

Geulas Yisrael #61: Masei

Is There a Mitzvah to Live In Israel? Why Does it Matter?

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The time had finally arrived. Forty years had elapsed, and we were about to return home. Directing us to enter Israel, the Torah delivers an ambiguous instruction:

וְהוֹרַשְׁתֶּם אֶת־הָאָרֶץ וַיִּשְׁבְּתֶם־בָּהּ כִּי לָכֵן נָתַתִּי אֶת־הָאָרֶץ לְרִשְׁתָּ אֹתָהּ:

The first word of this directive "והורשתם" invites two very different meanings. It may refer to *clearing* the land of its idolatrous inhabitants. The *previous* verse had already employed the very same word when it instructed us to empty Israel of paganism: וְהוֹרַשְׁתֶּם אֶת־כָּל־יֹשְׁבֵי הָאָרֶץ מִפְּנֵיכֶם וְאַבְדֶתֶם אֶת כָּל־מִשְׁכַּיֹּתָם וְאֵת כָּל־וְהוֹרַשְׁתֶּם אֶת־כָּל־יֹשְׁבֵי הָאָרֶץ מִפְּנֵיכֶם וְאַבְדֶתֶם אֶת כָּל־מִשְׁכַּיֹּתָם וְאֵת כָּל־בְּמוֹתָם תִּשְׁמְדוּ וְצַלְמֵי מִסְכַּתָּם תִּאבְדוּ וְאֵת כָּל־בְּמוֹתָם תִּשְׁמְדוּ then you shall drive out all the inhabitants of the land from before you, and destroy all their figured pavements, and destroy all their molten images". Perhaps both verses declare the very same commandment to oust the local pagans. This is how Rashi interprets the couplet of verses, as a repeated command to discharge the inhabitants from the land.

By contrast, the Ramban asserts that the second verse presents an independent mitzvah to dwell in the land of Israel. The term "והורשתם" doesn't instruct us to discharge inhabitants but to *inherit* and settle the land. The Ramban's interpretation of this second verse yields a famous consequence: there is a formal mitzvah to live in the land of Israel. The second iteration of והורשתם assigns an actual mitzvah to live in Israel!

Just as famously, Maimonides or the Rambam, *did not* codify dwelling in Israel as a formal mitzvah. Does the Rambam's omission diminish the significance of settling Israel? Or, ironically, does this exclusion enhance the importance of living in Israel.

Did it Expire?

Perhaps the Rambam agreed that there was *once* a mitzvah to occupy the land, but, believed that the mitzvah has long expired. Perhaps the mitzvah only applied for the *immediate* generation which was charged to both conquer and settle the land, but not for future generations. Alternatively, even if the mitzvah extended beyond the founding generation, perhaps the mitzvah expired when we were exiled from Israel. The gemara in Ketuvot lists three divine vows, one of which bans us from a "strong-armed" return to Israel (literally to return "like a wall") Based on these vows, Rebbi Yehuda, a 3rd century Amora, forbade Rebbi Zeira, his talmid from emigrating to Israel. Interestingly, Rebbi Zeira disobeyed his teacher, ultimately relocating to Israel. Based on this incident some suggest that any *original* mitzvah to live in Israel was terminated by these divine decrees imposed as we departed Israel for exile.

Perhaps the Rambam agrees that, living in Israel *was once* a mitzvah, but as it expired, it cannot be incorporated as a formal listing among the roster of 613.

Is it a "Pre-Mitzvah" ?

There are important religious experiences which are so foundational that they resist easy classification as *a mitzvah*, among the general register of 613. These essential religious experiences may be classified as a "pre-mitzvah", which serve as a platform for religion *in general*, and are therefore not listed *within* the list of 613 particular mitzvot. They are too general and too seminal to be defined as a particular mitzvah.

For example, some suggest that there is no formal mitzvah to believe in Hashem. Faith and belief are prerequisites for the entire collection of mitzvot and, of course, for our relationship with Hashem. Most disagree and do list emunah as a mitzvah, but this minority opinion provides an important template- seminal features of religion may be *too* basic to be *narrowly* defined as *a* mitzvah.

