



The Eternal Bond

**THE JEWISH PEOPLE
AND ERETZ ISRAEL**

THE ETERNAL BOND

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Eretz Israel and the Jewish People

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by

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This booklet first appeared in 1971, in Hebrew.
It was followed by a French edition in 1973.
We are glad to present now an experimental edition
in English. Suggestions and criticism will be wel-
comed.

The author, Rabbi Naphtali bar Ilan, studied at the
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His name Naphtali was given to him to keep alive the
memory of his grand-grandfather, Rabbi Naphtali Zvi
Yehuda Berlin, the "Natziv"; his grandfather was
Rabbi Meir bar Ilan (Berlin), leader of the Religious
Zionist Movement. Excerpts from works of both of
them appear in this edition.

M.K.

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GENERAL INTRODUCTION FOR INSTRUCTION PURPOSES

"Eretz Yisrael is not an external matter, an external national possession.... Eretz Yisrael is an independent entity bound up with a living link to the heart of the nation." These words, written by the Rabbi Kook, express the special relationship between the Jewish People and its land in all its profundity. From the day on which Abraham the Patriarch traversed the land "to its length and to its breadth, down to the momentous return to Zion in our days the link between the nation and its land has never been broken. Even the long stay in the Diaspora did not weaken this link, but on the contrary, it was strengthened with redoubled intensity and in a manner unparalleled in the history of any other nation. Eretz Yisrael is an intrinsic part of our national essence; outlook; philosophy and every-day existence.

We in our times, are involved in a difficult and painful struggle on both the physical and the spiritual planes, over our right to our land and must struggle on both the battlefield and in the face of world opinion in order to maintain it. We are therefore obliged to clarify this link and provide concrete illustrations of it. This booklet is aimed at illuminating the spiritual and actual interdependence of Israel and its land as expressed throughout the generations; from the Gaonic Period until the renewal of Jewish settlement in our era. The emphasis is not on the abstract and analytical nature of the problem but on the proliferation of source material from different periods and diverse conditions of both a philosophical and legal nature pointing to the fact that the people "lived in its land" even during long and bitter Exile.

The instructor must be aware of this approach whenever he is involved in the topic, for the love of Eretz Yisrael can only be taught by exemplifying the abstract principles with concrete and emotional illustrations. It is important therefore, to present the material in a realistic manner or possible beginning with such subjects as the flora and fauna of the Holy Land; its natural resources etc. are culminating in a discussion of the socio-economic and of course, religious and

spiritual problems. In treating each topic it is important to emphasise the relevant ideas contained in the Bible and the teaching of our Sages, since this will also impress upon the students the continuity of our settlement in the Land. Only when they themselves "live" Eretz Yisrael as did their ancestors -- will the instruction have borne fruit. This involves a varied programme over a long period of time.

The booklet attempts to provide a complete answer to the central moral problem of our day: our right to return to our ancestral home and contains such material that anyone who is dealing with the issue both in Israel and outside of it, Jew and non-Jew is assured of an eminently satisfactory solution. Naturally, the texts cited are from religious works for until some one hundred and fifty years ago the Jewish People did not possess any other literature. These works manifested the soul of the nation throughout its Exile; they often begin by describing objective events and then proceed to draw a homiletical message from them. However, the common factor is the constant and unswerving devotion to Eretz Yisrael which characterizes them as a whole.

The material may be presented on different occasions and in diverse forms e.g. seminars for youth leaders or study groups and general group activities (the extracts in chapters 1 and 3 are particularly suitable in such cases). It can also be used as the basis for a "moot" (mock-trial) on an issue such as the legal position of a Diaspora Jew who does not go on aliyah (in which case the extracts in Chapters 2 and 3 will be suitable).

It is also an idea to utilize press-cuttings on the relevant topics and other documentation in order to bring the issues to life and if possible to mount an exhibition of such material in the study-centre.

Since this booklet is one of the first of its kind, readers' comments and suggestions will be gratefully taken into account.

CHAPTER ONE - THE EXCELLENCE AND SPECIAL QUALITY OF
ERETZ YISRAEL IN JEWISH THOUGHT AND HALACHA

The right of the Jewish People to its land stems from a Divine promise, not from occupation or conquest. Therefore, we feel the need to examine and clarify the essential attribute of Eretz Yisrael which qualifies it to be the chosen land of the Jewish People. From the words of the Jewish scholars cited in the following pages there emerges a picture of the inherent quality of the land and the essential link between the nation and its country. The chapter is divided into two sections:

- (1) *the excellence and quality of Eretz Yisrael in Jewish thought and*
- (2) *the place of Eretz Yisrael in halachic perspective.*

PART ONE - THE EXCELLENCE AND QUALITY OF ERETZ YISRAEL IN JEWISH
THOUGHT

"Eretz Yisrael is not an external thing in relation to the nation; a means for establishing unity and the physical or even spiritual fortification of the Jewish People, but is an independent entity bound up with a living link and intimately connected to, the very existence of the nation. Consequently, it is impossible to grasp the nature of the attribute of holiness vested in Eretz Yisrael or to express its deepest significance in any rational, humanly conceived expression but solely through the spirit of the Lord which rests on the nation as a whole....." ("Orot": Rabbi A. Kook, Chapter: Eretz Yisrael).

The bond between the people and the land is not a purely fortuitous one. The Jewish People received its land as an inheritance because it possesses a hidden spiritual power which alone can reveal the true greatness of the nation. Therefore, one may not estimate the influence of the land on the people on the basis of the purely rational criteria which we apply to regular societies inhabiting other countries. The role

played by the land and its significance in national life may only be understood after comprehending the unity and essential quality of the nation.

The importance of Rabbi Kook's words lies in his description of this unity in the holiness of Eretz Yisrael even though it is impossible to gain a deep understanding of them without an extensive study of all the material relevant to the intrinsic spiritual nature of the people. On a superficial level alone it appears that countries differ from one another topographically, climatically, geophysically etc. How is it possible then to comprehend that there exists also a spiritual difference between countries? R. Judah HaLevi, in his KUZARI concretizes this concept and demonstrates how it is conceivable that Eretz Yisrael does possess a unique spiritual value. He also shows the manner in which the special quality of the land manifests itself: - "The KUZARI: The first condition which you mentioned to me in relation to the manifestation of Divine glory i.e. "His people" is clear to me, but less intelligible is what you say about the second condition i.e. "His Land."

The Rabbi: You will have no difficulty in perceiving that one country may have higher qualifications than others. There are places in which particular plants, metals or animals are found, or where the inhabitants are distinguished by their form and character, since perfection or deficiency of the soul are produced by the mingling of the elements.

The KUZARI: Yet I never heard that the inhabitants of Eretz Yisrael were better than other people.

The Rabbi: How about the hill on which you say the vines thrive so well? If it had not been properly planted and cultivated, it would never produce grapes. Priority belongs, in the first instance, to the people which, as stated before is the essence and kernel (of the nations).* In the second instance, it would belong to the country, on account of the religious acts connected with it, which I would compare to the cultivation of the vineyard. No other mountain might be able to produce good wine.

* (And attain the level of prophecy.)

The KUZARI: How could this be? Did not G-d talk to Adam in a other land, and to Moses in Egypt, to Avraham in Ur Kasdim, to Ezekiel and Daniel in Babílon and to Jeremiah in Egypt?

The Rabbi: Whosoever prophesied did so either in the (Holy) Land, or concerning it, i.e. Abraham in order to reach it, Ezekiel and Daniel on account of it. The last-mentioned two prophets lived during the existence of the First Temple and had experienced the Divine Presence through the influence of which, each one, who was duly prepared became one of the elect and was able to prophesy (KUZARI: Book 2 CH's 9-14).

The special quality of the land is manifested, according to R. Judah Halevi, in the fact that the level of prophecy may only be attained in it and since prophecy is the highest form of attachment to the Lord, it is axiomatic that anyone who desires such attachment will journey to the land. Similar sentiments are expressed in his famous "ode to Zion": "O that I might be a mere wanderer in the places where the glory of God was revealed to your prophets and your envoys", and undoubtedly his alijah to Eretz Israel did not stem solely from a desire to fulfill the mitzvat asech of going up to Eretz Yisrael, but also from his wish to achieve the highest levels in his attachment to God.

Elsewhere, R. Judah Halevi emphasises that only an Israelite may receive the gift of true prophecy from whence we may deduce that the Land is particularly suited to the spiritual requirements of the man of Israel alone.

It is difficult to comprehend the fact that prophecy is only possible in Eretz Yisrael. However, it is not the only problematic issue which confronts us, for nature is full of unexplained phenomenae and we can conceive them only in so far as we are aware of experimental results pointing to their existence. Moreover it ought to be recalled that many phenomenae once thought to be totally mysterious are now fully comprehended and the same may apply to that of prophecy being an attribute solely of Eretz Yisrael.

The special quality of the Land in relation to prophecy is mentioned in Tanaitic sources. Concerning the verse: "The L-D your G-D will raise up a prophet for you, from your midst; from your brethren, like myself.... (DVARIM 18:15), the SIFRI expounds: "From your midst -- ie. not from outside Eretz Yisrael (see also MECHILTAH BO: Parsha 1 No. 4; Gemara MO'ED KATAN 25 A)."

Notwithstanding the fact that prophecy no longer exists, the attribute of Eretz Yisrael which provided the prophetic stimulus is a beneficial interest on those seeking purity of spirit and is a viable force in our times too. The Rabbi in the KUZARI explains his reasons for going to Eretz Yisrael as follows:- The Land of Canaan is especially distinguished by the Lord of Israel, and no function can be perfect except there. Many of the mitzvot do not concern those who do not live there; heart and soul are only perfectly pure and immaculate in the place which is believed to be specially selected by G-d (KUZARI: Book Five: CH. 23)". Great men of spirit experienced the truth of the difference in spirituality between Eretz Yisrael and the Diaspora. In the following extract Rabbi Kook explains the nature of the spiritual perfection which may be acquired in Israel. The contradictions and antitheses which arise in the Diaspora of both physical and metaphysical nature, seem baseless in Israel and are replaced by an all-pervading unity on both the general and the individual plane:-

"The Jewish Community in the Diaspora as a whole lives in a detached and artificial manner; a fortiori, its scholars whose lives are based on spirituality; understanding, intellect and emotion, holiness and purity, cannot receive the light of truly original life there. Communal brightness; activity; work and deed; halacha; agadah; the revealed and the concealed aspects of Torah; research tradition; ethics; song; meditation dialectics and logic; grammar and mystic lore etc - are separated one from another; apparently each one must be protected from its fellow and must remain in its own domain. True unity and Divine peace filled with life., which is the true emanation of peace from the Holy One Blessed be He cannot develop there, for spiritual harmony may not grow in unclean soil etc. It is external holiness which manifests itself in the Exile etc. Their inner soul, the spark of the living God at the peak of its purity however, can only be revealed in Eretz Yisrael. The realization that we are an awesome people of royal descent, nobles of the nations, members of a holy host etc.... can only be achieved on the soil of the Holy Land under the influence of the luminosity of the

soul and the radiance of life. True Torah therefore can only exist in Eretz Yisrael which acts as a preparatory source and a catalyst for it (OROT HATORAH: JERUSALEM 5721, ch. 13:7)".

On this basis it is possible to understand the Talmudic expression that, "the atmosphere of Israel inculcates wisdom (BAVA BATRA 158A)" in its literal sense. Moreover, we use this notion in order to decide the halacha in the following case:- "We prefer to decide according to him, since the atmosphere of Israel inculcates wisdom (Milchamot Hashem of the RambaN; ROSH HASHANA 22B)." The halacha is in accordance with R. Zera rather than Rava, since the former hailed from Eretz Yisrael and was in possession of a greater measure of wisdom.

