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**

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Dedicated in memory of Rabbi Jack Sable z”l and

Ambassador Yehuda Avner z”l

By Debbie and David Sable

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**Shiur #28: The Land of Israel (11)**

**Is *Aliya* Obligatory?**

The point of departure of the last two *shiurim* was the Ramban’s position that settling the Land of Israel constitutes an independent mitzva. In explaining the counterview, we suggested that perhaps settling the Land can be seen as a responsibility of *berit Avot*, rather than as a duty of *berit Sinai*.

We now bring this discussion to the second half of the Ramban’s gloss on the Rambam’s *Sefer Ha-mitzvot*, where he transitions from the national mitzva to an obligation that falls upon the individual:

I say that the mitzva that the Sages inflate — that is, *dirat Eretz Yisrael* (dwelling in the Land of Israel)… it is all from this positive commandment, that we were commanded to inherit the Land and to inhabit it. If so, it is a positive commandment for all generations; every one of us is obligated, even during days of exile.[[1]](#footnote-1)

At the very least, we see that the Land of Israel does not merely generate responsibilities for the nation as a whole (in contrast, for example, to the mitzva to construct the Temple[[2]](#footnote-2)), but also demands something from each and every Jew. How exactly we frame this duty, though, is critically important to identifying Jews worldwide, who genuinely aspire to live up to the full scope of God’s covenant and therefore wonder: Must all Jews, in the absence of truly extenuating circumstances, make *aliya*?

**Immigrating to Israel (*Aliya*)**

One possible answer to this question is a resounding “yes!” If we simply quote the Ramban’s assertion that dwelling in the Land “is a positive commandment for all generations” and that “every one of us is obligated, even during days of exile,” then there is little room for ambiguity. Indeed, many are satisfied with just ruling in accordance with the Ramban, however uncomfortable that may make some Diaspora Jews feel.

At the same time, others are hesitant to implicate masses of current and past God-fearing Jews, including many great sages and individuals of distinction, as being in violation of a Biblical commandment. In fact, some specifically point to the persistence of Diaspora communities as evidence that large segments of the Jewish nation have de facto ruled against the Ramban and do not view living in the Land of Israel as a timeless, universal, personal duty.[[3]](#footnote-3)

What, though, is the alternative? If there is no personal mitzva at all, then what is driving the accommodations that the Sages make for one who wishes to live in the Land of Israel? Why can a husband compel his wife to make *aliya* with him, or a slave force his master to arrange for his *aliya*?

R. Moshe Feinstein articulates a middle position. He affirms that dwelling in the Land is indeed a mitzva, but only a voluntary mitzva (*mitzva kiyyumit*), rather than an obligatory mitzva (*mitzva chiyyuvit*). As proof, he observes that the Rambam cites a prohibition to leave the Land of Israel (*Hilkhot Melakhim* 5:9). If residing in the Land of Israel were obligatory, however, the Rambam should have formulated a blanket prohibition to live outside the Land of Israel (*Iggerot Moshe*, *Even Ha-ezer* 1:102). Clearly, a Jew who is living in Denver or Sydney is not in violation of a discrete obligation, even though he or she may elect to fulfill the mitzva of *dirat Eretz Yisrael* through *aliya*.

In response to R. Feinstein, however, R. Ovadya Yosef echoes our earlier questions. If *dirat Eretz Yisrael* is really nothing more than a voluntary mitzva, why can a husband compel his wife and a slave his master over it? Would wanting to don a four-cornered garment in order to fulfill the mitzva of *tzitzit*, R. Feinstein’s own example of a classic *mitzva kiyyumit*, also carry the same halakhic force? Rather, R. Ovadya concludes, “It is an absolute obligation on anyone who ‘trembles for God’s word’ and his commandments to make *aliya* to the Land of Israel, especially in our times.”[[4]](#footnote-4)

***Aliya and Berit Avot***

Intuitively, we might resist a cut-and-dry obligation to live in Israel, but at the same time we are uneasy about eviscerating *dirat Eretz Yisrael* entirely. I take note of the Terumat Ha-deshen’s measured response to a question sent his way:

And that which you also wrote regarding your *aliya* to the “Choicest Land” (see *Yirmeyahu* 3:19 and *Daniel* 11:16) and to the Holy City, may it be rebuilt speedily in our days — is it a **mitzva** nowadays even for a scholar, since we do not have (because of our sins) a gathering of students and Torah learning there? You should know that **great praise and virtue** is certainly becoming to a person who resides in the Land of Israel, and even more so in the Holy City. (*Pesakim*, 88)

The Terumat Ha-deshen clearly believes that residing in the Land of Israel is not merely a lifestyle choice, yet he stops short of affirming the questioner’s label of a “mitzva.”[[5]](#footnote-5) From where does this “great praise and virtue” emanate, if not from a normative commandment? It seems to me that there must be something else propelling this mitzva “that the Sages inflate,” if its strict legal status cannot by itself explain their superlatives.

