YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Before Sinai: Jewish Values and Jewish Law**

**By Rav Dr. Judah Goldberg**

The htm version of this *shiur* is available at:

<http://vbm-torah.org/archive/sinai/21sinai.htm>

**Shiur #21: The Land of Israel (4): The Land of Israel as a Place of Divine Presence – Part 1**

In the last few *shiurim*, we have attempted to delineate multiple aspects of the Land of Israel and to trace which of them derive from *berit Avot* and which from *berit Sinai*. In *shiur* #19, we differentiated between the sanctity of the soil of the Land, which we identified as a function of the halakhic system given at Sinai, and the title of the Land of Israel, which reflects its status as the national Jewish homeland as envisioned by *berit Avot*. S*hiur* #20 expanded on the specific relevance of the redemption from Egypt to *berit Avot* and the title of the Land of Israel.

At this point, we return to an earlier question: What do we mean, exactly, when we speak of the Land of Israel as uniquely endowed with the Divine Presence?[[1]](#footnote-1) One the one hand, R. Shimon ben Tzemach Duran (Tashbetz) lists a number of intrinsic properties of the Land of Israel that stem from “the sanctity of the Divine Presence,” including: wisdom, fertility, forgiveness and a unique relationship with God for those who reside there; atonement for those who are buried there; and its propensity for engendering prophecy (3:200). In a different vein, R. Soloveitchik related to the Land’s capacity to both house the Temple and supply certain sacrificial offerings through its produce. Are they both reflecting the same core concept, or should we differentiate between them?

**Immanence and Sanctity**

It seems to me that the models of *Avot*-based values and *Sinai*-based laws, if only as metaphors in this case, lead us to instinctively distinguish between these two descriptions of Divine Presence. R. Solovetchik’s “sanctity of the Temple” is a classic example of a formal, halakhic category. The Talmud provides an elaborate, formal ritual through which to invest a particular area with this sanctity, which itself depends on definite boundaries and separations (*Shavuot* 16a). The same partitions (*mechitzot*) that separate private areas from the public domain with respect to carrying on Shabbat (*Shabbat* 6a), or an area planted with grain from one planted with grapes with respect to the mixing of species (*Kil’ayim* 2:8), or between a soiled area and a clean one with respect to fitness for reciting *Shema* (see *Berakhot* 25a), also separate those that possess higher levels of the sanctity of the Divine Presence from those that do not.

The legal ramifications of these separations are enormous. They delineate areas within which one may consume various offerings and from which ritual impurity is excluded. Furthermore, the very fact that there are so many nuanced gradations of this sanctity, each bounded by its own partitions and carrying its own legal implications, attests to the distinctively normative nature of this holiness. Separating “between holy and holy” is a fascinating possibility that only the precision tools of a complex legal manifold can accomplish.[[2]](#footnote-2)

By contrast, how would we describe the sanctity that the Tashbetz describes? Historically, this sanctity predates the Revelation at Sinai. The fertility that the Land provides is derived from Avraham and Sarah (*Yevamot* 64a), the unique relationship with the Divine that it affords is learned from Ya’akov (*Tosefta* *Avoda Zara* 5:2 [Vilna ed.]) and the appeal of interment in the Land is gleaned from the stories of Ya’akov and Yosef (see Rambam *Hilkhot Melakhim* 5:11). Practically, the nature of this sanctity is vague, pervasive and amorphous, in contrast to the crisp, sharp definitions that characterize what *Tosafot* call “the sanctity of partitions” (*Yevamot* 82b). In other words, the Tashbetz’s “sanctity of the Divine Presence” more closely resembles the kinds of values and principles that we would associate with *berit Avot*, rather than the laws that emanate from *berit Sinai*.

**The Divine Presence and the *Avot***

Until now, we have only claimed that the immanent Divine Presence in the Land of Israel shares features with the values of *berit Avot*, but not that it is concretely rooted in them. Indeed, as R. Ishtori Ha-Parchi demonstrates, some of the unique qualities of the Land predate even the *Avot* themselves (*Kaftor Va-ferach*, ch. 10 [Jerusalem, 2004], p. 262) and therefore cannot solely be reflections of God’s covenant with them.[[3]](#footnote-3)

Still, perhaps the Tashbetz’s “sanctity of the Divine Presence” is also linked to God’s active covenant with our *Avot*. Even if the Land of Israel possesses innate spiritual properties, perhaps they only became personally relevant to the *Avot* and their progeny through the establishment of a covenant. By analogy, Shabbat is Divinely sanctified and blessed from Creation (*Bereishit* 2:3), but only through an “eternal covenant” (*Shemot* 31:16) does this uniqueness become relevant to the Jewish people. Similarly, while the Land of Israel may possess inherent qualities, only through *berit Avot* do the Jewish people connect to them and experience them.