On the importance of Eretz Yisrael with regard to the performance of mitzvot see the introduction to the Second part of this chapter.

The uniqueness of Eretz Yisrael in its capacity to provide spiritual revelation even to those not possessed of high spiritual standard is explained by the RambaN in relation to the difference between Divine Providence in Eretz Yisrael and the Diaspora:-

"The exalted L-D is the Supreme Deity and Master of the whole universe; nevertheless, Eretz Yisrael is the inheritance of the L-D and is set aside for the manifestation of His Name. Consequently, He did not appoint an angel to take charge of it when He gave it as an inheritance to His people who were charged with unifying His name. This is the meaning of the verse: "..... Then you shall be a select portion to Me, above all the people; for all the earth is Mine". Similarly, it is written: "And you shall be My people and I shall be your G-d etc.

Now, one of the characteristics of the land which is the inheritance of the L-D is that it rejects all who defile it and does not suffer idolators or sinners to remain upon it etc. This is the meaning of the verse in KINGS II, 17:26: ".... they did not know the manner of the G-D of the land; therefore, He sent lions among them, and, behold, they slew them, because they knew not the manner of the G-D of the land." Therefore, the Cutheans (non-Jews who settled in Israel, converted to Judaism, but continued to serve idols) were not punished in their original countries for idol-worship until they

came and practised their idolatry in the country of the L-D, then they were punished by the advent of lions. Similarly, we have learned in the SIFRA: - "That the Land may not vomit you up, etc (VAYIKRA 18:28). Eretz Yisrael is unlike other countries in that it rejects transgressors. The SIFRI states that the verse; "And there was no strange god with Him (DVARIM 32:12)" means that no other prince will be allowed to come and rule over you". (Commentary of the RambaN on the Torah, VAYIKRA 18:25).

The RambaN points out that there is a distinction between the Divine Providence in Eretz Yisrael which is direct and that outside of it which is in the hands of intermediaries. There is an obvious difference between the authority of the agent and that of the sender in that the former is always subordinate to the latter.

The same idea is expressed in the following Midrash: "Beloved is Israel which was chosen by the Holy One Blessed be He, for when He created the world He divided it up amongst the other nations, but kept Eretz Yisrael..... Said the Holy One Blessed be He: Let Israel who have come into My portion enter into and settle the land which came into My portion etc. (TANCHUMA, Parashat RE'EH Ch. 8)."

The following extract, written many years after the RambaN, his words assume practical significance:-

"During winter water is cheap since everyone uses the rainwater gathered in the wells in their courtyards, however, after Passover, when the rainy season has come to an end and the wells dry out, then the people in the courtyard become very frugal in their use of the water,. They are compelled to buy from the water - carriers so that water is now becoming more and more expensive and after Rosh Hashana, unless rain descends at the very beginning of Chesvan, which is the period of the first rainfall, then it becomes very expensive indeed. However, when a Fast for rain is decreed then generally, rain descends during or on occasion even before the Fast, which is an indication that the Holy One Blessed be He is desirous of our prayers emanating from a land upon which "the eyes of the L-D are constantly directed, from the beginning of the year to the end of the year. (R. Gedaliah Siemiatycki: "SHA'ALU SHALOM YERUSHALAYIM", describing the life of the Jews in Jerusalem during the years 1701 - 1706; see also chapter three, section five)."

"And I will bring the land into desolation (VAYIKRA 26:32)": This was a kindly measure for Israel enduring that non-Jews would not find pleasure in the land whilst Israel was in exile - "... and your enemies who abide therein shall be amazed at it (VAYIKRA *ibid*)": Your enemies who come after you will not find satisfaction on it (TORAT COHANIM, Vayikra 26:32, from the collection known as SIFRA: Attributed by the Rambam to Rav and therefore referred to as Sifra - De'beh Rav)."

"And similarly that which it says.... and your enemies who abide therein shall be amazed at it", is a good omen for Jewish People throughout their Exile ensuring them that our land will not receive our enemies. It also serves as a proof and promise for us since no other country descended so swiftly from such rich fertility to such deep destruction and has remained in such a condition, despite the efforts of many nations to restore it to its previous fruitfulness (Ramban: Commentary on the Torah, *ibid*)."

"And all the nations have attempted to build it up, yet none succeeded; this constitutes an omen for Israel in that from the day of its exile, the land has received no other nation or tongue nor will it do so but will await the return of its true inhabitants. (R. BRACHYA B. ASHER; 14th century Spain; disciple of the RASHBA: Commentary on the Torah, *ibid*).

The Jewish People remained faithful to their Land and throughout the long Exile yearned to return to it. The Land too kept faith with its people and despite its significance for many different nations and the successive attempts to colonize it - "it did not receive our enemies." The spiritual attribute of the Land and its unique link with the Jewish People is manifested by this phenomenon.

In contemporary times too, strangers attempted to settle the country and even imagined that they had established a permanent foothold in it but before their plans materialized -- the People of Israel were restored to their Land.

The importance of the Land in national life is reflected in the Torah which opens with a historical account of the whole world and of the Jewish People in order to provide a sound basis for the rights of the nation to its land.

"The right of the Jewish people to its land is explained in the comments of the Sages on the opening verse of the Bible cited by RASHI in his commentary: - "Rabbi Isaac said: The Torah which is the Law book of Israel should have commenced with the verse: "This month shall be for you the first of the months", (Shmot 12:1) which is the first commandment given to Israel. What is the reason, then, that it commences with the account of the Creation? Because of the thought expressed in the verse: "He declared to His people the strength of His works in order that He might give them the heritage of the nations (PSALMS III:6)". For should the peoples of the world say to Israel, "You are robbers, because you took by force the lands of the seven nations of Canaan", Israel may reply to them: "All the earth belongs to the Holy One Blessed be He: He created it and gave it to us".... This first Book of the Torah which establishes through the agency of the lives of the Patriarchs and their covenants, the essential nature of the nation and its place in history also establishes the essential nature of the Land and its fateful link with this nation in this system of Divine destiny (R. Zvi Yehuda Kook: Rosh Yeshiva of Mercaz Ha-Rav Kook, Jerusalem and author of "Lintivot Yisrael" ch. "The Torah and the land.")

The high position occupied by the land in the accounts of the lives of the Patriarchs demonstrates the attitude of the Torah to it:-

"The excellence and praise of the sanctity of Eretz Yisrael is so great and awesome that it is entirely beyond human comprehension to conceive this greatness, seeing that the whole Torah, from beginning to end, is replete with the praise of Eretz Yisrael. Moreover, every promise made by the L-D Blessed be He to our forefathers Abraham, Isaac and Jacob was mainly concerned with inheriting the land and the whole redemption and exodus from Egypt under the leadership of Moses, our teacher, was in order to merit entering Eretz Yisrael. All this demonstrates the high degree of the holiness of the Land and the level of one who merits to live in it; even to walk four cubits therein. Therefore if a man truly believes in even a minute fraction of the actual holiness of Eretz Yisrael, he

would undoubtedly run, nay, fly with all his might to Eretz Yisrael and nothing would stand in his path ("NACHAL NOVE'AH", a collection of the words of R. Nachman of Bratislav; Jerusalem 5721, p. 174 R. Nachman was one of the great Hassidic leaders descended from the Baal Shem Tov and lived from 1772 to 1881)."

Many laws and customs are related to the holiness of Eretz Yisrael (see Encyclopedia Talmudit S.V. Eretz Yisrael).

The basis of the sanctity of Eretz Yisrael is in spiritual matters but it also applies to less esoteric phenomenae: agricultural labour abroad is not in the same category as such labour done in Eretz Yisrael, nor are their fruits comparable.

"In my humble opinion R. Yishmael too only applied his exposition of the verse: "And you shall gather in your corn (DVARIM 11:14)" to Eretz Yisrael when the majority of Israel are living there, in such a case the very act of tilling the soil becomes a mitzva i.e. that of settling Eretz Yisrael and producing its holy fruit. It is in this case that the Torah commanded: "And you shall gather in your corn". This principle also helps to explain the reason for Boaz willowing in the barn (Ruth 3:22) seeing that it was for the sake of the mitzva of settling Eretz Yisrael. For in the same way that no-one would say: "I will not put on Tefillin because I am occupied in the study of Torah", no-one may claim to be free from gathering in his crops because of Torah study. It is also possible that the mitzva includes any craft conducive to the improvement of society in Eretz Yisrael (CHIDUSHEI CHATAM SOFER: Lulav HaGazul; Succah 36A. R. Moses Sofer was the spiritual leader of Hungarian Jewry in the late 18th and early 19th centuries. Known by the title of his responsa: CHATAM SOFER)."

The Sages enacted much legislation in order to strengthen settlement in Eretz Yisrael such as the decree against rearing small cattle in Eretz Yisrael which damage the sown fields (BAVA KAMMA 2:2) concerning which, reference ought to be made to AMUD HAYEMINI: R. Saul Yisraeli, Part Two, Number 23 etc. (see ENCYCLOPAEDIA TALMUDIT s.v. Eretz Yisrael p. 226). The Sages also involved themselves personally in the mitzva of settling Eretz Yisrael and we find that R. Yannai, one of the outstanding Amoraim planted four hundred of vineyards in order to fulfill this mitzva (BAVA BATRA 14A and the SHITTAH MEKUBETSET (ibid).

PART TWO - ERETZ ISRAEL IN A HALACHIK PERSPECTIVE

Halachik decisions pertaining to Eretz Israel clearly express the notion that the Jewish people cannot exist either spiritually or physically outside their land. Perfect performance of the mitzvot is only possible in Eretz Israel. The Ramban in his commentary on the Torah, (VAYIKRA 18:25: citing the SIFRI) explains the juxtaposition of the verses relating the exile and the performance of mitzvot (DVARIM: 11:12-18):

"And you shall perish speedily" - even though I exile you from your land to the Diaspora engage in the performance of mitzvot, so that when you return, they will not be new to you. Similarly a king who became angry with his wife and sent her back to her father's house, told her: "Preserve your adornment, so that when you return, you will not be unused to them".

In this vein did Jeremiah proclaim:

"Erect for yourselves signposts (Jeremiah 31:20)", implying the performance of mitzvot through which Israel is distinguished.* Now the verses, "and you shall perish... Therefore you shall lay up these words etc. (DVARIM ib-d.)", make obligatory those mitzvot such as tefillin and mezuzot which are not necessarily connected with the land (i.e. agricultural mitzvot). Therefore the implication is that the performance of mitzvot is dependent upon Eretz Israel for the goal is their observance on the soil of the Holy Land and only there can perfection be achieved.

In any case many mitzvot may only be performed in the physical environs of Eretz Israel such as those relating to the soil and those concerned with social harmony e.g. Kingship, legal jurisdiction etc.

1. The mitzva to appoint a King only applies in Eretz Israel (TOSEFTA SANHEDRIN 4:10: SEFER HACHINUCH: 497)
2. The Torah requires "judges and offices to be set up in all your gates (DVARIM 16:1)", and on this basis courts must be set up in every city and in every district.

* In Hebrew the terms for "signposts" and "being distinguished", are similar.

A proliferation of courts makes for speedy and efficient administration of justice. However, according to the RambaM this mitzva only applies in Eretz Israel - "One is only obliged to set up courts in every district and in every city, in Eretz Israel (Hilchot SANHEDRIN 1:2)". Those who disagree with the RambaM still admits that one is required to appoint a smaller amount of judges in the Diaspora than in Eretz Yisrael. According to all opinions we may deduce that concern for a well-ordered legal system is centered on Eretz Israel, where the nation may live a perfect and ideal existence.

