

## Parshat Behar

### You Shall Dwell in the Land in Security

By Rav Yair Kahn

#### I. *Shemitta Etzel Har Sinai*

On the third month of the first year after leaving Egypt, *Bnei Yisrael* arrived at Sinai ([Shemot 19:1](#)). On the following day, Moshe ascended the mountain and Hashem called to Moshe from Har Sinai (ibid. 19:3). From that day until the first month of the second year, when the *Mishkan* was built, Moshe received the divine word from Har Sinai. However, once the *Mishkan* was assembled, Hashem called to Moshe from the within the *Mishkan* as it is written: "And Hashem called unto Moshe and spoke unto him out of the tent of meeting" ([Vayikra 1:1](#)). The mention of Har Sinai at the beginning of this week's *parasha*, towards the end of *sefer Vayikra*, is therefore puzzling:

Hashem spoke to Moshe on Har Sinai, saying: Speak to *Bnei Yisrael* and say to them: When you come into the land that I give you, the land shall observe a Sabbath rest for Hashem... (25:1)

This difficulty was noted by our Sages, who posed the famous question: "*Mah inyan shemitta etzel Har Sinai?*" Why is *shemitta* found alongside Har Sinai?

In truth, Har Sinai defines the parameters of the closing unit of *Sefer Vayikra*. Aside from the mention of Har Sinai at the beginning of this week's *parasha*, the Torah concludes the covenant in *Parashat Bechukotai* with the *pasuk*:

These are the statutes and ordinances and laws that Hashem made between Him and the children of Yisrael at **Har Sinai**, by the hand of Moshe. (26:46)

The *chumash* concludes with the words:

These are the commandments that Hashem commanded Moshe for the children of Yisrael at **Har Sinai**. (27:34)

Thus, although *shemitta* and *yovel* continue the theme of sanctity of time that was introduced in *Parashat Emor*, *Parshiot Behar* and *Bechukotai* form an independent unit (see last week's *shiur*).

The anachronistic mention of Har Sinai at the end of *Sefer Vayikra* prompted the Ibn Ezra to apply the principle of "*ein mukdam u-me'uchar ba-Torah*" – the Torah does not necessarily correspond to chronological sequence.

"*Be-Har Sinai*" - *Ein mukdam u-me'uchar ba-Torah*. This *Parasha* occurred before *Vayikra* and all the *parshiot* that follow, for the speech was at Har Sinai, and here the [Torah records] the covenant written in *Parashat Mishpatim*. It was recorded at this point in order to connect the [various] conditions of the land. Just like it says regarding forbidden relations that they are the cause that the land shall vomit you, so too it says in *Parashat Bechukotai* regarding the Sabbath of the land. (Ibn Ezra 25:1)

#### II. The Sinaitic Covenant

The Ibn Ezra identifies the *Behar-Bechukotai* unit with the Sinaitic covenant recorded at the end of *Parashat Mishpatim*:

And Moshe wrote all the words of Hashem and rose up early in the morning, and built an altar under the mount, and twelve pillars for the twelve tribes of Yisrael. And he sent the young men of *Bnei Yisrael*, who offered burnt-offerings, and sacrificed peace-offerings of oxen unto Hashem. And Moshe took half of the blood, and put it in basins, and half of the blood he splashed against the altar. And he took the book of the covenant, and read it to the people, and they said: "All that Hashem has spoken will we do and obey." And Moshe took the blood and sprinkled it on the people, and said: "Behold the blood of the covenant, which Hashem has made with you in agreement with all these words." ([Shemot 24:4-8](#)).

This covenant took place around the time of *ma'amad Har Sinai*, but its content is nevertheless recorded at the end of *Sefer Vayikra*. The Ibn Ezra explains that the Torah wanted to connect the various conditions that are required, so that we may remain in the land of Israel.

