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ON **BEHAR** - 5771

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subject Sefira Reminder: Day 25  
This is a Sefira reminder for Friday evening, May 13.  
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Covenant & Conversation  
Thoughts on the Weekly Parsha from  
**Lord Jonathan Sacks**  
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**Behar-Bekuotai 5770**  
I WANT, IN THIS STUDY, to look at one of Judaism's most distinctive and least understood characteristics - the chronological imagination.

The modern world was shaped by four revolutions: the English, the American, the French and the Russian. Two – the English and American – were inspired by the Hebrew Bible which in the sixteenth and seventeenth centuries, because of the Reformation and the invention of printing, became widely available for the first time. The French and Russian revolutions, by contrast, were inspired by

philosophy: the French by the work of Jean Jacques Rousseau, the Russian by the writings of Karl Marx. Their histories are markedly different. In England and America, revolution brought war, but led to a gradual growth of civil liberties, human rights, representative government and eventually democracy. The French and Russian revolutions began with dreams of utopia and ended in a nightmare of hell. Both gave rise to terror and bloodshed and the repression of human rights.

What is the difference between philosophy and the political vision at the heart of Tenakh? The answer lies in their different understandings of time.

The sedra of Behar sets out a revolutionary template for a society of justice, freedom and human dignity. At its core is the idea of the Jubilee, whose words ("Proclaim liberty throughout all the land unto all the inhabitants thereof") are engraved on one of the great symbols of freedom, the Liberty Bell in Philadelphia. One of its provisions is the release of slaves:

If your brother becomes impoverished and is sold to you, do not work him like a slave. He shall be with you like an employee or a resident. He shall serve you only until the jubilee year and then he and his children shall be free to leave you and return to their family and to the hereditary land of their ancestors. For they are My servants whom I brought out of the land of Egypt; they shall not be sold as slaves. Do not subjugate them through hard labour – you shall fear your G-d . . . For the children of Israel are servants to Me: they are My servants whom I brought out of the land of Egypt – I am the Lord your G-d. he terms of the passage are clear. Slavery is wrong. It is an assault on the human condition. To be "in the image of G-d" is to be summoned to a life of freedom. The very idea of the sovereignty of G-d means that He alone has claim to the service of mankind. Those who are G-d's servants may not be slaves to anyone else. At this distance of time it is hard to recapture the radicalism of this idea, overturning as it did the very foundations of religion in ancient times. The early civilizations – Mesopotamia, Egypt – were based on hierarchies of power which were seen to inhere in the very nature of the cosmos. Just as there were (so it was believed) ranks and gradations among the heavenly bodies, so there were on earth. The great religious rituals and monuments were designed to mirror and endorse these hierarchies. In this respect Karl Marx was right. Religion in antiquity was the robe of sanctity concealing the naked brutality of power. It canonized the status quo.

At the heart of Israel was an idea almost unthinkable to the ancient mind: that G-d intervenes in history to liberate slaves – that the supreme Power is on the side of the powerless. It is no accident that Israel was born as a nation under conditions of slavery. It has carried throughout history the memory of those years – the bread of affliction and the bitter herbs of servitude – because the people of Israel serves as an eternal reminder to itself and the world of the moral necessity of liberty and the vigilance needed to protect it. The free G-d desires the free worship of free human beings.

Yet the Torah does not abolish slavery. That is the paradox at the heart of Behar. To be sure it was limited and humanized. Every seventh day, slaves were granted rest and a taste of freedom. In the seventh year Israelite slaves were set free. If they chose otherwise they were released in the Jubilee year. During their years of service they were to be treated like employees. They were not to be subjected to back-breaking or spirit-crushing labour. Everything dehumanizing about slavery was forbidden. Yet slavery itself was not banned. Why not? If it was wrong, it should have been annulled. Why did the Torah allow a fundamentally flawed institution to continue?

It was Moses Maimonides in *The Guide for the Perplexed* who explained the need for time in social transformation. All processes in nature, he argued, are gradual. The foetus develops slowly in the

womb. Stage by stage a child becomes mature. And what applies to individuals applies to nations and civilizations:

It is impossible to go suddenly from one extreme to the other. It is therefore, according to the nature of man, impossible for him suddenly to discontinue everything to which he has been accustomed. Accordingly, G-d did not ask of the Israelites that they suddenly abandon everything they had become used to in Egypt. "G-d refrained from prescribing what the people by their natural disposition would be incapable of obeying." But surely G-d can do anything, including changing human nature. Why then did He not simply transform the Israelites, making them capable immediately of the highest virtue? Maimonides' answer is simple:

I do not say this because I believe that it is difficult for G-d to change the nature of every individual person. On the contrary, it is possible and it is in His power . . . but it has never been His will to do it, and it never will be. If it were part of His will to change the nature of any person, the mission of the prophets and the giving of the Torah would have been superfluous. In miracles, G-d changes nature but never human nature. Were He to do so, the entire project of the Torah – the free worship of free human beings – would have been rendered null and void. There is no greatness in programming a million computers to obey instructions. G-d's greatness lay in taking the risk of creating a being, homo sapiens, capable of choice and responsibility – of obeying G-d freely.

G-d wanted mankind to abolish slavery but by their own choice, and that takes time. Ancient economies were dependent on slavery. The particular form dealt with in Behar (slavery through poverty) was the functional equivalent of what is today called "workfare", i.e. welfare benefit in return for work. Slavery as such was not abolished in Britain and America until the nineteenth century, and in America not without a civil war. The challenge to which Torah legislation was an answer is: how can one create a social structure in which, of their own accord, people will eventually come to see slavery as wrong and freely choose to abandon it?

The answer lay in a single deft stroke: to change slavery from an ontological condition ("what am I?") to a temporary circumstance. No Israelite was allowed to be or see himself as a slave. He or she might be reduced to slavery for a period of time, but this was a passing plight, not an identity. Compare the account given by Aristotle:

By analogy, [the difference between animals and human beings] must necessarily apply to mankind as a whole. Therefore all men who differ from one another by as much as the soul differs from the body or man from a wild beast . . . these people are slaves by nature, and it is better for them to be subject to this kind of control, as it is better for the other creatures I have mentioned [i.e. domesticated animals]. For a man who is able to belong to another person is by nature a slave . . . (Politics 1.5) For Aristotle, slavery is an ontological condition, a fact of birth. Some are born to rule, others to be ruled. This is precisely the worldview to which Torah is opposed. The entire complex of biblical legislation is designed to ensure that neither the slave nor his owner should ever see slavery as a permanent condition. A slave should be treated "like an employee or a resident," in other words, with the respect due to a free human being. In this way the Torah ensured that, although slavery could not be abolished overnight, it would eventually be. And so it happened.

There are profound differences between philosophy and Judaism, and one lies in their respective understandings of time. For Plato and his heirs, philosophy is about the truth that is timeless (or for Hegel and Marx, about "historical inevitability"). Judaism is about truths (like human freedom) that are realised in and through time. That is the difference between what I call the logical and chronological imaginations. The logical imagination yields truth as system. The

chronological imagination yields truth as story (a story is a sequence of events extended through time). Revolutions based on philosophical systems fail – because change in human affairs takes time, and philosophy is incapable of understanding the human dimension of time. The inevitable result is that (in Rousseau's famous phrase) they "force men to be free" – a contradiction in terms, and the reality of life under Soviet Communism. Revolutions based on Tenakh succeed, because they go with the grain of human nature, recognizing that it takes time for people to change. The Torah did not abolish slavery but it set in motion a process that would lead people to come of their own accord to the conclusion that it was wrong. How it did so is one of the wonders of history.

Optimism is all very well, but it takes courage to hope. Credo – The Times April 2010 Barbara Ehrenreich's new book *Bright Sided* has been making waves. Subtitled "How the Relentless Promotion of Positive Thinking Has Undermined America" she points to the absurdity, sometimes even the danger, of seeing only the good in events. And of course, she's right – up to a point. The gospel of success and the power of positive thinking have dominated American thinking for a century, in part, Ehrenreich argues, as a reaction against an earlier, austere Calvinism. But it can easily become a kind of magical thinking. All you have to do is think positively, goes the new creed and positive things will happen to you. Your cancer will be cured. Your loss of a job will become a gateway to success. Reprogramme your mind with images of what you dream of being and that is what you will become. You are what you will yourself to be. There are many downsides to this, as Ehrenreich reminds us. Not every illness can be cured by thinking bright thoughts. Nothing can hide the fact that unemployment and recession are bad news. A failure to factor in the things that can go wrong spelled disaster both to America's foreign interventions and its financial institutions. Allan Greenspan blamed the financial crash of 2008 on "irrational exuberance." But it's more subtle than Ehrenreich supposes. What has happened is a failure to understand the difference between optimism and hope. They sound similar but they are quite different. Optimism is the belief that things will get better. Hope is the belief that, if we work hard enough, we can make things better. Between them lies all the difference in the world. Optimism is a passive virtue, hope an active one. It needs no courage, only a certain naïveté, to be an optimist. It needs a great deal of courage to have hope. The prophets of Israel were not optimists. When everyone else felt secure, they saw the coming catastrophe. But every one of them was an agent of hope. That, it seems to me, is where religion was right and the Enlightenment wrong. I am not one of those who condemns the Enlightenment and all its works. To the contrary, the rise of science and the development of technology have changed all our lives for the better. Try imagining going back to an age before the invention of anaesthetics, and you will know how absurd our nostalgia can be.