3. According to the Torah a judge must have received "ordination" (semicha) before he can sit in judgement. Joshua was ordained by Moses and the ordination continued until the destruction of the Temple (contemporary "semicha" is a totally different phenomenon). An ordained judge was permitted to try any case from a "penny to a pound". Today however, there are no ordained judges and as a result, there are many aspects of Jewish Law which have no practical relevance e.g. capital offences (except in an emergency), administering of fines etc. The ordination ceremony may only take place in Eretz Israel, as the RambaM explains: "only a court whose members were ordained in Eretz Israel fits into the category of Biblical judges ("Elohim") and it consists of men selected by the court of Eretz Israel for their wisdom and fitness to act in a judicial capacity and ordained by the said court." In the same way that the setting up of courts is mainly applicable to Eretz Yisrael, as explained above, so the authority to sit in judgement is only obtainable in Eretz Israel.
4. The regulation and intercalation of months and years may only be done in Eretz Yisrael, as it is written: "For out of Zion shall come forth the law etc." (RambaM: Hilchot KIDUSH HACHODESH 1:8)."
The RambaM adds: - "If it is conceivable that there are no Jews in Eretz Yisrael and no qualified Court, then, even so, no calculation emanating from the Diaspora will be acceptable. However, G-d forbid that such a state of affairs come to pass, for He has promised that the nation will never be totally estranged from its land (SEFER HAMITZVOT: MITZVAT ASEH 153)."
Throughout the Exile, calculations were only valid on the basis of the existence of a Jewish settlement in Eretz Yisrael.

Spiritual perfection can only be achieved in Eretz Yisrael. The Temple was built in Jerusalem and could not be moved elsewhere: "Once the Temple was built in Jerusalem and could not be moved elsewhere: "Once the Temple was built in Jerusalem all other sites were automatically disqualified for the erection of the House of the L-D and the offering of sacrifices. This disqualification applies throughout the generations and for all time (RambaM: HILCHOT BET HABECHIRAH 1:3)."

The highest spiritual degree attainable by man is that of prophecy and the latter is only obtainable in Eretz Yisrael (see Part One; comments of R. Judah Halevi, Rav Kook and RambaN).

CHAPTER TWO - The obligation to go up to Eretz Yisrael

The obligation to dwell in a particular land is unique to the Jewish legal system, no other legislation contains such a provision. The great legal authorities of the nation have constantly reiterated the obligation to live in Eretz Yisrael and emphasized that there can be no true Jewish existence outside it. The following citations are selected from the standard works of Jewish Law bearing on this issue - RambaM; Tur; Pe'at Hashulchan and the relevant Responsa literature.

However, it is also necessary to point out that in contemporary times this mitzva assumes special significance for in the light of the spiritual and cultural situation in the Diaspora, it is extremely difficult to live a perfectly spiritual life; to ensure a suitable education for one's children and to protect the young generation from harmful social influences. Aliyah in our times is not simply the fulfilment of the mitzvah of settling Eretz Yisrael but is a means of ensuring the future of Judaism as a whole. In this epoch the statement of our Sages: "The settlement of Eretz Yisrael is equivalent to all the mitzvot in the Torah (SIFRI: Parashat Re'eh)", is finding its literal fulfilment.

- A) "If the husband wishes to go up to Eretz Yisrael but his wife refuses - she may be divorced and she forfeits her Ketubah" (financial obligation undertaken by the husband compensating the wife in the event of divorce or his death). If she wishes to go up but he refuses, then he may be compelled to divorce her and he must pay her "Ketubah"..... for all may be compelled to go up to Eretz Yisrael... (RambaM: HILCHOT ISHUT 13:20; Shulchan Aruch, EVEN HA'EZER 75:4)".

* * * * *

B) "If a slave declares his wish to go up to Eretz Yisrael his master is compelled either to go up with him or to sell him to one who will take him thither. If the master wishes to leave Eretz Yisrael he cannot take his slave with him unless the latter consents. This rule applies at all times, even now when Eretz Yisrael is in the hands of the heathens. (RambaM: HILCHOT AVADIM 8:9; Shulchan Aruch, Yoreh De'ah 75:4)".

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The rulings of the RambaM and Shulchan Aruch are based on a Mishnah at the end of Masechet KETUBOT: "All may be compelled to go up to Eretz Yisrael etc. (see TOSEFTA a.1.)." The right of one spouse to compel the other to go up to Eretz Yisrael and the right of a slave to compel his master to allow him to remain in Eretz Yisrael are understandable in the light of the general obligation on each and every individual to dwell in Eretz Yisrael. In relation to the slave both the RambaM and the SHULCHAN ARUCH emphasise that the obligation to go up to Eretz Yisrael applies equally under foreign rule.

* * * * *

C) "It is absolutely forbidden to emigrate from Eretz Yisrael and go abroad, unless one goes to study Torah or to marry a wife, or to rescue property from the heathens, and then returns to Eretz Yisrael. So too, one may leave on business. But one is forbidden to make one's home abroad, unless there is a severe famine in Eretz Yisrael..... But although one is permitted to leave, if one does, the act is not in conformity with the principles of saintliness. For Machlon and Chilion were the two great men of their generation moreover, they left Eretz Yisrael at a time of great distress; nevertheless, they incurred thereby the penalty of extinction (RambaM HILCHOT M'LACHIM 5:9 and se PE'AT HASHULCHAN: Hilchot Eretz Yisrael 1:11)."

* * * * *

D) "The greatest of our Sages used to kiss [the rocks] on the borders of Eretz Yisrael. They used to kiss the stones of the land and roll themselves in its dust, as it is written:- "For your servants take pleasure in her stones and love her dust (PSALMS 102:15)."

The Rabbis said that the sins of he who lives in Eretz Yisrael are forgiven, as it is written: "And the inhabitant, shall not say 'I am sick'; the people that dwell therein shall be forgiven their iniquity (ISAIAH 33:24). Even if one walks four cubits in it, one is assured of life in the World to Come. So too, one who is buried there will obtain atonement; it is as though the place (where one lies) were an altar which effects atonement, as it is said: 'And the land makes expiation, for His people (DVARIM 32:43).' In [foreasting] punishment, the prophet says: And you yourself shall die in an unclean land (AMOS 7:17).' There is no comparison between one whom Eretz Yisrael receives while he is living and one whom it receives after his death; nevertheless the greatest among our wisemen brought their dead there. Consider and learn from Jacob our for bear and Joseph the righteous. At all times one should live in Eretz Yisrael even in a place the majority of whose population is heathen and not live outside Eretz Yisrael even in a place the majority of whose population is Jewish; for he who leaves Eretz Yisrael is as though he would serve idols.... (RAMBAM: Hilchot M'LACHIM 5:10-12)".

* * * * *

The RambaM writes: "At all times one should live in Eretz Yisrael".... and prohibits emigration from it; similarly he cites the rule providing for the coercion of one spouse by the other in order to live in Eretz Yisrael, yet he does not mention the mitzva to dwell in Eretz Yisrael in his enumeration of the 613 mitzvot. The RambaM takes this issue up in his notes on the SEFER HAMITZVOT of the RambaM (additions to Mitzvot Aseh; Aseh no. 4).

Various explanations for this omission are furnished by the authorities. Some maintain that although the RambaM accepts the existence of the mitzva of settling Eretz Yisrael and its Biblical origin; nevertheless it does not apply in practise since the Holy One Blessed be He bound the Jewish people by oath not to rebel against the nations nor take the Land of Israel by force (KETUBOT 111A; "MEGILLAT ESTER" on the Sefer HaMitzvot in reply

to the RambaN, *ibid.*) On this basis, it is arguable that in contemporary times, when one may go on "aliyah" with permission and without armed struggle, there is a Biblical mitzva to do so, even according to the RambaM. In his responsa "AVNEI NEZER" R. Abraham of Sochatchöv suggested that the mitzva of settling Eretz Yisrael is included, according to the RambaM, in the mitzva of the total destruction of the original inhabitants of the land of Cana'an (DVARIM 20:17: SEFER HAMITZVOT No. 187) (Responsa AVNEI NEZER: Yoreh De'ah; 454: 5-7).

R. Eliezer Waldenburg, one of the greatest living authorities (resident in Jerusalem) writes in the name of the late Rav Kook that the mitzva of settling Eretz Yisrael is a general mitzvah giving rise to many sub-mitzvot and the RambaM himself explains that general mitzvot are not within the scope of his SEFER HAMITZVOT (Introduction to SEFER HAMITZVOT: Shorashim 4 and 5). (TZITZ ELEIZER Vol. 7 no. 48:12).

The RASHBASH (R. Solomon b. Simon Duran, one of the great authorities in 15th cent. Algiers) was of the opinion that according to the RambaM the mitzva is not of Biblical but of Rabbinic origin. This is the opinion cited in the standard work on laws relating to Eretz Yisrael - PE'AT HASHULCHAN (see later in this chapter).

The authorities also dwelt on the omission of the war waged in order to conquer the Land from the RambaM's list of obligatory wars e.g. selfdefense etc. and produced many suggestions for rationalisation of this omission.

Of those recent authorities who have written on the RambaM's attitude towards Eretz Yisrael, the most significant contributions are: TZITZ ELIEZER Vol. 7: No. 48; ERETZ CHEMDAH Pt. 1: Ch. 1:4; IGGROT MOSHE: Even Ha'ezer no. 102; Toledot Ze'ev Pt. 2 note on Eretz Yisrael and many others. There is also an extensive body of periodical literature on this topic e.g. OR HaMIZRACH Tevet 5730 etc.

E) "That we have been commanded to possess the land which the L-D Blessed be He gave to our ancestors Abraham, Isaac and Jacob and that we are not to leave it in the hands of any other nation or in a state of desolation. The source for this obligation is the verse: "And you shall dispossess the inhabitants of the land and dwell therein, for I have given you the land as an inheritance. And you shall possess the land which I swore to your ancestors (BAMIDBAR 33:53)". It was as an elucidation of this mitzva that He gave the Children of Israel a detailed outline of the land and its borders (Bamidbar ch. 34), as it says: "And come to the mountain of the Amorite and all its environs in the Aravah - in the hill - country; in the Low-land and in the South and by the Sea-shore etc." i.e. no place may be left (unsettled). Proof that this is a mitzva may be furnished from the episode of the spies, in connection with which we read: "And, when the L-D sent you from Kadesh Barnea, saying, Go up and possess the land which I have given you." Now, when they did not want to go up on the basis of this directive, Scripture relates: "... and you rebelled against the commandment of the L-D your G-D and you believed Him not, nor hearkened to His voice (DVARIM 9:23)," from which we may deduce that they had transgressed a mitzva not simply a promise or assurance. This accounts for the fact that conquest of Eretz Yisrael constitutes a "milchemet mitzva" (obligatory war) and all are obliged to take part in it: "R. Judah said, Joshua's war of conquest is obligatory according to all opinions and David's expansionist wars are optional according to all opinions ... (SOTAH 44B)." The SIFRI adds: "And you shall dispossess the dwellers of land and dwell in it".... by virtue of the dispossession will you dwell there."

Now, do not make the mistake of restricting this mitzva to the war waged against the Seven Nations (occupying the land of Canaan at the time of Joshua's conquest), whom we were commanded to wipe out as it says "You shall utterly destroy them (DVARIM 20:17)" - this is incorrect!

For if they had chosen to make peace with us they would have been spared provided certain conditions were fulfilled, whereas the Land could not be left in their hands nor in the hands of any other nation at any time in history.

