

RaMBaN *True performance of any and all Mitzvot can only take place in the land of Israel.*

In response to a strange biblical turn of phrase:

ויקרא יח:כה
 וַתִּטְמָא הָאָרֶץ וְאָפְקַד עֲוֹנָהּ עָלֶיהָ וַתִּקַּא הָאָרֶץ אֶת־יֹשְׁבֵיהָ:¹

רמב"ן

...וכן שנו בספרא (קדושים יא יד): "ולא תקיא הארץ אתכם וגו',
 ארץ ישראל אינה כשאר ארצות, אינה מקיימת עוברי עבירה..."

והוא מאמרם (כתובות קי ב): "כל הדר בחוצה לארץ דומה כמי
 שאין לו אלוק שנאמר (דברים כה:לח) 'לתת לכם את ארץ כנען
 להיות לכם לאלקים,' ואומר (ש"א כו יט) 'כי גרשוני היום
 מהסתפח בנחלת ה' לאמר לך עבוד אלהים אחרים':²

ואמרו בתוספתא³ דע"ז (פ"ה ה"ה): "הרי הוא אומר (בראשית
 כח:כא) 'ושבתי בשלום אל בית אבי והיה ה' לי לאלקים,' ואומר,
 (דברים כה:לח) 'לתת לכם את ארץ כנען,' כל זמן שאתם בארץ
 כנען הייתי לכם לאלקים, אין אתם בארץ כנען כביכול אין אני לכם
 לאלקים,

ומן הענין הזה אמרו בספרי (עקב מג): "(דברים יא:יז)
 'ואבדתם מהרה,'--אף על פי שאני מגלה אתכם מן הארץ לחוצה
 לארץ, היו מצויינין במצות, שכשתחזרו לא יהו עליכם חדשים.
 משל לאדון שכעס על אשתו ושלחה לבית אביה. אמר לה: 'הוי
 מתקשטת תכשיטים, שכשתחזרי, לא יהיו עליך חדשים,' וכן

VaYikra 18:25

And the land was defiled, therefore I did visit the iniquity thereof upon it, and the land vomited out her inhabitants.⁷

RaMBaN

...And so the Rabbis taught in the Sifra (Parashat Kedoshim 11:14): "And the land not vomit you out also"—the land of Israel is unlike other lands; it is unable to contain sinners"...

This is the meaning of the saying of the Rabbis (Ketubot 110b) "Whoever lives outside the land it is as if he had no God, for it is said, (Devarim 25:38) 'I Am the Eternal, your God, Who Brought you forth from the land of Egypt, to give you the land of Canaan, to be your God,' and it is further said, (I Shmuel 26:19) 'For they have driven me out this day that I should not cleave to the inheritance of the Eternal, saying 'Go, serve other gods.'"⁸

And in the Tosefta⁹ of Avoda Zora 5:5 the Rabbis have said: "Now it is said, (Beraishit 28:21) 'And I will come back to my father's house in peace, then shall the Eternal Be my God.' And it is further said, (Devarim 25:38) "To Give you the land of Canaan, to Be your God." When you are in the land of Canaan, I Am your God. When you are not in the land of Canaan, I am not your God if it were at all possible to say so, (for He is our God under all circumstances and in all places)..."

It is on the basis of this matter that the Rabbis have said in the Sifre (Parashat Eikev 43) (Devarim 11:17) "And ye perish quickly from off the good land"—although I Banish you from the land to outside the land, make yourselves distinctive by the Commandments so that when you return,

¹ RaMBaN attempts to explain the personification of the land of Israel, whereby it physically reacts to sins perpetrated by its residents. Obviously RaMBaN does not view the verse as simply employing a figure of speech not to be taken literally.

² See Unit 3, fn. 2.

³ The **Tosefta** (Talmudic Aramaic: תוספתא, "supplement, addition") is a compilation of the Jewish oral law from the late 2nd century, the period of the Mishnah... <https://en.wikipedia.org/wiki/Tosefta>

⁷ See fn. 1.

⁸ See fn. 2.

⁹ See fn. 3.

