YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**STUDENT SUMMARIES OF SICHOT OF THE ROSHEI YESHIVA**

**Sichot of the Roshei Yeshiva**

**Parashat Behar**

**Sicha of HarAV Baruch gigi**

**Caring for the Weak and Repairing Society in Parashat Behar**

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**Introduction**

*Parashat Behar* is short, yet deals with a wide variety of issues, mainly in the economic domain. An examination of the various topics will allow us to distill from them a general economic approach that the Torah wishes to impose upon society.

**I. Sabbath of the Land**

**The sabbatical year**

The first mitzva in the *parasha* relates to the sabbatical year (*shemitta*):

But in the seventh year shall be a sabbath of solemn rest for the land, a sabbath to the Lord; you shall neither sow your field, nor prune your vineyard. That which grows of itself of your harvest you shall not reap, and the grapes of your undressed vine you shall not gather; it shall be a year of solemn rest for the land. And the sabbath-produce of the land shall be for food for you; for you, and for your servant and for your maid, and for your hired servant and for the settler by your side that sojourn with you; and for your cattle, and for the beasts that are in your land, shall all the increase thereof be for food. (*Vayikra* 25:4-7)

The matter of *shemitta* with regard to the land is twofold: first, the prohibition to cultivate the field; and second, anything that grows by itself does not belong to the owner of the field, but is considered ownerless and may be taken by anybody.

However, as *Chazal* have said, "Scripture speaks of two *shemittot*" (*Mo'ed Katan* 2b and parallel passages); in the book of *Devarim*,we encounter another facet of the mitzvaof *shemitta* – the release of debts. In this framework, creditors are obligated to waive debts that were incurred prior to the Sabbatical year; their debtors do not have to repay them.

With these two *mitzvot*, the Torah helps the weaker sectors of the population: through the obligation to renounce ownership of produce that grows by itself during the *shemitta* year, the poor are given a way to support themselves during the seventh year; and through the obligation to waive debts, the debtors in society can embark on a new economic path every seven years.

**The jubilee year**

The next mitzvais that of the jubilee year (*yovel*):

And you shall hallow the fiftieth year, and proclaim liberty throughout the land to all the inhabitants thereof; it shall be a jubilee to you; and you shall return every man to his possession, and you shall return every man to his family. (*Vayikra* 25:10)

The jubilee year “resets" land ownership; all fields and ancestral homes return to their original owners. This reset takes place once, or at most twice, over the course of a person's life.[[1]](#footnote-1)

With the mitzvaof *yovel*, the Torah declares as follows: There is certainly room for a free market and for rewarding hard work. However, it is unacceptable to allow a situation in which the rich will always get richer, at the expense of the poor, who will get poorer. Once in a significant period of time, the Torah resets all social classes and allows everyone to start over.

**II. Limitations on Business Transactions**

**The prohibition of interest**

The third mitzva is the prohibition of taking interest:

And if your brother be waxen poor, and his means fail with you, then you shall uphold him; as a stranger and a settler shall he live with you. Take no interest of him or increase; but fear your God; that your brother may live with you. You shall not give him money upon interest, nor give him your victuals for increase. (*Vayikra* 25:35-37)

There is no doubt that the prohibition against taking interest is not part of the basic economic approach of the Torah. It is certainly permissible to receive payment for the use of articles in one's possession – when a person receives payment for the use of his property, this is called "rent," which certainly has a place in the Torah's economic system. Why, then, can't a person rent out his money to another person? In what way is payment for the use of another person's money different from the payment of rent for the use of that person's property?

It stands to reason that the prohibition against taking interest is not part of the monetary laws concentrated in *Choshen Mishpat*; rather, it is part of the ritual laws of *Yoreh De'a* (and indeed, the laws regarding interest in the *Shulchan Arukh* are found in *Yoreh De'a*). The Torah prohibits taking interest, even though the prohibition contradicts plain economic logic, because lending at interest can create tremendous and unbridgeable gaps in society. The Torah imposes a "moral" prohibition in order to prevent a social situation which it sees as negative.

**Monetary wrongdoing [overcharging] (*ona'at mamon*)**

The fourth mitzvais the prohibition against monetary oppression:

And if you sell anything to your neighbor, or buy of your neighbor's hand, you shall not wrong (*al tonu*)one another. (*Vayikra* 25:14)

*Chazal* understood this verse to contain a prohibition against overcharging (see *Bava Metzia* 58b), which also seems puzzling: after all, it relates to a transaction made between two competent adults! This is not a case in which the seller deceives the buyer, for the latter carries out the transaction, fully understanding its meaning. Why then does the Torah prohibit overcharging, and in the event that the difference between the market price and the price charged is greater than one-sixth, even mandates that the excess payment be returned to the buyer?