Similarly, if those nations would have fled before us, as did the Gergashites, who left and "received as goodly a land as the one they had previously occupied; but in Africa (DVARIM RABBAH: Shoftim); "we would still require a norm directing us to enter the land, occupy the cities and settle our tribes in it. Moreover this mitzva prevents any tribe leaving the land of Israel after having conquered it and planning to live in another country such as Shinar or Assyria, for the mitzva enjoins both conquest and possession.....

..... This also teaches us that the mitzva of conquest applies in every generation.

Now, I maintain that the emphasis laid by our Sages on living in Eretz Yisrael is due to the fact that it is a positive mitzva obliging us to possess the land and dwell in it and this applies in every generation and is binding on each and every one of us, even during the Exile as is indicated in the Talmud in many places. The extent of this emphasis may be illustrated by the following statements: "Whoever leaves Eretz Yisrael and lives in the Diaspora is tantamount to an idolator as

it is said: "For they have driven me out this day from dwelling in the inheritance of the L-D, saying, Go and serve other gods (KETUBOT 100 B)". In a similar vein we read the following account in the SIFRI (Reeh par. 80.): "Once R. Judah b. Beterah; R. Matya b. Charash; R. Chanina b. Aichi; R. Joshua and R. Jonothan were going out to the Diaspora. When they reached Paltum (a place outside Eretz Yisrael) they recalled the Holy Land at which their eyes filled with tears - they thereupon tore their garments and proclaimed the verse: "And you shall possess it and dwell in it. etc. (DVARIM 11: 31-32)" saying, 'dwelling in Eretz Yisrael is equivalent to all the mitzvot' (RambaN: Additions to SEFER HAMITZVOT: Aseh no. 4)."

The RambaN reckons the mitzva of conquering and settling the land amongst the 613 mitzvot. The obligation applies on both the general and the individual level and in every generation. He does not mention the "oaths" (KETUBOT 111A; see above p. in relation to the RambaM's opinion), from which we may infer that he maintains that they are purely aggadic in nature and possess no halachik ramifications. The RASHBASH however is concerned with them and draws halachik conclusions on that basis:-

- F) "Concerning aliyah to Eretz Yisrael there is no doubt that living in Eretz Yisrael constitutes a great mitzva at all times and is irrespective of the existence of the Temple. Moreover, my great-grandfather, the RambaN reckoned it amongst the 613 mitzvot and even according to the RambaM who did not include in his list of mitzvot.... it is included together with mitzvot of Rabbinic origin, on account of the great benefits accruing to those who dwell in it.

However, this mitzva is not a general obligation in our Exile, for we are bound by the oaths which the Holy One Blessed be He caused us to swear i.e. not to quicken the redemption nor take the land in a concerted military effort (KETUBOT 111A.)

Go and take a lesson from the men of Ephraim who attempted to quicken the final end. Nevertheless, there still exists a mitzva upon each individual to go up and live there, however, it does not override certain preventive factors, for even those who dwell therein may leave for the sake of marriage and Torah study as I have explained at length.... a fortiori, if he wishes to go up but his wife does not, in which case he would have to divorce her and might not be able to find another wife in Eretz Yisrael. In any case, if he has children and cannot take them with him or if he will not be able to engage in Torah study according to his mont in the Diaspora - then, there is no mitzva requiring him to go on aliyah.

Similarly, if he possesses a source of livelihood in the Diaspora but this will not be the case in Eretz Yisrael or if he has no property and will be thrown on the mercy of charitable donors, then there is no mitzva, neither from the Torah nor of the Rabbis, to go up to Eretz Yisrael in such circumstances, a fortio, if the journey is a perilous one. These factors prevented, many great men going on aliyah, however, if one wishes to disregard them, then the Court ought not to prevent him carrying out his design (Response RASHBASH; Algiers 1400 - 1467; see above".)

The RASHBASH agrees with the RambaN that the obligation to dwell in Eretz Yisrael stems from the Torah but qualifies it in practise on two grounds:

- 1) the obligation extends to the individual only and not to the nation as a whole. The oath which Israel swore to the Holy One Blessed be He, "not to go up as an armed camp (see above)", is a general oath restraining any attempt at an or-

ganized rebellion and aliyah, but individuals are never free of the mitzva to go on aliyah.

- 2) Notwithstanding that the obligation stems from the Torah, certain factors mitigate it; this concept is mentioned by almost all the classical Authorities dealing with the issue. In this respect the mitzva of aliyah to Eretz Yisrael is analogous to other positive mitzvot in relation to which it is also the rule that one is not required to expend all his money in order to perform them etc, and it is more than obvious that one is not required to endanger ones life for its sake.

* * * * *

"Moreover, the settling of Eretz Yisrael is a mitzva of Biblical origin and is reckoned by the RambaN in his list of mitzvot (see above) on the basis of the verse: "And you shall dispossess the inhabitants of the land and dwell therein, for I have given you the land to inherit it," and this applies even today (Responsa MAHARIT; R. Joseph Trani: 1573 - 1644. one of the great authorities of Tzfat in the generation following R. Joseph Karo and the publication of the latter's Shulchan Aruch. Responsa Vol. 2. YOREH DE'AH No. 28)." The MAHARIT came to a practical decision on the basis of the RambaN's opinion as did another great scholar, R. Simon b. Zemach Duran (Responsa TASHBETZ pt. 3 no. 288).

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"R. Chaim Cohen held that nowadays there is no mitzva to dwell in Eretz Yisrael, since there are many mitzvot relating to the soil with many related prohibitions which we are not able to keep properly and preserve in a proper fashion (TOSAFOT Ketubot 110B)."

R. Chaim Cohen's opinion is open to a number of objections, not the least significant of which is the authenticity of the statement. Amongst the objections are the following:-

- 1) Why is performance of mitzvot relating to the soil not possible? (see Ch. 3:2)
- 2) How can the existence of the mitzva be refuted on this basis; surely all that can be said is that the mitzva exists but that there are certain circumstances in which it is inapplicable.
- 3) The Classical Authorities who cite R. Chaim Cohen's opinion qualify it as follows: "The rule of coercion between spouses (mentioned above) does not apply nowadays since the journey is subject to many hazards and therefore a man may not compel his wife to accompany him since this is tantamount to taking her to a place of wild animals and brigands...." That is, the main motivation for preventing aliyah to Eretz Yisrael is the danger involved in the journey.

On the basis of all the above, the MAHARIT came to the conclusion that "the statement [(of R. CH. Cohen)] is not to be taken as binding (Responsa MAHARIT Section 1 no. 131)", and the SHE'IAH came to a similar conclusion.

In any case it is noteworthy that even though R. Chaim maintains that there is no mitzva to go on aliyah in contemporary times, he does not do so on the basis of any deficiency in the holiness and excellence of the land. On the contrary, the mitzva is inapplicable because of the very holiness of Eretz Yisrael and the great responsibility borne by those who would fulfil all the mitzvot incumbent upon its dwellers; since we have not yet reached this level, there is obligation on us to go on aliyah. However, the majority of authorities still hold to the opinions of the RambaN MAHARIT, RASHBASH and other classical authorities who rule that there is a mitzva of aliyah even in contemporary times.

Similar sentiments to those of R. Chaim Cohen are expressed in the KOL-BO: "And those who go there but behave in an unseemly and frivolous manner fit into the category of those "who came and defiled My Land; Who has required this at your hand, to trample My Courts...." Moreover "..... if one sins, then the punishment is greater than would have been incurred in the Diaspora, since the L-D seeks its welfare continuously and His eyes are continually upon it . for it is a far greater offence to sin inside the King's palace than outside of it....." (cf. R. Jacob Emden's words in Ch. 3:3 ibid.).

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- I) "Some maintain that the mitzva of settling in the Land of Israel is of Biblical origin even in contemporary times, as it is said: "And you will possess it and dwell in it and preserve the mitzvot in it" - living in Eretz Yisrael is equivalent to [preservation of] the whole Torah (RambaN in his SEFER HAMITZVOT; likewise the opinion of the RASHBATZ and RASHBASH). However, it is not a general mitzva binding the whole

of Jewry during the present Exile, but an individual mitzva devolving upon each and every member of the Jewish community. Consequently, if there are factors which prevent him from going on aliyah such as the hazards of the trip or the difficulty of obtaining a livelihood which will result in his being forced to seek charity - then the Torah does not require him to become a beggar in order to go on aliyah to Eretz Yisrael (Responsa RASHBASH No. 2.)".

(From "PEAT HASHULCHAN", a work on the laws pertaining to Eretz Yisrael by R. Israel of Shklov, a disciple of the Gaon of Vilna who went on aliyah in 1813 and was one of the great spiritual figures of the settlement in Eretz Yisrael).

R. Israel of Shklov, pupil of the Gaon of Vilna rules that in practise the mitzva of settling in Eretz Yisrael applies nowadays too, in accordance with the opinions of the Ramban and his supporters. He relies on the opinion of the RASHBASH (quoted above) that the obligation is not of an absolute nature, in that it only applies when there are no hazards attendant on the journey and the individual is assured of a livelihood in Eretz Yisrael.

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- J) "In relation to your query, whether;
- 1) the purchase of land in Eretz Yisrael and its settlement by Jews is an mitzva,
 - 2) the return to Eretz Yisrael is fundamental principle of our faith, and
 - 3) whether this return is bound up with the advent of the Messiah.

I will take these questions seriatum and express my reply in clear and concise terms.

First, I am amazed that such a question could arise in relation to an issue as basic as this? Surely the whole Torah, both written and Oral manifests the highest degree of love for Eretz Yisrael; settling it; acquiring it and building it up!.... (After a lengthy response supporting this contention, he continues:) Now, in the face of such holy bonds, expressed throughout the whole Torah, binding the nation for all time with the rebuilding of the Land and its holiness; with the yearning for salvation and soul-felt desire to perceive the rebirth of Israel on it - can one possibly doubt the Divinely inspired origin of the current efforts to rebuild our Land? It is beyond all shadow of doubt that Oral Tradition which emanates from the Written Law and is intrinsically linked to it, encourages the acquisition of Eretz Yisrael and its settlement, at all costs.... (The responsum concludes:) Since the Jewish National Fund is dedicated to the redeeming of Eretz Yisrael and to the acquisition of it by Jews, its activities are definitely of a religious nature and in conformity with the Torah. It encourages settlement in Eretz Yisrael which was so greatly desired by our Sages of blessed memory since it is the key to our eternal redemption etc. (Responsum of R. Kook; "HALACHA UMA'ASEH" printed in Chazon HaGe'ulah; Jerusalem 5071)."

CHAPTER THREE - Aliyah throughout our history

The question is often asked as to why Jews did not go on aliyah throughout the long "galut" (exile), but it is false premises concerning the situation both in Israel and in the Diaspora, in addition to the great difficulties involved, which lie at the very root of this question. The following extracts illustrate the near impossibility of aliyah over a wide span of history and pose the exact opposite of the above question for, instead of asking why Jews did not go up - we are caused to wonder at those Jews who did do so in the face of such grave and terrible risks. The difficulties in the way of aliyah are arranged according to the following classification:-

- (1) Personal and Family hardships,
- (2) Concern for the neglect of Torah study,
- (3) Reverence for the innate holiness of the Land,
- (4) Difficulties involved in the journey,
- (5) The economic situation in Eretz Yisrael
- (6) Epidemics and plagues,
- (7) Suffering caused by the non-Jewish Administration.

There were additional hardships such as famine, earthquakes and wars, however, sufficient will emerge from the above-mentioned aspects, to act as a convincing demonstration of the self-sacrifice exhibited by the "olim" (immigrants).

(1) PERSONAL AND FAMILY HARDSHIPS.

