

Maamar Shalosh

Shevuos Siman 1

The Gemara says in Kesubos 110b: Rabbi Zeira avoided meeting Rav Yehudah, because he was planning to go up to Eretz Yisroel, for Rav Yehudah said: Anyone who goes from Babylonia to Eretz Yisroel transgresses a positive commandment, as it says, “They will be brought to Babylonia and there they will stay until the day I revisit them, said Hashem.” (Yirmiyahu 27:22) Rabbi Zeira held that that verse refers only to the vessels of the Temple. Rav Yehudah [surely agrees to this, but forbids going to Eretz Yisroel based on] another verse, as it says, “I adjure you, daughters of Jerusalem, with the gazelles and the deer of the field...” (Shir Hashirim 2:7) Rabbi Zeira holds that that verse means that Israel may not go up as a wall. Rav Yehudah [surely agrees to this, but forbids an individual to go to Eretz Yisroel based on] the second time the verse “I adjure you...” occurs (ibid. 3:5). Rabbi Zeira uses that verse [and the last remaining “I adjure you”] as the basis for the statement of Rabbi Yossi bar Chaninah: To what do these three oaths refer? One, that Israel should not go up as a wall. One, that the Holy One, blessed is He, adjured Israel not to rebel against the nations of the world. One, that the Holy One, blessed is He, adjured the nations not to subjugate Israel too much. Rav Yehudah [surely agrees to this, but derives the prohibition on an individual from the extra words] “if you arouse” and “if you wake up.” Rabbi Zeira needs [those extra words] for the statement of Rabbi Levi: “To what do these six oaths refer? Three we have already explained, and the rest: that they [the prophets] should not reveal the end, that they should not make the end more distant, and that they should not reveal the secret to the gentiles. “With gazelles and the deer of the field” – Rabbi Elazar explained: Said the Holy One, blessed is He, to Israel, “If you keep the oath, good, but if not, I will permit your flesh like the gazelles and the deer of the field.”

Now, if the Gemara concludes that Rav Yehuda’s prohibition on the individual immigrating to Eretz Yisroel is really derived from the oath, why does Rav Yehuda say, “Anyone who goes from Babylonia to Eretz Yisroel transgresses a positive commandment” – he should say “transgresses the oath”!

The Rif in Ein Yaakov (Rabbi Yoshiahu Pinto of Morocco) resolves this by saying that once we have the oath, we know that the positive commandment “They will be brought to Babylonia” refers to the Jews themselves and not just to the Temple vessels. Look there to see how he explains this. And other commentators give similar answers, with various explanations.

Now, this explanation works well to explain why Rav Yehuda still holds that one who moves to Eretz Yisroel transgresses a positive commandment even according to the Gemara’s conclusion. But we are still left with the question of why Rav Yehuda does not mention the oath. After all, one transgresses the oath as well, and an oath is more severe than a positive commandment, so Rav Yehuda should have mentioned it. Why did he ignore the severe prohibition and mention only the moderate one? [This question will be answered at the end of chapter 79.]

Furthermore, Rav Yehuda’s statement that one who moves to Eretz Yisroel transgresses a positive commandment occurs in two other places in Shas: Berachos 24b and Shabbos 41a, and in those places the oath is not mentioned at all! It simply says that one transgresses a positive commandment.

There are many other questions and problems on this subject, and we need not list them all, for when we explain the subject many of the questions will be answered automatically.

Now, the Rif in Ein Yaakov asks how Rav Yehuda’s prohibition is consistent with the Gemara earlier in Kesubos 110b, “One who lives outside of Eretz Yisroel is like one who has no G-d.” So how could Hashem have commanded us to stay in Babylonia? His answer is that one is only considered like one who has no G-d if he leaves Eretz Yisroel on his own initiative, but at the destruction of the Temple the Jewish people were forced to leave; Hashem exiled them to Babylonia and decreed that they must stay there. We will return to this later.

However, it seems that a stronger question could be posed from the anonymous Mishnah on 110b: “Either spouse can force the other to move to Eretz Yisroel.” Doesn’t Rav Yehuda’s prohibition contradict this Mishnah? Why does the Rif only ask from the

statement “one who lives outside of Eretz Yisroel is as if he worshipped idols,” which is only a Baraisa? Furthermore, the Rif’s distinction – between leaving Eretz Yisroel on one’s own initiative and being forced out – will not help for the Mishnah. The Mishnah says explicitly that one may move to Eretz Yisroel and even force his or her spouse to do so! And a Baraisa is even more explicit: “If the husband want to move to Eretz Yisroel and the wife does not want, we force her to move, and if she refuses, he may divorce her without paying the kesuba...”

After writing the above, I found that the Haflaah also wonders how Rav Yehuda could go against an anonymous Mishnah. His answer is that Rav Yehuda understood the Mishnah to be talking about moving to Eretz Yisroel from places other than Babylonia. Similarly, we find that Rashi at the beginning of Gittin explains the term *medinas hayam* (“the overseas country”) to refer to all places in the world outside of Eretz Yisroel other than Babylonia, despite the fact that there is nothing in the term to indicate this.

[In passing we should note the Zionist Rabbi Shlomo Aviner claims that the Haflaah says that the Three Oaths only forbid mass immigration from Babylonia (see Sources for a photocopy of this claim). The truth, however, is that the Haflaah is only talking about Rav Yehuda, who forbids individuals from going to Eretz Yisroel. This prohibition, says the Haflaah, only applies to Babylonia. Thus this statement of Rav Yehuda is identical to his second statement on 111a, which says that leaving Babylonia is forbidden. The Kesef Mishneh, in fact, understands the Rambam to be saying the same thing - see Vayoeil Moshe Siman 9. According to this understanding of Rav Yehuda, the main issue is leaving Babylonia, not going to Eretz Yisroel. But the Haflaah never spoke about Rabbi Zeira's opinion, which is that returning en masses to Eretz Yisroel is forbidden under the oaths. Since according to Rabbi Zeira the main issue is Eretz Yisroel, it makes no difference which country one is coming from.]

Now I find the Haflaah’s answer very difficult, because on the contrary, from Gittin we see that this answer cannot apply to Kesubos. For Tosafos (Gittin 2a) says that the Mishnah in Gittin went out of its way to use the term *medinas hayam* instead of the more common *chutz laaretz* (“outside the Land”) because *chutz laaretz* would have included even cities just over the border such as Rekam and Chagar (the first opinion in the Mishnah in Gittin is that an agent of the husband outside Eretz Yisroel bringing a get to

his wife in Eretz Yisroel must testify that the get was written and signed in his presence only when bringing it from far away, not from border towns like Rekam and Chagar. Rabban Gamliel disagrees and says, “Even when bringing a get from Rekam or Chagar, the agent must testify.”), whereas medinas hayam implies only faraway lands, as in the Mishnaic law that begins, “If a woman’s husband went to medinas hayam and later witnesses came and testified that he died...” (Yevamos 87b) and similarly the law that a borrower may excuse himself by saying, “I paid you back in the presence of so-and-so and so-and-so, and they went to medinas hayam.” So we see that whenever the Mishnah uses the unqualified term chutz laaretz, all lands outside of Eretz Yisroel are included, even the most nearby cities. Tosafos uses the example of Rekam and Chagar, the subject of the dispute between the first opinion and Rabban Gamliel, but certainly they would agree that the term chutz laaretz also includes Babylonia, and only the term medinas hayam excludes it, as Rashi states. The general rule is that medinas hayam means faraway lands and therefore excludes Babylonia, which is near Eretz Yisroel, and other nearby places.

But in Kesubos, where the Mishnah and the Baraisa speak simply of maalin (forcing one’s spouse to move to Eretz Yisroel), it refers to moving from anywhere in the world, near or far, even Babylonia.

Furthermore, the Gemara earlier asks what the word hakol (anyone) in the Mishnah (“anyone can force his/her spouse to move”) comes to teach, and the Gemara replies that it comes to teach us that one may even force one’s spouse to move from a nice house outside of Eretz Yisroel to a low-quality house in Eretz Yisroel. Now, if there were any shadow of a doubt as to whether the Mishnah refers even to moving from Babylonia, then Rabbi Zeira, who disagrees with Rav Yehuda and permits individuals to move from Babylonia to Eretz Yisroel, should have said that the word “anyone” comes to teach that even someone in Babylonia may force his/her spouse to move. The fact that the Gemara does not say this shows that even without the extra word “anyone” the law of the Mishnah applies to Babylonia just as it applies to the rest of the world.

So we are back to the question of how Rav Yehuda can go against an explicit Mishnah and prohibit moving from Babylonia to Eretz Yisroel.

Maamar Shalosh

Shevuos Siman 2

(Background: the Rebbe is discussing the opinion of Rav Yehuda in Kesubos 110b that even individual Jews are forbidden to go to Eretz Yisroel. Rav Yehuda seems to conflict with the Mishnah, which says that husbands and wives can force each other to move to Eretz Yisroel or not to leave it.)

However, in my humble opinion this is not a problem at all, for Rabbi Meir of Rothenberg (quoted by the Rosh in siman 17 of this chapter of Kesubos) has already established that our Mishnah only applies during the times of the Temple. Rabbi Meir of Rothenberg is dealing with the Jerusalem Talmud, which says that only the husband may force his wife to move to Eretz Yisroel, but the wife may not force her husband. How, he asks, is this consistent with our Mishnah? He answers that the Mishnah applies in Temple times, but nowadays only the husband may force his wife.

The Beis Shmuel (Even Hoezer 75:20) rules in accordance with the opinion of Rabbi Meir of Rothenberg. But the Chasam Sofer (Yoreh Deah 234) disagrees, based on Gittin 45a, where the Gemara says that if a slave flees from his master to Eretz Yisroel, his master must set him free. The Gemara bases this rule on the Mishnah in Kesubos 110b: “No one may force another to leave Eretz Yisroel,” and also on the verse, “You shall not return a slave to his master.” Now, what is the proof from the Mishnah? The Mishnah only applies in Temple times, but nowadays, a slave is no better than a woman, who cannot force her husband to move to Eretz Yisroel! So it seems that the Babylonian Talmud held that the Mishnah applies nowadays as well. And even Rabbi Meir of Rothenberg only meant to explain the Jerusalem Talmud, not to imply that our Talmud – the Babylonian – also holds this way.

In my humble opinion, the Beis Shmuel would answer that there is a difference between the law of the slave who wishes to move to Eretz Yisroel and the law of the wife who wishes to move to Eretz Yisroel. The law of the slave is derived from the verse, “You shall not return a slave to his master,” which the Rambam and others count as one of the 613 Commandments. We do not look at the reason for the commandments, so this law applies at all times, even after the destruction of the Temple. The law of the wife, on the other hand, is a Rabbinic enactment based on the fact that it is a mitzvah to live in Eretz Yisroel – a mitzvah regarding which there are many disagreements and distinctions, depending on the circumstances, as I will explain, G-d willing, in Maamar Sheni.

That there is a difference between the slave and the wife is clear from the Responsa of the Ran, siman 38, who understands that the entire issue of forcing a spouse was only said regarding a divorced couple who are fighting over the kesuba, but when they are married, neither can force the other to move. This is clearly different from the slave, who can actually force his master to move to Eretz Yisroel or else set him free.

The other poskim disagree with the Ran and hold that one may force a spouse to move while married to him or her. But the foundation of this law is not a Torah law; rather the idea is that if he moves to Eretz Yisroel and she refuses to come along, she has the status of a “moredes” (a wife who refuses to have marital relations with her husband) – see Beis Shmuel 75:2. Now, the entire law of a moredes is a Rabbinic enactment, because in the eyes of the Torah, as long as they are married, they are obligated to one another. In the eyes of the Torah, the husband must support even if she refuses to come with him. So this is not similar to a slave who ran away to Eretz Yisroel, who goes out free by Torah law, based on the verse “You shall not return a slave to his master.” This is not a law that he may demand his freedom (like a wife who moves to Eretz Yisroel, who may demand a get). Rather, he is automatically free. According to the Ri (Rabbeinu Yitzchok of Tosafos) he is free already and he lacks only the document of freedom (which permits him to marry a Jewish woman). According to the Rambam, if the master refuses to free him the court may free him. This is explicit in the Gemara (Gittin 45a), and this is how the Beis Yosef rules in Yoreh Deah, end of 267.

One might be misled and think that the law of the slave is part of the same Rabbinic enactment as the law of the wife, based on the fact that the Gemara says, “No one can force the other to leave Eretz Yisroel – this comes to include a slave who ran away to Eretz Yisroel.” But this is not the case – the law of the slave is based on an explicit negative commandment. Rather, it is normal for a Mishnah to use all-inclusive words (such as hakol – “everyone” or “no one”) to allude to a similar law, even when the other law is based on a totally different reason. This occurs in many places in the Talmud. And here the laws of the slave and wife are especially similar since the Mishnah is talking in the times of the Temple, according to Rabbi Meir of Rothenberg, and at that time the law of the wife was equal to the law of the slave: she had the right to force her husband to come to Eretz Yisroel or divorce her, just as a slave has the right to force his master to move to Eretz Yisroel or free him. But it may very well be that after the time period discussed in the Mishnah the situation changed, such that the wife’s law is different from the slave’s.

In conclusion, we see that Mishnah about the husband and wife forcing each other is talking only in the time of the Temple.

Maamar Shalosh

Shevuos Siman 3

(Background: The Rebbe is discussing the opinion of Rabbi Meir of Rothenburg, based on the Jerusalem Talmud, that nowadays a wife cannot force her husband to move to Eretz Yisroel. The Chasam Sofer argues that our Babylonian Talmud, and thus normative halacha, does not follow Rabbi Meir of Rothenburg, since we see that the law that a slave wishing to go to Eretz Yisroel can indeed force his master to free him even nowadays. However, the Rebbe in Siman 2 drew a distinction between slave and wife: the law to free a slave is an explicit verse in the Torah whose reason we do not know, while the law of the wife forcing her husband is a Rabbinic enactment to encourage people to move to Eretz Yisroel.)

The Korban Nesanel also agrees with this distinction between the wife and the slave. For in his commentary on the Rosh at the end of Kesubos and in Gittin (Chapter 4, siman 43) he quotes the Rambam and Tur, who say that the law of the slave applies even in today's times, when Eretz Yisroel is in gentile hands. The Korban Nesanel comments that this is true even according to Tosafos and Rabbi Meir of Rothenberg, who say that nowadays a wife cannot force her husband to move to Eretz Yisroel. It seems that the Korban Nesanel found evidence to this in the words of the Tur himself. For otherwise why did the Tur have to state specifically that the law applies nowadays? Aren't all the laws of the Tur written for our time? The Tur omits from his code all the laws in the Talmud that applied only in Temple times. Only the Rambam, who brings even laws that do not apply today, had to specify that this particular law does not apply nowadays, but why did the Tur have to say this? The answer must be that the Tur means that although the law of the wife has changed according to Tosafos and Rabbi Meir of Rothenberg, the law of the slave has not changed.

In any case, we see that the Korban Nesanel agrees with my argument according to the Beis Shmuel, that there is a distinction between the wife and the slave.

However, the reason that the Korban Nesanel gives to explain the difference between wife and slave is hard to understand. He says, "A wife cannot force her husband because we must take into account the dangers of travel and the limited possibilities of earning a livelihood in Eretz Yisroel; this does not apply to the slave, since he has already run away." This implies that the Rambam and Tur hold that a slave may force his master to move to Eretz Yisroel or else free him only if the slave has already run away. But actually, they state the law even regarding a slave who has not yet run away but wishes to move to Eretz Yisroel. This is explicit in the Tur, Beis Yosef and

Shulchan Aruch Yoreh Deah 267:84: that if a slave wishes to move to Eretz Yisroel, the master must either go with him, or sell him to someone moving there, or free him. It doesn't mention a word about a slave who has already run away. (That is dealt with in the next paragraph, 85.) And the Shulchan Aruch writes that this law applies even nowadays.

Also, it's hard to understand why the fact that the slave has run away should make any difference. (Although the slave has already overcome the obstacles of dangerous travel and earning a livelihood in Eretz Yisroel, the master has not, so why should the slave be allowed to force his master any more than a wife can force her husband?)

However, the Korban Nesanel says to look at the Bach, and from the Bach we can understand the difference between the wife and the slave. The Tur in Even Hoezer 75 quotes Rabbi Meir of Rothenberg (that only husband can force wife and not vice versa) and asks, if the Jerusalem Talmud, which says this, is talking nowadays when there is no mitzvah to move to Eretz Yisroel, then how can the husband force the wife? And on this the Bach replies that really there is a mitzvah even nowadays, but the difference is that in Temple times there was a good economy in Eretz Yisroel and it was easy to make a living, whereas nowadays it is difficult. Therefore, since the husband has the responsibility to earn a living and support her, she cannot force him to move to a place where he fears he may have trouble doing so, but he can force her to move if he feels confident he will be able to earn a living there.

Of course, the poskim (who rule in accordance with Rabbi Meir of Rothenberg) write this rule that the wife cannot force him in all cases; they make no exceptions for cases when the husband is very wealthy (and does not need to worry about making a living anywhere), or cases where he knows he has a good business in Eretz Yisroel but still does not wish to move there. (The reason is because one never knows what is to come. Wealthy people may one day become poor.) This is especially true according to the Me'il Tzedaka Siman 26, quoted in the Pischei Teshuva Siman 75, who despite being one of those who holds completely like the Ramban's opinion that living in Eretz Yisroel is a Torah mitzvah even nowadays - see the responsum where he writes at length to refute all the opinions that disagree with the Ramban, including Rabbeinu Chaim in Tosafos Kesubos 110b, and concludes that it is obligatory to go to Eretz Yisroel even if one has small children - says that there is one condition: that one must have a plentiful source of income in Eretz Yisroel, because if not, poverty can, G-d forbid, cause a person to go against his own best judgment and the will of Hashem (Eiruvin 41b). And even if he is sure of himself that he will be able to tolerate a life of deprivation to serve Hashem there, he has no right to bring his little children into this lifestyle, for it is harming them - perhaps they won't be able to withstand the trial and will go off the path of Torah, G-d forbid. And those who leave behind their jobs in the Diaspora and move to Eretz Yisroel, where they will have to live off charity, are not doing the right thing,

because someone who lives off his own work is greater than one who fears Heaven (Berachos 8b). The Chasam Sofer in his responsa, Even Hoezer v. 1 siman 132, writes that the Me'il Tzedaka's words are sweet to the palate, and he rules that the halacha is like him.

(One might argue that the Old Yishuv Jews who lived off chalukah, charity from abroad, must have disagreed with the Me'il Tzedaka, because they left behind their jobs in Europe to go and live off charity in Eretz Yisroel. But the truth is that they went there not just to fulfill the mitzvah of living in Eretz Yisroel; they went to learn Torah and serve Hashem. The Me'il Tzedaka only stated that the mitzvah of living in Eretz Yisroel is outweighed by the advantage of living off one's own work.)

So certainly according to the many authorities who hold that there is no mitzvah at all to go to Eretz Yisroel nowadays, as will be explained at length in the second Maamar which I plan to write, G-d willing, to explain all the different opinions in the Talmud and Poskim regarding the mitzvah of living in Eretz Yisroel, one should not go if he is not sure he will have income there. But even the Me'il Tzedaka, who is among those who hold it is a great obligation to move to Eretz Yisroel even nowadays - even he says that this is only if he is sure he will have plentiful income there. So all agree that there is no obligation to go to Eretz Yisroel if he is not sure he will have income there. Now, it is uncertain whether the law of a husband forcing a wife would still apply if the husband wants to go to Eretz Yisroel despite the fact that he is not sure he will have income there. Elsewhere I will speak about this, G-d willing. But in any case, it is clear that the Bach's logic for why the wife cannot force him nowadays applies even if he does have income there, or he is very wealthy and will not have to worry about income, for wealth is a "wheel that turns in the world" - the wealthy may one day become poor. So the rabbinic law makes no distinctions, since poverty is common there, and so when the wife demands that they move to Eretz Yisroel, the husband can respond that he is afraid he may become poor and have no income there. But the wife has no responsibility to bring in income; only the husband has to do whatever is necessary to support his wife.

According to the above, we understand well the difference between a wife and a slave. The Mishnah in Gittin 11b says that a master is not obligated to support his slave, and so the Shulchan Aruch rules in Yoreh Deah 267. Therefore, a wife cannot force her husband to move to Eretz Yisroel, because we suspect that she takes the income issue lightly since she is not responsible for income, and he has the right to say no. But a slave will not take income lightly, since if the going gets tough the master does not have to support him, and he will have to take care of himself. Therefore it is unusual that he would try to force his master to move to a place where it will be difficult for both of them to earn a livelihood, and that is why the Sages granted the slave the same rights as the master in moving to Eretz Yisroel. And now we understand the distinction

made by the Korban Nesanel and the Beis Shmuel (although this is not the Korban Nesanel's own answer - he says the slave is different because he has already run away, and we still don't have an explanation for that).

However, it is still puzzling why the Korban Nesanel implies that the Tur would agree with his distinction - doesn't the Tur reject the opinion of Rabbi Meir of Rothenberg, that the wife has no right to force the husband? So clearly the Tur did not want to say the Bach's answer that the wife has no responsibility to bring in the income. But perhaps the Tur did not completely reject Rabbi Meir; he only writes that Rabbi Meir's explanation is "not sufficient" which implies that he recognizes the idea of the answer, perhaps with the Bach's explanation, only holds that it's not sufficient. Thus when he writes that the law of a slave forcing applies even today, perhaps he means even according to Rabbi Meir, as the Korban Nesanel says, although he himself does not agree with Rabbi Meir. After all, it is common in the Mishnah and Gemara for one side of a dispute to make a statement unequivocally, yet later it emerges that he himself did not agree with the statement and he said it only according to his opponent's line of reasoning.

Maamar Shalosh Shevuos Siman 4

(Background: Rabbi Meir of Rothenberg stated that nowadays, only a husband can force a wife to immigrate to Eretz Yisroel, but a wife cannot force a husband. The question is, if there is a mitzvah nowadays to live in Eretz Yisroel, even the wife should have the power. And if there is no mitzvah, even the husband should not have the power. In Siman 3 the Rebbe quoted the Bach, who answers that there is a mitzvah, but the difference is that nowadays it is hard to earn a living in Eretz Yisroel, so only the husband, who is responsible for earning the family income, can make the decision to move. Now the Rebbe will propose a different answer: that the mitzvah today is weaker in a certain way than it was in Temple times.)

We can say a different answer, based on the Derisha (Even Hoezer 75:3) who explains at length that Rabbeinu Meir does not hold like Rabbeinu Chaim Cohen (brought in Tosafos Kesubos 110b) who says that nowadays there is no mitzvah at all to live in Eretz Yisroel, but rather he holds that the mitzvah is not so great as it was in Temple times, and therefore the wife cannot force the husband but the husband can force the wife. And this is certainly true, for even the Maharit (Rabbi Yosef di Trani, 1538-1639) who disagreed with Rabbeinu Chaim Cohen brings a proof (that there is still a mitzvah to live in Eretz Yisroel nowadays) from Rabbeinu Meir who says that at least the husband can force the wife. Similarly, the Rosh quotes Rabbeinu Meir but

does not mention Rabbeinu Chaim Cohen at all. And similarly, all the other poskim who disagree with Rabbeinu Chaim do not disagree with Rabbeinu Meir.