<p>אמר ירמיה (לא:כ) 'הציבי לך ציונים'-- אלו המצות שישראל מצוינין בהם:"</p> <p>והנה הכתוב שאמר (דברים יא:יז) "ואבדתם מהרה ושמתם את דברי אלה וגו'"; אינו מחייב בגלות אלא בחובת הגוף כתפילין ומזוזות, ופירשו בהן כדי שלא יהו חדשים עלינו כשנחזור לארץ, כי עיקר כל המצות ליושבים בארץ ה'.⁴</p> <p>ולפיכך אמרו בספרי (ראה פ): "(דברים יא:לא-ב) 'וירשתם אותה וישבתם בה ושמרתם לעשות' -- ישיבת ארץ ישראל שקולה כנגד כל המצות שבתורה...^{5 6}</p>	<p>they shall not be novelties to you. This can be compared to a master who was angry with his wife, and sent her back to her father's house and told her, 'Adorn yourself with precious things so that when you come back, they will not be novelties to you.' And so did the prophet Yirmiyahu say to the people in exile in Bavel, (31:20) 'Set thee up benchmarks.'—these are the Commandments by which Israel is made distinctive."</p> <p>Now the verses which state, (Devarim 11:17-8) "And ye perish quickly...and ye shall lay up these My Words" only make obligatory in the exile the observance of these Commandments affecting personal conduct, such as the wearing of Tefillin and the placing of Mezuzot (these being specifically mentioned there in the following words of Scripture), and concerning them the Rabbis explained that we must observe them so that they will not be novelties when we return to the land, for the main fulfillment of the Commandments is to be kept when dwelling in the land of God.¹⁰</p> <p>Therefore the Rabbis have said in the Sifre (Parashat Re'eh 80) "(Devarim 11:31-2) 'And you shall possess it and dwell therein. And you shall observe to do all the statutes, etc.'— Dwelling in the land of Israel is of equal importance to all of the Commandments in the Tora."^{11 12}</p>
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In response to a superfluity in the text and a juxtaposition of verses:

<p><u>דברים פרק יא</u> (יח) וְשִׂמְתֶם אֶת-דְּבָרֵי אֱלֹהֵי עַל-לִבְבְּכֶם וְעַל-נַפְשֵׁיכֶם וְקִשְׂרֹתֶם אֹתָם לְאוֹת עַל-יְדֵיכֶם וְהָיוּ לְטוֹטְפֹת בֵּין עֵינֵיכֶם: <u>רמב"ן</u></p>	<p><u>Devarim 11:18</u> Therefore shall ye lay up these My words in your heart and in your soul; and ye shall bind them for a sign upon your hand, and they shall be for frontlets between your eyes. <u>RaMBaN</u></p>
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⁴ RaMBaN concedes that there is a difference between the Peshat and the Derash regarding this verse. Whereas the simple meaning is that any Commandment that is not dependent upon the land is obligatory in the Diaspora, the Rabbis added the interpretation that even such Mitzvot in fact were intended to be fulfilled in the land of Israel, thereby rendering Diaspora observance a matter of "practice."

⁵ Sifre's interpretation is based upon the Semichut HaParashiot of these two verses, i.e., a verse dealing with all Mitzvot immediately follows a verse discussing the land of Israel.

⁶ Statements like this one could be understood as hyperbole, in the sense that the Commandment in question is considered extremely important, particularly in light of the fact that many different Mitzvot throughout Rabbinic literature are characterized as being equivalent to all of the Commandments of the Tora.

¹⁰ See fn. 4.

¹¹ See fn. 5.

¹² See fn. 6.

(יח) אף לאחר שתגלו היו מצוינין במצות. הניחו תפילין עשו מזוזה, כדי שלא יהו עליכם חדשים כשתחזרו, וכן הוא אומר (ירמיה' לא:יא) "הציבי לך ציונים", לשון רש"י.

וכבר כתבתי פירוש הענין (על דברים ד:ה), כי המצות האלה חובת הגוף הם, ודינם בכל מקום כמו בארץ. אבל יש בו במדרש הזה סוד עמק וכבר רמזתי ממנו (ויקרא יח:כה).¹³ והנה החזיר במצות האלה תפילין ודברי תורה ומזוזה כאן פעם שנית,¹⁴ לרמוז בהיקש הזה¹⁵ שנהיה חייבים בהם לאחר הגלות בחוצה לארץ, ומהם נלמוד לכל המצות שהן חובת הגוף שחיובן בכל מקום, ושנהיה פטורין בחוצה לארץ מחובת הקרקע כגון תרומה ומעשרות, כך הוא נדרש בספרי (עקב יז). וכוונת המדרש, מפני שסמך ושמתם אל ואבדתם. אבל עיקר הכתוב בארץ, דכתיב (פסוק כא) למען ירבו ימיכם וימי בניכם על האדמה. או יאמר "למען ירבו ימיכם", שתשובו ותארכו בה

"Even after you have been exiled, be distinguished by the Commandments. Put on Tefillin, attach a Mezuzah so that they will not be novelties to you when you return to the land. And so Scripture states, (Yirmiyahu 31:11) 'Set thee up waymarks'" —this is RaShI's language.

