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## LIVING OFF THE LAND: MAY ONE RESIDE OUTSIDE ERETZ YISRAEL?

Adapted from the writings of Dayan Yitzhak Grossman

The Washington Post reports:

Russia's threat to shut down a prominent Jewish organization has stoked fears among Jews planning to leave the country because of its war against Ukraine, while deepening a rift between Russia and Israel.

A Moscow court held a preliminary hearing Thursday about the Justice Ministry's application to abolish the Russian branch of the Jewish Agency for Israel, and scheduled the next hearing for Aug. 19.

The Kremlin denies any political motive, even as Moscow attacks statements by Israeli officials opposing its invasion of Ukraine. The agency, which was founded more than 90 years ago and is affiliated with Israel's government, helps Jewish families immigrate to Israel, including organizing travel and paying airfare.

More than 16,000 Russians have left the country for Israel since the start of the war, according to the Jerusalem Post, in a sign of disquiet over President Vladimir Putin's brutal campaign to "denazify" Ukraine and topple its Jewish president, Volodymyr Zelensky. Another 34,000 have traveled

to Israel as tourists.<sup>1</sup>

Lately, large-scale migrations to Eretz Yisrael have usually been precipitated by violence or repression in the countries of the migrants' birth. But Jews have faced challenges of hypocrisy for failing to move to Eretz Yisrael by choice since at least a millennium ago, when the king of the Khazars made this charge against the Chaver (the Kuzari's Jewish exponent):

Al Khazari: If this is so, you fall short of the requirement of your Torah by not endeavoring to reach that place and making it the house of your life and death, although you say, "Have mercy on Tzion, for it is the house of our life," and you believe that the Shechinah will return there...<sup>2</sup>

The Chaver completely accepts the king's reproach, and admits that the Jews of his time and of earlier eras are indeed guilty as charged:

The Chaver: You have embarrassed me, king of the Khazars. It is that very sin that kept us from fulfilling Hashem's charge in the second *Bais Hamikdash*,

<sup>1</sup> Robyn Dixon and Natalia Abbakumova, Moscow move to shutter Jewish Agency alarms Russian Jews. The Washington Post. <https://www.washingtonpost.com/world/2022/07/29/russia-jewish-agency-israel-ukraine/>.

<sup>2</sup> Kuzari 2:24.

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### PARSHAS DEVARIM

#### GET WORD

Excerpted and adapted from a shiur by  
Dayan Daniel Dombroff

These are the words that Moshe spoke to all of  
Yisrael...

Devarim 1:1

Tosafos (Gittin 2a) offers one reason that a get customarily has twelve lines of text: There are four blank lines in a sefer Torah dividing between each of the Chumashim, for a total of twelve. (The gap between Bemidbar and Devarim is not included, because Devarim is the Mishneh Torah and is separate.) A get is called sefer *krisus* (a scroll of division), so the number of its lines equals these lines of division.

I was once signing as a witness on a time-sensitive get, and I accidentally began to write my father's middle name before his first. The sofer changed the text. Was the get valid?

The Rama (E.H. 125:4) writes that if some ink was spilled on a get, it may be used to form a letter. The get is still considered to have been written *lishmah*, because the conclusion of the writing of the letter was done with the correct intent, though the beginning was not. The Bais Shmuel concurs with the Rama, but the Pri Chadash disqualifies the get because he maintains that the entire letter must be written with the proper intent.

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"Sing and rejoice, O daughter of Tzion" (Zechariah 2:10), from being fulfilled. Divine Providence was ready to restore everything as it had been at first, if they had all willingly consented to return. But only some of them returned, and the majority and the aristocracy remained in Bavel, wanting exile and work, and unwilling to leave their homes and their

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### Door Jam

**Q** We're moving into our new home on a Friday. While affixing the mezuzos, I discovered I'm short one, but I won't be able to obtain it until after Shabbos. Should I postpone the move?

**A** The moment one begins to reside in a house that he owns, he becomes obligated in the mitzvah of mezuzah, so he must prepare the mezuzos prior to the move. (A renter has thirty days.) Although the Torah doesn't directly forbid living in a house without a mezuzah, it commands us to affix mezuzos, so one may not begin residing in the house without them. By moving in, the homeowner is

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affairs...

(It is known that R' Yehudah Halevi, the author of the Kuzari, did eventually attempt to move to Eretz Yisrael, although the conclusion of his journey is shrouded in mystery and legend.)

A similar attitude is passionately and eloquently expressed by R' Yaakov Emden:

Every Jew must adopt a fixed and firm resolution to ascend and live in Eretz Yisrael (at least when the means of supporting himself financially there will be available<sup>3</sup>)...

