

INTERNET PARSHA SHEET
ON PARSHAS BEHAR - 5757

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Shiur HaRav Soloveichik ZTL on Parshas Behar 1997

(Shiur date: 5/18/76) In Parshas Behar the Torah mentions that in the jubilee year each person shall return to his property. This commandment refers to one who has sold his property at some point within the 50 year period and the Torah tells us that this sale should not be permanent. The Torah then tells us about the laws of Onaah (overcharging) and then follows that with the promise that if Bnay Yisrael keep the laws of Shemitah they will dwell securely in the land and the land shall produce sufficiently to provide the needs of 3 years around Shemitah. Why did the Torah phrase it in terms of man returning to his property instead of stating that the rights to the property revert to its original owners in the Yovel? Also, the Torah tells us twice that one should not overcharge his brother and then repeats again that one should not overcharge his friend. Rashi explains that Torah is referring to two different type of Onaah, Onaas Mamon (monetary) and Onaas Devarim (misleading statements). The Ramban asks on Rashi: there is a rule that the concept of Onaah does not apply to property purchases. If the Torah is indeed teaching us the law of Onaah, then why use the sale of property based on the number of crops to be harvested as the example?

The Torah also says that the land shall bear fruit and the people will dwell securely in the land. The Torah then adds that the land shall not be sold Ltzmisus, Ki Li Haaretz. The Rav noted that perhaps, according to context, this verse might well have been placed after the statement that each man shall return to his property at the Yovel. In Achray Mos the Torah warns Bnay Yisrael not defile the land and to refrain from forbidden relationships in order that Eretz Yisrael not vomit them out. Rashi notes that Eretz Yisrael has a natural quality that it can't tolerate sinners. Exile from Eretz Yisrael would be an expression of this intolerant quality of the land more so than it would be a punishment for the sins of its inhabitants. Eretz Yisrael will expel sinners in much the same way that man will vomit up something that does not agree with him. When one thinks of sins that would cause expulsion, forbidden relationships, idolatry and murder immediately come to mind. The Torah in Behar is telling us that there is an additional sin that will cause the land to expel its inhabitants: the lack of keeping Shemitah, preventing the land from its Shabbos, as it says Vshavs Haaretz Shabsosy. We normally associate defilement, Tumah, with a person. The Torah tells us that Eretz Yisrael is unique in that when it comes to defilement, it has an almost human personality which can become defiled if one is not careful to refrain from sin. The Torah says that the land must rest, not that man shall rest, on the Shemitah year. The Torah tells us that just like man must rest on his Shabbos, Eretz Yisrael must rest on its Shabbos, every seventh year for Shemitah. We derive from this that Eretz Yisrael has an individuality. According to Kabbalah, Eretz Yisrael is equated with Malchus and Shechina. Unlike other lands, Eretz Yisrael can be defiled by Tumah, just like man.

The Torah says that if Bnay Yisrael will allow the land to rest and will cooperate with it, it will produce sufficient food for three years in the year prior to Shemitah. We also find the concept that the land will produce according to the behavior of the people elsewhere in the Torah (see Devarim 11 as well as the Tochecha). Adherence to the mitzvos causes the land to produce in abundance and to protect its inhabitants. Rejection of mitzvos has

B'S'D' the opposite effect. This is why the Torah commands us that we shall not sell the land, because the entire land belongs to Hashem. Hashem is telling us that this land is uniquely scrutinized by Hashem and we must not attempt to subvert this scrutiny of the land and as a result how we behave on the land, by attempting to sell it. Any attempt to subvert this scrutiny, and to prevent the land from resting on its Shabbos, Shemitah, will lead to the defilement of the land and the expulsion of its inhabitants. In a way, Bnay Yisrael are responsible to make sure that the land keeps its Shabbos. Perhaps, because of the unique nature of the land, even though there is no obligation for the seller to refund the money, there is a special prohibition against Onaah when selling land within Eretz Yisrael.

The Rav explained that the Rambam (Hilchos Teshuva, chapter 9) notes that even though we do not ascribe reward and punishment to specific acts in this world, Eretz Yisrael was endowed with a special attribute from Hashem to recognizably reward the people based on their actions. If they keep the mitzvos Eretz Yisrael will produce food in abundance and Bnay Yisrael will live in peace. If they do not keep the mitzvos the land will treat them accordingly. There are 2 aspects to the permanent sale of land. The first is that it is not a valid sale. The second is that there is a prohibition against making such a sale. For example, the Rambam says that one who says to another that he is selling his land forever violates a prohibition from the Torah. The Ramban apparently agrees with the Rambam on this. Because of the special role that the land plays in the lives of the people, one cannot throw away his parcel of land by selling it to someone else. In the Yovel year, there is an obligation that all must return to their original parcel of land, even though they previously sold it. It is the Jew who must be driven to return to his roots and homeland, rather than the land seeking to return to its original grantee. A permanent sale of the land that removes the people from it or that results in a subversion of Shemitah, and the subsequent defilement of the land is prohibited.

The Torah paints the complete picture as to why the land of Eretz Yisrael is so integral to the Jewish People and Hashem. We first must realize that the land and the people are interconnected and depend upon each other. That is why we are first told that one may not break his tie to the land and that if he did sell his property, he must make the effort to return to the land at the Yovel. The remainder of the picture is filled in by the fact that Eretz Yisrael is so unique that Onaah applies to it alone as far as land is concerned and by the obligation to make sure that the land rests during Shemitah. Keeping these laws will manifest itself in blessings of harvest and security, as we do our part and the land will do its part. After we realize the full nature of the relationship between the people and the land, the Torah tells us that the land may not be sold permanently, as we are prohibited from breaking this relationship.