"Reuven married in the Diaspora and both he and his wife come from the same town. Now he has decided to go on aliyah in order to live in Eretz Yisrael but his wife does not wish to do so etc."

(Responsa MABIT (R. Moses b. Joseph of Trani) 16th. cent.; Z'fat; contemporary of R. Joseph Karo, compiler of the Shulchan Aruch.)

This responsum describes a situation wherein the opposition of Reuven's wife is likely to prevent his aliyah.

Another family difficulty is encountered in the following responsum:-

"Concerning the case of a man and his wife, both of whom are mentally sick and the latter rowed to go on aliyah to Jerusalem whilst her husband did not exercise his prerogative to nullify the vow. Now the caravan is ready to depart but they do not even possess sufficient funds to pay for the journey etc."

(Responsa RADBAZ (R. David b. Zimra) 16th cent. Egypt. Returned to Z'fat where he was buried after a long and fruitful life. Amongst his disciples was the ARI HaKadosh).

A similar incident is recorded some two hundred years previously. R. Menachem had vowed to go on aliyah but he was forced to remain in the Diaspora at least for a period of time, in order to fulfill his obligations to his wife and her yet unborn child:-

"To my dear R. Menachem.

Concerning your vow to go up to Eretz Yisrael, even the majority opinion condones a breaking of it, since your wife is pregnant since nothing overrides the preservation of human life and both mother and child will be exposed to danger.... Do not retort that this consideration falls away if you go alone, for you may in no wise desert her but you are responsible to her etc."

(Responsa MAHARAM of Rothenburg; cited in Hagahot Maimuniot; Hilchot SHVU'OT 6:8. R. Meir lived in the 13th cent. (1285-1293) and spent the last years of his life in captivity in the castle of Ensisheim. His most prominent disciple was the ROSH).

It often happened that Jews were prevented from going on aliyah due to the concern of their co-religionists for the fate of the children of the potential olim:- "I was asked the following question: Three individuals determined to go up to Eretz Yisrael together with their wives and families, including children of two and three years of age. Now there has been a strong reaction to this venture, protesting that it is unheard of to travel so far and to a people of foreign tongue and strange customs especially where such little children are involved. Moreover, even if an individual is permitted to endanger himself, whence did he derive the authority to endanger small infants and subject them to the hazards of the journey, varying climactic conditions and the violent motion of the sea? Consequently, the local Bet-Din (Court) desired to prevent this venture and the three individuals in question wish to know whether Bet-Din has it in its power to do so," (Responsa ME'IL ZEDAKAH; R. Jonah Lansdorfer; 18th cent. Chekoslovakia).

(2) CONCERN FOR THE NEGLECT OF TORAH STUDY

"In relation to your question as to why the Amoraim did not go on aliyah, the answer is because it was not permitted to them since they would have been compelled to neglect their studies and pursue a livelihood. In any case it is permitted to leave Eretz Yisrael in order to study Torah, a fortiori that one is not allowed to leave ones Torah study in the Diaspora in order to go up to Eretz Yisrael and engage in seeking a livelihood (TASHBETZ No. 564; R. Samson b. Zadok; disciple of R. Meir of Rothenburg)."

There were small Jewish settlements in Israel but they were in a constant state of anxiety due to the difficulties of finding sustenance and they were deprived of any opportunity to engage in Torah study. The Jew who saw in the study of Torah the central goal of his existence, was not prepared to leave a place in the Diaspora which afforded him ample opportunity for Torah study in order to go up to Eretz Yisrael. This concept is incorporated into the halacha and in the Rambam's code we read: - "It is forbidden to leave Eretz Yisrael except in order to study Torah (HILCHOT M'LACHIM 5:9 on the basis of AVODA ZARAH 13)"; obviously one would not be required to go on aliyah when the latter would entail a neglect of Torah study.

Similarly, the sterile spiritual climate which prevailed in Eretz Yisrael prevented heads of families from bringing their children to be educated there.

(3) REVERENCE FOR THE INNATE HOLINESS OF THE LAND

"For it has been in my mind for some time, that G-d willing I would not hesitate, in spite of my body being weakened through my sins and much toil and weariness from days of youth, to undertake the long and arduous journey [to Eretz Yisrael]..... for my sojourn in the Diaspora has been a source of constant frustration, in spite of the fine dwelling filled with Torah and prayer which was granted to me. For my eyes continually gazed towards Mt. Moriah, nevertheless, continual warfare has made it impossible to undertake a voyage and place myself in certain danger etc. Moreover, I have not yet been able to prepare my soul sufficiently in order to enter the sepulchre of the Messiah, for I am still empty and impoverished

in spirit etc." (R. Jacob EMDEN; introduction to siddur "Bet Ya'akov": 18th cent. Germany 1698-1776).

The holiness of Eretz Yisrael as outlined in the first chapter penetrated deeply into the heart of every Jew. They spent their days dreaming of aliyah but many felt themselves spiritually inadequate for the task of settling in the "Divine inheritance". R. Jacob Emden, one of the greatest scholars of his generation points out a number of limiting factors on aliyah but also expresses his trepidation on entering the "sepulchre of the King". He felt that he had not yet reached the required spiritual standard demanded from every "oleh" to the Holy Land.

Although this attitude no longer exists generally, nevertheless we can still appreciate it and its significance.

(4) DIFFICULTIES INVOLVED IN THE JOURNEY

"The following extract was copied by R. Samuel b. Abraham of Acre from a hand-written account by R. Moses the light of the Exile and it also occurs at the end of a manuscript written by him in his own language and it runs as follows: "On Sunday evening the fourth of Iyaar I set forth on my voyage and on Shabbat the tenth of the month, in the twenty-fifth year, a great storm broke out and the ship was in danger of being capsized. I thereupon took a vow upon myself that I would commemorate these two days by fasting; myself and all my household and all those in my company and I will command my son to do so and all my future progeny until the end of time; they will also give charity to the poor. As for me, I have vowed that I will isolate myself on the tenth of Iyaar, and will see

no man but will spend the day in prayer and study in the same lonely manner that I spent that fateful day namely, in the presence of the Holy One Blessed be He and not in that of any man..... And on the third of Sivan I reached the safety of dry land and arrived in Acre.... So we set foot on the Holy Land and this day have I vowed to be one of joy, gladness, feasting and the distribution of gifts to the needy. For myself and my household forever..... (Description of the RambaM's aliyah: SEFER CHAREDIM by R. Eliezer Askari; Mitzvat HaTeshuva Ch. 3.)."

This account of the sea voyage stands out in stark contrast to the ease and pleasantness of the present-day trip. More than five hundred years later, R. Chaim b. Atar went on aliyah and his travails were no less than those of the RambaM.

".... [After the customary greetings to his family, R. Chaim goes on to describe his trip]. I left the city of Livorno (Italy) in order to go up to the Holy City, may it be rebuilt speedily in our days.... and I arrived in Sicily from where I continued my voyage. However, on the eve of Shabbat the eighth of Av, a great storm broke out which tossed the ship to and fro, but praise be the L-D, it calmed down at midnight; the sea was quiet and the L-D sent a favourable wind to set the ship on its course etc.

....On Friday the twenty-second day of the month of Av we left Messina for Alexandria (Egypt), but due to the poor harbour in the former port we were forced to spend half-a-day encircling the city at such great risk that there was a serious possibility that the ship would sink due to the strong winds that had already capsized another vessel. With the help of G-D however, we rode the storm and on hearing from the captain the narrowness of our escape, we recited the blessing for Divine providence ("birchat Hagomel") for our deliverance. After this delay it took us a week to travel from Messina to Alexandria, on the last day of which, a great wind blew us on our course but was so strong that the captain had to furl all the sails except for two and in spite of its size, the

vessel shipped water until its decks were almost submerged and in me did the verse; "All your waves and your billows passed over me (JONAH 2:4)," find its fulfilment. Praise be the L-D, the sea eventually calmed down with the advent of the Sabbath..... And we wished to travel to Jaffa which was a journey of three days with a good wind, and from there, where there were no Jews, to Jerusalem which was one and a half days journey - so we boarded a vessel and set off. However, the captain misjudged the course and we arrived in Acre from where it was only with great difficulty that we could make our way to Jerusalem. Nevertheless, this was a blessing in disguise.... for on our arrival in Acre we heard reports that the plague was raging in both Jaffa and Jerusalem with twelve deaths a day in the former,..... (R. Abraham Sanguinetti 's letter to his father in Modena, describing the journey of R. Chaim b. Attar, author of the commentary "OR HACHAIM" on the Torah from Italy to Israel in the year 1741. The letter was printed in Tarbitz 12 Yr. 7 p. 88 by Mann).

* * * * *

"The following letter was written by a young man who left his birthplace on making a vow that he would go up to Eretz Yisrael, may it be restored and rebuilt and bow and pray at the tombs of the righteous and at the Western Wall. However, his ship was boarded by pirates and he was sold, naked and in chains into cruel captivity here in Malta. His masters were harsh and unrelenting, they forced him to bear great burdens of stone and rock and he was beaten from morning to evening. He would lie naked and barefoot; hungry and thirsty, upon the ground and the overseers would beat him mercilessly until his blood flowed out and his flesh melted like wax and many terrible sufferings overtook him.....

(from a letter published by R. Simcha Assaf in "ZION", Book II. The letter was written in the 16th century)."

This letter is one of four published by R. Assaf and describes the suffering of a pilgrim who was captured by pirates. R. Assaf adds: - "From these letters one can see the great dangers which beset travellers to Eretz Yisrael; according to the Talmud (BAVA BATRA 8B) captivity is more cruel than pestilence, sword and famine, nevertheless, our ancestors overcame all the obstacles which stood in their path and put their lives in jeopardy in order to go up to the Holy Land.

DIFFICULTIES PERTAINING TO THE GAINING OF
A LIVELIHOOD

"Beside the above reasons for lack of means of gaining a livelihood there is another cause, for even the Sepharadim who know the local language cannot make a living because of the dangers involved in travelling on roads which are infested with robbers and brigands to such an extent that the local Arabs are forced to travel in caravans and in general avoid making journeys, even in small groups. Therefore, the ways of Zion are desolate and abandoned, for to travel to Egypt takes thirteen or fourteen days and even on Shabbat the Jews must travel with the caravan which will not wait for them if they rest on the Sabbath day. And although it is dangerous for anyone to remain alone and there the principle that the saving of life overrides the Sabbath applies, nevertheless, the Jews generally stipulate at the outset that the drivers will wait although in practise this condition is never adhered to and therefore, a journey to Egypt is only undertaken in exceptional circumstances. Similarly, in order to trade with Constantinople it is necessary to cross the Mediterranean Sea and the whole trip takes two or three weeks. Our company spent

seventeen days at sea on the journey out but when I left Jerusalem, may it be speedily rebuilt in our days a tempest forced me to spend fourteen weeks at sea and for such reasons little business is conducted with overseas communities.

Many Jews are shopkeepers but go into partnership with the Arabs in order to ensure the protection of their wares against theft and some own such stalls in the local gentile market as spiceries and similar trades, but they are few in number. There are also some Jews who speak Aramic and dress like the Arabs so that there is little difference between them, for the Arabs too do not shave their beards and these Jews, known as "Murishkas" own nules and thereby engage in trade with the surrounding villages selling spices and the like and buying wheat and barley which they sell in Jerusalem. However, the common factor amongst all the Jews is their poverty.

