YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**STUDENT SUMMARIES OF *SICHOT* OF THE *ROSHEI YESHIVA***

**Parashat Behar-BECHUKOTAI**

**Sicha of HarAV Yaakov Medan**

***Shemitta*: Individual Rights or Obligations[[1]](#footnote-1)\***

Summarized by Emanuel Meir

Translated by David Strauss

And the Lord spoke to Moshe on Mount Sinai, saying. (*Vayikra* 25:1)

Rashi on this verse cites the famous question raised by the *Sifra* (ad loc.): "What has the matter of the sabbatical year to do with Mount Sinai?" He answers along the lines of the *Sifra* and expands on its explanation.

However, in truth, the question goes far beyond the difficulty with the first verse in the *parasha*. It continues into the next *parasha* as well, in light of additional references to Mount Sinai, both in the conclusion of the blessings and curses:

These are the statutes and ordinances and laws, which the Lord made between Him and the Israelites on Mount Sinai by the hand of Moshe. (Ibid. 26:46)

And at the end of the *parasha*:

These are the commandments, which the Lord commanded Moshe for the Israelites on Mount Sinai. (Ibid. 27:34).

It would seem that chronologically speaking the Book of *Vayikra,* which opens with: "And the Lord called to Moshe, and spoke to him out of the Tent of Meeting, saying" (*Vayikra* 1:1), closes at the end of *Parashat Emor*, and that *Parashat Behar-Bechukotai* is stated before God speaks to Moshe from the Tent of Meeting at the beginning of the Book of *Vayikra*. In effect, this *parasha* returns to the word of God heard on Mount Sinai.

It seems in fact that this *parasha* is the book of the covenant that God gives to Moshe at Mount Sinai:

And he took the book of the covenant, and read in the hearing of the people; and they said: All that the Lord has spoken we will do and obey. (*Shemot* 24:7)

*Parashat Mishpatim* tells us nothing about the content of that book. Our *parasha* is filled with the terms of the covenant: the very fact that it includes blessings and curses attests that we are dealing here with a covenant, for a covenant is based on reward and punishment (so in the covenant of circumcision, the Covenant Between the Pieces, the covenant of Arvot Moav, and others). So too in the blessings and curses themselves, God often speaks of keeping and breaking the covenant, including in the following verses

* And I will turn to you, and make you fruitful, and multiply you; and will establish My covenant with you. (26:9)
* And if you shall reject My statutes, and if your soul abhor My ordinances, so that you will not do all My commandments, but break My covenant (26:15)
* And I will bring a sword upon you, that shall execute the vengeance of the covenant (26:25).

If we are correct, it turns out that at Mount Sinai the people of Israel are given the Ten Commandments and the *mitzvot* of the sabbatical (*shemitta*) and jubilee (*yovel*) years, every seventh and fiftieth year respectively. What is special about these *mitzvot*, and why do they merit being given at Mount Sinai? At first glance, the most prominent principle in the *parasha* is what Rabbi Akiva propounds:

“And you shall love your neighbor as yourself” (*Vayikra* 19:18) — Rabbi Akiva says: This is a great principle in the Torah. (*Sifra Kedoshim* 20)

He is preceded in this idea by Hillel the Elder, in his words to the non-Jew who wishes to convert to Judaism while he stands on one foot:

What is hateful to you, do not do to your neighbor; that is the whole Torah, while the rest is the commentary thereof; go and learn it. (BT *Shabbat* 31a).

Indeed, the sabbatical and jubilee years are clear social commandments:

And the sabbath-produce of the land shall be for food for you: for you, and for your servant and for your maid, and for your hired servant and for the settler by your side that sojourn with you. (Ibid. 25:6).

This *parasha* mention also the emancipation of slaves; the return of sold fields to their previous, poverty-stricken owners; the redemption of fields; the prohibition of interest; and the prohibition of "You shall not rule over him with rigor" (Ibid*.* 25:43), which is stated with regard to a Hebrew slave.

So too, in the Book of *Devarim* (15:1-2), the *mitzva* of the sabbatical year is coupled with the release of debts:

At the end of every seven years you shall make a release (*shemitta*). And this is the manner of the release: every creditor shall release that which he has lent to his neighbor; he shall not exact it of his neighbor and his brother; because the Lord's release has been proclaimed.

A few verses later, we find the mitzvaof charity: "You shall surely open your hand to your poor and needy brother in your land" (ibid. v. 11).

This is an important component of the book of the covenant. Let us look for another component, due to which these commandments turn into "the book of the covenant" which God makes with the people of Israel on Mount Sinai.

When we read the verses dealing with the mitzva of *shemitta*, we encounter a difficult problem:

Six years you shall sow your field, and six years you shall prune your vineyard, and gather in the produce thereof. But in the seventh year shall be a sabbath of solemn rest for the land, a sabbath to the Lord; you shall neither sow your field, nor prune your vineyard. That which grows of itself of your harvest you shall not reap, and the grapes of your undressed vine you shall not gather; it shall be a year of solemn rest for the land. (*Vayikra* 25:3-5):

The year is defined in terms of "not," "not," and "not." For six years you work, you do something, and then comes a year of absolute rest, with no positive content.