[Last year's:] jr@sco.COM Shiur HaRav Soloveichik ZTL on Parshas behar 9 May 96 The Rav analyzed the connection between the Parsha and the Haftarah (which is read only in leap years). The prophet Jeremiah is told that he is to redeem the field of his relative, Chanamel, who had apparently fallen on difficult times and was forced to sell his ancestral property. We find in Parshas Behar, that the Torah commands that if one is forced to sell his ancestral property, a relative shall be allowed to redeem it for him. The Rav asked why was it necessary for Chanamel to approach his relative, Jeremiah, and request that he redeem his field? Why did Jeremiah wait for a prophecy from Hashem before acting? After all, he was undoubtedly aware of the Parsha of Sdeh Achuzah in Parshas Behar, and his obligation, as a close relative, to aid in redeeming the property of his relative. He should have stepped forward on his own to do this. The Rav explained that Jeremiah was well aware of his obligation, yet he was troubled by the situation that was facing Bnay Yisrael. As he describes, the armies of Kasdim were poised to invade the city and exile the people. What purpose would be served by helping his relative redeem his field? He and all those who owned property will soon be evicted by the hordes that were about to invade the city. He could not see the reason to throw good money away on a futile act of redemption. His prophecy explains the unfolding events and

commands him to act. Jeremiah does not understand that there is a purpose behind the redemption of Chanamel's field. Jeremiah is commanded to prepare 2 documents, a Shtar Chasum (hidden contract) and a Shtar Galuy (an open, visible contract) "Sefer Hamikneh Es Hachasum Hamitzvah V'hachukim Ves Hagaluy". The contents of one document are visible to all while the other's are hidden and known only to the parties to the contract. The Haftorah concludes with the statement that Hashem is Gd of all living things, that nothing is beyond His capabilities. The two documents are symbolic of the relationship between Hashem and Bnay Yisrael. At times, Hashem deals with Bnay Yisrael in an open and evident manner, Derech Galuy. For example, when the Jews are living securely in Eretz Yisrael, there are no massed armies of Kasdim surrounding them ready to attack, they enjoy the obvious protection of Hashem and they accept, understand and perform the Mitzvos of Hashem. Within this context, the possibility of a Jew becoming poor and selling his ancestral property is understandable, as is the obligation of his relatives to redeem that property.

There are other times when Hashem relates to Bnay Yisrael through a sealed and complex manner, a Derech Chasum. It is difficult for us to understand what exactly Hashem wants from us. The mitzvos that were obvious to us within the context of Galuy relationship with Hashem become closed Chukim which we do not understand in a Chasum relationship. Within such a context, it is difficult to rationalize the obligation to redeem the field with the reality of impending or continued exile. What once was a simple Mitzvah, has transformed into a Chok, a mitzvah that we do not understand. Jeremiah thought that even if he redeems the property, Chanamel will derive limited benefit from it, as the exile was poised to begin. And with the conquest of the land, the original Kedusha of the land that was consecrated through the conquest of Joshua would be nullified. "Ancestral land" would have no meaning any more. Hashem commanded Jeremiah to redeem the property of Chanamel to show that even though Bnay Yisrael were about to enter the period of Derech Chasum, where they will have difficulty understanding the Mitzvos, that period will be followed by one that will be Galuy. The Jews will return to their lands after 70 years and once again they will dwell there and perform the Mitzvos in a Derech Galuy. Perhaps Chanamel will not derive benefit from his property. However his descendants will, when they return after the exile. Hashem told Jeremiah that he, Jeremiah, is looking at the short term situation. He must view things through a longer perspective. Therefore what Jeremiah thought was a useless act has deeper significance for future generations. Jeremiah was commanded to take the 2 documents and place them in an earthen vessel so that they may last a long time and testify to the promise that, eventually, the people will once again buy and sell homes and property in Eretz Yisrael and that they will return. Hashem guarantees their return through His omnipotence in the concluding verse of the Haftorah.

The Rav added that the Jubilee year, as it relates to the return of property, is to be viewed from 2 perspectives. On the one hand, the Torah requires that ancestral property revert to its original owners. On the other hand, it is to be viewed as a promise and a gift. For example, imagine that a destitute man sells his field. His descendants may not even be aware that at one point in time their father owned that field. When the Shofar is sounded to announce the Yovel, an emissary from Beis Din knocks on the door of the family and informs them that the property sold years ago by their ancestor is reverting to their ownership. They had no knowledge that they were entitled to this property; the guarantee that it will revert to them is a truly remarkable gift. In a microcosm, this sense of joy as it applies to the individual Jew relates to Knesses Yisrael in general. At the time of redemption, Hashem will, Kvayachol, knock on the door of the Jewish People and inform them that they are returning to their ancestral lands and are granted ownership of it again.

The Rav mentioned that he recalled as a child discussing with his father at length Seder Zeraim and the concepts and requirements of Mitzvos like Bikurim from the sections of Eretz Yisrael conquered by Joshua, those that were settled by the Babylonian returnees, individual conquest and national conquest and the status of the surrounding lands of Ever Hayarden. The Rav

mentioned that his grandfather, Reb Chaim, was attracted to these topics as spent a lot of time studying them. The Rav mentioned that as a child in Russia he asked the same question asked by Jeremiah: the land has been conquered by our enemies and is no longer ours. So why are we still studying the laws of Zeraim that only apply to Eretz Yisrael? The Rav answered that it is hard to understand these laws in the context of Derech Chasum that we find ourselves. The same promise given to Jeremiah applies to us as well. We have faith in the promise of the Torah that our Yovel will come, and we too shall return to Eretz Yisrael and practice our Mitzvos in the context of Derech Galuy. We have faith that there is no task too difficult for Hashem, and that we will return to Eretz Yisrael as He promised.

