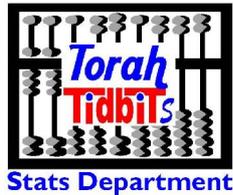


B'HAR

32nd of 54 sedras;
9th of 10 in Vayikra



Written on 99 lines, ranks: 50th

7 parshiyot - 1 open, 6 closed

57 p'sukim, rank: 50; last in Vayikra

737 words, rank: 50; last in Vayikra

2817 letters, rank: 50; last in Vayikra

A very short sedra. Only 4 are shorter, viz. Nitzavim, Vayeilech, Haazinu, V'zot HaBracha - the last 4 of the Torah.

MITZVOT

24 mitzvot - 7 pos., 17 prohibitions

B'har's mitzva-count might not seem high, but only 7 other sedras have more mitzvot. B'har has more mitzvot than 46 of the 54 sedras in the Torah. if we look at Mitzva Density (MD), we find that there are only 4 sedras with proportionally more mitzvot - K'doshim, Ki Teitzei, Emor, Mishpatim. Nine sedras account for 2/3 of all mitzvot. 28 sedras have the other third. And 17 sedras have no mitzvot at all.



[P> X:Y (Z)] and [S> X:Y (Z)] indicate start of a parsha p'tucha or s'tuma. X:Y is Perek:Pasuk of the beginning of the parsha; (Z) is the number of p'sukim in the parsha.

Numbers in [square brackets] are the Mitzva-count of Sefer HaChinuch AND Rambam's Sefer HaMitzvot. A=ASEI (positive mitzva); L=LAV (prohibition). X:Y is the perek and pasuk from which the mitzva comes.

Kohen - First Aliya 13 p'sukim - 25:1-13

[P> 25:1 (7)] One of the most famous sedra openers in the Torah: "And G-d spoke to Moshe AT HAR SINAI saying..."

(So popular, that Rashi's question MA INYAN SHMITA EITZEL HAR SINAI is used in modern Hebrew to mean, What does one thing have to do with the other. It is even used by people who probably have no idea it comes from Rashi.)

The unusual nature of the pasuk is based on the rare additional words in the otherwise very familiar pasuk: And G-d spoke to Moshe saying. The mitzvot that follow deal with Shmita, the Sabbatical year. A basic element of our belief is that the whole Torah was revealed by G-d to Moshe (and through him to us) at Sinai (and not just the Ten Commandments, as many people - Jews and non-Jews - often state). Why then mention the location of this particular set of commands? One of the principles by which the Talmud teaches us the Oral Torah is "When one issue is singled out for special treatment, the teaching not only applies to the one issue, but to the whole group from which it came." Here the teaching is

this: Just as Shmita with its details was given at Sinai (How do we know? It says so specifically right here - and the details are not repeated in D'varim, which might have indicated that details of mitzvot were part of the covenant at Arvot Moav and not necessarily at Sinai), so too were all mitzvot given at Sinai with their details (and not just "chapter-headings"). This idea is an important feature of the Chain of Tradition, and is an essential component of "Emunat Chachamim", the trust, faith, and confidence we must have in each link of the Chain of Tradition.

On another level we still can ask the question: "Why was this particular set of mitzvot chosen by G-d, so to speak, to teach us the general rule?" One commentator offers the following insight: The mitzva of Shmita teaches us (among other things) that G-d is concerned with the mundane things of this world. He cares about us and our earthly fields and trees. And He exists, not only in the lofty realm of the heavens, but His Essence fills the world. G-d's choice of lowly Har Sinai as the venue for giving us the Torah, was meant to teach us the same idea. How appropriate that the Torah tells us that it was at Sinai that G-d commanded us the laws of Shmita.

