

פרשות בהר-בחקותי

At first I said ברוך שכיוונתי as an expression of my pleasure at conceiving an idea that Ramban presented. I thank Hashem that my thoughts were validated by what Ramban had written.

And then I thought that, perhaps I should be embarrassed that Ramban explains 'my thought' in our Parsha and I was ignorant of his words.

What was the thought that was validated?

The first of our two Parshos this week, Parshas Behar, begins with an unexpected statement. That verse (Vayikro Perek 25/Posuk 1) reads:

וַיְדַבֵּר ה' אֶל מֹשֶׁה בְּהַר סִינַי לֵאמֹר:

Hashem spoke to Moshe at Mt. Sinai saying.

It is rare to have the Torah tell us the location of Hashem's transmissions to Moshe Rabbenu.

When the Torah was given we read (Sh'mos Perek 19/P'sukim 1-2):

בַּחֹדֶשׁ הַשְּׁלִישִׁי לְצֵאת בְּנֵי יִשְׂרָאֵל מֵאֶרֶץ מִצְרַיִם בַּיּוֹם הַזֶּה בָּאוּ מִדְּבַר סִינַי: וַיִּסְעוּ מִרְפִּידִים וַיָּבֹאוּ מִדְּבַר סִינַי וַיַּחֲנוּ בְּמִדְבַר וַיַּחֲנוּ שָׁם יִשְׂרָאֵל נֹגֵד הַהָר:

In the third month from the Exodus of B'nei Yisroel from the Land of Egypt, on this day they came to the Sinai wilderness. They traveled from Refidim and they came to the Sinai Wilderness and they camped in the wilderness and Israel camped there, opposite the mountain.

In the beginning of Vayikro we read (Perek 1/Posuk 1):

וַיִּקְרָא אֶל מֹשֶׁה וַיְדַבֵּר ה' אֵלָיו מֵאֹהֶל מוֹעֵד לֵאמֹר:

He called to Moshe; Hashem spoke to him from the Ohel Moed saying.

Unlike Sinai, however, the Ohel Moed was a structure; it was not a 'location'.

At the beginning of Sefer D'vorim we read (Perek 1/Posuk 5):

בְּעֵבֶר הַיַּרְדֵּן בְּאֶרֶץ מוֹאָב הוֹאִיל מֹשֶׁה בְּאֵר אֶת הַתּוֹרָה הַזֹּאת לֵאמֹר:

On the other side of the Jordan in the Land of Moav Moshe began explaining this Torah saying.

That is, when locations were changed, the Torah informs us of the new locale. However, Israel continued to reside by Mt. Sinai throughout the duration of Sefer Vayikro. Only later, as we read in Parshas B'ha'a'losecha (B'midbar Perek 10/P'sukim 11-12) do they begin their travels towards Eretz Yisroel. We read:

וַיְהִי בַשָּׁנָה הַשְּׁנִיָּת בַּחֹדֶשׁ הַשֵּׁנִי בְּעֶשְׂרִים בַּחֹדֶשׁ נִעְלָה הָעֶנָן מֵעַל מִשְׁכַּן הָעֵדוּת:
וַיִּסְעוּ בְנֵי יִשְׂרָאֵל לְמִסְעֵיהֶם מִמִּדְבַּר סִינִי וַיֵּשְׁכּוּ הָעֶנָן בְּמִדְבַּר פָּאֲרוֹן:

It was in the second year, in the second month on the twentieth of the month that the cloud arose from above the Mishkan of Testimony. B'nei Yisroel traveled on their journeys from the Sinai wilderness and the cloud settled in the Poron wilderness.

And so, at the beginning of Sefer B'midbar, the Torah had to tell us that after they left Sinai Hashem continued to communicate with Moshe Rabbenu in the Ohel Moed, regardless of their geographical location. So we read (B'midbar Perek 1/Posuk 1):

וַיְדַבֵּר ה' אֶל מֹשֶׁה בְּמִדְבַּר סִינִי בְּאֶהָל מוֹעֵד בְּאֶחָד לַחֹדֶשׁ הַשֵּׁנִי בַשָּׁנָה הַשְּׁנִיָּת
לְצֵאתְכֶם מֵאֶרֶץ מִצְרַיִם לֵאמֹר:

Hashem spoke to Moshe in the Sinai Wilderness on the first of the second month in the second year of their exodus from the Land of Egypt saying:

Since we were not told anything differently, we certainly should be able to assume that Israel was at Sinai where they had been for the last months. Why, then, should the Torah mention Sinai in Parshas Behar?

