

# WHOSE LAND?

*by Shlomo Katz*

## Parshas Behar

## Whose Land?

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This week's parashah contains the verses which are the primary sources for the laws of shemittah/the sabbatical year that farmers in Eretz Yisrael must observe. R' Moshe Zvi Neriya z"l (1913-1995; founder of the Bnei Akiva youth movement and network of yeshivot) writes: "It is no easy task for a farmer to take a vacation for an entire year. Nevertheless, this 'freedom' is not for nothing. After toiling on the earth for six straight years, a person is liable to blend in with the earth, which, after all, is whence he came before a soul was breathed into him. The purpose of the shemittah is to give the soul a chance to flourish."

R' Neriya adds that many earlier commentaries have advanced other reasons for the shemittah, all of them valid. He cites the following, among others:

R' Zvi Hirsch Kalischer z"l (Germany; 19th century) writes that shemittah ensures that every person will have time for Torah study. He also writes that shemittah lessens the gap between rich and poor, since it means that, for one year at least, anyone can enter any field to gather the crops.

Rambam z"l (Egypt; 12th century) writes that the shemittah is an expression of G-d's mercy upon the poor.

The anonymous 13th century work Sefer Ha'chinuch writes that the purpose of shemittah is to teach the wealthy the trait of vatanut. [In general, this trait refers to not standing up for one's honor, money or other tangible or intangible possessions even when one is in the right. Here it refers to giving up the fruits of one's labor.] In addition, the Sefer Ha'chinuch states, the shemittah reminds us that we are not the true masters of the Land; rather, G-d is its Master. (Ner La'maor)

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*"Speak to Bnei Yisrael and say to them, 'When you come into the land that I give you, the land shall observe a Shabbat rest for Hashem.'" (25:2)*

Rashi z"l writes: This means a rest in honor of Hashem in the same sense as these words are used in the case of the weekly Shabbat (Shmot 20:10) where "Shabbat La'Hashem" cannot mean "a day for G-d to rest."

R' Eliezer Lipman Lichtenstein z"l (1848-1896; Nowy Dwor, Poland) asks: Why are no other specials days, not the yamim tovim and not even Yom Kippur, called "Shabbat La'Hashem"? He explains:

On Shabbat, we are commanded to rest, and to cause our animals and belongings to rest as well. If such a thing were possible, we should cause our land to rest and our crops not to grow on Shabbat. However, Hashem made certain laws of nature, and He does not want them to be violated regularly. Therefore, our crops do continue growing on Shabbat. In exchange, we let our land rest for His honor every seventh year--one seventh of the time, as if it had rested one day each week. (Shem Olam)

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*"The years of the seven cycles of sabbatical years shall be for you forty-nine years." (25:8)*

R' Mordechai Saba z"l (1440-1408) observes that only the Sabbatical years are "for you." During the other years, man farms his land for his own selfish reasons. This is an activity which has no permanence. In contrast, when one opens his fields to the poor in the Sabbatical year, he performs a mitzvah whose reward sustains him forever. (Tzror Ha'mor)

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*"You shall sanctify the year of the fiftieth year . . . and each of you shall return to his ancestral heritage . . ." (25:10)*

Why is the word "year" mentioned twice? R' Yechezkel Shraga Lifschutz-Halberstam z"l (the Stropkover Rebbe) explains:

During the 49 days of the Omer, we are supposed to be preparing ourselves to receive the Torah on Shavuot, the 50th day. But what if Shavuot comes and we realize that we have not prepared at all? It is written in certain works that one should not become depressed, for, on Shavuot itself, one can make-up all of the spiritual gains that he should have accomplished during the Omer.

The same thing, says the Stropkover Rebbe, is true of the Yovel / Jubilee year, which has additional holiness compared to other years. The repetition of the word "year" in our verse teaches that one can attain in one year everything that he should have achieved in the preceding 50 years. This is similar

to that which Rambam writes: "Even the repentance of one who does not repent until he is on his death bed is accepted." [Ed. note: Rambam does write, however, that such repentance is not as meaningful as repentance that occurs in one's youth, when one's drives are stronger.]

Why is it that one can repent in his old age after a lifetime of sinning? Why is it that one can accomplish in a short time (in the 50th year or on Shavuot) what one should have spent a long time accomplishing? Our verse tells us the answer: Such a person is merely returning to his ancestral heritage. In reality, no Jew ever lets go of that heritage completely, whether he realizes it or not. (Divrei Yechezkel Shraga Vol. III)

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*"If you will say, 'What will we eat in the seventh year? -- Behold! We will not sow and not gather in our crops!' I will command My blessing for you in the sixth year and it will yield a crop sufficient for the three-year period." (25:20-21)*

R' Mordechai of Lechovitch z"l (1742-1810) asked in the name of R' Zusha of Hanipoli z"l (1718-1800): Why is the verse, "If you will say. . ." necessary? Why didn't the Torah skip straight to the promise, "I will command My blessing"?