However, we must understand the root of this matter: what does it mean that, according to Rabbeinu Meir, in Temple times there was a great mitzvah, and now it is only a small mitzvah. Seemingly, it can only go two ways: if the mitzvah of living in Eretz Yisroel, which the Ramban counts among the 613 mitzvos, applies even today, then it is a great mitzvah just like in Temple times, and if that mitzvah does not apply, then what is the small mitzvah?

The answer to this is quite simple, but first we must remember the words of the Rif (Rabbi Yoshiahu Pinto, quoted above in Siman 1), in his commentary on Ein Yaakov, that the Sages only said "whoever lives outside of Eretz Yisroel is as if he worshipped idols" when the person leaves Eretz Yisroel of his own volition. Based on this, he explains how Rav Yehuda can say that it is forbidden to go to Eretz Yisroel - Rav Yehuda is talking about the Babylonian Jews, who were forced out of Eretz Yisroel by their enemies. But this doesn't make sense, since the Sages derived this teaching from King David, who said, "For they have expelled me this day from clinging to the land of Hashem, saying, go serve other gods." (Shmuel I 26:19) Now, David did not leave Eretz Yisroel of his own volition - he fled for fear of death! That is what he said, "For they have expelled me." So it sounds like even one who goes against his will is considered as if he worshipped idols. Also, the language used by the Gemara, "Whoever lives outside of Eretz Yisroel..." does not give the impression that it's talking only about someone leaving Eretz Yisroel, for it doesn't mention leaving, and if that were the idea, the main point would be missing from the text.

Now, the distinction between someone leaving Eretz Yisroel and someone who lived outside Eretz Yisroel all his life is not altogether wrong; such a distinction does exist. The Ritva in Yoma 38 asks how great rabbis like the Rambam could have lived in Egypt - doesn't the Torah say (Devarim 17:16) that we are forbidden to live in Egypt? He quotes the answers given by others, and then he gives his own answer: that the prohibition only applied when the Jewish people lived on their land, but nowadays, when there is a decree upon us to be scattered in all corners of the earth, all lands outside of Eretz Yisroel are equal, and the only thing that is forbidden is to leave Eretz Yisroel of one's own volition. So he makes this same distinction, but he does not mention the statement that "whoever lives outside of Eretz Yisroel is as if he worshipped idols" (because that statement applies even when one is forced out of Eretz Yisroel, as can be proven from King David). Rather, he is referring to other statements of the Sages, such as Bava Basra 91a: "One may not go out from Eretz Yisroel unless the price of two measures of flour has gone up to a sela." And there are many such statements which could be explained to mean only when one goes out of Eretz Yisroel of one's own volition. But this statement derived from King David who said,

"For they have expelled me this day" cannot be any more lenient when someone is expelled (because David himself was expelled, and) because the reason given by the Ritva to be more lenient (that we are under a decree of exile) did not apply in David and Shaul's time, when the Jewish people lived in their land. So the statement applied only then, and it applied even if the person was expelled forcibly.

Maamar Shalosh Shevuos Siman 5

(Background: Rabbi Meir of Rothenberg stated that nowadays, only a husband can force a wife to immigrate to Eretz Yisroel, but a wife cannot force a husband. The question is, if there is a mitzvah nowadays to live in Eretz Yisroel, even the wife should have the power. And if there is no mitzvah, even the husband should not have the power. In Siman 4 the Rebbe proposed that there is indeed a mitzvah, but it is weaker nowadays. Later in Siman 7 he will explain why this weakness affects the wife's power and not the husband's. Now, the goal is just to explain in what way it is weaker. The answer was that the statement, "Whoever lives outside of Eretz Yisroel is as if he worships idols" does not apply nowadays, since even Eretz Yisroel is not under a Jewish kingdom and wherever one goes in the world, he is as if he worshipped idols." Now the Rebbe will bring Rashi on Tanach who says the same thing.)

And even without all of the above, in most printings of the Tanach, in Shmuel I 26 Rashi says, "One who goes out from Eretz Yisroel in Temple times is as if he worshipped idols." So he says explicitly that this was only true in Temple times. Although in some printings the words "in Temple times" do not appear, still we see that Rashi there quotes the Targum Yonasan: "David went among the nations who worship idols," so we see that the reason why someone who goes out of Eretz Yisroel is as if he worshipped idols is because he goes among the nations who worship idols. This is similar to what we find in the Torah, Parshas Vaeschanan, "And you shall serve their gods made by the hands of man," and the Targum Onkelos and Targum Yonasan say that it means they will serve the nations who worship idols, so it will be considered indirectly as if they are serving the idols. And Rashi also says that the meaning is as the Targum explains it. Now, this reason not to leave Eretz Yisroel only applied when the Jewish people lived in Eretz Yisroel, so that there existed there a kingdom of believers in Hashem. Thus leaving that kingdom and entering the domain of idol-worshippers was considered like serving idols. And so too Rashi on the verse in Shmuel, "For they have expelled me..." quotes the Targum. And this can also be inferred from Rashi's commentary on Kesubos 110b, where he says, "This verse refers to David, because he had to flee from Eretz Yisroel to the king of Moav and to Achish." Why didn't Rashi

say simply that he went out of Eretz Yisroel? Why did Rashi have to mention the king of Moav and Achish? So it must be that the main thing is whose rule you are under.

And in truth, Tosafos in Gittin 2a says that the land of the Philistines was actually part of Eretz Yisroel, as we know from the fact that Avraham and Yitzchok lived there. And Tosafos proves from the Book of Yehoshua that the Philistines lived in Eretz Yisroel. If so, when David fled to the land of Philistines, it is possible that he never left the borders of Eretz Yisroel. Still, it was considered as if he worshipped idols because he was under an idolatrous kingdom. I have already explained at length that this is the opinion of the Rambam as well, and many other Rishonim. And possibly even the Ramban agrees to this. (In other words, although the Ramban holds there is a mitzvah to live in Eretz Yisroel nowadays, he would agree that the statement that one who lives outside Eretz Yisroel is as if he has no god does not apply nowadays. The reason why the Rebbe is doubtful about this is that the Ramban proves from this statement ("he is as if he worshipped idols") that there is a mitzvah to live in Eretz Yisroel even nowadays. So we see that however the Ramban understood the statement, he definitely understood it as applying nowadays.) And in the second part of this work, which I hope to write, G-d willing, dealing with the mitzvah to live in Eretz Yisroel, I will explain this at length. Here I am only bring in briefly whatever is necessary for the subject at hand.

But it would seem that even those who disagree with Rabbi Meir of Rothenberg and hold that both husband and wife may force each other to go to Eretz Yisroel nowadays as well, still agree that this statement that one who lives outside Eretz Yisroel is as if he worshipped idols, which is derived from David, applied only when the Jewish people lived on their land. It cannot be applied to today's time, because the reason that applied to David, who went from Shaul's kingdom to the king of the Philistines, does not apply today.

(See the Gur Aryeh on Vayikra 25:38, the Haflaah on Kesubos. and the Avnei Nezer 454:14 - all photocopied in the sources file - who understand this statement differently: in Eretz Yisroel one's sustenance comes directly from Hashem, while elsewhere in the world it goes through the angel appointed over that country. However, the Meiri says that reason is that we shouldn't learn from the gentiles, and the same is implied in the Tosefta of Avodah Zarah chapter 5; this is similar to what the Rebbe says.

It would seem that both reasons are true: The Gemara begins with a statement that one who lives outside Eretz Yisroel is as if he had no G-d, and derives it from a verse in Vayikra 25:38. Then it asks how that could be, and revises the text of the Baraisa to read "as if he worshipped idols". The question is what happened to the first verse. Probably the answer is that the statement that one is as if he had no G-d was meant as the Haflaah understands it, that one is leaving Hashem's

providence and going to live under the angels. This should apply only to someone who leaves Eretz Yisroel, not to someone born outside of Eretz Yisroel, as the Maharal says. Hence the Gemara's question, how could that be? The Gemara answers that one born outside Eretz Yisroel, or one living there for any reason, is still subject to the statement that he is like one who worships idols, for that is as the Rebbe explains it, an unchangeable fact: he serves those who serve idols, and as the Meiri says, he is exposed to their lifestyle and learns from them.)

Maamar Shalosh

Shevuos Siman 6

(Background: It can be shown that the statement, "Whoever lives outside of Eretz Yisroel is as if he worships idols" (Kesubos 110b) does not apply nowadays, because the reason is that when one lives under a government of people who serve idols, he is indirectly serving the idols. This is only when one leaves a Jewish kingdom of believers in Hashem, but in exile when even Eretz Yisroel is not under Jewish control, one is an indirect idol worshipper wherever he goes.)

Further proof that the statement "Whoever lives outside of Eretz Yisroel is as if he worships idols" does not apply nowadays can be found in the fact that the Rif, the Rosh, the Tur and the Shulchan Aruch do not incorporate this statement into their codes, although they bring all the detailed laws of husband and wife forcing one another to move to Eretz Yisroel. These authorities only codify halacha that applies nowadays, and that is why they omitted this statement.

One might try to refute this proof by saying that the reason they omitted it was because they felt that it was already included and implied in the law that one spouse can force the other to move to Eretz Yisroel. (The basis of this argument is that Tosafos quotes Rabbeinu Chaim who says that there is no mitzvah to live in Eretz Yisroel nowadays, and therefore the law the one spouse can force the other does not apply. The implication of Tosafos is that whoever disagrees with Rabbeinu Chaim and holds that the law of forcing does apply, would also hold that there is a mitzvah to live in Eretz Yisroel nowadays.)

However, this is not a true logical argument, since we see that the Ritva in Yoma 38 (quoted in Siman 4) holds that now, when we are under a decree of exile, there is no mitzvah or obligation to go to Eretz Yisroel, only that one who lives there is forbidden to leave. Yet the poskim did not consider this a proof that the Ritva held like Rabbeinu Chaim that that law of forcing does not apply today, otherwise they would have grouped the Ritva together with Rabbeinu Chaim, and in fact we find that the poskim (see Me'il Tzedaka, in the sources for Siman 3, page 3) say that

Rabbeinu Chaim was a lone opinion. If the Ritva had disagreed with the Rif and Rabbeinu Meir and the other Rishonim who hold that the law of forcing does apply, the poskim would have said so, as they usually do when there are divergent opinions. So we must say that there is no proof from the law of forcing that there is an obligatory mitzvah to go to Eretz Yisroel.

Furthermore, the Mishnah says that one spouse can force the other to move to Jerusalem, and we do not find anywhere that there is an obligatory mitzvah to move from other parts of Eretz Yisroel to Jerusalem. The mitzvah of living in Eretz Yisroel, as the Ramban sets it down, applies equally to all parts of Eretz Yisroel. And no one would dream of saying that that someone leaving Jerusalem and moving to another part of Eretz Yisroel is as if he worshipped idols. Yet there is a law that one spouse can force the other to move to Jerusalem. The Chasan Sofer, Yoreh Deah 233 and 234 writes, based on the law of forcing, that since Jerusalem has more holiness than the rest of Eretz Yisroel, one who lives there is fulfilling a greater mitzvah. And he works hard to find excuses as to why most great rabbis for many generations lived in Tzfas rather than Jerusalem. So we must conclude that although it is not an obligatory mitzvah, still, since the place is holier, one's service to G-d there is greater, and therefore there is a slight mitzvah to live there and one spouse may force the other.

Of course, in the times of the Temple there was an even greater mitzvah to live in Jerusalem, since there were many mitzvos that could only be done there, like eating sacrifices and the second tithe and prayer in the Temple. Rabbi Aharon Halevi in the Sefer Hachinuch says that the reason why the Torah commanded us to bring the second tithe to Jerusalem and eat it there is so that by spending time in Jerusalem, one would see the service of the Kohanim in the Temple and become closer to the service of Hashem by witnessing all these actions. However, today we have unfortunately lost all of these things; still one spouse can force the other to move to Jerusalem, and it must be as we explained it above.

There are actually some poskim who bring proof that there is a mitzvah to live in Eretz Yisroel even nowadays from the fact that the halacha codes include the laws of one spouse forcing the other to go to Eretz Yisroel. But they only mean to bring proof that we don't rule in accordance with Rabbeinu Chaim, who says that the law of forcing doesn't apply nowadays since there is no mitzvah to live in Eretz Yisroel, no mitzvah at all - on this these poskim write that since the other Rishonim hold that the law of forcing does apply even today, it must be that they disagree with Rabbeinu Chaim, and they hold that there is at least some mitzvah even today.

But those later poskim (like the Me'il Tzedaka and the Maharit) who hold that there is a real Torah mitzvah to live in Eretz Yisroel even today are basing themselves not on the law of forcing,

but on the Ramban and the Sifri quoted by the Ramban. This is not the place to write at length on this subject, but in any case their proof is not from the law of forcing.

(See, however, the Ramban in his commentary on Bamidbar 33:53 where he does cite the law of forcing one's spouse as proof that there is a mitzvah to live in Eretz Yisroel even nowadays. How then would the Ramban deal with the Rebbe's point that there is no mitzvah to live in Jerusalem, yet one can force one's spouse to move there? Doesn't this show that the right to force in no way implies that it's a mitzvah? Perhaps we could say that the Ramban held that Jerusalem towers above the rest of Eretz Yisroel in holiness more than Eretz Yisroel towers above the rest of the world. Therefore, we understand the idea of forcing to move to Jerusalem without a mitzvah, but the idea of forcing to move to Eretz Yisroel is impossible to understand, says the Ramban, unless we say there is a mitzvah.)

Therefore, one cannot argue that the Rif and the Rosh and the rest of the Rishonim who omit the statement that one who lives outside of Eretz Yisroel is as if he worshipped idols were relying on the fact that they codify the law of forcing, because this would not prove that it is such a big obligation that anyone who stays outside Eretz Yisroel would be like an idol worshipper. Rather, it must be that they held that the statement about worshipping idols does not apply nowadays, as I have proven earlier from the words of the Targumim, which were written based on the teachings of the early Tannaim, and also from Rashi and other Rishonim.

However, the Rambam (Hilchos Melachim 5:12) does incorporate the statement about idol worship, although it does not apply today, because the Rambam's code includes all laws, even those that do not apply today.

According to all of the above (Simanim 4-6), we can understand why Rabbeinu Meir of Rothenberg says that the laws of forcing a spouse do not completely apply today. The reason is because in Temple times living in Eretz Yisroel was a great mitzvah and a Torah obligation, and one who left Eretz Yisroel was as if he worshipped idols, whereas nowadays both of these aspects are weaker: The idea that it is as if he worshipped idols no longer applies, and the mitzvah is no longer an obligation, due to the decree of exile as the Ritva says. There is still somewhat of a mitzvah, just as living in Jerusalem is a higher level than living in other parts of Eretz Yisroel, but this is definitely considered a small mitzvah relative to the mitzvah that existed in Temple times. And that is why the law of forcing a spouse was downgraded today.

It remains to be understood, however, why this meant a weakening of the wife's power and not the husband's. This is what the Tur asks, and the Beis Yosef's answer - that they still did not want to reduce the power of the husband - is not clear, since he gives no reason. I have already quoted

the Bach's distinction between husband and wife (Siman 3) but now we are trying to explain the weakening of the wife's power in terms of the weakening of the mitzvah, whereas the Bach's concept applies even if the mitzvah now is equal to the mitzvah then.

(See Igros Moshe, on the last page of the first sources file, who proposes that the small optional mitzvah of living in Eretz Yisroel nowadays was enough to elevate Eretz Yisroel to the level of another city in the same country, where the husband has the exclusive right to force his wife to move.)

Maamar Shalosh Shevuos Siman 7

(Background: Rabbi Meir of Rothenberg stated that nowadays, only a husband can force a wife to immigrate to Eretz Yisroel, but a wife cannot force a husband, unlike in Temple times when both spouses had this power. The Rebbe has explained in simanim 4-6 that there is still a mitzvah nowadays, but it is weaker. The question remains: why does this weakness affect the wife more than the husband?)

I would propose that the reason why the wife's power was downgraded nowadays, but not the husband's, is because we suspect her of wanting to move to Eretz Yisroel for ulterior motives. We find this concept in Shulchan Aruch, Even Hoezer 75:4. There the Rema says that if a husband demanded that his wife move to Eretz Yisroel with him, she refused, and accordingly the law exempted him from paying the kesubah, and then he subsequently returned from Eretz Yisroel, even after many years - he must then pay the kesubah to her or her heirs. The Beis Shmuel explains that this is because his move to Eretz Yisroel has now been exposed as nothing more than a trick to avoid paying the kesubah.

Now, by Torah law a husband can divorce his wife whenever he wants, even against her will, so he doesn't need to play tricks to escape from the marriage. He needs the trick only to avoid paying the kesubah. A wife, by contrast, does not need any trick to get the kesubah; she is automatically entitled to it. She does need a trick if she wants to end the marriage and her husband refuses to grant the divorce.

In fact, the Mishnah in Nedarim 90b gives an example of a wife playing such a trick. The Mishnah states that originally, the law was that a kohein's wife who said "I was defiled by another man against my will" is believed, and her husband must divorce her and pay the kesubah.

(This situation is unique to a kohein because an ordinary Jew may stay married to his wife if she was raped. And if she willfully committed adultery, he divorces her without paying the kesubah. Only a kohein is forbidden to stay married to his wife after she was raped, but since it was not her fault, she does not lose the kesubah.) But a later generation of Sages changed this law, out of fear that the wife might be making up the whole story, in order to escape from the marriage and marry another man whom she finds more attractive.

The Ran (Rabbeinu Nissim ben Reuven, 14th century Spain) asks: if originally the wife was believed, and she was thus forbidden under Torah law to stay married to him, how could the later Sages have permitted her because she might be playing a trick? The Ran quotes others who answered that the Sages have the power to occasionally suspend Torah law if the situation requires it. The Ran disagrees, arguing that the Sages only have the power to prohibit us from performing a positive commandment (e.g. blowing shofar on Shabbos), but not to tell us to transgress a negative commandment, such as the prohibition to continue a marriage after the wife was defiled. Only occasionally may they suspend a negative commandment, such as Eliyahu the prophet did when he built an altar on Mount Carmel, but not permanently. The Ran's final answer is that according to Torah law a wife does not have the right to claim that she is defiled and thus break up her marriage. The original law of the Mishnah, then, was actually only a Rabbinic stringency, and so when the Rabbis saw fit they annulled it.

If so, we must ask: why does the Mishnah give a wife the right to force her husband to move to Eretz Yisroel or else divorce her? Perhaps she is making this demand only because she wants to escape from the marriage and marry another man. Now, normally we would not ask such a question, because we can't compare one Rabbinic decree to another. Wherever the Sages decided to make a decree, they made one, not elsewhere. Possibly they did not wish to suspect her of trickery in the case of Eretz Yisroel, because she may be suffering physically in her current place of residence. Possibly the Sages did not want to prevent her from doing the mitzvah of moving to Eretz Yisroel. Or perhaps the Sages distinguished between the claim of defilement, which requires no effort on her part, just words, and the demand to move to Eretz Yisroel, where we grant her the divorce and kesubah only if she actually goes to the trouble of moving to Eretz Yisroel.

However, the question goes deeper, because we do actually find that the Sages worried about someone using emigration to Eretz Yisroel as a trick. The slave who runs away to Eretz Yisroel must be freed by his master under Torah law, yet the Sages enacted that such a slave must write his master a promissory note for his own value. Tosafos (Kesubos 110b) explains that the Sages were afraid that any slave wanting freedom would simply run to Eretz Yisroel, so they enacted that slaves pay a hefty price, to discourage all but the most ardent lovers of Eretz Yisroel. So we

see that although slaves wanting to be free is not such a bad thing, and on the contrary a freed slave becomes a full-fledged Jew, obligated in all mitzvos, still the Sages were worried about the loss of masters, should all slaves run away. If so, they should have been even more concerned about wives looking at other men and attempting to break apart their marriages - a problem so great that it prompted the Sages to permit a Torah prohibition, at least according to the first opinion quoted by the Ran. As the Talmud says (Chullin 11b), there is no guard good enough to prevent people from transgressing marital prohibitions. If we leave the door open for wives to force divorce, who knows what may come next?

Still, we can't compare one Rabbinic law to another, as the Mishnah states (Yadayim 3:2), even when the logic of kal vachomer (a fortiori) applies, as the Eliyah Rabbah points out in his commentary there. So we cannot ask this as a question. However, we can use this idea to explain the Yerushalmi quoted by Rabbi Meir of Rothenberg, which says that in fact wives nowadays do not have the right to demand that their husbands move to Eretz Yisroel. In the times of the Temple, when moving to Eretz Yisroel was a Torah obligation, and living outside Eretz Yisroel was like worshipping idols, the Sages gave the wife the power to force her husband to move or divorce her, and they did not suspect her of having the ulterior motive of marry someone else. But nowadays, the slight mitzvah that still exists in moving to Eretz Yisroel was outweighed by the consideration of preventing wives from using this as a device to escape from the marriage.

One might ask: if so, the Sages should also have been concerned about the husband using the same device to escape from the marriage, because perhaps he found another woman he wants to marry. Now, in Talmudic times this was not a problem at all, because the Torah allows a man to divorce his wife even against her will, so there is no need for him to move to Eretz Yisroel to accomplish this. (One may ask why indeed the Torah permits this - doesn't it leave the door open for promiscuity on the man's part? The answer is that the Torah also allows a man to marry a second wife without divorcing the first, so if he does divorce her, it will not be the desire for another woman that motivates him.) But one might still contend that after the decree of Rabbeinu Gershom (10th century German teacher of Torah) that one may not divorce one's wife against her will, the law should change, and we should no longer allow a husband to force his wife to come with him to Eretz Yisroel or else accept a divorce, lest he use this as a vehicle to circumvent the Rabbi Gershom's decree. There are indeed opinions in Even Hoezer 178:9 that in the post-Rabbeinu Gershom era, we do not allow a man to claim that he believes a witness who says that his wife was defiled, because he might be using this as a trick to divorce her against her will and marry someone else.

But the answer is that the slight mitzvah that exists in moving to Eretz Yisroel outweighs the concern about him circumventing Rabbeinu Gershom, and if we are to be concerned about

Rabbeinu Gershom, the entire enactment of the Talmudic Sages that one spouse can force the other to move to Eretz Yisroel would, in effect, become null and void. Rabbeinu Gershom did not make his decree so strong as to outweigh a mitzvah. Of course, if he is merely using moving to Eretz Yisroel as a device, it is not a mitzvah, but the point is that if we are going to suspect every husband of using it as a device, the end result will be that no husband will benefit from the enactment of the Talmudic Sages, even one who wants to move to Eretz Yisroel for the right reasons, since we cannot read minds. So why should we annul a Talmudic law in favor of Rabbeinu Gershom's law?