But the Enlightenment carried with it the promise of unending progress. Science would unlock the bounty of nature. Reason would banish prejudice. History was an unstoppable upward movement from barbarism to civilization, from war to peace. As the Beatles sang, "It's getting better all the time." Well, it wasn't and isn't. Enlightenment optimism, of which the current cult of positive thinking is the latest variant, fails to recognise the limits within which we live, the way every technological advance can do harm as well as good, and the possibility of regression that lurks, dormant but never dead, within the human heart. But that is no reason for pessimism. It is simply a reminder of how strenuous a virtue hope really is. We all surely know people who survived illness, crisis or setbacks by the power of hope. The great religious leaders were agents of hope. So were Churchill, Gandhi and Martin Luther King. Barack Obama became President of the US because of his message of "the audacity

of hope". Jews were a people of hope. By discovering the God who created the universe in love, they became the first practitioners of hope. No Jew who knows his or her history can be an optimist. We have seen too many great civilizations – ancient Egypt, the Roman Empire, medieval Spain and pre-War Germany – lapse into barbarism and murderous hate. You don't need to be an optimist to have hope. COVENANT & CONVERSATION is now available in book form! Vol. I: Genesis, The Book of Beginnings VolIII: Exodus, The Book of Redemption: Available Autumn 2010 Religious faith is not "positive thinking." It is not naïve optimism. It is not a matter of seeing the world as we would like it to be, and then believing that mere wishing or praying will make it so. God never promised that the world would get better of its own accord. Faith means seeing the world exactly as it is and yet not giving up the belief that it could be otherwise, if we are ready to act with others to make it so. Faith is realism that has been touched by hope. And hope has the power to transform the world.

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#### **Relationships of Interest by Rabbi Michael Taubes**

One of the individuals the Shulchan Aruch harshly criticizes is one who charges interest on a monetary loan extended to a fellow Jew. He is described as a Kofeir, a heretic who denies Hashem. (Yoreh Deah 160:2, based on the Gemara (Bava Metzia 71a). See also Midrash Shemot Rabbah 31:6 for other strong comments directed by Chazal against such a person). The question is why this transgression, discussed in our Parashah (VaYikra 25:35-38), is indeed considered such a terrible one. Charging interest on a loan does not appear to be an inherently immoral or indecent act; it occurs very frequently in the finance world, as many banks' and lending institutions' profit comes from the interest collected on business or personal loans. Those involved in such loans are generally not viewed as unethical or unscrupulous people, and certainly not as heretics.

It may be further noted that no objection is ever raised when the owner of any item charges rent for the use of his item. If, for example, one rents out his car for a month, he receives it back at the end of the specified time with a payment for the rental. Nobody considers the car owner to be immoral or unethical for collecting this money; on the contrary, it is understood that he is entitled to receive some sort of compensation for the use of his car. Why, then, do we not apply the same to lending money? If one lends money to somebody for a month, he should be allowed to receive additional payment as compensation for using his money. It appears that the interest payment could be looked at as nothing more than a rental fee.

The Avnei Neizer, in a section of a lengthy treatise on the laws of interest entitled Kuntres Berit Achim printed in his collection of Teshuvot (Yoreh De'ah 159:3), points out that the prohibition against charging interest is closely connected to the Mitzvah of lending money (see Shemot 22:24 and Rashi there). While it may certainly be an act of Chesed to let someone borrow a tie, a baseball glove, a lawnmower, or even a car, there is no specific Mitzvah to lend such items. Theoretically, there would be nothing wrong with charging rent for these kinds of items should one not want to lend them out gratis. However, there is a specific Mitzvah to lend money, and just as one is not permitted to accept payment for the performance of any other Mitzvah in the Torah, one may not accept payment for

performing the Mitzvah of lending money to someone in need. In other words, if the lender would be allowed to collect the interest payment on the loan together with the principle, he would be making money on the performance of a Mitzvah, which is inappropriate.

Rav Yochanan Zweig, a Rosh Yeshiva and Rosh Kollel in Miami Beach, suggests a different approach. When one lends somebody any tangible item, that item clearly remains the property of the lender even though it is in the borrower's possession at the moment. It is the lender's tie, baseball glove, lawnmower, or car, and not the borrower's; the borrower simply enjoys the right to use the item. When the specified time is up, the borrower must thus return that very item, and the money he gives the lender at that point in addition is payment for the usage of the item. This is not the case, however, with money. When one lends money to someone, the money becomes the property of the borrower, and is no longer the lender's money. The borrower does not have to return that particular money (i.e., those very same coins or bills) to the lender at the appointed time, and he may do whatever he pleases with that money. It's his money; he simply has a debt which requires him to eventually repay that amount to the lender. If the borrower would be obligated to pay interest, he would then, in effect, be paying for the use of something which belongs to him! The lender, similarly, would be collecting money from someone who is using something of his own. This would be a degrading and belittling experience for the borrower, and would impinge on his human dignity. Such conduct is thus prohibited.

It is noteworthy that one of the words used in the Pasuk for interest is "Neshech," which relates to the Hebrew word for biting. Charging somebody money for using something that already belongs to him takes a bite out of that person's dignity, and deprives him of some of his sense of self-worth. Perhaps this idea also explains the colloquial reference to those who collect exorbitant interest from borrowers as "loan sharks." This explanation may also explain why Pesukim sat that the borrower and the lender are brothers, making it especially improper for one to "bite" the other and cheapen his dignity. Finally, this may also connect these Pesukim to those that immediately follow, which instruct a master not to treat his Jewish slave in a degrading manner: a general theme of this Torah section, then, is that one Jew may never "lord" over another and degrade them. As Seforno noted, Hashem is the God of both parties in a business relationship, so the way the parties treat each other must always reflect that fact. The need for respect towards one another is a crucial ideal, prominent in Judaism. Klal Yisrael is now experiencing Sefirat HaOmer, in which we have taken upon ourselves to follow some mourning stringencies as a remembrance to the death of the students of Rabbi Akiva. The Gemara (Mesechet Yevamot 62b) tells us that Rabbi Akiva's twenty-four thousand students were killed because they did not have proper respect for one another. We can see the great power of degrading one another and not having proper respect as twenty-four thousand Talmidei Chachamim, some of the greatest Torah scholars of their time, were killed because of this transgression. This is a vital lesson to internalize, and hopefully, this lesson will bring us closer to bringing about the Mashiach, speedily and in our days.

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**Thanks to hamelaket@gmail.com for collecting the following items:**

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From Destiny Foundation/Rabbi Berel Wein  
<info@jewishdestiny.com>  
Subject Weekly Parsha from Rabbi Berel Wein

**Jerusalem Post :: Friday, May 13, 2011**  
**HISTORY INTERVENES :: Rabbi Berel Wein**

There is a well-known truism in human experience that all plans that are carefully drawn up are perfect until life intervenes. The same may be said of many other facets in the Jewish world.

We are currently in the midst of the days of sefirat haomer- the counting of the days between Pesach and Shavuot. In its original format, this was a time of joyful anticipation. On Shavuot the Jewish people were to receive the Torah at Mount Sinai and the anticipation of that world-changing event was one of great happiness.

It is in the nature of all human beings to look forward to significant events with happy thoughts and a feeling of well being. And, in addition, counting the days of the omer is a mitzvah – a positive Torah commandment – and we are all aware that we are instructed to fulfill the positive commandments of the Torah with happiness and enthusiasm.

So in a perfectly planned world, this period of time between Pesach and Shavuot should be one of the most joyous and satisfying times of the year. But, as we are all aware, the reality of the mood of this period of time is exactly the opposite. It is a time when weddings are not solemnized, beards and haircuts remain untrimmed, music and entertainment are limited and a general mood of sobriety, if not sadness, pervades our society. In short, with the exception of the period leading up to Tisha B'Av, this period of sefirat haomer is the saddest time of the Jewish calendar year.