And, my thought was that I remembered the final verse of the second of our Parshos, Bechukosai, and its implication.

That closing verse of Sefer Vayikro does far more than close one of the Chumashim. It intimates the close of an era. We read (Perek 27/Posuk 34):

אלה המצוות אשר צוה ה' את מֹשֶׁה אֶל בְּנֵי יִשְׂרָאֵל בְּהַר סִינַי:

These are the Mitzvos that Hashem commanded Moshe [to tell] B'nei Yisroel at Mt. Sinai.

It is not only the fact that our first Parsha begins with *Har Sinai* and our second one concludes with it. It is far more than that. Chazal (Masseches Yoma 80 a) teach us:

אלה המצוות - שאין נביא רשאי לחדש דבר מעתה!

These are the Mitzvos – [this teaches] that a prophet is not allowed to teach new Halachos from now on¹.

Ibn Ezra understands the naming of Mt. Sinai as having a purpose other than geographical. He writes:

בהר סיני - אין מוקדם ומאוחר בתורה. וזו הפרשה קודם ויקרא, וכל הפרשיות שהם אחריו, כי הדבור בהר סיני, ועתה כרת הברית הכתובה בפרשת ואלה המשפטים, והזכירה במקום הזה לחבר תנאי הארץ. וכאשר אמר על העריות, כי בעבורם תקיא הארץ אותם, כן אמר בפרשת אם בחקותי על שבתות הארץ, והזכיר בתחלה פי' השבתות:

Mt. Sinai – There is no chronological order in the Torah and this section was said before Sefer Vayikro and all of Vayikro came after it because the speech was on Mt. Sinai [and not in the Ohel Moed].

Hashem is now executing the covenant that is written in Parshas Mishpotim and the Torah mentions Mt. Sinai here in order to connect [the Mitzvos of

¹ The simple meaning of מעתה, from now on, is from the death of Moshe.

If all of the Mitzvos were given completely at Sinai, then מעתה means from the time they left Sinai. Even though Mitzvos were stated in B'midbar and D'vorim, they were already given at Sinai even though they were written later in the Torah. This, seemingly, is the approach of Rashi.

Ramban, who will be brought later on, will not understand מעתה as from the time Israel left Sinai. He holds that new Mitzvos were commanded in the wilderness during the ensuing 39 years and, thus, מעתה means after the death of Moshe Rabbenu..

Shemitta and Yovel which begin Mt. Sinai] as one of the conditions of inheriting Eretz Yisroel. Just like the Torah wrote regarding forbidden relationships that because of their [violation] the Land will vomit them out, similarly, we read in Parshas Bechokosai [in the *tocheicha*-rebuke] regarding the Sabbaths of the Land and here [in Parshas Behar] the Torah mentions the explanation of 'The Sabbaths' [of the Land].

That is we read at the end of Parshas Acharei Mos (Vayikro Perek 18/P'sukim 24-25):

אל תטמאו בכל אלה כי בכל אלה נטמאו הגוים אשר אני משלח מפניכם: ותטמא הארץ ואפקד עונה עליה ותקא הארץ את ישביה:

Do not become defiled with all of these [forbidden acts] because the nations that I Hashem am sending out before you were defiled with all of these. The Land became defiled and I visited its sin upon it and the Land spewed out its inhabitants.

In the second of our two Parshos this week, Parshas Bechukosai, we read that Exile is the punishment for the violation of Shemitta and Yovel. The Torah writes (Vayikro Perek 26/Posuk 43):

והארץ תעזב מהם ותרוץ את שבתותיה בהשמה מהם והם ירצו את עונם יען וביען במשפטי מאסו ואת חקתי געלה נפשם:

The Land will be forsaken from them and it will be appeased for its Sabbatical [Years] that were desolate from them; Israel will be punished for their sin because they most certainly despised My laws and My statutes disgusted them.

That is, Ibn Ezra teaches, by connecting the Mitzvos that begin our Parsha, Shemitta and Yovel, with Sinai we also connect them with the severe punishments that come about from other commandments given there as well.