Besides, the law of the husband forcing his wife was enacted in Talmudic times, so we cannot change it so easily, even if circumstances have now changed (i.e. Rabbeinu Gershom's decree is in force). And this is especially so, since there is good reason for keeping the Talmudic law in force now as well (going to Eretz Yisroel outweighs Rabbeinu Gershom). So there is no comparison between the husband and the wife, who is forbidden by the Torah from marrying someone else, and we certainly do not want her setting her eyes on another man and forcing her husband to divorce her. So it is easy to understand why the Yerushalmi says that the husband has the power to force and the wife does not.

According to the above, we can also understand why there is a difference between a wife and a slave - the slave can force his master to free him even nowadays, while the wife cannot force her husband to divorce her nowadays. First of all, in the case of the slave it was possible to deter those with ulterior motives by making them write a promissory note to pay their masters for their freedom, while in the case of the wife no such monetary penalty would help - if she has set her eyes upon marrying someone else, no penalty would stop her. "There is no guard good enough to prevent people from transgressing marital prohibitions." Secondly, the danger of wives initiating divorce and marrying someone else is a more serious problem than slaves going free, which is merely a matter of financial loss for the masters. In general, divorce is worse than freeing a slave. We see that husband and wife living together is such an important matter that the Gemara at the end of Chullin (141a) says that we need a special verse in the Torah to teach that one may not violate the commandment against taking a mother bird sitting on her young even if one needs that bird to purify someone afflicted with tzoraas, and thus permit him to live with his wife. Although both of these (the obligation to send away the mother bird, and the obligation of the person with tzoraas to perform the ritual with the bird (Vayikra 14)) are positive commandments, and seemingly one should not be stronger than the other, still one would have thought that peace between husband and wife outweighs another commandment, since we find that Hashem allows His name to be erased (in the Sotah ritual) in order to restore peace between husband and wife.

Furthermore, freeing a slave who runs away to Eretz Yisroel is an explicit verse in the Torah (Devarim 23:16), and so it is clear that the Torah doesn't require us to suspect the slave of running to Eretz Yisroel just to become free. The Torah was given to humans who cannot read minds. The law about divorcing a wife who wants to go to Eretz Yisroel, on the other hand, is Rabbinic in origin, and thus the Sages might well have suspended in cases when the mitzvah to move is not so great and we don't know her true motives.

Maamar Shalosh

Shevuos Siman 8

(Background: After explaining why a wife nowadays no longer has the power to force her husband to move to Eretz Yisroel according to Rabbi Meir of Rothenberg, and explaining why a wife is different from a slave in this regard, the Rebbe quotes the Avnei Nezer, who in fact equates the wife with the slave and concludes that the wife does have power even today.)

The Avnei Nezer, Yoreh Deah siman 454, writes at first that the Beis Shmuel is alone in ruling in accordance with Rabbi Meir of Rothenberg; all other poskim hold that the wife's power is in full force even today. His proof is that the law that a slave may force his master to free him when he wishes to go to Eretz Yisroel is codified in Yoreh Deah 267:84, where it is stated explicitly that it applies even today. Now, a master's power over his slave is ten times stronger than a husband's power over his wife, so we conclude that a wife must certainly have the power to force him to move to Eretz Yisroel. Also, the Taz and the Shach are silent and do not mention any distinction nowadays between husband and wife, so we see that they disagree with the Beis Shmuel.

Now, I have already explained at length the reasons why one cannot prove the law of a wife from the law of a slave. (The law of the slave is from the Torah while the law of the wife is Rabbinic (Siman 2), the slave has to support himself while the wife depends on her husband so she cannot force him to go to a place where he might not make a living (Siman 3) and we don't want wives using this law as means to escape from marriage and marry another man (Siman 7).)

And even the Avnei Nezer himself, later in the same responsum, paragraph 22, offers a distinction between the slave and the wife. He proposes that nowadays, the mitzvah to live in Eretz Yisroel is only for righteous individuals. Therefore, the husband may claim that he meets this qualification and wants to go, and if his wife disputes this and refuses to go, she receives no kesubah payment because he can argue, "Prove to me that I am not righteous and then you will get your money." As always, whichever party wishes to extract the money from the other has the

burden of proof. But if the wife claims she is righteous and want to move, the husband can argue, "Prove to me that you are righteous and you will get your money." Now, a slave is considered to be holding himself and so the master has burden of proof. If the slave claims to be righteous, he can say to his master, "Prove that I'm not righteous and going to Eretz Yisroel is not a mitzvah for me; otherwise I have the right to my freedom."

However, what is difficult here is that the Avnei Nezer proposes to make this distinction according to the Rambam. The Rambam states clearly that the law of the slave applies even today, while when it comes to the husband and wife forcing one another, he does not say anything. And it's unlikely that the Rambam did not bother to mention that the law still applies nowadays because he relied on us getting that information from his Laws of Slaves. So the Avnei Nezer understood that the Rambam held like Rabbi Meir of Rothenberg who says that the law of both spouses forcing does not apply nowadays, but rather only the husband can force the wife to move, and he gives the above explanation for the difference between a wife and a slave. The problem here is that the Rambam never mentions any distinction between husband and wife, and so it doesn't seem that he held like Rabbi Meir of Rothenberg. If he held the law of forcing does not apply nowadays, then it does not apply at all - neither party can force the other to move. But that would be too radical, because it would place the Rambam in the same camp as Rabbeinu Chaim in Tosafos, who says that the law of forcing does not apply today since there is no mitzvah to live in Eretz Yisroel now, but the poskim say that Rabbeinu Chaim is a lone opinion. No one - not the Beis Yosef or anyone else - mentions that the Rambam agrees with him.

So it must be that all the poskim understood that the Rambam really means that the law of husband and wife forcing does apply even nowadays, and the only reason he does not say so is because he says so later on in the Laws of Slaves, and he relied on his readers deriving it from there. This is despite the fact that such reliance on later laws would run contrary to the principles the Rambam followed when writing his code.

The Yad Malachi in his "Rules about the Rambam" section 6 quotes the Knesset Hagedolah and the Tosafos Yom Tov (Orlah 5 and Parah 11), who say that the Rambam sometimes considers it sufficient to write something in one case early in his code and let his readers apply the rule to other cases later on in his code, but never does he leave out something in an early place and rely on the fact that he will write it in a different case later in his code. Then the Yad Malachi quotes a different place (Gittin 3) where the Tosafos Yom Tov seems to contradict this rule; he also cites a Kesef Mishneh in the Laws of Vows and other places where he seems to disagree with this rule. Therefore the Yad Malachi leaves the matter undecided.

In my humble opinion, the quote from Tosafos Yom Tov in Gittin does not prove anything, because he only writes that the Rambam in Laws of Divorce left something out and filled it in later in the Laws of Terumah because the Laws of Terumah is its natural place. So there is no comparison to our case, where the Laws of Slaves is no more a natural place for this law than the Laws of Marriage. The Yad Malachi's quote from the Kesef Mishneh does not prove his point either, because he says that the law regarding oaths can be derived by kal vachomer (a fortiori) from that of vows. Thus in cases where there is no kal vachomer, the Rambam might not rely on writing someone in only one of the places. It is difficult to look up all the places quoted by the Yad Malachi, but it seems that unless there is a good reason to rely on something written later (like in these last two cases) the Rambam does not leave out things and rely on what he writes later. So it is hard to understand why he saw fit to tell us in the Laws of Slaves that the law applies nowadays, while in the Laws of Marriage - earlier in his code - he does not tell us this.

Possibly the poskim were uncertain as to the Rambam's position on whether the law of forcing a spouse applies nowadays. Perhaps it does not apply, or perhaps it applies, and the Rambam had some good reason to leave it out and rely on what he writes in the case of the slave. Since the Rambam's position was not known with certainty, no one lists him as agreeing with Rabbeinu Chaim. But this matter requires much further study.

Maamar Shalosh Shevuos Siman 9

(Background: In Siman 1 the Rebbe posed a basic question: How can Rav Yehuda, an Amora, disagree with the Mishnah? Rav Yehuda says that it is forbidden even for an individual Jew to go to Eretz Yisroel nowadays, while the Mishnah says that on the contrary, going to Eretz Yisroel is such a mitzvah that either spouse can force the other to do it. Now we are ready to answer this question.)

Let us return to our subject. Now there is no contradiction at all between Rav Yehuda and the Mishnah and Baraisa about forcing one's spouse, certainly according to Rabbi Meir of Rothenberg, and even according to those who disagree with him. According to Rabbi Meir of Rothenberg, the Mishnah applies only in Temple times, while Rav Yehuda's law applies only during exile. And even according to the Tur, who disagrees with Rabbi Meir, it is still possible that the Mishnah applied only in Temple times. The Tur's problem with Rabbi Meir is only that if the Yerushalmi (which says that only the husband can force the wife, not vice versa) is talking about during exile and the Mishnah applied only in Temple times, then why should the husband

have the right to force his wife? No one should be able to force anyone. So it is clear that if the Yerushalmi and Rabbi Meir of Rothenberg had simply stated that no one can force anyone nowadays, the Tur would have had no problem with the idea of confining the Mishnah to Temple times. And this is precisely Rav Yehuda's opinion.

And even according to the Chasam Sofer, who proves from the law of the slave that the Babylonian Talmud disagrees with this Yerushalmi, and argues that even Rabbi Meir of Rothenberg did not mean his distinction between husband and wife as practical halacha, only as an explanation of the Yerushalmi, there would be nothing wrong with saying that Rav Yehuda agrees with the Yerushalmi. Of course, we have already noted that language of the Rosh and Rabbi Meir of Rothenberg indicates that they are saying practical halacha, contrary to the Chasam Sofer's interpretation. The Beis Shmuel indeed rules in accordance with Rabbi Meir, and we have already answered all the questions on this from the slave and other places.

We have also resolved the problem with Rav Yehuda raised by the Rif on Ein Yaakov (Rabbi Yoshiahu Pinto): how can Rav Yehuda forbid Jews to go to Eretz Yisroel if living outside Eretz Yisroel is tantamount to idol worship? The answer was that that was true only in Temple times (because leaving a Jewish country and moving to an idolatrous country is like worshipping idols, but nowadays you are under idol worshippers no matter where you live), and even if one disagrees with this assertion, Rav Yehuda can certainly hold that way.

However, although Rav Yehuda's statement is now understandable, it would seem that the halacha follows Rabbi Zeira. The proof to this is that the Rif, Rosh, Tur and Shulchan Aruch all codify the law of forcing one's spouse even in our times, and Rabbi Meir of Rothenberg holds that at least the husband can force the wife, so it is clear that they didn't hold like Rav Yehuda, who says the law does not apply in our times at all. We also see in the Gemara many Amoraim who went from Babylonia to Eretz Yisroel, which shows that they held like Rabbi Zeira, not Rav Yehuda.

(This was the end of Siman 9 in the 1959 edition of Vayoeil Moshe. In 1961, when the sefer was reprinted, the Rebbe added the following paragraphs:)

After the above was printed, I heard some people casting doubts on what I wrote that the Halacha is like Rabbi Zeira, because the Kesef Mishneh says that the Rambam did indeed rule like Rav Yehuda. The Rambam writes (Hilchos Melachim 5:8): "Just as it is forbidden to move from Eretz Yisroel to Chutz Laaaretz, so too it is forbidden to move from Babylonia to other lands, as the verse says, "To Babylonia they shall be brought and there they shall stay." We see here, says the Kesef Mishneh, that the Rambam considers the two statements of Rav Yehuda (on page 110b and

111a) to be one and the same concept. On 110b he says that anyone who goes from Babylonia to Eretz Yisroel transgresses a positive command, and on 111a he says in the name of his teacher Shmuel that it is forbidden to move from Babylonia to other lands. The Rambam copies the second statement of Rav Yehuda in his code, yet he cites the Biblical verse used in the first statement. So it is clear that the Rambam understood that in the first statement, the real problem is leaving Babylonia, not going to Eretz Yisroel. Accordingly, it would be allowed to emigrate to Eretz Yisroel from any other location besides Babylon. In the second statement of Rav Yehuda (111a), when he says it is forbidden to go from Babylonia to other lands, this includes Eretz Yisroel too. And we see in the Gemara, adds the Kesef Mishneh, that many later Amoraim concurred with Rav Yehuda's second statement (this probably refers to Rabah, Rav Yosef and Abaye, quoted in the Gemara right after Rav Yehuda).

Now, the Lechem Mishneh quotes Rashi, who says that the reason for Rav Yehuda's second statement (that it is forbidden to leave Babylonia) is because there are yeshivos teaching Torah all the time in Babylonia. If so, he clearly disagrees with the Rambam's assertion that Rav Yehuda's second statement is based on the verse "to Babylonia they shall be brought." According to Rashi, this second statement of Rav Yehuda in the name of Shmuel has no connection to exile, and indeed one would be allowed to go to Eretz Yisroel, since there are yeshivos there as well. Rav Yehuda's first statement, on the other hand, is based on the verse "to Babylonia they shall be brought" and is an exilic law - it forbid Jews from going back on their own to Eretz Yisroel from anywhere, "until the day that I revisit you" as the verse continues. This teaching would theoretically permit Jews to leave Babylonia and go anywhere else besides Eretz Yisroel, were it not for the second statement with its emphasis on staying in a place of many yeshivos.

The Lechem Mishneh brings proof to Rashi's interpretation, and argues that if the Rambam were correct that the two statements are making the same point, Rav Yehuda should have said, "Whoever leaves Babylonia transgresses a positive commandment," not "Whoever goes up from Babylonia to Eretz Yisroel transgresses a positive commandment." His emphasis on the words "to Eretz Yisroel" strongly indicates that it is only forbidden to go to Eretz Yisroel, not to other countries. One might argue that "to Eretz Yisroel" really means "even to Eretz Yisroel" despite its holiness, but certainly other countries are included in the prohibition. But then, argues the Lechem Mishneh, Rav Yehuda would have had no need to make his second statement about leaving Babylonia at all. The Lechem Mishneh, after a lengthy analysis, concludes that the text strongly points to Rashi's interpretation, not the Rambam's.

In any case, we see that the Lechem Mishneh agreed with the Kesef Mishneh's assessment of the Rambam's position, so that we have here a clear dispute between Rashi and the Rambam as to whether, according to halacha, it is forbidden to travel from Babylonia to Eretz Yisroel.

The Maharit (Rabbi Yosef Di Trani, lived in Greece 1538–1639) also understood the Rambam this way, and, like the Lechem Mishneh, argued that the text does not support the Rambam. The words of Rav Yehuda in the name of Shmuel, "Just as it is forbidden to move from Eretz Yisroel to Chutz Laaaretz, so too it is forbidden to move from Babylonia to other lands," strongly imply that going from Babylonia to Eretz Yisroel is permitted - in contrast with Rav Yehuda's own personal view. So how can the Rambam quote this statement and then say that it is based on the verse "to Babylonia they will be brought" - a prohibition specifically on going to Eretz Yisroel? The Maharit goes on to ask other questions on the Rambam, and leaves them unresolved.

However, there are several Acharonim (later commentators) who interpret the Rambam to mean only the second statement of Rav Yehuda, that it is forbidden to leave Babylonia to go to any land except Eretz Yisroel.

1. Rabbi Avraham Abish of Frankfurt am Main (1700's) in his commentary Emek Hamelech, printed in the back of the standard Rambam, takes issue with the Kesef Mishneh and argues that if the Rambam had meant to go so far as to forbid moving from Babylonia to Eretz Yisroel, he would have said so explicitly. Rather, it is clear that we do not rule in accordance with the first statement of Rav Yehuda, and this is borne out by many stories in the Gemara. It is only his second statement, in the name of Shmuel, that many Amoraim concur with, and this is the Rambam's opinion. However, Rabbi Avraham is still puzzled over the Lechem Mishneh's strong question: why then did the Rambam cite the verse used in the first statement of Rav Yehuda? He leaves this unresolved.

2. Rabbi Chaim ben Yaakov Palaggi (1800s, chief rabbi of Smyrna, Turkey), in his work Nishmas Kol Chai chapter 49, rules in accordance with Rabbi Zeira, not Rav Yehuda, and adds: "Even the Rambam, who rules in the fifth chapter of Melachim that it is forbidden to move from Babylonia to other lands, does not include Eretz Yisroel in this prohibition. The evidence to this is that we find many Amoraim who moved from Babylonia to Eretz Yisroel and were not concerned about Rav Yehuda's opinion. And although our master [Rabbi Yosef Karo] in the Kesef Mishneh writes that the Rambam did forbid moving to Eretz Yisroel, with all apologies, it seems that he was mistaken. For if the Rambam had meant this, he should have written explicitly that whoever goes up from Babylonia to Eretz Yisroel transgresses a positive commandment."

3. Rabbi Yaakov Emden, in the introduction to his edition of the prayerbook, rules against Rav Yehuda, although his language there is difficult to understand. (In this passage, found on page 13 of the Siddur Beis Yaakov, Rabbi Yaakov Emden criticizes Jews for forgetting Eretz Yisroel and getting too comfortable in exile. He blames the Spanish expulsion on this sin, and laments that only one or two in a thousand Jews go to Eretz Yisroel. Probably the Satmar Rebbe's comment

"difficult to understand" means that it is one thing to rule that a Jew is permitted to go to Eretz Yisroel; it is quite another to imply that everyone should ideally do so.) He quotes many stories in the Talmud of countless Amoraim who moved from Babylonia to Eretz Yisroel; clearly, they all held like Rabbi Zeira. This is an irrefutable proof, for the Talmud never mentions in any of these places that there was anything legally questionable about what these Amoraim did.

But if we are to say that the Rambam agrees that the halacha is like Rabbi Zeira, we have to resolve the question of why the Rambam brings the verse, "To Babylonia they shall be brought," which forbids going to Eretz Yisroel. This was the question asked by the Maharit and the other commentators. And this seems to be what convinced the Kesef Mishneh that the Rambam was indeed ruling in accordance with Rav Yehuda.

The Iyun Yaakov, written by Rabbi Yaakov Reischer (Austria, early 1700's), author of Responsa Shvus Yaakov, provides a way to resolve this problem. The Iyun Yaakov proposes that both statements of Rav Yehuda are derived from the same verse - one from the first half and the other from the second half. "To Babylonia they shall be brought" teaches that it's forbidden to go from Babylonia to Eretz Yisroel (or from anywhere to Eretz Yisroel, for that matter, since the main issue is that one may not return from exile). I might still think that one is allowed to go from Babylonia to other lands, but then the verse continues with the seemingly extra words, "And there they will stay" - and this is the source for Rav Yehuda's second statement that one may not go from Babylonia to any other land.

With this in mind, we can explain the Rambam according to those who disagree with the Kesef Mishneh. The Rambam rules like Rav Yehuda's second statement, not his first, because it is on this point that other Amoraim agree with him (namely, Rabah, Rav Yosef and Abaye). So it is allowed to leave Babylonia and go to Eretz Yisroel, just not to other lands. And on this the Rambam cites the verse that Rav Yehuda used in support of his first statement, but the Rambam actually only meant the second half of the verse.

As far as the practical halacha, even if we accept the Kesef Mishneh's interpretation (according to which the Rambam forbids going from Babylonia to Eretz Yisroel), we would not rule like the Rambam, but rather like Rashi. The reason is that there is a rule, laid down by the Beis Yosef in Orach Chaim 159 in the name of the Terumas Hadeshen, that whenever there is a dispute between two poskim in which one expresses his opinion explicitly and it can be inferred or deduced the the other disagrees, we rule in accordance with the explicit posek. In this case, Rashi says explicitly that the second statement of Rav Yehuda has nothing to do with the first: one must stay in Babylonia because it is a place of Torah academies. The Rambam does not explicitly connect

the two statements of Rav Yehuda; it is only the Kesef Mishneh who infers that from the fact that the Rambam cited the same verse.

Besides, many great Acharonim did not agree with the Kesef Mishneh's interpretation of this Rambam at all. They say that the Rambam also ruled like Rabbi Zeira, based on the Rambam's language and based on the undeniable fact that many Amoraim went to Eretz Yisroel. So this is why I wrote that the halacha is like Rabbi Zeira.

Maamar Shalosh Shevuos Siman 10

(Background: Having completed the discussion of Rav Yehuda's opinion that even individual Jews are forbidden under the oath from going to Eretz Yisroel, we now turn to Rabbi Zeira, whom the halacha follows. Rabbi Zeira holds that the Three Oaths apply only to the Jewish people as a whole.)

Now that we have established that the halacha follows Rabbi Zeira, we must understand his opinion and the meaning of the Three Oaths. According to Rabbi Zeira, individuals are permitted to move to Eretz Yisroel; the oath prohibits only "going up as a wall." What kind of immigration does the Gemara mean by "wall"? There are three possibilities:

- 1) The immigration of a large group, all together
- 2) The immigration of the majority of the Jewish people
- 3) A military invasion, without the permission of the nation living there.

(Why doesn't the Rebbe split up number 3 into two possibilities: a military invasion by a large group, or a military invasion by the majority of the Jewish people - just as he splits up peaceful immigration into two possibilities? Because if the Torah's concern is to forbid a military invasion, it does not matter how many Jews are carrying it out.)

Rashi explains, "Together, with a strong hand." We will have to understand the meaning of these cryptic words. ("With a strong hand" seems to indicate military force, while "together" seems to indicate a large group, so which is it?) Later we will offer an explanation of Rashi.

The Maharsha also says something difficult to understand - it seems that he says "as a wall" refers to the building of a literal wall around Jerusalem. The problem is that the Gemara never says the word "build". The oath does not forbid building the wall, only going up as a wall.

(Here is the full text of the Maharsha: Certainly every Jew is permitted to go up to Eretz Yisroel, but they must not go up with a strong hand and to build for themselves the walls of Jerusalem. When Nechemiah said, "Let us build the walls of the city and no longer be a shame" (Nechemiah 2:17), it was with the king's permission, as it is written (2:8). But Toviah, who asked Nechemiah regarding the building of the wall, "Are you rebelling against the king?" did not realize that it was being done with the king's permission. End quote.

In ancient times, a city wall was a mechanism of defense. Thus it would seem that the Maharsha means to espouse the Rebbe's explanation number 3 above: that for Jews to go up and live in Jerusalem under the protection of the ruling power is fine, but if the Jews start to build the walls without permission, it is a signal that they seek independence and self-defense. It is not the building of the wall that violates the oath; it is the rebellion against the ruling power symbolized by building the wall.)