Now, if these Jews who can speak the local tongue are reduced to such straits what can we, the Ashkenazim who do not know the language and are like strangers amongst the Jews, let alone the gentiles who communicate with us in sign language and in whose eyes we are a vertiable parable and farce; do in order to gain a livlehood and feed our little ones? My eyes flow with tears when I think about the straving children vainly clutching at their mother's breasts. Moreover, our pride precludes us from publicly soliciting charity which in any case only consists of a twig or piece of coal or one onion, for even the householders are poverty - stricken and the dearth of trade prevents anyone from making a satisfactory livlehood (From SHA'ALU SHALOM YERUSHALAYIM by R. Gedaliah Semitacyski describing life in Jerusalem. The author went on aliyah in R. Judah Hasid's group and lived in Jerusalem from 1701 to 1706 when he left on a Fund-raising mission in the Diaspora).

This short extract describing the life of Jews in Jerusalem is an excellent illustration of the financial difficulties in which the European immigrants to Jerusalem found themselves and especially those who had no knowledge of the local tongue. Also, this extract casts additional light on the risks of travel in those days.

EPIDEMICS AND PLAGUES

"Thus I too am obliged to mention the afflictions which overtook me as part of those afflictions incumbent upon all who wish to acquire Eretz Yisrael, as it is written: "Surely did the L-D afflict me, but to death He did not give me." And it was in the year in 1813, when I returned from our province after the All-Merciful had helped me and I had prepared myself for a full settlement in our Holy Land but I arrived during the epidemics.... And many fled to the deserts and forests in caravans and I took my family to Jerusalem, may it be rebuilt speedily in our days but on the way, the precious wife of my youth died and I buried the modest and G-D-fearing Henyeh on the fifth of Sivan in the holy town of Shtaraam, may it too speedily be rebuilt in our days. And when I arrived in the Holy City together with the rest of my family I found fear and dread the order of the day - my sons were taken from me and are not. The first to be smitten was my wise and G-D-fearing son-in-law R. Joel b. Yudel; on the twenty-seventh of Tammuz in the prime of his life: followed shortly by my modest, eighteen-year old daughter on the fourteenth of Av who left a tender suckling child, my dear grandson Eliakim. He had suffered greatly until I was able to raise him to the age of twenty. Then he was taken from me at the conclusion of sukkot 1824; followed by my beloved son Nachman on the Eve of Sabbath, the sixteenth of Av. My beloved daughter Ester passed away on the

fourteenth of Av, to be followed by my gifted son of fourteen years, Ze'ev Wolf on the seventeenth of Av. Then news arrived from Galillee that both my parents; R. Samuel and the righteous Malka both of blessed memory had passed away in the destruction of Zfat and I was prostrated with grief - my friends kept afar from me and I lay on the roof weeping and supplicating our Father in Heaven together with my modest daughter Sheyndel, may she live, at my side and my tears flowed like a river. I grieved over the righteous who were taken in the Galillee and beseeched the Gates of Heaven saying: I will emulate the course of our patriarch Jacob who made a vow in his time of trouble so I too took an oath that if I would be preserved in life then I would compile a work on Seder Zeraim in the Jerusalem Talmud, according to the opinions of our holy gaon the GRA whom I merited to serve prior to his death.

~~And~~ behold after much wailing I fell asleep and imagined that someone came and woke me up saying, "be healed". Yet from that time onwards the L-D's kindness protected me and together with my daughter I returned to my house in the holy Galillee and through His great mercy, succeeded in rebuilding my household. I found a modest and G-D-fearing woman, Yuta Beile, may she live, the daughter of the great and wise sage R. David Segal of Yampoli and although she was attacked by the plague in the following year, 1844, the L-D hearkened to the sound of our cries; her ancestral merit stood her in good stead and she recovered. However, outbreaks of the plague recurred and in the year of the death of the saintly or HaChaim, I lost my dear son Samuel Ze'ev on the Eve of Rosh Hashana (1822). During the following years I bore the burdens of communal leadership and was responsible for the economic and spiritual welfare of the kolel I also

suffered at the hands of the gentile governors of the country when the city of Acre was besieged and I was thrown into prison and my life was in constant danger yet the Almighty saved me from all those troubles and in me did the verse: "For from every travail you did save me" find its fulfillment etc. (Introduction to PE'AT HASHULCHAN by R. Israel of Shklov: See Part Two above)."

SUFFERING CAUSED BY THE NON-JEWISH ADMINISTRATION

"..And these events Ben Parach went to Gaza and left written instructions in the hands of his vizier to exact four thousand piastres from the Jews in addition to the expenses they had to bear which amounted to one thousand three hundred piastres.

And it was on Hoshana Rabbah, in the year 1627 that the vizier ordered the arrest of the lay-leaders of the community; his officers arrived at the conclusion of the morning service and took the physician Jacob b. Amram and the sage R. Isaac Gaon who were the sole leaders known to them. Eventually they came before the vizier, accompanied by R. David Tradiola and Shimon Sheikh-al-Yahud and they were shown the letter written by Ben Paroch, to their great amazement and utter despair. They were thereupon cast into prison and the following day which was traditionally an occasion for rejoicing and merriment was turned into a day of grief and sorrow for the whole community. Their incarceration lasted eight days in the course of which they were subjected to cruel tortures

and finally agreed to bring into the King's coffers some two thousand six hundred piastres of which nearly one thousand was raised by R. David over the following few days.

And it was when Ben Paroch returned to Jerusalem that he gave the prisoners an ultimatum saying: "Bring the money immediately otherwise your sufferings will be multiplied", and when R. David heard this, he knew that the situation was forlorn and he and his friends went into hiding. The remaining prisoners were then treated in a cruel and vicious manner being subjected to horrible tortures such as the wrenching of their fingers until the pain was unbearable, seeing that the community was simply incapable of meeting the required sum, took mercy upon them and interceded on their behalf. And he said to Ben Paroch: "Behold I have afflicted the communal leader with severe afflictions and they have produced almost two thousand piastres now, my own eyes have seen that they have sold all their possessions and nothing remains except their bodies. Deal with them as you will but I wish to have no further part in their cruel chastisement." And Ben Paroch replied: "So be it - let them pay the two thousand piastres and the prisoners will obtain their release. (From "CHARVOT YERUSHALAIM", by an unknown author describing the afflictions of Jerusalem at the beginning of the 17th cent. The book was first printed in Venice (1627) and a second edition was released in Jerusalem (1928) by A. Rivlin)."

CHAPTER FOUR - THE BOND BETWEEN THE NATION AND ITS LAND

In spite of the fact that the nation was compelled to leave its home-land, it never forgot it and did everything possible in order to preserve its link with the Holy Land. This chapter is divided into two parts: the first exemplifies this link in the sphere of halacha and the second describes the practical steps taken in order to keep alive the link between the Diaspora and Eretz Yisrael. The latter is sub-divided into five parts:

- (1) *Expeditions*
- (2) *Pilgrimages*
- (3) *Aliyot to Eretz Yisrael*
- (4) *Burial in Eretz Yisrael*
- (5) *Aid to the dwellers in Zion and the early Jewish Settlements.*

As pointed out above, the extracts do not constitute an integrated historical perspective but serve as random examples of the link as manifested in different periods. They are culled from books and documents describing Jewish life in Israel and the Diaspora and from relevant historical material present in the vast and diverse Responsa Literature.

PART ONE - THE BOND WITH ERETZ YISRAEL IN LAW AND CUSTOM

The times for Sabbaths and Festivals throughout the Diaspora depend solely upon Eretz Yisrael (see KUZARY 2:20). The Halacha fixes the international date-line according to its latitudinal distance from Eretz Yisrael, in distinction to the generally accepted 180° latitude.* (see Chapter 1:(2:4)).

The profound relation of the Jewish People to its land expressed itself in the daily life of Diaspora Jewry and primarily in their prayers and order of services:-

- (1) Facing Eretz Yisrael whilst reciting the Amidah: The Gemara in BERACHOT rules: "One who stands in the Diaspora must face Eretz Yisrael as it is said: 'And they shall pray to you towards their land (KINGS I: 8:48).'" On the basis of the Gemara the RambaM rules that: "One who was standing in the Diaspora turns to face Eretz Yisrael and then recites the Amidah prayer (HILCHOT TEFILLAH 5:3) and this ruling is followed by the SHULCHAN ARUCH (ORACH CHAIM 94:1).
- (2) Mentioning Eretz Yisrael in Birchat Hamazon (Grace after meals): In relation to the mitzva of Birchat Hamazon it is written: "And you shall eat, be satisfied and bless for the good land (DVARIM 8:10), from which we derive that Eretz Yisrael must be mentioned in Birchat Hamazon. The RambaM rules: "One must offer thanks giving prior to, and on the conclusion of the blessing for the land (i.e. the second and third paragraphs of Birchat Hamazon)

* from Greenwich

and conclude with the blessing; "for the Land and the food." One who does not say; "a desirable, goodly and ample land" has not fulfilled his duty (HILCHOT BRACHOT 2:3 and SHULCHAN ARUCH: ORACH CHAIM 187)."

- (3) In the same way that mention is made of Eretz Yisrael in Birchat Hamazon it is mentioned in Birchat Me'en Shalosh ("Al Hamichyah") which is recited after having partaken of cakes, wine and fruit which are typical of Eretz Yisrael. The formula laid down in the Gemara is: "And for the desirable, goodly and ample land which you have caused our ancestors to inherit, to eat of its fruit and satisfy themselves from its goodness." This ruling is incorporated into the Codes of the Rambam. (HILCHOT BRACHOT 8:14) and R. Joseph Karo (SHULCHAN ARUCH: ORACH CHAIM: 108:17). After eating of the fruits of Eretz Yisrael a special concluding blessing is added (see Rambam and Shulchan Aruch ibid.).

In addition to prayers and customs directly concerned with Eretz Yisrael there are many references to the conclusion of the Exile and the Return to Zion, scattered throughout the services e.g. "And bring us together in peace from the four corners of the earth and lead us upright to our land" (birchat Ahava Rabbah), and many other examples. Similarly, the Musaph prayer reads: "May it be your will.... that we return upright to our land and are implanted in our borders and we will then offer before you our obligatory sacrifices etc." Love for Eretz Yisrael is manifested, not only in our blessings but also in our laws, customs and institutions: -

- (4) The poor of Israel supercede their mendicant brethren in the Diaspora. THE SIFRI derives this principle from the verse in DVARIM 15:7: "If there be among you a needy man in your land," which implies that those living in Eretz Yisrael take precedence.. The Shulchan Aruch incorporates this ruling in YOREH DEAH: 251:3
- (5) In relation to the times for reading the Megillah, the Rambam rules as follows: - "Every walled-city dating from the time of Joshua; whether in Israel or the Diaspora and notwithstanding the fact that the wall is no longer intact - reads on the 15th of Adar. Such a city is called a "krach" (a fortified or main city). Any city not fulfilling the above-mentioned qualifications, even though it now possesses a wall, reads (the Megillah) on the 14th. of Adar, and is called an "ir" (town).... Now why did they choose the criterion of the time of Joshua? - Out of respect to Eretz Yisrael which was desolate at that time (i.e. of Mordechai and Ester, when the events took place in Shushan) and so that Eretz Yisrael should play a part in the remembrance of this miracle. (HILCHOT MEGILLAH: 1:4-5)
- (6) In general it is forbidden to tell a non-Jew to perform a forbidden labour on Shabbat. However, because of the mitzva of settling Eretz Yisrael, it is permitted to request him to write out a bill of sale for a house in Israel even on Shabbat (Rambam HILCHOT SHABBAT: 5:11, and SHULCHAN ARUCH: ORACH CHAIM: 306:12).

