**PARASHAT BEHAR**

**By Rav David Silverberg**

Motzaei Shabbat

 Parashat Behar begins with the *mitzva* of *shemita* – refraining from agricultural work every seventh year – and the opening verse famously indicates that God presented this law to Moshe atop Mount Sinai (“*Va-yedaber Hashem el Moshe be-har Sinai…*). Rashi, citing *Chazal*,comments that in truth, all the Torah’s commands were conveyed at Mount Sinai. Accordingly, many writers and *darshanim* throughout the ages have suggested possible reasons for the particular connection implied here between the *mitzva* of *shemitta* and the fact that God’s laws were presented at Mount Sinai.

 The Klausenberger Rebbe ([*Shefa Chayim*, vol. 15](http://hebrewbooks.org/pdfpager.aspx?req=36046&st=&pgnum=256&hilite=)) cited in this context the Gemara’s well-known comment in Masekhet Shabbat (89a) associating the name “Sinai” with the word *sin’a* (hatred, or hostility). The mountain was named “Sinai,” the Gemara writes, “*she-mi’sham yatza sin’a le-umot ha-olam*” – “because from there hostility emerged to the nations of the world.” Meaning, the other nations’ hostility to *Am Yisrael* began at Mount Sinai, with our acceptance of the Torah. The Gemara here points to the fact that *Am Yisrael* accepted the Torah, and its special status that came with it, knowing full well that this would set our nation apart from the rest of the world, and thus be an ongoing source of tension and resentment throughout our history. This was the sacrifice we were prepared to make in order to commit ourselves to the Torah and form a special relationship with the Almighty.

 On this basis, the Klausenberger Rebbe suggested a possible explanation for why Mount Sinai is mentioned in the context of the *mitzva* of *shemitta*. This *mitzva* reflects a different kind of sacrifice which we must be prepared to make for the sake of *mitzvot*, namely, financial sacrifice. Just as we accepted the Torah despite the “*sin’a*,” the hostility to which we would frequently be exposed as a result of our unique practices and customs, we likewise recognize the need to sacrifice our material standards for the sake of fulfilling God’s commands. We are reminded that Torah observance poses numerous different challenges and entails numerous different sacrifices, but that we must be fully prepared to confront these challenges and make these sacrifices in order to enjoy the great benefits of forging a unique, eternal relationship with our Creator.

Sunday

 As noted yesterday, many creative explanations have been given for why the Torah mentioned in the opening verse of Parashat Behar that the *mitzva* of *shemitta* was conveyed to Moshe at Mount Sinai. *Chazal*, as Rashi cites, clarify that this was true of all of God’s commands, yet the Torah mentioned this specifically in the context of *shemitta*, and writers and *darshanim* throughout the ages have sought to uncover the deeper layers of meaning underlying the reference to Mount Sinai in this context.

 Rav Yosef Salant, in *Be’er Yosef*, suggests that an unfathomably difficult *mitzva* such as *shemitta* could have only been issued to *Benei Yisrael* at the time of *Matan Torah* at Mount Sinai. *Chazal* speak of the extraordinary spiritual heights to which the nation was elevated at that event, to the point where the adverse spiritual effects of the sin of Adam and Chava were reversed. The gap between knowing what’s right and doing what’s right was all but closed; the innate human resistance to authority was all but quelled. Only under such circumstances, Rav Salant writes, could God have expected *Benei Yisrael* to embrace the obligation of *shemitta*, which requires farmers to abandon their fields, their source of livelihood, for an entire year, and allow anyone who wishes – person or animal – to partake of their produce. The law of *shemitta* poses an enormous challenge and test of faith, a test which *Benei Yisrael* could be expected to pass only upon rising to the spiritual level which they achieved at the time of *Ma’amad Har Sinai*.

 This insight presents us with a crucial educational message, reminding us of the need for realistic expectations of children, students and others whom we seek to teach and guide. Not every framework is suitable for every instruction or word of criticism. Context is a vital part of eliciting the desired response or change. Sometimes, the behavioral change we seek is simply too difficult at the moment when we want it, and we need to wait until “*Ma’amad Har Sinai*,” the proper time and framework, or until the child grows and matures a bit more, to effect the desired change. Different people are receptive to guidance and criticism at different times and under different circumstances, and we therefore need to carefully choose an appropriate time and context in which we can reasonably expect a favorable response.