Perhaps, as with the collective imperative to conquer and settle the Land, the main driving force behind *dirat Eretz Yisrael* is *berit Avot*, rather than *berit Sinai*. While *berit Sinai* may not technically obligate a Jew to immigrate to Israel, as R. Feinstein suggests, identification with *berit Avot* compels each of us to consider coming “home” to the land of our past, our future and our God. God’s overarching vision for Jewish destiny entails the union of His Land with His people, collectively and individually, and part of living in response to His covenant is aspiring towards achieving that goal. Moreover, one who yearns to participate in the kind of spiritual intimacy that God’s covenant with our forefathers offers cannot simply brush off the opportunity to reside in His eternal presence. Dwelling in the Land of Israel may be neutral or voluntary from the perspective of the law, but from the perspective of our national and spiritual heritage, it is a supreme priority that demands a response.

As such, we can understand why *dirat Eretz Yisrael* carries such weight in Halakha, even if it may not qualify as a mitzva. The Sages understand that dwelling in the Land of Israel is of overwhelming importance to Jewish living, if only because of its significance to *berit Avot*, and therefore incorporate that value into their formulation of the law. Similarly, their dramatic statements about the spiritual value of living in the Land — many of which the Rambam quotes in *Mishneh Torah* — are better explained by the Land’s prominence in *berit Avot* than by the halakhic status of *dirat Eretz Yisrael*.[[6]](#footnote-6)

***Aliya* as a Mitzva and as a Value**

If one does not follow the Ramban’s view, then *dirat Eretz Yisrael* may be “only” a fundamental value, but not a formal mitzva at all. We previously touched on the difference between *dirat Eretz Yisrael* as a mitzva of *berit Sinai* and *dirat Eretz Yisrael* as a value of *berit Avot* in [*shiur* #5](https://etzion.org.il/en/shiur-05-distinctive-features-berit-avot). Briefly, laws by definition have rigid, set criteria for obligation and exemption, with binary results: one is either obligated or exempt. Values, on the other hand, are more amorphous, at the same time more flexible and yet ever-present. One is never absolutely mandated, but one is never completely absolved of responsibility either.

Viewing *dirat Eretz Yisrael* as a value, then, rather than as a mitzva, is both “a leniency and a stringency.” On the one hand, for all of the compelling reasons for a contemporary Jew to make *aliya*, one would not be able to speak in terms of absolute obligation. Rather, he or she has the right to weigh this value — with its full gravity — against other competing duties and values and come to a highly personal decision. Moreover, as many Diaspora Jews seem to know, *aliya* is not always a yes-or-no question, but one of timing, context and circumstance. While some brave young men and women make *aliya* immediately after high school, many others aspire to this goal but wish to marry or finish their schooling first. Yet others quietly hold on to *aliya* as a long-term goal, knowing that years may pass before the situation is ripe, if ever. Others have looked seriously at *aliya* but concluded that their spiritual calculuses point away from it and are unlikely to change anytime soon.

If *dirat Eretz Yisrael* is a discrete obligation, then all of these considerations at worst are irrelevant and at best need to be individually justified as legally significant factors with regard to this mitzva. However, if *dirat Eretz Yisrael* is better cast as a value, then these approaches represent a spectrum of authentic Jewish responses to the challenge that commitment to *berit Avot* presents. No one approach is more fundamentally correct than any other, provided that they are all pursued with honesty and humility. The only categorically untenable approach is for a Jew to simply ignore the possibility of *aliya* completely, as if living in New York or Paris is interchangeable with residing in Yerushalayim or Tzefat.