Now I have already written (on Devarim 4:5) on the meaning of this matter, that these Commandments are personal obligations and as such their laws apply in all places just as in the land. But there is in this Midrash (Sifre Parashat Eikev 43) a profound secret, and I have already alluded to it. (see RaMBaN on Beraishit 26:5; VaYikra 18:25).¹⁶ Now he repeated these Commandments about the Tefillin, the study of the words of the Tora, and the Mezuzah a second time¹⁷ in order to allude to this analogy,¹⁸ that we shall be obligated to observe them after being exiled from the land of Israel. From these texts we learn that all Commandments that are personal obligations are binding in all places and that, outside the land of Israel, we are exempt from duties that apply to the land, such as heave-offering and tithes. So it is interpreted in the Sifre (Parashat Eikev 44). And the intent of this interpretation is suggested by the fact that he placed the expression "therefore shall ye put these my words in your heart" next to "and ye shall perish quickly from off the good land," thus clearly intimating that even after "ye shall perish from off the good land", you shall still "put these my words in your heart"...

Questions for thought and discussion:

1. Would only someone with mystical tendencies like RaMBaN be drawn to take literally the idea that the land would "vomit out" inhabitants that did not comply to God's Master Plan, or could this be a view shared by non-mystics as well?¹⁹

¹³ See the first citation from RaMBaN above.

¹⁴ This is the second paragraph of the Shema prayer. These three Mitzvot appear in the first paragraph of the prayer in Devarim 6:7-9.

¹⁵ In this instance, "Hekeish" is being used generically rather than technically. These elements do not appear in the same verse, but rather in adjacent verses. It's more a matter of Semichut HaParashiot rather than Hekeish.

¹⁶ See fn. 13.

¹⁷ See fn. 14.

¹⁸ See fn. 15.

¹⁹ R. Lichtenstein in his article

(http://www.yutorah.org/lectures/lecture.cfm/730117/Rabbi_Dr._Aharon_Lichtenstein/Diaspora_Religious_Zionism:_Some_Current_Reflections#) voices serious reservations about this tack of ChaZaL, championed by RaMBaN:

...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

2. The Tosefta in Avoda Zora includes a qualification word, i.e., “KaVeYachol,” when it suggests that a Jew outside the land of Israel is comparable to not having a God. RaMBaN on Devarim 11 refers to the idea as a “profound secret.” Although this concept regarding the importance residing in the land of Israel is not normative to the extent that performing Mitzvot HaTeluyot BaGuf (Commandments dependent upon one’s existence—in contrast to those dependent upon being in the land of Israel) are deemed purely matters of Chinuch—education, practice, why do the Rabbis nevertheless claim such a thing, even within the context of “Derash”?²⁰

Practical applications of the source:

1. Should this sort of consideration play a role in the decision of an observant individual to relocate to the land of Israel? Couldn’t one argue that Moshe was an exceptionally pious individual and therefore considerations that motivate him cannot be expected of more “average” individuals? Similar questions could be raised regarding anything categorized “Ma’aseh Avot Siman LaBanim” (the deeds of the fathers are precursors for their descendants.) Even if it could be demonstrated that we are the biological and spiritual descendants of the likes of Avraham, Yitzchak and Yaakov, can we be expected to emulate their devotion, faith and sacrifice?

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?

But he then attempts to lend the view a positive context:

And yet, in a milder version (referring to the commentary on Devarim in contrast to that on VaYikra), 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 every mitzvah.

²⁰ A famous acronym for the four basic approaches to biblical texts is “PaRDeiS”, representing: 1) Peshat (“simple,” literal meanings); 2) Derash (homiletic interpretations); 3) Remez (interpretations based upon hints in the text, e.g., a particularly large or a particularly small letter, an irregular spelling, etc.); 4) Sod (mystical teachings). It is not assumed that all of the conclusions that are reached based upon a particular verse will all be complementary. In this instance, whether one considers performing Commandments in the Diaspora as objectively obligatory or for the purposes of “practice” are mutually exclusive from a logical perspective.