responsa (*likutim*, 26; see also his commentary to Bava Metzia 73a), views this introduction as halakhically relevant background to the prohibition against interest. At the heart of this prohibition, *Chatam Sofer* explains, lies the obligation to assume responsibility to help a struggling fellow Jew secure a livelihood. This obligation demands the willingness to extend a free loan to help a struggling person regain his financial footing, rather than take advantage of his situation by taking interest.

 On this basis, *Chatam Sofer* supports the controversial ruling of Rav Eliezer of Touques (one of the Tosafists), cited by the *Or Zarua* (Bava Metzia 181), allowing interest on delayed wages for work. Rav Eliezer himself was once owed salary which was delayed for a long period of time, and he demanded interest from his employer. Ultimately, the two parties agreed to a compromise. The *Or Zarua* questions Rav Eliezer’s position, claiming that any payment made to compensate for the withholding of money constitutes forbidden interest. This is the view taken by *Beit Yosef* (Y.D. 160) and the Rama (*Darkhei Moshe*, Y.D. 176:3). The *Bach* (Y.D. 161) ruled that in light of the different opinions that exist among the *Rishonim*, this question must be treated as an unresolved issue, such that the employer cannot be required to pay interest, but if the employee seizes the funds, it is not taken away from him.

*Chatam Sofer*, however, upholds Rav Eliezer’s position, asserting that the entire basis for the usury prohibition is the special obligation upon prospective lenders to help lift their fellow from his financial straits. The lender may not accept interest because he is required to help alleviate the borrower’s situation, rather than capitalize on it. In the case of wages for employment, the relationship is reversed: the employer, who owes the money, bears an obligation to support the employee in exchange for the service he provided. Therefore, the prohibition against interest does not apply in any way, and the employee can rightfully demand interest to compensate for the profitable opportunities he lost as a result of the delay in payment.

It should be noted that some authorities conceded that the prohibition of interest is inapplicable in such a case, but nevertheless disputed Rav Eliezer’s claim that the employee may demand interest. According to these writers, the employer may volunteer to pay his employee interest to compensate for the delay (whereas generally interest may not even be paid voluntarily), but the employee cannot demand interest. (See, for example, *Mishneh Le-melekh*, Hilkhot Malveh Ve-loveh 7:11.)

(Taken from Yeshivat Mir’s [*Beit Midrash*, Parashat Behar-Bechukotai, 5777](http://beinenu.com/sites/default/files/alonim/171_32_33_77.pdf), p. 3)

Thursday

 The Torah commands in Parashat Behar that agricultural lands be returned to their original owners on the *yovel* (jubilee year), and not sold permanently, explaining, “for the earth is Mine; for you are but strangers and residents with Me” (25:23). As the land belongs to God, who invites us to develop and cultivate it for our sustenance, He limits the extent of the control that land owners may exert over their property, including limits on the sale of agricultural territory.

 Rav Moshe Chaim Efrayim of Sudlikov (grandson of the Ba’al Shem Tov), in his *Degel Machaneh Efrayim*, finds in this verse an allusion to the complex relationship we are to have with the physical dimension of our lives. He writes that we are to see ourselves, at least to some extent, as “strangers” with respect to the “earth” – our areas of physical engagement. And if we do perceive ourselves in this way, then we are “with Me” – closely bonded to the Almighty, who, while of course intimately involved in every minute detail of the physical earth, is very much a “stranger” to anything physical, as He is an entirely nonphysical Being. In order for us to create a close connection to God, we must resemble His quality of distance and separateness from physical existence.

 This Chassidic insight instructs that while we quite obviously are expected to tend to our physical needs and satisfy our physical drives, we should not experience complete fulfillment and gratification in these mundane activities. We are to sense a degree of “strangeness,” of discomfort and unease, in tending to our physical needs, recognizing that they do not represent the ultimate goal and purpose of our existence. Even as we enjoy the physical comforts and delights that the world offers, we must always be mindful of the higher purpose for which we were created, and recognize that true fulfillment and self-actualization should be experienced only in the devoted service of God, in the spiritual endeavors that we are to pursue over the course of our lives.

Friday

 After establishing the laws of *yovel* – the jubilee year – which include the requirement to return all agricultural lands to their original owners, the Torah in Parashat Behar proceeds to establish that this law affects pricing when lands are sold. Since land is destined to return to the owner after *yovel*, one must take this eventuality into account when selling land, and charge only an amount that is appropriate for the number of years remaining until the *yovel*. The Torah warns in this context, “*al tonu ish et achiv*” – forbidding overcharging when selling or underpaying when buying (25:14). *Chazal* famously point to this verse as the source of the general prohibition of *ona’a*, which forbids charging or paying an unfair price when making transactions. If a transaction was made for significantly more or less (a “*shetut*”) than the fair market price, then the transaction made be retroactively voided by the victimized party.

 *Chazal* (Bava Metzia 47b and elsewhere) establish the rule that “*ein ona’a be-karka’ot*,” which limits the concept of *ona’a* to the sale of moveable property. Real estate, however, is not subject to the rules of *ona’a*. Already the Ramban, in his commentary to Parashat Behar (25:14), noted the peculiarity in the fact that the source for this prohibition is the Torah’s discussion of the sale of agricultural fields – regarding which, according to rabbinic tradition, the prohibition of *ona’a* does not apply. It seems difficult to understand how the sale of agricultural lands could be excluded from the *ona’a* prohibition if it is specifically in the context of such sales that the Torah introduced this prohibition. The Ramban answered this question by distinguishing between the prohibition of *ona’a* and the retroactive voiding of the sale after the fact. The rule of “*ein ona’a be-karka’ot*” means only that a party cannot void a sale of real estate on the grounds of *ona’a* as one can after the purchase of moveable property. However, even in the case of real estate transactions, the prohibition against overcharging or underpaying applies.

 This point is also made by the *Sefer Ha-chinukh* (340), who proceeds to offer an explanation for the distinction between real estate and moveable property in this regard. He writes that given the permanence of land, people are more likely to accept an unfair transaction after the fact than they would be after acquiring perishable items, whose benefit is only temporary. Therefore, although it is certainly forbidden to overcharge for a piece of land, nevertheless, the Torah upholds the transaction after the fact, given the permanent benefit received by the buyer.

 *Keli Yakar* offers a slightly different explanation. He writes that the value of anything fluctuates over time, as it is subject to an infinite array of different conditions and circumstances. Therefore, in the case of a piece of real estate sold at an unfairly high or low price, it is all but guaranteed to happen, at one point or another, that the property will be worth the price paid. Even though the price is unfair under current conditions, at some point in the future the conditions will be such that the price was appropriate. Perishable objects, however, are not guaranteed to last until this happens. In all likelihood, the transacted item will no longer be intact, or in existence, when conditions make it worth the amount paid by the buyer. Therefore, the transaction may be voided, whereas in the case of real estate, the transaction is binding, since it will eventually be worth the price that was paid.

 Symbolically, this approach perhaps reminds us that the true value of something can often not be fully appreciated in the present. We all have many blessings in our lives which we might take for granted, or which we might not view as particularly valuable, but are in truth precious assets whose true worth may not become clear to us until later in life. *Keli Yakar*’s insight into *ona’a* teaches us to take a closer look at all we are given, to recognize all our blessings, both big and seemingly small, and appreciate that even the latter are far larger than they might at first appear.

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