**Pervasiveness of Values**

On the other hand, *dirat Eretz Yisrael* as a value is always relevant, even if concrete obligation either is entirely absent or has been effectively neutralized. This point is reflected in responsa by later students of the Ramban’s tradition, who justify legal accommodations for the sake of *dirat Eretz Yisrael*. R. Yitzchak ben Sheshet (Rivash) discusses a prohibition against embarking on a journey within three days before Shabbat, except for a *devar mitzva*.[[7]](#footnote-7) In arguing that *aliya* should qualify as a *devar mitzva*, he appeals to the Sages’ dramatic praise for dwelling in the Land, rather than to the verses that the Ramban cites:

The Sages of blessed memory said… “One who lives outside of the Land [is as if he has no God]” (*Ketubot* 110b); and so did they say there: ‘One who walks four cubits in the Land of Israel is guaranteed a share in the World to Come” (111a).[[8]](#footnote-8) (Responsum #101)

This responsum is striking both for what it says and for what it does not. The Rivash does not reference the Ramban’s enumeration of *yishuv Eretz Yisrael* as a Biblical commandment, reasonably the simplest way to defend *aliya* as a *devar mitzva*.[[9]](#footnote-9) However, he argues that the prohibition against travel is nevertheless suspended on the basis of extralegal considerations. The exact source and nature of these factors are open to debate, and one could conceivably propose an alternative framework to that of *berit Avot*. In any case, the Rivash establishes that a value of *dirat Eretz Yisrael*, even in the absence of a mitzva, has legal ramifications.

In a different vein, the responsa of R. Shlomo ben Shimon Duran (Rashbash, son of the Tashbetz and a descendant of the Ramban) open with three letters about the limits of the Ramban’s mitzva of living in the Land of Israel. Responsum #1 embraces the Ramban’s fundamental position but explains that one does not have to travel to the Land of Israel if the journey is too dangerous.[[10]](#footnote-10) The Sages never address this exemption, the Rashbash writes, because “it doesn’t need to be said,” for “anyone with common sense recognizes that in a high-risk situation, it is **forbidden** to endanger oneself.” Responsum #2 adds the additional exemptions of marriage, earning a living and learning Torah, for which one may even leave the Land of Israel, but its conclusion is less strident: “All of these factors, or some of them, kept many great individuals from making *aliya*; and even though some do not heed this, the court does not need to stop them.” Responsum #3, however, strikes a wholly different note:

It is fitting for both the layperson and the scholar to try to make *aliya*…. However, since the roads are presumed to be dangerous, I have written that a man or woman should not be compelled to make *aliya*, for the Sages, of blessed memory, did not address situations of danger, and **each individual should decide for himself: If he is willing to endanger himself, he should make *aliya*; and if not, he should refrain**.

It seems to me that the progression in the Rashbash’s letters acknowledges that while *aliya* may not always be mandatory or even advisable, it is difficult to ever take it off the table completely. I presume that he is not trying to accommodate thrill-seekers, but rather those who feel so irresistibly drawn to the Land of Israel that they are willing to take risks that the law does not demand of them.

From the Rivash and Rashbash, we learn that *aliya* should always be possible, even in the absence of a formal mitzva, and that the law respects and accommodates this aspiration. To this, I would add that a value of *dirat Eretz Yisrael* does not merely create allowances but exerts a moral pressure of its own. In other words, there may be certain factors, such as financial or familial anxieties, which in some circumstances exempt a person from *aliya*, but the legacy of *berit Avot* always looms above.

This is exactly what we learned from the Rambam in *shiur* #7 regarding leaving the Land of Israel:

Even though it is [sometimes] permitted to leave, it is not pious behavior, for behold, Machlon and Kilyon were two giants of their generation, and they left out of great distress, and they incurred destruction from God. (*Hilkhot Melakhim* 5:9)

Machlon and Kilyon, we can suggest, were punished not for leaving the Land in the face of famine — after all, the law permits it! — but for turning their backs on the Land. Their relocation could be legitimized, but their apparent apathy towards the covenant could not be.

The converse is true regarding *aliya*. Even when halakhic imperatives have been neutralized, a proud descendant of Avraham must always answer to *berit Avot*. A negative response may be valid, but a response is required nonetheless.