Rashi, famously, sees our verse from a different perspective.

He writes:

בהר סיני - מה ענין שמיטה אצל הר סיני, והלא כל המצות נאמרו מסיני, אלא מה שמיטה נאמרו כללותיה ופרטותיה ודקדוקיה מסיני, אף כולן נאמרו כללותיהן ודקדוקיהן מסיני, כך שנויה בתורת כהנים. ונראה לי שכך פירושה לפי שלא מצינו שמיטת קרקעות שנשנית בערבות מואב במשנה תורה, למדנו שכללותיה ופרטותיה כולן נאמרו מסיני, ובא הכתוב ולמד כאן על כל דבור שנדבר למשה שמסיני היו כולם כללותיהן ודקדוקיהן, וחזרו ונשנו בערבות מואב:

At Mt. Sinai – ‘What is the connection between *Shemitta* [with which our Parsha begins] and Mt. Sinai? Were not all of the Mitzvos said at Sinai? But [this comes to teach] that just like the general Mitzvos and the specifics and the inferences of *Shemitta* were said at Sinai so were all of the Mitzvos, their general Mitzvos, and their inferences were said at Sinai. This is the end of the quote from Midrash Toras Kohanim.

I think that this is the explanation of the Midrash: We do not find that the Mitzvah of *Shemitta* is mentioned in *Sefer D’vorim*. Thus, we learn that its general Mitzvos and specifics were all said at Sinai. Our verse comes to teach here that each and every word [of all of the Mitzvos] that was spoken to Moshe was from Sinai, all of them, their general rules and their inferences. [Those that were mentioned in *Sefer D’vorim*] were simply repeated a second time in *Arvos Moav*.

Ramban, who gave us invaluable support to our insight regarding the connection between the beginning of Parshas Behar and the conclusion of Parshas Bechukosai, argues with Rashi regarding the interpretation of the Midrash. His rejection of Rashi is stated clearly:

ואינו נכון בעיני כלל...מנין שהוקשו שאר הדברות שנשנו בערבות מואב לשמיטה ולא היו כללותיהן מסיני ופרטיהם בערבות מואב, וכן היה ראוי יותר לומר כי הנשנות נשנו לבאר פרטיהם כי לא נאמרו בסיני אלא כללותיה:

In my eyes this is not correct at all. How does Rashi know that the other Mitzvos that were said at *Arvos Moav* are compared to *Shemitta*? Perhaps their general Mitzvos were said at Sinai and their specifics were given at *Arvos Moav*. It is much more proper to say that those which were repeated

in Arvos Moav were repeated to explain the specifics that were not said at Sinai where only the general Mitzvos were said.

As part of his discussion there, Ramban writes:

ואמר כי בהר סיני עוד נאמרו כל פרטיה שהרי כולם נזכרו בפרשה הזאת, ובסוף הענין כתיב אלה המצות אשר צוה ה' את משה אל בני ישראל בהר סיני...

It says 'Har Sinai' because regarding Shemitta *its* specifics were also said there because all of the Mitzvos of Shemitta are said in this section [and not repeated in *Arvos Moav*]. And at the end it is written, 'These are the Mitzvos that Hashem commanded Moshe to say to B'nei Yisroel at Mt. Sinai.

Thus, we wish to investigate whether or not the two Parshos that we read this week, Behar and Bechukosai, the former beginning with *Har Sinai* and the latter concluding with *Har Sinai*, form a unique package, something from which we can learn in addition to the specific meaning of each of the Mitzvos and individual messages that they contain.

It is daunting, to say the least, to imagine that we would ever be able to encapsulate any part of the Torah and say 'this is its meaning in its entirety'. But what we can do is investigate some parts and see if we can derive an idea from them.

It would be most logical to begin with the beginning and conclude with the ending.

The beginning of Parshas Behar is, as noted above, the section of the laws of Shemitta and Yovel.

The conclusion of Parshas Bechukosai deals with two Mitzvos – *Maaser Beheima* and *Temura*.