The Gemara in Yoma 9b sheds some light on the meaning of "as a wall":

Reish Lakish was bathing in the Jordan. Rabbah bar bar Chana came and gave him a hand. Reish Lakish said, "By G-d, I hate you! For it is written (Shir Hashirim 8:9), If she is a wall, we will build upon her a crown of silver, but if she is a door, we will build upon her a plank of cedar wood. If you had made yourselves like a wall and all come up [to Eretz Yisroel] in the time of Ezra, then you would have been compared to silver, which cannot rot. But now that you have come up like doors, you are compared to cedar wood, which can rot."

We see here that any mass immigration is called "a wall" even though everything was done with permission from the king and the Jews could do whatever they wished. (This would seem to contradict the Maharsha's assertion that "going up as a wall" means only building a wall or similar activities done without permission from the king. The Jews in fact did build the walls in Ezra's time, with permission from the king, and yet they were criticized for not coming up as a wall. If the king granted permission, how were they expected to build the wall without permission?)

However, the Maharsha in his commentary on Yoma 9b takes care of this problem. He explains that since the Jews of Ezra's time came up in such small numbers, they needed to build walls to protect themselves from their enemies. Hence Reish Lakish says, "If you had made yourselves a

wall” and come up with such large numbers that you would have served as your own wall and not needed a wall of stone, then the Divine Presence would have returned fully to the Temple.

From Bava Basra 8b we can show the Sages use “wall” as a metaphor for strength and resolve. The Gemara says there that Rabbi Yochanan and Reish Lakish disagreed about the meaning of the verse (Shir Hashirim 8:10), “I am a wall...” Rabbi Yochanan says that the wall refers to Torah, and Reish Lakish says that it means the Jewish people. Rashi explains, “All Jews are equally like a wall, and fence themselves off from become assimilated among the gentiles.” So we see that the same Reish Lakish who, in Masechta Yoma, expounds the word “wall” to mean mass immigration, expounds it in Bava Basra to mean the fence by which Jews guard themselves from assimilation.

Rashi writes in his commentary on Shir Hashirim 8:9, “If she is a wall – if she is strong in her faith and fear of G-d, so that she is like an impenetrable copper wall to the gentiles, not intermarrying with them and not being enticed by their lifestyle.” So we see that Rashi explains “wall” as strength of faith and resistance to the enticements of the outside world. Similarly, Rashi explains "I am a wall" in verse 10 to mean, "Strong in the love of my beloved." From all of the above we see that any kind of strength and resolve is metaphorically termed a wall.

The Midrash Rabbah expounds the metaphoric words "if she is a wall, we will build upon her a crown of silver" (v. 9) in many ways. One opinion says it refers to Avraham Avinu. When Nimrod threatened to cast him into the furnace, Hashem said, "If Avraham stands up strong like a wall, I will save him and built him up in the world." Another opinion says it refers to the Jewish people. "If Israel raises up its good deeds like a wall, then I will build upon them and save them," and so on.

Then the Midrash relates that whenever Reish Lakish saw large crowds of Jews in the market, he would say to them, "Scatter yourselves! When you came up to Eretz Yisroel you did not make yourselves a wall, and here you are coming to make yourselves a wall?" The Matnos Kehunah explains that Reish Lakish was speaking to large crowds of Babylonian Jews; the criticism that they did not make themselves a wall when coming up to Eretz Yisroel refers to the passage earlier in the Midrash - the same statement of Reish Lakish brought in Yoma 9b: "If you had made yourselves a wall..."

Now, from the fact that Reish Lakish saw a large crowd in a market in Babylonia and called it a "wall", and criticized them for not coming with similar crowds in the time of Ezra, we see that any large crowd, even if not the majority of the Jewish people and even with permission from the government, is called a "wall." For certainly this crowd seen by Reish Lakish was not a Jewish

uprising, G-d forbid - that would have been forbidden under the oath not to rebel against the nations. Also, Ezra's immigration took place with permission from the king, and there was no rebellion, yet the Gemara implies that it would have been called a "wall" if only the numbers had been larger.

And it would be unreasonable to dismiss this story about Reish Lakish and the crowd by saying that the crowd in question was in fact the majority of the Jewish people. It is highly improbable that the majority of the Jews from the entire world would have gathered at one time in some marketplace in Babylonia. We know that after the destruction of the Second Temple, the Jews were scattered to the four corners of the earth. Rather, there was merely a large crowd in that marketplace, so this proves that any large group, because of its great strength, is termed a wall. This idea that "wall" is an expression of strength fits with the Rashi on Shir Hashirim quoted above, and this is implied in many statements by our Sages.

[The Zionist writer Rabbi Aviner quotes Rabbi Avraham Yellin, who attempts to prove from the Second Temple period that slow immigration over an extended period is not called "going up as a wall." Although the initial group that came with Ezra numbered only 42,000, certainly over the course of time more Jews came up, he assumes. So why does Reish Lakish say that the Babylonian Jews failed to come up as a wall? Clearly "as a wall" means all at once, not over an extended period of time. The Zionists, too, did not immigrate all at once.

However, it may well be that he is mistaken and there was never any second wave of immigration from Babylonia. Those 42,000 were the ancestors of all the Jews of Eretz Yisroel in the Second Temple period. This is in fact the contention of the Pnei Yehoshua, quoted later in Siman 12.

Even if there was more immigration, his proof is not conclusive, because it may be that there is a difference between "as a wall" when used in connection with the Three Oaths, and when used in connection with a time of redemption. When a time of redemption comes, such as the conclusion of the 70 years of exile foretold to Yirmiyahu the prophet, Hashem wants all Jews to respond and return to Eretz Yisroel right away. It is not enough that they eventually returned over the course of a century or two. But during exile, Hashem wants the bulk of the Jewish people to live outside of Eretz Yisroel. So even if they come to Eretz Yisroel piecemeal, like the Zionists, if the end result is that a large portion of the Jewish people is there, it is a violation of the oath.]

Maamar Shalosh

Shevuos Siman 11

(Background: We are discussing the Three Oaths according to Rabbi Zeira, whom the halacha follows. According to this view, the Oaths apply only to the Jewish people as a whole. In the previous siman, the Rebbe asked a basic question: does the oath against "going up as a wall" prohibit only military invasion, or even peaceful immigration with the permission of the ruling power? Now the Rebbe will quote one commentator on the Midrash who takes a side in this matter.)

The commentary Yefeh Kol on the Midrash (by Rabbi Shmuel ben Yitzchok Yaffeh Ashkenazi of Constantinople (1525-1595)) quotes Rashi, who says that "going up as a wall" means "together, with a strong hand." The Yefeh Kol asks: If we are talking about a military invasion, there can be no greater rebellion against the nations than this, and that would already be covered by the oath prohibiting rebelling against the nations. So why do we need this oath? He offers two answers:

1) Rebelling against a nation means only refusal to obey its laws while living under it, such as paying taxes. But if a nation does not allow its Jews to leave, and they sneak out or break out by force, that is not rebellion. For that we have a special oath not to go up as a wall, but rather to wait until we are redeemed by moshiach.

[The difficulty with this answer is that It assumes that "going up as a wall" is a form of rebellion against the host country under which Jews live in exile. If so, breaking out of one's country should be a violation of this oath, no matter where the Jew is going – for example, from the Soviet Union to America. But we know that the oath only prohibits going to Eretz Yisroel. The entire page of Gemara in Kesubos is discussing only going to Eretz Yisroel.

Perhaps the Yefeh Kol means that even after all is said and done, breaking out of one's host country is not rebellion. The oath against "going up as a wall" prohibits breaking out only when the destination is Eretz Yisroel. This would of course assume that Eretz Yisroel was an ownerless, empty land, otherwise the invasion and conquest of Eretz Yisroel would be itself a rebellion.]

2) "To me it seems possible to say that here we are talking about immigration to Eretz Yisroel even with the permission of the governments. For since Hashem scattered us to the corners of the earth, we have no permission to gather ourselves and to be like a wall, to ascend together to Eretz

Yisroel, until Hashem gathers us through moshiach. There is proof to my words from what the Midrash says later on the verse 'if she is a wall' (Shir Hashirim 8:9): If Israel had come up as a wall from exile... There it is not talking about going up defiantly."

[The Yefeh Kol adds that this would explain the continuation of the Midrash, "If so, why will the king moshiach come to gather the scattered of Israel?" In other words, if the Jews go up as a wall from exile, why will moshiach need to come and gather the scattered of Israel? And since we know from many Biblical verses that moshiach will gather the scattered Jews, we have no right to gather ourselves together on our own.]

So we see that the Yefeh Kol holds that even when the government allows immigration, the oath is in effect. But it is not clear whether he holds that only the immigration of all of the Jewish people, that is, a majority of the Jewish people, is forbidden (this much we can be sure - that a majority is enough, for if the oath can only be violated when every single Jew in the world comes, it is impossible that a few people will not be missing; and the Taz has already written in the laws of Rosh Hashanah (Orach Chaim 582:3) that wherever "all" is specified, a majority is like all), or perhaps even a large group, although not a majority of the Jewish people, is included in the oath.

Maamar Shalosh

Shevuos Siman 12

[Background: We are discussing the Three Oaths according to Rabbi Zeira, whom the halacha follows. According to this view, the Oaths apply only to the Jewish people as a whole. In Siman 10, the Rebbe asked a basic question: does the oath against "going up as a wall" prohibit only military invasion, or even peaceful immigration with the permission of the ruling power? Now the Rebbe will quote the Ramban in support of the second possibility.]

The Ramban in Maamar Hageulah, end of Shaar 1, writes:

Now, after this redemption which took place with the permission of Cyrus, you know from Megillas Esther the great dispersion and tremendous scattering that was the condition of our people in all the provinces of King Achashverosh, from India to Ethiopia. And even after that, they did not ascend to Eretz Yisroel. Only a few came with Ezra from Babylonia... In my opinion, it is possible that Cyrus's permission was only for the kingdom of Yehuda. And even if you argue that his permission was for everyone, as the verse says "throughout his kingdom" (Ezra 1:1), the

other tribes did not want to ascend, for they did not wish to force the end, since it was known to them that the promise of remembrance after 70 years was said to Babylonia, not to them.

So you see clearly that although the immigration at that time was done with the government's permission, and although it was a Heavenly remembrance, to go up to Eretz Yisroel and build the Temple, and it was after the end-time of 70 years written in Scripture, and despite the fact that there were prophets at the time (Chagai and Zechariah) who prophesied that this was a Heavenly remembrance and that the Jewish people should ascend - still the Jews in all the provinces were afraid to ascend, lest they force the end, since the prophecy was said about Babylonia, not they.

One might ask: why does the Ramban mention the oath not to force the end, rather than the oath not to go up as a wall? Doesn't any mass immigration violate the oath not to go up as a wall, according to what we are saying now? The answer is that all the oaths in Shir Hashirim are said in the same language: "Do not arouse and do not awaken the love until it is desired." The Sages understood that the time when "it is desired" is the time of the End, the redemption and the coming of the messiah. The oath is written three times to indicate three oaths covering three different situations, sufficiently different that we would not have been able to deduce one from the other, had they not all been written. However, now that Scripture has revealed them all to us, we understand that all three oaths were made for one reason - so that we should not end the exile prematurely.

But this Ramban seems to directly contradict the Gemara in Yoma 9b (mentioned above in Siman 10). There Reish Lakish criticized the Babylonian Jews and said that if they had all come up together as a wall in the time of Ezra, the Divine Presence would have rested on the Second Temple. And the Midrash goes even further and says that the Temple would never have been destroyed. This shows that their decision not to come was a sin - not as the Ramban says.

We can reconcile this in three ways:

1) Rabbi Yochanan disagrees with Reish Lakish and says, "Even if they had all come up in the time of Ezra, the Divine Presence would not have rested on the Second Temple, for the Torah says: G-d will beautify Yefes, but He will dwell only in the tents of Shem (Bereishis 9:). This means that although the Persians, who are descended from Yefes, would fund the building of a beautiful Second Temple, the Divine Presence would rest only on the First Temple, which was built by Solomon, a descendent of Shem."

2) Reish Lakish was criticizing only the Jews of the province of Babylonia itself who failed to heed Ezra's call, but the Jews of the other 126 provinces acted correctly, as the Ramban says.

3) Most likely of all, Reish Lakish was not criticizing the Babylonian Jews for the sin of not coming to Eretz Yisroel, but rather for other sins they had committed for which Hashem punished them by not allowing them to come to Eretz Yisroel. In a similar vein, the Gemara says (Berachos 4a) that the Jews of Ezra's time really should have entered Eretz Yisroel in a miraculous way as in the time of Yehoshua, but their sins prevented it. One might ask: why then did the Divine Presence not rest on the Second Temple? It was not the Jews fault that they didn't come up - they weren't permitted to do so! The answer is that it was still indirectly their fault, since it was their sins that caused it. We find the same idea in the case of Moshe Rabbeinu in Erechin 32b: Moshe did not ask Hashem to take away the inclination toward idol worship because he did not possess the merit of Eretz Yisroel and his prayer would not have been effective. We see here that Moshe lacked the merit of Eretz Yisroel, despite the fact that he wanted to enter so badly and prayed many times that Hashem should annul HIS decree and allow him to enter - because indirectly, it was his fault, since his sin was the cause of that decree.

The Pnei Yehoshua on Kesubos goes a step further than the Ramban. He asks why Rav Yehuda based his prohibition on moving to Eretz Yisroel on the verse, "To Babylonia they shall be brought" if in the end his prohibition rests on the oaths in Shir Hashirim (the same question with which Vayael Moshe begins in Siman 1). Furthermore, this verse was written at the time of the destruction of the First Temple, when the Jews were exiled to Babylonia. So why is it relevant to the second exile, when they were exiled by Rome and went to other lands? His answer is that aside from the small number who came up with Ezra, the Jewish people never left Babylonia. They held that the oath applied even to the Jews of Babylonia (unlike the Ramban, who only says it applied to the Jews in the other provinces), even when the 70 years of exile expired. The Divine remembrance that was manifested in Darius's permission for the Jews to return was merely a small comforting gesture, not the real redemption. So when the second exile began, the Jews of Babylonia were still in their places from the first exile, so the verse, "To Babylonia they shall be brought" still applied to them. How does this fit with Reish Lakish in Yoma 9b, who criticized the Jews for not returning with Ezra? It doesn't, says the Pnei Yehoshua. Reish Lakish disagrees with the Gemara in Kesubos.

[Some Zionists have claimed that the Pnei Yehoshua says that Reish Lakish disagrees with the entire law of the Three Oaths. See Rabbi Shlomo Aviner, reason number 9. Actually, all he says is that the Gemara in Kesubos holds that the Oaths applied even to Ezra's time, and Reish Lakish disagrees with that. Reish Lakish held that Ezra's return was meant to be a redemption for the entire Jewish people and so the oaths did not apply then. But certainly they apply during exile.

Rabbi Yaakov Zisberg in his Nefesh Adah claims that the Ramban is irrelevant to today because the Jews at the time of Ezra must have been warned specifically by the prophets that the

redemption was only for those in Babylonia, not those in other provinces. We today have no prophecy so this is not a problem. He misses the point that on the contrary, today we have no prophet at all to tell us when exile ends, so there is no way any Jews from any part of the world can end it on their own. It is forbidden unless we are notified otherwise.]

The words of the Ramban and Pnei Yehoshua make sense, because it would be hard to believe that the Jews of that time refused, on the whole, to heed Ezra's call. Certainly, had he told them that they were obligated to ascend, and that the Divine presence resting on the Second Temple depended on their coming, they would not have disobeyed. And on the contrary, we find that Ezra actually made sure certain Jews stayed in Babylonia. The Gemara in Kiddushin 69b says, "Ezra did not ascend from Babylonia until he made it like fine flour," meaning that he made sure to leave the Jews with the best lineage there.

Besides, we find that there was a chain of Torah scholarship in Babylonia throughout the Second Temple period. For example, Hillel the Elder, whose school of learning eventually became definitive in establishing halacha, originally lived in Babylonia, as we see from the Gemara in Pesachim 66a. The Gemara tells how once, Erev Pesach fell on Shabbos and no one knew if it was allowed to slaughter the korban pesach - not even the Bnei Beseira, the Nesi'im - leaders of the Sanhedrin. "There is one man who came up from Babylonia," people informed the Bnei Beseira, "and his name is Hillel the Babylonian, and he studied under the two greatest sages of the generation, Shmayah and Avtalyon, and he knows whether the korban pesach supercedes Shabbos or not." Hillel said that the korban pesach could indeed be slaughtered, and the Bnei Beseira promptly stepped down and appointed Hillel as the Nasi instead. From the reference to Hillel as "one man who came up from Babylonia" it seems that Hillel lived in Babylonia and had just come to Jerusalem to take part in the korban pesach. Only after he was appointed Nasi of the Sanhedrin was he obliged to move permanently to Jerusalem, but until then, he spent all his life in Babylonia.

The Maharsha even says that Hillel did not usually come to Jerusalem for Pesach or other festivals. The Gemara relates that Hillel chided the Bnei Beseira, "What caused me to come up and become Nasi over you? Your laziness in not studying under the two greatest sages of the generation, Shmayah and Avtalyon." The Maharsha explains, "What caused Hashem to put the idea into my mind to come from Babylonia to Jerusalem just for this Pesach, which happened to fall on Shabbos?" And of course, we see that Hillel was living in Babylonia up till that point. And so is indicated in the language of the Gemara, "There is one man who came up from Babylonia" and in the fact that he was nicknamed "Hillel the Babylonia".

However, the question remains: if he lived in Babylonia, how did study under Shmayah and Avtalyon, as the Gemara in Pesachim says he did? There is even a famous story about the day Hillel didn't have enough money to get into the study hall of Shmayah and Avtalyon, so he climbed up on the roof and listened to them through the skylight, and he became buried in snow (Yoma 35b). Shmayah and Avtalyon certainly lived in Eretz Yisroel like all the Nesi'im, so how could Hillel have studied under them?

The answer is that he temporarily left Babylonia and came to study in Eretz Yisroel (taking his wife and children along with him, as we see from the story in Yoma 35b that he would give half his wages to his wife and the other half to the guard at the door of the Beis Medrash). It was common in Talmudic times for students to go and study in other countries, as the Gemara says in Eiruvim 54b, "What is the meaning of the verse, 'riders of white donkeys'? These are Torah scholars who go from city to city and from country to country to study Torah. Why are they called white? Because they make the Torah as clear as noon." Similarly, Tosafos in Kiddushin 29b says that scholars from Babylonia used to travel to Eretz Yisroel to memorize the Mishnaic teachings of the Tanaim, and sometimes the other way around: the scholars of Eretz Yisroel would travel to Babylonia to study Torah. And as the Mishnah in Avos 4:14 says, "Exile yourself to a place of Torah."

However, the Sifri seems to indicate that Hillel moved to Eretz Yisroel long before he was appointed Nasi. For on the verse, "And Moshe was 120 years old" (Devarim 34:7) the Sifri says, "Hillel the Elder came up from Babylonia when he was 40 years old, he studied under the Sages for 40 years, and then he led Israel for 40 years." But perhaps the Sifri does not mean that he moved permanently with his family to Eretz Yisroel at age 40, only that he traveled there periodically to study under the Sages of Eretz Yisroel. Although he was not in Eretz Yisroel all the time, even one day out the year is considered like an entire year, as we find in Chagigah 5b the story of Rav Idi who used to travel for three months just to spend one day in yeshiva, and in reference to him Rabbi Yochanan expounded the verse, "They seek me day by day" - this teaches that one who studies Torah for one day out of the year is considered as if he studied the entire year. Accordingly, it could be that Hillel's permanent residence was Babylonia, but once he reached 40 years of age he began to travel around to various countries to learn under different sages - because a given student cannot necessarily learn from just any teacher - until he was finally appointed Nasi and he moved permanently to Eretz Yisroel. The Sifri just says that he went up from Babylonia at age 40; it doesn't say where he went, so perhaps he went to several countries to seek Torah knowledge. The Gemara, in any case, implies that Hillel did not come to Eretz Yisroel until he was appointed Nasi, as I have written.

The Yerushalmi in the sixth perek of Pesachim tells the same story about Hillel and the Bnei Beseira, with some added details. The Bnei Beseira at first did not accept Hillel's teaching that the korban pesach could be slaughtered on Shabbos, and they said, "We have already said that there can be no hope from a Babylonian." The Pnei Moshe explains that in that generation, they did not rely much on the traditions of the Babylonian Jews. The Yerushalmi further states, "Hillel came up from Babylonia because of three questions." So we see that he had just then come from Babylonia, because of these three unanswered questions. One of the three questions is mentioned in the Toras Kohanim, Parshas Tazria, end of section 9: If a person has leprosy, and the kohein inspects him and erroneously declares that he does not have leprosy, is he then clean? The answer is no, and it is derived from the verse, "He is clean, and the kohein shall pronounce him clean." Only if he is truly clean can the kohein pronounce him clean. And the Toras Kohanim concludes: "Because of this question Hillel came up from Babylonia." The Raavad gives two explanations: either Hillel himself was uncertain about the meaning of the verse, so he went up to Eretz Yisroel to ask Shmayah and Avtalyon, or else the Jews of Eretz Yisroel were uncertain and they sent a letter to Babylonia asking Hillel to come up and teach it to them. The Korban Haeidah commentary on the Yerushalmi follows the first explanation of the Raavad, while the Pnei Moshe follows the second. We see from this that at most, it was only about these three questions that Hillel had some doubts and had to learn from the sages of Eretz Yisroel; all the rest of the Torah he knew, he learned in Babylonia.

At the beginning of that chapter of the Yerushalmi, the Pnei Moshe offers an interesting explanation of how Hillel could have learned most of the Torah he knew in Babylonia, yet studied under Shmayah and Avtalyon. He says that Shmayah and Avtalyon left their positions in Jerusalem and went to Babylonia, and there Hillel studied under them. [According to this, there would be no proof that there was a long chain of Torah scholarship in Babylonia, because perhaps Hillel learned all his Torah from Shmayah and Avtalyon, the scholars of Eretz Yisroel, during their stay in Babylonia.] The Pnei Moshe does not cite any source to back this up. The Yerushalmi does say, "They [Shmayah and Avtalyon] used to live near you." But that is not a conclusive proof that they left. In any case, it is clear that Hillel learned most of his Torah in Babylonia – whether Shmayah and Avtalyon were his teachers there or not.

We can bring proof from Rashi in Kiddushin 71 that Hillel did not come to Eretz Yisroel until the day he was appointed Nasi. There the Gemara says, "In the days of Rebbi there were some who wished to issue a ruling that the lineage of Babylonia Jews is inferior to that of Eretz Yisroel Jews. Rebbi said to them: You are putting thorns between my eyes." Rashi explains that Rebbi was from a Babylonian family, from the descendents of Hillel, who came up and was appointed Nasi instead of the Bnei Beseira.