This argument can allay, in part, a concern that R. Solovetchik voices with respect to theories of natural holiness. Regarding the Ramban, R. Yehuda Ha-Levi and others, he summarizes: “For them, the attribute of *kedusha*, holiness, ascribed to the Land of Israel is an objective metaphysical quality inherent in the land.” R. Soloveitchik continues:

With all my respect for the *Rishonim*, I must disagree with such an opinion. I do not believe that it is halakhically cogent. *Kedusha*, under a halakhic aspect, is man-made; more accurately, it is a historical category. A soil is sanctified by historical deeds performed by a sacred people, never by any primordial superiority…. *Kedusha* is identical with man’s association with Mother Earth. Nothing should be attributed a priori to dead matter. Objective *kedusha* smacks of fetishism. (*The Emergence of Ethical Man*, 150)

R. Soloveitchik’s stance invites some obvious questions, as several statements by *Chazal* upon which R. Ishtori and others rely certainly suggest that the Land’s uniqueness predates Jewish activity in its midst. More, if the Land is only sanctified through human action, we end up with a logical circle in which we can never explain why it was chosen for Avraham in the first place.

Perhaps we can suggest a compromise. R. Soloveitchik expresses wariness about natural sanctity as a tangible, halakhic category that impacts on humans and their environment. Sanctity in the human world must originate in human activity. This does not mean that a particular place or time cannot be Divinely blessed. However, any transcendent, metaphysical designation will not be directly relevant to the human sphere until a this-worldly source of sanctity—such as a human-Divine covenant—bridges the two.

**Avraham’s Two Covenants**

When, in the context of Avraham’s relationship with God, does the Land of Israel become a place invested with unique spiritual status for him? If the “covenant between the halves” (*berit bein ha-betarim*) defined the Land of Israel as the future homeland for Jewish national destiny, as we have stressed in earlier *shiurim*, perhaps the covenant through circumcision (*berit mila*) established the Land of Israel as the focal point for human encounter with the Divine presence.

In a landmark essay, R. Yoel Bin-Nun contrasts *berit bein ha-betarim* with *berit mila*.[[4]](#footnote-4) Through *berit bein ha-betarim*, God promises Avraham that his future progeny will inherit “the Land,” which spans “from the river of Egypt to the great river, the Euphrates river” (*Bereishit* 15:18). Embedded in this promise is a process of national development, during which Avraham’s descendants must first suffer at the hand of foreign oppressors before ultimately displacing the Canaanite tribes.[[5]](#footnote-5)

By contrast, through *berit mila* God grants “the land of your dwelling, the entire Land of Canaan” (*Bereishit* 17:8) to Avraham himself, along with his progeny. These terms, R. Bin-Nun convincingly argues, describe the more limited territory that lies between the Jordan River and the Mediterranean Sea. Furthermore, the gift of the Land of Canaan is inextricable from the personal, theological covenant that surrounds it. How fitting is Rashi’s explanation of the continuation of the aforementioned verse, “And I shall be for them God”: “And **there** I will be for you God, but one who dwells outside the Land is akin to one who has no god.”[[6]](#footnote-6) In the context of *berit mila*, the Land is a place of extraordinary human-Divine communion that will ultimately blossom into a comprehensive spiritual destiny.

R. Bin-Nun concludes that *berit Avot* envisions two distinct “Lands.” There is the spiritual Land of *berit mila* that is defined by immanent Divine holiness, whose presence ends at definite geographic boundaries. There is also the Land *of berit bein ha-betarim* that is designated as the national and political homeland for the Jews, whose boundaries, R. Bin-Nun maintains, are not defined by geography but by history: “Every place on which your foot treads shall be yours” (*Devarim* 11:24).

**From *Avot* to *Sinai***

Finally, out of each of these two aspects of the *Avot*’s relationship with the Land of Israel emerges a corollary dimension of the Land of Israel in *berit Sinai*. In earlier *shi’urim* we traced the development of the Land of Israel as a national homeland, starting with Avraham’s travels and culminating with the conquests by the immigrants in Egypt. In parallel, the amorphous Divine presence in the Land of Israel that *berit mila* establishes provides the foundation for the concrete “sanctity of the Temple” that Sinaitic law introduces.

At the same time, the formalizations of *berit Sinai* do not render *berit Avot* obsolete. The notion of the Land of Israel as the Jewish homeland transcends the specific legal ramifications of “the borders of the immigrants from Egypt,” and its identity as the Divine Land carries implications far beyond its mere ability to house the Temple.

**Conclusion**

The next *shiur* will continue our discussion of the Divine Presence in the Land of Israel.

**For Further Thought:**

1. Characterizing the sanctity of the Temple as a “sanctity of partitions” complicates the claim that the entire Land of Israel is invested with a measure of that same sanctity. Where are the partitions around the Land, and what was the ritual sanctification process? In fact, R. Hai Gaon (quoted in *Sefer Ha-arukh*, “*esser*”) excludes the Land of Israel from the ten levels of sanctification listed in *Keilim* 1:6, for sanctity with regard to the Temple is measured by exclusions (of impure persons and others)—in other words, by partitions and separations—which are not relevant to the Land as a whole.