The first, מעשר בהמה is the requirement of tithing new-born animals and bringing every tenth animal as a Korban. Annually, the animals born are gathered together and the tenth is sanctified. We read (Perek 27/Posuk 32):

וְכָל מַעֲשֵׂר בְּקָר וְצֹאן כֹּל אֲשֶׁר יַעֲבֹר תַּחַת הַשֶּׁבֶט הָעֵשִׂירִי יִהְיֶה קֹדֶשׁ לַיהוָה:

Every tenth of cattle and sheep, all that passes under the rod, the tenth shall be holy for Hashem.

Rashi explains this Mitzvah succinctly:

תחת השבט - כשבא לעשרן מוציאן בפתח זה אחר זה, והעשירי מכה בשבט צבוע בסיקרא להיות ניכר שהוא מעשר, כן עושה לגדיים לטלאים ולעגלים של כל שנה ושנה:

Under the rod – When one comes to tithe them, he takes them out of a narrow opening one after the other. When it comes to the tenth, he hits it with a rod upon which red dye was placed so that this animal can be identified as *Maaser*. This is what he does to the kids, the lambs and the calves yearly.

Rashi continues and points out an exceptional nature of *Maaser Beheima*:

יהיה קדש - ליקרב למזבח דמו ואמוריו, והבשר נאכל לבעלים, שהרי לא נמנה עם שאר מתנות כהונה, ולא מצינו שיהא ניתן לכהנים:

It shall be holy – to be offered on the altar: its blood and innards as stated. The meat of this Korbon is eaten by the owner [and no portion is given to the Kohen]. We know this because *Maaser Beheima* is not counted among those gifts that are given to the Kohen and we have no source that it is given to Kohanim.

The following verse gives us another Mitzvah, the prohibition of *Temura*, exchanging one Korbon for another, even if one wishes to upgrade the offering for the altar². We read:

² Earlier in our Parsha, the Mitzvah of *Temura* was stated as a general rule. We read (P'sukim 9-10):

וְאִם בְּהֵמָה אֲשֶׁר יִקְרִיבוּ מִמֶּנָּה קָרְבָּן לַיהוָה קֹדֶשׁ: לֹא יִחַלְפֶנּוּ וְלֹא יִמִּיר אֶת־טוֹב בְּרָע אוֹ רַע בְּטוֹב וְאִם הֵמִיר יִמִּיר בְּהֵמָה בְּבֵהֶמָה וְהָיָה הוּא וְתַמּוּרְתוֹ יִהְיֶה קֹדֶשׁ:

If one pledges an animal as a *Korban* and that animal is eligible to be brought on the altar, all of it shall be sanctified to Hashem. He should not

לֹא יִבְקֹר בֵּין טוֹב לְרַע וְלֹא יִמְרְנוּ וְאִם הֵמָּר יִמְרְנוּ וְהָיָה הוּא וְתַמּוּרְתוֹ יְהִיָּה קֹדֶשׁ לֹא יִגָּאֵל:

Do not distinguish between good and bad and do not exchange the Korbon; if one does an exchange, the Korbon and its exchanged animal will [both] be holy; they may not be redeemed [from the Beis HaMikdosh].

Rashi explains this Mitzvah in the specific context of *Maaser Beheima*:

לֹא יִבְקֹר וְגו' - לְפִי שֵׁנֵאמַר (דְּבָרִים יב/יא³) וְכֹל מִבְּחַר נִדְרֵיכֶם, יִכּוֹל יִהְיֶה בּוֹרֵר וּמוֹצִיא אֶת הַיִּפְהָ, תִּלְמּוֹד לֹאמַר לֹא יִבְקֹר בֵּין טוֹב לְרַע, בֵּין תָּם בֵּין בַּעַל מוּם חֵלָה עָלָיו קְדוּשָׁה, וְלֹא שִׁקְרָב בַּעַל מוּם, אֲלֵא יֹאכַל בְּתוֹרַת מַעֲשֵׂר וְאֲסוּר לִיגְזֹז וְלִיעֲבֹד:

Do not distinguish – Since the Torah writes ‘the best of your animals for your vow’, I may have thought that [when designating the tenth animal] that I should select and take out the nicest one. Thus the Torah writes not to distinguish between good and bad. The ‘good’ is one without a *moom*-disqualifying defect and the ‘bad’ is a *בעל מום*, with a disqualifying defect. No matter the level of sanctity of the animal, *Maaser Beheima* comes upon it.

