

*Religious Zionism  
Post Disengagement:  
Future Directions*

EDITED BY  
Chaim I. Waxman

Robert S. Hirt, Series Editor

THE MICHAEL SCHARF PUBLICATION TRUST  
OF THE YESHIVA UNIVERSITY PRESS  
NEW YORK



## THE ORTHODOX FORUM

The Orthodox Forum, initially convened by Dr. Norman Lamm, Chancellor of Yeshiva University, meets each year to consider major issues of concern to the Jewish community. Forum participants from throughout the world, including academicians in both Jewish and secular fields, rabbis, rashei yeshivah, Jewish educators, and Jewish communal professionals, gather in conference as a think tank to discuss and critique each other's original papers, examining different aspects of a central theme. The purpose of the Forum is to create and disseminate a new and vibrant Torah literature addressing the critical issues facing Jewry today.

The Orthodox Forum  
gratefully acknowledges the support  
of the Joseph J. and Bertha K. Green Memorial Fund  
at the Rabbi Isaac Elchanan Theological Seminary  
established by Morris L. Green, of blessed memory.

The Orthodox Forum Series  
is a project of the Rabbi Isaac Elchanan Theological Seminary,  
an affiliate of Yeshiva University

Library of Congress Cataloging-in-Publication Data

Religious Zionism post disengagement: future directions / edited by Chaim I. Waxman.  
p. cm. – (Orthodox Forum Series)

ISBN 978-1-60280-022-9

1. Religious Zionism – Israel – History. 2. Religious Zionism – United States – History. 3. Israel and the diaspora. 4. Judaism and state. 5. Religion and state. 6. Jews – Israel – Politics and government – 21st century. 7. Jews – United States – Politics and government–21st century. I. Waxman, Chaim Isaac.

DS150.R32R45 2008

296.3'82–dc22

2008031986

\* \* \*

*Distributed by*

**KTAV Publishing House, Inc.**

930 Newark Avenue

Jersey City, NJ 07306

Tel. (201) 963-9524

Fax. (201) 963-0102

[www.ktav.com](http://www.ktav.com)

[bernie@ktav.com](mailto:bernie@ktav.com)

Copyright © 2008 Yeshiva University Press

This book was typeset by Koren Publishing Services

---

---

# Contents

Contributors	IX
Series Editor's Preface	XIII
Acknowledgments	XV
Preface	XIX

*Chaim I. Waxman*

## PART 1

### Being a Religious Zionist in the Diaspora

1. Diaspora Religious Zionism: Some Current Reflections 3  
*Aharon Lichtenstein*
2. Decline and Fall: Thoughts on Religious Zionism in America 31  
*Lawrence Grossman*

## PART 2

### Interpreting History and Contemporary Events Theologically

3. Re-engaging Theology 57  
*Avraham Walfish*
4. Religious Zionism and the Struggle Against  
the Evacuation of the Settlements:  
Theological and Cultural Aspects 93  
*Dov Schwartz*

PART 3

Which Way for Religious Zionism

5. The Demise of Self-Negating Religious Zionism 119  
*Moshe Koppel*
6. Which Way for Religious Zionism? 133  
*Kalman Neuman*

PART 4

Religious Zionism and Modern Orthodoxy –  
Educational Challenges

7. Walking a Tightrope: The Attitude of  
Religious Zionist Adolescents to the State of Israel  
after the Disengagement 159  
*Zehavit Gross*
8. The Disengagement Plan as Reflected in Virtual FAQ 189  
*Yuval Cherlow*

PART 5

American Orthodox Education and Aliya

9. Can American Orthodoxy Afford to Have its  
Best and Brightest (Not) Make Aliya? 235  
*Yoel Finkelman*
10. Are the Right People Making Aliya?  
[Who Will Be the Teachers of Our Children?] 259  
*Binyamin Blau*
11. The Aliya Threat to American Modern Orthodoxy 271  
*Seth Farber*

PART 6

Zionism and Religious-Halakhic Decision Making

12. Prophetic Morality as a Factor in R. Uziel's Rulings on  
Conversion: A Case Study of Halakhic Decision-Making  
from a Zionist Perspective 289  
*Binyamin Lau*

13. “Religious Zionist Halakhah” –  
Is It Reality Or Was It A Dream? 315  
*Aviad Hacoheh*

PART 7

Israel’s Impact on American Orthodoxy

14. Holy Land in Exile:  
The *Torah MiTzion* Movement –  
Toward a New Paradigm for Religious Zionism 373  
*Adam S. Ferziger*
15. If I Forget Thee, O Jerusalem...:  
The Impact of Israel on American Orthodox Jewry 415  
*Chaim I. Waxman*
16. Israel’s Impact on American Orthodoxy: A Response 433  
*Leonard A. Matanky*
- Orthodox Forum Eighteenth Conference 439  
List of Participants
- Index 443

---

---

# 1

## Diaspora Religious Zionism: Some Current Reflections

*Aharon Lichtenstein*

Matthew Arnold opened his critical essay on Wordsworth by citing Macaulay's observation, "after Wordsworth's death, when subscriptions were being collected to found a memorial of him, that ten years earlier more money could have been raised in Cambridge alone, to do honour to Wordsworth, than was now raised all through the country."<sup>1</sup> I very much hope that Diaspora religious Zionism is not in the throes of terminal demise but there is no denying that if this Forum had been convened half or a quarter of a century ago, the context would have been much livelier. Unquestionably, this movement – as a public and as a private phenomenon, institutionally and ideologically, qua political entity and in the form of a shared spiritual commitment – has seen more vibrant days. And yet, many of the

relevant contemporary issues still cut to the heart of a Torah *hashkafah* (outlook), and remain worthy of note and incisive discourse.

Religious Zionism, tersely described and defined, is comprised of several components. In part, political movement, in part, both personal credo and public manifesto, it fuses the active and the contemplative. In all respects, however, it finds itself currently – in significant measure, in Israel, too, but to a greater measure, in the Diaspora– paradoxically, both embattled and dormant. The primary causes of both are dual. On the one hand, the fate of its religious element is but a local manifestation of the overall status and fortunes of Zionism in general. As the locus and the object of Zionist fervor, the State of Israel has been the victim of its own successes. Once the threat to its existential security waned, and as the erstwhile David became increasingly perceived as a Goliath, concern for the *yishuv* and for the welfare, physical or spiritual, of its inhabitants, lessened. As an impetus for energizing the Jewish world, no fresh goal could even approach the struggle for the founding of the state and the subsequent nursing of its fledgling body politic and institutions. Moreover, whereas the haredi world has a clearly focused agenda which it has pursued with great intensity, much of the religious Zionist camp has encountered difficulty in the apportionment of effort and resources between religious goals and more general Zionist aims.