And the reason for this paradoxical situation is that history has intervened and altered our perception of these weeks. In a perfect world the Jewish people would never have suffered exile, with all of its tragic traumas and murderous events. But in the real world, terrible events have taken place during this period of time.

Rabbi Akiva's entire society of twenty-four thousand scholarly disciples died during this time. The rebellion of Bar Kochba against Roman tyranny failed at this time on the Jewish calendar, with enormous loss of Jewish lives. The ancient Jewish communities of Speyers, Worms and Mainz in the Rhineland, were destroyed by the Christian crusaders in 1096 during these Pesach to Shavuot weeks. Much of the atrocities committed against the Jewish communities in the Cossack/Ukrainian war against the authorities in 1648-9 also occurred mainly in the springtime, this same period. The Israeli War of Independence which cost over six thousand Jewish lives also began and much of it took place during the weeks between Pesach and Shavuot.

In short, this time on the Jewish calendar has, over the long years of our exile, has been anything but a happy and satisfactory period. To mark these sad events of Jewish history, the days between Pesach and Shavuot have morphed into days of commemoration and memorialization – with little rejoicing.

It is interesting to note how Jewish values and halacha accommodates itself to historic relevance, events and intervention. The Torah is the book of human life and its story. Therefore, whatever happens in the human story is relevant to understanding and appreciating the Torah.

Just as life intervenes with our plans and projects so too does the history of human events intervene in all of Jewish religious life. And, by allowing the events of Jewish history to be commemorated within a halachic framework, even by changing the original nature and mood of the mitzvah involved, Judaism allows the Torah to be truly the book of humankind.

The abysmal lack of knowledge of Jewish history and its events is one of the major maladies that affect all of Jewish societies today. It is one of the failings that prevents us from effectively presenting our

just cause to the rest of the world. If we are unable to understand how our history has intervened and affected our current world we are simply helpless before the lies and hatred of our enemies.

Without knowing the entire story of our past we are unable to put the events of the past century – the Holocaust and the independence of the State of Israel – into some sort of true historical perspective. History always intervenes and influences our lives, thoughts and attitudes. Without realizing this basic fact of human life we are certainly going to find it difficult to think and act wisely in our current situation.

Shabat shalom.

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From Destiny Foundation/Rabbi Berel Wein  
<info@jewishdestiny.com>  
Subject Weekly Parsha from Rabbi Berel Wein

**Weekly Parsha :: B'HAR :: Rabbi Berel Wein**

The opening commandment in this week's parsha deals with shemitta – the sabbatical year for the Land of Israel when the ground was to be allowed to lie fallow and the farmer abstained from his regular routine of work. The traditional commentators to the Torah emphasized that even though the ground and farmer would benefit in the long run from the year's inactivity this was not the reason for the commandment.

There are always side benefits from obeying the commandments of the Torah but these are never the reason or the basis for the commandment itself. The underlying lesson of the sabbatical year is its obvious kinship to the weekly Sabbath. Just as every seven days brings with it a holy day of rest, so too does a holy sabbatical year bring with it a rest for the earth itself.

And, to continue this obvious comparison between these two Sabbaths, just as the weekly Sabbath is meant to remind us of God's creation of the universe so too does the seven year Sabbath testify to God's omnipotence and presence in all of our human affairs. The foundation and basis of all of Jewish faith and belief in its Torah is the necessity of human acknowledgement of God's role in our lives and in His ability to instruct us how to live. Since the weekly Sabbath sometimes is taken for granted for it becomes such an accustomed and regular part of our existence, the seven year Sabbath comes to jolt us out of our complacency and to have us recognize clearly, once again God's rule over us.

Shemitta has always been a difficult test of faith for the Jewish people. Even in Temple times it appears that the commandment was never fully fulfilled. There are many reasons for this apparent laxity in observance, the most obvious one being the seeming impracticality of its observance.

The Torah promised prosperity because of shemitta observance but the people feared the practicality of observing this commandment properly. In our time the shemitta remains a contentious topic with various halachic solutions being advanced and implanted, all in effect circumventing the true basic observance of the commandment itself. Apparently the commandment was meant for a more perfectly faithful society than the one we have ever been successful in achieving. Nevertheless, the challenge posed by the shemitta remains omnipresent in Jewish life. As long as there is not a proper balance between human effort and ultimate faith in the Almighty we remain a somewhat dysfunctional society.

The shemitta reminds us of our dependence upon God and on factors that are not within our human power to control. It forces us to renew our weekly sabbatical testimony as to the creation and guidance of our world and its events. Even if we are unable to fulfill the shemitta

commandment fully as of yet, the idea behind it demands our discipline and understanding. The weekly Sabbath is the basic day of Jewish observance. The seven year Sabbath reinforces this basis of all Torah observance.  
Shabat shalom.

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From Ohr Somayach <ohr@ohr.edu>  
To weekly@ohr.edu  
Subject Torah Weekly

**TORAH WEEKLY :: Parshat Behar**  
**For the week ending 14 May 2011 / 9 Iyyar 5771**  
**from Ohr Somayach | www.ohr.edu**  
**by Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com**  
**OVERVIEW**

The Torah prohibits normal farming of the Land of Israel every seven years. This "Shabbat" for the Land is called "shemita". After every seventh shemita, the fiftieth year, yovel (jubilee), is announced with the sound of the shofar on Yom Kippur. This was also a year for the Land to lie fallow. G-d promises to provide a bumper crop prior to the shemita and yovel years. During yovel, all land is returned to its original division from the time of Joshua, and all Jewish indentured servants are freed, even if they have not completed their six years of work. A Jewish indentured servant may not be given any demeaning, unnecessary or excessively difficult work, and may not be sold in the public market. The price of his labor must be calculated according to the amount of time remaining until he will automatically become free. The price of land is similarly calculated. Should anyone sell his ancestral land, he has the right to redeem it after two years. If a house in a walled city is sold, the right of redemption is limited to the first year after the sale. The Levites' cities belong to them forever. The Jewish People are forbidden to take advantage of one another by lending or borrowing with interest. Family members should redeem any relative who was sold as an indentured servant as a result of impoverishment.

#### **INSIGHTS**

##### **Of Faith and Trust**

**"But the seventh year shall be a complete rest for the land. A Sabbath for G-d (25:4)"**

Sometimes trusting G-d isn't so easy.

In this week's Torah portion the Jewish People are told to put down tools once every six years and stop working the fields for a year. G-d tells them to trust that He will provide for them. In the sixth year, He promises that miraculously there will be a bumper crop. This will keep them going for that year, and the next year and the eighth year. Because, of course, seeing as nothing will be planted in the seventh year, there will be nothing to harvest in the eighth. In other words, one year's crop becomes three. G-d says this is going to happen with clockwork regularity every seven years. And it did, for hundreds of years.

Sometimes, however, when it comes to our own lives it's not so easy. That's the difference between emunah "faith" and bitachon "trust."

We can believe that there is a G-d who created everything in existence, who continues to sustain reality from one second to the next, a G-d who rules over everything, everywhere, everyone, every second. But, when it comes to our own lives, we can still fall short in trusting Him when the going gets tough.

The current global financial situation looks less than rosy. It looks a pretty gloomy picture. What should our reaction be?

Well, let me tell you how one Rosh Yeshiva looks at it. This is a man who has on his shoulders the burden of supporting an institution whose yearly running costs are in six figures. On his last trip to

America, he told his donors to prepare "tanks" to receive the outpouring of wealth that G-d is going to bestow on them. Supporting Torah is a privilege, not a budgetary burden. In the desert, the Holy Ark needed no wagon to carry it from one encampment to the next because "to the sons of Kehat he (Moshe) did not give (wagons); since the sacred service was upon them, they carried on the shoulder." (Shmot 6:9)

In fact, no one carried the Aron. The Aron carried itself, and also those who "carried" it. The Aron carries its carriers. The Torah supports its supporters, not the other way round. If the new government budgetary decisions lead to a serious reduction in support of Torah, G-d will find other channels. "G-d has many agents."

Which is not to say that there may not be individual cases of hardship. For, after all, trusting G-d doesn't mean that He's going to do what we want. It means that whatever He does is for the best, even when we can't see it.