Prayer as well, may be too elementary to be classified among the set of 613 religious *activities*. The Rambam did codify prayer as a Biblical mitzvah, but many disagreed. Excluding prayer from the formal list of 613 doesn't reduce its value. Human dialogue with Hashem and human petition of Hashem are so central to religious experience that they don't have to be mandated through law or commandment. Tefillah may be an example of a pre mitzvah which is omitted from the catalogue of religious actions because it anchors religious identity.

Likewise, teshuva may not appear within the list of 613, as the Torah never explicitly commands this decision. Teshuva represents a bold implementation of human freedom and should be practiced daily, rather than evoked once a year, on Yom Kippur. As an exercise of freedom of choice, it can't be shrunken into a *particular* mitzvah, alongside other mandated *activities*. Teshuva isn't an activity, but an attitude or a "pre-mitzvah".

Excluding living in Israel as a mitzvah may reflect a similar evaluation. Living under the eye of Hashem lies at the core of all religious experience and cannot simply be catalogued as "a mitzvah". It is the classic "pre-mitzvah", similar to prayer and teshuva, and its exclusion from the roster of 613 highlights how foundational Israel is to general religious experience.

A "Meta-Mitzvah"

Rabb Soloveitchik explained that the Rambam omits dwelling in Israel from the list of 613 because it is a gateway to multiple mitzvot. Residence in the land of Israel "activates" a sweeping range of mitzvot which are crucial to forming a religious society in Israel. The "ideal" of living in Israel can only be attained if the following secondary mitzvot are performed: appointing a king, constructing a judiciary system, ensuring a moral and ethical society, building a Mikdash, and obliterating idol worship. Each of these activities represents an independent mitzvah, but each is a fulfillment of the larger meta-mitzvah to live in a country of Israel founded upon Hashem's moral, political and theological stipulations. Essentially, dwelling in Israel *is* a mitzvah but it manifests in a range of subordinate mitzvot without which the broader mitzvah of Israel is deficient. The "blank" act of living in Israel isn't listed because it is insufficient without the derivative mitzvot. Living in Israel is not only a "pre-mitzvah" it is also a "meta-mitzvah". It doesn't just serve as a *conceptual* foundation of religion, but it also splinters into a range of offshoot mitzvot. Since the larger mitzvah can't be realized without the subsidiary mitzvot, the meta-mitzvah of dwelling in Israel isn't listed among the 613.

The "Un -Mitzvah"

Additionally, the absence of a formal commandment to inhabit Israel preserves the voluntary tone of the "mitzvah". Imposing a mandate would ruin the voluntary nature of the great mission of living in Israel. Living in Israel is still a religious duty but one which should be taken by choice, and not in response to commandment. Voluntary doesn't mean neutral, it just means something willfully chosen.

For example, some believe that the omission of beracha before acts of chesed preserves the altruistic nature of charity. Reciting a beracha would imply that chesed is primarily driven by commandment, rather than by compassion. Ideally, chesed shouldn't be a product of legal summons but of human sympathy. Reciting a beracha would underscore the obligation of chesed, and blur the philanthropic element of chesed.

Living in Israel is a similar phenomenon. We are commanded *subjects* of Hashem, but we are also His *bride*, with whom he established a bilateral covenant. In general, religion is delicately calibrated between "His" commands and "our" covenant. Too much "command" and the human voice is stifled. Too much covenant and the transcendence of Hashem is compromised.

Though religion in general is a composite of volition and mandate, living in Israel is more covenant than commandment. As Hashem's chosen bride, we willfully abandon our past lives to be with Him, in His land. The decision to relocate to Hashem's house must be voluntary, else it will not be a marital covenant. By *offering* us Israel rather than commanding us to Israel, Hashem invites us to His home and to partner with him in shaping history. You can't *command* the bride, she must come on her own. Ask, don't tell.