However, a *בעל מום* is not offered on the altar; it is eaten, though, according to the laws of *Maaser Beheima* and has the prohibitions of

exchange it or switch it – a good one for a bad one or a bad one for a good one; if he does exchange an animal for an animal it and its exchange will be sanctified.

See Masseches Bechoros (14 b) for a discussion regarding the need of this verse and the similar verse at the end of the Perek.

³ The entire verse reads:

וְהָיָה הַמָּקוֹם אֲשֶׁר יִבְחַר ה' אֱלֹהֵינוּ לְקִיְּמָתוֹ בּוֹ לְשִׁכְּנֵנוּ שְׁמוֹ שָׁמָּה תָּבִיאוּ אֶת כָּל אֲשֶׁר אֲנִי מְצַוֶּה אֶתְכֶם עוֹלֹתֵיכֶם זִבְחֵיכֶם מַעֲשֵׂרֵיכֶם וְתִרְמַת יְדֵיכֶם וְכֹל מִבְּחַר נִדְרֵיכֶם אֲשֶׁר תִּדְּרוּ לָהּ:

It will be at the place that Hashem your G-d will choose to reside His Name there, there you will bring all that I command you today, your burnt-offerings, your offerings, your animal tithings and the gifts of your hands and the best of your vow that you vowed to Hashem.

shearing it and working with it just like the one that is a תם, without defect.⁴

Can we find a meaningful connection between Shemitta and *Ma'aser Beheima* and, at the same time, understand why each is inextricably and uniquely connected to *Har Sinai*?

The laws of *Shemitta* have two aspects: the 'Sabbath of the Land' and the freeing of debts. In fact, the Sabbath of the Land, the seventh year, is also known as *Shevi'is*, 'The Seventh'. The word *Shemitta* means 'release' and seemingly that term is more connected with the release of debts.

Our Parsha does not deal with the law of debt-release. That is found only later in Sefer D'vorim where we read (Perek 15/P'sukim 1-2):

מִקֵּץ שִׁבְעַת שָׁנִים תַּעֲשֶׂה שְׁמִטָּה: וְזֶה דְבַר הַשְּׁמִטָּה שְׂמוֹט כֹּל בַּעַל מַשֶּׁה יְדוֹ אֲשֶׁר
יִשֶּׂה בְרֵעֵהוּ לֹא יִגַּשׁ אֶת רֵעֵהוּ וְאֶת אָחִיו כִּי קָרָא שְׁמִטָּה לֵה':

At the end of seven years you shall make a *Shemitta*-release. This is the matter of 'The Shemitta': anyone who owns a debt that he can collect from

⁴ An animal which is a species from which a Korban is brought and which has no מום, disqualifying defect, is imbued with an inherent sanctity, קדושת הגוף and may not be sold or exchanged or used for any other purpose as long as it does not become defective – a בעלת מום. In such a case it is termed פסולי המוקדשים and loses some of its sanctity, but still has restrictions upon its use and consumption.

If someone dedicates an animal which cannot be brought upon the mizbeach, whether it is a species that is disqualified from being a korban or an individual animal that has a disqualifying defect prior to its sanctification, it does not have inherent sanctity. It has a temporary sanctity that continues until it is redeemed. That is, it has קדושת דמים, its value and worth are imbued with sanctity. The sanctity of קדושת דמים is transient. The Beis HaMikdosh can sell it and then it loses its sanctity completely.

When the Beis HaMikdosh sells this animal that only has קדושת דמים, the money goes to the coffers of the Beis HaMikdosh and it is used for its needs. The term for these funds that are used for the needs of the Beis HaMikdosh is בדק הבית. *Bedek HaBayis* means 'checking' the needs of the Beis HaMikdosh and repairing that which requires repair.

this friend – he shall not demand it from his friend and his brother because G-d has proclaimed ‘A Shemitta-release for G-d’.

Thus, it would seem that the seventh year should have two names: Shevi’is – referring to the ‘Sabbath of the Land’ and ‘Shemitta’ referring to the release of debts.

That assumption is correct. The Masseches in Shas that deals with the seventh year is called Masseches Shevi’is because its first nine chapters deal with the Sabbath of the Land and only its last chapter deals with the release of debts.