In summary, The Rav related the Haftorah from Jeremiah to the Parsha as indicating that we must view the concepts of Sdeh Achuzas as symbolizing both the short term, Shtar Chasum, and the long term, Shtar Galuy, that we hope to see in our days with the coming of Moshiach. This summary is Copyright 1996 by Dr. Israel Rivkin and Josh Rapps, Edison, N.J. Permission to reprint and distribute, with this notice, is hereby granted. These summaries are based on notes taken by Dr. Rivkin at the weekly Moriah Shiur given by Moraynu V'Rabbeinu Harav Yosef Dov Halevi Soloveichik ZTL over many years.

ravfrand@torah.org "RavFrand" List - Rabbi Frand on Parshas Behar - The Test of Chukim and the Test of Mishpatim The pasuk [verse] tells us "And you will do (va'Asisem) my 'Chukim,' and my 'Mishpatim' you will guard (Tishmoru), and you will dwell securely on the Land" [Vayikra 25:18]. The Torah uses a different verb when referring to Chukim than when referring to Mishpatim. Chukim are those laws in the Torah we seemingly do not know the reason for, such as the prohibition to wear Shatnez [forbidden mixtures (e.g. wool and linen)] and the prohibition to eat Chazir [pig]. Mishpatim are laws for which we know the reason -- they 'make sense.' Examples are the prohibition of stealing and of taking bribes. These are laws that any normal and decent society would enact and in fact does enact. Yet, by Chukim, the Torah says "You will DO my Chukim" and by Mishpatim the Torah uses the language "My Mishpatim you will GUARD." Why the change in verb from "do" to "guard?" The interpretation is that the main test or temptation when it comes to "Chukim" is that they do not seem to make sense. There is no logic, theoretically, to observing the laws of Shatnez or Kashrus. Therefore, the observance of "Chukim," by itself, is the challenge. However by Mishpatim there is a different test. Everyone knows it is not right to steal or kill. What then is the test? The test is not to go ahead and put parameters on the law based on our own understanding. We should not say "The reason for this law must be such and such. And if in this situation the reason does not apply or should not apply then we don't have to keep it." Everyone agrees that it is wrong to kill. Society cannot continue to exist with people killing each other. But the Torah says that perhaps there will be a society that will say that in certain situations it is right to go ahead and kill people. There was recently a case of a husband who was watching his wife suffer and killed her to put her out of her misery. This is at least a killing that a person could rationalize that maybe it is permitted. Therefore, the Torah says that when it comes to Mishpatim, we must GUARD them. Do not tamper with them. Do not say that if the reason does not apply in this situation, the law does not apply. GUARD them and make sure you do not fall into the trap of speculating on the reason for the command. Using this concept, we can understand an interesting Medrash. The Medrash says that at the moment when Solomon said, "I can take many (wives) and I will not stray (from the laws of the Torah)" the letter Yud from the word Yarbeh (will take many) came before G-d and complained, "Solomon is making light of me (mevatel o-si), don't let him do it!" The Medrash concludes that in the end Solomon's wives did turn his heart astray. This Medrash implies that King Solomon was in fact capable of having many wives without their having an effect on him. It was only as a result of the claim of the 'Yud' that G-d made it that Solomon was in fact affected. The Menoras HaMaor interprets this

Medrash as follows: The word "VaYehi" [vov-yud-hay-yud] means "And it was" (past tense). The word "Yehi" [yud-hay-yud] means "Will be" (future tense).

The Yud came before G-d and argued, "Granted that Solomon is capable of withstanding many wives, but if he argues that the laws of the Torah are not applicable to him, what will be in the future?" If people see Solomon set a precedent of taking a "Mishpat" and analyzing the reason behind the pasuk, saying it does not apply to himself, then ultimately all the Mishpatim in the Torah will be nullified. In the future, everyone will say, "I will do it and it will not effect me. It does not apply to me. This is an exception to the rule..." The Yud (representing the future tense) came and argued, "What's going to be with me?" -- the future is at stake! For the sake of future generations, that they should not learn from Solomon's precedent of interpreting the reasons for the Mishpatim; but that rather they should GUARD the Mishpatim, it was necessary to cause the outcome that in the end his wives did cause his heart to turn astray. The test of the Chukim is the DOING. The test of the Mishpatim is the GUARDING.

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Jerusalem Post SHABBAT SHALOM: Freedom for All

By RABBI SHLOMO RISKIN (May 22) "And you shall hallow the 50th year, and proclaim liberty throughout all the land for all its inhabitants. It shall be a Jubilee to you, and you shall return every man to his possession, and you shall return every man to his family." (Lev. 25:10)

Does our Torah teach a religion which is God-centered or human-being centered? This week's portion of Behar refers to an event which occurred only twice in a century, when the blast of the shofar proclaimed freedom from social and economic bondage. As a concept, Jubilee is earthshaking, its power derived from the fact that it's an all-consuming event that lasted a full year and turned the Jewish world right side up after what may have been for many individuals 49 years of inequity, humiliation and pain. It must also be remembered that the Jubilee year did not occur in a vacuum. Each week culminates in the Sabbath day, a 25-hour period dedicated to spiritual refreshment and reverence for life, wherein we are commanded that "your

Gentile man-servant and maid-servant must rest like you." (Deut. 5:14) Every seventh year was a Sabbatical year, when the land was to lie fallow, loans were to be cancelled, and farmers were free to study. And after seven such cycles came the triumph of Jubilee. Born out of a desire to redress economic exploitation and personal misfortunes, Jubilee freed all slaves, gave everyone a chance for a new economic start, and proclaimed the Jewish right of return. Jubilee also contains a historic and, if you will, even messianic message. It teaches that eventually every individual will be freed from persecution, exile and foreign domination; eventually the children will return to the land of their ancestors. The Sabbath day, the Sabbatical year and the Jubilee epoch also serve to illuminate a central concern of Torah Judaism: observance of Jewish law and our return to our ancestral homeland must take place within a context of human freedom and equal opportunity.