In addition, as the dream metamorphosed into reality, a modicum of disillusionment set in, fuelled, moreover, by an erosion in the ethical status of Israeli society and a decline in its general idealism. At the same time, specific Diaspora issues such as intermarriage and assimilation were becoming exacerbated. Consequently, in many communities, Zionist commitment, even amongst the strongly identified, Jewishly, became jaded, as local and national interests competed for moral and material support.<sup>2</sup>

Unfortunately, these trends did not spare the religious sector. In its case, however, the adverse effects were compounded by a major additional factor. The changes in the internal fabric of the general religious world and of the Orthodox community, in particular, has impacted significantly upon the strength, both relative and absolute, of its Zionist component. If, at mid-century, Mizrachi and its

adherents were a dominant presence and Agudah was perceived, even by many of its supporters, as marginal, the situation today is palpably and dramatically reversed. Moreover, at issue is not just the matter of political clout. One senses a loss of vitality and vibrancy in internal debate and discourse. A young acquaintance who recently had occasion to survey religious Zionist publication of a generation ago was astounded by the richness and the level of the discourse, as compared to the thinner fare to which he had become accustomed.<sup>3</sup> Unfortunately, this decline is manifest in Israel as well, where a blend of ideological rigor mortis has combined with obsessive concern with territorial issues to paint the *dati-leumi* (national religious) parties – at least, for the time being – into a corner of isolation and political irrelevance. However, its impact is more keenly perceived around the world, where, due to physical and, hence, emotional, distance, the divisive debates over foreign policy which have generated much heat, as they have driven the Israeli polis asunder, have not registered abroad with equal resonance.

Small wonder that many Diaspora religious Zionists find themselves today weakened and possibly befuddled; perhaps asking themselves, as did Wordsworth, in the very different context, of his “Ode on the Intimations of Immortality,”

Whither is fled the visionary gleam?  
Where is it now, the glory and the dream?

Moreover, beyond ideology, they are confronted by another issue – halakhic, philosophic, existential, and, perhaps acutely, pragmatic. Over all, looms the prospect of *aliya* (immigrating to Israel). And it looms as a genuine option. Admittedly, to some extent, as, in recent years, with respect to France and Argentina, anti-Semitism continues to impact upon consideration of the issue. Broadly viewed, however, and relative to the sociohistorical course of the last century and a quarter, with respect to most contemporary Jewry, *aliya* is more truly a matter of choice. Not, obviously, wholly free. Economic factors, for instance, still weigh heavily. And yet, choice has been considerably magnified. On the one hand, the gates of the Promised

Land are open, and, on the other, the pressure to leave current host countries and enter through them has receded. Hence, judgment in the light of merit is more readily possible. At the public level, literal ascent to the promised rose-garden is, preeminently, all sweetness and light. At one plane, conceived en masse rather than in individual terms, it contributes to the service of national needs – social, political, economic, and security – as it fleshes out and intensifies the character of *Eretz Israel* as our homeland. At another, viewed from the perspective of classical secular Zionism, it ameliorates the Diaspora's Jewish problem. And, of course, beyond the pragmatic, aliya, straddling the historical and the eschatological, constitutes a fulfillment of the divinely mandated providential commitment on the one hand:

הנני מביא אותם מארץ צפון וקבצתים מירכתי ארץ בם עור ופסח הרה  
 וילדת יחדו קהל גדול ישובו הנה. בבכי יבאו ובתחנונים אובלים אוליכם  
 אל נחלי מים בדרך ישר לא יכשלו בה כי הייתי לישראל לאב ואפרים בכורי  
 הוא (ירמיהו לא:ז-ח)

I will bring them from northern land and will gather them from the ends of the earth, amongst them the blind and lame, the pregnant and those who recently gave birth, en masse will they return here. They will come crying, and with mercy I will direct them, guide them to streams of water in a direct route by which they will not falter, since I am a Father for Israel, and Ephraim is my firstborn (Jeremiah 31:7–8)

and of the realization of our own collective aspiration on the other:

בשוב ה' את שיבת ציון היינו כחולמים (תהלים קכו:א)  
 When God brings back the returnees of Zion we will have  
 been like dreamers. (Psalms 126:1)

And, while even at the public level, aliya exacts a toll insofar as it may entail a brain drain, as the exodus of the most highly motivated

thins the ranks of Diaspora Zionism, on the whole, the net result is clearly deemed positive.

At the private level, however, aliya is, palpably, very much a mixed bag. Of the components of religious Zionism, it clearly offers the broadest opportunity, but, just as clearly, exacts the greatest toll. I trust that the major relevant factors are well-known, but a summary catalogue may nevertheless be helpful.

On the positive side of the ledger, the primary focus is, evidently, upon spiritual elements – particularly, of a normative character. At least four elements, bonding residence in Eretz Israel with the performance of *mitzvot*, may be identified. The first and most direct is the position of the Ramban, widely trumpeted and popularized by Rav Zvi Yehuda Kook, that the anticipation, at once promise and command, that we are to possess and settle Eretz Israel is to be enumerated amongst *taryag mitzvot* (613 commandments); and this, in two respects. Most fundamentally, this mitzvah is realized through the establishment and maintenance of the hegemony of *Knesset Israel* in the promised land, which is not to be left under the aegis of foreign rule, or as wilderness at the disposal of natural forces:

היא שנצטוינו לרשת את הארץ שנתן לנו ה' ושלא נעזוב אותה ביד זולתנו  
מן האומות או לשממה מבלי ישוב<sup>4</sup>

Which is that we were commanded to inherit the land given to us by God, blessed be He, and that we should not abandon it to the hands of other nations or to desolation bereft of settlement.

In this vein, *viyeshavtem bah* (“and you should settle it”) denotes *yishuv* as settlement – and, if necessary, conquest – as it affects the status of the land. Secondarily, however, the Ramban also subsumes *yeshivah*, mere physical residence – even in circumstances under which one’s absence would in no way endanger national interests – as a personal fulfillment of the mitzvah.<sup>5</sup>

While this element was included by the Ramban in a list of positive commandments whose omission by the Rambam he criticized, it is generally assumed, given the inclusion of halakhot concerning

the obligation to reside in Eretz Israel and prohibition of leaving it in *Mishneh Torah*,<sup>6</sup> that the Rambam would assent to the substance of the Ramban's position, the lack of formal enumeration notwithstanding. Be that as it may, no such gap exists with respect to a second factor: the status of the country as venue for the performance of many other mitzvot – particularly, agriculturally related *mitzvot hateluyot ba'aretz* (commandments specific to Eretz Israel).<sup>7</sup> This aspect is most sharply delineated in a *gemara* in *Sotah* – strikingly, with respect to Moshe Rabbeinu's aspiration to enter Eretz Israel and his passionate pleas in this connection:

דרש רבי שמלאי מפני מה נתאוה משה רבינו ליכנס לארץ ישראל וכי לאכול מפריה הוא צריך או לשבוע מטובה הוא צריך אלא כך אמר משה הרבה מצות נצטוו ישראל ואין מתקיימין אלא בארץ ישראל אכנס אני לארץ כדי שיתקיימו כולן על ידי אמר לו הקב"ה כלום אתה מבקש אלא לקבל שכר מעלה אני עליך כאילו עשיתם (סוטה יד).

Rebbi Simlai explicated: For what reason did Moshe Rabbeinu long to enter the Land of Israel? Does he need to eat from its fruit or satiate himself by its abundance?! Rather, this is what Moshe Rabbeinu said: "Am Israel were commanded numerous mitzvot that can only be fulfilled in the Land of Israel. Let me enter the land so that I can fulfill them all." The Holy One, blessed be He, said to him: "What you seek is nothing but to receive the reward; I will consider it as if you have fulfilled them."

The comment was subsequently cited by rishonim<sup>8</sup> as a paradigm for the principle that one should actively seek out circumstances which will generate obligation, rather than rest content with its circumscription; but for our purposes it is precisely the specific application which is most immediately relevant.

