

MINIMIZE THE NISAYON WHEREVER POSSIBLE

by Rabbi Yissocher Frand

Parshas Behar

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These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Weekly Portion Torah CDs/Tapes: # 768, Dos & Don'ts Of Treating A Lender. Good Shabbos!

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.

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