All too often, unfortunately, the indelible bond between ritual and righteousness, ethnic connection and ethical sensitivity seems to be missing from our religious consciousness. Rav Yisrael Salanter, great Lithuanian Jewish religious leader of the nineteenth century, established the Mussar Movement in an attempt to restore the fundamental identity of religio-legalism with humanistic concerns. An excellent illustration is the following story: One Rosh Hashana night, as Rav Yisrael sat unrecognized in a strange synagogue, his attention was drawn toward a Jew who was translating his prayers into German, every muscle of his body concentrating on the words. "Elokai - ad shelo notzarti, eini kedai," the man's voice trembled, "Oh, God, before I was born I was worthless, and now that I'm born it's as if I had never been born..." It sent a chill through the rabbi's heart.

"Afar ani be-hayai ... I am dust in my life ... a vessel filled with shame and embarrassment." It didn't take too long before someone recognized the renowned rabbi. The sexton asked him to honor the

congregation by sitting next to the Holy Ark. But Rabbi Yisrael refused. He was much more interested in sitting close to the worshipper who translated every word with such profound emotion.

On the Day of Atonement, however, when this seemingly humble Jew was given the honor of tying the Torah scroll (gelila), he began to tremble with rage: "How dare you!" he seethed at the sexton. "Don't you realize what I am? Haven't you seen how I sat here all Rosh Hashana, praying with every ounce of strength my soul could bear? Is this the only honor you can afford me?!" No one in the thunderstruck congregation was more shocked than Rabbi Yisrael Salanter. At the first opportunity he turned to the man and asked him how he reconciled passionate prayer with passionate pride. "Pride!" he sneered, nearly choking on his anger. "What pride? Every tear I weep is genuine, I feel it in the depth of my bones. Compare me to God and I'm nothing, a vessel filled with the shame of sin, a foul creature. But compared to these shoemakers, to that gabbai?! I certainly deserve to be honored to a greater extent than gelila!"

Every individual, taught Rav Avraham Yitzhak haKohen Kook, first chief rabbi of Israel, has a unique opportunity to serve the Almighty. The way in which he or she does so, however, depends on the individual's gifts of character, intellect and emotion as well as the needs of the generation.

On the Days of Awe, when each of us must plumb the depths of his or her conscience to ascertain if we are accomplishing all that we can, the prayer book helps in our meditation: "O God, before I was born, I was worthless" - because I could not have possibly begun to fulfill my life's mission. "And now that I have been born, it's as though I had not been born" - because I am not fulfilling myself in accord with my potential!

The Jubilee year has not yet been re-established. But are we sufficiently expressing the Torah's concern for the cessation of human exploitation, for opportunity for all, for the absolution of unfair indebtedness and exorbitant interest rates?

I would suggest that only when religious Judaism expresses the social concerns of our tradition do we have a chance of sounding the shofar of Jubilee and Redemption. Shabbat Shalom

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torah@chabad.org (W-2-LIST Chabad-Lubavitch) Adaptation of Likutei Sichos by Rabbi Sholom Ber Wineberg

Based on the teachings and talks of the Lubavitcher Rebbe
Rabbi Menachem M. Schneerson on the weekly Torah Portion
Shemittah and Shabbos

In the Torah portion of Behar, the verse describes the Sabbatical Year, Shemittah, as follows: "The seventh year is a sabbath of sabbaths for the land; it is a sabbath unto G-d, during which you may not plant your fields nor prune your vineyards." Rashi comments on the words "it is a Sabbath unto G-d," and explains: "For the sake of G-d; similar to that which is stated regarding the Shabbos of Creation." What does Rashi mean by this comment? The Torah provides two reasons for the Jews' obligation to rest on Shabbos: a) to commemorate the work of Creation -- since G-d made heaven and earth during the Six Days of Creation and rested on the seventh, therefore we are to work for six days of the week and rest on Shabbos; b) to commemorate the Exodus from Egypt, as the verse states: "You shall remember that you were a slave in the land of Egypt... therefore the G-d your L-rd has commanded you to observe the day of Shabbos." By explaining that the rest of the Shemittah year is likened to the Shabbos of Creation, Rashi is telling us that the intent of resting during Shemittah is to commemorate the fact that G-d created the world in six days and rested on the seventh. However, this gives rise to the following question: Since, according to Rashi, the intent of Shemittah and Shabbos are seemingly one and the same -- to commemorate G-d's creation of the world in six days and His resting on the seventh -- why the duplication? Why are we commanded to rest on the seventh day of the weekly cycle, as well as on the seventh year of the seven-year cycle? The sanctity of Shabbos envelops and permeates the Jew, including his physical body and material needs. Thus, we have the mitzvah of "calling the

Shabbos a 'delight,' " and taking pleasure in all manner of things, including eating, drinking, etc. Although during the rest of the week, we are to partake of permissible worldly matters only in accordance with our needs, and overindulgence for the sake of pleasure is not permitted, on Shabbos the indulgence in these selfsame pleasures is considered a mitzvah. This is because the sanctity of Shabbos permeates even man's physical properties, so that he must also delight in them. This delight takes the form of a mitzvah, and is sanctified and holy. Thus, when Rashi compares the sabbath of Shemittah to the Shabbos of Creation, he is conveying not only the prohibitory aspects -- the need to cease from working the land during Shemittah just as on Shabbos we cease all creative labor -- but also the positive ones: just as all physical matters are sanctified on Shabbos, so too are we to draw down the sanctity of Shemittah within the fruits of the Shemittah year, for "In all your ways shall you know Him."

Accordingly, we now understand that, just as there exists a special quality within Shabbos that Shemittah lacks, so too does Shemittah possess a quality lacking in Shabbos: The Shabbos day possesses the special quality (lacking in Shemittah) that, on this day, man and the rest of creation are elevated to a higher level. Thus, all manner of creative labor is prohibited, and all of a person's needs are considered matters of delight, and are categorized as a mitzvah. Shemittah, on the other hand, is "a Sabbath for the land," the "land engages in a Sabbath to G-d," wherein the "sabbath unto G-d" is drawn down within man's physical and earthly affairs. There is a lesson contained within the mitzvah of Shemittah: Man's union with G-d is not limited to the time spent in the study of Torah or in prayer, when he divorces himself from worldly affairs. Rather, he can and should seek holiness and union with G-d even while engaging in worldly matters, for "in all your ways shall you know Him." Based on Likkutei Sichos, Vol. XII, pp. 108-114

weekly-halacha@torah.org Parshas Behar-Laws of Monetary Interest
WEEKLY-HALACHA FOR 5757 COPYRIGHT 1996-7
SELECTED HALACHOS RELATING TO PARSHAS BEHAR
By Rabbi Doniel Neustadt A discussion of Halachic topics
related to the Parsha of the week. For final rulings, consult your Rav.

