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בס"ד

Parashat Behar Part II Two Special Years

1. The Seventh Year

Parashat Behar completes the Holiness Code with legislation that provides for sanctification of certain periodically recurring years. These laws, permeated with the Sabbath motif, are designed to advance social justice in a number of ways. Foreseeing the nation living in the promised land, the *parasha* begins with several strictures governing land use and landowners' rights. First, it prescribes that every seventh year the land is to lie fallow while basic agricultural work (sowing, pruning, harvesting) is forbidden. The aftergrowth – that which grows on its own (mostly from seeds that inevitably would have fallen during the past harvest) – cannot be harvested by the landowner in the usual manner but is to be available to the needy of society for eating.

Periodically allowing the land to lie fallow was a well-known practice in the ancient Near East, designed to promote replenishment of the soil's fertility. Societies that ignored the procedure were known to have experienced severe agricultural and economic decline often followed by widespread death through famine. However, landowners often postponed this practice year after year until it was too late. In any event, the Torah does not mention such a reason for this provision. Perhaps it is a case of incorporating into its legislation what was an unevenly observed but beneficial practice, while providing it with new dimensions by linking it with the Sabbath and social welfare. This would be somewhat similar to the Torah's transformation of pre-Torah agricultural celebrations into festival commemorations of important national historical events without any mention of past purposes or particulars.

The prohibition of working the land every seventh year had already been given in Exodus (23:10-11). The *Parashat Behar* articulation of it, however, significantly enriched that statement and reformulated it as part of the Holiness Code. In Exodus, although the Sabbath concept is clearly assumed to underlie the law – the seventh year obviously corresponds to the seventh day and the following verse concerns the weekly Sabbath – that great institution was not explicitly mentioned in the framing of the statute. There, after the landowner is informed that for six years he may sow his land and gather its produce, he is commanded וְהִשָּׁבִיעַת תְּלֻמְתָּנָה וְנִטְשָׁתָהּ (“but [in] the seventh [year], relinquish it and let it be”).

In Leviticus, however, the Sabbath theme literally permeates the whole passage. The command is expressed from the perspective of a personified land – וְשָׁבְתָה הָאֲרֶץ שַׁבַּת לַיהוָה (“the land shall rest a *shabbat* to Hashem”). The land is to pay fealty to its true owner and creator; it must glorify Him. As the seventh day of the week testifies to the Deity's creation of the world, who “rested” on the first seventh day after six days of “work,” so, too, does the seventh year serve as testament. As weekly Sabbath observers rest on that day, which is dedicated to the Creator, and are thereby replenished, so, too, does the land rest and become replenished every seventh year. This strengthens the Israelite's consciousness of creation and of G-d's ownership of the land, thus reinforcing important values that stem from those concepts including the right of the Creator to impose legislation.

In Exodus, the law's purpose is stated as providing that “the poor of your nation shall eat” from that which grows on its own, while “the excess shall be eaten by the animals of the field” (Exod. 23:11). Our *parasha's* formulation has a different emphasis:

Whatever grows during the *shabbat* of the land is to be food “for you, your male slave, your female slave, your hired laborer and your resident [laborer] who sojourns with you, for your domestic animal and for the beast in your land.” Interestingly, the poor as a category are not mentioned, while the beasts “in your land” are not relegated only to the “excess,” as in Exodus.

The *Mekhilta* presents two explanations to reconcile the apparent contradiction between the Exodus statement and Leviticus’ omission of the poor. In one, it assumes that when the produce is adequate, the law permits the poor to share in it; otherwise it is limited to the landowner and his circle of dependants. His first responsibility is to those who normally rely on him; the poor would continue to rely on the standard gifts to the poor (as per Lev. 19:9-10), which would still be available. The *Mekhilta*’s other explanation differentiates between before and after *bi’ur*, the various deadlines at which the Torah requires landowners to remove the remaining stores of the various crops from their homes (Deut. 26:12-13, each species when its category is depleted in the field). Before removal, all may partake of that produce in the fields but afterwards only the poor are permitted to partake of that crop, essentially from the stores the landowners removed from their homes (m. *Sheb.* 9:8). However, it appears there is more to this matter.