Another example of an important sage who lived outside of Eretz Yisroel during the Second Temple era was Rabbi Yehuda ben Beseira. The Gemara in Pesachim 3b tells the famous story of how Rabbi Yehuda ben Beseira met a non-Jew who boasted of having masqueraded as a Jew and eaten from the korban pesach offering. The sage advised him to ask for the tail next time, knowing that would raise suspicion since the tail is burnt on the altar and not eaten. Tosafos asks why Rabbi Yehuda ben Beseira himself did not come to Jerusalem for Pesach, and one of his answers is that he lived in Netzivin, outside of Eretz Yisroel, and Jews living outside of Eretz Yisroel are not obligated to come up to the Temple on festivals. [Netzivin today is located in southern Turkey and is known as Nusaybin.]

We see that Tosafos only grappled with the problem of why Rabbi Yehuda ben Beseira did not come to Jerusalem for festivals, but the fact that he lived outside of Eretz Yisroel did not bother Tosafos at all. In light of the Ramban, we understand why: the Divine remembrance at the time of Ezra was only for the Jews of Babylonia, not other countries. However, the Ramban does not explain why Hillel and other sages lived in Babylonia itself during the Second Temple period. For that we have to look to the Pnei Yehoshua, who says that not all the Jews of Babylonia were supposed to ascend, since the time of redemption had not yet arrived.

Perhaps even the Ramban could agree to the Pnei Yehoshua. When the Ramban says that there was no Divine remembrance for the other countries, he means that the Jews in the other countries were not permitted to come back to Eretz Yisroel at all, while the Jews of Babylonia were permitted to come back partially - but not all together like a wall. The reason was, as explained above, that due to the sin of idolatry during the First Temple period, a sin that was not sufficiently corrected, the time had not yet come for the the final redemption, and so it was only a temporary, partial remembrance.

Maamar Shalosh

Shevuos Siman 13

[Background: The Ramban stated that the redemption of Ezra's time was only meant for the Jews of Babylonia, but Jews in other countries were still forbidden to violate the oath and ascend. Now the Rebbe will ask how it was permitted to live outside of Eretz Yisroel under idol worshippers when one could live in Eretz Yisroel under a Torah government. The Rebbe explained earlier (Siman 4-5) that the meaning of Chazal's statement that one who lives outside of Eretz Yisroel is as if he worships idols is because one is choosing to live under idol worshippers and pay taxes to them, rather than live under a Jewish Torah government. Therefore, he said, it does not apply

during exile, where the idol worshippers are in control no matter where you go. Now he is pointing out that this leads to a difficulty explaining why Jews lived outside Eretz Yisroel during the Second Temple era.]

However, it is difficult to understand how, at the time of the Second Temple, when there was a Torah kingdom in Eretz Yisroel, and especially at the time of Ezra, it was permitted to live outside of Eretz Yisroel under an idolatrous government. Even according to my earlier explanation of why the statement "whoever lives outside Eretz Yisroel is as if he worshipped idols" doesn't apply nowadays, during the Second Temple period it certainly applied.

So we must say that the statement "whoever lives outside Eretz Yisroel..." refer only to one who leaves Eretz Yisroel of his own volition. [This was how Rabbi Yoshiahu Pinto explained it - see Siman 1 and Siman 4.] Although, as I pointed out, the Gemara's language "whoever lives" seems to include anyone living there, for whatever reason, later I looked at the source for this statement, the Tosefta of Avodah Zarah chapter 5. There it says, "Whoever leaves Eretz Yisroel in peacetime and goes out is as if he worshipped idols." So it states explicitly that it is only talking about one who leaves, and only during peacetime when there is nothing forcing him to leave. Similarly the Toras Kohanim (Parshas Behar) makes this statement explicitly about one who leaves, and the Shitah Mekubetzes on Kesubos actually had this in his text of the Gemara. [The Ramban in Sefer Hamitzvos seems to have had this text as well.]

Our version of the text could fit with that interpretation too, if we assume that the statement was made specifically to students in Eretz Yisroel. For them, the only way to live outside Eretz Yisroel was to leave it. We find the concept of a sage tailoring his teachings to students from different locations in Tosafos on Kiddushin 29b. There Rabbi Yochanan said, "When the millstone is on one's neck, how can he study Torah?" In other words, one should study Torah first and get married later, because after he gets married he will have to work and support his wife and he will have no time to study. Afterwards the Gemara, as explained by Tosafos, says that Rabbi Yochanan said this specifically to his students from Babylonia, because once married it would be impossible for them to leave home and come to study in his academy. So we see that although Rabbi Yochanan's statement was quoted without any qualifications, as it turns out it, it was only stated from the viewpoint of certain people. And we find similar things elsewhere in the Talmud. Here too, the statement "whoever lives outside Eretz Yisroel is as if he worshipped idols" was made to students living in Eretz Yisroel, and for them living outside Eretz Yisroel meant leaving Eretz Yisroel.

[However, this does not solve the Rebbe's other problem with Rabbi Yoshiahu Pinto's explanation, which he posed in Siman 4: how can we say that the statement about worshipping

idols doesn't apply when one was forced out, if the source of this idea is the quote from King David, "For they have expelled me today from basking in the inheritance of Hashem, saying go worship other gods"? David was forced out, yet he was considered as if he worshipped idols!]

Accordingly, we understand why countless Tannaim and holy individuals lived in Babylonia and other countries outside of Eretz Yisroel even during the Second Temple era.

One might ask: it is written in certain books that Ezra the Scribe was angry at the Jewish communities of certain places for not returning to Eretz Yisroel, and his anger had a negative impact on them. [This may be a reference to the Seder Hadoros, 5380, who quotes the author of the Sma, Rabbi Yehoshua Falk Katz, as saying that the reason why there were so many destructions and pogroms in the city of Worms, Germany (notably the First Crusade in 1096, documented in Kinah 26 of Tisha B'av) was because the Jews came to Worms after the destruction of the First Temple, and after the 70 years of exile, the Jews of Babylonia returned, but the Jews of Worms did not. The Jews of Jerusalem sent a letter to the Jews of Worms inviting them to return and live in Eretz Yisroel, but the Jews of Worms replied, "You live in the great Jerusalem, and we will live in the little Jerusalem" - for they were treated well by their governor and had grown wealthy. Another possible story the Rebbe may be referring to is the one told by Rabbi Shlomo Adni, author of Melech Shlomo on the Mishnah, in the introduction to his commentary. Rabbi Adni came from Yemen, and his family had a tradition that their ancestors had arrived in Yemen after the destruction of the First Temple. When the Second Temple was built, Ezra sent them a letter asking them to come, but they refused; Ezra cursed them that they should always live in poverty.]

However, perhaps there was a specific reason why Ezra called upon the Jews in those places to return, and he was angry at them for not listening to his call. But he was not upset with the vast majority of Jewish communities around the ancient world, or even with those who stayed in Babylonia – because that was how Divine Providence had arranged things. We will speak more about this later.

In any case, the Ramban's words are clear proof that he holds that the oath pertains even to immigration with permission, and even to a large group that is less than half of the Jewish people.

Maamar Shalosh Shevuos Siman 14

[Background: The question was posed whether the oath against "going up as a wall" prohibits only a military invasion of Eretz Yisroel, or even mass immigration with permission from the ruling power. Now the Rebbe will bring proof to the second possibility from the Ramban in his commentary on Chumash.]

In his commentary on Parshas Ki Savo, the Ramban goes a step further. At the end of the Tochacha (the Rebuke, the list of punishments that would come upon the Jews if they violate the Torah), the Ramban writes (on Devarim 28:42):

You must know that the Rebuke, with sicknesses and so on, and all the other punishments, only applies "until He gets you away from the land which you are entering to inherit." But after the Jewish people go into exile, the Torah does not curse them in any way, except that they will have to serve gods of wood and stone. But these punishments only happen when they are in Eretz Yisroel, as we see that the Torah concludes them with the words, 'And you shall be pushed off of the land,' which means exile. But after we are in exile, in the land of our enemies, the work of our hands is not cursed...for when we live in exile we have Hashem's promise (Vayikra 26:44), "And even so, when they are in the land of their enemies, I did not reject them nor despise them, to destroy them, to annul my covenant with them, for I am Hashem their G-d."

We see from this that Hashem's promise that there will not be mass destruction, G-d forbid, applies only when we are in the land of our enemies, not in Eretz Yisroel. If so, this decree that we must live in exile and not in Eretz Yisroel is an awesome decree. It is well known that "in every generation they rise up against us to destroy us, but the Holy One, blessed is He, saves us from their hands." But if, G-d forbid, Hashem's promise to save us is not in effect, there is no danger more tremendous and terrifying than that.

If so, we cannot say that Jews may go up en masse to Eretz Yisroel with permission from the ruling power, for even if the government gives permission, the decree of exile - to be in the lands of our enemies - is not being fulfilled.

However, there is nothing wrong with a small portion of the Jewish people living in Eretz Yisroel. As long as the majority of the Jewish people is in the land of their enemies, bearing the decree of exile, Hashem's promise to protect the entire Jewish people from destruction - even those living in Eretz Yisroel - is in effect. The Ramban only means that there will be danger if the majority of the Jewish people ascend as a wall against the will of Hashem, who made the decree of exile. So it comes out the fact that most of the Jewish people lives in exile, in accordance with Hashem's decree, is what saves even the Jews of Eretz Yisroel.

Maamar Shalosh

Shevuos Siman 15

[Background: In the previous siman, the Rebbe quoted the Ramban, who says that all the punishments foretold by the Torah occur only in Eretz Yisroel, but once the Jewish people go into exile, their subservience to the nations is enough to substitute for all the punishments. In this siman, he brings a piece by the Ohr Hachaim Hakadosh (Rabbi Chaim Ben Attar, 1696-1743) making a similar point.]

[Before beginning the quote from the Ohr Hachaim Hakadosh, let us give an overview of his points:

The Torah says in Parshas Bechukosai (Vayikra 26:40-41) "And they will confess their sins and the sins of their fathers, regarding the trespass they committed against Me, and their acting as if everything happened by chance. I, too, will act as if everything were chance, and I will bring them into the land of their enemies, for then their hard heart will be humbled, and then they will atone for their sins."

The Ohr Hachaim Hakadosh asks two questions here:

- 1) Why will they have to confess the sins of their fathers? Once a person repents on his own sins, he is not punished for his father's sins, as the Targum says on Shemos 20:5.
- 2) After they have already repented, why will Hashem act as if everything is chance and bring them into the land of their enemies? Shouldn't their punishment come to an end at that point?

He explains that G-d is merciful and often lets sins go unpunished for many generations, allowing the sinners numerous opportunities to repent. In the final years of the First Temple, the prophets rebuked the people, warning them of the exile and the other punishments detailed in the Torah. But the people did not listen, for they said, "Our fathers sinned and none of these punishments came upon them, so what we are doing cannot be so wrong." Even as their situation became worse and worse, they refused to believe that their misfortunes were punishments, and instead attributed them to chance. Therefore, when they finally repented many years after the destruction, they were required to admit their mistake and say, "Yes, we were wrong to attribute all these things to chance. These were punishments for our sins and our fathers' sins. We suffered this punishment because we continued in the ways of our fathers."

The second verse, "I, too, will act as if everything were chance, and I will bring them into the land of their enemies" is actually part of their words of confession. At the time Jerusalem was destroyed and the Jews were sent into exile, they grumbled, "Why did G-d do this to us? If He had to punish us, why didn't He punish us in our land?" And they added a pious complaint: "If the purpose of the punishment was so that we should repent, sending us out among the nations of the world is counter-productive. We will only get worse there by learning from the ways of the gentiles." But it was wrong of them to doubt G-d's wisdom and justice, and therefore when they repented they had to admit this mistake as well, saying, "Since we sinned by attributing our misfortunes to chance, G-d acted measure for measure and brought upon us more punishments that seemed purposeless, such as exile."

Now for the actual quote from the Ohr Hachaim Hakadosh:]

"And they will confess their sins...and I will bring them into the land of their enemies." This is also part of what they will say when confessing their sins. And from the fact that Hashem requires them to confess this, you can learn that they were wrong for this. A person is wicked for asking, "Why did Hashem expel them from their land and exile them among the nations? If He wanted to punish them for their sins, He should have punished them in their land instead of exiling them among the nations, because that would lead to the opposite of the desired goal. If the goal was for them to improve themselves, when He scatters them among the nations they will become even worse, because they will mingle with the nations and learn from their ways." This will strengthen their thoughts that everything came upon them by chance [because they don't believe Hashem would have done such a thing]. Therefore, when Hashem predicted that they would confess their sins, He said that part of the confession would be that Hashem was right for bringing them into the land of their enemies.

He continues at length on this theme. Later on, the Torah says (verse 44): "And also this: when they were in their enemies' lands, I did not reject them nor revile them to destroy them, to annul My covenant with them, for I am Hashem their G-d." The Ohr Hachaim Hakadosh comments:

Hashem is giving an answer to the question that troubles everyone who has a wise heart: why should Israel go into exile from their land? Why couldn't Hashem punish them there in their land? The answer is that because they were brought into the land of their enemies, I did not reject them to destroy them. This is similar to the idea expressed by the Sages in the Midrash on Eichah 4:11, that Hashem took out His anger on the wood and stones of the Temple and the Jewish people were thereby spared. Also, Hashem's mercy is aroused and conquers the attribute of justice when He sees the great people, the children of kings, downtrodden under their enemies. This lowliness prevents them from being destroyed by the attribute of justice. Thus the Torah says "and also

this" - this is another reason why they had to go into the lands of their enemies, because in the lands of their enemies "I did not reject them to destroy them." That is why I chose this punishment of exile.

These are his holy words, and they are the same as the Ramban: when they are in the land of their enemies, the accusations against them in the heavenly court are reduced, and the attribute of justice does not destroy them. Hashem's plans are deep.

However, these two pieces by the Ohr Hachaim Hakadosh seem to be contradictory. In the first piece, he says that only the wicked question why they have to be in the land of their enemies, and they will have to confess this sin. In the second piece, he calls it a question that troubles everyone who has a wise heart. And besides, the first piece on its own doesn't seem to make sense - why should a person be faulted for asking a good question that needs an answer?

The answer is that it makes a difference how one asks. Certainly every wise-hearted person is upset that we need to go to exile in the lands of our enemies, nevertheless they believe in Hashem and His holy Torah, and since they see from the Scriptural verses and statements of our Sages (I will soon quote some of these proofs, which are as clear as the sun) that this is what Hashem wants, they do not question His justice. And certainly they don't say anything contrary to Hashem's will.

But the wicked are those who speak improperly and audaciously about Hashem and the exile [saying that we are in exile by chance, there is no reason for us to be living outside Eretz Yisroel, and we have to redeem ourselves]. Indeed, the Ohr Hachaim spoke with a prophetic spirit, for today the wicked Zionists are using these very arguments.

Maamar Shalosh

Shevuos Siman 16

[Background: In Simanim 12-14, the Rebbe quoted the Ramban to show that the oath not to go up as a wall applies even with permission from the ruling power. Now he quotes one posek, the Avnei Nezer, who argues, based on Rashi, that the oath only

prohibits armed conquest and thus does not apply when the government grants permission.

Here are the relevant quotes from the Avnei Nezer:

Siman 454, paragraph 56:

However, all of the above [that the oath exempts individual Jews from the obligation of moving to Eretz Yisroel, because of the logic that if every individual were to be obligated, there would be massive immigration, which violates the oath] is true only when the individual has not obtained permission from the government to immigrate. But if he obtained permission to immigrate and settle there, then he becomes obligated to do so, because now the logic that "anything that doesn't apply to the entire Jewish people can't apply to the individual" falls away, for if permission were granted for all Jews to immigrate, it would not be considered going up as a wall. This is because on the word, "bechomah" (as a wall) Rashi explains, "with a strong hand." It might also be that if permission were granted to all Jews, it would be considered an act of Divine remembrance.

Siman 456, paragraphs 1-2:

In paragraph 56 I wrote that if permission were granted for all Jews to immigrate, the oath would not apply, because Rashi says that "as a wall" means "together, with a strong hand" and if it is done with permission it is not with a strong hand. You asked that in the book "Ahavas Yonasan" the author (Rabbi Yonasan Eybeshutz) writes that even with permission it is forbidden to violate the oath. To this I reply that the Ahavas Yonasan is only saying a drasha (an exposition of a Scriptural reading intended to satisfy the interest of the audience, not to determine halacha). Even a thousand such expositions would not move the words of Rashi from their place. And the Gaon Rabbi Yonasan himself, if asked to rule on halacha, would not deviate from Rashi.

Regarding what I wrote that perhaps it would be considered an act of Divine remembrance, my intent was that perhaps this is what Rashi meant. Because in the first chapter of Yoma (9b) it states, "If you had made yourselves like a wall and all come up in the days of Ezra..." and there "a wall" means with permission, since we know that the immigration in the time of Ezra took place with permission. Therefore I wrote that perhaps [Darius's granting permission] was considered an act of Divine remembrance. In any case, whatever Rashi's intent may have been, Rashi explicitly states that with permission it is allowed. In your attack on me, you omitted my quotation of Rashi, and you omitted my word "perhaps" implying that I held it would certainly be considered Divine remembrance, and on this you wrote your attack, so your attack was unfair.

According to the Avnei Nezer's second explanation, Rashi is not saying that "as a wall" is synonymous with military force – indeed, we see in Yoma that even legal immigration can be called a wall. Rather, Rashi is saying that military force is sometimes necessary to violate the oath, because if there is massive immigration with permission, it may be a Divine remembrance and would not violate the oath. So it is possible to go up "as a wall" without violating the oath, and this is exactly what the Jews could have done in Ezra's time.

Additionally, the Avnei Nezer's stressing of the word "perhaps" implies that there may be cases that cannot qualify as a Divine signal of remembrance, although permission was granted. This would answer the question posed by the Yefeh Kol (quoted in Vayoeel Moshe Siman 11) that if "going up as a wall" means only with military force, why is that not already included under the oath not to rebel against the nations? But according to the Avnei Nezer's conclusion, even immigration with permission can be called "as a wall" and is forbidden as long as there is no Divine signal.

It must also be kept in mind that if the government abandons the land, without giving it to anyone in particular, and allows the Jews and another people to fight over it (as in fact occurred in 1948) this is "going up as a wall" with military force according to all opinions, since in the end they had to fight for it.]

The Avnei Nezer in Yoreh Deah 456 completely rejects the words of his correspondent, who cited the Ahavas Yonasan (Rabbi Yonasan Eybeshutz, 1690-1764), who says that the oath is in effect even when all the nations grant permission. The Avnei Nezer's only proof is from the wording of Rashi "with a strong hand": he argues that immigration with permission is not called "with a strong hand". And therefore he concludes, "We cannot deviate from Rashi."

But I question how the Avnei Nezer can draw such a momentous conclusion from the words of Rashi "with a strong hand" - with the argument that immigration with permission cannot be called "with a strong hand" – and use this to refute the opinion of Rabbi Yonasan Eybeshutz.

First of all, the Torah says at the end of Parshas Shemos, "For with a strong hand he will let them go and with a strong hand he will expel them from his land." Rashi explains that the first "strong hand" refers to the hand of Hashem - due to Hashem's strong hand upon Egypt, he will let them go – and the second "strong hand" refers to the hand of Pharaoh – Pharaoh will expel them against their will. And so it was: "And Egypt was strong upon

the people, to rush them out." (Shemos 12:33) The Mizrachi and the Gur Aryeh explain that Rashi had to explain the first "strong hand" as referring to Hashem because the second one clearly refers to Pharaoh [and the verse would not say the same thing twice].

So we see that the Torah calls Pharaoh's release of the Jews "with a strong hand" despite the fact that Pharaoh did not use any military means or force against them - on the contrary, he called them and begged them humbly to leave his country as quickly as possible. The Torah says, "And he called to Moshe and Aharon at night, and he said, get up and leave from amidst my people," on which the Tanchuma comments, "Why did Pharaoh come with his servants? Because when Pharaoh said to Moshe, do not see my face again, Moshe replied: You have spoken well - I will not come to see you anymore. But we will not leave until all your servants come down and bow to me, saying, go out, you and all the people who are at your feet. Moshe was speaking respectfully to the king, for he really meant to say that Pharaoh himself would come with his servants and bow to him." The Gemara in Zevachim 102 says something similar to this, and Rashi quotes it in his commentary on Parshas Bo.

The Midrash Yalkut on the verse, "Get up and leave from amidst my people" says, "This teaches that Pharaoh was knocking on Moshe's and Aharon's doors. They said to him: Fool, do you think we are leaving at night? Pharaoh said: But all of Egypt is dying! They said to him: Do you want to stop this plague? Then say, 'You are hereby in your own possession. You are hereby the servants of the Holy One, blessed is He.' So Pharaoh began to shout: In the past you were my slaves, but now you are free, you are in your own possession... And bless me also - pray for me that this punishment should not affect me. And the hand of Egypt was strong upon the people - they were overwhelming them and driving them out."

So it is clear that Pharaoh used no force or strong hand against the Jews; he merely shouted, you are in your own possession. He and his servants bowed with utmost humility before Moshe and Aharon. And we must conclude that when the Midrash says that they were overwhelming and driving them out, it means that they overwhelmed the Jews with begging and words - not violent action.

The Mechilta on Parshas Beshalach says that when the guards that Pharaoh sent with the Jews said on the fourth day, "Your deadline has come to return to Egypt," the Jews replied: "When we left, we left with Pharaoh's permission, as it states: "On the day after the Pesach, the Children of Israel went out with a high hand." So it does not say that he

forced them to go out, only that it was with permission - yet the Torah calls it "with a strong hand." So we must say that whenever someone pushes strongly for something, whether by incessant begging or other means, it is termed "a strong hand."

In Parshas Vaeschanan it states, "Or did G-d ever come to take for Himself one nation out from another with trials, signs, wonders, war, and with a strong hand..." There as well, we cannot explain "strong hand" to mean military force, because it already states war. Also, it mentions specifically trials, signs and wonders, so clearly "strong hand" does not refer to any of these methods of Divine force. The Ibn Ezra explains "strong hand" to mean that the Children of Israel left with a high hand. So it seems that the "strong hand" refers to the innate strength that they possessed, as the Targum says on Parshas Beshalach on the words "with a strong hand" - with an uncovered head (i.e. defiantly).

And I have already written (Siman 10) that the word "wall" can take on many meanings. Rashi in his commentary to Shir Hashirim explains it as strength in fear and love of Hashem - for any sort of strength can be called "a wall". That is why Chazal say in Yoma 9b, "If you had come up as a wall" – referring to mass immigration, since mass immigration is strong and is similar to a wall, even when it is done with permission. This is also the meaning of Rashi's words "a strong hand" – Rashi means any mass immigration, which is comparable to a wall.

Maamar Shalosh

Shevuos Siman 17

[In the previous siman, the Rebbe took issue with the Avnei Nezer, who understands Rashi's words "with a strong hand" to mean that only armed conquest of Eretz Yisroel is prohibited under the oath. The Rebbe explained how "a strong hand" is often used to mean forceful pleading and non-violent pressure. It is the Rebbe's position that the oath includes mass immigration to Eretz Yisroel by using pressure to obtain government permission for such immigration. Now he presents an additional advantage of his explanation over that of the Avnei Nezer.]

