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פרשת בהר־בחקותי תשפ״ו

The Torah of Ownership

Dovid Kopel

Perhaps שמיטה (*sabbatical year*) may be one of the greatest tests of אמונה (*faith*) a person can have.

A farmer works his land. His field is his life. His crop is his פרנסה (*livelihood*). And the Torah tells him: stop. Do not plant. Do not harvest in the ordinary way. Let the land rest.

One might be tempted to explain שמיטה as an agricultural practice. Rest the soil. Let the land recover. But that is not really שמיטה. Crop rotation is one thing. שמיטה is something else. We are not switching fields. We are not working one section and resting another. The whole land stops.

That is not agriculture.

That is אמונה.

The Torah says:

> דַּבֵּר אֶל בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם כִּי תָבֹאוּ אֶל הָאָרֶץ אֲשֶׁר אֲנִי נֹתֵן לָכֶם וְשָׁבְתָה הָאָרֶץ שַׁבָּת לַה׳ (ויקרא כה:ב)

The land shall rest, a Shabbos for Hashem.

Shabbos is not just a day of rest. It is a day of הודאה (*acknowledgment*).

> מִזְמוֹר שִׁיר לְיוֹם הַשַּׁבָּת טוֹב לְהֹדוֹת לַה׳ (תהלים צב:א)

A psalm, a song for the day of Shabbos. It is good to give thanks to Hashem. — תהלים צב:א

On Shabbos, a person stops creating, producing, and controlling. He acknowledges that Hashem created the world, and that the world has a purpose. Life is not meant to be swallowed by work, money, property, and success.

שמיטה takes that weekly truth and stretches it across an entire year. My work is not the source of my life. My field is not the source of my food. My hands are not the source of my success. Hashem is.

And the Torah knows exactly how hard this is. It gives voice to the fear:

> וְכִי תֹאמְרוּ מַה־נֹּאכַל בַּשָּׁנָה הַשְּׁבִיעִת הֵן לֹא נִזְרָע וְלֹא נֶאֱסֹף אֶת־תְּבוּאָתֵנוּ (ויקרא כה:כ)

And if you will say: What will we eat in the seventh year? Behold, we will not plant, and we will not gather in our produce.

Hashem does not ignore the fear. He writes it into the Torah. He knows the calculation that rises in a person's heart: if I do not work, how will I live?

And then He answers:

> וְצִוִּיתִי אֶת־בִּרְכָתִי לָכֶם בַּשָּׁנָה הַשִּׁשִּׁית וְעָשְׂתָה אֶת־הַתְּבוּאָה לִשְׁלֹשׁ הַשָּׁנִים (ויקרא כה:כא)

I will command My blessing for you in the sixth year, and it will produce a crop for three years.

Hashem says: I will command My ברכה. Trust the system. Not the natural system. The Torah system.

יובל (*jubilee*) is the larger version of the same idea. If שמיטה is Shabbos for the land, יובל is Shabbos across generations. After years of buying and selling, gaining and losing, building estates and losing estates, the shofar sounds. And it sounds specifically on יום הכפורים.

> וְהַעֲבַרְתָּ שׁוֹפַר תְּרוּעָה בַּחֹדֶשׁ הַשְּׁבִעִי בֶּעָשׂוֹר לַחֹדֶשׁ בְּיוֹם הַכִּפֻּרִים תַּעֲבִירוּ שׁוֹפָר בְּכָל אַרְצְכֶם (ויקרא כה:ט)

You shall sound a שופר *of* תרועה *in the seventh month, on the tenth of the month; on* יום הכפורים *you shall sound the* שופר *throughout all your land.*

יום הכפורים is the day a person returns to Hashem, returns to where he was meant to be. And on that same day, the shofar of יובל is sounded.