Therefore, listen to me, my brethren and friends who are living in a land that is not ours, on impure ground: Remember this and rally yourselves! Remember Hashem and elevate Yerushalayim<sup>4</sup> in your hearts...

And do not think to settle permanently in the Diaspora, *chas veshalom*...it was the sin of our early ancestors who caused weeping for generations<sup>5</sup> because they despised the desirable Land...<sup>6</sup>

He proceeds with the remarkable assertion that all the suffering Klal Yisrael has experienced in exile, in particular the expulsion of Jews from Spain after nearly two millennia of Jewish settlement there, is due to our having totally forgotten about living in Eretz Yisrael:

Not one in a thousand is inspired to take possession of it to settle and live there, only one in a country and two in a generation...it has seemed to us in our tranquility in *chutz la'aretz* that we have already found another Eretz Yisrael and Yerushalayim...<sup>7</sup>

(I do not know if R' Yaakov Emden ever addresses why he himself remained in *chutz la'aretz*.)

These comments by R' Yehudah Halevi and R' Yaakov Emden notwithstanding, the sefarim have offered a variety of justifications of the common Jewish practice of remaining in *chutz la'aretz* even when immigration to Eretz Yisrael is possible; this article and a planned follow-up survey some of these explanations.

## BITUL TORAH

One of the earliest authorities to address this question is R' Meir (Maharam) of Rothenberg. In response to the question of why the *Amora'im* did not emigrate to Eretz Yisrael, he explains that due to the conditions there, they would have had to interrupt their Torah study in order to earn a living, and talmud Torah is of greater importance than living in Eretz Yisrael.<sup>8</sup> A similar approach is taken by the Chasam Sofer to explain the fact that at various points in our history, *talmidei* chachamim who did live in Eretz Yisrael often chose to live in cities other than Yerushalayim.<sup>9</sup>

<sup>3</sup> We will *pi"t* discuss this implicit dispensation for where such means are not available in the follow-up to this article.

<sup>4</sup> Tehillim 137:6.

<sup>5</sup> Sanhedrin 104b.

<sup>6</sup> Tehillim 106:24.

<sup>7</sup> Siddur Bais Yaakov, *Sulam Bais E-I*, as 6.

<sup>8</sup> Sha'arei Teshuvos leMaharam b"R' Baruch, *sha'ar 1 siman 15* (and in Sefer Tashbatz osios 560-61).

<sup>9</sup> Shu"t Chasam Sofer Y.D. *siman 234* p. 95a col. 2 s.v. *Umah shehispalei*, but cf. Toras Moshe (*cheilek 2*) Vayikra end of Parshas

## NO MITZVAH TODAY

R' Shlomo Kluger argues that the fact that Chassidische rebbes, and in particular, the "well-known" R' Yisrael Friedman of Ruzhin and his sons, who were wealthy and certainly had the wherewithal to move to Eretz Yisrael, did not do so, shows they held that the halacha follows the view that there is no mitzvah to do so today.<sup>10</sup> (He does not say why, so presumably he has in mind some of the positions of the earlier authorities that we cite in this article and the next.)

## THE THREE OATHS

The Rashbash (R' Shlomo ben Shimon Duran) insists that "there is no doubt that living in Eretz Yisrael is a great mitzvah in all times," with his ancestor the Ramban and his father the Tashbatz (R' Shimon ben Tzemach Duran) considering it a mitzvah *de'Oreisa*, and even the Rambam, who disagrees, conceding that it is at least a mitzvah *deRabanan*. He explains, however, that during the period of *galus* the mitzvah is not incumbent upon Klal Yisrael as a whole, due to the oaths that Hashem administered to us to refrain from hastening the end of days (*shelo yemaharu es hakeitz*) and "ascending like a wall" (*shelo ya'alu bechomah*),<sup>11</sup> although it remains incumbent upon individuals.<sup>12</sup>

The Avnei Neizer takes this idea one step further, arguing that once Klal Yisrael as a whole is forbidden to ascend en masse to Eretz Yisrael, it follows that there can be no obligation even upon individuals, for if each member of Klal Yisrael is individually obligated to move to Eretz Yisrael, then the result would be that all of Klal Yisrael is obligated to do so, and that would violate the oath against ascending like a wall.<sup>13</sup>

He qualifies, however, that all this is only in the absence of government permission to immigrate, but where such permission has been granted, the oath no longer applies, because *bechomah* (as explained by Rashi) means by force.<sup>14</sup>

R' Meir Simcha of Dvinsk (the Or Sameiach) also asserts that the Oaths are no longer a concern in our era:

Today, Providence has brought about that in the conference of enlightened nations in San Remo (5677/1917) a resolution was issued stating that Eretz Yisrael shall be for Am Yisrael,<sup>15</sup> and so the terror of the Oaths has departed, and with the

Emor (*hesped*) p. 59a s.v. *Ach lefi divrei*.