Written and compiled by Rabbi Yaakov Asher Sinclair  
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From Rabbi Yissocher Frand ryfrand@torah.org &  
genesis@torah.org  
To ravfrand@torah.org  
Subject Rabbi Frand on Parsha  
**Rabbi Yissocher Frand - Parshas Behar**

#### **Minimize The Nisayon Wherever Possible**

"The Ba'alas Teshuva Who Was Not Honest With Her Husband"  
"Davening that the Suffering Patient Should Die – Permitted or Not?"  
"The Maid Who Made The Cholent"

In Parshas Behar, the Torah says, "V'Haretz lo timacher l'tzmisus ki li kol ha'aretz..." "You shall not sell the land in perpetuity, for to Me belongs the entire land for you are sojourners and residents with Me." [Vayikra 25:23]. Parshas Behar not only discusses the laws of Shmita [the Sabbatical year], it discusses the laws of the Yovel [Jubilee] year as well. Today, we have lost track of the calculation of when the Yovel year should fall out. Yovel is not in effect nowadays inasmuch as it only applies when "all of its inhabitants are upon the Land". With G-d's Help, there will be an ingathering of the exiles, the Beis HaMikdash will be rebuilt, and in the future, we will once again observe the Yovel laws taught in our parsha.

What are the Yovel laws? When Klal Yisrael came into Eretz Yisrael, each tribe and each family within a tribe received a unique piece of Land as their personal inheritance. This piece of land was given to an individual and his descendants in perpetuity. Consequently, if a person "sold" his land, it was not a permanent sale but rather a lease for as many years as were left until the Yovel year arrived. When the 50th year arrived, everyone (or their heirs, if they were no longer living) would receive back their original inheritance.

There are actually two possible readings of the pasuk cited earlier: "V'Haretz lo timacher l'tzmisus ki li kol ha'aretz" This could be interpreted merely as a statement of fact or narrative: "With this system of Yovel in place the land will never be sold forever."

However, this is not how the classical Torah commentaries interpret the pasuk. The pasuk is classically interpreted as a negative prohibition. While there is general agreement that the pasuk is a negative prohibition (a "lav"), there is a dispute between Rashi and the Ramban in terms of to whom the prohibition is directed.

Rashi interprets the prohibition as being directed at the buyer of the field. He must return it upon the arrival of the Yovel year and may not withhold it from the original owner. The Ramban disagrees and

points out that the Torah formulates the prohibition in terms of not SELLING the land in perpetuity. This sounds as if the prohibition is directed at the seller, not at the buyer.

According to the Ramban, a person who sells land and promises the buyer that despite the laws of yovel "this sale is forever" is the one who violates this negative prohibition. Even though the court will anyway enforce the land going back in the Yovel year, the seller is already in violation at the time of the sale by virtue of claiming that it would be a permanent sale. The Ramban admits that this is a "lav sh'ayn bo ma'aseh". Since the seller violates it merely by speech rather than through action, it is considered a "passive prohibition" for which the violator does not receive lashes. It is a sin nevertheless.

The Ramban gives an interesting reason for this prohibition. Anyone who has ever sold a house that he has lived in for a long time knows that it is a very hard thing to do. A house has sentimental value. There are associated memories and attachments. When a person sells a piece of property, say in the fifth year of the Yovel cycle, the buyer will be living there for 45 years. He may get married in the house, raise his family there, and have children and grandchildren there. People become attached. They love their houses. After 45 years, it is very hard to walk away and say "Right. It is your house, not mine." Therefore, the Torah makes it as easy as possible for the buyer to leave the land at the proper time. How does the Torah do this? The seller must remind the buyer on day one that the land that he is moving into is not his own. The seller may not indicate that the sale is permanent but rather must remind the buyer at the very outset that the deal is a lease, not a sale.

People do not become psychologically attached to property that they are merely leasing. Do people become attached to motel rooms? The Torah wants to make the nisayon [trial or test] of observing the Yovel laws as painless as possible. Therefore, the Torah sets up a prohibition against the seller ever giving the buyer the impression that would allow him to become psychologically attached to his "leased" land, such that he might have too difficult a time returning it when the Yovel year arrived.

In Parshas Vayetzei, Rav Simcha Zissel writes that this is one of the great principles taught by Rav Yisrael Salanter. Life is full of tests. Many times, Mitzvos can be hard to fulfill. Aveiros [sins] are sometimes hard to avoid. A person should make Torah observance as easy as possible for himself. He should not try to take on the Yetzer Hara frontally but should rather avoid temptation or scenarios that will magnify the difficulty of keeping Torah law.

Just as a person on a diet should not frequent a bakery and just assume that he will have the will-power to ignore the aroma of the pastries that may undermine his diet plan, so too a person should not assume he will be able to withstand the evil inclination when tempted to violate Torah law. A person should always seek a path of living that avoids the temptation in the first place, rather than one which confidently challenges the Yetzer Hara and then too often succumbs to it.

The Baalei Mussar prove this idea with a thought relating to the story in Bereshis where Yaakov has to take leave of his father-in-law, Lavan.

Yaakov had been with Lavan for 20 years. The Almighty came to Yaakov one night and told him "Reb Yaakov, it is time to leave. Pack up your bags, pack up your kids, everybody has to leave." Yaakov went to his wives the next morning to inform them of this latest development.

Now, if G-d would come to me at night under those circumstances, what would I tell my wife the next morning? "Honey we need to leave. Why do we have to leave? Don't ask any questions, the Almighty says we have to leave so we are leaving!"

However, what does Yaakov say? He begins with a soliloquy. "It has been terrible here. Your father has cheated me left and right..."

Yaakov gives them a whole speech about why it is difficult there and why they should not be there, and so on and so forth. Then, almost as an afterthought, Yaakov adds, "And you know what, the Almighty told me to leave." What is Yaakov talking about? What is with the speeches? G-d said to leave. Pack your bags and move out, what is there to talk about?

The answer is that Yaakov Avinu knows that it is hard for any daughter to leave her father's house. It is going to be a challenge and it is going to be difficult. The name of the game in facing challenging tests is to minimize the challenge. Keep the nisayon as limited as possible.

Yaakov first gave his wives the psychological motivation to want to leave their father's home. He made it into a "no brainer" for them. Then he threw in "And by the way this is what Hashem wants of us as well."

This idea of minimizing the nisayon is exactly what this Ramban in Parshas Behar is saying regarding the Yovel law. When the seller sells the land to the buyer, the Torah writes a Biblical prohibition, "The land shall not be sold permanently." Make it easier on yourself and make it easier on the buyer. Tell him up front, "This is not a sale. Do not get your hopes up, do not be misled." If a person knows at the beginning that it is a lease then when the time comes to leave, he is not leaving "my home, my house." He is leaving the place where he happened to have lived, but it has not been his own at any time. Mitzvos can be difficult enough to keep without extra nisyonos. Let us try to minimize the nisayon of proper observance.

Transcribed by David Twersky Seattle, WA; Technical Assistance by Dovid Hoffman, Baltimore, MD

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From TorahWeb <torahweb@torahweb.org>  
To weeklydt@torahweb2.org

### **Rabbi Benjamin Yudin (The TorahWeb Foundation) Share the Wealth and Get A Wealthy Share**

The Talmud (Bava Metziah 62A) cites a famous legal-moral debate. Two individuals are in a perilous situation in a desert: one has a supply of water that is sufficient to sustain one person and enable him to reach civilization, but they will both die if he shares it. Ben P'turah opines that the owner is to share his water and "not witness the death of his comrade." Let the owner die with him if necessary, but he should not withhold the source of life from his friend. Rabbi Akiva rules that the owner of the water must drink the water himself, as his life takes precedence over the next one. He bases this on a verse from Parshas Behar, (Vayikra 25:36) "V'chai achicha imach - let your brother live with you"; the "with you" teaching of the verse compels the owner to save himself first.

The Chasam Sofer in his work Toras Moshe asks the following question: the passuk says (Vayikra 9:18): "v'ahavta l'reiacha komocha - you shall love your fellow as yourself", to which Rashi adds the teaching of Rabbi Akiva that this verse is a "Klal gadol baTorah" a major principle of Torah. Are not the two teachings of Rabbi Akiva contradicting one another? The first Torah directive taught that each man comes first before his fellow, and the latter teaches they are of equal status. The answer, says Chasam Sofer, lies in the word "baTorah." Rabbi Akiva teaches that in the realm of the physical, man is obligated to save himself first. However, in the spiritual realm he is to treat the next one as oneself.

This dictates that one is obligated to interrupt his own mitzvah of talmud Torah to teach and share Torah with others. Rabbi Akiva was especially sensitive to this point. The Talmud (Yevamos 62B) teaches that 24,000 students of Rabbi Akiva died during the weeks between Pesach and Shavuot because they were not respectful to one another. I was always troubled by this lack of respect. Could it be for not holding the door, or saying "Good Morning", they warranted such Divine wrath? The Medrash (Koheles Rabbah 11: 6) clarifies their character flaw. Rabbi Akiva was privileged, according to the medrash, to start again in the dusk of his life with seven students. He told them to beware not to emulate the negative nature of his former students who were tzarei ayin (selfish) in their study of Torah, not sharing with one another what each had individually received from their master and teacher.