Here is another idea as to why specifically Sh'mita is singled out as the mitzva to teach us that all mitzvot of from Sinai with full detail. It makes the Eretz Yisrael connection. The purpose of our being taken out of Egypt and being given the Torah was to bring us to Eretz Yisrael and that we should live

a Torah life in this Land. There is no better choice to make this additional point. (also see Lead Tidbit p.4)

"When you come to the Land..." The Land is to be rested each seventh year. For six years one works the fields, and on the seventh there is to be a Shabbat to HaShem for the Land; neither land [326, L220 25:4] nor trees [327, L221 25:4] may be worked. Even that which grows on its own, may not be harvested (in a normal manner) from the land [328, L222 25:5] or trees [329, L223 25:5]. (The Torah uses the term "vineyard", but all trees are included.) Shmita year is for all to benefit from the land (without the usual sharp distinction between land-owner and others); and for the animals. (Shmita gives the land a chance to restore itself, and gives us a chance to put our relationship with the environment and with the other creatures who share the Earth with us, in perspective. It helps us get our priorities straight.) Shmita reminds us of Who created and still rules the world.

MitzvaWatch

Note that there are four prohibitions here in B'har pertaining to Sh'mita, and there is a positive command to rest the land in the seventh year, in Parshat Mishpatim. It is noteworthy, though not that unusual, that an area of Jewish Law is presented to us by the Torah in this way - with both positive mitzvot and prohibitions (and not necessarily from the same portion of text). Shabbat,

Sh'mita, Yom Kippur, Yom Tov, kashrut (to an extent), et al all are heavily sprinkled with serious prohibitions. As such, we are duty-bound to "toe the mark" lest we violate G-d's Law. Our motivation would tend to be "fear of heaven", fear of sin, fear of punishment. Strong motivations, but not as beautiful and powerful as the motivation of "Love of G-d" that is at play when one strives to scrupulously fulfill G-d's commands. One should not see Sh'mita merely as a series of "don't do this, don't do that". We should rejoice in the opportunity to serve G-d, demonstrate our faith and confidence in Him, be freer to study His Torah and perform mitzvot and acts of chessed. Observing Sh'mita is not just avoiding the prohibitions. It is a positive statement of our belief in the Creator and Master of the World.

[P> 25:8 (17)] (When the majority of Jews are in Israel and the infrastructure of Torah life in Israel is intact,) the Sanhedrin is required to count seven successive seven-year cycles - 49 years [330, A140 25:8]. On the Yom Kippur of the 50th year, the Shofar is to be sounded (as we do each year on Rosh HaShana, and as we do in symbolic fashion at the conclusion of Ne'ila each year) [331, A137 25:9]. This 50th year is to be proclaimed "kodesh" as Yovel - the Jubilee year [332, A136 25:10]. Farming the land is forbidden [333, L224 25:11] (as during Shmita), as are harvesting that which grows on its own [334, L225 25:11] and gathering the fruit of the trees in a

normal manner [335, L226 25:11]. Yovel is holy; we "eat of the land". During Yovel one returns to his estate.

There is an important connection between the blowing of the Shofar on Yom Kippur of the Yovel year, and the annual Shofar-blowing on RH - in fact, we learn about the blowing of Shofar on Rosh HaShana from that of Yovel. The word SHOFAR is not used in the Torah in the context of Rosh HaShana. RH is to be a T'RU'A DAY, but we would really have a difficult time knowing what to do on RH had it not been for the Oral Torah teaching us the parallels to Yom Kippur of Yovel. Comparing the texts of the two days, we find a Tishrei-Tishrei match and a T'RU'A-T'RU'A match. The Gemara teaches us that we answer the question as to how to make a T'RU'A in Tishrei (Rosh HaShana), by doing it the same way as the other Tishrei T'ru'a is produced - with a Shofar. This method of learning RH from YK of Yovel is known as a G'ZEIRA SHAVA. It is one of the methods by which the Written Word and the Oral Law are linked. G"Sh is part of the Tradition passed down through the generations. (It cannot be self-made.)

Levi - Second Aliya 5 p'sukim - 25:14-18

In business with others, one must deal ethically [336, A245 25:14] (the mitzva is actually the command to the courts to carefully carry out the rules of business conduct); it is forbidden to

cheat in business [337, L250 25:14] (since land returns to its original owners at Yovel, real estate purchases are only for a specific period. Prices therefore, should reflect the number of years remaining until the next Yovel. This is the context of the general mitzvot regarding proper business practices.)