It is interesting to note that both Targum Onkelos and Targum Yonoson ben Uziel render the name of this year as *Shemitta* in a consistent manner. Thus, for example, at the beginning of our first Parsha we read (Perek 25/Posuk 2):

דִּבֶּר אֶל בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם כִּי תָבֹאוּ אֶל הָאָרֶץ אֲשֶׁר אֲנִי נֹתֵן לָכֶם וְשָׁבַתָּה הָאָרֶץ
שְׁבַת לָהּ:

Speak to B’nei Yisroel and you shall say to them, ‘When you come to the Land that I give to you, the land shall make a Shabbos for Hashem.’

Onkelos renders the last part of the verse as:

וּתְשַׁמִּיט אֶרְעָא שְׁמִטָּתָא קֳדָם ה':

The land shall release a releasing before Hashem.

Now, of course, it is true. There was a ‘release’ of the land. It was ‘released’ from its owners to a certain degree⁵. Nonetheless, our two Targumim, the authors of which were great Tannaim, must have had a reason for deviating from the name

⁵ During the Shemitta year the legal proprietorship of the land is not taken away from its owner. There are a number of restrictions on its use and it is the produce of the Shemitta year that alone is removed from the owner’s legal possession.

that their colleagues bestowed upon the ‘Sabbath of the Land’ aspect of the seventh year⁶.

In fact, however, the term *Shemitta* is appropriate for both שבת הארץ, the Sabbath of the Land, and שמיטת כספים, the release of debts and has a great deal of justification for that dual usage.

Let us once more see the end of the verse regarding the release of debts:

כִּי קָרָא שְׁמִטָּה לַיהוָה:

G-d has proclaimed ‘A Shemitta-release for G-d’.

If I would see this verse without knowledge of the Halachah, only knowing that it refers to debts, I would think that instead of paying the now-cancelled debt to the lender, the borrower, instead, should transfer the money to the Beis HaMikdosh. It is ‘for G-d’!

I understand that the verse says קָרָא שְׁמִיטָה, Hashem proclaimed a release, but why is it לַיהוָה if, in fact, the lender gets to keep his money and is not required to repay his debt?

Furthermore, when we come to the aspect of שבת הארץ, when the Torah writes there as well:

שבת לה'

A Sabbath for G-d

⁶ In the absence of an authoritative source, we will reject a suggestion that the Targumim rendered the ‘Sabbath of the Land’ as ‘Shemitta’ because such was the term that was popular, just like its popularity today.

As Sifrei Kodosh, the Targumim did not speak in the vernacular as if their rendition of the Torah was done in a casual manner.

In addition, see Masseches Megilla (3 b) that teaches that *Targum Onkelos*’ source is Sinai, given to Moshe Rabbenu. Over the years, that Targum was forgotten and Onkelos HaGer restored it. Thus, part of the Massores of Sinai is to refer to the Sabbath of the Land as ‘Shemitta’, in addition to ‘Shevi’is’.

I would have thought that all of the Shevi'is produce is forbidden; I would have understood that it cannot be consumed whatsoever. Or, at the very least it would have been reasonable to assume that it must be given to the Beis HaMikdosh.

But that is not the case. Shevi'is produce does not rot on the ground; it can be consumed. The prohibition is against the field's owner behaving as if he is the proprietor of Shevi'is produce.

The prohibition is showing business-like ownership over the produce; however, picking it for daily consumption in a normal fashion is allowed and even encouraged. That is the opportunity for every Jew who is to be allowed comfortable access to retrieve its fruits and vegetables.

There is a special sanctity in food that is termed *קדושת שביעית* and that sanctity is precisely the meaning of 'שבת לה'. G-d has conferred upon this food a special standing.

The sanctity of *Shevi'is* does not place the foods grown during that year off-limits. It imbues them with a special nature that brings holiness into the lives of those who observe that year's special Halachos and who properly obtain and consume its produce.