Monday

 We read in Parashat Behar of the *mitzva* of *yovel*, which establishes that all servants are released with the onset of the jubilee year: “It shall be a jubilee for you, and you shall return – each person to his estate and each person to his family” (25:10). The Gemara in Masekhet Makkot (13a) cites the view of Rabbi Yehuda that although servants return to their “estate” and “family,” they do not return “to that which they had held onto from their fathers.” As Rashi explains, this refers to “*serara*” – a position of authority or stature that the person had held before being sold into servitude. Although the onset of the jubilee ends his period of servitude, it does not restore him to the prominent stature he had held before becoming a servant. This *halakha* is indeed codified by the Rambam, in Hilkhot Avadim (3:8).

 It is hard to overlook the symbolic significance of this *halakha*. The purpose of *shemitta* and *yovel*, as the Torah emphasizes here in Parashat Behar, is to remind us that “the land is Mine; that you are but strangers and alien residents with me” (25:23). The laws of *shemitta* and *yovel* essentially limit a person’s control over his land and over other people. They convey the message that “the Israelites are servants to Me; they are My servants” (25:55). As we all share the equal stature of servants of the Almighty, no one has the right to assert unlimited control over property or over other people. Accordingly, the law that an indentured servant does not reassume his former position of stature perhaps assumes great symbolic significance. With the onset of *yovel*, we are to come down from our high stature, humbled by our newfound awareness of the fact that we are all servants of God. The lesson of *yovel* is that although society may operate on the basis of certain hierarchical systems, with certain people enjoying greater authority and respect than others, nevertheless, when all is said and done, “*geirim ve-toshavim atem imadi*” – we are all servants of God. The entire notion of “*serara*” becomes meaningless on *yovel*, the time when we are to focus on the fact that we are all equally small and powerless before our Master, the only One who truly exerts any type of “*serara*” over the world.

(Based on an insight by Rav Akiva Sofer, cited in [*Likutei Batar Likutei*, Parashat Behar](http://hebrewbooks.org/pdfpager.aspx?req=4117&st=&pgnum=209))

Tuesday

 The Torah in Parashat Behar (25:14) introduces the prohibition of *ona’a* – charging or paying an unfair price for merchandise. The Gemara in Masekhet Bava Metzia (50b) establishes that if a person overcharges, for example, and the price differential amounts to one-sixth of the fair market price, then the seller must return the difference to the buyer. If the differential exceeds one-sixth of the fair market price, then the buyer may annul the sale and return the merchandise in exchange for the money he paid. If the merchandise was overpriced by a margin of less than one-sixth, then we presume the buyer accepted the price despite its exceeding the market value, and thus the transaction is valid and binding, and the buyer has no subsequent legal recourse.

 The Rosh (Bava Metzia 4:20) raises a question regarding the nature of this final *halakha*, the case where the price exceeded the market value by a margin of less than one-sixth. In such a case, the Rosh asks, has the seller violated the *ona’a* prohibition, but after the fact he bears no legal accountability, or, is the entire prohibition of *ona’a* applicable only when the price discrepancy amounts to one-sixth or more of the market value? One might argue that the world of commerce allows a range of acceptable prices, as buyers benefit from the availability of goods even when some stores overcharge, and sellers benefit from the interest of buyers even if they are occasionally forced to lower their profit margins. The Rosh raises the possibility that this flexibility in the marketplace is reflected by the *halakha* validating transactions when the difference between the actual price and the market price was less than one-sixth. Perhaps, he writes, *Halakha* not only absolves the seller or buyer of accountability after the fact, but fully authorizes charging or paying such a price as part of normal commercial conduct. The Rosh leaves this question unanswered, and, interestingly enough, the *Shulchan Arukh*, too, writes that this issue is subject to uncertainty (C.M. 227:6).