MitzvaWatch

Here is yet another example of an area replete with prohibitions of a wide variety with a positive mitzva commanding us to conduct ourselves in accordance with the letter and spirit of halacha. Perhaps this is one of the reasons for the positive mitzva in these areas. Technically, the positive command is "unnecessary", since avoidance of all the prohibitions would already bring us to compliance with G-d's Will. The positive mitzva, then, can be understood as requiring us to put our hearts into what we are doing, not even violate the spirit of the law, and be prepared to go "beyond the call of duty" (lifnim mishurat hadin). Furthermore, it is through the positive mitzva that we can attain higher levels of sanctity, as we are challenged with K'doshim Tihyu.

Rambam describes certain situations in business in which one can technically get away with something, but he is considered not to have acted in "a proper Jewish manner". Perhaps the positive commandment also comes to teach us not to take advantage of the

technical loopholes, but rather to conduct ourselves with the highest standards of business ethics, in recognition that this is G-d's Will.

On another note... Let's say that an art dealer passes off a good-quality fake as an original master. To be sure, the art dealer has violated the halacha against cheating in business. But whose law has been violated? Do we consider this type of cheating to be a rabbinic prohibition inspired by the Torah's statements regarding the particular example of cheating vis-a-vis the years remaining until Yovel. No. We say more. We say that the Oral Law teaches us that Yovel is the particular context for a wide category of prohibition. In other words, in this case, we are not dealing with Torah-inspired rabbinic extension of Torah Law. We are dealing with Talmudic DEFINITION of Torah Law. These are not the same; the distinction between them is significant to our keeping things in proper perspective.

Not only must one not take unfair advantage of his fellow in money-matters, he must be careful not to "oppress" or deceive others with words [338, L251 25:17]. This prohibition is very serious, as demonstrated by the link the pasuk makes between it and the mitzva to revere (fear) HaShem.

Safeguard and obey the statutes and laws of the Torah and dwell in security on the Land. (This link between observance of Torah and continued peaceful, secure living in Israel, is an oft-repeated theme, one that must be

kept in mind today, as ever before.)

Shlishi - Third Aliya 6 p'sukim - 25:19-24

The Land will yield its bounty and we will eat our fill and dwell in the Land in security. No one should question where food will come from (with two years in a row of Shmita restrictions). G-d promises to bless the land during the sixth year (two years before Yovel) so that the land will yield enough for three years; the planting of the year after Yovel will supply our needs thereafter.

The land must not be sold forever [339, L227 25:23] since it is to return to its original owners during Yovel [340,A138 25:24].

MitzvaWatch

Rambam defines the prohibition against selling the land "forever" in the context we find the prohibition. The basis here is that land returns to its original owners in Yovel. An owner isn't really an owner; he's a guardian of the property until Yovel. So here's a person who ATTEMPTS to sell a piece of land forever. Intending that it should not revert to its original owners. Guess what? That cannot be done. The land goes back to its original owners regardless of a transaction to the contrary. The ISUR here is really "attempted" selling of land in Eretz Yisrael forever. It cannot actually be

done.

Ramban takes the mitzva out of its context and explains the ban as forbidding the selling of land in Eretz Yisrael to non-Jews, who we can assume will not abide by the Yovel rule of reversion of ownership.

It would seem obvious from Ramban (and other sources) here and other places in the Torah that it is forbidden to give part of Eretz Yisrael into the hands of non-Jews, certainly ones that are our sworn enemies.

R'vi'i - Fourth Aliya 4 p'sukim - 25:25-28

[S> 25:25 (4)] If a person were forced to sell off hereditary land because of poverty, he or a relative may redeem the land by paying a proportional amount (depending upon how many years remain until Yovel). If not redeemed before Yovel, the land reverts to its hereditary owners with Yovel.