***Aliya* Today**

Additionally, inasmuch as the demands of values are more context-dependent than the demands of the law, it seems to me that modern historical developments have not affected them equally with regard to *aliya*. If, as the *Ramban* contends, living in the Land of Israel “is a positive commandment for all generations,” then the obligation it imposes is fundamentally no different in twenty-first-century Los Angeles than it was in thirteenth-century Barcelona. Of course, barriers to its implementation have disappeared; additionally, an *oleh* today is perhaps helping fulfill our collective mandate to maintain Jewish sovereignty over the Land, which was not true for his or her medieval counterpart.[[11]](#footnote-11) Still, the root obligation of *dirat Eretz Yisrael* has not changed.

The calling of *berit Avot*, on the other hand, which by definition asks a Jew to be acutely sensitive to his or her particular place and hour, could not have changed more dramatically over the last hundred years. Can one live in the shadow of the Holocaust, on the one hand, and of the State of Israel’s founding and its subsequent wars, on the other, and pretend that Jewish responsibility has not evolved? Can one read *Sefer Bereishit* with a sense of duty, rather than entitlement, and not feel both impelled to action by past destruction and emboldened by current opportunity? And when history has suddenly invited the Jew to help further the destiny of our land and our people together through as simple a gesture as *aliya*, can one fail to notice?

Here again, I believe, *berit Avot* ends up demanding more than *berit Sinai*. As a halakhic obligation, *aliya* is at most a notable positive commandment,[[12]](#footnote-12) but as an imperative of *berit Avot*, it is a *hora’at sha’a* (duty of the hour) of monumental proportions. In [*shiur* #17](https://etzion.org.il/en/shiur-17-jewish-peoplehood-10-covenantal-zionism), we discussed the significance of resurgent Jewish independence; here we fill in the missing link of Zionism — the fact that it is unfolding in the Land of Israel, bringing God’s transcendent vision of His people united with His Land to fruition.[[13]](#footnote-13) Our fledgling state desperately needs continual strengthening — economic, religious, military, and social — and, as generals know, there is simply no substitute for having “boots on the ground.” Every era has its particular mission in perpetuating and advancing the vision of *berit Avot*, and ours inevitably involves *yishuv Eretz Yisrael*.

Perhaps the best proofs of the force and calling of *berit Avot* in this context, above and beyond the particular demands of *berit Sinai*, are the numerous descendants of Avraham who do not heed *berit Sinai* but nevertheless have answered the summons of history and of the Land of Israel. So many Jews who have likely never heard of the Ramban and know nothing of his glosses have chosen to link their personal destinies to that of the collective Jewish presence in the Land. Perhaps they have read about *berit Avot* in the Bible, or perhaps they have simply tuned in to its reverberations throughout history and through the current miracle that is the State of Israel. Their *aliya* and their sacrifices, I believe, are a greater testament to the veracity of *berit Avot* as a source of Jewish responsibility than anything I could possibly demonstrate in these pages from the whole of rabbinic scholarship. More, their *aliya* is a piercing challenge specifically to their fellow Jews who are committed to every jot and tittle of *berit Sinai*. Can dedication to *berit Avot* be any less?