R' Zusha explained: Emunah/faith and bitachon/trust are the pipelines through which Hashem sends His blessings to man. If a person demonstrates that his emunah and bitachon are weak--for example, by asking, "What will we eat?--he closes the pipelines. It is specifically then that Hashem needs to "command His blessing" to reopen the closed pipelines; otherwise, His blessings would have been flowing non-stop already. (Quoted in Torat Avot--Slonim)

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*"The land shall not be sold in perpetuity, for the land is Mine; for you are sojourners and residents with Me." (Vayikra 25:23)*

R' Yosef Engel z"l (1859-1919; rabbi of Krakow, Poland) quotes R' Meir ben Baruch z"l (Maharam Rothenburg; died 19 Iyar 5053/1293), who writes: "Even when gentiles occupy Eretz Yisrael, they do not obtain legal title to it, for halachah does not recognize ownership of real estate based on possession alone ("Karka aina nigzelet"). Eretz Yisrael is always deemed to be in the legal possession of the Jewish People; indeed, it bears their name. [The reason for this is that] even when the Jewish People reside in the Land, they cannot transfer ownership of it, for 'the Land and everything in it is Hashem's' [Tehilim 24:1]."

R' Engel explains: In reality, Eretz Yisrael belongs to Hashem. When the Jewish People enjoy the bounty of the Land, they are not eating their own produce; rather, they are eating at the King's table,

so-to-speak. Since the Land does not belong to the Jewish People, it also cannot belong to any nation that captured it from the Jewish People. (Gilyonei Ha'shas: Bava Batra 44b)

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*"If your brother becomes impoverished with you and is sold to you; you shall not work him with slave labor. Like a laborer or a resident he shall be with you; until the Yovel/Jubilee Year he shall work with you." (25:39-40)*

In Parashat Mishpatim (Shmot 21:2), we read, "If you buy a Jewish slave, he shall work for six years; and in the seventh he shall go free, for no charge." R' David Zvi Hoffman z"l (1843-1921; Dean of the Berlin Rabbinical Seminary) explains why the Torah established two different dates when a Jewish slave goes free--either after six years of work or at the Yovel, whichever comes first.

On the one hand, having a maximum term, not more than six years, benefits the slaves in general. If they were required to work until the next Yovel, they could be enslaved for as long as 49 years.

On the other hand, having a common date for all Jewish slaves to go free, whether they have served six years or not, instills in us that the Jewish People really has no master except Hashem. For this reason, even a Jewish slave who refused to go free when his six year term was over goes free at the Yovel. (Peirush Al Sefer Vayikra)

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## **Pirkei Avot**

*"Rabbi Elazar of Modai says: 'One who desecrates sacred things, who disgraces the festivals . . . nullifies the covenant of our forefather Avraham . . . has no share in the World to Come'."*

R' Eliyahu Shick z"l (Lithuania; 1809-1874) asks: Why did Rabbi Elazar of Modai, of all people, teach this lesson? Also, is it true that one who desecrates sacred things has no share in the World to Come? We learn in Shabbat (55a), "Whoever says that the sons of Eli sinned [see Shmuel I, ch. 2] is mistaken." Rashi explains that the Gemara means that they did not sin in the way that a literal reading of the verses would suggest; rather, their only sin was desecrating the honor of the sacrificial service. It would seem, writes R' Shick, that the Gemara is downplaying the evil of desecrating sacred things! Is this consistent with saying that such a person has no share in the World-to-Come?

He answers: The heretics [referring to the assimilationists of his age] deny that Eretz Yisrael has greater sanctity than the rest of the world and that Yerushalayim and the place of the Temple have the greatest sanctity of all. They also deny the uniqueness of Avraham, Yitzchak and Yaakov and the sanctity that we have by virtue of being their descendants. They deny entirely that any person (i.e., Avraham), place (i.e., Eretz Yisrael) or time (i.e., the festivals) can have special sanctity. Essentially,

they profane all that is holy. Such a person has no share in the World-to-Come. However, that was not the case with Eli's sons. They demeaned the honor of the sacrificial service, but they performed the service. They did not deny its essential holiness.

What has this to do with Rabbi Elazar of Modai? The Midrash relates that the city of Beitar (one of the largest cities in Eretz Yisrael at the time of the Roman Empire) was destroyed because its inhabitants rejoiced at the destruction of Yerushalayim. Interestingly, the Midrash records that Rabbi Elazar of Modai prayed regularly for the people of Beitar. [Ed. note: R' Shick does not explain further. Apparently, he means that Rabbi Elazar prayed for the people of Beitar because he recognized that their disdain towards Yerushalayim put them in danger of both physical and spiritual destruction. Perhaps Rabbi Elazar taught this Mishnah as a warning to them, or perhaps it was said after Beitar's destruction drove home the danger of desecrating that which is sacred.] (Derech Avot)

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The editors hope these brief 'snippets' will engender further study and discussion of Torah topics ('lehagdil Torah u'leha'adirah'), and your letters are appreciated. Web archives at **[Torah.org](https://torah.org)** start with 5758 (1997) and may be retrieved from the [Hamaayan](#) page.

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