We may understand now why there is a unique time-limit on the consumption of produce imbued with *קדושת שביעית*, a time-limit that stems from verses in the opening section of Parshas Behar (Perek 25/P'sukim 6-7)

וְהִיְתָה שַׁבַּת הָאָרֶץ לָכֶם לֶאֱכֹלָהּ לָךְ וְלַעֲבָדְךָ וְלַאֲמֹתֶךָ וְלַשְׂכִּירְךָ וְלִתְנוֹשְׁבֵי הַגְּרָיִם
עִמָּךְ: וְלַבְּהֵמָתְךָ וְלַחַיִּה אֲשֶׁר בְּאֶרְצְךָ תִּהְיֶה כָּל תְּבוּאָתָהּ לֶאֱכֹל:

This Sabbath of the Land will be for you for eating, for you, for your male slave and your female slave and for your hired worker and for the non-Jew who dwell with you. For your domesticated animals and for the non-domesticated animals that are in your land all of its produce will be to eat.

Even without delving into the meaning of each word and phrase here, we can wonder about the placement of *חיה*, non-domesticated animals, in the second

verse. One feeds his domesticated animals but the *chaya*, the 'wild' animal, forages for itself. You don't feed it!⁷ So what could the meaning of the verse be?

Rashi explains the subject in the following manner: both your animal and the *chaya* eat the same produce. The difference is that you provide the food for your animal and the *chaya* obtains the food on its own. Their commonality is that both eat the same food. Because of that commonality, Rashi explains:

ולבהמתך ולחיה - אם חיה אוכלת בהמה לא כל שכן, שמזונותיה עליך, מה תלמוד לומר ולבהמתך, מקיש בהמה לחיה, כל זמן שחיה אוכלת מן השדה האכל לבהמתך מן הבית, כלה לחיה מן השדה כלה לבהמתך מן הבית:

For your domesticated animals and for the non-domesticated animals – If the non-domesticated animal can be fed from the Shevi'is produce, certainly the domesticated one can be fed since you are obligated to feed it since its care is your obligation. If so, what does the Torah teach by writing the words 'for your domesticated animals'?

[The answer is that] the Torah is requiring equivalence between *your* domesticated animal and the non-domesticated one and teaching that as long as the *chaya* eats from its foraging in the field, you can feed your animal. When the food in the field has been exhausted (*Koloh*) for the foraging animal, stop (*Kaleh*) the *Shevi'is* food from your domesticated animal.

That is, there is a time-limit imposed for eating Shevi'is produce. That time-limit is determined by the availability of such produce in the wild⁸. Thus, even if one has

⁷ The very language of the Posuk seems to make that point. It writes *בהמתך-your* domesticated animal and *חיה-a* non-domesticated animal. That is, the *chaya* that is written in the Posuk is presumed not to be under your care since it isn't yours.

⁸ Nowadays agriculturists and agronomists assist the Rabbanut in determining those dates of when the specific fruits and vegetables are no longer available in the field in any particular *Shevi'is* year and publish charts and calendars.

some *Kedushas Shevi'is* produce in the house that was obtained appropriately, when the time-limit has arrived, the produce may no longer be used⁹.

We can very simply understand the model of the *chaya* as a standard. *Shevi'is* produce is to be available to all, poor and rich, citizens and non-citizens. The standard is the 'open' availability for the *chaya*. If it can still access the produce it remains 'universally' available; if not, then the *Shevi'is* standard is no longer available.

We see the commonality in the seventh year in that the release for personal use, whether it be the consumption of the produce or in the forgiveness of the debt comes about due to the sanctity that is imbued in it. However, that sanctity does not remove the objects, produce or loans, from the human sphere. Rather, it reintroduces them to the human sphere, but, now, in a state of sanctity¹⁰.

⁹ When this time-limit has arrived there is an obligation of *בעור שביעית*, literally 'destroying the *Shevi'is* produce.

Rambam paskens that *בעור שביעית* is just like *בעור חמץ*, the *Shevi'is* produce must be destroyed physically.

Most authorities pasken that in regard to *Shevi'is* the *biur* required is ridding it from your possession, not ridding it from existence. Thus, according to this opinion which is the Halachah, one can make the *Shevi'is* produce in his possession *hefker*, ownerless.

For example, the time for *בעור שביעית* for grapes or wine with *Kedushas Shevi'is* is Shavuot following the Shemitta year. On Erev Shavuot one puts out his *Kedushas Shevi'is* wine and grapes in a public place announce that he is relinquishing ownership, making them *hefker*. At least three people have to hear the declaration. If no one takes that produce, the individual can bring it into his house and continue to consume it with all of the Halachos of *Shevi'is* remaining intact. It does not require a second act of *hefker* ever again.