**For Further Thought:**

1. As we have seen, the law that one member of a relationship can sometimes compel another to live in the Land of Israel (*Ketubot* 110b) is central to many discussions of *dirat Eretz Yisrael*. We can raise several further questions about this law:
	* What is its basis? For the Ramban, as we noted, the ability to compel is rooted in a mitzva of *yishuv Eretz Yisrael*; the Rashbash further insists that without such a mitzva, compulsion cannot be justified.[[14]](#footnote-14) However, the Avnei Nezer (*YD* 454:63) questions this connection, as the same law applies to moving to Yerushalayim from elsewhere within the Land of Israel, even though there is clearly no mitzva to reside in Yerushalayim. How else, then, can compulsion be explained? If, as we have argued in this *shiur*, a value of *dirat Eretz Yisrael* can have legal consequences even in the absence of a specific mitzva, then perhaps *berit Avot* alone is sufficient to explain compulsion for *aliya*. In a different vein, the Tashbetz (3:198, 200) grounds compulsion in the ability to fulfill the unique *mitzvot* of the Land of Israel.
	* According to any of these explanations, why, indeed, can one be compelled to live in Yerushalayim? Is this an extension of compulsion for *aliya* or a distinct rule?[[15]](#footnote-15) Is it reflecting a value of *berit Avot* or *berit Sinai*? See *Sefer Ha-Tashbetz* 3:201 and *Teshuvot Chatam Sofer* 2:234.
	* The Beit Ha-Levi (2:50) accepts both the Ramban’s and the Tashbetz’s explanations for compulsion but suggests that they do not completely overlap. Specifically, women are equally commanded in the unique *mitzvot* of the Land, but they may not be obligated in *dirat Eretz Yisrael*, as they are not obligated in the first half of the Ramban’s mitzva—to capture and settle the Land. However, the *mitzvot* of the Land might not justify compulsion during the Diaspora era, when they can be difficult to observe (see *Tosafot Ketubot* 110b). With this logic the Beit Ha-Levi explains the opinion of the Maharam of Rotenberg, based on the *Talmud* *Yerushalmi* (*Ketubot* 13:11), that a wife cannot compel *aliya* during the exile (see *Teshuvot Maimoniyot*, *Ishut*, 28).[[16]](#footnote-16)
	* Many commentators, however, following the text of the *Talmud Bavli*, reject any distinction between men and women.[[17]](#footnote-17) This position can be explained in two ways: 1) The Ra’avad (quoted by the Ran, *Ketubot* 65b [Alfasi]), like the Ramban, links compulsion to a mitzva of *yishuv Eretz Yisrael* but maintains that women are obligated as well. 2) One could accept the Beit Ha-Levi’s exemption of women from *yishuv Eretz Yisrael* yet base compulsion on other factors. Namely, perhaps the values of *berit* *Avot* afford women the same rights to compulsion as men, even if they don’t share a *berit Sinai* obligation.[[18]](#footnote-18)
	* The Gemara notes that the law of compulsion applies to slaves as well. While Rashi explains that this refers to an *eved Ivri* (an indentured Jew), the Rambam (*Avadim* 8:9) and the Ra’avad (above) understand that a Canaanite slave who wishes to make *aliya* has a claim against his owner.[[19]](#footnote-19) (Notably, all would agree to other rights of a Canaanite slave to be in the Land of Israel — see *Gittin* 43b-45a.) The Ra’avad simply explains that Canaanite slaves, too, are obligated in *yishuv Eretz Yisrael*. But if, for the Rambam, we suggested that compulsion might just reflect the values of *berit Avot*, then to what degree should this be relevant to Canaanite slaves? In [*shiur* #12](http://www.vbm-torah.org/archive/sinai/12sinai.htm) we asserted that Canaanite slaves, according to the Rambam, are included in *berit Sinai*, but perhaps not in *berit Avot*! Should we distinguish between the Land’s spiritual significance and its national significance in this context? I thank Yair Lichtman for alerting me to this problem. Also see Ramban on *Devarim* 23:16 and *Sefer Ha-Tashbetz* 1:21, 3:198 regarding Canaanite slaves and their connection to the Land of Israel.
	* If a Canaanite slave can compel *aliya*, can he similarly insist upon living in Yerushalayim? See *Tosafot Ketubot* 110b and Radvaz on Rambam, *Avadim* 8:10 (printed in “*Sefer Ha-likkutim*” of the Frankel ed.). Also see *Sifrei* on *Devarim* 23:17.
2. Which dimensions of the Land of Israel does *dirat Eretz Yisrael* reflect? What about the laws of compulsion, regarding spouses and slaves? Within which exact boundaries does each concept apply? See *Gittin* 8a; Tosafot and Ramban, *Gittin* 2a; Ritva, *Ketubot* 110b; *Teshuvot Maharit* 1:47 and 2(*YD*):28; and *Teshuvot Avnei Nezer*, *YD* 454, as well as the references in #1 above.
3. In [*shiur* #26](https://etzion.org.il/en/shiur-26-land-israel-9-yishuv-eretz-yisrael), we saw that one who is purchasing a house in the Land of Israel owned by a non-Jew may ask a non-Jew to prepare the contract on Shabbat (*Gittin* 8b, *Bava Kamma* 80b). Is this provision for the sake of *yishuv Eretz Yisrael* or *dirat Eretz Yisrael*? See Rashi in *Gittin*, as well as the debate between the Rivash (Responsa #101 and #387, following the Ramban, *Shabbat* 130b) and the Tashbetz (1:21). What can we learn from the extension of this law to lands in Syria, in contrast to other laws (*Gittin* 8a-b)?
4. Addressing the Rambam’s omission of a mitzva to settle and dwell in the Land, R. J. David Bleich also emphasizes an extralegal value of *dirat Eretz Yisrael*:

Even in the absence of a specific binding obligation concerning residence in the Land of Israel in all generations, *Erez Yisra’el* remains unique for all Jews. Despite the absence of the imperative engendered by a *mizvah*, domicile in *Erez Yisra’el* carries with it great *zekhut* or merit (“Judea and Samaria,” 199).