Do not take from his interest and increase (Lev. 25:36)

EVERYDAY CASES INVOLVING INTEREST

Although the Biblical prohibition against charging interest (ribbis) on a loan is well-known, few people are aware of the many applications and ramifications of the laws of interest. Transgressing these laws could result in the violation of up to six negative commandments according to the Rambam(1), so it is imperative that we examine some everyday situations where the laws of interest apply.

SOME FORBIDDEN FORMS OF BORROWING: A

loan may not be made with conditions which will benefit the lender. He may not stipulate that in exchange for the loan, the borrower should patronize him, refer others to his or another person's business(2), be given a job(3) or make a donation to tzedakah(4). It is permitted, however, to lend money with the stipulation that the borrower will accept a job offer or take a course, etc., if the lender's aim is solely to benefit the borrower or to ensure that his loan will be repaid(5). It is forbidden to lend money to a handyman on condition that he will work for the lender at a lower wage(6).

It is forbidden to borrow another person's credit card to make a purchase on which the borrower makes monthly payments with interest. Similarly, it is forbidden! to borrow another person's credit card to obtain a cash advance. These transactions are forbidden because legally, the owner of the card is responsible for the payments. In effect, it is as if the borrower is borrowing money from the credit card owner and then repaying him the principal plus interest(7). It is permitted to borrow another person's credit card (when no interest is paid) even though the credit card owner benefits from the borrower's purchase by earning mileage, etc.(8).

It is forbidden to lend money on condition that the borrower will - at a later date - lend the lender money for a longer period of time or for a larger

amount of money than the present loan entails. It is debatable if the lender can make that type of condition if the terms will be the same as those of the present loan(9).

It is forbidden to charge extra money for a post-dated check, since the person issuing the check is actually paying interest for the privilege of delaying payment. A form of ribbis of which many people are not aware of is the case of two people agreeing to an uneven exchange of jobs or chores. For instance, a teacher may not say to a colleague, "I will teach your period if you will teach mine" - if the two periods being exchanged are not exactly equal, both in the length of time and in the difficulty of work entailed(10). Similarly, one may not say to his friend, "I will paint your house if you will paint mine," if the two houses are not exactly even in size and in the amount of work involved(11). It is forbidden to tell someone, "Have a meal with me, since I ate at your house last week". This appears to be payment of debt, and since one might give his friend a more elaborate meal than the meal he received, it may be perceived as ribbis. Some poskim(12), however, permit saying, "Come to my house for lunch, and I'll eat lunch at your house next week", while other poskim prohibit this as well(13). NOTE: It is important to remember that in many of the cases in which it is prohibited to charge interest, a heter iska (a partnership agreement) can be drawn up by a competent rabbinic authority which allows the transaction to be carried out in a halachically permissible manner.

SOME FORBIDDEN FORMS OF REPAYMENT: The prohibition of ribbis is not limited to monetary payments. A favor or a benefit of any sort which the lender receives from the borrower may fall into the category of interest. There are several basic rules which govern the extent of this prohibition: A borrower may not extend a favor to a lender just because he got a loan from him. If the borrower would not have done the favor otherwise, it is forbidden to do the favor; The borrower may not do a favor for the lender in public even if he would have done the favor regardless of the loan; When the relationship between a borrower and a lender is long established and the borrower has previously granted public favors to the lender, such a relationship may continue even after a loan takes place.

SOME APPLICATIONS OF THESE RULES: A borrower may not praise(14) or bless(15) a lender for lending him money or for extending a payment deadline. Some poskim even prohibit saying a simple thank-you(16), while others allow a simple thank-you(17). A borrower may not buy a lender an aliyah in appreciation of a loan(18).

A borrower may not send Mishloach Manos to a lender(19), tut or a lender or his child in the study of Torah without compensation(20), offer him charity(21), sell him goods or offer a service below market price,(22) or buy goods from him or pay him for a service above market value(23), unless he would have done so regardless of the loan. A borrower may invite a lender to a wedding even if he would not have invited him were it not for the loan(24). Institutions, e.g., yeshivos, shuls, etc. may honor an individual who has loaned them money provided that the honor was not a condition for granting the loan(25). It is permitted for a borrower to give a wedding gift to the son or daughter of a lender(26), even if he would not have given a gift were it not for the loan. The gift must be an item which the groom's/bride's father would not normally purchase for his child(27).

A borrower may extend to a lender a common courtesy, such as changing money for him. A lender, though, may not (strongly) request a favor from a borrower, even if it is merely a common courtesy(28). Note: All non-financial benefits and favors are only prohibited while a loan is outstanding. Once a loan is repaid, this type of ribbis prohibition no longer applies(29).

FOOTNOTES: 1 Hilchos Malveh V'loveh 4:2. See also Sefer Hamitzvos (Shoresch) 6. 2 YD 160:23; Igros Moshe YD 3 Hilchos Ribbis 160:18. 3 Shulchan Aruch Harav 14. 4 Rama YD 160:14 (concerning hekdesch). R' Akiva Eiger adds that it is also prohibited to say, "I will lend you 100 if you will return 102 to hekdesch". 5 Questions of Interest pg. 45. 6 Shach YD 160:37. 7 Mishnas Ribbis 17:7 based on YD 168:17. See also Igros Moshe YD 3:42.