Rashi says that we learn from these p'sukim that ordinarily, one should not sell a field in Eretz Yisrael, except for the extenuating reason of poverty.

The redeemer of land mentioned in the sedra is either one's uncle or a cousin. O DODO O VEN-DODO. Degel Machanei Efrayim draws a REMEZ (hint) from this pasuk to the notion expressed in our sources that we will be redeemed either by David HaMelech or by his descendant. DODO is spelled

DALET/DALET/VAV. Rearranged we get:
Either DAVID or BEN DAVID.

Chamishi 5th Aliya 10 p'sukim - 25:29-38

[S> 25:29 (6)] If someone sells a house in a walled city (walled, that is, from the time of Yehoshua, i.e. original conquest), he has up to one year to redeem it; if not, it remains the new owner's forever. Redemption during the year is by returning the full amount paid, i.e. no deduction for the time that the buyer lived there. (This is technically an exemption from the Torah's ban against interest.) Redemption of a house in a walled city is a mitzva [341, A139 25:29]. On the other hand, houses in non-walled cities have the same rules as land - viz., redemption is possible until Yovel, at which time the house reverts to its original hereditary owners. Houses in Levite cities (even walled cities) are redeemable beyond the one-year limit, and do revert to the Leviyim at Yovel. The Levi has hereditary rights to those special 42+6 cities. It is forbidden to alter the areas around those cities by selling off parts of the land on a permanent basis [342, L228 25:34].

[S> 25:35 (4)] We are obligated to help our fellow who has fallen on hard times. We may not take interest for personal loans made to help him out [343, L235 25:37]. "I Am G-d Who took you out of Egypt, to bring you to the Land, to be your G-d." (This is

definitely NOT a non sequitur - it emphasizes G-d's desire, so to speak, for His People to care about each other. It is as if G-d says to us: Look and remember what I did for you. Now you be nice to your fellows.)

Shishi - Sixth Aliya 8 p'sukim - 25:39-46

[S> 25:39 (8)] If a Jew sells himself into servitude because of poverty (or any other reason), his master may not treat him contemptibly [344, L257 25:39]. He shall be treated like an employee, and stays with his master only until Yovel. (This is the maximum; under normal circumstances, the Jewish man-servant goes free much sooner.) At Yovel, he and his family return to their hereditary land. We are servants of G-d (and should not be subservient to other people); no Jew shall be sold in the degrading way of the slave market [345, L258 25:42]. Do not subject him to hard, spirit-breaking labor [346, L259 25:43].

Jews (according to Torah law) may own non-Jewish slaves, such slaves becoming hereditary property. These slaves are not released at Yovel, but remain the permanent property of their owners [347, A235 25:44]. [A Jew may own an Eved K'naani only if the non-Jew is willing to live a life of mitzvot (he will be exempt from some mitzvot, but required to keep most) and to become a Jew (similar to

conversion) if and when he is eventually freed. While he remains in service, he keeps mitzvot, not as a Jew, but because of the home environment.]

Sh'VII Seventh Aliya 11 p'sukim - 25:47-26:2

[S> 25:47 (11)] If a Jew becomes a slave to a non-Jewish master, we may not permit him to remain so [348, L260 25:53]. Redemption should be by his close relatives, or himself if he obtains the means. Equitable calculation should be made for compensating his master. We must not let his master break his spirit. All this is because Israel is subservient to G-d, Who redeemed us from Egyptian slavery. We are to be committed to Him; we may not make false gods nor idols or sacred pillars; nor may we kneel on a "decorated stone" [349,L12 26:1].

"Keep My Shabbat and revere My sanctuary, I Am G-d. It is likely that Shabbat here refers to Sh'mita. If so, it makes a matched bookend with the beginning of the sedra. On the other hand, if Shabbat means Shabbat, then the juxtaposition to idolatrous prohibitions also makes the point that desecration of the Shabbat is tantamount to idolatry.