In keeping with his generally formalist orientation, R. Bleich adds, “This notion of merit, as distinct from compensation for fulfillment of a divine commandment, is difficult to elucidate.” In response, he focuses upon increased “providential guardianship” (*hashgacha peratit*) that accompanies close contact with the Divine Presence (199-200).

One particular source that R. Bleich cites to demonstrate “that special merit accrues to one who dwells in the Land of Israel even in the absence of a divine commandment” (200) invites further reflection. The Sages comment that Ya’akov feared a confrontation with his brother Esav because “all these years, [Esav] has been dwelling in the Land of Israel; perhaps he will come against me by virtue of the power of residence in the Land of Israel” (*Bereishit Rabba* 76:2).

What was the exact nature of Esav’s merit? If it was simply the merit of dwelling before the Divine Presence, why is it not similarly ascribed to other antagonists of the Jewish people, such as the Canaanites? One possible answer is that the Canaanites were significantly more wicked than Esav, so that the Divine Presence was a liability for them[[20]](#footnote-20) but an asset for him. Alternatively, could Esav’s specific merit derive from his connection to *berit Avot*? In other words, could Ya’akov be acknowledging that his brother had been safeguarding the family heritage (and had not yet decisively forsaken it) while Ya’akov was pursuing his affairs elsewhere?[[21]](#footnote-21) Also see [*shiur* #4](https://etzion.org.il/en/shiur-04-avot-and-sinai-two-different-types-beritot).

1. In the last two *shiurim*, we addressed situations in which *yishuv* or *dirat Eretz Yisrael* involves some degree of danger. If we treat these responsibilities as formal duties, then we can apply well-known principles that govern legal obligation in the face of risk (even if the actual conclusions in this case are subject to debate, as we discussed extensively in [*shiur* #27](https://etzion.org.il/en/shiur-27-land-israel-10-withdrawing-land-israel)). If we relate to *yishuv* and *dirat Eretz Yisrael* primarily as values, however, what kinds of risks would one be allowed to take for their sake, or for the sake of other values of *berit Avot*? Consider, for instance, the closing section of *Sefer Ha-Kuzari*.[[22]](#footnote-22)

**Questions or Comments?**

Please email me directly with your feedback at judahlgoldberg@gmail.com!

1. Elsewhere, the Ramban adds that this obligation is the basis for one spouse’s ability to compel the other to live in the Land of Israel (Commentary on *Bamidbar* 33:53). [↑](#footnote-ref-1)
2. See the Rambam’s conclusion to his list of positive commandments in his *Sefer Ha-mitzvot*. [↑](#footnote-ref-2)
3. See, for example, R. J. David Bleich, “Judea and Samaria: Settlement and Return,” *Contemporary Halakhic Problems,* Vol. 2(New York, 1983), 204 and “Withdrawal From Liberated Territories as a Viable Halachic Option,” *Journal of Halacha and Contemporary Society,* Vol. 18 (Fall 1989), 104. [↑](#footnote-ref-3)
4. “*Mitzvat Yishuv Eretz Yisrael Bi-zman Ha-zeh*,” *Torah She-be’al Peh* 11 (1969), 35-42 (reprinted in *Masa Ovadya* [Jerusalem, 2007], 319-330). In a similar vein, also see *Teshuvot Mabit* 1:139 (as well as 1:245 and 2:216). [↑](#footnote-ref-4)
5. R. Isserlein goes on to list several impediments to living in the Land of Israel in his day and concludes, “Therefore every person should assess for himself, according to his physical and financial abilities, in which way he can maintain fear of God and observance of His *mitzvot*, ‘for this is the entirety of man’ (*Kohelet* 12:13).” His practical concerns notwithstanding, I believe his choice of terms is still noteworthy. However, see *Pe’at Ha-shulchan*, *Beit Yisrael*, 1:15. [↑](#footnote-ref-5)
6. See *shiur* #7. We could further suggest that even the Ramban and his followers might possibly agree that the disproportionate attention given to *dirat Eretz Yisrael* is in part a reflection of its significance in *berit Avot*. The Ramban, perhaps, only argues that this primordial value must also be grounded in a specific mitzva of Sinai in order to have concrete halakhic consequences, such as compulsion. [↑](#footnote-ref-6)
7. See *Shabbat* 19a. [↑](#footnote-ref-7)
8. Also see *Sefer Ha-Tashbetz* 1:21 and 3:288. [↑](#footnote-ref-8)
9. The Rivash does not necessarily reject the Ramban’s position. Rather, the continuation of his responsum suggests that any possible obligation of *dirat Eretz Yisrael* is suspended by historical circumstance: “That which the Prophet told the Jews in exile, ‘Build houses etc.’ (*Yirmeyahu* 29:5) — that was because of the exile that was decreed upon them…. And now as well, one of the three oaths to which God swore the Jewish people is that they would not immigrate ‘as a wall’ (*Ketubot* 111a).”