¹⁰ In this context it is interesting to note what Chazal teach us in the final Mishnayos of Masseches *Shevi'is*, dealing with *Shmittas Kesafim*. We read (Perek 10/Mishnayos 8-9):

המחזיר חוב בשביעית יאמר לו משמט אני אמר לו אף על פי כן יקבל ממנו שנאמר וזה דבר השמטה...
המחזיר חוב בשביעית רוח חכמים נוחה ממנו...

If one comes to repay a loan [after] *Shevi'is*, the lender should say, 'I release the debt'. If the borrower says, 'Even so, I wish to return it', the lender may accept it as it says, 'This is the word/matter of Shemitta'.

When we examine the laws of *Maaser Beheima*, we can find a similar theme. The animal designated as *Maaser Beheima* has an exclusive feature. It is *kodesh* for Hashem as a Korban, but the Kohen has no part in it. After the animal is offered, the parts that may be consumed go to the one who brought it exclusively. He may distribute it to whom he wishes, including to a Kohen, but it is his.

The sanctity that is imbued in this animal does not remove it from the sphere of regular consumption; rather it changes its consumption to being an act of holiness.

Har Sinai!

What happened when the Torah was given? We read the description that the Torah shares with us in Parshas Yisro (Sh'mos Perek 20/Posuk 15):

וְכָל הָעָם רֹאִים אֶת הַקּוֹלֹת וְאֶת הַלַּפִּידִם וְאֶת קוֹל הַשֹּׁפָר וְאֶת הָהָר עֹשֵׁן וַיֵּרָא הָעָם
וַיִּנְעוּ וַיַּעֲמְדוּ מֵרָחֵק:

All the people were seeing the thunder and the torches and the sound of the Shofar and the mountain smoking; the people saw and they were moved and they stood at a distance.

Awe-inspiring? Terrifying? I do not know the proper way to describe an event that I cannot understand. But, if I see this verse alone I will say that the events at Sinai were other-worldly.

On the other hand the Torah writes (ibid. Perek 19/Posuk 20):

The attitude of the Chachamim towards one who returns a debt [after] Shemitta is one of pleasure.

This unique Halachah emphasizes that even when the sanctity of the Shemitta year is imposed the money owed can still reach its originally intended recipient and when the interpersonal aspect of the lender-borrower relationship is optimal, our sages were most pleased.

This idea is most similar to the prohibitions placed upon fruits and vegetables with *קדושת שביעית*. The 'owner' can take and eat that produce that grows on his fields. He is no longer the exclusive consumer.

וַיֵּרַד ה' עַל הַר סִינַי אֶל רֹאשׁ הָהָר וַיִּקְרָא ה' לְמֹשֶׁה אֶל רֹאשׁ הָהָר וַיַּעַל מֹשֶׁה:

Hashem descended upon Mt. Sinai to the top of the mountain and He called Moshe to the top of the mountain and Moshe went up.

Why did Hashem have to descend? The answer is that the sanctity that *Mattan Torah* imbued into this world was for this world, not other-worldly at all.

Hashem created man, flesh and blood, for the purpose that He knows. In order to make their flesh and blood distinct from that of all other creatures, he imbued sanctity in their flesh and blood events so that their actions and events would be distinct from those of other creatures.

Parshos Behar and Bechukosai conclude Sefer Vayikro as well as indicating the culmination of the Torah, at this time or through the years in the wilderness.

Is it not fitting that this conclusion and culmination should remind us of Sinai? Is it not fitting that *Har Sinai*, as a term and a concept, should be connected to Mitzvos that epitomize the message given on the mountain?

Shemitta, attached to *Har Sinai* at the beginning of Parshas Behar and *Maaser Beheima* attaché to *Har Sinai* at the end of Parshas Bechukosai emphasize that message.

Torah does not remove us from the world in which we live. The contrary is the truth. Torah makes the world in which we live and the lives that we lead worthy of our humanity and our Jewishness. Torah enables the flesh and blood of which we are comprised to rise above and beyond their physical properties and attach themselves to the holiness of the *Neshama* that G-d implanted within us and enables us to continue to hear the voice of Sinai to this very day.

Shabbat Shalom

Yom Yerushalayim Sameach

Chodesh Tov

Rabbi Pollock