Now we can understand Rashi's language "together, with a strong hand." If we are to assume that Rashi understood "as a wall" to mean war, and therefore Rashi wrote "with a strong hand" which mean war, why did Rashi add in the word "together"? Is the oath only transgressed when they make this war together, as a large group? After all, in essence this is simply a prohibition on

conquering the land, so how did Rashi know to add this second condition, that the war must be fought by a large group of Jews?

But according to the way I have explained it, that Rashi prohibits even mass immigration with permission, we understand his words well. His main point is his first word – together. This is a prohibition on any immigration that is together – en masse. Then Rashi adds the words “with a strong hand” in order to explain why a large number of people together is termed by Chazal “as a wall”. Rashi’s answer is that when a large group immigrates, they have “a strong hand”; there is great strength in their numbers.

And this is how the Yefei Kol appears to have understood Rashi (see Siman 11). He quotes Rashi’s words “together, with a strong hand” and then proceeds to write that mass immigration is prohibited even with permission, based on the Gemara in Yuma 9b. Now, it is improbable that he would disagree openly with Rashi; rather, it seems that he holds that even Rashi might mean that the oath is in force even when the government gives permission.

Also, the Yefei Kol explains the continuation of the Midrash, which after quoting the oath “not to go up as a wall” says, “If so, why does the king moshiach come to gather in the exiles of Israel?” The Yefei Kol explains:

“If the Jewish people come up as a wall from exile, why will the king moshiach have to come to gather the dispersed of Israel? And since we know from many Biblical verses that the king moshiach will gather in our dispersed, we cannot gather ourselves together.”

We see from his holy words that gathering ourselves together and going up to Eretz Yisroel is against the many Biblical verses that say that the king moshiach will gather in Israel.

The Ohr Hachaim Hakadosh in Parshas Bechukosai mentions the Three Oaths, and quotes Rashi, yet it is clear from his words that they apply even when the government grants permission. The Torah there says, “And I will scatter you among the nations, and I will draw a sword after you.” The Ohr Hachaim Hakadosh comments:

Hashem made Israel swear that they would not go up as a wall, which means with a strong hand. This is the meaning of the words “I will scatter you among the nations”. The words “I will draw a sword after you” refer to the punishment for violating the oaths mentioned in the Gemara: that Hashem will make our flesh ownerless. Thus there will be a sword drawn before you if you do not fulfill the decree of being scattered among the nations. The next verse continues, “And your land will be desolate and your cities destroyed.” These words give the reason why Hashem wants

us scattered among the nations – the land needs to be desolate and the cities destroyed so that it can rest and make up the Sabbatical years it missed. That is why you need to be in the land of your enemies, as it says, “And you will be in the land of your enemies.”

So we see that the Ohr Hachaim Hakadosh begins by explaining “as a wall” to mean “with a strong hand” – a direct quote from Rashi. And at the end he says that the reason why we need to be in the land of our enemies is so that the land should be desolate. According to that reason, it is clear that even with permission from the government it would be forbidden to immigrate, for this was a Divine decree that we should be in the lands of our enemies, not in Eretz Yisroel. Yet he borrows Rashi’s words “with a strong hand.” Obviously, he did not feel that these words indicated immigration without permission.

I have already cited two places where the Ramban clearly holds that mass immigration is forbidden even with permission (Simanim 12 and 14). The same was the position of the Ahavas Yonasan (Siman 16), the Yefeh Kol (Siman 11), the Ohr Hachaim Hakadosh (Siman 15), and many other holy gedolim, as I will soon prove. And the Ramban’s statement in Sefer Hamitzvos that even during the era of exile individuals can fulfill the mitzvah of living in Eretz Yisroel will be explained, G-d willing, in the second Maamar, which will be dedicated to the subject of the mitzvah to live in Eretz Yisroel.

Maamar Shalosh

Shevuos Siman 18

[In this siman the Rebbe will continue to bring proof from the words of Chazal that the oath against going up as a wall is not simply a prohibition on fighting the nations – and thus with their permission mass immigration would be allowed. Rather, the oath comes to enforce a Divine decree that we should be in exile until moshiach comes.]

And in the Gemara, Pesachim 87b, Rabbi Oshiya said: What is the meaning of the verse “the righteousness of His scatterings in Israel”? The Holy One, blessed is He, did kindness with the Jewish people when He scattered them among the nations.

[The Gemara continues with a story that illustrates why this is so. “Once a gentile said to Rabbi Chanina: We are better people than you. For in your days of power, King David’s general Yoav wiped out the Edomites. But now you are living under our empire for many years, and we have done nothing to harm you. Rabbi Chanina said: One of my students will give you a reply. Rabbi

Oshiya told him: You want to kill us, but you don't know how to do it. You can't kill us all, because not all Jews live under your empire. And if you kill only the Jews in your domain, the rest will make you famous as a murderous kingdom. He said: By the wall of Rome, these are our thoughts always."]

And the Gemara in Avodah Zarah 10b gives us another reason why Hashem wants the Jewish people scattered around the world. The prophet says, "For like the four directions of the world I have scattered you" (Zechariah 2:10). Seemingly, it should say "to the four directions of the earth I have scattered you" and not "like the four directions". The Gemara answers that the word "direction" can also mean "wind" and the prophet was comparing the Jewish people to the wind: just as the world cannot exist without wind, so too it cannot exist without the Jewish people. The Maharsha explains that the world exists not just because the Jewish people are in the world somewhere, but because they are scattered around the world, making known the existence of Hashem and His Torah.

The same point is made by Rashi in Taanis 3b, where the same Gemara from Avodah Zarah 10b appears. On the words "the world cannot exist without the Jewish people" Rashi comments, "Because the world exists only for the sake of the Jewish people, and therefore Scripture says: Like the four winds of the sky – I have scattered to all sides of the world so that the world should continue to exist, as it says, "If not for my covenant day and night, I would not have put in place the laws of heaven and earth."

We see from all these sources that Hashem's will, for the good of the Jewish people and for the good of the world, is that during the era of exile the Jewish people should be scattered in the four directions of the world, and they should not all come up to Eretz Yisroel.

And the Tanna Devei Eliyahu, Seder Eliyahu Rabba Chapter 10, speaks about the reason why Hashem scattered the Jewish people [in order to protect them from nations who might want to kill them – like the Gemara in Pesachim 87b mentioned above]. The Tanna Devei Eliyahu expresses it as a proverb, "The Master of the house knows the best place to keep His tools. And when the Master returns to His house, He will take his tools with Him into the house." We see, again, that only Hashem is the Master of the house, who knows the best places to scatter the Jewish people, as Scripture (Tehillim 37:23) says, "By Hashem, the footsteps of a man are arranged." And when the time of redemption arrives, when He comes to His house and His sanctuary, then Hashem will gather them – He and no other.

And on the verse, "And He said to Avram, you shall surely know (literally know you shall know) that your descendents will be strangers in a land not theirs" (Bereishis 15:13) the Midrash Rabbah

comments, “Know that I scatter them; you shall know that I gather them. Know that I pawn them; you shall know that I redeem them. Know that I enslave them; you shall know that I deliver them.” Note that the Torah says, “Know you shall know” – we must know this fact, that only Hashem is the Scatterer and the Gatherer, and no one else has permission to get involved in this area.

The Nezer Hakodesh commentary on the Midrash explains at length that although the Torah is talking about the redemption from Egypt, it is teaching us that the redemption from Egypt is the prototype and the pattern for the future redemption. Everything at that time will happen as it did in Egypt, as Scripture says (Micha 7:15), “Like the days when you went forth from Egypt I will show him wonders.”

Maamar Shalosh Shevuos Siman 19

[In the past siman, the Rebbe brought proof from the words of Chazal that the oath against going up as a wall is not simply a prohibition on fighting the nations – and thus with their permission mass immigration would be allowed. Rather, the oath comes to enforce a Divine decree that we should be in exile until moshiach comes. In this siman, he quotes sources that give a Kabbalistic reason for that decree - to gather the holy sparks from around the world. He also brings the Midrash that says that not only is gentile permission not enough - even when moshiach actually does come, the Jews will be afraid to follow him, for fear that the decree of exile has not yet been fulfilled.]

The Midrash Rabbah on Shir Hashirim 2:8 goes even further.

The voice of my beloved, behold it has come.” This refers to the king moshiach. When he says to Israel, “In this month you will be redeemed,” they will say to him, “How can we be redeemed? Didn’t the Holy One, blessed is He, already swear that He would make us serve all seventy nations? And moshiach will give them two answers: “When one of you goes to exile in Barbary and another of you goes into exile in Sumatra (in the Pesikta Rabasi the text reads: Britain), it will be considered as if you all went to these places.” The second answer is: “The government appoints local governors from various nations around the world. If one Cuthean, for instance, becomes a ruler over the Jews, although the central government may not be Cuthean, it is considered as if the Jewish people were in exile under the Cuthean people. So it is as if you served all seventy nations.” Therefore, this month you will be redeemed.

We see here that even after moshiach comes, the Jews who believe in Hashem's oath to send us into exile under all seventy nations will still be afraid, and they will say that it is impossible that there could be a redemption for our benefit before the oath of exile has been fulfilled. And although Chazal in the Midrash there have already revealed to us the answer to this question, it won't be enough for the Jews at that time, until Hashem [speaking through His prophet, moshiach] will tell us so Himself, that the true end-time for redemption has really arrived. We will not be able to determine on our own whether the decree of exile has been fulfilled in the way described in the Midrash [possibly because we don't know the exact identity of the Seventy Nations, or because we don't know where every Jew has gone to exile, or because we don't know what nation every governor descends from]. Only Hashem, who is all-knowing, who witnesses everything, and who surveys everything with a single glance, is capable of knowing this.

We see from all of these sources that for the entire Jewish people to come to Eretz Yisroel before the coming of moshiach violates Hashem's oath and delays the redemption. [It delays the redemption because if Jews still have to fulfill the decree and go to live under certain nations, under which they have not yet lived, it will take longer to fulfill it, because they will have to leave Eretz Yisroel and go to those nations.]

And so it is written in the writings of the Arizal, Shaar Hamitzvos, Parshas Re'eh, under the mitzvah to remember the Exodus from Egypt, on the verse, "So that you should remember the day you left Egypt all the days of your life." It is a long piece, but briefly, his point is that there is a difference between the redemption from Egypt and the other redemptions in our history, from Babylonia and Media and so on. In the redemption from Egypt, all the good souls were selected from Egypt and joined to the Jewish people, as the Torah says, "And they emptied out Egypt." Therefore, there was no need for Jews to be there anymore. But in the other redemptions, the Jewish people were not completely redeemed – there still remained some souls there that needed to be selected. Therefore some Jews stayed on under the hand of Babylonia and Media, and did not ascend to Eretz Yisroel when the Second Temple was built, as is well known – in order to purify the souls remaining there.

The Arizal also writes that when the Midrash says that if one Jew goes to exile in a country it is considered if the whole Jewish people were exiled there, that is only talking about the rest of the Seventy Nations besides Babylonia, Media, Greece and Edom. But these four major exiles are the roots of all exile and a large part of the Jewish people needed to take part in them. The rest of the Seventy are merely branches of these four. The only Jews who must go to them are those whose souls' sparks fell among that nation. Therefore they must go there to extract their fallen sparks.

We see from this two things:

1) When the Midrash says that one Jew going to exile in a country is enough, it is talking about those Jews going to places where the fallen sparks of their souls are to be found. This is something a person cannot know on his own; only Hashem knows. He manipulates events and guides a man's footsteps, without the person's knowledge, such that usually a person does not know why he has come to live wherever he lives.

2) Even when Ezra ascended, it was necessary that part of the Jewish people stay in Babylonia in order to rectify the souls that remained there, and certainly Ezra the Scribe agreed to this. I have explained this earlier (Siman 13) even on a simple (non-Kabbalistic) level.

Now, you may ask: the exile due to our sins, as we say, "Because of our sins we were exiled from our land." If so, if there had been no sin, there would have been no exile. If there had been no exile, what would have become of all those souls and sparks?

The Ohr Hachaim Hakadosh on Parshas Behar (Vayikra 25:39) answers that question. He says there that one of the reasons why Hashem decreed exile on the Jews and did not just punish them in their land is in order to sort out the sparks of holiness from around the world. And then he continues, "And if you say, if this is so, then if the Jews had not sinned and gone into exile, who would have sorted out those sparks that are being sorted out now? You must know that had the Jews not sinned, they would have had the power to stay in Eretz Yisroel and extract the sparks of holiness from wherever they went in the world. But after their sins, they are weak, and we only hope they have enough power to do this job while living around the world in the places where the sparks are located."

Maamar Shalosh

Shevuos Siman 20

[In this siman, the Rebbe brings proof from the Maharal that even when the nations give permission to the Jewish people to come to Eretz Yisroel, the oath not to go up as a wall remains in effect.]

The Maharal of Prague, in his work Netzach Yisroel, Chapter 24, goes even further. He writes at length about these oaths, which warn us not to deviate at all in the area of exile.

[The Maharal goes through the Midrash Rabbah on Shir Hashirim, which gives several explanations of the mysterious language of the oaths, “by the gazelles or by the deer of the field.” It is helpful to see the entire Maharal in order to understand this siman. The Midrash says:

With what did He make them swear? Rabbi Eliezer says: He made them swear by heaven and earth and by the animals of the field... Rabbi Chanina says: He made them swear by the Patriarchs, the Matriarchs and the Twelve Tribes... Rabbi Yehuda says: He made them swear by circumcision... The Rabbis say: He made them swear by the Generation of Martyrdom. “By the tzvaos (lit. gazelles)” – they did My will (tzivyoni) in the world, and I did My will with them. “Or by the deer of the fields” – they pour out their blood for the sanctification of My name like the blood of the gazelle and the blood of the deer. This is the meaning of the verse, “For on Your account we were killed all day long; we were considered like sheep to be slaughtered” (Tehillim 44:23). Rabbi Chiya bar Abba said: If someone were to say to me, give your life for the sanctification of the name of the Holy One, blessed is He, I would give it, but only if they would kill me quickly. But in the Generation of Martyrdom I would not be able to withstand the trial. What did they do in the Generation of Martyrdom? They brought balls of iron, made them white-hot in the fire and placed them under their armpits and burned their souls out of them. And they brought shells of reeds and placed them under their nails and burned their souls out of them.

The Maharal explains the progression of the Midrash as follows.

Rabbi Eliezer holds that He made them swear by heaven and earth. Just as the heavens and the earth keep to the order of nature decreed by G-d, never changing, in the same way the Jewish people must keep the order of exile decreed by G-d. And just as the heavens and earth, if they were to change their nature and order, would bring havoc and destruction to the world, so too if the Jewish people leaves the exile decreed on them by G-d it would mean destruction for them, G-d forbid. Therefore they must not violate the decree.

Rabbi Chanina held that swearing by heaven and earth would not be enough, because the Jews in exile could argue that the motions of heaven and earth are natural, whereas the exile goes against a man’s nature. Perhaps in those circumstances they would not be obligated to keep to the terms of exile. Therefore, he says, Hashem made the Jews swear by the Patriarchs and Matriarchs, who withstood trials and did His will even when it was difficult for them.

Rabbi Yehuda holds that swearing by the Patriarchs would not be enough, because the Jews in exile could argue that the Patriarchs, despite all their trials, did not actually get killed, whereas in exile Jewish blood flowed like water. Perhaps in those circumstances they would not be obligated

to keep to the terms of exile. Therefore, he says, Hashem made them swear by circumcision, which does involve loss of blood.

The Rabbis hold that swearing by circumcision would still not be enough, because the Jews in exile were subjected to more than just bloodshed – they were tortured and burned alive. Jews might argue that under such circumstances, the oath need not be kept. Therefore, they say, Hashem made them swear by a generation of martyrdom. Just as Jews kept the laws of the Torah even during the reign of Hadrian, when they were tortured and burned, so too they must keep the oath of exile.

The next words of the Maharal are quite cryptic and will be discussed below, so right now we will just translate them literally:

And if you ask: The generation of martyrdom themselves, with what did He make them swear that they should not deviate? The answer is that the meaning of “by the generation of martyrdom” is with that trait that the generation of martyrdom had, that the generation of martyrdom clung to – with that trait He made them swear that they would not deviate in the area of exile, for the generation of martyrdom, despite the fact that they met with death in exile, did not deviate. And another explanation of “in the generation of martyrdom” is that even if they try to kill them with painful torture, they must not leave and they must not deviate in this matter, and so is the explanation with each one, and we must understand this.]

And the Maharal concludes with an explanation of what Chazal say that He made them swear in a generation of martyrdom: “This means that even if they will try to kill them with painful torture, they must not leave and they must not deviate in this matter, and so is the explanation with each one of these oaths, and we must understand this.” See his lengthy words there.

[Menachem Kasher, in *Hatekufah Hagedolah* p. 315, accused the Rebbe of misquoting the Maharal. The Maharal says “and so is the explanation with each one, and we must understand this” whereas in the first edition of *Vayoel Moshe* the quote runs, “and so is the explanation with each oath of these oaths, and we must understand this.” In the second edition (which Kasher appears not to have seen) the Rebbe seems to have fixed this partially: the words of the Maharal “and so is the explanation with each one” are left intact, but he still found it necessary to insert the words “of these oaths” in order to explain what “each one” refers to. One should not think it unlikely that the Maharal would use the masculine “echad” to refer to the feminine word “shevuah” because he does so explicitly earlier in the same chapter.]

So it comes out according to the Maharal that not only is it forbidden to leave exile even with permission from the nations, but even if they force the Jewish people to leave exile under threat of death, may Hashem spare us, even then it is forbidden to violate the oaths, just as a Jew must give his life rather than bow to an idol. And the Maharal's words imply that he is talking about all the oaths, even the oath not to go up as a wall.

[The Rebbe is going now with the understanding that the Maharal is talking about the hypothetical case of a nation that rules over both Eretz Yisroel and the Jews outside of Eretz Yisroel, and this nation forces the Jews at gunpoint to go en masse to Eretz Yisroel. Thus not only is this nation giving permission for immigration; they are encouraging it and even forcing it. However, in Siman 33 the Rebbe will propose a different way to understand the Maharal's case: a nation afflicts and kills Jews somewhere in the world, and they can save themselves by invading Eretz Yisroel and conquering it from the nation that lives there. According to this, the Maharal would be no proof that immigration with permission from the power ruling Eretz Yisroel is allowed.]

We will discuss later the reasoning behind the Maharal's statement that one must allow himself to be killed rather than violate the Three Oaths.

[The Rebbe will say that the reason is because violating the oaths is heresy, which has the same status as idolatry for the purposes of the law of "be killed rather than transgress". Other reasons have been offered: Rabbi Yehoshua Dovid Hartman, in his footnotes on the Maharal, proposes that the Oaths are different from other mitzvos in that keeping them inherently involves danger to life, since there is always some anti-Semitic persecution in exile, and if we were permitted to leave exile to escape being killed, the Oaths would never apply at all. Thus the Maharal does not mean to add a fourth sin to the list of sins regarding which we say "be killed rather than transgress." (Perhaps the Rebbe did not agree with this explanation because perhaps exile was meant only to be a mild punishment in place of a more severe one, as he wrote in Siman 14 based on the Ramban. If the gentiles step over their bounds and kill us, maybe then we are permitted to leave exile, since this is not an inherent part of exile.)

Others have explained the Maharal in the context of his words earlier that "just as the heavens and earth, if they were to change their nature and order, would bring havoc and destruction to the world, so too if the Jewish people leaves the exile decreed on them by G-d it would mean destruction for them, G-d forbid." Thus no matter what dangers we face in exile, leaving exile would certainly be more dangerous than staying in it.

Two things remain to be discussed about this Maharal. First of all, in the paragraph beginning “and if you ask: The generation of martyrdom themselves, with what did He make them swear that they should not deviate” what is the Maharal’s question, how does the Maharal answer his question in the first and second answers, and what is the practical difference between the two answers?

The Maharal understood that the words “by the gazelles and the deer of the field” are a language of “hatfasah” – pinning one oath on another previously forbidden act. Thus we must keep exile just as heaven and earth follow their course, just as the Patriarchs withstood their trials, just as we keep the mitzvah of circumcision, and just as the Jews gave their lives to keep mitzvos in the generation of martyrdom. He then asks: the generation of martyrdom did not really have to do what they did. True, a Jew must give his life rather than transgress any prohibition at such a time. But no one is obligated to do what Rabbi Akiva did, for example – going out and teaching Torah publicly when the government forbade it. So how can the oath be pinned onto the generation of Rabbi Akiva? The Maharal answers that true, they were not obligated, but since they did it in any case, it is possible to base the oath on their trait of self-sacrifice.

The Maharal’s second answer is that the words “by the gazelles and the deer of the field” are not a hatfasah at all, but rather the words should be translated “in the case of the gazelles and the deer of the field.” The Midrash is thus saying that the oath applies in a situation of gazelles and deer – that is, in a situation of martyrdom. This could mean either a direct order at gunpoint to violate the oaths, or, as the Rebbe says in Siman 33, a situation in which violating the oaths is the only way to save ourselves from death in exile.

At this point it would be tempting to say that when the Maharal writes “and so is the explanation with each one” he means that the previous opinions in the Midrash are also to be understood as giving a situation in which the oaths still apply. (This is in fact how Rabbi Hartman understands it in his footnotes on the Maharal.) However, the Rebbe clearly did not wish to say this, perhaps because this would lead to the nonsense statement that the oaths apply even in heaven, in the Patriarchs or in circumcision. The idea that the oaths are said in such-and-such a situation is obviously limited to this opinion that explains gazelles and deer to mean the generation of martyrdom. And the Maharal’s words “each one,” according to the Rebbe, mean each oath: not only is it forbidden to come en masse to Eretz Yisroel to escape a pogrom, but it is also forbidden to revolt or to force the end of exile.

From the Maharal it appears that this statement “and so is the explanation with each one” is only made according to the last explanation, not according to the previous explanation of hatfasah. However, it’s hard to understand (according to the way the Rebbe learns it) why this should be

so, and therefore it may in fact be that the words “and so is the explanation with each one” were meant to encompass all that the Maharal writes on this Midrash. He is saying: all that I have written here is true not only regarding “leaving exile” but even regarding revolting or forcing the end.

What is the practical difference between the Maharal’s two explanations? None, it would seem. The first explanation also agrees that one must give his life rather than violate the oaths, because the oath was pinned on, or copied, from those who gave their lives rather than commit idolatry or other sins.

The other point that remains to be discussed is how Menachem Kasher dealt with this Maharal in his attempt to refute the Rebbe. Kasher (Hatekufah Hagedolah pp. 314-318) offers three other ways to understand the Maharal:

1) Rabbi Shraga Feivel Frank said that the Maharal indeed holds that one must be killed rather than violate the oath, but this is only true of the oath not to rebel against the nations. If the nations are killing Jews, Jews are not allowed to fight back.