Sometimes, the borrower promises to make payments within the grace period and then fails to honor his commitment, leaving the credit card owner with the interest payments. See! Mishnas Ribbis who discusses several ways where the lender may be compensated in this case. 8 Since the points are awarded by credit card company, not by the borrower. 9 Rama YD 160:9. 10 If, however, the work itself is comparable but the wages are not (for reasons of seniority, etc.) they are permitted to switch - Toras Ribbis pg. 227. 11 YD 160:9. Partners, however, may divide their work in any way they choose and exchange their obligations at any time - Chasam Sofer YD 135. 12 Rama OC 170; Aruch Hashulchan OC 170:14. 13 Taz quoted by Mishnah Berurah 170:32. 14 Nor may he greet him in a warmer or more gracious manner than he had previously greeted him - YD 160:11. 15 Even expressions like yeyashar kochachem or tizku l'mitzvos are questionable - see Birkei Yosef 160:12 and Bris Yehudah 11:29. 16 Igros Moshe YD 1:80. A possible solution is to thank him for his effort in making the loan. 17 Harav S.Z. Auerbach (Minchas Shlomo 27); Harav S.Y. Elyashiv (Mishnas Ribbis 4 fn. 21); Harav Yechezkel Roth (Questions of Interest pg. 61). 18 Shach YD 166:1. 19 Mishnas Ribbis 3 fn. 18. 20 YD 160:10. 21 Shulchan Aruch Harav 14. 22 Shach 160:37. 23 Shach 173:6. 24 Harav Yechezkel Roth and other poskim quoted in Questions of Interest (pg. 57). Several reasons are given: 1. The invitation is in recognition of their present social friendship, not an expression of appreciation. 2. A wedding invitation is not a public honor. 3. A wedding host considers the food as a gift to his guests. 25 Based on YD 160:18. 26 A Bar/Bas Mitzvah gift may be given only after the child's birthday has passed, since prior to his birthday, the item will belong to the father, who is the lender. 27 Bris Yehudah pg. 227. 28 YD 160:12, Shulchan Aruch Harav 10. See Darkei Teshuvah 80 and Bris Yehudah 11:14. 29 Birkei Yosef YD 160:11. See Yabia Omer YD 4:9.

Last week's halacha emor WEEKLY-HALACHA FOR 5757

SELECTED HALACHOS RELATING TO PARSHAS EMOR

By Rabbi Doniel Neustadt A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

The seventh day is a Sabbath day of complete rest... you should not do any work (Lev. 23:3).

HOW DO WE DETERMINE WHEN AN ITEM BECOMES MUKTZEH?

The verse cited above raises an obvious question: Isn't the word Shabbason (complete rest) superfluous? Is it not sufficient to simply command: "The seventh day is a Sabbath day... you should not do any work." What is added by the word Shabbason? The Ramban¹ answers that the words "you should not do any work" refer to the prohibition against any of the thirty-nine Biblically forbidden Shabbos Labors. But the word Shabbason refers to the rabbinical obligation to enact shvusim, additional restrictive measures to ensure a superior quality of "rest" beyond that which is achieved by refraining (1) from the thirty-nine forbidden Shabbos Labors. One such measure is the prohibition of muktzeh, which severely curtails the types of objects which may be moved on Shabbos. By decreeing that there are many objects which are "off limits", our Sages ensured a "complete rest" on Shabbos (2)

It is not within the purview of this Discussion to cover all of the complexities of muktzeh. Instead, we will focus on the rationale behind the classification of muktzeh items: How and why does an item become muktzeh?(3).

WHAT DOES MUKTZEH MEAN? Muktzeh means "set apart".

Generally speaking, items which are prepared or designated for use on Shabbos are not muktzeh. Items which - for one of several reasons - are not ready or designated to be used on Shabbos are muktzeh.

Although there are many criteria for determining whether or not an item is muktzeh, for the sake of our Discussion we will group them into two basic types: a) Severe (chamur) muktzeh - items which are "set apart" before Shabbos because they will definitely not be used on Shabbos. [This includes items which are classified as "non utensils", such as a rock, as well as items which are classified as "delicate" or "precision" utensils, such as a ritual

slaughterer's knife, which will not be ! used for any permitted Shabbos activity, because it is so easily damaged], and b) Light (kal) muktzeh - items which are set apart because they are normally used for activities which are prohibited on Shabbos, but may, on occasion, be used for a permitted Shabbos activity, e.g., scissors =

WHAT DIFFERENCE IS THERE BETWEEN THE TWO TYPES OF MUKTZEH?

Severe muktzeh may never (4) be moved in a normal, straightforward manner (5), while light muktzeh may be moved in either one of the following two cases: a) If the muktzeh item is needed in order to perform a permissible activity, or b) if the place which the muktzeh item occupies is needed in order to perform a permissible activity. Let us explain:

In order to perform a permitted activity: A hammer, a typical light muktzeh, may be used in order to crack nuts. A sewing needle, another light muktzeh, may be used to remove a splinter from one's finger. Since nut-cracking and splinter removal are permitted activities, a light muktzeh item may be used. [The poskim (6) note, however, that light muktzeh should only be employed when no other suitable item is readily available. Therefore, if a nutcracker and a hammer are equally accessible, the nutcracker should be used. There is no need, however, to borrow a nutcracker if a hammer is available.]

If the place which the muktzeh item occupies is needed - If a tool was left on a bed and the bed is needed for sleeping, or if scissors were left on a chair and the chair is needed for sitting, the! light muktzeh item may be picked up and removed, since the muktzeh article is in the way of a need which is permitted to be met on Shabbos. Also, if the light muktzeh is in the way of a permitted item, e.g., a hammer is on a bookshelf and it is blocking a book, it is permitted to move the hammer in order to reach the book. [It is questionable if one is allowed to move a light muktzeh item which is simply creating a clutter but not actually interfering with a permissible activity, e.g. a hammer left lying on the mantel. Contemporary poskim disagree whether moving it is permitted (7).]