 The Chafetz Chayim (*Hilkhot Rekhilut*, 9, *Be’er Mayim Chayim* 27) addresses the question of how this uncertainty might affect the laws of *lashon ha-ra* (negative speech about others). Clearly, *Halakha* permits and even requires warning one’s fellow who is considering entering into a potentially dangerous commercial relationship, even if this entails disclosing negative information about the other party. This would include warning a consumer of a proprietor who grossly overcharges for his merchandise. (This is assuming, of course, that the information is true and verified.) The Chafetz Chayim raises the question of whether this would apply also to a proprietor who overcharges by a margin of less than one-sixth. On the one hand, one might argue that since this situation is subject to halakhic uncertainty, and, as this involves a Torah prohibition, one is required to act stringently and avoid overcharging even this small amount, the seller acts improperly, and so alerting potential customers is warranted. On the other hand, one might argue that since it is unclear whether the proprietor commits a halakhic violation, as the validity of his pricing hinges on this question raised by the Rosh, it is forbidden to speak negatively about him to potential consumers.

 Rav Michael Yechiel Elias, in his *Minchat Mordekhai* (Parashat Behar), questions the Chafetz Chayim’s line of reasoning. He notes that even if the storekeeper does not violate *Halakha* by charging the higher price, it should still, seemingly, be permissible to alert potential customers of the fact that this shopkeeper’s prices exceed the market value. After all, *lashon ha-ra* is permitted when conveying the information would save the person from a financial loss (assuming the information shared is both relevant and verified). Seemingly, then, the question of whether the storekeeper is in violation of *ona’a* by overcharging by a small margin seems immaterial, as regardless, warning consumers of a seller’s high prices is perfectly acceptable. It is thus difficult to understand why the Chafetz Chayim hinged this question on the issue of whether *ona’a* is violated in such a case.

Wednesday

 The Torah in Parashat Behar discusses the situation of a person who came upon hard times and was forced to sell his land. When the land is reclaimed, the Torah instructs, the purchase price must be determined based on the number of years in which it had been held by the buyer. The value of land of *Eretz Yisrael* depends upon the number of years remaining until the *yovel*, when lands are returned to their original owners, and so the price for reclaiming sold land will be determined by reducing the value of the years in which the land had been in the buyer’s possession.

 In discussing this law, the Torah envisions two possible scenarios: the seller’s relative reclaims the land on his behalf (25:25), or the seller himself somehow obtains the funds he needs to buy back his property: “And a person who does not have a redeemer – and he is able to acquire enough that he can afford his redemption…” (25:26).

 The *Melekhet Machashevet* (cited in [*Likutei Batar Likutei*](http://hebrewbooks.org/pdfpager.aspx?req=4117&st=&pgnum=216)) comments that the Torah perhaps subtly conveys here an important lesson in self-sufficiency. Often, when a person realizes that he has no “*go’el*,” there is nobody who can help him, “*ve-hisiga yado u-matza kedei ge’ulato*” – he finds within himself the capabilities to solve his problem. The second scenario envisioned by the Torah – where the seller manages to financially recover so he can buy back his property – may be read not merely as the second of two possible situations, but rather as a likely outcome of the first: if nobody is available to help the individual, he will find a way to help himself. The *Melekhet Machashevet* writes that sometimes the possibility of outside help leads a person to a state of dependency which stifles his ambition. The Torah thus indicates to us that although there are certainly times when we need the support and assistance of other people, we should not accustom ourselves to relying on outside help. In many situations, we are fully capable of solving our own problems, and we should always work to try to do so rather than constantly looking to obtain the assistance of others.

Thursday

 The final command presented by the Torah in Parashat Behar, and with which this parasha concludes, is the command of “*Mikdashi tira’u*” – to have reverence for the *Mikdash* (26:2). This command seems to appear out of place in this parasha, which deals mainly with laws governing financial relations among people that are aimed at limiting the degree to which the wealthy can exert control over the less privileged. To explain this seeming anomaly, Seforno comments that this verse relates to the case described several verses earlier (25:47-54) of a Jew who, due to severe financial straits, sold himself in the service of a non-Jew. After presenting the laws relevant to such a situation, Seforno explains, the Torah proceeds to address the somewhat parallel situation of Jewish exile, when the entire nation is driven from its land and lives under the control and authority of foreign peoples. The Torah instructs that in the situation of exile, it is especially vital to show respect and reverence to “*Mikdashi*,” our institutions of prayer and Torah study, which are the keys to our survival and continued growth under the spiritually hostile conditions of foreign rule and subservience.