Torah that is not shared is not genuine Torah. The Rav Yosef Karo rules in Shulchan Aruch (Orach Chaim 47:4) that one is not to study Torah prior to reciting the blessings of Torah. However, hirhur - thinking about, meditating over Torah thoughts is permissible, as in that state it cannot be shared. This is in contrast to writing Torah, as taught in 47:2, which requires the prior blessings as the written word can be shared.

It is thus understandable why these potential leaders and transmitters of Torah, the students of Rabbi Akiva, received deadly punishment, as they negated the teaching (Mishlei 4:22) "for Torah is life to those who find them." Their withholding Torah from one another was akin to the withholding of spiritual life and growth, and thus they received Divine retribution measure for measure.

The Talmud (Sukkah 49B) commenting on the well-known verse (Mishlei 31:26) "she opens her mouth with wisdom and the Torah of kindness is upon her tongue", asks: is there a Torah of kindness and a Torah that is devoid of kindness? The Talmud answers that Torah that is studied with the intention of teaching it to others is the Torah of kindness. However, Torah that is studied without the intention of sharing it with others is considered a Torah bereft of kindness. Rabbi Yochanan ben Zakkai taught (Avos 2:8), "if you have studied much Torah, do not take credit for yourself- al tachzik tovah l'atzmecha- because that was what you were created to do". The Medrash Shmuel, citing the Lev Avos, explains "al tachzik tovah" to mean "don't hoard the good (Torah) for yourself." One who has Torah knowledge must share it with others. Our rabbis teach on the verse in (Iyov 5:7) "man is born for toil- l'amel yulad" which is understood to mean "lilmod al menas l'lamed", to study in order to teach.

Lest one fear that by sharing with others they will lose out in terms of their personal potential growth, the Chasam Sofer has a most novel intriguing comment regarding Avraham Avinu and his receiving prophecy. Prior to Hashem informing him of the impending destruction of Sedom, the Torah allows us to be privy to Hashem's deliberation as to whether he should share this with Avraham. The Chasam Sofer explains that Hashem decides to award Avraham the prophecy in Bereishis (18:19) not for Avraham's self development, but rather because He realized that Avraham has been engaged in kiruv, by teaching charity and justice to multitudes of students, at the expense of his own personal growth. Indeed many rabbis and teachers have been privileged to share in this blessing of Avraham, and despite their primary focus being on the building of community and students, they have merited Divine providence in their own religious growth.

Finally, let us not forget Rav Preida. The Talmud (Eruvin 54b) tells us that he had a student to whom he would have to repeat each lesson four hundred times before the student understood it. One day the teacher had to leave to attend to amitzvah. Before leaving, he taught his student the usual four hundred times, but he still did not grasp the

lesson. When asked why he did not grasp the lesson, the talmid explained that since he knew Rav Preida was leaving, his attention was distracted because he was fearful that at any moment his Rebbe would leave. Rav Preida then taught him another four hundred times, and a Bas Kol (Heavenly Voice) asked, "Rav Preida, do you prefer that four hundred years be added to your life, or that you and your generation merit the life of the world to come?" Rav Preida chose the latter, and in reward for his selflessness Hashem gave him both! May we be privileged to implement v'ahavta l'reiacha ka-mocha, zeh klal gadol baTorah.

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**Orthodox Union / [www.ou.org](http://www.ou.org)**  
**Rabbi Weinreb's Torah Column, Parshat Behar**  
**Rabbi Dr. Tzvi Hersh Weinreb**  
**The Time of Your Life**

It is a lesson I first learned in a course I took on the skills of interviewing long ago. The instructor taught us that the way to really size up a candidate for a job is to determine how he uses his time. He taught us that one question designed to assist the interviewer to make that determination is, "Where do you see yourself in five years?" I have since had decades of interviewing experience in many diverse settings and have developed a set of other questions, all intended for the same objective. They include, "What do you do in your spare time?", "How would you spend your time if you won the lottery and no longer had to work for a living?", and, in academic or rabbinic interviewing, "How would you use your time if you were given a sabbatical leave from your position?"

It is this last question which brings us to this week's Torah portion, Behar. In the very beginning, we read of the mitzvah of letting the land lie fallow (unsown) every seven years, which is the sabbatical year; also known as shemita. "But in the seventh year the land shall have a Sabbath of complete rest, a Sabbath of the Lord: you shall not sow your field or prune your vineyard." (Leviticus 25:4)

The Torah spells out quite clearly what can and cannot be done in the way of tilling the soil. Indeed, there is an entire Tractate of Mishnah and Jerusalem Talmud which gives specific and detailed guidelines relating to the land and the produce of the shemita year. I have always been intrigued and even a bit mystified, however, by the fact that, to my knowledge, nothing is said about what the farmer is supposed to do with his spare time that year.

Imagine a farmer who has been working industriously, 24/6, for six years. Then, as Rosh Hashanah of year seven approaches, very little work is permitted to him, and he becomes a gentleman of leisure. How does he use his time?

It is inspiring to note that there are pious farmers in Israel nowadays who scrupulously observe shemita. And it is interesting that they indeed create structured programs for their "leisure" time that year. They study Torah, particularly the sections related to agriculture. They travel to farms across the country teaching less knowledgeable farmers halachot pertaining to farming. They even spend time updating their own technical agricultural skills.

There is a lesson to be learned here. The Torah legislates that the land needs a sabbatical year to lie fallow in order to renew itself. We must come to the realization ourselves that we too need a sabbatical year, but for us staying fallow is not our mission. Rather, it is to use such a time for physical, intellectual and spiritual reinvention.

The Torah continues to prescribe yet another "leisure" year, a sabbatical year after seven sabbaticals years, called the Jubilee year. "And you shall hallow the fiftieth year. You shall proclaim release throughout the land for all its inhabitants. It shall be a jubilee for you: each of you shall return to his holding and each of you shall return to his family." (Leviticus 25:10) The personal, spiritual meaning of the fiftieth year of life was brought home to me recently. I have been re-visiting the writings of Hillel Zeitlin, a victim of the Holocaust. Zeitlin was a journalist, philosopher, and mystic who wrote a number of poems in the form of prayers, or perhaps prayers in the form of poems. One is entitled "On the Threshold of My Erev Shabbat".

He writes in anticipation of his fiftieth birthday when he is about to enter the sixth decade of his life. "Life is like the days of the week, each decade a day. The seventh decade/day is our soul's Sabbath, and we are granted but seven days. I am at the brink of Friday, Erev Shabbat, for my tired spirit. I pray that my Friday be a proper preparation, that I can use it for personal repair. For five days I have wandered, nay strayed. This day I hope to re-discover the path, and return before Sabbath Eve's suns sets."

The journey of Zeitlin's life was a tortuous one, and its theme was perpetual search. He wandered from shtetl and cheder to Western European philosophy; from secular Zionism to Chassidism; from Warsaw's literary circles to its shtieblach; and ultimately to Treblinka. But his poetry, especially the one I translated above, displays an exquisite time-consciousness, an awareness of how fleeting our lives are, and we must work hard to fill them with meaning.

Every seventh year is a sabbatical for the soul, and every fiftieth year, a time to recognize that we are past the zenith of our arc of life. Fortunately, we have an even more frequent gift of time, and it is our weekly Sabbatical, Shabbat Kodesh, the Holy Sabbath. In the cycles characterized by the number seven, we have seven years, seven sets of seven years, and the seven days of the week. Jewish mysticism offers us a multitude of meanings for the number seven, but this much is not mysterious: There is a rhythm to our lives, and part of that rhythm calls for regular times for reflection and renewal. The intervals between such moments vary greatly in their duration. It is up for us to make the most of those moments, whether they last a day or a year.

I once heard a wise man, Rav Elya Lopian, say: "Modern man is convinced that 'time is money'. Spiritual man knows that 'time is life'".

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From Rabbi Chanan Morrison <ravkooklist@gmail.com>  
reply-To rav-kook-list+owners@googlegroups.com  
To Rav Kook List <Rav-Kook-List@googlegroups.com>  
Subject [Rav Kook List]

### **Rav Kook List Rav Kook on the Torah Portion Israel Independence Day - Redeeming the Land**

At a 1930 building dedication for the Jewish National Fund, the organization established to redeem land in Eretz Yisrael, Rav Kook spoke about the rights of the Jewish people to the land of Israel.