Haftara 22 p'sukim Yirmiyahu 32:6-27

Yirmiyahu spent most of his prophecy "career" warning the people of the upcoming destruction of the first Beit HaMikdash. In a move geared to encourage the people, as a sign that after exile the people will return to Eretz Yisrael, the prophet arranges for the purchase/redemption of a plot of land that he was "related to" (had the right of redemption). The redemption is done in an overly demonstrative manner, so that all can see what was going on. This is one of the topics from Parshat B'har, hence the choice of Haftara. The "business" transaction is accompanied by the prophecy that we in our time are witness to the fulfillment of (may it continue forever): For thus says HaShem Tz'vakot, the G-d of Israel - houses and fields and vineyards shall be bought again in this land.

PROBING the PROPHETS

This week's haftara contains a prophecy of hope to the nation of Israel, a prophecy delivered to them by the prophet Yirmiyahu. Although he is regarded as the prophet of the churban, the destruction of the first Bet HaMikdash, he shares many words of comfort with the sinful nation, holding out hope for the future, a necessary ingredient if he desired that the people would return to Hashem. Nonetheless, the opening of this 32nd perek, an opening that is not included in the haftarah reading, is certainly not an auspicious one.

As the chapter begins, we find the navi in "Chatzar HaMatara," the courtyard of imprisonment within the gates of the royal palace, having been arrested by King Tzidkiyahu for sharing Hashem's prophecy of the downfall of Judea and the imprisonment of the King himself in Bavel. The timing of these events is also not particularly auspicious. The story takes place in the tenth year of Tzidkiyahu's reign (that would last only three more years) when the Babylonian/Chaldean army had begun to lay siege to the Judean capital, Yerushalayim.

While in confinement, Yirmiyahu receives the word from G-d that the prophet's cousin, Chanamel ben Shalum, will be coming to him with the request for him to purchase his field in Anatot, actually to "redeem" it, thereby keeping the land part of the family's estate. As the latter part of the parasha dealt with precisely these laws, the laws of redemption of

property in Israel, Chazal's choice of this reading is quite understandable.

And yet, we might rightfully ask why all of the details of the redemption had to be included in the description of the legal transfer of ownership. Certainly, a simple comment telling us that Yirmiyahu did as G-d had said, would have sufficed. Clearly, the prophet's actions were meant to be symbolic, impressing upon the people that they would yet return to the land, which is why Yirmiyahu told his guards what Hashem had predicted so that, when they saw his cousin arrive and make the request from the navi, all the people would realize that Hashem's word is true-and what he says will happen will, indeed, happen.

Interestingly, Rav Shimshon Raphael Hirsch sees a different, and perhaps more telling connection between the parasha and the haftarah, which, perhaps might have convinced Chazal that this haftarah reading is especially fitting for this parasha. The parasha begins with the words "Ki tavo'u el ha'aretz:", "when you arrive in the land", and continues to delineate the laws of Shemitta and Yovel, the observance of which would guarantee their remaining in the land. The haftarah, in sharp contrast, describes a Jerusalem under siege, a prophet under arrest and a nation on the eve of its expulsion from the land.

Rav Hirsch points to a pasuk in the parasha that takes on a new meaning in light of the events depicted in the haftarah. The Torah tells us that we must observe the laws of the Yovel year and make sure that the estates

return to their original owners. It states that the land may not be sold in perpetuity for the land belongs to Hashem and "ki geirim v'toshavim atem imadi," "for you are sojourners and residents with Me". We have the opportunity of being permanent residents in Hashem's land-if we observe His laws. However, there is also the possibility that we will be simply sojourners, people who will remain in the land only temporarily-if we fail to keep the land holy by ignoring G-d's charges.

And the haftarah underscores exactly what happens when we become mere sojourners. Our obligation today, and in all generations, is to guarantee that the land retains its sanctity by remaining faithful the ethical, eternal laws of Hashem.

Probing the Prophets, weekly insights into the Haftara, is written by Rabbi Nachman (Neil) Winkler, author of Bringing the Prophets to Life (Gefen Publ.)