The Ramban was much more hesitant than the Ibn Ezra in applying the principle of "*ein mukdam u-me'uchar*," and as in other instances, he argues on this application as well. The Ramban agrees with the Ibn Ezra that *Behar- Bechukotai* is a record of the covenant forged at Sinai. However, the Ibn Ezra identifies it with the covenant of the first *luchot*, while according to the Ramban, that covenant was annulled by the *cheit ha-egel*. The Ramban thus claims that the covenant of *Behar-Bechukotai* is a second covenant that was forged along with the second *luchot*. When Moshe descended with the second *luchot*, the most pressing task was to build the *Mishkan* and to teach the *Mishkan* related laws. At the end of *Vayikra*, Moshe finally had the opportunity to inform Yisrael of the new covenant of the second *luchot*.

At first glance, the covenant that the Ibn Ezra and Ramban are referring to is essentially the *berakhot* and *kelalot* (blessings and curses) of *Parashat Bechukotai*. Yisrael accepts the *mitzvot* of the Torah, and Hashem, as it were, commits to award Yisrael with various blessings. If, *chalila* Yisrael does not adhere to the *mitzvot*, then Hashem will punish them, as recorded in the *tokhacha* (rebuke). Similarly, the *berakhot* and *kelalot* in *Parashat Ki Tavo* conclude with the *pasuk*:

These are the words of the covenant which Hashem commanded Moshe to make with *Bnei Yisrael* in the land of Moav, aside from the covenant which He made with them at *Chorev*. ([Devarim 28:69](#))

Accordingly, it would seem that the location of *Behar*, which contains the laws of *shemitta* and *yovel*, is merely tangential to the covenant.

The Ibn Ezra noted that observance of *shemitta* is one of the conditions necessary for Yisrael to remain in the Land of Israel. After all, we find that one of the purposes of exile and the subsequent desolation of the land is in order that the land should be appeased for the violation of the *shemitta*:

Then shall the land be appeased for her Sabbaths, as long as it lies desolate and you are in your enemies' land; even then shall the land rest, and appease her Sabbaths. ([Vayikra 26:34](#))

The Torah therefore introduced the laws of *shemitta* prior to the conditions of the covenant, even though they are not part of the covenant itself.

### III. *Shemitta* and *Berakha*

On the other hand, we might claim that *shemitta* and *yovel* are integrally related to the covenant. In order to illustrate this point, let us consider the following *pesukim*:

And you shall do **My statutes**, and keep My ordinances **and do them**; and you shall dwell in the land in safety. And **the land shall yield her fruit, and you shall eat until you have enough, and dwell therein in safety.** (25:18-19)

These *pesukim*, when taken out of context, seem to belong to the *berakhot* section at the beginning of *Bechukotai*. However, these *pesukim* are actually found in the middle of the *shemitta* and *yovel* section in *Parashat Behar*. In fact, if we compare them to the opening lines of *Bechukotai*, the similarity is startling:

If you walk in **My statutes**, and keep My commandments, **and do them** – Then I will give your rains in their season, and **the land shall yield her produce, and the trees of the field shall yield their fruit.** And your threshing shall reach unto the vintage, and the vintage shall reach unto the sowing time; **and you shall eat your bread until you have enough, and dwell in your land in safety.** (26:3-5)

The *Behar* section continues:

And if you shall say: “What shall we eat the seventh year? Behold, we may not sow, nor gather in our increase.” Then I will command My *berakha* upon you in the sixth year, and it shall bring forth produce for the three years. And you shall sow the eighth year, and eat of the produce, the old harvest; until the ninth year, until her produce shall come in, you shall eat the old harvest. (25:20-22)

The *berakha* that we shall eat from the old harvest relates specifically to the commandments of *shemitta* and *yovel*. Surprisingly, we find a parallel at the beginning of *Bechukotai*: “And you shall eat old store harvest” (26:10).

What is the Torah telling us by drawing these parallels? Although there are a number of possibilities, in my opinion, the Torah is saying that *shemitta* and *yovel* are not just *mitzvot*; they are an opportunity. They form a vision of a utopian society, based on the awareness that Yisrael are the servants of Hashem (25:55), who are living in *Eretz Yisrael*, the land of Hashem (25:23). They describe a religious ideal of human faith reciprocated by divine providence. They contain a promise of a relationship between Hashem and Yisrael. In a word, *shemitta* and *yovel* are more than just commandments – they are a context for attaining the *berakhot* of the covenant.