> וְקִדַּשְׁתֶּם אֵת שְׁנַת הַחֲמִשִּׁים שָׁנָה וּקְרָאתֶם דְּרוֹר בָּאָרֶץ לְכָל יֹשְׁבֶיהָ יוֹבֵל הִוא תִּהְיֶה לָכֶם וְשַׁבְתֶּם אִישׁ אֶל אֲחֻזָּתוֹ וְאִישׁ אֶל מִשְׁפַּחְתּוֹ תָּשֻׁבוּ (ויקרא כה:י)

And you shall sanctify the fiftieth year and proclaim דרור *through the land to all its inhabitants. It shall be a* יובל *for you, and you shall return, each man to his holding, and each man to his family you shall return.*

The land returns. The person returns. The possessions return.

יובל is תשובה in the realm of גשמיות. A person can spend his life trying to hold on — to structure, protect, preserve, and find ways within the letter of the law to keep what he has. But ultimately, the grave takes it from him. The shofar sounds and the illusions loosen. The estate returns. The servant goes free. The owner discovers that he was never the absolute owner.

The only real question is what he did with what Hashem placed in his hands.

And in this world of שמיטה and יובל, the Torah teaches אונאה (*monetary exploitation*).

> וְכִי תִמְכְּרוּ מִמְכָּר לַעֲמִיתֶךָ אוֹ קָנֹה מִיַּד עֲמִיתֶךָ אַל תּוֹנוּ אִישׁ אֶת אָחִיו (ויקרא כה:יד)

When you sell something to your fellow, or buy from your fellow, do not wrong one another.

On the surface, אונאה is a law of fair pricing. A classic חושן משפט topic. But here it means more. The Torah has just taught us that land is not sold forever. It is sold according to the number of years until יובל. So the price itself must reflect that truth. You cannot sell temporary possession as if it were eternal ownership. You cannot use the marketplace to create an illusion the Torah has already broken.

There is also something striking in the structure of אונאה itself.

Up to שתות — up to one-sixth — the sale stands. At שתות, the difference is returned, but the קנין holds. More than שתות, and the entire deal is בטל. Not adjusted. Not corrected. Voided. The transaction cannot stand.

That itself is telling.

The world of work runs through שש. Six days of creation, and then Shabbos. Six years of working the field, and then שמיטה. Six years of an עבד עברי, and then he goes free.

The marketplace also has its שש. The threshold of אונאה is שתות. Up to that point, the world of buying and selling can still absorb the distortion. But once it goes beyond שש, the marketplace cannot hold it anymore. The קנין dissolves.

שש is the structure of ordinary life. It is the world of work, effort, building, buying, selling, and producing. But שש is not the source. The seventh reveals that everything moving through the six was really from Hashem all along.

That is why every seventh in the Torah opens upward. Shabbos. שמיטה. יובל. חירות. The seventh is where the world pauses, and the truth underneath the work becomes visible.

So when אונאה crosses beyond שתות, it has crossed the boundary of the marketplace. It is no longer just an unfair price inside a valid sale. It has become something the transaction itself cannot contain.

שמיטה rises beyond שש into קדושה.

אונאה beyond שתות falls beyond שש into ביטול.

It is the same structural moment, but in opposite directions. When the world of work reaches its boundary, it either opens into Hashem, or it collapses under its own distortion.

This is the same יסוד as the beginning of משפטים. After קבלת התורה, the Torah immediately gives laws of damages, theft, loans, courts, and property. A person might think: every nation has laws, and we have laws too. But our משפטים are not merely social order. They are Torah. They are from סיני. Of course there is a level on which they can be understood. Theft destroys society. אונאה corrupts business. רבית can crush someone who is weak. But that is only the outer layer. The mitzvah itself is דבר ה׳. We see the transaction. The Torah sees reality.

And that brings us to רבית.

There is an important distinction between אונאה and רבית.

אונאה lives in חושן משפט. It is certainly an איסור תורה, but its halachic structure still moves through the world of מקח וממכר: price, claim, waiver, timing, and transactional fairness. The wronged party has standing. There can be מחילה. The מתאנה may have options about whether to uphold or undo the sale.

רבית is different.

רבית lives in יורה דעה. It is not merely a bad deal or an unfair transaction. Even if the two sides have an understanding and agree willingly, the Torah still forbids it. Consent does not make it permitted.

אונאה addresses the fairness of the transaction. רבית addresses the Torah nature of the relationship.