A third factor returns us to the Ramban; and, this time, with reference to a frequently stated – and yet, surprisingly radical – position. Not content with linking certain mitzvot with location, the Ramban contends that the halakhic regimen in its totality is geared

to Eretz Israel which constitutes a metaphysical and yet natural habitat for its realization. Basing himself, in part, upon a comment of the Sifre that the mitzvot of *tefillin* and *mezuzah* should be observed even in the Diaspora as a propaedeutic device for maintaining a mindset which should ensure their observance upon return to our native land, he notes that the remark apparently applies even to *hovot haguf*, personal, as opposed to agricultural, obligations;<sup>9</sup> and hence, he boldly draws the inference concerning the intrinsic bond between normative content and geographic context.<sup>10</sup>

This is, I repeat, a bold thesis, and one which, despite my enormous admiration and respect for the Ramban, I have great personal difficulty in digesting. Is it conceivable, we ask ourselves, that the *avodat Hashem* (serving God) and *kiyum mitzvot* (fulfillment of mitzvot) of many *gedolei Israel*, *kedoshim hasidei elyon* (religious leaders, holy and of the highest piety), had only instrumental, but no intrinsic, value? And even if we circumscribe the comment to refer to specific acts but not to the totality of avodah, or if we suggest that the Ramban only delimits the rationale for Diaspora Halakhah but not its character, once commanded, does not this still demean the tefillin of the Rif or the Gra and diminish their significance?

And yet, in a milder version, the Ramban's position can be readily understood and fully appreciated. Without divesting Diaspora halakhic observance of intrinsic value, one could accept the notion that context and location affect the character and significance of an action, so that the identical *ma'asseh mitzvah* (mitzvah performance) could have incremental qualitative value when performed in *eretz hakodesh* (the Holy Land). Thus, it has been reported of *mori verabbi* (my teacher and rabbi), Rav Y. Hutner zt"l, that, upon coming to Israel, after having worn tefillin en route, he was wont to put them on again, commenting: "Those had been *hutz la'aretz* (Diaspora) tefillin; now we shall put on Eretz Israel tefillin." And this increment is at the disposal of our prospective *oleh* with respect to each and every mitzvah.

Finally, we note a fourth factor, more amorphous but no less significant than the preceding. Eretz Israel is conceived as a plane of

paradoxical particular immanence – as a locus to which Hashem attends directly, with which He bonds, and in which, *mutatis mutandis*, He inheres. It is described, Scripturally, as, uniquely,

ארץ אשר ה' אֱלֹהֶיךָ דֹרֵשׁ אֹתָהּ תָּמִיד עֵינֵי ה' אֱלֹהֶיךָ בָּהּ מְרִשִׁית הַשָּׁנָה  
וְעַד אַחֲרֵית שָׁנָה (דְּבָרִים י"א:יב)

A land which the Lord your God constantly seeks out, the eyes of the Lord your God are upon it from the beginning to the end of the year. (Deuteronomy 11:12)

Hence, Hazal could postulate that it is watered by the *Ribbono Shel Olam* (Master of the Universe) directly, as opposed to the mediating agency employed vis-à-vis other countries:

ארץ ישראל משקה אותה הקב"ה בעצמו וכל העולם כולו ע"י שליח שנאמר  
הנותן מטר על פני ארץ ושולח מים על פני חוצות (תענית י.)

Eretz Israel is watered by the Holy One, blessed be He, Himself, and the whole world [is watered] through an emissary, as it says "He who gives rain upon the face of the land and sends water upon the face of the outskirts."  
(Taanit 10a)

And, halakhically, it is designated in the *mishnah*,<sup>11</sup> as the most elementary and comprehensive of ten levels of the sanctity of *mikdash* (Temple), whose conceptual essence is encapsulated in the summary commandment, ועשו לי מקדש ושכנתי בתוכם (and they shall make a Temple for me and I will dwell amongst them).<sup>12</sup> Hence, quite apart from formal and/or technical mitzvah performances, to live in Eretz Israel is, to subsist and suspire in the shade and in the shadow of the Ribbono Shel Olam, over and above the norm prevalent in the Diaspora. To the sensitive religious soul, the implications for service and experience are self-evident.

These positive elements, signaling the religious significance of Eretz Israel and life within it, are complemented in classical texts by statements, some quite sharp, denigrating the Diaspora. Thus, at one plane, life in *hutz la'aretz* is perceived as a spiritual vacuum of

sorts, bonding with the Ribbono Shel Olam being conditioned in some sense and to some extent, by location:

כל זמן שאתם בארץ כנען הריני לכם א-לוה אין אתם בארץ כנען [כביכול]  
איני לכם לא-לוה.<sup>13</sup>

While you are in the Land of Canaan I am your Master;  
[when] you are not in the Land of Canaan [it is as if] I  
am not your Master.

At another, emigration is described as tinged with idolatry – presumably, either because of the free choice of its environment per se:

כל המניח את ארץ ישראל בשעת שלום ויוצא כאילו עובד עבודת  
כוכבים,<sup>14</sup>

Anyone who leaves Eretz Israel at a time of peace it is as  
if he is doing pagan worship.

or, because subjection to pagan worshippers entails an element of subjugation to their deities:

משאתם עובדים לעובדיהם כאלו אתם עובדים להם.<sup>15</sup>  
When you are subjugated to their worshippers it is as if  
you are worshipping their deities.

The *ke'illu*, “as if,” softens this formulation. It remains however, harsh indeed. But can anyone contend that it is wholly inconsonant with perceived reality?

This brief catalogue, comprised of elements directly and immediately related to the religious realm, hardly exhausts the attractions of aliya and subsequent residence in the promised land. All that has been outlined heretofore could have confronted a prospective *oleh* several centuries ago no less than his contemporary counterpart. The current scene differs, however, markedly. Despite the momentous impact of the factors we have considered, they do not abide alone. At the very least, one additional major area which the modern religious Zionist – if he is truly that, not just an individual

who is committed to both Yahadut and Zionism, but one in whom the two are thoroughly intertwined – will take into account, bears examination. I refer to the sociohistorical reality our prospect will encounter in Israel should he reach its shores. That reality is itself, divisible into three components. There is, first, the vertical historical axis, bonding with the full range of Jewish existence, across the millennia, from our incipient national cradle to the epiphany of our meta-historical vision. Second, we note the horizontal social axis – particularly, as manifested by the demographic reality, or, as his Shunamite hostess told Elisha (מלכים ב, ד:יג) – “I reside amongst my people” – life as part of an indigenous majority rather than of an alien minority, with all this crucial fact implies for the organic unity of state and society and for the organic unity of personal sensibility.

Finally, we encounter the more narrowly Zionist dimension. I have noted elsewhere, that one of the major cruces dividing Zionist from non-Zionist Orthodoxy, concerns, at its core, a theological issue: the division, as it were, of the historical drama between providential control and human initiative. Abstract and abstruse as the point may seem, the question of the legitimacy and scope of activism bears directly upon the appraisal of the re-entry of Knesset Israel as a national entity upon the universal arena. To the extent that a religious Jew identifies with dynamic activism, he will be attracted to religious Zionism. And he will be drawn to ascending to Eretz Israel, for that is where the action in this vein lies.

Even if truncated, this is an impressive list; and it invites some question concerning the limits of its impact. Why, then, one might naively ask, do so many sincere and committed religious Zionists persist in residing and laboring in the Diaspora?