We can gain a deeper appreciation of this *halakha* from the dispute between Rav and Shmuel (*Bava Metzia* 51 and also *Makkot* 3b) about whether it is possible to stipulate that a certain transaction will take place even though it involves *ona'a.* In simple terms, the crux of their disagreement is the question of whether it is a "monetary" or "moral" prohibition; in today's parlance, should it be included in the *Yoreh De'a* section of the *Shulchan Arukh*, or in the *Choshen Mishpat* section? Since *halakha* is determined in accordance with Rav in ritual matters and in accordance with Shmuel in monetary matters, the *halakha* in practice is also contested – for the entire dispute is whether this is a monetary or ritual matter.

The juxtaposition between the *mishnayot* dealing with *ona'a* and those dealing with the prohibition of interest (chapters 4 and 5 in tractate *Bava Metzia*) reinforces the understanding that we are not talking about a purely monetary prohibition. Therefore, even though the *posekim* deal with *ona'a* in the *Choshen Mishpat* section of the *Shulchan Arukh*, I wish to argue that it nevertheless has a "ritual" dimension, and a certain connection to the *Yoreh De'a* section.

In addition, it should be noted that the laws of *ona'a* are based on the assumption that there exists a universal price for every product. This assumption is not realistic today, and it stands to reason that this was the case even in the days of *Chazal*. In light of this, it seems that the prohibition of *ona'a* falls into the category of "study and receive a reward."[[2]](#footnote-2) This does not mean that the Torah merely wished to add a few more Talmudic passages to the curriculum, but rather that it wished to put a person into a certain mindset – to understand that in civilized society, it should not be possible for a person to charge an exorbitant price for a product just because he has the power to do so. There is no justification for a person to charge an unfair price while taking advantage of another person's weakness. This is how the prohibition of *ona'a* contributes to the repair of society.

**III. Proper Speech**

**Verbal wrongdoing (*ona'at devarim*)**

Despite all these attempts to create a more perfect society, it seems there would also be a less pleasant side to the above commands. Imagine the slave who loves his master and goes free after decades of slavery. Will that emancipated slave be able to adapt to his new situation and assume financial responsibility for his life? Or imagine someone who sold all his fields many years ago. Will he be able to get used to the need to work his fields from morning to night after the jubilee year? The Torah's attempt to reset the economic system may turn out to be more harmful than helpful!

The Torah was aware of this difficulty, and therefore it issued the following command:

And you shall not wrong one another (*lo tonu*); but you shall fear your God; for I am the Lord your God. (*Vayikra* 25:17)

*Chazal* (*Bava Metzia* 59 and elsewhere) understood this verse as a prohibition against verbal wrongdoing, and gave the example of reminding a penitent about his past behavior. We can expand on this principle, that one must not remind people who have succeeded in improving their situation of their previous status, and suggest the prohibition includes reminding a former slave about his past. This prohibition will help them internalize their current situation and meet the demands directed at them with their new status.

**“He Who Offers Words of Comfort”**

More broadly, in order to allow even the weaker parts of society to benefit from the Torah's policy, support from their environment must be ensured. Following the release of slaves and ancestral fields in the jubilee year, the ball passes to society’s court. A society that mocks the weak and denies them the possibility of rehabilitation, God forbid, will nullify the purpose of the Torah's commandments. On the other hand, a society that accepts the weak and helps them will enable the fullest realization of the commandments of the Torah.

This level of direct support to those who are most in need of help is described in the Gemara:

Rabbi Yitzchak said: He who gives a small coin to a poor man obtains six blessings… and he who addresses to him words of comfort obtains eleven blessings. (*Bava Batra* 9b)

Material aid to the weak is a necessary step for the repair of society. However, it is verbal support that enables real social correction.

**Conclusion**

We have seen how the Torah works to help the weak in society, with the *mitzvot* of *shemitta* and *yovel* and with the prohibitions of interest and overcharging, and how it also works to create a better social climate, through the prohibition of verbal wrongdoing and the value of addressing the weak with “words of comfort."

Even if some of these commandments cannot always be implemented (like the mitzva of the jubilee year), the Torah is sending out a clear message regarding the direction in which it wants us to conduct our lives – the direction that leads to the establishment of a model society.

[This *sicha* was delivered on Shabbat *Parashat Behar* 5779.]

1. With respect to the period of life in which a person plays a role in the economic realm. [↑](#footnote-ref-1)
2. As in *Sanhedrin* 71a: “It never happened and will never happen. And why was it written? Study and receive a reward,” and other places. [↑](#footnote-ref-2)