Many lofty principles do indeed find expression in the sabbatical and jubilee years: the kingdom of God and acts of lovingkindness are embraced (as we have seen); the release of slaves and return of ancestral fields are reminiscent of the Exodus from Egypt; and the great partnership of the nation as a whole in the fields during *shemitta* is reminiscent of the consumption of the manna in the wilderness. All this is fine and good, but what are people supposed to do over the course of an entire year — and in the case of a jubilee year, for two whole years, as the *shemitta* of the forty-ninth year is immediately followed by *yovel* — when they are not working in the fields?

It should be remembered that we are talking about an era in which people arose at the crack of dawn and worked the entire day, returning in the evening after nightfall. The discussions regarding the beginning of the time to recite the morning *Shema* speak about hours that are not in our consciousness, that we hardly know:

From what time may one recite the Shema in the morning?

From the time that one can distinguish between blue and white.

Rabbi Eliezer says: between blue and green. (Mishna, *Berakhot* 1:2)

Similarly, the discussions regarding the beginning of the time to recite the evening *Shema* (ibid. 1:1) speak about a person returning from the field at night who goes to recite *Shema* and to pray.

Let us be clear: working from morning to night is an important matter! Work provides a person with a place to invest one’s energy, it gives one a framework, hope, and aspirations — indeed, how important is work! Nevertheless, with the *mitzva* of *shemitta*, God commands us to refrain from working for an entire year. What is a person meant to do with all this free time?

The simple answer is that the year is dedicated to Torah study. Indeed, this is a great vision, and we must not give up on it; instead, we must strive toward it. It is not for naught that the Torah commands us about the mitzva of *Hakhel* at the end of the sabbatical year:

At the end of every seven years, in the set time of the year of release, in the feast of Sukkot, when all Israel is come to appear before the Lord your God in the place which He shall choose, you shall read this law before all Israel in their hearing. Assemble (*Hakhel*) the people, the men and the women and the little ones, and your stranger that is within your gates, that they may hear, and that they may learn, and fear the Lord your God, and observe to do all the words of this law… (*Devarim* 31:10-12)

Over the course of six years people, people come during the year until Sukkot and bring the first-fruits of their land, as the Mishna states:

These bring the first-fruits and read the passage: those who come from Shavuot until Sukkot. (*Bikkurim* 1:10)

However, in the seventh year, when they do not work their fields, the people of Israel bring to God on the festival of Sukkot the first-fruits of their Torah, in which they have invested their entire year.

The release from fieldwork returns us to the days of the wilderness, when we received our food from God. This brings to mind the words of *Mekhilta de-Rabbi Yishmael* (16:4):

From here Rabbi Shimon ben Yochai would say: The Torah could be given to be expounded only to eaters of manna. How could one sit and study, and not know from where he would eat and drink, or from where he would clothe and cover himself. Surely then the Torah could be given to be expounded only to eaters of manna.

Similarly the Torah promises us about the *shemitta* year:

And if you shall say: What shall we eat the seventh year? behold, we may not sow, nor gather in our increase; then I will command My blessing upon you in the sixth year, and it shall bring forth produce for the three years. (*Vayikra* 25:20-21)

This is reminiscent of the doubling of the manna on Friday in order to eat it on Shabbat.

This is indeed a great and impressive vision. To quote Moshe (*Bamidbar* 11:29), "Would that all of the Lord's people were prophets!" We must not give up on this vision.

With all of my criticism of many aspects of the Charedi world, I remember well the one time that I met privately with Rav Shach, *z"l*, when we were both still young. (I was about twenty, and he was not yet eighty.) When I entered his room at a very late hour, I saw him sitting next to a table piled high with books, and he was writing his novellae on the Rambam. This made a deep impression on me.

We must not give up on this idea, of an entire society once every seven years devoting a year to Torah study and cleaving to God.

Notwithstanding this, it seems to me that such a command to the entire nation for an entire year is appropriate primarily for the end of days. What then did the people at large do during the sabbatical year when they refrained from working the land?

Let us examine the Book of *Nechemya* (5:1-5), where mention is made of an assembly similar in character to the sabbatical and jubilee years under discussion:

Then there arose a great cry of the people and of their wives against their brethren the Jews.

For there were that said: We, our sons and our daughters, are many; let us get for them grain, that we may eat and live.

Some also there were that said: We are mortgaging our fields, and our vineyards, and our houses; let us get grain, because of the dearth.

There were also that said: We have borrowed money for the king's tribute upon our fields and our vineyards. Yet now our flesh is as the flesh of our brethren, our children as their children; and, lo, we bring into bondage our sons and our daughters to be servants, and some of our daughters are brought into bondage already; neither is it in our power to help it; for other men have our fields and our vineyards.