<sup>10</sup> Shu"t Halelef Lecha Shlomo E.H. *siman 118*, but cf. the poignant longing for Eretz Yisrael expressed by Rav Kluger in passing in his *Shiyarei Taharah siman 190 teshuvah 15*.

<sup>11</sup> See Kesubos 111a; Shir Hashirim Rabbah 2:7.

<sup>12</sup> Shu"t Rashbash *siman 2*. Cf. Megillas Esther on Sefer Hamitzvos, Ramban *asei 4*; Shu"t Nishmas Kol Chai Y.D. *siman 48* s.v. *Vezev ra'isi lehaRav* Megillas Esther, *siman 49* s.v. *Vezev ra'isi lehaRashbash*; Haggadah Shel Pesach im Peirush Ma'asei Yedei Yotzer, s.v. *Ve'es Lachatzeinu Zo Hadchak*, p. 54b; Vayo'el Moshe.

<sup>13</sup> Shu"t Avnei Neizer Y.D. *siman 454* as 52.

<sup>14</sup> Ibid. as 56. In the beginning of *siman 456* *ibid.*, he acknowledges that R' Yonasan Eybeschütz, in Ahavas Yehonasan, haftaros, Va'eschanan, s.v. *Al har gavo'a*, disagrees and maintains that the oath applies even if all the nations agree, but he dismisses this as "*divrei drashah*" and declares that "a thousand like them" cannot alter the clear implication of Rashi's words. A similar position to that of R' Yonasan Eybeschütz, however, already appears centuries earlier in R' Shmuel Yafeh Ashkenazi's Yefei Kol p. 71.

<sup>15</sup> The reference is to the San Remo Resolution of 1920, incorporating the Balfour Declaration of 1917.

according to the halacha, we follow R' Elazar (see Gittin 86a) and validate a get with the *eidei mesirah* (the witnesses to the delivery), not the *eidim* signed on the get. Because the *eidei chasimah* are only present as a precaution,<sup>1</sup> we may be lenient in case of need.

<sup>1</sup> See Pis'chei Teshuvah (E.H. 130) for a discussion of the nature of the signatures on a get.

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in default on his obligation every moment. The Aruch Hashulchan (Y.D. 285:5) writes, "One who is aware that his doorway is missing a mezuzah is forbidden to wait even one minute and must immediately go and obtain one."



RAV ARYEH FINKEL

The Minchas Chinuch (423) proposes that the mitzvah of mezuzah be treated as stringently as a mitzvah *lo sa'aseh*, because it is a constant transgression. Certain exemptions that normally apply to mitzvot *asei*—like not having to pay a price beyond what one can afford—don't apply to mezuzah. This means that one must postpone his move, even if that causes great inconvenience and financial loss.

But the Mordechai rules (*Hilchos Tzitzis* 944, cited in Shulchan Aruch O.C. 13:3; see Magein Avraham *ibid.*) that your case is different. The halacha is that if someone realizes on Shabbos that his four-cornered garment is missing tzitzis, he may continue to wear it, because it is forbidden to attach tzitzis on Shabbos. Because affixing mezuzos is also a *melacha*, the Mordechai equates mezuzah to tzitzis.

Still, this should not be relied upon *lechat'chilah*, as Chazal only granted this leniency in case of need. If you have nowhere to go for Shabbos on short notice, you may stay in the home (Teshuvos Vehanhagos 6:212 in a similar case).

permission of the monarchs, the mitzvah of *yishuv* Eretz Yisrael has returned to its place, and it is a mitzvah upon every individual to assist to the utmost of his ability in the fulfillment of this mitzvah.

It is true that then (in the days of Ezra and Nechemiah) there were *nevi'im*, with *nevuah* from Heaven supporting them, but who knows—perhaps just as the destruction of the *bayis sheini* was not accompanied by *nevuah*...so too will the placing of the cornerstone (of the *bayis shlishi*) not be accompanied by *nevi'im*, and "as was its taking, so will be its giving..."<sup>16,17</sup>

<sup>16</sup> From Kesubos 17a.

<sup>17</sup> Cited in Otzar Haposkim to Even Ha'ezer *siman 75* Kuntres Yishuv Eretz Yisrael s.k. 1 as 4 p. 12.

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It would seem that our case of fixing a few letters is comparable to the case of the Rama, and the Pri Chadash would disqualify the get, but we relied on the Rama and Bais Shmuel. This is because

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