#### **Righteous and Faithful**

The prophet Isaiah proudly called out, "Open, O gates, so that the righteous nation that keeps faithfulness may enter" (26:2). Isaiah mentioned two qualities of the Jewish people:

They "keep faithfulness" - i.e., they are loyal to their special covenant with God.

They are a "righteous nation" - they act in a fair and just manner.

This attitude of fairness is expressed not only toward individuals. Also on the national level, in our relations with other peoples, we aspire to equitable dealings. Thus, even as we take the necessary steps toward reclaiming our land, we do so in a just and magnanimous fashion. As we return to the land of Israel, we eschew taking it by force, preferring to use peaceful methods, paying for property in full. We do this even though our rights to Eretz Yisrael were never abrogated.

#### **Eternal Rights**

Our eternal rights to the land of Israel have a firm basis in Jewish law. Rabbi Nachshon Gaon, the ninth-century head of the academy in Sura, wrote that any Jew can execute a legal transaction on the basis of land (kinyan agav karka). This is true, the scholar explained, even if one does not own any real estate, since every Jew possesses a personal inheritance of four cubits in Eretz Yisrael. From here we see that even during those times when the land of Israel was stolen from us, this theft did not void our legal rights to the Land.

While there is a rule that "land cannot be stolen" (Sukkah 30b), it is likely that the conquest of land in war may be considered a form of acquisition that nullifies prior ownership of property. However, that is only true for land that the owners have the right to buy and sell. With regard to the land of Israel, the Torah states, "The land cannot be permanently sold, for the land is Mine" (Lev. 25:23). The special bond between the land of Israel and the Jewish people is enforced by a Divine right that may never be annulled. No form of acquisition, whether by purchase or conquest, can cancel a Jew's rights to his portion in the Land. And certainly nothing has the power to revoke the rights of the entire Jewish people to their holy inheritance.

#### **Reclaiming the Land**

However, since we are a "righteous nation," we try as much as possible to ensure that our redemption of the land of Israel be through consent, reclaiming the land with monetary acquisitions. In this way, the nations of the world cannot lodge complaints against us. As the Midrash states,

"Regarding three places, the nations of the world cannot claim, 'You are occupying stolen territory,' since they were purchased at full price. They are the Machpeilah cave in Hebron, the field in Shechem, and Mount Moriah in Jerusalem." (Breishit Rabbah 79:7)

As we return to our homeland and renew our ownership of the land, we exercise both our eternal rights of Divine inheritance and also the accepted means of monetary acquisition. The JNF, which has proudly taken upon itself this historic mission of redeeming the Land, works to fulfill Isaiah's stirring call. May the gates of Eretz Yisrael open up, "so that the righteous nation that keeps faithfulness may enter!" (Silver from the Land of Israel, pp. 188-190. Adapted from Mo'adei HaRe'iyah, pp. 413-415)

Comments and inquiries may be sent to: <mailto:RavKookList@gmail.com>

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From Jeffrey Gross <jgross@torah.org>  
reply-To neustadt@torah.org, genesis@torah.org  
To weekly-halacha@torah.org  
Subject Weekly Halacha - Parshas Terumah  
by Rabbi Doniel Neustadt (dneustadt@cordetroit.com)  
Yoshev Rosh - Vaad HaRabanim of Detroit



**Weekly Halacha**  
**by Rabbi Doniel Neustadt**

**How Does an Item Become Muktzeh?**

Question: What does muktzeh mean?

Discussion: Muktzeh means “set apart.” Generally speaking, items which are prepared or designated for use on Shabbos are not muktzeh. Items which—for any 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 all muktzeh items 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.<sup>1</sup>

Question: What difference is there between the two types of muktzeh?

Discussion: Except for some unique exceptions detailed in the footnote below,<sup>2</sup> severe muktzeh may not be moved in a normal, straightforward manner.<sup>3</sup> Light muktzeh, however, may be moved in either of the following 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 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<sup>4</sup>.]

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, however, 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. Most contemporary poskim maintain that moving the hammer is not permitted in this case.<sup>5</sup>]

Question: What are some common examples of severe and light muktzeh?

Discussion: What follows is a list of some common, everyday items and their muktzeh classification:

ATM card, credit card—severe muktzeh<sup>6</sup>  
animals—severe muktzeh<sup>7</sup>

barley (raw)—severe muktzeh  
bars of soap—severe muktzeh 8  
buttons (detached from garment)—questionable severe muktzeh or not muktzeh at all<sup>9</sup>  
cameras—severe muktzeh  
candles or candlesticks (unlit or unused on Friday night)—questionable severe<sup>10</sup> or light muktzeh<sup>11</sup>  
cars,<sup>12</sup> car keys<sup>13</sup>—light muktzeh  
clocks (wall)—questionable severe muktzeh or not muktzeh at all<sup>14</sup>  
combs—light muktzeh  
crayons—light muktzeh  
detergent—severe muktzeh  
fans—light muktzeh 15  
flashlights—light muktzeh 16  
flour—severe muktzeh  
garden hoses—light muktzeh  
glue—severe muktzeh  
hammers, screwdrivers—light muktzeh  
kettles (empty)—light muktzeh  
light bulbs—severe muktzeh  
lulav—severe muktzeh 17  
makeup (eye-shadow, lipstick, mascara)—severe muktzeh  
matches—questionable severe or light muktzeh<sup>18</sup>  
money—severe muktzeh  
mops and pails—light muktzeh  
pens—light muktzeh 19  
pencil sharpeners—light muktzeh  
pictures (hanging on the wall)—questionable<sup>20</sup>  
potato peelers—light muktzeh  
rolling pins—light muktzeh  
rulers—light muktzeh  
scales—severe muktzeh<sup>21</sup>  
scissors—light muktzeh  
sha’atnez garments—severe muktzeh<sup>22</sup>  
shofars—severe muktzeh<sup>23</sup>  
silver foil or toilet paper (uncut rolls)—severe muktzeh<sup>24</sup>  
snow (fresh)—questionable<sup>25</sup>  
staplers—light muktzeh  
store catalogs—light muktzeh 26  
telephone books—light muktzeh<sup>27</sup>  
toasters—severe muktzeh  
Vaseline, toothpaste—severe muktzeh  
wallets (empty)—light muktzeh  
whistles—light muktzeh

- 1 See Hebrew Notes, pg. 549, for the various views concerning moving electrical lamps on Shabbos.
- 2 The exemptions include 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.
- 3 Indirectly, however, even severe muktzeh may be moved. The many details involved are discussed in The Monthly Halachah Discussion, pgs. 108-114.
- 4 Mishnah Berurah 308:12, as explained by Igros Moshe, O.C. 5:21-12.
- 5 Igros Moshe, O.C. 5:22-31; Rav Y.S. Elyashiv (Shalmei Yehudah, pg. 11); Az Nidberu 8:30; Shemiras Shabbos K’hilchasah 20:10 [see note 24 quoting Rav S.Z. Auerbach]. See, however, Machazeh Eliyahu 46 who rules leniently in this case.
- 6 Chut Shani, Shabbos, vol. 3, pg. 111.
- 7 O.C. 308:39. Concerning pets, see The Daily Halachah Discussion, pg. 115.
- 8 Igros Moshe, O.C. 5:22-15; Shulchan Shelomo 308:31-3; Rav Y.S. Elyashiv (Shalmei Yehudah, pg. 158).