אונאה asks whether the sale reflected אמת between buyer and seller. רבית asks whether money is being used in a way the Torah allows between one Yid and another.

There may even be a רמז in the word itself. רבית has the same letters as ברית.

In the ordinary marketplace, interest can be viewed as business. If the borrower agrees and the lender agrees, the contract seems to stand on its own. But כלל ישראל lives inside a ברית. We are bound to Hashem, and because we are bound to Hashem, we are bound to each other differently. The ברית is stronger than the contract. Human consent does not override Divine relationship.

A Yid cannot look at another Yid's need and see only an opportunity for return. He has to see a brother who is part of the same ברית.

And perhaps this is why רבית has no such threshold.

There is no שתות of permitted רבית. Even the smallest amount is forbidden.

Because רבית was never related to the marketplace in the same way. אונאה is a distortion within buying and selling. It asks how far the price moved away from the truth of the sale. Up to a point, the sale can still stand. Beyond that point, the transaction cannot exist.

רבית is different. It is not about the price of an object. It is about the relationship between two Yidden.

Hashem gives a person money. But He does not give it to him so that he can use another Yid's need as a source of control. The borrower is already vulnerable. His פרנסה is under pressure. He is reaching outward because he needs help.

And the Torah says: do not take that moment of need and turn it into ownership over his future.

Do not turn his weakness into your income. Do not turn his pressure into your profit. Do not use your פרנסה to control his.

That is why רבית has no graduated structure. It is not a question of how much distortion the transaction can absorb. The relationship itself has been turned into something the Torah does not allow.

אונאה asks: did the sale remain within the truth of the marketplace?

רבית asks: did the money Hashem gave me become a way to control another Yid's life?

And the Torah says no.

The ברית is stronger than the contract.

> וְכִי יָמוּךְ אָחִיךָ וּמָטָה יָדוֹ עִמָּךְ וְהֶחֱזַקְתָּ בּוֹ גֵּר וְתוֹשָׁב וְחַי עִמָּךְ (ויקרא כה:לה)
>
> *If your brother becomes poor, and his hand falters with you, you shall strengthen him.*

And then:

> אַל תִּקַּח מֵאִתּוֹ נֶשֶׁךְ וְתַרְבִּית וְיָרֵאתָ מֵאֱלֹקֶיךָ וְחַי אָחִיךָ עִמָּךְ (ויקרא כה:לו)
>
> *Do not take from him interest or increase; you shall fear your God, and your brother shall live with you.*

רבית is not merely whether the deal is commercially fair. It is whether another person's weakness becomes my opportunity for profit.

The money is from Hashem. The borrower is from Hashem. And the relationship between two Yidden is inside the ברית before it is inside a contract.

The Torah relates this directly to עניות. A person falls. First he needs support. Then there is the danger of רבית. Then, if he falls further, he may have to sell himself as an עבד עברי.

But even that fall has a limit.

Hashem does not only govern wealth. Even in poverty, the Torah places limits, dignity, and an end point. A person's fall is not allowed to define him forever. Even if a person sells himself, he is not sold forever.

The Torah explains why:

> כִּי לִי בְנֵי יִשְׂרָאֵל עֲבָדִים עֲבָדַי הֵם אֲשֶׁר הוֹצֵאתִי אוֹתָם מֵאֶרֶץ מִצְרָיִם אֲנִי ה׳ אֱלֹקֵיכֶם (ויקרא כה:נה)

For the children of Israel are servants to Me; they are My servants, whom I took out of the land of Egypt. I am Hashem your God.

A Yid cannot be owned absolutely because he already belongs to Hashem. He is not merely a failed debtor. He is not a body to be absorbed into another person's control. He is עבד ה׳.

The same ברית that limits רבית also limits עבד עברי. By רבית, even a clear contract cannot reduce a brother to market logic. By עבד עברי, even legal servitude cannot define him absolutely. The ברית defines him first.

Even if he becomes an עבד נרצע and the Torah calls him an עבד עולם, he still goes free at יובל. His own consent cannot erase the deeper ברית. He belongs to Hashem before he belongs to any master, and even before he belongs to his own distorted choice.