As in parallel halakhic scenarios, the answer, in part, lies in ambivalence or rejection regarding a number of the aforementioned contentions, some of which may be dismissed as fallacious, tendentious, or both. Differential immanence may be denigrated as theologically primitive, and the grading of mitzvot on the basis of some geographic scale likewise. The centrality accorded to *yeshivat*

*Eretz Israel* by the Ramban may presumably be challenged in favor of the Rambam's – or, in a later era, Chabad's – more arguably universal focus.

Alternatively, one may turn the halakhic argument on its head, contending, as did one of the *ba'alei hatosafot*, that precisely because of the normative demands imposed by residence in *Eretz Israel*, the burden is more than one can bear, and we are consequently now exempt from it:

והיה אומר רבנו חיים דעכשיו אינו מצוה לדור בארץ ישראל כי יש כמה מצות התלויות בארץ וכמה עונשין ואין אנו יכולין ליהרר בהם ולעמוד עליהם.<sup>16</sup>

Rabbeinu Haim would say that at this time it is not a mitzvah to live in *Eretz Israel* since there are some mitzvot based on the Land and punishments [for violating them] and we are not able to take [sufficient] precautions [not to violate them] and to live up to [the challenge of] fulfilling them.

And we bear in mind that in order to neutralize the impact of an argument it need not be rejected categorically as false; marginalizing it may suffice.

The halakhic discourse proper – in part, as expressed in commentaries on relevant Talmudic texts, but primarily concentrated within the corpus of *she'ylot uteshuvot* (halakhic responsa), wherein the issues were confronted and decision required formulation at the specific pragmatic plane – is multifaceted. The principal issues concern the basic normative obligation of *aliya* – does it exist at all, and, if so, whether *mi'd'oraitha* (biblical) or *mi'd'rabbanan* (rabbinic)? Second, to what extent, if any, can it be mitigated or overridden by circumstance?<sup>17</sup> For the most part, *poskim*, largely following the Ramban, were inclined to affirm a measure of obligation. There were, however, notable exceptions. Thus, Rav Shlomo Kluger<sup>18</sup> in the nineteenth century, and Rav Moshe Feinstein,<sup>19</sup> in the twentieth, both argued that if most observant Jews, including pious and saintly

*kedoshim hasidei elyon*, scholarly *talmidei hakhamim* as well as the untutored, remained in the Diaspora, evidently their sojourn there entailed no clear violation.

As to mitigating factors, these varied in character and degree. Rav Yizhak de Leon, in his role as expositor and defender of the Rambam against the critique of the Ramban, contends that the mitzvah was not enumerated by the Rambam because it had no contemporary application, as the norm is confined to periods of Jewish hegemony in Eretz Israel:

נראה לי כי זה שלא מנאה הרב הוא לפי שמצות ירושת הארץ וישיבתה לא נהגה רק בימי משה ויהושע ודוד וכל זמן שלא גלו מארצם אבל אחר שגלו מעל אדמתם אין מצוה זו נוהגת לדורות עד עת בוא המשיח.<sup>20</sup>

It seems to me that the rabbi did not enumerate it because the mitzvah of inheriting the Land and settling it were, applicable only in the days of Moshe and Joshua and David and while they were still not exiled from their land, but after being exiled from their land this mitzvah is not applicable to subsequent generations until the coming of the Messiah.

The emphasis here is clearly upon teleology: will aliya, manifested within a national context, advance the collective goal postulated in *בה וירשתם אתה וישיבתם*? In an analogous and yet fundamentally different vein, the nineteenth-century *Avnei Nezer*<sup>21</sup> asserts that the impediment of foreign rule is too formidable a barrier for an individual *oleh* to surmount; hence, he is exempt from braving alien masters. Most qualifications focus, however, upon personal factors – security, whether en route or, in Eretz Israel, once reached; livelihood; halakhic observance. Obviously, if recognized, these factors require definition and the continued current relevance of previously granted license bears examination; and these, too, figure in many responsa.

In summary, despite the numerical preponderance of *poskim* who dwell upon the obligation of aliya, it may be fairly stated that, while the positive religious aspects of life in Eretz Israel, as previously summarized, are clear and significant, and while these should

militate a far greater scope for religious aliya than presently exists, there is enough qualification to enable many to refrain. In this sense, at the level of personal existential decision, the halakhic debate remains for many inconclusive, and those who desire dispensation may find a basis for it. As formulated in the bottom line of the brief teshuvah of the fifteenth-century *Terumat Hadeshen*:

לכן כל איש ישער בעצמו בהכנת גופו וממונו באוצר, דרך יוכל לעמוד  
ביראת השם ובשמור מצותיו כי זה כל האדם.<sup>22</sup>

Therefore each person should estimate, on his own, [about] how prepared he is physically and financially, and [whether he can find] a way to maintain his fear of God and abidance to His commandments since “that is the essence of man.”

The statement focuses upon spiritual ramifications, but, on the view of many poskim, that material elements bear consideration as well, its differential approach can be readily adapted.

In large measure, however, the impact of the pro-aliya arguments is not so much affected by their total denial as by their being counterbalanced, and possibly outweighed, by contrary considerations. Many Israelis are wont to assume that the primary restraint upon aliya among religious Zionists derives from cleavage to the fleshpots of Egypt. This is a convenient assumption, especially inasmuch as it enables its advocate to flatter himself by basking in the reflected glory of his own comparative idealism. It is, however, also simplistic. I have no doubt that it is indeed true of a segment of the religious Diaspora community, and that, moreover, basic economic factors – such as, for instance, the ability to purchase adequate housing – enter into almost everyone’s decision making. For the most part, however, I believe that other factors, of a less materialistic or hedonistic cast, figure more prominently.

These include the quest for vocational self-fulfillment, with respect to personal development, on the one hand, and potential contribution to *yishuvo shel olam* (the development of the world), on the other. In a parallel vein, many are wary about the educational cli-

mate in the dati-leumi community in Israel, and bemoan the absence of certain desired options – say, the fusion of positive haredi passion for *lomdut* (conceptual Jewish learning) with serious readiness for secular profession – as well as the presence of radical ideology which brandishes a version of religious Zionism they find narrowly fanatic and excessively aggressive.

For many, more specifically personal elements play a key role. Ringing out the old and ringing in the new may be abstractly appealing. In practice, however, it may also be jarring. At one terminus, the prospect of being known as a greenhorn is perturbing. Grappling with the language, coping with a fresh culture, popular and high, finding oneself out of sync with icons and villains alike, bereft of instinctive linkage with the sports arena or with the concert hall, the fear of seeming a stranger in one's own presumed chosen bailiwick – all can be daunting. Worse yet, many are concerned about a cultural gap piggy-backed on a generational gap, opening a chasm between themselves and their children.

At the other terminus, some anticipate parting as not sweet sorrow but just plain sorrow. The problem is most acute vis-à-vis family – especially, of course, parents. Even if they are well, and, only middle-aged, still functioning vigorously, awareness of our prospective *oleh* that he will be depriving both his children and his parents of the bliss that he enjoys through contact and linkage with both, can induce both moral and psychological reservations. And of course, the matter is complicated even further if one entertains the possibility that declining parental health may necessitate direct assistance, so that one's planned emigration may deprive his elders not only of much deserved and cherished *nahat* (pride) but of much appreciated *shimush* (caretaking) as well. To be sure, technology and telecommunication will help bridge the gap, but an e-mail or a computer photo is still no substitute for fondling a baby or enriching the mind of a teenager.