- 9 Some poskim consider a detached button as severe muktzeh (see Igros Moshe, O.C. 5:22-20 and Kol ha-Torah, vol. 54, pg. 18) while others are more lenient. If possible, it is appropriate to be stringent; see Shemiras Shabbos K'hilchasah 15:68 and Shalmei Yehudah, pg. 80.
- 10 Peri Megadim (Eishel Avraham 308:12); Mishnah Berurah 308:34 quoting Ya'avetz; Aruch ha-Shulchan 279:1; 308:23; Chazon Ish, O.C. 44:13.
- 11 Tosafos Shabbos 308:29; Sha'ar ha-Tziyun 279:4 based on Magen Avraham; Igros Moshe, O.C. 5:22-28, 32. See Shulchan Shelomo 308:9-2 and 308:31-2.
- 12 Igros Moshe, O.C. 5:21-11; Shalmei Yehudah, pg. 201.
- 13 Shulchan Shelomo 308:25; Rav Y.S. Elyashiv (Shalmei Yehudah, pg. 202).
- 14 Chazon Ish, O.C. 43:17 holds that they are severe muktzeh, while Igros Moshe, O.C. 5:21-13; 22-12 rules that they are not muktzeh at all. See also Mishnah Berurah 308:8; 308:168, and Shalmei Yehudah, pg. 71.
- 15 Igros Moshe, O.C. 3:49; 5:22-22. Rav S.Z. Auerbach (Shalmei Yehudah, pg. 51) does not consider a working fan muktzeh at all.
- 16 Zachor v'Shamor 41:4. See Shalmei Yehudah, pg. 55 who quotes Rav Y.S. Elyashiv's opinion that a flashlight is severe muktzeh.
- 17 Mishnah Berurah 308:25 (because it is not a utensil); Aruch ha-Shulchan 308:17 (because it is "delicate").
- 18 See Shemiras Shabbos K'hilchasah 14:34; 20:16, Sefer Tiltulei Shabbos, pg. 82, and Shalmei Yehudah, pg. 74 for the various views and reasons.
- 19 Igros Moshe, O.C. 5:22-32; Rav Y.S. Elyashiv (Shalmei Yehudah, pg. 197). There are some who hold that pens are included in the questionable category listed below; see Shemiras Shabbos K'hilchasah, pg. 234.
- 20 Some poskim (Chazon Ish, O.C. 43:17, Chut Shani 3:42-1) hold that they are severe muktzeh, while other poskim (Igros Moshe, O.C. 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.
- 21 Rav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 14, note 104.
- 22 O.C. 308:47.
- 23 Although Rama 308:4 considers a shofar to be light muktzeh, contemporary poskim (Rav Y.S. Elyashiv (Shalmei Yehudah, pg. 32) and Rav S.Z. Auerbach (Shulchan Shelomo 308:23) agree that nowadays a shofar is too "delicate" to be used for anything other than blowing which is prohibited on Shabbos.
- 24 Shalmei Yehudah, pg. 98 and pg. 171.
- 25 Mishnah Berurah 338:30 writes that rain which fell on Shabbos is not muktzeh. Some poskim (Har Tzvi, Soser; Sefer Hilchos Shabbos, Dosh, pg. 120, quoting Rav M. Feinstein; Rav Y.S. Elyashiv, Shalmei Yehudah, pg. 203; Shemiras Shabbos K'hilchasah 16:44) hold that snow is similar to rain, while others (Igros Moshe, O.C. 5:22-37; Shulchan Shelomo 310:26-2) suggest that snow may be considered severe muktzeh. See also Mishnah Berurah 310:32, quoting Chaye Adam.
- 26 Igros Moshe, O.C. 5:22-19; Shulchan Shelomo 308:9-3.
- 27 Shulchan Shelomo 308:52.

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Rabbi Neustadt is the Yoshev Rosh of the Vaad Harabbonim of Detroit and the Av Beis Din of the Beis Din Tzedek of Detroit. He could be reached at dneustadt@cordetroit.com

From Yeshiva.org.il <subscribe@yeshiva.org.il>  
reply-To subscribe@yeshiva.org.il  
By Rabbi Yirmiyohu Kaganoff

## Behar and Shemittah By Yirmiyohu Kaganoff

How can we pass Parshas Behar without discussing the laws of shmittah? Yet many chutz la'aretz residents see no need to learn these laws, assuming that locally available produce is never affected. Well -- Guess again, -- Although according to halacha one may not export shmittah produce outside Israel (Mishnah Shvi'is 6:5), much produce finds its way there. And even in chutz la'aretz we must treat

fruit of Eretz Yisroel with kedushas shvi'is according to all of the laws we will now discuss.

### Situation #1: WHAT A ROAST!!

When I was a rav in America, a knowledgeable housewife cooked a delectable roast using wine whose label indicated that it had kedushas shvi'is. Although she had no idea what this term meant, her son pointed out that they needed to ask a shaylah what to do with the roast. To make a long story short, the entire roast had to be treated with kedushas shvi'is; I will soon explain what this means.

### Situation #2: WHAT ARE SEFICHIN?

"I noticed a sign in shul that the fruits and vegetables in the local supermarket are from Israel and must be treated appropriately. Someone told me that the vegetables are sefichin. What does that mean?"

### Situation #3:

Several shmittah cycles ago I was working as a mashgiach for a properly-run American hechsher. One factory that I supervised used to manufacture breadding and muffin mixes. This company was extremely careful about checking its incoming ingredients: George, the receiving clerk who also managed the warehouse, kept a careful list of what products he was to allow into the plant and what kosher symbols were acceptable.

On one visit to the plant I noticed a problem due to no fault of the company. For years, the company had been purchasing Israeli produced freeze-dried carrots with a reliable hechsher. The carrots always arrived in bulk boxes with the Israeli hechsher prominently stamped in Hebrew and the word KOSHER prominently displayed in English. George, who always supervised incoming raw materials, proudly showed me through "his warehouse" and noted how he carefully marked the arrival date of each new shipment. I saw crates of the newest shipment of Israeli carrots, from the same manufacturer, and the same prominently displayed English word KOSHER on the box. However, the Hebrew stamp on the box was from a different supervisory agency, one without the same sterling reputation. The reason for the sudden change in supervisory agency was rather obvious when I noted that the Hebrew label stated very clearly "Heter Mechirah." What does this mean?

First, let us discuss the basics:

### LAWS OF THE LAND

In this week's parsha, the Torah (VaYikra 25:1-7) teaches that every seventh year is shmittah; we are prohibited from working the land of Eretz Yisroel and must leave our land fallow, even by a gentile (Gemara Avodah Zarah 15b). Just as observing the seventh day, Shabbos, demonstrates our beliefs in the Creator, so too, observing every seventh year as shmittah demonstrates this faith. The landowner must treat whatever grows as ownerless, allowing others to enter his field or orchard to pick and take its produce. They may take as much as their family will eat, and the landowner himself also may take this amount (see Rambam, Hil. Shmittah 4:1).

### LAWS OF THE FRUIT

Although shmittah observance today is mandated only midrabbanan (see Gemara Moed Katan 2b; Chazon Ish, Shvi'is 3:8), nevertheless, most of its laws are the same as they will be when observing shmittah will again become a mitzvah min hatorah. The Torah imbues shmittah produce with special sanctity, called kedushas shvi'is, declaring vihaysa shabbas ha'aretz lochem le'ochlah, "the produce of the shmittah should be used only for food" (VaYikra 25:6).

According to accepted opinion, one is not obligated to eat shmittah food -- rather, the Torah grants us permission to eat it, and we must treat it accordingly (Chazon Ish, Hil. Shvi'is 14:10). There is much

halachic detail involved in correct use of shmittah produce. For example:

I. One may not sell shmittah produce in a business manner (Rambam, Hil. Shmittah 6:1). Although one may pick shmittah produce for one's personal consumption, one may not harvest it to sell commercially (Tosefta, Shvi'is 5:7).

II. One may not export shmittah produce outside Eretz Yisroel (Mishnah Shvi'is 6:5). There are opinions that allow exporting shmittah wine and esrogim, although the rationales permitting this are beyond the scope of this article (Beis Ridbaz 5:18; Tzitz HaKodesh, Volume 1 #15:4).

III. Shmittah produce is intended for Jewish consumption; one may not give or sell kedushas shvi'is produce to a gentile, although you may allow him or her to join you for your meal (Rambam, Hil. Shmittah 5:13 and Mahari Korkos ad loc.).

IV. If one trades or sells the shmittah produce, the food or money received in exchange also has kedushas shvi'is (Sukkah 40b). (Because of space constraints, I will leave details of these halachos for another time.)

V. One may not ruin shmittah produce (Gemara Pesachim 52b). What types of "ruining" did the Torah prohibit? One may not cook foods that are usually eaten raw, nor may one eat raw produce that is usually cooked (Yerushalmi, Shvi'is 8:2; Rambam, Hil. Shvi'is 5:3). Therefore, one may not eat raw shmittah potatoes, nor may one cook shmittah cucumbers or oranges. Contemporary authorities dispute whether one may add shmittah orange or apricot to a recipe for roast or cake. Even though the roast or cake is delicious because of the added fruit, many poskim prohibit this cooking or baking since these fruits are usually eaten raw (Shu"t Mishpat Cohen #85). Others permit this if it is a usual way of eating these fruits (Mishpetei Aretz page 172, footnote 10).