- (7) *It is customary to bury the dead together with soil from the Holy Land: "Some are accustomed to put soil from Eretz Yisrael into the grave (REMA: Shulchan Aruch: Yoreh De'ah 363:1)."*
- (8) *"It is forbidden to move the corpse or his bones, even from a less honourable to a more honourable site, except in the case of Eretz Yisrael (SHULCHAN ARUCH YOREH DE'AH: 63:1)."* Similarly, one may not move a corpse from a city possessing a grave-yard to one lacking such a facility except in the case of Eretz Yisrael." (see Chapter 5:4).
- (9) *A final striking illustration is the opinion of the author of the BE'ER SHEVA that a"Chanukkat ha-bayit" (dedication of a new home) constitutes an occasion for se'udat mitzva (a festive meal sanctioned by the Torah) only in relation to Eretz Yisrael but not in the Diaspora. (MAGEN AVRAHAM: Shulchan Aruch: Orach Chaim: 568:5).*

PART TWO - THE PRACTICAL LINK BETWEEN THE DIASPORA AND
ERETZ YISRAEL.

(1) EXPEDITIONS

The main element in the mitzva of settling Eretz Yisrael is, obviously, dwelling in the land, however, there is also much inherent value in visting Eretz Yisrael, even on a temporary basis; "R. Jeremalah b. Abba said in the name of R. Yochanan: "Whoever walks four cubits in Eretz Yisrael is assured of a place in the World- to - Come (KETUBOT 111A)."

On this basis many Authorities ruled that a tourist in Eretz Yisrael fulfils the mitzva during the duration of his visit (see MAGEN AVRAHAM: Orach Chaim: 248:15; Responsa MAHARIT 2:28; Responsa RADBAZ 1:454). Love of the

land and a desire to become familiar with it, motivated many great personalities to visit Eretz Yisrael. Of those who recorded their visits, the most famous are R. Benjamin of Tudela; R. Judah Al-Harizi; R. Isaiah of Trani and R. Eshtori HaParchi.

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"I have examined your letter with much care, however, had you seen Eretz Yisrael like I have you would not have written as you did. I journeyed from Acre and visited the whole of Galilee which is north of Eretz Yisrael and travelled along the eastern border. I lodged in Ashkelon and returned to Acre along the coast (R. Isaiah of TRANI (1180-1250), Responsa RID p. 153; Jerusalem 5727)."

In spite of R. Isaiah's fame in his own era, the only information concerning his trip is contained in the above excerpt.

* * * * *

"From the House of Study I was removed; My clothes were stripped off from me and garments of Exile clothed me and I was driven out in the midst of my studies.
.... No rest did I find until the King of Peace took me into His inner chamber and from captivity to the "fair land"
... The shores of Eretz Yisrael did I traverse through the loving kindness of the Most High and its cities and provinces did I visit..... (R. ASHTORI HAPARCHI, in his book "Kaftor VaFerach", which summarizes the mitzvot applying to Eretz Yisrael, its geography and its flora and fauna. It was written in 1322).

(2) PILGRIMAGES

The Second Temple lay in ruins, nevertheless the pilgrims did not cease to visit the Temple Mount and in the words of the Midrash: "Even though the Temple was destroyed - Israel did not cease to go up three times a year" (SHIR HASHIRIM RABBAH 8:11)." The following extracts describe pilgrimages throughout the ages.

"..... R. Hai used to go up annually from Babylon to Jerusalem and spend Sukkot there, for they used to make seven circuits of the Mount of Olives on Hoshana Rabbah and recite psalms arranged by R. Hai. He would be preceded by priests dressed in linen coats and would be followed by the people, both at a distance of one mile." (SEFER HACHISIDIM: ed. Wistinetzki No. 630).

Simcha Assaf in his book "Tekufat HaGeonim ve-Sifrutah," writes that many pilgrims went up to Jerusalem during the Gaonic Period. The above extract is one of the most famous examples and dates from the end of the 11th. century.

* * * * *

"And behold they erected a synagogue in which they pray for many people come up to Jerusalem every year from Damascus and Zova and the rest of the Israel in order to see the Holy Temple and weep over it. May He who merited me to glimpse Jerusalem in its ruins, merit me to see it in its restoration and glory with the return of the Divine spirit to its midst. And may you my son; your brothers, and all your fathers house merit to see the rebuilding of Jerusalem and the comfort of Zion.

Your anxious but joyful father, Moses b. Nachman."

(Ramban's letter to his son; printed at the end of "SHA'AR HAG'MUL".)

"Evidence of the fact that the sanctity of the Temple and the Holy City is still extant, is furnished by the existence of annual pilgrims from Egypt and other countries. This is hinted at in MIDRASH SHIR HASHIRIM (8) on the verse "I am a wall", in the context of which they remarked that even some of the miracles of Temple times are extant e.g. no person ever complained of cramped conditions in Jerusalem. For although the synagogue of Jerusalem is filled beyond capacity on the Festival of Shavuot by visitors and pilgrim nevertheless they all manage to obtain a place and sit at ease. This is because its holiness is still active and it is a sure sign of the Third Redemption (Responsa TASHBETZ Pt. 3. no, 201: R. Simon b. Zemach (1361-1444) lived in Algiers and was one of the great legalists of his day. The responsum dates from approximately the beginning of the 15th cent.)".

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"And so it happens every day, year in and year out. that pilgrims go up to Eretz Yisrael to celebrate the Three Festivals and they keep the Second Day of the Diaspora according to all its rules and regulations. Moreover, these pilgrims form their own minyan and pray; read the Torah and Haftara with all the appropriate blessings, just as they do on the Second Day in the Diaspora etc." (Responsa AVKAT ROCHEL No. 26, by R. Joseph Karo (1488 - 1575) author of the Shulchan Aruch. The responsum dates from the middle of the 16th cent.).

(3) ALIYOT TO ERETZ YISRAEL

Inspite of the difficult conditions prevailing in Eretz Yisrael many Jews immigrated to it throughout the ages of the most famous "olim" of early times are R. Judah HaLevi; three hundred rabbis from England and France; the RambaM; R. Obadiah of Bertinoro and the Shelah

(R. Isaiah Hurwitz). These were followed by R. Judah Hasid and his group; Hasidic elements; disciples of the Gaon of Vilna (the Perushim) and many more.

"In the year 1211 the L-D stirred the spirits of the rabbis of France and England to go up to the city of Jerusalem and over three hundred respected and honoured rabbis went up to the Holy City and founded there synagogues and houses of study. Also our teacher, the high priest, R. Jonathan HaKohen went there and a miracle was performed when they prayed for rain and were answered thereby bringing about sanctification of the Divine Name." (From SHEVET YEHUDA by R. Solomon b. Virga (ed. SHOCHET) p. 147. Exiled from Spain, he wrote a book dealing mainly with the history of Spanish Jewry.)

This aliyah was apparently the first large organized group which arrived in Israel from Europe. Amongst the luminaries of the generation it also contained R. Jonathan of Lunel famed for his halachik dialogues with the RambaM and others. (Some claim that R. Isaiah of Trani also took part in this aliyah).

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The RambaM's letter to his son Nachman:-

"I am writing you this letter from Jerusalem the Holy City, for praise be the L-D, I merited arriving here in peace on the 9th. of Elul and remained until the day after Yom Kippur when I went to city of Hebron in order to pray at the graves of the Patriarchs and prepare my own resting place in the Holy City (Jerusalem).

Unfortunately ruin and destruction are the order of the day and the holier the place, the greater the ruin. Jerusalem is the most desolate city and Judah is more

destitute than the Galilee. Nevertheless, Jerusalem in all its desolation is still very goodly and is inhabited by some two thousand Christians, for in the wake of the Tartar invasion the Jews fled the city.' However, there remained two brothers, dyers by trade who obtained a license from the Sultan to engage in their trade and they organize a minyan every Shabbat and we were able to stir them up in order to find a suitable synagogue for prayer. We discovered a ruined house with marble pillars and a handsome dome which we took, since the city is in ruins and the building ownerless, and they volunteered to renovate the house and have ordered Torah scrolls from Schem were they were taken to from Jerusalem on the advent of the Tartars".

(The Ramban went on aliyah in 1267 and his famous latter describes the situation which met him in the Holy Land.)

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".... With the help of the L-D I and all my household arrived in the holy city of Zfat in safety and in peace. The L-D favoured us on our journey and granted us peace in abundance and not in accordance with our deeds. He performed miracles - far on the stormy journey, only one ship foundered yet He saved some thirty individuals in a supernatural fashion and with great enthusiasm they arrived here this day and recounted the great works of our G-D. (Letter of R. Menachem Mendel of Vitebsk (1788). From "Iggrot Eretz Yisrael" by E.Ya'ari (Tel-Aviv, 1943)."

The first Hasidic oleh was R. Gershon of Kitov, brother-in-law of the Baal Shem Tov, who went on aliyah in the year 1748. He was followed by individual Hasidim. The first major group went in 1777 under the leadership of R. Mena-

chem Mendl of Vitebsk; R. Abraham HaCohen of Kalish and R. Israel of Plot'sk. Over three hundred souls, men women and children arrived in this group.

In addition to the aliyot cited above, thus booklet contains references to other famous aliyot. See chapter 3:4 for aliyot of RambaM and R. Chaim b. Atar, the "Or HaChaim" on the Torah: Section 5 for the group of R. Judah Hasid and section 6 for that of R. Israel of Shklov, the author of Pe'at HaShulchan who laid the foundations for the new Ashkenazi settlement in Eretz Yisrael.

(4) BURIAL IN ERETZ YISRAEL

Our Sources contain the notion that Eretz Yisrael atones for the sins of its inhabitants: "R. Meir used to say, whoever dwells in Eretz Yisrael - Eretz Yisrael atones for him (SIFRI: DVARIM 32:43".) Similarly in relation to burial in Eretz Yisrael: - "R. Eliezer said to them, since he is buried in Eretz Yisrael, the Holy One Blessed be He atones for him..... (TANCHUMA: Vaychi no. 3)." The significance burial in Eretz Yisrael is not only for its inhabitants, "go and learn from Jacob our father and Joseph the righteous (RambaM: Hilchot Mlachim; see chapter 2 above)." Furthermore, "Rebbe said in the name of R. Helbo why did the patriarchs prize burial in Eretz Yisrael? Because the dead of Eretz Yisrael return to life at the beginning of the Messianic Era and live through it. R. Hanania said: One who dies in the Diaspora and is buried there - is as though he died twice..... (TANCHUMA ibid.)"

The following excerpts testify to transfer of the dead for burial in Eretz Yisrael..

"Question: Jacob appointed his two eldest sons as guardians of his money at the time of his death and commanded them to take his bones to Eretz Yisrael.....

Answer: It is in accordance with the laws of the Torah that his sons carry out all his words to the letter."
(Responsa of the Gaonim. ed. Marmorstein p.21).

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"Question: Concerning an Israelite whose parents had expressed a strong desire both during their lives and at the time of their deaths, to be buried in Eretz Yisrael or for their bones to be transferred there. The L-D had come to the aid of one of their sons, who in spite of weakness and great poverty had found someone willing to help him take up their bones to Jerusalem for re-burial. Does the law require the Israelite mentioned above to protest against this plan. Is the action a mitzva or a sin....?"

Answer:..... It is a highly meritorious deed and was performed by many of the great sages of Israel." (Responsa of the RambaM ed. Frieman no. 372).

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"Concerning the custom in Egypt to place named stone memorial slabs on the graves of the dead and when the latter are emptied in order to transport the corpse to Eretz Yisrael, the non-Jews come and steal the slabs etc...."
(Responsa RADBAZ Part 2, No. 741. On the Radbaz, see Ch. 3:1).

