

Behar - Rabbi Lerner - May 13, 2012

The Laws of Shmita and Har Sinai

25:1: *And Hashem spoke to Moshe on Har Sinai, saying.* Why does the Torah say now at the end of Vayikra that Hashem is speaking to Moshe at Har Sinai, when we know from the beginning of the Sefer Vayikra that Hashem speaks to him from the Ohel Moed, the new meeting place for Hashem and Moshe? Once the Mishkan was complete and operational in Nissan, that was the established meeting place - so why now does this parsha begin with a statement that they met to transmit these laws at Har Sinai? **Rashi** from the **Sifra**: asks the very famous question what does Shmita have to do with Har Sinai? These mitzvos are about the land - what connection is there to Har Sinai? It is to tell us that all of the mitzvos originated from Sinai. Just as all of the aspects - the generalities and the smallest minutiae of minor points - of the mitzvah of Shmita were transmitted at Sinai, so all details of all mitzvos originated from Hashem at Sinai. This served as a model - every other mitzvah was given in totality at Har Sinai. **Rashi**: there are two aspects of Shmita - that of the land, and that of monetary issues, such as loans and freedom of slaves. There is no mention of the Shmita of the land anywhere else - it is not covered in Devarim; only the Shmita of canceling debts are listed elsewhere; what we learn from this pasuk is that all of these details were learned from Sinai. Shmita is a role model for all of the other mitzvos - they were not given in the Ohel Moed.

Sifra and **Gemorrah Zevachim** 122: Machlokes about this very point: **Rebbi Yishmael** says that all generalities and overviews of the mitzvos came from Sinai, the details and specifics came later in the Ohel Moed. Moshe got the overview, the pocket version of the mitzvos at Sinai, but the nitty gritty was transmitted to Moshe in the Ohel Moed, when he went in and out several times to get more of the specifics and minutiae. **Rebbi Akiva**: all of the generalities and specifics were given at Sinai - the whole, complete picture was given at Sinai. So what is the meaning of the pasuk at the beginning of Vayikra where everything from Nissan on was transmitted in the Ohel Moed? It was all repetition. The laws and details of Judaism were given three times - the initial complete package was given at Har Sinai, then reviewed in the Ohel Moed, and then once again in Arvos Moav, at the end of the 40 years of wandering in the desert, when they were about to enter the land. There was that much material that needed to be transmitted and reviewed.

Abarbanel: quotes the **Ramban**: It cannot be this way - it would mean that this parsha of Behar is out of order; if everything happened early on, with everything coming from Har Sinai, this had to be out of order since it must have preceded the building of the Mishkan. **Rashbam** and **Ibn Ezra**: in fact, this whole parsha was given before the Ohel Moed was erected; it is an out of order section; it preceded Sefer Vayikra. So why is it mentioned here? **Ibn Ezra**: it is out of order and mentioned here because it is a critical piece of information to get and hold onto Eretz Yisrael; if we don't observe Shmita, Hashem warns us that we will be evicted from the land - then the land will get the rest that we denied it. If we are greedy and don't give the land its Shabbos, we will be kicked out. The 70 years of Galus Bavel matches the number of Shmitos that were not properly observed - it was a midah kaneged midah. This is why Hashem puts it out of order; we are about to start the census of soldiers for the battle to capture Eretz Yisrael in Bamidbar, so the Torah has to emphasize at the end of Vayikra that these laws of Shmita and Yovel are integrally linked to our staying in the land of Israel. **Sforno**: we were about to enter the land imminently, so since we need this mitzvah to hold onto the land, it was emphasized here. **Ramban**: these parshios are in order - in the first 40 days on Har Sinai, all of the mitzvos

were transmitted - Shmita was included in those mitzvos; we know this because Shmita is already mentioned in Mishpatim, where it says you have to release the year every seven years; after they sinned with the Egel and the Luchos were broken, Hashem made a new Bris, and Moshe goes about building the Mishkan and setting up the korbanos. The whole process was derailed because of the sin. Following everything that came in Vayikra, now the Torah says that by the way, there also is this mitzvah of Shmita - it was all delayed until now. The **Abarbanel** disagrees with this and says it doesn't make sense.