One may feed shmittah produce to animals only if it is not considered fit for human consumption. This includes varieties grown for fodder, as well as peels and seeds that people do not usually eat (Rambam, Hilchos Shmittah 5:5). A neighbor of mine, who usually feeds lettuce to his pet turtle, had a problem last shmittah what to feed it. Similarly, juicing vegetables and most kinds of fruit is considered "ruining" the shmittah produce and prohibited, although one may press grapes, olives and lemons since the juice and oil of these fruits are considered improvements. Many contemporary authorities permit pressing oranges and grapefruits provided one treats the remaining pulp with kedushas shvi'is. Even these authorities prohibit juicing most other fruit, such as apples and pears (Minchas Shelomoh, Shvi'is pg. 185).

#### RUINING VERSUS EATING

How do we determine whether processing a food "ruins" it or not? Many poskim contend that if the processing changes the food's preferred bracha, one may not perform it to shvi'is produce (Shu"t Mishpat Cohen #85, based on Gemara Brachos 38a and Rambam, Hilchos Shvi'is 5:3). Since turning apples to juice reduces their bracha from ha'eitz to shehakol, this would be considered "ruining" the apples. Similarly, the fact that one recites the bracha of shehakol prior to eating a raw potato or cooked cucumbers or oranges demonstrates that treating them this way ruins the produce. According to this approach, one may not press oranges or grapefruits either, since one recites shehakol and not ha'eitz on the juice (Shu"t Mishpat Cohen #85).

Those who permit squeezing oranges and grapefruits apply a different criterion, contending that since this is the most common use of these fruit it is permitted (Minchas Shelomoh, Shvi'is pg. 185). I suggest that according to this approach it would now be permitted to juice

pomegranates, since most of the world's pomegranate crop is grown for this reason.

One must certainly be careful not to actively destroy shmittah produce. Therefore, one who has excess shvi'is produce may not trash it in the usual way. Similarly, peels that are commonly eaten, such as cucumber or apple peels, still have shmittah kedusha and may not simply be disposed. Instead, contemporary practice is to place these peels in a plastic bag and then place the bag in a small bin or box called a pach shvi'is, where it remains until the food is inedible. When it decomposes to this extent, one may dispose of the shmittah produce in the regular garbage.

When eating shmittah food, one need not be concerned about the remaining bits stuck to a pot or an adult's plate that one usually just washes off; one may wash these pots and plates without concern that one is destroying shmittah produce. However, the larger amounts left behind by children, or leftovers that people might save, should not be disposed in the garbage but should be scraped into the shmittah bin.

#### WHY DECOMPOSE?

This leads us to a question: If indeed one may not throw shmittah produce in the garbage because it has sanctity, why may one do so after the produce decomposes? Does decomposition remove kedusha?

Indeed it does. Kedushas shvi'is means that as long as the food is still edible, one may not make it inedible or use it atypically. This is because shmittah food is meant to be eaten, even though there is no requirement to do so. However, once the shmittah food is inedible, it loses its special status, and may be disposed of as trash.

#### SANCTITY UNTIL SPOILAGE

This sounds very strange. Where do we find that something holy loses its special status when it becomes inedible?

Although the concept that decay eliminates sanctity seems unusual, this is only because we are unfamiliar with the mitzvos where this principle applies. Other mitzvos where this concept exists are terumah, challah, bikkurim, revai'i and maaser sheini, all cases where we do not consume the produce because we are tamei (Rambam, Hilchos Terumos Chapter 11; Hilchos Maaser Sheini 3:11). Of these types of produce that are holy, but meant to be eaten, only shvi'is may be eaten by someone tamei. Even though someone tamei may not consume tahor terumah, challah, or maaser sheini, one also may not dispose of them or even burn them. Instead, one must place them in a secure place until they decay and only then dispose of them (Tur, Yoreh Deah 331). (We burn the special challah portion after separating it only because it has become tamei. If it did not become tamei, one may not destroy the challah portion, but must place it somewhere until it decays on its own, just as we do with unused shvi'is produce.)

#### A SHMITTAH ROAST IN AMERICA

We can now explore the first question I mentioned:

1a: May one use shmittah wine to season a roast?

Although one improves the roast by adding the wine, the wine itself is ruined. Thus, some poskim prohibit using the wine in this way, whereas others permit it since this is a normal use for wine (see commentaries to Yerushalmi, Terumos 11:1).

1b: What does our American housewife do with her shmittah wine-flavored roast?

If one uses shmittah food as an ingredient, one must treat everything that absorbs its taste according to the laws of kedushas shvi'is (see Mishnah Shvi'is 7:7). Therefore, one who used shmittah potatoes in cholent or shmittah onions or bay leaves in soup must treat the entire

cholent or soup according to shvi'is rules. One may not actively waste this food, nor may one feed any of it to animals until the food is spoiled to the point that people would not eat it. Therefore, our housewife who added shmittah wine to her roast must now consider the entire roast, even the gravy and vegetables cooked with it, to have kedushas shvi'is. One serves the roast in the regular way. As mentioned above, the small scrapings left on an adult's plate may be washed off; but the larger amounts left behind by children should not be disposed in the garbage, nor should the leftovers in the pot or on the platter.

Just as one may not dispose of the leftover kedushas shvi'is roast in the garbage, it is unclear whether one may remove these leftovers from the refrigerator in order to hasten their decay, even to place them in a shmittah bin (see Chazon Ish, Shvi'is 14:10). However, if one removed leftover roast to serve, one is not required to return the leftovers to the refrigerator. One may not trash the leftovers, but instead one may place the leftovers somewhere until they have spoiled. To avoid the malodor that this may cause, one may place them in a plastic bag until they decay and then dispose of them.

#### SEFICHIN

At this point, we can discuss the prohibition called sefichin. The Torah permits the use of any produce that grew by itself without anyone working the field during shmittah. Unfortunately, even in the days of Chazal one could find Jews who deceitfully ignored shmittah laws. One practice of unscrupulous farmers was to plant grain or vegetables, marketing them as produce that grew on its own. To make certain that these farmers did not benefit from their misdeeds, Chazal forbade all grains and vegetables, even those that grew by themselves, a prohibition called sefichin, or plants that sprouted. Sefichin are treated as non-kosher food and forbidden to eat, even requiring one to kasher the equipment that cooked them! Chazal made several exceptions to this rule, including that produce of a non-Jew's field is not prohibited as sefichin.

"I noticed a sign in shul that the fruits and vegetables in the local supermarket are from Israel and must be treated appropriately. Someone told me that the vegetables are sefichin. What does that mean?"

In all likelihood, the growers of this produce relied on heter mechirah, a highly controversial heter that I dealt with extensively in a different article, but which I will touch on here. Those who follow this approach very liberally permit a Jewish landowner to sell his land to a gentile, but then work it as his own. Those who oppose this practice consider it a charade and not a valid sale, and prohibit the grain and vegetables based on heter mechirah as sefichin.

#### WHY NOT FRUIT?

Chazal only included in the prohibition of sefichin crops that could be planted and yield a harvest in one year. They did not extend the prohibition of sefichin to tree fruits and other perennial crops, such as bananas and strawberries, because there was less incentive for a cheating farmer. Although trees definitely thrive when pruned and cared for, they will produce even if left unattended for a year. Thus, the farmer has less incentive to tend his trees.

#### "GUARDED PRODUCE"

I mentioned above that a farmer must allow others free access to help themselves to any produce that grows on his trees and fields during shmittah. What is the halacha if a farmer treats this produce as his own and refuses entry to it during shmittah?

The Rishonim dispute whether this will make the fruit forbidden. Some contemporary poskim prohibit the use of heter mechirah tree fruit on the basis that since heter mechirah is invalid, this fruit is now

considered "guarded," and therefore forbidden. Other poskim permit the fruit because they rule that the forbidden working of an orchard or treating it as private property does not prohibit its fruit (see Shu"t Igros Moshe, Orach Chayim 1:186). Thus, even if one does not consider the heter mechirah to be valid, some authorities permit the fruit but require that it be treated with kedushas shvi'is.

What about our carrot muffins? If we remember our original story, the company had unwittingly purchased heter mechirah carrots. The hechsher required the company to return all unopened boxes of carrots to the supplier and to find an alternative source. However, by the time I discovered the problem, muffin mix using these carrots had been produced bearing the hechsher's kashrus symbol and were already distributed. The hechsher referred the shaylah to its posek, asking whether they were required to recall the product from the stores as non-kosher, or whether it was sufficient to advertise that an error occurred and allow the customer to ask his individual rav for halachic guidance.

For someone living in Eretz Yisroel, observing shmittah properly involves assuming much halachic responsibility and education and often great commitment since shmittah-permitted produce may be significantly more expensive than its alternative. Those living in chutz la'aretz should be aware of the halachos of shvi'is and identify with this demonstration that the Ribbono Shel Olam created the world in seven days, and that the seventh year is holy.

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