One must wonder about the extensive stress the Torah places on “your” in conjunction with those for whom “the Sabbath of the land shall be for eating” (Lev. 25:6). After *lekha* (for you) comes *ul’abdekha, vela’amatekha, velis’khirekha, ultoshabekha hagarim imakh, velibhemtekha, velah□aya asher be’arsekha* (for your male slave, for your female slave, for your hireling, for your resident who sojourns with you, for your domestic animal, and for the beast in your land). For all these, “all its produce shall be for eating” (v. 7). This extensive listing indicates that the seventh-year law does much more than mandate that the landowner is to disown the produce of his field and allow others access to it.

It appears that in peshat the landowner is personally responsible to ensure that whatever grows during the seventh year must be directed to the various classes of people normally dependent on him for their

sustenance. These are people who otherwise would join the poor. He must see to it that chaos, abuse or exploitation does not set in but that an equitable system is in place so that no party that looks to him for support is neglected. Thus, widespread concern for a large portion of the population is built into the system. This may explain why the roots ט-מ-ש “relinquish” and ש-ט-ג “let it be,” both used in Exodus, do not appear here. When focusing on the landowner’s expanded responsibility to oversee that all people in his sphere of interaction continue to be sustained from his land, these terms – though justifiable from the agricultural point of view – do not do justice to the expanded program. (At some point the authorities established regional storehouses to assist in equitable distribution, as indicated in Mishnah *Shebi it.*)

In Deuteronomy, Moses transmits a law associated with the practice of the seventh year. During the *Sukkot* festival, “at the season of the *shemittah* year” the Israelites are required to convene a major assembly to fulfill what essentially is a periodic review of the covenant. On that occasion the national leader is to read “this Torah” to the mass gathering (*haqhel*) so that “they may hear and learn to revere *Hashem Elokekhem* and to carefully fulfill all the words of this Torah” (Deut. 31:10-13). We surely may appreciate having the covenant reinforcement in conjunction with the seventh year; it would be in harmony with the fuller purpose and practice of the year’s laws.

According to Ibn Ezra (Deut. 31:10-12), the ceremony of *haqhel* is at the beginning of the seventh year, so that the upcoming free time could be utilized to focus the people on their more meaningful responsibilities, furthering the purpose of the program. According to the Mishnaic codification (m. *Sotah* 7:8), the gathering is at the beginning of the eighth year, after the people have been “primed” with the seventh year and passed through the period that may have engendered anxiety. Either way, the impact of the teachings will be more effective when attached to the seventh year.

Reflecting the prominent role the concept of the Sabbath plays in our passage, the ט-ג-ש stem in various forms occurs seven times in it. It should be

noted that the *ש-ב-ח* stem in all forms of the root that refer to the Sabbath is attested exactly seventy times in the Torah. In the Sabbath passage in *Parashat Ki Tissa* (Exod. 31:12-17), where the formulation particularly stresses the covenantal dimension with use of the phrases *אֹת הָיָא לְעֶלָם* (“it is a sign forever”) and *בְּרִית עוֹלָם* (“a permanent covenant”), the *ש-ב-ח* stem is attested eight times, reflecting the theme of covenant. (See our study *Number Symbolism in the Torah from the Work of Rabbi Solomon D. Sassoon.*)

2. The Jubilee Year

The principle behind the seventh-year legislation foreshadows the concept of the passage that follows, that of the *yobel* (Jubilee Year), the name of the fiftieth year, the year that follows seven cycles of seven-year periods. The term *yobel* in reference to this year apparently derives from the basic meaning of that word, “ram,” which was extended to a ram’s horn (Exod. 19:13); a ram’s horn was blown throughout the land on Yom Kippur of the fiftieth year to proclaim arrival of the milestone (Lev. 25:9). As with the seventh year, agricultural work is forbidden during the Jubilee Year.

The innovative features of this year are that it provides a “release” (*דְּרוּר*) in two critical areas. An Israelite who had been sold into slavery regains his freedom at that time. Hashem explained: “For they are My slaves whom I brought forth from the land of Egypt”; accordingly, the verse continues, “they cannot be sold the sale of a slave” (Lev. 25:42).^{*} Second, any ancestral land that an Israelite had sold during the previous forty-nine years is returned to him or his heirs. G-d explained this law with another momentous proclamation: “For the land belongs to Me; for you are but strangers and residents with Me” (Lev. 25:23).