Rav Nissan Alpert: Does it really make a difference if all laws were given at Sinai, or just the generalities, with the details coming later? In the Gemorrah Zevachim it did make a difference; there were aspects of the Korban Olah that were not given at Sinai; there apparently were some details of the korbanos that came later in Vayikra. That would mean that the Olos Bnei Yisrael brought when they said Na'aseh Venishma might have been performed differently; there was a question based on this machlokes of whether those korbanos were done the same way as in the Mishkan, after the laws that were transmitted in Vayikra. So it made a difference historically. But beyond that it might make a difference in how you count mitzvos. The source of the number 613 as the total of the mitzvos is a comment in the Gemorrah - the phrase *Torah Tzivah Lanu Moshe* - the gematria of the word Torah is 611 - those were the number of mitzvos Moshe taught us; and there were two we heard directly from Hashem. According to Rabbi Akiva, we got all 613 at Sinai. If you hold like Rabbi Yishmael that the specifics of the mitzvos came later, then that number 613 is in doubt, since the specifics that came later have more mitzvos involved - we see this with the details of the four types of death from beis din which came later, with several additional mitzvos tied to them - so this number 613 according to Rabbi Yishmael may not be accurate.

Rav Elchanan Samet: depending on the calendar, these parshios of Behar-Bechukosai sometimes are read together, sometimes separate. This happens also with Vayakheil-Pekudai, and with Maatos-Masei. Are these all two parshios that are fused together when needed, or are they really one parsha that is separated when necessary? It makes more sense to say that these two are fundamentally one parsha. When Bechukosai closes the final pasuk says *these were the mitzvos that were taught to Bnai Yisrael at Har Sinai*. So these two parshios begin with the statement that the laws were taught at Har Sinai, and they end that way, linking them together as one unit. In Behar there is the enormous emphasis on the mitzvah of Shmita - the language used in the pasukim is very similar language to the language in Bechukosai. In 25:18 and 26:3 there are parallel languages of following the chukim and doing them (*Va'asisem Osum*). Both parshios use the words of staying on the land forever - *Vishavtem Lavetach*. It talks in both parshios about being satiated in the land with an abundance of fruit. There is enormous similarity of language in other pasukim as well - we see this also when we look at the Tochachah in Bechukosai. In 25:2 in Behar it says the land returns as a Shabbos to Hashem. This word Shabbos appears in some form 7 times in the beginning few pasukim of Behar. In the Tochachah of Bechukosai in 26:34, 35, 43 the word Shabbos also appears in different forms a total of 7 times - the warning is that if you don't listen to Hashem about letting the land rest voluntarily, then it will rest as a Shabbos against your will with your exile. Likewise, the word *shamem*, destruction, appears 7 times - like the word shemitah. These are enormous parallels between these two parshios. What is the connection between them? And why connect them to Har Sinai? At the end of Mishpatim in 24:12 Hashem tells Moshe he will go up to Har Sinai and be given the rest of the Torah. In 24:4 Moshe writes down the Torah up to that point; Bnei Yisrael set up altars and bring Olos; Moshe

then reads the Sefer **Habris** and they say Na'aseh Venishma. This is a Bris executed at Har Sinai - there was a formal covenant between Hashem and His people; we are sworn to keep it. but if this is a Bris, something is missing. We see this near the end of the Torah in Ki Savo, when following the Bris in Arvos Moav there comes dire warnings about breaking the covenant. A Bris is irrevocable, but we have to live up to our end of the bargain. In Ki Savo, the Bris was finalized with dire warnings about what will happen if we renege. Every Bris needs this. But there are no warnings in Mishpatim when we complete that Bris with Hashem to accept the Torah - and that is not enough to formalize a Bris. The **Ramban** says that you cannot have a Bris without the warnings and curses if we don't do our part. That is why Bechukosai is connected back to Har Sinai - the warnings and curses are related back to the Bris of Har Sinai - Hashem has to link these two parshios together - these warnings and curses tell us that these are the two mitzvos that will be necessary to keep the land - Shmita and Yovel. If we don't have the warnings and curses, we don't have a real Bris. These parshios containing the Tochachah are therefore linked back to that Bris in Sinai, to finalize it. They are out of chronological order because there had to be emphasis to keep these two mitzvos before we go to conquer the land. Hashem waits right before we enter the land to emphasize again what we will need to keep the land; it was said originally at Har Sinai, but these two linked parshios are necessary to finalize the Bris of Sinai. The Bris is everlasting, but there are lines we cannot cross, things that can be deal breakers. It is critical therefore to connect these two parshios to the Bris of Har Sinai.