Many of these factors carry little normative weight, and, to the committed religious Zionist, should presumably be no match for Rabbi Simlai or the Ramban. Nevertheless, these are issues which touch upon quintessential and existential concerns, and, collectively,

they serve as a phalanx which can formidably inhibit the readiness for aliya. Moreover, many are dissatisfied with certain aspects of the quality of current Israeli social and religious life; and not everyone responds favorably to Elie Schweid's mantra, that if you find fault with Israeli life, rather than maintaining a self-serving distance, you should feel bound to enter the lists in order to improve it. Add to this the normal quotient of inertia plus the instinctive fear of an unknown future, and the current limited scope of aliya becomes fully intelligible.

For many prospective olim, the upshot of attempted assessment and decision may be ambivalence, frustration, embattlement, or, simply, dilemma. I am inclined to believe that, at some level, the factors we have noted as militating for aliya are familiar to most religious Zionists. They sense that the quality of their avodat Hashem can be enhanced by the move, and they perceive that their relation to the pulse of Jewish history can be likewise deepened. They may refrain from making the leap, but not without anguish – some possibly troubled by the thought that they may be rationalizing, while others may be content that they have sound reason for staying put but are nettled by the need to justify themselves at all.

Perhaps the most ambivalent about aliya, however, are spiritual protagonists who, externally and adversarially, are not embattled at all but are, rather, torn, and possibly tormented; in no way impelled to choose between conscience and convenience, only between contrasting and, at the practical plane, often conflicting, claims of conscience proper. On the one hand, they are truly desirous and even anxious to live and work in Eretz Israel – and for all the right reasons. On the other hand, they are concerned by a sense of responsibility to their native community and to the need to minister to its spiritual and educational concerns. Upon completion of his book on Hegel, Franz Rozenzweig is reputed to have said that he had now paid his debt to the German landlord, and could move on to more critical matters. In the cases under consideration, however, at issue is often not so much a specific remission as the determination of lifelong venue and often of career as well. With how many young men have I discussed the alternatives of programming computers in Israel

as opposed to *hinukh* (education) or *rabbanut* (rabbinate) in the Diaspora? And with how many the respective merit of *hinukh* at different locales? Many of course seek ways to have their cake and eat it, and these have, collectively, contributed much to the Torah milieu in Israel – particularly, via institutions which cater to foreign constituencies. But there is only so much confection available.

The issues are, in part, general and theoretical: public vs. personal priorities, the value of *yishuvo shel olam* as opposed to *talmud Torah*, etc.; and, in part, obviously entail many private variables. In some instances, spiritual counselors take very sharp positions. I heard of a case in which a Sephardi educator who had done valuable work in France and, contemplating *aliya*, came to Israel in mid-summer to examine opportunities. Whereupon, despite the fact that he was planning to continue teaching here, Rav Ovadia Yosef sent him a message informing him that wherever he would apply for a position, Rav Ovadia would personally see to it that he should be turned down. Most mentors are, however, far more reserved, and their followers far less obeisant. With an eye to Yeats' comment that one writes rhetoric about his battles with others but poetry about his battles with himself, it may be suggested that this group's collected writings could constitute an impressive volume of verse.

Factually, in any event, the history of *aliya* since *shivat Zion* bears out the wisdom of Hazal's remark concerning earlier epochs. With reference to the events related to the danger posed by Haman's ascendancy and the process of *teshuvah* engendered by it, the *gemara* notes that the threat of extinction, symbolized by the transfer of the royal signet from Ahaseurus to Haman, was a more effective purgative agent than much hortatory prophecy and reproach. Moreover, the *gemara* extrapolates and generalizes:

אמר רב אבא בר כהנא גדולה הסרת טבעת יותר מארבעים ושמנה נביאים  
ושבע נביאות שנתנבאו להן לישראל שכולן לא החזירוּם למוטב ואילו הסרת  
טבעת החזירתן למוטב (מגילה יד.)

Rav Aba bar Kahana said: removing a ring is greater than the forty-eight prophets plus the seven prophetesses who prophesied for [the nation of] Israel, since all of them

failed to return them [their audience] to (spiritual) well-being, and removing a ring returned them to wellbeing. (Megilla 14a)

That, in a nutshell, is the summary of twentieth-century aliya.

Significant and central as aliya is to religious Zionism, what are the implications of its track record in this critical area? To some, they are, and should be, far-reaching indeed. From their perspective, the phrase, “Diaspora religious Zionism,” borders on the oxymoron. On this view, the *raison d'être* of a Zionist movement being conceived as geared, primarily, to the encouragement and implementation of aliya, once that goal is palpably beyond reach, it is time to fold the tent. Its proponents might acknowledge that in earlier days, before the floodgates had been opened, this was too rigorous a standard, but contend that in the era of *hok hashevet* it is by no means too exacting. And, as to the waiver postulated by Rabbenu Haym, it might be asserted that it is no longer meaningful, inasmuch as the alleged obstacles upon which it had been grounded had long since been neutralized by the growth of the yishuv and the rise in its level of organization and sophistication. Worse still, these critics contend that the profession of Zionist ideology in the context of continued residence in Hendon or in Woodmere is not only innocuous but hypocritical.

I confess that, in making judgments or drawing conclusions, I myself adhere to a less rigorous standard. For one thing, surprising as it may sound to some, I do not reject all strains of hypocrisy categorically, as I recall an adage Douglas Bush used to cite: “Hypocrisy is the tribute which vice pays to virtue.” In a more conventional vein, however, there is much to commend the contribution of Diaspora religious Zionism to varied sectors and different levels – national, communal, and personal – of Jewish life. Even if we focus narrowly on the parameters of aliya, it is self-evident that the many who are bent on remaining abroad assist, in many diverse and meaningful ways, those who elect to emigrate. But why should we feel bound to such a narrow standard? Is the contribution to the spiritual and educational realm of any less moment? There are, to be sure, many

communities, flushed with manpower, resources, and commitment drawn from diverse sources, that feel self-sufficient, spiritually, even in the absence of input from religious Zionism; still others, who feel, rightly or wrongly, that, by acknowledging the spiritual worth of competing national and historical values, the Zionist component dilutes Torah education rather than enriching it. In a great many, however, the positive thrust is palpable, and in some, religious Zionism is its very lifeblood. This situation is particularly in evidence in an area which straddles the social and intellectual, that of the youth movements. Relatively speaking, the impact of Bnei Akiva is less powerful in North America than elsewhere. But even in the States, it has gained momentum in recent years, and on other continents, it has long been a lighthouse.

Probably the most meaningful contribution of religious Zionism, at the sociopolitical plane as well as at the level of personal commitment, relates to maintaining and stimulating bonds to Eretz Israel – and that, in religious categories, and from a Torah perspective. This may entail no more than an emotional link. Yet, that, too, is not to be dismissed lightly. I believe it was from the Rav zt”l that I heard the story of a couple from Minsk who were sharply divided over the issue of aliya. Unable to arrive at an understanding, they agreed to turn to the Minsker Gadol for guidance and resolution. To the surprise and dismay of Zionist circles, he ruled against the proposed initiative. When asked how this counsel could be reconciled with his consistent advocacy of the Zionist cause, he responded that “it is better to dwell in Minsk and yearn for Jerusalem than to dwell in Jerusalem and yearn for Minsk.” This may raise certain questions regarding the balance of practice and aspiration as well as halakhic issues concerning the prerogative of determining where a couple should live. For our purposes, however, it serves to exemplify the significance of pure attitude.