2) An unnamed “expert in the works of the Maharal” said that the Maharal is talking about a case of religious persecution, and saying that Jews may not escape it by rebelling and leaving exile. This is essentially what the Rebbe himself proposes in Siman 33.

3) Kasher himself says that the words “even if they try to kill them with painful torture, they must not leave and they must not deviate in this matter” are referring to the generation of martyrdom, and the leaving and deviating are a reference to committing the sins they are being ordered to commit. Hashem made the Jews swear by the holiness of this generation, so there is no need to look through the details of the generation and see how they can be applied to exile, as the Maharal does earlier with heaven and earth, the Patriarchs and circumcision. This is why he said, “and so is the explanation of each one” – he means that the other opinions in the Midrash also mean that they swore by the holiness of that thing – not that exile has anything to do with that thing.

It is noteworthy that the first two explanations essentially agree with the Rebbe, and Kasher’s own is very weak: according to him, why did the Maharal have to say explicitly at this point that the generation of martyrdom did not want to deviate – wasn’t that obvious all along? Also, he speaks in the future tense (“even if they will try to kill them”; “they will not leave and they will not deviate”) instead of the past tense. Kasher himself raises this objection, but defends himself by saying that at the time Shlomo Hamelech wrote the oaths, the generation of martyrdom had

not yet taken place. Finally, even according to Kasher, the Maharal's first explanation says what the Satmar Rebbe is saying, because it pins the oath of exile on what the Jews did in a time of martyrdom.

Maamar Shalosh Shevuos Siman 21

[The discussion is about the Avnei Nezer's opinion that if the nation ruling Eretz Yisroel allows all the Jews to return, they may return. The Rebbe has argued in Simanim 14-20 that Hashem does not want all the Jews to come back from exile before the geulah. Now he will bring a proof that even after moshiach comes, they won't go straight back to Eretz Yisroel.]

And in the second chapter of the tractate Eduyos, Mishnah 9, it says: "And in the number of generations before him, which is the end."

[The full text of the Mishnah is:

A father hands down to his son different qualities: beauty, strength, wealth, wisdom, and longevity, and the number of generations yet to come before him, which is the End.

The son is one generation closer to the geulah than his father. Hashem counts down the time till the geulah in two different ways: by years, and by generations. The Mishnah continues:

As it says, "Hashem is the Reader of the generations from the beginning" (Yishaya 41:4). Even though it says "They will enslave them and afflict them for four hundred years," it also says "And the fourth generation will come return here."

The Raavad asks in his commentary on the Mishnah: Why does Hashem give two different end times? Which is it? Also, what's the "even though" – these verses are not a contradiction. The first verse is saying that they will be slaves for 400 years, and second one says that they will come back to Eretz Yisroel in four generations. If the 400 years is up before the four generations are up, then the Jews would have to wait some time, after their freedom, to enter Eretz Yisroel. And this is in fact what happened: they were detained in the desert for forty years before entering Eretz Yisroel.

The Raavad answers that that is precisely the Mishnah's point:]

Even though the end of the exile and the subjugation of the Jews depend on years, the good promises and consolations promised to them depend on the number of generations, because He sees that there will come a righteous generation worthy of redemption, so He keeps everyone waiting until that generation arrives. This is what happened in Egypt: even though they were redeemed after 400 years, they did not return to settle in Eretz Yisroel in the generation of Yehoshua. The same thing happened in the Babylonian exile [Darius gave permission to return and rebuild the Beis Hamikdash, but the city walls weren't complete until 30 years later]. And so too in the days of moshiach, when Hashem redeems the Jews, they will not enter Eretz Yisroel right away, but rather He will lead them into the wilderness of the nations, as stated in the prophecy of Yechezkel, Chapter 20.

We see from this Raavad that even after the redemption, Hashem will not wish to bring the Jews to Eretz Yisroel right away. They must first pass through the wilderness and be sorted out. Those who remain will repent completely, as stated in the prophecy of Yechezkel and Hoshea.

[The reference is to Hoshea 2:16: "Therefore I will convince her and bring her into the wilderness and I will speak to her heart." Rashi in his commentary on Yechezkel and Hoshea stated that this verse and Yechezkel 20:35 are describing the same event.

Maamar Shalosh Shevuos Siman 22

[This siman is a continuation of the previous one, in which the Rebbe quoted the Raavad who says that even after moshiach comes, the Jews will be led through the "wilderness of the nations" before entering Eretz Yisroel.]

According to the above, we can resolve a difficulty in the order of the blessings of the Shmoneh Esrei prayer, as they are explained in the Gemara Megillah 17b:

After the prayer to restore our judges, we pray for the fall of the informers, because through the judges the sinners disappear. Afterwards, the pride of the righteous is uplifted, and then Jerusalem is built.

So the building of Jerusalem is late in the order of events. But before all these blessings, we say, "Sound the great shofar for our freedom...Blessed are You, Hashem, who gathers the scattered of His people Israel." If Jerusalem will not be built till a later stage, to where will they be gathered?

But according to the Raavad, who says that the first stage of the ingathering will be to a wilderness, this question is resolved.

[Many Zionists have tried to prove from the order of the blessings of Shmoneh Esrei that the ingathering of the exiles will happen before moshiach comes - see for example Eim Habonim Smeicha, p. 174. The Rebbe has just refuted this proof. Still the question remains that the blessing "who builds Jerusalem" comes before the blessing "who makes the pride of salvation sprout" which is about moshiach. The Rebbe takes this up in Siman 57, where he says that for a while after moshiach comes, his status as moshiach won't be recognized by all, until he brings the entire Jewish people back in teshuva. The blessing "who makes the pride of salvation sprout" is about moshiach's achieving universal recognition. However, he may be here for while before that and during that time, he might gather in the exiles and build Jerusalem and the Temple. Thus the Rebbe's answer in 57 takes care of the blessing "who gather in the exiles" as well. One could understand it not as the Raavad says, but simply that moshiach, with his status still unproven, will gather the Jews to Eretz Yisroel.]

Now let's analyze the blessing itself and see if it refers to gathering us to Eretz Yisroel or to another place. It begins "Sound the great shofar for our freedom and lift up a banner to gather our exiles" – no reference to Eretz Yisroel. The end of the blessing is "who gathers the scattered of His people Israel" – also not specifying to where. Regarding the middle, where [those who pray Nusach Sefard] say, "And gather us quickly from the four corners of the earth to our land," we would have to say that this refers to the end-purpose of the ingathering, which is to bring us later into our land. But the first stage of the ingathering will not be to Eretz Yisroel, but to the wilderness of the nations.

There are many versions of the prayer book that do not have the words "to our land" at all. The Likutei Mahariach (a work on the daily mitzvos and prayers by Rabbi Yisroel Chaim Friedman of Rachov (1852-1922), printed in Satmar in 1932), who collected all the various versions of the prayers, writes that the Ashkenaz siddurim do not have the words "to our land." And it would appear that the Tur (end of Orach Chaim Siman 117) and the Arizal agree to this, for they write that this blessing has 20 words, and with the words "to our land" it would be more than 20 words. And similarly, my father's custom was not to say it.

In any case, the beginning and end of the blessing, according to all versions, do not specify to where the ingathering will be.

Now, one might ask: the ingathering to the wilderness is certainly not the final goal, and it only serves the purpose of purify us and filtering out the bad elements, so that we should be ready to

be gathered to our holy land, which is our whole hope, which we look forward to so fervently. If so, why does the blessing speak of this first stage and not the more important second stage of gathering us to Eretz Yisroel?

The answer is that the blessings of Shmoneh Esrei are in chronological order, as the Gemara says, and this blessing belongs in the time period before the restoration of the judges and the destruction of the heretics. At that period, there will not yet be any ingathering to Eretz Yisroel. Therefore, we don't mention it at the beginning or end, which are the essential parts of a blessing. And whether we mention it in the middle as a reference to the final goal of coming to Eretz Yisroel depends on the different versions of the Siddur. There are different opinions on this, and I do not wish to write at length.

In any case, one thing is clear: if even after the redemption Hashem will not bring all Jews to Eretz Yisroel right away, then it is abundantly clear that He does not want to bring them all there before the redemption. There are many other clear proofs to this, but what I have mentioned is enough, and there is no need to write at greater length about it.

Maamar Shalosh Shevuos Siman 23

The conclusion of all these sources we have gathered is that it is explicit in many places in the words of Chazal that Hashem wants the Jews to be scattered to the four corners of the earth for the entire duration of exile, until moshiach comes. Now, it is certainly true that there must be in Eretz Yisroel Jews who serve Hashem in purity in the holiest of places. According to the Rambam (Sefer Hamitzvos, Aseh 153), our ability to declare new months and festivals depends on a Jewish presence in Eretz Yisroel. And according to all opinions, keeping Torah and mitzvos in Eretz Yisroel is immeasurably important and precious, as will be explained in the second section of this book. Therefore we must exert ourselves in all possible ways to support the Jews of Eretz Yisroel physically and spiritually. This is especially true now, when we have to save them from the flow of heresy, may Hashem spare us. We have to work to support the Jews in Eretz Yisroel, and I myself have humbly put a lot of effort into this.

But those who say that all Jews should leave their home countries and move to Eretz Yisroel, are speaking directly against all the words of Chazal in many places in Shas and Midrashim, and the writings of the Ari. And it is really incredible how even some Torah-observant people have the nerve to speak against things that are stated so clearly by Chazal in the many places that I quoted.

Besides, mass immigration to Eretz Yisroel violates the oath not to go up as a wall. People do not realize that the heretics invented the whole idea in order to entrap the Jewish people in their net. These heretics do not believe in the decree of Hashem or His providence, but just to mislead people, they billed their movement as “love of Eretz Yisroel” – may Hashem have mercy.

This concludes our study of the first two oaths: the oath not to rebel against the nations refers to any rebellion, whether in Eretz Yisroel or elsewhere; and the oath not to go up as a wall refers to immigration with large numbers, together, even with permission from the gentile owner, and even under duress.

Maamar Shalosh

Shevuos Siman 24

Now I will explain the third oath, not to force the end. What exactly does this mean? Rashi says that “yidchaku” (force) comes from the word “dochak” (pressure): that the Jews should not pray too much for the end of exile. But how can we understand this? How much prayer is too much? Didn’t Chazal incorporate prayers for the redemption into all the prayers? They instituted Shmoneh Esrei three times a day, and it contains many prayers for the redemption, for the rebuilding of Jerusalem and for the sprouting of the pride of the Son of Dovid. Righteous people have always devoted themselves to these prayers. How then are we to know the limit beyond which prayer violates the prohibition of the oath?

However, the Rambam, at the end of Igeres Teiman, disagrees with Rashi’s interpretation of this oath. He writes:

Because Shlomo knew with Divine inspiration that this people, in the course of its long exile, would make efforts to move itself before the proper time, and they would perish because of this, and calamities would befall them; so he warned them not to do this, and he made the nation swear, by way of analogy, and he said, “I have made you swear...” Now you, our brothers and friends, accept his oath upon yourselves, and do not arouse the love until it is desired.

[So we see that the Rambam holds that the oath refers to action, not prayer.] And the same is clear from all the Midrashim: the Midrash Rabbah, the Tanchuma, the Mechilta, the Yalkut and the rest of the Midrashim, which say that the oaths were violated by the Bnei Ephraim, Ben Koziva and others who took actions to redeem themselves and take for themselves a kingdom

before the right time. These groups were severely and very bitterly punished for this violation, may Hashem Yisborach spare us and protect us.

And the Midrash Rabbah, Shir Hashirim 2:7, adds:

What is the meaning of “until it is desired”? Until the kingdom of heaven desires it. When the Attribute of Justice desires it, I will bring it on its own, with great fanfare, and I will not delay.

[We see from this that the oaths prohibit action, and thus the warning is: Do not take action to bring the redemption, for when the time comes Hashem alone will make it happen, without your assistance.]

The Targum Yonasan on Shir Hashirim also explains the oaths as prohibiting any action to go to Eretz Yisroel before it is Hashem’s will to do so. However, there is a difference between the first two oaths and the third. The first two oaths refer to Moshe Rabbeinu’s warning to the Jews not to enter Eretz Yisroel before the forty years were up. The third oath (Shir Hashirim 8:4) refers to the time of moshiach:

The king moshiach will say: I adjure you, my people, the House of Israel: Why do you fight with the nations of the world to leave exile, and why do you rebel against the armies of Gog and Magog? You must wait a little bit longer, until the nations that came to fight against Jerusalem are destroyed, and afterwards the Master of the World will recall for you the love of the righteous and it will be His will to redeem you.

According to the Targum Yonasan, we can answer the question of why the wording of the third oath is different from that of the first two. The first two say “im” (if you arouse or if you awaken) whereas the third says “mah” (why do you arouse and why do you awaken). The answer lies in the Targum’s words on the third oath, “Wait a little bit longer.” He does not say those words on the first two oaths, because they were spoken by Moshe thousands of years before the redemption. But the third oath will be spoken by moshiach just before the redemption. Therefore, he says “mah” (why), implying that it would be a small and easy thing to wait a little longer. We find that the Gemara elsewhere understands “mah” in this way: in Berachos 33b the Gemara quotes the verse, “And now Israel, what (“mah”) does Hashem your G-d ask of you except to fear Hashem...” and the Gemara asks that fearing Hashem is no small matter.

The Targum says the third oath is a warning not to rebel against the armies of Gog and Magog. This seems to contradict the prophetic description of the war of Gog and Magog in the Book of Yechezkel, where it is stated that this war will occur after the coming of moshiach, when the

nation of Magog, led by Gog, will wage war against the king moshiach. The answer is that Magog is not going to be a new nation that will be resurrected from the dead after moshiach comes; its armies will be in existence before moshiach, and they will be the same cursed wicked ones who persecute and fight against the Jewish people before moshiach.

Another point: the Targum says that at that point there will be only a little more time left before the redemption. But today unfortunately, since they violated the oath and didn't wait just a little longer [possibly this means a little longer after the Holocaust, when there was an opportune time for redemption], they extended the exile, until Hashem has mercy and takes pity on His people and His land. And I will explain more later [about why violating the oaths prolongs the exile – see beginning of Siman 28 and Siman 84, and see Hakdamah p. 8].

In any case, we see from the Targum Yonasan as well that the oath not to "force the end" refers to physical action: fighting against the nations of the world to go out of exile, and daring to go up to Eretz Canaan before it is G-d's will to redeem Israel from exile. This fits well with the Rambam and the Midrashim [but not with Rashi].

Maamar Shalosh

Shevuos Siman 25

[In the previous siman, the Rebbe contrasted Rashi's opinion, that "forcing the end" means excessive prayer, with that of the Rambam, the Midrash and the Targum Yonasan, who explain it to mean physical action. Now he will ask why Rashi deviates from the Midrash, especially since excessive prayer seems to be perfectly legitimate and within the confines of our faith.]

Now, certainly there is a difference between action and prayer. Taking action toward the redemption on our own, before receiving a prophecy from Hashem that the time has come, shows a lack of faith. This is what Chazal say in the Midrash on Shir Hashirim 2 regarding the Bnei Ephraim, who left Egypt early because of a mistake in their calculations.

They counted the 400 years from the time the decree was made, when Hashem spoke to Avraham Avinu between the parts, when in fact the count began from when Yitzchok was born [thirty years later]. What did they do? They gathered and went out to war, and many of them were killed. Why? Because "they did not believe in Hashem, neither did they trust in His deliverance" (Tehillim 78:22), because they transgressed the end and they transgressed the oath.

And Rabbi Shmuel ben Yitzchak Yaffeh, in his commentary Yefei Kol, asks: since it was a mistake, and according to their calculations the end-time predicted in the Torah at the Covenant Between the Parts had arrived, how can the Midrash say that “they did not believe”? On the contrary, it looks like they believed in His word and trusted in His deliverance, based on what they thought. So there should be no violation of the oath or the end, just an innocent mistake. He answers that although according to their calculations the time had come, they should have waited for instructions from Heaven, not just to go and succeed with their sword and their arm. They thought they could succeed with their own power, and they did not believe in waiting for Hashem to remember them and save them, nor were they afraid of his oath, which forbade them to arise from exile until Hashem desired it. Since they received no prophetic message from Hashem, they should have realized that the time had not come and their calculations were in error.

The Mechilta at the beginning of Parshas Beshalach quotes the verse in Tehillim 78:10 that says regarding the Bnei Ephraim, “They did not keep the covenant of G-d, and they refused to follow His Torah.” I will explain more about this later, but in any case we see that although the Bnei Ephraim’s early exodus resulted from a mere mistake, yet since it was a mistake in a matter of the principles of faith, the above verses applied to them, and they were severely punished, may G-d spare us. How much the more so with the redemption we are currently awaiting, whose time is a hidden secret that was not revealed even to the prophets, and we have no knowledge whatsoever, not even a clue to miscalculate in, and our eyes are only lifted up to Heaven, waiting for the redemption to be revealed to us in accordance with the Torah and tradition, - there is no doubt that taking any action, even the slightest, to come out of exile with our own power before the time arrives, is against our faith in Hashem and the Torah. This will be explained at length as we go on,

But according to Rashi, who says that the oath not to force the end means not to pray too much, it would seem that violating the oath involves no lack of faith. On the contrary, the violator is praying only to Hashem that He should send us moshiach, and this shows a strong faith in Hashem. Why then should it be forbidden?

We will have to answer that Hashem in His wisdom saw that any form of pressing for an early redemption would not lead to any good for the Jewish people, only the opposite, G-d forbid.

We find a similar idea in Rashi’s comment on the Torah, Bereishis 15:11. During the Covenant Between the Parts, birds of prey swooped down to devour the carcasses, and Avraham Avinu chased them away. Rashi says that the birds of prey symbolized Dovid Hamelech. Dovid would try to destroy the nations, but Avraham chased him away – he asked Hashem not to let it happen

until the coming of moshiach. Now, Avraham certainly did this for the good of the Jewish people, not for the good of the nations.

[This story shows that even where no lack of faith is involved – Dovid Hamelech was in an era when the oaths did not apply and the Jewish people had the right to have a kingdom with an army – still it is not good for the Jewish people to do certain things until moshiach comes.]

Maamar Shalosh Shevuos Siman 26

[Background: Rashi has explained the oath “not to force the end” as a prohibition on excessive prayer for the redemption. This is difficult to understand for three reasons: it leaves us without guidelines as to how much is too much (beginning of Siman 24), it is not how the Midrash explains this same oath (middle of Siman 24) and praying does not indicate any lack of faith (Siman 25).]

According to the above, since all the Midrashim and the Targum Yonasan were well known to Rashi, as is evident from the fact that he quotes them in countless places, and all these sources understand the oath to prohibit physical action toward redemption, such as that of the Bnei Ephraim, Ben Koziva and other false messiahs, what prompted Rashi to invent a new explanation of the oath, not found in the words of the Sages, that the oath prohibits excessive prayer? This is especially difficult since, as we have said, there is a tremendous difference between action and prayer.

Furthermore, the Maharal of Prague in his work Netzach Yisroel, Chapter 24, follows Rashi's explanation that the oath refers to prayer, yet he says later that the words of the Midrash “He made them swear in a generation of martyrdom” mean that the Jewish people may not violate the oath even if the gentiles torture them, G-d forbid, as in the generation of martyrdom, when they combed their flesh with iron combs, and even if they threaten to kill them with painful torture, may G-d spare us. And he concludes with the words, “we must understand this.”

Now, if violating the oath means praying excessively, how could the gentiles force us to pray? Prayer is not mouthing words; it requires devotion of the heart. There is no way to force someone to think and direct his heart to Hashem. Thus, the Maharal must be talking about a case when the gentiles force us to take action to end the exile. It must be that the Maharal understood the oath not to “force the end” as prohibiting human action to leave exile before the proper time. In fact,

he explicitly writes so: “That they should not go out of the exile and the subjugation.” This follows the Rambam, the Midrashim and the Targum Yonasan.

Earlier he quotes Rashi’s explanation that it refers to prayer, so it must be he held both are true – the oath includes both action and prayer. But if so, why did the Maharal leave out any mention of action at the beginning? Why did he quote only Rashi?

And as we asked earlier (Siman 25), what is Rashi’s source for saying that praying too much for the redemption is such a severely punishable offense? And what is the definition of “too much”?

Maamar Shalosh Shevuos Siman 27

There is another version of the text of the fourth oath, cited by Rashi, that reads “shelo yerachaku” – that they should not push the end of exile further away. Rashi explains, “They should not push the end further away with their sin.”

This is also difficult to understand: which sin is Rashi talking about? If he means any sin in the Torah, why did Hashem need to impose an oath on the Jewish people not to sin? We are already foresworn since Mount Sinai not to transgress any part of the holy Torah, and one oath cannot take effect when there is a pre-existing oath, as the Gemara says (Nedarim 8a and other places). And if Rashi means that there is one particular sin that delays the redemption, then he should have specified which one it is.

The Midrashim seem to have had the version that reads “shelo yidchaku” (they should not force the end) because they cite as an example the Bnei Ephraim’s early escape from Egypt, Ben Koziva’s uprising, and other examples of forcing one’s way out of exile before the time. The commentators also seem to understand the oath as “forcing the end” and not “pushing the end further away.”

[In Siman 84 the Rebbe will answer that the particular sin Rashi had in mind was the violation of the Oaths: attempting to end the exile early actually backfires and causes the exile to be extended.]

Maamar Shalosh

Shevuos Siman 28

[Rashi says that the oath “not to force the end” prohibits excessive prayer. In Siman 24 the Rebbe asked how much is too much. In this siman he brings two places where the Yismach Moshe discusses this. In one he disagrees with Rashi, and in the other he explains Rashi.]

My holy great-great-grandfather in his commentary Tefillah Lemoshe on Tehillim (127:2), speaks about the oath “not to force the end”. He mentions Rashi’s explanation, and comments that it is hard to understand because we don’t know the limit of permissible prayer. Therefore, he explains that “forcing the end” it is akin to the expression “forcing the hour” (Berachos 64a, where the meaning is hurrying to take something such as a high position). Here too, the oath states that they should grab onto empty hopes before the coming of moshiach, as did the Shabsai Tzvi moment, for those people who pursued emptiness too early actually ended up causing the exile to be prolonged, because of their very wicked acts against the Jewish people.

The Yismach Moshe uses this idea to explain the verse in Tehillim: "Vain it is for you who get up early and settle down late, eating the bread of sadness." The word "kum" (get up) is used in another place (Amos 5:2) to refer to the Jewish people's arising from exile. Thus "mashkimei kum" (those who get up early) means those who make early the arising from exile, i.e. those who force the end of exile, attempting to end it through falsehood and emptiness before the proper time. By so doing they are settling down late – prolonging the exile. “Eating the bread of sadness” means that on Tisha B’av, when all Jews are fasting and mourning and full of sadness over the destruction of the Temple, they (the Shabsai Tzvi movement) are eating and rejoicing. “This is a real reference to events of our time that Dovid Hamelech placed into Tehillim with his prophetic spirit,” concludes the Yismach Moshe.