The Torah will not let him truly become lost and forgotten. Even if poverty strips him of his property. Even if need pushes him into servitude. Even if he himself says, "I love my master, I do not want to leave."

יובל says no.

He must return.

A Yid can fall, but he cannot fall out of the ברית. He can be sold, but he cannot be erased. He can become dependent, but he cannot become ownerless.

And perhaps this is also a רמז to גלות. כלל ישראל may befall us. We may be under the control of others. But we cannot belong to them forever. Hashem says: עֲבָדַי הֵם. They are Mine. I took them out of מצרים, and I will redeem them again.

There is an end. There is salvation.

The section of the לויים adds another angle. They do not have a regular portion in the ארץ because their role is עבודת ה׳. The ordinary Yid owns land, and יובל reminds him that his ownership is temporary. The poor Yid falls, and the Torah reminds us that his fall cannot be forever. The לוי stands as a model of a life where possession is secondary from the start. He does not need יובל to teach him that land is not his deepest identity. His very structure already says it.

In many years, בהר is read together with בחוקותי. That connection is also telling.

After everything בהר teaches, בחוקותי tells us what happens when כלל ישראל doesn't listen. But this should not be understood only as the wrath of an angry Hashem. It is deeper than that. It is the reality of קדושה.

By Shabbos, time is holy. When a person desecrates Shabbos, the Torah speaks in the language of personal liability. He is חייב. He may be liable for כרת or מיתת בית דין under the proper conditions.

But by שמיטה, the Torah speaks differently. The land itself was denied its Shabbos. The land itself must receive back what was withheld from it.

> אָז תִּרְצֶה הָאָרֶץ אֶת שַׁבְּתֹתֶיהָ כֹּל יְמֵי הְשַׁמָּה וְאַתֶּם בְּאֶרֶץ אֹיְבֵיכֶם אָז תִּשְׁבַּת הָאָרֶץ וְהִרְצָת אֶת שַׁבְּתֹתֶיהָ (ויקרא כו:לד)

Then the land will be appeased for its Shabbos years.

The land that was supposed to rest during שמיטה will rest anyway. If we do not give the land its Shabbos, the land will eventually receive it through גלות.

Obviously, this is all from Hashem. But the Torah does not describe it simply as external punishment. It describes it as the inner order of קדושת הארץ asserting itself. The land is not passive. קדושה is not decorative. קדושה is alive. It has a structure. It has a schedule. It has memory. It has demands.

The land almost seems to push them out until it receives its שבתות.

שמיטה is the great reset. It will happen whether we like it or not. If we live with it willingly, it becomes אמונה, ברכה, and קדושה. The sixth year produces. The seventh year rests. A person learns to let go while still living in the land. But if כלל ישראל refuses, the reset still comes. The land rests through גלות. The same truth appears, but in a harsher form.

A person can speak about רצון ה׳ in the abstract. He can say that Hashem runs the world, that everything belongs to Him, that all ברכה comes from Him. But שמיטה takes that truth out of the realm of ideas and places it into the soil. The field itself becomes the place where רצון ה׳ is revealed.

If כלל ישראל gives the land its Shabbos, the reset comes as ברכה. If not, the land takes it back. Either way, Hashem's will is fulfilled.

That is the great יסוד of שמיטה. קדושה is not only something we believe in. It is something reality obeys.

Later in בחוקותי, the Torah turns to הקדש and ערכין — fields, houses, animals, produce, and even human valuation. After בהר teaches that ownership is limited, בחוקותי teaches something deeper: value itself is not finally defined by the owner.

בכור is especially striking. The owner does not make it קדוש. He does not choose it, count it, or designate it. It emerges already claimed by Hashem. From within what he thought was his, something appears that was never fully his to begin with.

And then the Torah speaks about human valuation. Not because a person can truly be priced like property, חס ושלום, but because the Torah is teaching us to rethink value itself. Possessions have value, but a Yid's deepest worth is not measured by what he has. It is measured by what he is: belonging to Hashem.