Or, to cite a more contemporary voice, a similar message underlies Rav Yaakov Kaminitzky’s reported admonition to some *talmidim* (students). He is said to have urged them that, upon walking down Saddle River Road in Monsey, when returning from shul on Shabbat morning, they should not wear their *taleisim* over their

coats, in full sight of local residents, lest they forget the nature of *galut* life as opposed to indigenous residence in Eretz Hakodesh. To the best of my knowledge – based, in part, upon direct personal observation – Monsey *bnei Torah* heed the counsel more in its breach than in its observance; but its substantive thrust is amply clear.

Broadly speaking, one may note three distinct components. The first is the concern that excessive acculturation may impair the religious Jew's ability to serve in the capacity of the outsider, so cherished by Colin Wilson, and designated by Leslie Fiedler as the destiny of Reb Israel and *Klal Israel* – to serve, that is, as the voice of conscience, harnessed to social criticism. It is a role for which an identity of *ger vetoshav* – the dual status suggested in Avraham's proposal to the Hittites, "I am a stranger and a sojourner among you"<sup>23</sup> – may be requisite, and it is incommensurate with the domestication reflected in wearing one's *talis* on a main street of a non-Jewish town.

I am not certain of the validity of this point, but I am reasonably certain that this was not Reb Yaakov's intent. Of greater relevance is the concern, here previously noted, of the jading of existential bonds to our own land, should we nestle too comfortably and too profoundly in a country which, to a committed Jew must, at some level, be perceived and experienced as foreign soil; at ease, not, as in Carlyle's celebrated phrase, "in Zion," but beyond its pale. Some may dismiss such discourse as romantic rumination, bereft of practical impact. I am inclined to assume that, in time, pragmatic ramifications may indeed issue. Even, however, if they don't, to a spiritual sensibility, attitude itself is crucial.

This point has been effectively expounded by a comment regarding Hazal's inference, most familiar to us from the Haggadah, from the term *ויגר שם* (and he dwelled there), denoting temporary sojourn, rather than permanent residence, in the recitation of *mikra bikkurim*: *מלמד שלא ירד יעקב אבינו להשתקע במצרים אלא לגור בה* (This teaches that Yaakov Avinu did not descend to Egypt permanently but only to dwell there [temporarily]). It has been suggested<sup>24</sup> that the text should not be read as description of Yaakov Avinu's conscious intent at the time. It seems hardly conceivable that a sickly old man,

half-blind, almost totally dependent upon familial support, and saturated with a self-image of impending death, should fantasize that he is only going into temporary exile, in quest of immediate respite, and that he would return presently to set up house once more. Hazal's view of the descent and its presumed aim, rather refer to the quality of the sojourn. Yaakov knew full well that Egypt would be his final destination but wished to emphasize that he was going in the capacity of an outsider, precluded from meshing into an alien culture by an existential and axiological chasm rather than by force of circumstances alone.

A third facet, linked to the foregoing and yet distinct, concerns appreciation of the uniqueness of Eretz Israel more than relations to ambient Gentile culture. This, too, may be elucidated anecdotally – only this time by means of an incident drawn from my own experience.

In the course of my initial visit to Israel, during the summer of 1962, I went to visit *mori verabbi*, Rav Y. Hutner zt"l, who, prior to his aliya, often spent the summer at Pension Reich in Jerusalem. After reproaching me gently for having left my wife in the United States (אזא כתובה האסטו געשריבען?), he began to question me regarding my impressions – particularly, about what had struck my notice especially. As, at that stage, I had focused upon the Torah world in Israel, I noted a number of phenomena which had struck me favorably, as compared to the American scene: widespread popular talmud Torah, the interaction of the Torah and general communities in the implementation of *Hoshen Mishpat* etc. Every reply was rebutted with the comment that its subject could have been found in Eastern Europe as well, and so was neither endemic nor unique to Eretz Israel. When he sensed that I had exhausted my material, he pressed on, inquiring as to what indeed was special about my visit, and, when it became clear that I could, at best, only respond feebly, the Rosh Yeshiva opened with a volley of sources and dicta – the description of Eretz Israel as ארץ אשר ה' אלהיך דרש אתה (a land that Hashem your God cares for), or as that to which Moshe and Aharon had been barred access, which was now open to us – דוכתא דמשה ואהרן לא זכו לה (כתובות קיב) – all trumpeting forth the sacral, metaphysical, and historical unique-

ness of the land and all causing me to realize, in a flash, that I had missed the boat entirely. As he railed on, as perhaps only he could, against tourists he had met on the plane, acting and talking as if they were en route to vacation in California, the sense of failure cut deeper and deeper. I walked out into the Beit Hakerem evening air like a beaten dog. But I knew I had been beaten justly; and today, almost forty-five years later, I remain deeply grateful to the Rosh Yeshiva for opening my eyes and for opening my heart.

In truth, the subject of bonding with Eretz Israel is not merely anecdotal at all. It is rooted in Hazal, in a context which is, at once, both halakhic and hashkafic – namely, the concept of creating and sustaining *zekher lemikdash*, “a memento of the Temple.” The memorialization of mikdash bears a dual aspect. It may refer to its destruction, as, for instance, according to the *Ba'al Hamaor*, with respect to *sefirat ha'omer* after the *hurban* (destruction).<sup>25</sup> More commonly, however, it relates to remembering mikdash in all its majesty and glory, and entails replicating its practice and aura. Thus, the mishnah states that Rav Yohanan ben Zakkai instituted an innovation with respect to the mitzvah of *lulav*, and that its rationale was the quest for *zekher lemikdash*:

“בראשונה היה הלולב ניטל במקדש שבעה ובמדינה יום אחד משחרב  
בית המקדש התקין רבן יוחנן בן זכאי שיהא לולב ניטל במדינה שבעה זכר  
למקדש”<sup>26</sup>

At first, the *lulav* was taken in the Temple for seven [days] and in the rest of the country, for one day. Since the Temple was destroyed, Raban Yohanan ben Zakkai decreed that the *lulav* should be taken in the rest of the country for seven days as a memorialization of the Temple.

The gemara goes on to query whence do we derive the principle of creating such memorials, and it cites a *pasuk* in *Yirmeyahu*:

מנא לן דעבדינן זכר למקדש א”ר יוחנן דאמר קרא כי אעלה ארוכה לך  
וממכותיך ארפאך נאם ה’ כי נדחה קראו לך ציון היא דורש אין לה דורש  
אין לה מכלל דבעיא דרישה (ל:יז).

From where do we know that we should memorialize the Temple? Raban Yohanan ben Zakai said, From the verse “I will bring you healing and cure your wounds,” says the Lord, ‘since they called you dejected, [and said] Zion has no seeker. “Has no seeker”’ indicates that it must be sought out (Jeremiah 30:17).

The source is cited here with respect to a very specific halakhic ordinance, and it presumably serves as the *raison d'être* for similar ordinances. Unquestionably, however, it serves equally to enunciate a principle whose scope extends beyond the explicitly normative to embrace the realm of consciousness and sensibility. To sustain the memory of *mikdash*, that whose locus is in Jerusalem and that which coincides with the boundaries of the concentric country, is to vivify it, to rejuvenate it via mental image and soul's yearning.