SOME COMMON EXAMPLES OF SEVERE MUKTZEH:

Animals (8), bar of soap (9), camera, detergent, eye-shadow, flour, glue, light bulb, lulav (10), matches (11), mascara, money, nutshells, raw barley, roll of silver foil or toilet paper (12), shatnez garment (13), shofar (14), Vaseline, toothpaste.

SOME COMMON EXAMPLES OF LIGHT MUKTZEH:

Car (15), car key (16), comb, crayon, empty wallet, empty kettle, fan (17), flashlight (18), garden hose, hammer, mop and pail, pen (19), pencil sharpener, potato peeler, rolling pin, ruler, scales, scissors, screwdriver, stapler, store catalog (20), telephone book (21), toaster, whistle. Some items whose status is questionable - severe or light muktzeh: There are some muktzeh items - an unlit candle, unlit candlestick, lipstick, copy paper - whose status is debatable(22). On the one hand, these items are utensils like the light muktzeh items listed above, but unlike those light muktzeh items they do not have a function which is permitted on Shabbos [e.g., there is nothing permissible that can be done with a tube of lipstick on Shabbos]. Because they do not, some poskim (23) consider them as severe muktzeh, and forbid moving them even if the place they occupy is needed to perform a permissible activity. Other poskim (24) hold that it is not necessary that they have a function which is permissible on Shabbos and they may be classified as light muktzeh since they are, after all, utensils. Under extenuating circumstances one may be lenient and consider these items as light muktzeh (25).

SOME ITEMS WHICH WHOSE STATUS AS MUKTZEH IS IN QUESTION ALTOGETHER:

Pictures or clocks on the wall (26), buttons that fell off a garment (27), snow (28)

FOOTNOTES:.

1 Lev. 23:24. 2 See Rambam (Hilchos Shabbos 24:12) for other reasons why our Sages enacted the prohibition of muktzeh. 3 The laws of muktzeh differ somewhat from Shabbos and Yom Tov. This Discussion covers Shabbos only. 4 Severe muktzeh can be directly moved in the following cases: 1) When the muktzeh is foul-smelling or disgusting; 2) When the muktzeh presents a hazard; 3) When moving the muktzeh will prevent a loss from fire, looters, etc.: 4)

When human dignity is involved. All these exemptions have rules and limitations, and they will be discussed elsewhere. 5 Indirectly, however, even severe muktzeh may be moved. The many details involved will be discussed elsewhere. 6 Mishnah Berurah 308:12, as explained by Igros Moshe OC 5:21-12. 7 Igros Moshe OC 5:22-31, Harav S. Y. Elyashiv (Shalmei Yehudah pg. 11) Az Nidberu 8:30 are stringent, while Harav S.Z. Auerbach (quoted in Shmiras Shabbos K'hilchasah pg. 235) and Machzei Eliyahu 46 are lenient. 8 OC 308:39. = 9 Igros Moshe OC 5:22-15; Harav S.Z. Auerbach (Tikunim U'miluim pg. 32.); Harav S.Y. Elyashiv (Shalmei Yehudah pg. 158). 10 Mishnah Berurah 308:25 (because it is not a utensil); Aruch Hashulchan 308:17 (because it is "delicate"). 11 The muktzeh status of matches is questionable. Some (Harav M. Feinstein) consider them severe muktzeh; others (Harav S. Z. Auerbach; Harav B. Silber) rule them to be light muktzeh, while others hold they are a questionable muktzeh, similar to the those listed below. See Meorei Eish pg. 37, Shmiras Shabbos K'hilchasah pg. 154 and 239, Sefer Tiltulei Shabbos pg. 82 and Shalmei Yehudah pg. 74 for the various views and reasons. 12 Shalmei Yehudah pg. 98 and pg. 171. 13 OC 308:47. 14 Although Rama 308:4 considers a shofar to be light muktzeh, contemporary poskim (Harav S.Y. Elyashiv - Shalmei Yehudah pg. 32; Harav S.Z. Auerbach (Shmiras Shabbos K'hilchasah pg. 361 and in Tikunim U'milluim pg. 32) agree that nowadays a shofar is too "delicate" to be used for anything other than blowing which is prohibited on Shabbos. 15 Igros Moshe OC 5:21-11; Shalmei Yehudah pg. 201. 16 Harav S.Y. Elyashiv (Shalmei Yehudah pg. 202). If the key opens the door, then it is not muktzeh. See Tikunim U'miluim pg. 254 where Harav S.Z. Auerbach holds that if a light goes on when the car door opens, then the keys are severe muktzeh. 17 Igros Moshe OC 3:49; 5:22-22. Harav S.Z. Auerbach (Shalmei Yehudah pg. 51) does not consider a fan muktzeh at all. 18 Zachor V'shamor 41:4. Shalmei Yehudah pg. 55 quotes Harav S.Y. Elyashiv's opinion that a flashlight is severe muktzeh. 19 Igros Moshe OC 5:22-32; Harav S.Y. Elyashiv (Shalmei Yehudah pg. 197). There are some who hold that pens are included in the questionable category listed below, see Shmiras Shabbos K'hilchasah pg. 234. 20 Igros Moshe OC 5:22-19. 21 Harav S.Z. Auerbach (Shmiras Shabbos K'hilchasah pg. 239. See also Tikunim U'miluim.) 22 Harav S.Y. Elyashiv (Shalmei Yehudah pg. 180) includes nails and screws in this category. Zachor V'shamor 41:9 considers those items to be severe muktzeh. 23 Pri Megadim (Eishel Avraham 308:12); Mishnah Berurah 308:34 quoting the Yaavetz; Aruch Hashulchan 279:1;308:23; Chazon Ish 44:13. 24 Tosfos Shabbos 308:29; Shaar Hatzion 279:4 based on Magen Avraham; Igros Moshe OC 5:22-28,32. 25 Harav S.Z. Auerbach and Harav S.Y. Elyashiv (Shalmei Yehudah pg. 19); Shevet Halevi 2:32; Az Nidberu 8:67; Zachor V'shamor 41:4. 26 Some poskim (Chazon Ish OC 43:17) hold that they are severe muktzeh, while other poskim (Igros Moshe OC 5:21-13; 22-12) hold that they are not muktzeh at all. See also Mishnah Berurah 308:8; 308:168 and Shalmei Yehudah pg. 71. 27 Mishnah Berurah 308:35 seems to hold that a button that is going to be reattached is not muktzeh. Igros Moshe OC 5:22-20 disagrees and prohibits all buttons. Harav S.Z. Auerbach (Shmiras Shabbos K'hilchasah pg. 178) and Harav S.Y. Elyashiv (Shalmei Yehudah pg. 80) hold that according to the basic halachah it is permissible but it is proper to be stringent. 28 Mishnah Berurah 338:30 rules that rain is not muktzeh. Some poskim (Har Tzvi - Soser; Harav S.Y. Elyashiv - Shalmei Yehudah pg. 203; Shmiras Shabbos K'hilchasah pg. 190) hold that snow is similar to rain, while others (Igros Moshe OC 5:22-37) hold that snow is different and is considered severe muktzeh.