In an agrarian society an individual would generally refrain from selling his ancestral land except in dire circumstances. Jubilee legislation granted an ongoing option of redemption to an individual who did sell his land, or to others to redeem on his behalf. Redemption was to be for a fair price, in accordance with the original sale price and the number of years remaining until the next Jubilee. The law explicitly placed responsibility upon the close relatives of the seller to strive to achieve such redemption. If the redemption

option was not exercised before the Jubilee, at that time the sold land reverted back to its original owner. With this legislation, potential exploitation of the needy and vulnerable was sharply restricted by curtailment of the excesses of a free market and the materialistic opportunities of the wealthy. The possibility of a fresh start for those families who needed it was ensconced in the economic system.

As befits a concluding chapter of covenant stipulations and of the Holiness Code, through its legislation *Parashat Behar* proclaims noble ideals for the individual and the nation based on two most fundamental concepts elaborated in the covenant, both highlighted in the Exodus Decalogue:

1) Acknowledgement of G-d’s creation of the world, entailing His sole ownership of the earth (Lev. 25:23), rendering Israel as only “sojourners” with Him. With His right to “eminent domain,” He chooses to order use of the land to promote His goals for the nation, goals that envision Israelite society as filled with equity and social justice. Practical applications of His goals are legislated in the continuation of the chapter.

2) All Israelites are rightfully G-d’s servants as a result of His having redeemed them from slavery. Accordingly, all Israelites are prohibited from acquiring a fellow Israelite as a slave; a fellow Israelite may only be purchased as *כְּשָׂכִיר כְּתוּשָׁב*, a hireling or resident employee. This provides for the welfare and basic human dignity of all members of the nation. The language in which this latter concept is proclaimed (Lev. 25:38, 55) harks back to the first verse of the Decalogue (Exod. 20:2), contributing to the envelope structure around the covenant program.

Thus, the two most significant items of ownership, that of one’s self and, in the ancient Near East, that of one’s ancestral land, are placed beyond the reach of commercial transactions and are ultimately excluded from being items of human barter. G-d has sovereignty over them. The Jubilee Year of Leviticus 25 may be utopian and we don’t have historical evidence as to how often, if at all, it was fulfilled, but the principles underlying it cannot but have influenced the standing of social justice in the society at large.

Why is the advent of the Jubilee Year proclaimed on Yom Kippur? On that day each member of the nation is assumed to be contrite and is granted a cleansing of sins before G-d (Lev. 16:30). He receives a fresh start. It is thus the most appropriate time to announce sanctification of the fiftieth year – וְקִדְשְׁתֶּם אֶת שְׁנַת הַחֲמִישִׁים – and fulfillment of its stipulations, granting a fresh start in important areas of life to all those who require it. This legislation is a result of Israel's covenant with G-d and its acknowledgement of His sovereignty over the world. The link to the covenant is manifest in the fact that the Jubilee occurs in year fifty, after completion of seven cycles of seven, in other words, in the year that begins the eighth cycle. It thus highlights the number eight, which, as we have often seen, signifies the covenant. This is analogous to the fiftieth day of the *minh*□*adasha* (“new offering”) of *Shabuoth*, which signifies the “new order” of the covenant, raising the level of the commitment that was symbolized by the number seven.

The blowing of the *shofar* throughout the land on that Yom Kippur undoubtedly signals acceptance of G-d's kingship in all realms of life (“G-d ascends amidst the blast; Hashem with the sound of the shofar” [Ps. 47:6]).

Our chapter does not make reference to the slave receiving his freedom after six years of labor, as do the two other sources in the Torah that deal with the

issues of slavery (Exod. 21:2; Deut. 15:12) as well as the relevant passage in Jeremiah (34:14). However, Jubilee legislation is primarily focused on the special character of the year, bringing out G-d's ownership of all the earth and His claim on the commitment of the Israelites, not on the various laws of the Hebrew slave. This chapter continues and concludes application of the Holiness Code principles, expanding and enriching the covenant, establishing a year that restores each Israelite to his human dignity and acknowledges G-d's kingship. Surely it is not to be seen as independent of the previous.

The subsequent laws of our *parasha* that prohibit treating a Hebrew slave as a true slave, explicitly asserting the inviolable nature of each Israelite, also stem from such considerations. Thus, the tradition recognizes that the Hebrew slave goes free after six years of work and at the Jubilee.

The sages (*b. Qidd.* 15a; *Mekhilta*) declare that even the Hebrew slave who chooses to remain by his master upon termination of his six years of labor, who has his ear pierced and becomes a permanent slave (Exod. 21:5-6; Deut. 15:16-17), gains his freedom at the Jubilee. The piercing of the ear signals that it may be permanent, but in the eventuality that a *yobel* is declared while he is alive the law cancels his slavery.

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