 Netziv, in *Ha’amek Davar*, references Seforno’s explanation of this verse as speaking of the situation of exile, but then proceeds to develop this approach differently. In his view, the term “*Mikdash*” here refers not to any specific institution or kind of institution, but rather to everything that is considered sacred and hallowed to the Jewish Nation. All our values and principles to which we hold dear, as taught by tradition, are included under the term “*Mikdash*.” According to Netziv, the Torah here warns that under conditions of exile, when we live as a minority population under foreign rule and subject to foreign influence, it is especially critical that we show respect and reverence to our “*Mikdash*,” to our traditions and religious ideals. Under such circumstances, we will be exposed regularly to either explicit or implied denigration of our beliefs and practices. Our way of life will be viewed, at best, as a curious relic, and will likely be ridiculed and scorned. And thus especially in exile, we must exercise extreme care to not only adhere to our traditions, but to look upon and speak about them with respect and reverence. Particularly when we live among a majority which looks disdainfully upon our way of life, we must ensure to look upon it reverently and emphasize to ourselves and our children the central importance and inestimable value of *mitzvot*, so we counteract the negative influence of the foreign culture in which we reside.

(See also Rav Moshe Taragin’s [“A Neziv from Behar: Survival Mode.”](http://www.yutorah.org/lectures/lecture.cfm/857299/))

Friday

 The Torah in Parashat Behar presents a series of laws aimed at limiting people’s control over one another. Specifically, they limit the extent to which the wealthy are able to take advantage of the less privileged. If a person is forced to sell his property, he is given the opportunity to buy it back at a lower price than for which he had sold it, and, if he cannot, then it returns to him with the onset of the jubilee. The Torah requires extending interest-free loans to people in need, and forbids treating servants as slaves. Finally, the Torah imposes an obligation to “redeem” a fellow Jew who was forced to sell himself as a servant to a gentile.

The Torah concludes this series of laws by establishing the basic precept underlying them: “For the Israelites are servants to Me; they are My servants” (25:55). We all share the equal status of servants of the Almighty, and, therefore, no one has the right to assert authority and control over the other. The laws in Parashat Behar seek the balance the competitive nature of the marketplace with an understanding that even the wealthiest among us are servants, and should not see themselves as superior to the poor. We might draw an analogy to two schoolchildren, one of whom is a far superior ball player than the other. The better player might pride himself over his athletic prowess, but if they would play with or against a professional athlete, they would both be equally overshadowed. Somewhat similarly, a wealthy person cannot feel any sense of superiority over his less advantaged peer once he recognizes that in relation to God, we are all powerless and nothing more than servants under His complete authority and control.

 Rav Avraham Yehoshua Heschel of Apta, in [*Ohev Yisrael*](http://hebrewbooks.org/pdfpager.aspx?req=14836&st=&pgnum=128&hilite=), probes deeper into the pronouncement of “*ki li Benei Yisrael avadim*,” that we can be servants only of God, and not of each other. The idea of servitude, the Apter Rebbe writes, is that the master’s duties and responsibilities are discharged by the servant. Every person has needs that must be cared for, and people hire servants to do for them what they would otherwise have to do themselves. The Apter Rebbe writes that the concept of *avodat Hashem* should be viewed in this light. God, as the world’s Creator, is “responsible,” as it were, to govern and sustain it. However, He chose *Am Yisrael* as His “servants,” charged with maintaining the world by obeying His commands and following His will. And for the same reason, the Rebbe explained, no member of the nation can ever be said to truly be the “servant” of another. Each and every one of us has obligations that only he or she can fulfill. Even if a person is blessed with wealth and is thus able to hire others to perform some of his chores, nevertheless, he is a servant who bears special responsibilities to his Master that cannot be discharged by anybody else. We all have our unique responsibilities and obligations that only we ourselves can fulfill, and which no “servant” can fulfill on our behalf. As such, no Jew can truly be a “servant” of any other Jew.

 The Apter Rebbe’s insight underscores the fact that financial and social status have absolutely no effect on a person’s essential status, because regardless of our circumstances, we are all God’s servants. Certainly, a fabulously wealthy magnate bears different kinds of obligations than a struggling laborer. Fundamentally, however, there is no difference between them, as both are simply *avdei Hashem*, servants of God who are to devote their life to fulfilling His will, each in his own unique way in accordance with his unique circumstances. Material benefits, from this perspective, change not a person’s fundamental status, but only the kind of service which he is to perform. No matter what our current circumstances in life are, we must see ourselves as servants of God, and seek to identify and fulfill the special obligations assigned to us.