The Rambam, however, strikes a different note. Though he includes the Land of Israel in the list of levels of sanctification in his commentary to the *mishna* (1:9), he presents a sort of compromise in *Mishneh Torah*. He declares that “the entire Land of Israel is sanctified above all other lands,” but then counts ten levels of sanctification **within** the Land (*Beit Ha-bechira* 7:12-13). Thus the Land shares something of the Temple’s sanctity, but its status is not built upon separation, in contrast to that of the ten levels.

2. In the passage cited above, R. Soloveitchik is adamant that sanctity must result from human activity. Regarding the Land of Israel, could we point to human worship in the Land of Israel that predates the *Avot*? Among the sources that the *Kaftor Va-ferach* quotes (ch. 10 [Jerusalem, 2004], p. 262) is the Rambam, who writes that the site of the Temple altar was not only the location of Yitzchak’s binding, but was previously used by Noach, Kayyin and Hevel and even Adam for sacrifice (*Hilkhot Beit Ha-bechira* 2:2). Could these offerings have consecrated the site of the Temple, the entire Land of Israel or both?

3. We suggested above that only through *berit mila* did the Land of Israel become a place of unique Divine Presence for Avraham and his progeny. Does *berit mila* (*Bereishit* 17), then, mark a turning point in *Sefer Bereishit* regarding the significance of the Land of Israel? The destruction of Sedom (*Bereishit* 18-19) and the election of Jerusalem (*Bereishit* 22), both of which presumably reflect the Divine Presence in the Land of Israel,[[7]](#footnote-7) take place after *berit mila*. On the other hand, the fertility the land affords is derived from *Bereishit* 16, which precedes *berit mila.* Does this last point contradict our earlier assertion?

**Questions or Comments?**

Please email me directly with your feedback at [judahlgoldberg@gmail.com](mailto:judahlgoldberg@gmail.com)!

1. I write about the *Shekhina* (Divine Presence), a fundamentally inscrutable concept, with great trepidation. If, as King Shlomo declared regarding his Temple, “Behold, the skies and heavens cannot contain You, much less this house” (*Melakhim* I 8:27), then all the more so these *shiurim* cannot grasp and deconstruct the nature of God’s Presence. Nonetheless, inasmuch as the very concept of *Shekhina* somehow represents God’s interface with mere mortals in their material world, then I take the liberty, following the example of our Sages, to apply halakhic analysis to it. Furthermore, *halakha*’s orientation in general is to focus on the experience of human encounter with the Divine, rather than upon pure theology. *Halakha* does not ask the unanswerable “What is the *Shekhina*?” but rather the more practical “How must we relate to It?” We will similarly restrict our discussion here. [↑](#footnote-ref-1)
2. Additionally, the sanctity of the Divine Presence that defines the Temple may bear a direct connection to the Revelation at Sinai. The Ramban (*Shemot* 25:2) writes that, first, the Tabernacle in the wilderness and, ultimately, the Temple in Jerusalem specifically perpetuate the Divine Presence that first inhabited Mt. Sinai. That is, not only are the rules that govern this sanctity of the Divine Presence derived from Sinai, but the very possibility of this type of sanctity first occurs at Sinai and from there continues through the Temple. [↑](#footnote-ref-2)
3. Also see Ramban *Bereishit* 12:1. [↑](#footnote-ref-3)
4. “‘*Ha-aretz’ Ve-‘Eretz Kena’an’ Ba-Torah*,” *Pirkei Ha-Avot,* 29-71, available at <http://www.ybn.co.il/mamrim/PDF/haaretz.pdf>. For an English presentation of these ideas by his student and my teacher, R. Menachem Leibtag, see <http://www.tanach.org/bamidbar/matot/matots1.htm>. [↑](#footnote-ref-4)
5. R. Bin-Nun (p. 49) further notes textual similarities between *berit bein ha-betarim* and *Shemot* 6:8, a verse that we discussed at length in *shiur* #19 and *shiur* #20. [↑](#footnote-ref-5)
6. Also see Ramban on *Bereishit* 15:18 and R. Joseph B. Soloveitchik, *The Rav Speaks: Five Addresses on Israel, History, and the Jewish People*, 139-145. [↑](#footnote-ref-6)
7. See Ramban on *Bereishit* 19:5:

   And know that the judgment of Sedom was because of the uniqueness of the Land of Israel… for among the nations there have been evil-doers and great sinners that [God] did not do such to them, but because of the uniqueness of this Land was all this, for “the hall of God” (*Yirmiyahu* 7:4) is there. [↑](#footnote-ref-7)