A person may think, "This is my field, my animal, my house, my produce, my money, and I will decide what it is worth and what it means." But the Torah places all of it into a Divine framework. It is not only limiting ownership. It is redefining value.

All of this comes during ספירה, as we prepare for קבלת התורה. The Torah does not let קדושה remain in the abstract. It follows a person into the field, the marketplace, and the loan. A person cannot say Hashem is present on Shabbos, in the בית מדרש, during davening — but business is different.

חז״ל tell us that one of the first questions a person is asked after he leaves this world is:

> נָשָׂאתָ וְנָתַתָּ בֶּאֱמוּנָה (שבת לא ע״א)

Did you conduct your business with faithfulness?

Not only: were you technically honest? But did your משא ומתן reflect trust in Hashem? When a person refuses to overcharge, exploit, or take רבית, he is not just being decent. He is saying: I do not need to take what Hashem did not give me. The same Hashem Who commands ברכה into the sixth year can command ברכה into my business, my home, and my פרנסה.

May we learn from בהר and בחוקותי to see our possessions differently. May we conduct our business with honesty, dignity, יראת שמים, and אמונה. May no Yid feel swallowed by debt, pressure, or fear. May we be truly עַבְדֵי ה׳, and may we hear the great shofar of freedom and return, במהרה בימינו.

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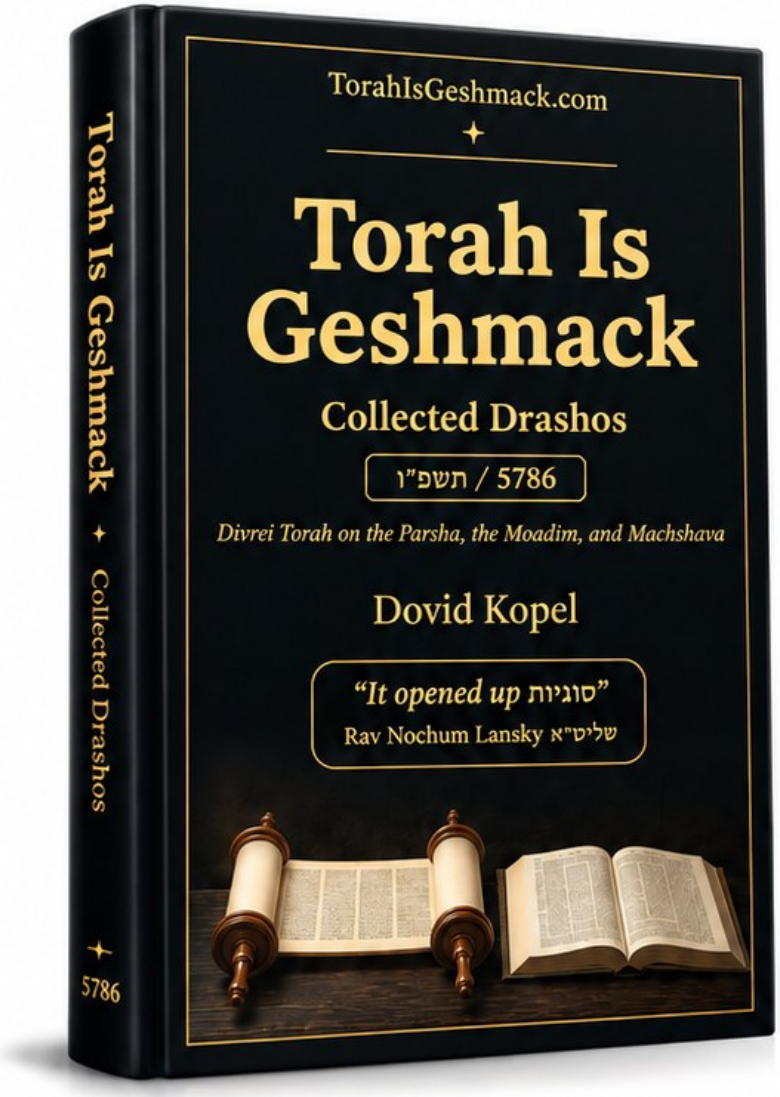
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