*Derishat Zion* (seeking out Zion), *zekher lemikdash* – this has, traditionally and historically, been the central charge of Diaspora religious Zionism. Of course, it was not denominated as such; but sans nomenclature, with nary a notion about political structure and activity, with no meaningful prospect of implementing its agenda, for millennia, dispersed Jewry persisted in keeping the dream and its underlying and overarching faith alive. Those abiding elements remain a vital aspect of our collective and personal spiritual existence. We have neither the right nor the inclination to waver in our commitment to them, and this sustenance and transmission continue to constitute a sacred charge. Beyond politics and internecine rivalry, its beck and call challenges us continually; and even were there no other, *derishat Zion* is sufficient cause for the perpetuation of Diaspora religious Zionism. To those who dismiss it as anachronistic, to those who denigrate it as anomalous, we can simply respond that, while they are not wholly wrong, they surely are not wholly right. So long as *derishat Zion* is not comprehensively realized, and quite apart from any political activity, religious Zionists, wherever located, and within the context of their broader identity as members of Knesset Israel, are charged and challenged.

Response to the challenge is complicated by its character and

context. In effect, my perception has focused upon the spiritual aspect of religious Zionism, as opposed to the pragmatic implementation of its vision. I have no doubt that this emphasis is warranted, in light of both fundamental and permanent priority, and with an eye to current need. By dint of its very nature, however, this factor potentially pits religious Zionism against competing distinctive Torah values. Such internecine confrontation tends to be perturbing in any event, but in our case perhaps doubly so. For, in certain respects, depth and scope of palpably and narrowly religious commitment is the Achilles' heel of religious Zionism – particularly, in the Diaspora. To be sure, the portrait, often delineated by detractors, and bordering frequently on caricature, of the average *mizrahnik* as ever cutting halakhic corners in the quest for facile compromise and accommodation, is grossly unjust. There is much genuine and profound Torah, *avodah*, and *gemilut hasadim* in the current datileumi community, and in many respects, the situation has improved measurably during the past generation. And yet, as with Tennyson's Ulysses, "Tho' much is taken, much abides." There is no gain saying that the level of engagement in these critical areas, "by which the world is sustained," needs to be broadened and deepened in much of the religious Zionist community. Hence the pressure to intensify *derishat Zion*, at the possible expense of other essential values, may be fraught with axiological difficulty.

Nevertheless, while priority and balance cannot be ignored, our commitment to *derishat Zion* should be neither abandoned nor diminished. And this, for two reasons. First, it should be obvious that apart from attending to dividing the existing cake, the prospect for enlarging it ought to be very real. We are far from exhausting reservoirs of time, energy, and passion to be harnessed in the pursuit of spiritual goals. Much can be garnered from *hefker*, in Melville's terms, "loose fish"; from resources wasted upon the spectrum ranging from frivolity through pettiness to ennui; and, in this respect, we have a great deal to learn from the *haredi* world and its standards. The second factor relates to the character and substance of *derishat Zion*. Beyond flag-waving and beyond merely exuding emotion, it is all about search and relation; about bonding and

linkage; about developing a thirst for Zion and all that it represents and about seeking avenues to quench that thirst – by remembrance and reenactment of things past in conjunction with anticipation of things future.

Consequently, properly understood and experienced, *derishat Zion* does not compete with other Torah values, but rather reciprocally reinforces and is reinforced by them. To seek Zion is to engage in the ultimate quest described and prescribed by Yeshayahu:

ואותי יום יום ידרשון ודעת דרכי יחפצון כגוי אשר צדקה עשה ומשפט  
א-לקי לא עזב ישאלוני משפטי צדק קרבת א-לקים יחפצון (נח:ב).  
And day by day they will seek Me out and want to know  
My ways, like a nation which has carried out justice and  
has not abandoned the law of its Lord, they will ask me  
for just laws and pine for proximity to God (Isaiah 58:2).

Or, in a normative vein: (נה:ו): דרשו ה' בהמצאו קראהו בהיותו קרוב (נה:ו). Seek out God wherever He is found, call out to him when He is near (Isaiah 55:6).

### CODA

Whilst in no way privy to the process, I presume this year's Forum organizers deliberated more than usual before deciding on the assignment of this topic. The argument for giving the nod to a current *ben hutz la'aretz* (Diaspora Jew), appears, in certain respects, compelling. The choice of a person in whose mind the issues are fresh and vibrant, in whom the admixture of resolve and resignation – at times, even of pride and guilt – mesh, intersect, and interact within the matrix of a charged emotional present, would have infused the discussion with a vividness not readily attained in a partially retrospective, albeit empathetic, piece.

If I was nonetheless selected, I would like to think the decision was not grounded upon possibly questionable personal qualities, but rather – even if, perhaps unwittingly – as a vehicle for establishing a point. The choice of a person who, while residing in the United States grappled, together with his wife, with the option of *aliya*, who

went on subsequently, to carve a niche in Israel, while retaining ties with his former bailiwick, but who never looked back in regret or reconsideration, possibly signifies the bonding power of derishat Zion. Bonding Jew and land, bonding Jew and Jew, it is the charge and prerogative of neither the Diaspora religious community, nor of the indigenous Israeli community. It is part of what links us, vertically and horizontally, with Knesset Israel.

And, I ask myself, in conclusion: Is it too presumptuous to suppose and suggest that an appreciation of the value of varied perception and perspective, is, in part, the import of a relevant gemara in *Ketubot*:

אמר אביי אחד מינייהו עדיף כתרי מינן אמר רבא אחד מינן כי סליק להתם  
עדיף כתרי מינייהו

Abbaye, among the preeminent Babylonian *amoraim*, stated: "One of them [i.e. from Eretz Israel] is superior to two of us." Rava stated: "And if one of us goes there, he is then superior to two of them." (*Ketubot* 75a)

I hope and trust that I am neither so vain nor so foolish as to fantasize, personally, presumed superiority to peers who have chosen to serve the Ribbono Shel Olam and to service Knesset Israel within the context of continued residence in the Diaspora. And yet, without harboring illusions, I also trust that I am fully appreciative of the spiritual benefits harvested by my family and myself due to pitching our own tent on the soil of *eretz hakodesh*.

## NOTES

1. In *The Portable Matthew Arnold*, ed. Lionel Trilling (New York, 1949), 331; widely reprinted.
2. This is, in part, an obvious clash of pragmatic priorities. However, among the priorities concerning the recipient of *tzedakah*, the Halakhah has assigned weight to both 1) affinity to the donor, including a common local base, and 2) inherent significance and worth, including residence in Eretz Israel. See *Devarim* 15:7 and the Sifre thereon:

באחד שעריך. יושבי עירך קודמים ליושבי עיר אחרת: בארצך.  
יושבי הארץ קודמין ליושבי חוץ לארץ.

“In one of your gates.’ The residents of your town come before residents of another town. ‘In your land.’ The residents of Israel come before residents of the Diaspora.