AID TO THE DWELLERS IN ZION AND THE EARLY JEWISH
SETTLEMENTS

Jews who were scattered all over the world answered every call for aid from Eretz Yisrael and initiated independent programmes for help and support. In many cases they made a supreme effort to help alleviate the sufferings of their brethren which arose from such varied sources as natural disasters to cruel persecution by foreign governors (see Ch. 3 above). Similarly, they introduced communal legislation levying financial support for Eretz Yisrael.

In relation to the duty of supplying the poor of Eretz Yisrael with charity, see section 1:4 of this chapter.

On rare occasions the nature of the aid changed from being purely financial to the reclaiming of land for the purpose of Jewish settlement, as in the case of Donna Gracia and Don Joseph Nasi (see below).

"A certain Jew, R. Achina'az by name would thrice go up to the Holy City of Jerusalem, and on each occasion donate one hundred gold coins.

For such was his desire; to save the generation and sustain the scholars of the Torah.

And the dwellers of the Holy City."

(From the "scroll of Achima'az", a poetic historical account of R. Achima'az b. Paltiel, written in 1045.

Published in Jerusalem, 1970).

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"To my dear and wise colleague R. Isaac, greetings! Concerning the vow which you made to maintain Houses of study and Houses of Prayer in the Holy Land..... And now you regret it because of the length of the journey and you know not whom to entrust with the money saved over a period of five years and your question is whether your vow may be released in order to preserve you from sin, G-D forbid.

I have not fully comprehended your problem for according to your letter the lay-leaders of Ferrara also made a similar vow..... they presumably encounter no such practical difficulties for they will send the money via R. Kozi or the benefactor Witz..... Similarly this community, Mantua which sends a donation every year, entrusts it into the hands of R. Kozi in Padua or the benefactor Witz in Modena....."

("Newly discovered responsum of R. Joseph Kolon concerning Eretz Yisrael," discovered and published by Dr. D. Tamar in his book "Studies on the history of the Jews in Israel and Italy; Jerusalem, 1970).

The questioner had taken an oath to send yearly donations to Eretz Yisrael, but was unable to transfer the money and consequently wished to release his vow. R. Joseph Calon (MAHARIK) replied that presumably his vow was similar to that of others in his place and consequently the money could be sent to Eretz Yisrael through the usual channels irrespective of any delays, which would not invalidate the vow.

From this responsum we learn of the existence of regular treasurers in the Diaspora communities engaged in handling funds for Eretz Yisrael in the middle of the fifteenth century when the responsum was penned. (see Tamar's introduction supra.).

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"At the time of our leaving Jerusalem, I heard from certain portugese Jews how a rich Portugese Jewess had fled the latter kingdom with great wealth. She had thereby obtained high international reputation and influence and had bought the city of Tiberias from the sultan of Turkey for a large down-payment and yearly payments of one thousand crusados. In the coming summer, she and her whole family would leave Constantinople and settle there (Tiberias) together with any Jews who wish to accompany her. As a result of this report, all the Jews in Eretz Yisrael are filled with great joy in the hope that if these people will come and settle then the Messiah will come....."

(From the book of the Portugese traveller Partileo di Avirro, cited in N. Slutch's article: "The settlement in Israel and Syria in the 16th. cent." The account dates from the 16th cent.)

This account relates the attempt of Don Joseph Nasi (who is not mentioned in the citation) and Donna Gracia Mendes to buy Tiberias and begin Jewish resettlement. Their great wealth, permitted them to devise a plan for settlement of the land which unique for scope and grandeur in those times. Some maintain that they considered the establishment of a Jewish state in Eretz Yisrael. However, for a number of reasons, including the sudden death of Don Joseph Nasi - the attempt failed.

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".... The city that was full of people, that has become as a widow and its environs places of mourning, especially the upper Galilee and the city of Zfat, may it be speedily rebuilt in our days..... It has been in sorrow and straits for many years now, due to the famine which rages in the city and the excessively high food prices, so that no man may live. Therefore the scholars of the Torah are beginning to leave the city..... These are surely tidings that fill every heart with woe,..... Moreover, the heavens joined the adversaries and a supply ship carrying corn, bread, foodstuffs, money and wool which had been gathered together by rich merchants and came to a large sum, was captured and their aid was completely cut off. They would have been in utter despair had not the pious and saintly sage, R. Joseph Pardo toiled and found in the space of three days, a sum of 503 ducats which thank the L-D, arrived safely....." (R. Judah Aryeh of Modena's letter concerning Zfat, published by Dr. D. Tamar in his book *ibid.* The letter was written around 1601).

The Jews of Venice were urged to help the settlement in Zfat which was in grave distress. At the beginning of the letter, the writer mentions that several scholars were forced to leave the city because of the evil conditions. The extensive aid sent did not reach its destination due to the capture of the ship by pirates however, the Venetians did not despair but in the space of three days, they gathered together a further sum.

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"We have taken upon ourselves, our children and our issue for all time until the coming of the Redeemer; an annual donation of 50 thalers to the poor of Jerusalem which shall be collected annually on Rosh Chodesh Adar and sent to the holy community of Vienna, to be committed to the hands of the officer of the charity fund of Jerusalem, may it speedily be rebuilt in our days."

Institution of Moravian Jewry from the year 1650. Published by I.Halperin, Jerusalem 1952).

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""There are to be two collection-boxes designated for the Holy Land and the redemption of captives with a specific label attached to each one, enabling any man to donate a suitable sum. The monies collected from the boxes and any individual contributions throughout the year will be comitted to the hands of an official who will submit a specific total for each one".

(Communal institution of the Sephardi community "Sha'ar Shamayim" of London from the year 1663. Published in A. Yaari's book "Emissaries of Israel", Jerusalem 1951).

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"It is mandatory to support the men of Zfat who are currently praying for our people Israel in the place where our holy ancestors prayed directly to G-D. They took their lives in their hands and travelled to the Holy Land neither to eat of its fruit nor to be satisfied by its goodness, but to fulfil the mitzvot dependent upon the Land..... leaving their homes and birthplaces yet none seek their welfare."
(From the "Pinkas" of the Four Lands, 1742).

CHAPTER FIVE - THE ATTITUDE OF PROMINENT RELIGIOUS
LEADERS OF RECENT TIMES TO THE ZIONIST MOVEMENT.

The founding of the Zionist Movement gave rise to strong opposition even on the part of G-D-fearing Jews who had been born and bred to love of Eretz Yisrael. This phenomenon demands an explanation, had love for the Holy Land grown weak? Did the relationship with Eretz Yisrael change just because aliyah had now become a reality? The answer to this question is to be found in the following extracts which explain the attitude of strictly traditional Jews to Zionism and Eretz Yisrael. They show that such Jews did not cease to love Israel nor to desire to go on aliyah, but that they rejected Zionism on other grounds.

"In conclusion, since the main leaders involved are bitter opponents of G-D and His Torah..... as emerges clearly from the recent publication of one of the heads of the movement, in which he blasphemed Judaism in the eyes of all Israel and dared to proclaim publicly that not everyone who fulfills the Torah and its mitzvot is a Jew etc. Moreover, they claim that many mitzvot are a disgrace to Israel and this is a notion they wish to instil into the minds of Jewish youth whose education they are struggling to gain control of....."

Also, one of their leaders has dared to make a new Torah, comprising the Five Books of Moses but with many omissions made according to his personal whim....."

(From a letter written by R. Shalom Duber Schneerson of Chabad (d. 1920) in reply to a question about the Zionist Movement. It was published in "Or Layesharim", Warsaw 1900).

The fact that the leadership of the Zionist Movement comprised men who did not keep the Torah and rejected religion in general and the Torah in particular, estranged many G-D-fearing people from its ranks.

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"He was in constant fear of any new movement; any step off the set path constituted a threat to Judaism etc. He discerned in the Zionist Movement, not only the desire to build up the Land but also an organ for new and different ideas for the solution of the every-day problems of the Jew and a recasting of his entire world-perspective. His opposition to Zionism therefore, was motivated by spiritual considerations and an inner fear..... In spite of this however, R. Chaim's home was filled with the atmosphere of Eretz Yisrael for although he could oppose Zionism he was compelled to recognize the need to place Eretz Yisrael at the centre of his activities. He was one of a tiny minority who engaged in practical aid for Eretz Yisrael.... scores of letters reached him regularly and hundreds left Brisk concerning various institutions in Eretz Yisrael." (From R. Meir Berlin's (Bar-Ilan) book "From Volozhin to Jerusalem. R. Meir was one of leaders of the Mizrahi Movement.)

R. Chaim Soloveitchik was one of the outstanding religious leaders of East-European Jewry at the end of the last century and exercised a profound influence over Jewish life in all spheres. He was known for his fierce opposition to the Zionist Movement but the above extract, written by one of the leaders of the Religious Zionist Movement, demonstrates that this opposition arose solely from a fear of the ideas with which Zionism threatened contemporary Judaism and not out of any negative concept of Eretz Yisrael, which he loved and for the institutions of which he worked and toiled.

THE FORMATION OF A JEWISH KINGDOM AS PART OF OUR PERFECT
REDEMPTION

The issue of the re-establishment of a Jewish Kingdom has emerged after a gap of some two thousand years and our generation is faced with this momentous problem. "Agudat Yisrael" is obliged to undertake this task solely according to the spirit of the Torah, which is our guide for, in spite of the pain engendered by the smallness of our ancestral heritage we must approach the basic issue with joy for the following reasons: -

- (1) *Seeing that it is Divine Providence, manifested in the form of a declaration by the British Government, both from the aspect of "the King's heart is in the hand of the L-D as the water courses (PROVERBS 21:1)" and from the aspect of the rule that "no man lifts a finger in this world unless it has been decreed on High (CHULLIN:7)."*
- (2). *Secondly, we must ensure the establishment of a small Jewish Kingdom in preparation for the mighty dominion which will come about through miraculous means and will constitute part of our complete future redemption, for according to the Zohar Divine blessing cannot fall on an empty table or in an empty place (ZOHAR: Lech Lecha:8)."*
- (3) *Possibly this is the meaning of the statement in the Jerusalem Talmud: "Likewise is the redemption of Israel, at first little by little, then it grows in strength and momentum (BERACHOT 1:1)."*
- (4) *We ought not to be afraid lest our irreligious brethren, who hold the reins of government in their hands, rule over us according to their will, for, irrespective of the fact that the Torah is eternal and therefore, in the final analysis, will be paramount; our Sages have ruled that "a man ought not to be overmuch concerned with the welfare of the Almighty, but ought to concentrate on*

what he has been commanded to do." Let us not let this fateful hour slip through our hands, for if the greatest prophet Moses, was taken to task by the Holy One Blessed be He for missing an opportunity (referring to the request of Moses glimpse the glory of G-D (Shmot 33) which was countered with the reply that - "When I wished (to reveal Myself) you did not wish to see (at the burning bush); now that you wish to see - I do not wish to show you") a fortiori, we who are orphans of orphans must dread be taken to task for a similar omission.

Let us go on our path in perfect faith, for the light piercing the dark cloud in this hour will become an eternal lamp".

(R, Judah Lieb Tzirelson. Published in "Torah U'Mlchah", Jerusalem 5721).

R. Tzirelson was one of the leaders of Agudat Yisrael and the above statement was made at a conference held in Marienbad in 1937. His Fears of a secular state and the negative effects on the keeping of the Torah in such a state are discernible in his words. Nevertheless he advocated supporting the establishment of a state since it presented a historic opportunity which must not be missed. In spite of the fact that such a state would not be religious the opportunity to rectify it would be constantly available and there was hope that eventually it could be run according to the halacha and by the great religious leaders of Israel.

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