The Rashbash (Responsum #2) explicitly qualifies the Ramban’s mitzva in light of the “thee oaths,” but to a lesser degree. As noted in *shiur* #27, note #5, he asserts that only the collective, national obligation of *yishuv Eretz Yisrael* is suspended during exile, but the personal obligation of *dirat Eretz Yisrael* persists. The Rivash, on the other hand, seems to deny any active personal obligation as well. This point may hinge upon the exact meaning of “as a wall” — whether it denotes “by force,” in which case private *aliya* can continue; or “en masse,” in which case, as the Avnei Nezer (*YD* 454:52) argues, the law cannot simultaneously insist upon universal, private *aliya*. See Rashi and Rashash, *Ketubot* 111a; and *Kaftor Ve-ferach*, ch. 10 (Jerusalem, 2004), p. 224. [↑](#footnote-ref-9)
10. Also see Tosafot, *Ketubot* 110b. [↑](#footnote-ref-10)
11. Also see *Teshuvot Tzitz Eliezer* 7:48:12. [↑](#footnote-ref-11)
12. Although the *Sifrei* (*Devarim* 12:29) declares that “dwelling in the Land of Israel is equivalent to all the *mitzvot* in the Torah,” the same is said, for example, about *tzitzit* (*Sifrei Zuta* on *Bamidbar* 15:40). [↑](#footnote-ref-12)
13. One can further suggest that despite R. Yehuda Amital’s declaration that he would have been satisfied with a sovereign Jewish state in Uganda (see *shiur* #17), genuine national Jewish consciousness and experience is only possible in the Land of Israel. As we discussed extensively in *shiurim* #18 and #19, only through the Land can the Jewish people attain its full identity as a cohesive nation. Thus the Land is not incidental to the state, but is a transformative factor in the very character and essence of the sovereign state itself. [↑](#footnote-ref-13)
14. Thus the Rashbash assumes that the Rambam must agree that *yishuv Eretz Yisrael* is at least a rabbinic obligation (Responsa #1-2). [↑](#footnote-ref-14)
15. See R. Ovadya Yosef, “*Mitzvat Yishuv Eretz Yisrael Bi-zman Ha-zeh*.” [↑](#footnote-ref-15)
16. Also see *Bei’ur Ha-Gra, EH* 75:17. [↑](#footnote-ref-16)
17. Also see *Tosefta Ki-fshutah, Ketubot*, pp. 385-387. [↑](#footnote-ref-17)
18. In fact, our Sages note that the commitment of women to the Land of Israel has sometimes exceeded that of the men. See *Sifrei* on *Bamidbar* 27:4 and *Keli Yakar* on *Bamidbar* 13:2. [↑](#footnote-ref-18)
19. Also see *Shita Mekubetzet* and the Ran. [↑](#footnote-ref-19)
20. See the Ramban on *Bereishit* 19:5 and *Vayikra* 18:25. [↑](#footnote-ref-20)
21. R. Bleich, however, asserts that “Esav, subsequent to his sale of the birthright, had no claim to *Erez Yisra’el*” (202), which would preclude this line of reasoning. Also see *Teshuvot* *Avnei Nezer*, *YD* 454:36-37. [↑](#footnote-ref-21)
22. Also see R. Ya’akov Ariel, *Teshuvot Be-ohalah shel Torah* 4:11. [↑](#footnote-ref-22)