Nechemya hears their words, is deeply shocked, and rebukes those who are collecting debts from their brothers (ibid. 5:8):

We after our ability have redeemed our brethren the Jews who sold themselves to the nations; and would you nevertheless sell your brethren, and should they sell themselves to us?

Nechemya is arguing: we redeemed our brothers from the non-Jews to whom they had sold themselves as slaves — for what, so that now they should be your slaves? Nechemya obligates the people to emancipate their slaves and release the debts owed by the poor and unfortunate.

Are we dealing with a sabbatical or jubilee year? That is difficult to believe. It is not at all clear that during this period, during the early Second Temple Era, that sabbatical and jubilee years applied. The Gemara in *Gittin* (JT *Gittin* 4:3, BT *Gittin* 36a-37b) discusses the matter at length, and we will not expand upon the issue here.

We have already noted on several occasions that the Torah's Yom Kippur is not necessarily on the tenth of Tishrei; rather, Yom Kippur exists in the sense that we use the term in the wake of the Yom Kippur War — a day on which we are sorely in need of heavenly mercy.

There are situations in the life of a nation in which the high priest must enter the Holy of Holies and atone for Israel and plead for mercy, and in *Parashat Acharei Mot*, the Torah describes the proper way to do this. My revered teacher Rav Yoel Bin-Nun has already expanded upon this in an article regarding the eighth day and Yom Kippur.[[2]](#footnote-2)

So too here, Nechemya sees the situation in his time, and decides that despite the fact that there is no explicit command to do so, he must emancipate the slaves.

Are we dealing here only with the simple mitzva of performing acts of lovingkindness, with: “‘And you shall love your neighbor as yourself’ — this is a great principle in the Torah"? Is this merely the mitzva of charity?

Chapter 5 of *Nechemya* is found within the clear framework of the entire book, which describes at length the restoration of Jerusalem during the early Second Temple Era, in particularly rebuilding the city wall. Nechemya works the people for fifty-two days in a most intensive manner, in order to build a wall that will protect the city from the enemies of Israel and Judah:

And it came to pass from that time forth, that half of my servants wrought in the work, and half of them held the spears, the shields, and the bows, and the coats of mail; and the rulers were behind all the house of Judah…

So we wrought in the work; and half of them held the spears from the rising of the morning till the stars appeared. Likewise at the same time said I to the people: Let everyone with his servant lodge within Jerusalem, that in the night they may be a guard to us, and may labor in the day.(4:10-16)

If for fifty days a person cannot work his fields and put food on the table, he will be forced to borrow money, and hope that in the future he will be able to feed his family; and if he does not succeed, he will be forced to sell his property and his children or borrow from the government.

Here Nechemya rises and cries out: This is impossible! It cannot be that good Jews, who were recruited for the common good and for a national project, should pay the price that the entire people should be obligated to pay! Their debts must be released. It is unimaginable that someone who participates in the building of the wall of Jerusalem and defends it from the people's enemies should suffer a loss on that account.

It seems that the story in *Nechemya* has what to teach us about our *parasha*. Once in seven years, the people refrain from working their fields and are free to be recruited for the king's work, for projects dedicated to the common welfare. In a situation in which each person sits under his own grapevine and fig tree (*I Melakhim* 5:5), and every person ensures his livelihood by working a long day, year in and year out, there is no opportunity to provide for the fundamental needs of the country and its people. Once in seven years the Torah commands us to refrain from working the fields, and prepare ourselves for national projects, whether in the field of education, welfare, construction or transportation.

This is the difference between the social justice that the Torah seeks and the social justice that modern society looks for. Contemporary Israeli society speaks in terms of rights: I deserve to receive from the State. The Torah speaks in terms of obligations: You owe the state such-and-such, and it is inconceivable that you should lose on that account, and therefore the slaves must be emancipated and the fields must be returned to their original owners in the jubilee year.

A Jewish state can be a democratic state, but it cannot be a liberal state. It cannot be based solely on the rights of the individual without talking about obligations. It must start with the collective, and through it arrive also at the individual.

(I was shocked one Friday night when I crossed through Central Park and I encountered an unbelievably large number of homeless people. It was frightening. If we continue to privatize everything that moves and rely exclusively on the good hearts of individuals, we are liable to reach this situation in Israel as well: When each individual is responsible only for himself, some will succeed, but a considerable number will fall).

Thus, it is precisely when the covenant is made at Mount Sinai that the *mitzvot* of the sabbatical and jubilee years are given, *mitzvot* of commitment to the entire nation, of mutual national responsibility. Then the entire nation responds together: We will do and obey, “as one man with one heart” (Rashi, *Shemot* 19:2).

1. \* This *sicha* was delivered on *Shabbat* *Parashat Behar* 5772. [↑](#footnote-ref-1)
2. This *shiur* is available at: <https://www.etzion.org.il/en/yom-ha-shemini-eighth-day-and-yom-ha-kippurim>. [↑](#footnote-ref-2)