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Parshas Behar For the week ending 17 Iyar 5757 24 May 1997

Parsha Questions 1. Why does the Torah specify that the laws of shemita were taught on Har Sinai? 2. If one possesses shemita food after it is no longer available in the field, what must he do with it? 3. The Torah commands, "You shall sanctify the fiftieth year." How is this done? 4. Which two 'returns' are announced by the shofar during yovel? 5. From where does the yovel year get its name? 6. What prohibitions are derived from the verse "V'lo sonu ish es amiso..." A person shall not afflict his fellow...? 7. What is the punishment for neglecting the laws of shemita? 8. If shemita is observed properly, how long is the crop of the sixth year guaranteed to last? 9. Under what circumstance may one sell ancestral land? 10. After selling an ancestral field, when can one redeem it? 11. If a home in a walled city is sold, when can it be redeemed? 12. What does the word 'days' mean in this week's Parsha? 13. What is considered a walled city? 14. What is the definition of a "ger toshav"? 15. To what is one who leaves Eretz Yisrael compared? 16. Why does Rashi mention the plague of the first born in this week's Parsha? 17. List three prohibitions which demonstrate the dignity with which one must treat a Jewish indentured servant. 18. Who supports the family of the Jewish indentured servant during his years of servitude? 19. If a Jew is sold as a servant to a non-Jew, does he go free after six years? 20. Where is it permitted to prostrate oneself on a stone floor?

"If you say: 'What will we eat in the seventh year? - behold! We're not going to plant seed, and we're not going to gather in our crops!' Then I will command My blessing for you in the sixth year and it will produce a crop enough for three years." (25:20) This verse implies that the crop in the sixth year will be miraculously blessed only if the People say "What will we eat in the seventh year?" But if they don't say this, then the land will produce only the normal amount of food. If that should happen, how would the people survive? What would they eat?

I Did Not Know That! Rabbi Yishmael said, "When the People of Israel do the will of Hashem, they will keep shemita one year out of seven. But when they do not do the will of Hashem, they will end up keeping four 'shemita's' every seven years! How so? Their land will not be very productive, and so they will need to leave it fallow every other year (in order to replenish the depleted mineral supply)." Ramban based on the Midrash

Recommended Reading List Ramban 25:3 First Six Years 25:9 Two Kinds of "Shofar" 25:10 The Word "Yovel" 25:20 Three Year Blessing 25:23 Ban on Perpetual Sale 25:36 Two Kinds of Usury 26:1 Commitment in Hostile Environment Sefer Hachinuch 330 Counting until Yovel 331 Call of the Shofar 337 Unfair Profit 342 National Land 343 Usury Sforno 25:4 "A Shabbos to Hashem"

Answers to this Week's Questions All references are to the verses and Rashi's commentary, unless otherwise stated

1. 25:1 - To teach us that just as shemita was taught in detail on Har Sinai, so too, all the mitzvos were taught in detail on Har Sinai. 2. 25:7 - Remove it from his property and declare it ownerless. 3. 25:10 - At the beginning of the year the Beis Din declares, "This year is kadosh (sanctified)." 4. 25:10 - The return of the land to its original owner, and the "return" (freedom) of the slave from slavery. 5. 25:10 - From the sounding of the shofar. A ram's horn is called a yovel. 6. 25:17 - One may not intentionally hurt people's feelings, nor give bad advice while secretly intending to reap benefit. 7. 25:18 - Exile. 8. 25:21,22 - From Nissan of the sixth year until Succos of the ninth year. 9. 25:25 - Only if one becomes impoverished. 10. 25:24 - Anytime after two years following the sale until yovel. At the beginning of yovel it returns to the family automatically. 11.

25:29 - Only within the first year after the sale. Afterwards, even in yovel, it does not return. 12. 25:29 - The days of an entire year. 13. 25:29 - A city that has been surrounded by a wall since the time of Yehoshua. 14. 25:35 - A non-Jew who lives in Eretz Yisrael and accepts upon himself not to worship idols. 15. 25:38 - To one who worships idols. 16. 25:38 - The prohibition against taking interest is accompanied by the phrase, "I am Hashem your G-d who took you out of Egypt." Rashi explains that just as Hashem discerned in Egypt between those who were first-born and those who were not, so too will Hashem discern and punish those who lend with interest, pretending they are acting on behalf of others. 17. 25:39-43 - a) Do not make him perform humiliating tasks; b) Do not sell him publicly; c) Do not make him perform unnecessary jobs. 18. 25:41 - His master. 19. 25:54 - No. If he is not redeemed with money, he must wait until the yovel to go free. 20. 26:1 - In the Mikdash. 21. If the Jewish People have trust in Hashem and don't say "What will we eat in the seventh year?" then the food grown in the sixth year will have extraordinary nutritional value. People will need to eat only a tiny bit in order to feel fully satisfied. Sforno

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