This idealistic view of *shemitta* may be connected to the *hakhel* ceremony that takes place within the context of *shemitta*, when the king gathers the nation and reads to them from the Torah. As we noted in the *shiur* on *Parashat Kedoshim*, the *hakhel* ceremony is a re-enactment of *Ma'amad Har Sinai*, which is called “*yom ha-kahal*.” Once every *shemitta* cycle, there is a renewal of the covenant that was forged at Sinai. Might the timing of this renewal be connected with understanding that *shemitta* is the context for achieving the blessings of the Sinaitic covenant?

#### IV. *Kol Yoshveha Aleha*

The *gemara* in *Erkhin* (32b) quotes a very interesting *beraita*:

Upon the exile of the tribe of Reuven and the tribe of Gad and half the tribe of Menashe, *yovel* was annulled, as it is written: “And you should proclaim freedom unto the land for all its inhabitants” – during the time that all its inhabitants are on it, and not at a time that some

have been exiled. Perhaps if they were all on it, however mixed together, the tribe of Binyamin with Yehuda, and the tribe of Yehuda with Binyamin, *yovel* should be observed? We learn from what is written, "For all its inhabitants" – at a time that its inhabitants are settled properly, but not when they are mixed.

According to most opinions, this halakha is unique to *yovel*. Other *mitzvot* that are specific to *Eretz Yisrael* are dependent on *kedushat ha-aretz* (the halakhic consecration of *Eretz Yisrael*) achieved at the time of Yehoshua through conquering and settling the land. Many claim that this sanctity was nullified when the Babylonians conquered *Eretz Yisrael*. *Yovel*, on the other hand, ceased when the Assyrians exiled the tribes that had settled east of the Jordan, over a hundred years earlier, even though the halakhic sanctity of the land was still extant. Similarly, there are many who accept the position that *kedushat ha-aretz* was reinstated upon the return of Ezra, following the Babylonian exile. Nevertheless, most Rishonim agree that *yovel* did not apply according to Biblical law, during the time of the second temple, that inhabitants were not settled properly. What is the meaning of this unique halakha?

One possible explanation is that other *mitzvot* specific to *Eretz Yisrael* are primarily focused on agriculture, and the *kedusha* of the land is therefore critical. *Yovel*, however, contains an agricultural component as well as a social one. On the one hand, agricultural work is prohibited on *yovel*, just as it is prohibited on *shemitta*. On the other hand, all Hebrew slaves are set free at *yovel*, and land that was sold returns to its original owner. The laws of *yovel* allow those who suffered economically, and were consequently forced to sell their property or themselves, to regain that which they lost. People who lost their property and their freedom are able to rebuild their lives. This aspect of *yovel* is not rooted in the soil, but rather in an ethical, social ideal to which *Am Yisrael* should aspire.

The ethical sensitivities that inspire these laws always apply. However, *yovel* and its laws, are binding only when the vision of *yovel* can be realized. When some of the tribes are no longer in *Eretz Yisrael*, the nation can no longer function as an organic whole, and the vision of "freedom unto the land for all its inhabitants" is no longer attainable. The socio-ethical component cannot be achieved, and *yovel* as a complex idea cannot be implemented. Put simply, the agricultural component cannot be applied independently of the social component. Therefore, there is no *yovel* when freedom for all the Land's inhabitants cannot be fulfilled.

Another possible explanation is based on our suggestion that *shemitta* is the context for attaining the *berakhot* of the covenant. If this is true regarding *shemitta*, how much more so with respect to *yovel*! The *pesukim* in *Parashat Behar* (25:18-19) that parallel the *berakhot* of *Bechukotai* are written within the context of *yovel*.

If you walk in My statutes, and keep My commandments, and do them – Then I will give your rains in their season, and the land shall yield her produce, and the trees of the field shall yield their fruit. And your threshing shall reach unto the vintage, and the vintage shall reach unto the sowing time; and you shall eat your bread until you have enough, and dwell in your land in safety. (26:3-5)

Perhaps this lofty vision of *yovel* requires optimal conditions. Members of all the tribes, representing the nation as an organic whole, must be in *Eretz Yisrael*, each tribe in the portion allotted to it. Only then can ultimate freedom be proclaimed for all its inhabitants.

Visit our website: <http://vbm-torah.org>