This invites the obvious question of which, if any, has the upper hand in the event of a clash. To the best of my knowledge, the point is not raised in primary sources, but was discussed by later poskim. The *Bah*, in his comment on *Tur Yoreh Deah*, 251, held that *aniyyei irkha* should clearly be preferred, and this view was accepted by the *Shakh*, *Yoreh Deah*, 251:6, and by the *Netziv* in his commentary on the *Sifre*, ad locum. However, the *Pe’at Hashulhan* argues vigorously that *anniyei Eretz Israel* should be prioritized as *ארץ ישראל* שבתניתו ליושבי ארץ ישראל (מקיים שתי מצוות, להחיות עניים ולקיים ישיבת ארץ ישראל (הלכות ארץ ישראל ב:בט)). (In giving it to residents of Eretz Israel he fulfills two mitzvot, sustaining the destitute and maintaining the settlement of Eretz Israel [Laws of Eretz Israel 2:29]). This position was also adopted by many nineteenth-century European poskim. See M.M. Rothschild, *Ha-halukkah*, 2nd ed. (Jerusalem, 1986), 66–85. It should be noted, however, first, that, in such a case, possibly no normative position exists and the donor may do as he wishes, as in the clash of *tadir* and *mekudash* (see *Zevahim* 91a and *Menahot* 49a and *Rambam*, *Temidin U’musafim*, 8:20 and 9:2). Secondly, these relatively extraneous factors obviously do not exist in a vacuum and other elements – particularly, the nature, character, and level of the need – must be considered as well; see *Hatam Sofer*, *Yoreh Deah*, 233. Cf. also my remarks in 29–22, “שערי שמואל (תל אביב, תש”ס),” “בענייני צדקה בארץ ישראל ובחוץ לארץ”.

3. In this connection, it is worth noting David Shatz’s observation regarding the paucity of interest in the area of *mahshavah*, within the Torah world, in America, as compared to Israel. See his perceptive analysis in “Remembering Marvin Fox: One Man’s Legacy to Jewish Thought,” *Tradition*, 36 (2002): 59–88.
4. מצוה ד’, ברשימת מצוות העשה ששכח הרמב”ם לדעת הרמב”ן, בשולי חלק מצוות העשה שבספר המצוות להרמב”ם.
5. The *Ramban*’s position is most familiarly associated with his discussion in this locus classicus of the *Sefer Hamitzvot*, in which it is fully elaborated, and with reference to many *pesukim*. However, the gist of his view is also expounded in his commentary on the most central text,

והורשתם את הארץ וישבתם בה כי לכם נתתי את הארץ לרשת אתה: על דעתי זו מצוות עשה היא יצוה אותם שישבו בארץ וירשו אותה כי היא נתנה להם ולא ימאסו בנחלת ה’ ואלו יעלה על דעתם ללכת ולכבוש את ארץ שנער או ארץ אשור וזולתן ולהתישב שם יעברו על מצוות ה’ (במדבר לג:ג).

‘And you shall inherit the land and settle in it, since I have given you the land to inherit’: In my opinion, this is a positive commandment that God commanded them to settle in the Land and inherit it since it was given to them and they should not renounce the inheritance of God. And if they consider going and conquering the Land of Shinar or the Land of Ashur or another land and to settle there, they violate a commandment of God (Numbers 33:53).

In the course of this comment, the Ramban later evidently acknowledges that Rashi interpreted the *pasuk* differently. However, inasmuch as he goes on to state that his own view is buttressed by many parallel *pesukim*, he may have intended that Rashi only disagreed with his interpretation of this particular text, but not that he rejected the Ramban's halakhic position.

6. See *Melakhim* 5:9–12.
7. This distinction is clear in the *Sefer Hamitzvot*. However, in the passage in *Bamidbar*, only one goal is defined: residence, collective and/or personal, in Eretz Israel.
8. See, e.g., Tosafot Rosh, *Niddah* 61b.
9. See *Kiddushin* 36b ff., with respect to the criteria for defining which mitzvot are confined to Eretz Israel.
10. Ramban, *Commentary on the Torah, Devarim* 11:18.
11. See *Keilim* 1:6. The sacral character of Eretz Israel bears a dual aspect. 1) Its soil and the produce thereof is subject to certain halakhot which do not apply elsewhere. 2) It is regarded as the locus of *shekinah* – in a sense, as an extension of mikdash – beyond the level of presence which obtains universally. This mishnah only relates to the second element.
12. *Shemot* 25:8. The concept of geographic significance with respect to divine presence raises obvious questions. Just as obviously, however, it is rooted in the mainstream of Jewish tradition. Proper analysis of this problem lies, however, beyond the scope of this paper.
13. Tosefta, *Avodah Zarah* 5:2. The qualifying term, *kevayokhol*, is included in some texts but not in all. The implications are self-evident, but, even if it is included, the formulation is far-reaching. Evaluation of this point would require extensive analysis of the substantive weight of this slippery term in various texts and contexts.
14. *Ibid.* The qualification, *bishlat shalom*, clearly implies that the pressure of circumstance can legitimize emigration. Elsewhere, this principle is explicitly stated, with respect to dire economic straits; see *Baba Bathra* 90a. However, the Rambam, *Melakhim* 5:9, held that *middat hasidut* required that this dispensation not be invoked. In a similar vein, the Ramban, *Bereshit* 12:10, states that Avraham Avinu was judged by a higher standard and punished for moving to Egypt in time of famine. See, however, *Nedarim* 32a, where, by implication, this assertion appears to be rejected.
15. Rashi, *Devarim* 4:28.
16. *Ketubot* 110b, s.v. *hu*.
17. The salient issues and many of the most relevant sources are discussed in a brief, clearly biased, and nevertheless highly useful, monograph, Zvi Glatt's posthumously published *מעפר קומי: ברור חובת העליה לארץ ישראל בזמן הזה (ירושלים, ללא תאריך)*.
18. עיין האלף לך שלמה: שו"ת על אהע"ז, סי' קיח.
19. עיין שו"ת אגרות משה, חלק אבן העזר, סי' קב.
20. *Megillat Esther*, in the response to the Ramban's animadversion, cited above, ad locum. As noted by Glatt, pp. 57–8, there is some ambiguity and, possibly, some

internal contradiction regarding the precise historical situation upon which the mitzvah of aliya is contingent.

21. See e.g. *Avnei Ezer, Yoreh Deah*, 554:56. It might be noted that the attempt to neutralize Rabbenu Haym's position was taken to an extreme by the sixteenth-century *posek*, Rav Yosef Trani (although, obviously, for reasons very different from *Avnei Nezer's*). Evidently, in part, because he was scandalized by the position, and in part, on the basis of comparison with texts of other *rishonim*, he contended that the text of the Tosafot was not genuinely Rabbenu Haym's but, rather, a later interpolation. See *Shèyloṭ U'teshuvot Maharit, Yoreh Deah*, 2:28. It has, however, been noted that his father, Rav Mosheh Trani, in his *Shèyloṭ U'teshuvot Mabit*, 1:245, had clearly assumed the text was genuine.
22. *Pesakim*, 88.
23. *Bereshit* 23:4. For an exposition of this phrase, see the Rav's *Hamesh Derashot* (Jerusalem, 1974), pp. 48–52.
24. I have a clear recollection of the content of this comment, but, regrettably, am presently unable to recall or trace its source.
25. See his comment at the end of *Pesachim*, in the Rif, to explain why the *brakhah* of *sheheheyanu* is not recited in conjunction with *sefirat ha'omer*.
26. *Rosh Hashanah* 30a. The mishnah's assertion is predicated on the assumption that, *mi'doraita*, the mitzvah of lulav obtains for all seven days of Sukkot in mikdash, as it is to this that the "rejoicing before Hashem," cited in *Vayikra* 23:20, refers, and not, as interpreted by a contrary view in the Yerushalmi, *Sukkah* 3:11, to additional *karbanot shelamim*.