The Yismach Moshe spoke prophetically, and he foresaw that [in the era of Zionism as well] those who eat the bread of sadness on Tisha B’av, and arise to bring a redemption to the Jewish people before the time, are those who prolong the exile, unfortunately. We will talk more about this later [in Siman 84].

The Yismach Moshe’s explanation of the oath against “forcing the end” is the same as that of the Rambam and the Midrashim. But we have still not found an explanation of Rashi’s words.

But in Yismach Moshe on Shir Hashirim, he writes regarding Rashi’s words:

Our Sages say that Hakadosh Boruch Hu made the Jewish people swear that they would not force the end. This is difficult to understand what is forcing the end? It cannot mean coming en masse to Eretz Yisroel, because that is already stated in one of the oaths – “that they should not go up as a wall.” And if we are to follow Rashi’s explanation that forcing the end means not to pray too insistently, that is even more difficult to understand – what is the boundary line between proper prayer and excessive prayer? And furthermore, why don’t we find in the Gemara, the Rambam or the poskim this prohibition to pray too insistently for the redemption?

I think we could answer this based on the way Chazal explain the verse (Devarim 6:13), “You shall fear Hashem your G-d and serve Him, and cling to Him and swear by His name.” And Rashi says, “If you have all of the above qualities, you are allowed to swear by His name.” The commentators [I was unable to find out who this refers to] explain [that this does not mean an ordinary oath such as an oath that one does not owe money, or an oath that one will or will not do something. Those oaths do not require one to be on any special spiritual level.] Rather, we are talking here about an oath like that of Eliyahu when he said (Melachim I 17:1), “By the life of Hashem, G-d of Israel, there will not be in these years any dew or rain unless I say so.” Another example of this is the oath of Choni the Circle Maker (Taanis 19a), who swore that he would not come out of the circle until Hashem sent rain. Such an oath is only permitted for someone who has all the qualities listed in that verse: fearing Hashem, serving Him and clinging to Him. For such a person, Hashem fulfills the words of His servants and the counsel of His angels. For anyone else, it is a vain oath.

Accordingly, that is the meaning of the oath against “forcing the end”: it refers to people on such a high spiritual level, who might attempt to force the end using an oath.

The Chasam Sofer gives a similar explanation (Likutei Shailos Uteshuvos Siman 86) that the oath means not to do as Rabbi Yosef Della Reyna did, using adjurations and the like. [This refers to the 15th century legend of a kabbalist from Safed who, together with five disciples, underwent numerous purification rituals and pronounced kabbalistic formulae and angelic adjurations in an attempt to force moshiach to appear. The story was later embellished and widely circulated in Europe.] But any amount of regular prayer, says the Chasam Sofer, is permitted.

Now, although this is a good way to explain the words of the Gemara “that they should not force the end,” it is hard to fit it into Rashi’s language, for Rashi says, “That they should not pray too much.” Rashi does not mention any oath or adjuration, only prayer. So we see that even in prayer there is a limit, and we are left without a clue as to what that limit might be. In fact, most of our prayers revolve around exile and redemption, and righteous men have always devoted their very lives to praying for the redemption. So what amount of prayer is forbidden under the oath?

Maamar Shalosh

Shevuos Siman 29

[Background: We are looking for an explanation of Rashi's statement that too much prayer transgresses the oath "not to force the end." How much is too much, and where did Rashi get this idea from?]

I have already given my humble opinion as to what Rashi means, based on the Gemara in Bava Metzia 85b:

Eliyahu came regularly to the yeshiva of Rebbi. One day [on a Rosh Chodesh] he was late. Rebbi said to him, "Why is the Master late?" He said, "First I had to get Avraham up and wash his hands, and he prayed, and I lay him back down; and then Yitzchok, and then Yaakov." Rebbi asked, "Why don't you get them up at the same time?" Eliyahu replied, "Because I am afraid that their combined prayer will be so strong that it will bring moshiach before his time." Rebbi asked, "Is there anyone like them alive today?" Eliyahu said, "Yes, Rabbi Chiya and his sons."

Rebbi declared a public fast and brought down Rabbi Chiya and his sons to lead the prayers. When Rabbi Chiya said the words "He causes the wind to blow" – the wind blew. When he said "He causes the rain to fall" – it rained. He was nearing the words "He gives life to the dead" and the world began to shake. In Heaven they said, "Who has revealed this secret in the world?" They answered, "Eliyahu." So they brought Eliyahu and gave him sixty fiery lashes. Eliyahu then came down and appeared to them as a fiery bear, coming between Rabbi Chiya and his sons and preventing them from continuing.

The Maharsha comments that the bear symbolized the Persian Empire, as in Avodah Zarah 2b, and the Jewish people were placed in exile under the angel of Persia as in Yoma 77a. The bear appeared to them to signify that the time of moshiach had not yet arrived and the Jewish people was to remain under Persia.

So we see that there were righteous individuals, such as Rabbi Chiya and his sons, whose prayer was so powerful that it could force moshiach to come even though the time had not yet come, just as if all the Patriarchs had prayed together. That was why the prayer of Rabbi Chiya and his sons had to be stopped. Such a prayer is certainly in the category of "forcing the end," and it is at that point that one transgresses the oath.

Although Rabbi Chiya and his sons were students of Rebbi, and followed his orders, as we see in the Gemara, still when it came to powerful prayer they were greater than him. They were in fact the only ones in their time to have this power, as we see in the Gemara, that Eliyahu singled them out as the only ones who were similar to the Patriarchs. That is how it is – tzaddikim have different strong points, and sometimes one can be greater in one subject while the other is greater in another subject.

Maamar Shalosh Shevuos Siman 30

[The Rebbe was looking for a definition of "excessive prayer" which, according to Rashi, violates the oath. In the previous siman, he proposed that prayer like that of Rabbi Chiya and his sons, in Bava Metzia 85b - prayer that could have forced the redemption to occur, had Eliyahu not intervened at the last moment - is considered excessive.]

However, now Rashi is even more difficult, because if excessive prayer is forbidden under the oath, how could the holy Rebbi have permitted Rabbi Chiya and his sons to offer such a prayer that had the power to force the redemption to come before its time? Regarding Rabbi Chiya and his sons themselves, it is possible to say that they did not sin because were unaware of their own power in prayer until it was revealed to them the end of the story, when Eliyahu had to come and stop them. But Rebbi, who had already heard from Eliyahu that the prayer of Rabbi Chiya and his sons was like that of all the Patriarchs together, and that it could bring the redemption before its time - how could he have instructed them to pray in this way?

Perhaps originally Rebbi held that the meaning of “forcing the end” was something else, and prayer, no matter how powerful, was always permitted. Only afterward, when Eliyahu got his sixty fiery lashes and was stopped by heavenly intervention, Rebbi realized that what he had done was forbidden, and was included under the oath.

We find a similar idea (that we derive halacha from the outcome of a story, although a great person at first acted incorrectly) in Nedarim 65a. There the Gemara says that if one takes a vow for the benefit of someone else, the court may not annul the vow without the presence of that person. The Ran discusses whether the vow is null after the fact, if the court broke this rule and annulled it. He brings proof from the following story, told later on that same daf of Gemara:

King Tzidkiyahu swore to Nevuchadnetzar that he would never reveal that Nevuchadnetzar ate a live rabbit. The Sanhedrin annulled his oath, and he revealed the secret. Nevuchadnetzar came to the Sanhedrin and said, “Didn’t he swear not to tell?” They said, “He annulled the oath.” He said incredulously, “One is allowed to annul an oath?” They said, “Yes.” He said, “Even without the presence of the person for whom you made the oath?” They said, “No, only in his presence.” He said, “So why did you do it?” They were ashamed and they sat down on the ground.
[Nevuchadnetzar punished Tzidkiyahu - he slaughtered his children before his eyes and then gouged out his eyes.]

The Ran says that some Rishonim prove from this story that the vow is annulled, because Tzidkiyahu was a righteous man, and the sages in the Sanhedrin were righteous, yet they performed the annulment, and allowed him to tell the secret based on that annulment. However, the Raavad and other Rishonim say that on the contrary, the end of the story – the punishment that came upon Tzidkiyahu and the Sanhedrin – shows that Tzidkiyahu and the Sanhedrin acted wrongly.

Similarly, Rashi may hold that the story of Rabbi and the prayer of Rabbi Chiya and sons is not proof that such prayer is permitted. On the contrary, the end of the story – that Hashem did not allow Rabbi to carry out his plan – shows that it is forbidden.

However, we still have to know what prompted Rashi to forbid excessive prayer. After all, he could have understood that although Hashem did not agree to accelerate the redemption in Rabbi’s time, still such a prayer is not included in the oath, carrying the severe punishment of which the Sages speak. And we see in Targum Yonasan and in many Midrashim that the Sages clearly and explicitly give a different explanation of the oath not to “force the end”, whereas Rashi’s explanation is found nowhere in the Talmud or the Midrashim. If anything, the story of Rabbi would indicate that such prayer is permitted, although one could view it otherwise, as I have written above. But in any case, there is no proof from the story that such prayer is forbidden. So what was forcing Rashi to conclude that the oath includes even excessive prayer?

Maamar Shalosh

Shevuos Siman 31

In order to explain this entire subject, let me pose several more questions. First of all, why does the Rambam omit these oaths from his Mishneh Torah? They are stated in the Gemara without any dissenting opinion. Rav Yehuda and Rabbi Zeira disagree only on whether the oaths apply to

an individual or not, but regarding mass immigration and forcing the end, no opinion anywhere in the Talmud disagrees. [Even Reish Lakish in Yoma 9b only disagrees regarding the time of the Second Temple, but during our current exile he agrees with the oaths. See Siman 12.]

Furthermore, all the Midrashim are full of references to the oaths. So why did the Rambam omit them?

Now, as for the other poskim [i.e. the Tur and Shulchan Aruch], one can understand the omission, because the situation to which the oaths apply does not occur often, only once in a very long time, and the poskim usually leave out such laws. This is similar to the idea expressed in Sanhedrin 51b, when one of the Amoraim issued a ruling relating to capital punishment, and another Amora asked incredulously, “Are you ruling halacha for the moshiach?” In other words, areas of halacha that will only apply when moshiach comes are for study only, not for halachic ruling. Presumably we will let moshiach’s court rule the halacha when the time comes. This is reason why the Tur and Shulchan Aruch only cover areas of halacha that apply nowadays. Similarly, the Three Oaths, although they apply by definition before moshiach, since the situation to which they apply arises only once in a very long time, the Shulchan Aruch does not include them.

Or, perhaps there was no need to mention it because it is so obvious. This is what commentators on the Shulchan Aruch say in other places. [For example, the 13 Principles of Faith are not included in Shulchan Aruch. See Mishnah Berurah, Biur Halacha on Orach Chaim Siman 1, who feels the need to supplement the Shulchan Aruch with at least the six constant commandments, which involve faith.] However, for the Rambam these answers are insufficient, because the Rambam’s methodology is to bring all laws – even those that will only apply when moshiach comes, and even matters of faith.

Now, in his introduction to Sefer Hamitzvos the Rambam writes that in his great work (meaning the Sefer Hayad, Mishneh Torah) he includes all the laws and regulations of the Torah, such that nothing is missing from it. “There is no question of law that I fail to mention, or at least mention the principle from which it can be derived.” In other words, there are things that he does not mention explicitly, but rather relies on the fact that he mentions the principle from which that law can be derived. So we must analyze the Rambam’s work and determine where he writes the principle of the matter, such that one can infer from there his opinion on the question of the oaths.

In his Letter to Yemen, the Rambam writes at length about the coming of moshiach. There he strongly warns against violating the oaths, and writes that such a violation would be extremely dangerous, G-d forbid. Now, we do not know which of two – Sefer Hayad or the Letter to Yemen – the Rambam wrote last. [The last one he wrote would be more authoritative because it would show the Rambam’s considered halachic opinion on the subject.]

The Rambam writes many things in the Letter to Yemen that seem, at first glance, to contradict what he writes in Yad. However, upon deeper consideration, one will see that there is no contradiction. In the same way, I will soon resolve nicely, with Hashem's help, the question of why he doesn't mention the oaths in the Sefer Hayad.

If there were really some contradiction between the Letter to Yemen and Sefer Hayad, there would be room for uncertainty as to which one we follow. The Radvaz v. 7 siman 25, in the middle of a responsum dealing with the Rambam's opinion on a certain matter, writes, "You must know that even if you are correct that the Rambam's letter contradicts his ruling in Yad, we follow the letter because it was written as a ruling on a practical case." But there are some who disagree with the Radvaz. Similarly, there is a great dispute regarding what to do when the Rosh in his halachic work contradicts his responsum.

But this is only when there is an explicit contradiction. Here, however, where the Rambam in his letter writes at great length to explain the matter with its reasons, quoting from the Talmud, while in the Sefer Hayad he writes nothing at all, we would certainly follow the explicit letter.

The Chacham Tzvi in Siman 14 writes regarding a certain contradiction in the words of the Maharik that we follow the place where he explains the reasons for his decision and cites proofs. He bases this on Menachos 52a, where the Gemara considers which version of a dispute between Rabbi Yehuda and Rabbi Shimon was written later and is thus more accurate. Rabba Zuti brings Rav Ashi proof from a Baraisa in which Rabbi Shimon derives his opinion from a verse. Rashi explains that since he brings proof from a verse, this must be the latest, most authoritative version.

If so, all the more so in this case, where the Rambam in his responsum writes at length to explain his source, and in Sefer Hayad he writes nothing. The Terumas Hadeshen makes a similar argument. See the Bach in Even Hoezer Siman 96 who writes that although he holds that the Rosh's halachic work is more authoritative than his responsa, that is only when there is an explicit contradiction, but in a case where it is not explicit and can only be inferred (from the fact that he quotes an opinion in his halachic work and does not say that he disagrees), perhaps we should follow his responsa. This is all the more true when one of the places is merely an omission (such as the case of the Rambam and the oaths): this is not cause for us to reject what he writes explicitly in a letter. And the Chacham Tzvi went even further than this, as stated above [that where a posek in one place brings a proof and in the other place he does not, the halacha follows the place where he brought a proof].

But besides all of the above, we should consider the Letter to Yemen more authoritative, for the Rambam's letter to the community of Marseilles, printed in the Letters of the Rambam, was written in his old age after he had already published all his works, as can be seen from the fact that he quotes from his Sefer Hayad and from Moreh Nevuchim. At the end of that letter he turns to the subject of moshiach and mentions that he wrote to the land of Yemen about three booklets about the king moshiach, his identifying criteria and the signs of the time when he will appear. The Rambam recounts that he warned the Jews of Yemen to warn this messianic pretender not to bring destruction upon himself and the community, G-d forbid. So we see clearly that the Rambam affirmed everything in the Letter to Yemen at the end of his life, after writing all his works. Evidently he did not retract any position expressed there, so it is the authoritative text.

But we need not dwell on this, because there is no contradiction at all between the Letter to Yemen and the Sefer Hayad, as anyone who studies the Rambam's sources carefully will see.

The Rosh writes (Teshuvos Klal 31 paragraph 9) that those who rule halacha from the Rambam without knowing the Gemara behind it, to understand how the Rambam derived his ruling, are certainly going to err and permit the forbidden, or forbid the permitted. This is because the Rambam writes his code without giving any reasons or proofs, so whoever reads it thinks he understands it, but it is not so; without knowledge of the Gemara, one cannot understand it properly. See how he goes on at length in this vein. The Rivash, in his Teshuvos siman 44, quotes these words of the Rosh and strongly agrees.

The Rambam himself makes a similar statement in his introduction to Moreh Nevuchim:

One should not hasten or jump to disprove my words, for perhaps what he understands from my words is actually the opposite of what I intended. My aim was to help him, but his understanding of my words may harm him.

Accordingly, we must study the Rambam carefully so as not to derive a conclusion that is the antithesis of his true opinion. Only after studying the sources of the Rambam in the Talmud, as well as the other Rishonim, can one understand his true intent.

[In summary, there are 5 reasons to follow the Letter to Yemen regarding the oaths, although the Rambam omits them from his Sefer Hayad.

1. His letter to Marseilles, written near the end of his life, affirms the content of the Letter to Yemen.
2. The Rambam may actually have not omitted the oaths from Sefer Hayad: possible they can be derived from a principle he states.

3. Even when there is an explicit contradiction, the Radvaz holds that we follow the responsum over the Sefer Hayad.
4. When one text explains more than its contradictory text, we follow it (Chacham Tzvi), and in this case the Letter to Yemen explains more.
5. When one text is not explicit, but only an inference, we follow the explicit text (Bach). All the more so here where it is not even an inference, just an omission.]

Maamar Shalosh

Shevuos Siman 32

In order to explain this subject, I would like to pose a few more questions.

1. The Midrash on Shir Hashirim (2:7) says that those who forced the end (the Bnei Ephraim, Bar Kochba etc.) were punished severely “because they violated the end and they violated the oath.” Now, if the entire prohibition of forcing the end were only due to the oath, it would have been sufficient to say that they violated the oath. Why does the Midrash split the sin into two parts? Clearly there must be some independent prohibition to “violate the end,” aside from the oath. So we must ask: what is the source for such an independent prohibition? And if there is such a prohibition, why did Hashem have to place an oath prohibiting Jews from doing something that is already prohibited?

2. The Mechilta (Parshas Beshalach) says regarding the Bnei Ephraim, who left Egypt too early, “They did not keep the covenant of G-d, and in His Torah they refused to walk.” Since this incident happened before the Torah was given, how does it make sense to say that they refused to follow the Torah?

3. We have already quoted (Siman 20) the Maharal who says that one must allow himself to be killed rather than violate the oaths. Even if the gentiles force the Jews to leave exile under threat of a torturous death, they are forbidden to obey, just as if the gentiles were forcing them to worship idols, says the Maharal. Where did the Maharal get this from? An oath is not one of the cardinal sins for which one must allow himself to be killed. Regarding all commandments the Torah says “and live by them,” meaning that one may violate any commandment to preserve life, except for the three sins of idol worship, immoral relations and murder.

4. Furthermore, as the Rambam says (Yesodei Hatorah 5:4), even if one transgresses one of those three cardinal sins at gunpoint, he is not punished for the sin itself, because he is considered

forced, and the Torah exempts a forced transgressor from punishment. He merely transgresses the positive commandment to sanctify Hashem's name, and the negative commandment not to desecrate Hashem's name. And even for that lesser transgression he does not receive lashes, since he was forced to do the act. If for idolatry, the worst of sins, the forced transgressor does not get kareis or the death penalty, then certainly one who is forced to commit any other sin in the Torah should not be punished. So if, G-d forbid, the nations force us at gunpoint to leave exile, it should be considered a forced act – as if we did not do it – so why should we be punished to be, G-d forbid, killed? This is aside from the problem that it is not one of the three cardinal sins.

[It is hard to see where the Satmar Rebbe saw that one who violates the oaths under duress receives the punishment of “I will permit your flesh”. Why can't it be that that punishment was said only for someone who violates the oaths willingly? Possibly these last two questions (3 and 4) are meant to be two sides of the same coin. If the Maharal means “be killed rather than transgress” in the same sense as that rule applies to idolatry - that due to the severity of the sin one must be killed rather than transgress - then the question is that the oaths are not one of the three cardinal sins. And if the Maharal meant merely to give good advice, that it is better to be killed than to violate the oaths because the punishment for violating the oaths is much worse (see Siman 139 for an application of this argument), then the question is that even for the three cardinal sins one is not punished for transgressing under duress, so why should one be punished for violating the oaths under duress?]

It is true that the punishment for violating any oath is worse than the punishment for any other sin in the Torah, as the Gemara in Shevuos 39a says: “Regarding all sins in the Torah, it states ‘He will cleanse’ but regarding an oath it states ‘He will not cleanse.’ For all other sins in the Torah, the sinner alone is punished, but for an oath, the sinner, his family and the entire world are punished.” Similarly, in Gittin 35a the story is told of a widow who was entrusted with a gold coin. She put it in a jar of flour, forgot about it and later baked it into bread and gave the bread to a poor man. When the owner came to pick up his coin, she swore, “May poison strike one of my children if I got any benefit from your coin!” A short time later one of her children died. When the Sages heard the story they said, “If this could happen to someone who swore falsely by accident, it could certainly happen to someone who does it deliberately.” And this is why they discontinued the practice that a widow, before collecting her kesubah, must swear that she has never received any of the money. Tosafos asks: Why was the woman in the story punished? Isn't the rule that an oath made under a false assumption does not obligate a person to atone with an offering, as is derived from the verse “ha'adam bishvuah” (Shevuos 26a)? And it's not only the offering: such an oath falls in the category of “shevuos shegagos” and is not a sin at all (Nedarim 25b). Tosafos answers that she was punished because she should have been more careful to watch over the gold coin, and she should have realized that she might end up swearing about it.

We see here the severity of the punishment for an oath: even when a false oath was made due to lack of knowledge, since a little more advance caution could have prevented the sin, the person is harshly punished.

Rabbi Avraham ibn Ezra writes on Parshas Yisro on the commandment “Do not take the name of Hashem in vain” (Shemos 20:7):

We see that because the Israelites swore in public on the matter of the War over the Concubine at Givah [that all of Israel must send soldiers to the war] and we find that those who failed to comply with the oath, the people of Yavesh Gilad, were executed men, women and children – a severity that is not found even regarding Shabbos violators. We also find that Shaul wanted to kill his son Yonasan for violating the oath, although he had not heard about the oath when he violated it. And we find that Hashem brought a famine upon the land as a punishment for Shaul and his administration, who violated the oath made by the princes in the time of Yehoshua to the Givonim. Furthermore, idolatry and taking Hashem’s name in vain are the only sins whose punishment is written explicitly in the Ten Commandments. If the Jewish people had only this one sin, it would be enough to lengthen the exile and add to our sufferings, may G-d spare us.

He continues to elaborate on this theme. We see from all of the above the extreme severity of the punishment for violating an oath. This is especially true of the Three Oaths, where Chazal say explicitly, “I will permit your flesh...” – an expression that does not appear in any other oath. Chazal also say explicitly that violating this oath lengthens the exile, as I will quote later.

Nevertheless, all this is said only when there was some way the person could have been more careful to keep the oath. But where someone is forced at gunpoint, certainly the act is not attributed to him. This should be especially true of an oath, where there is a special derivation from the verse “ha’adam bishvuah” to teach us that a forced oath is not an oath. And there is no better example of a forced oath than a case when one is forced at gunpoint to violate an oath, G-d forbid. So how could the Maharal have given the oaths the extreme designation of “be killed rather than transgress”?

Maamar Shalosh

Shevuos Siman 33

[In the previous siman, the Rebbe asked how the Maharal could have said that one must allow himself to be killed rather than transgress the oaths. Now he continues to address the source of the Maharal, the Midrash.]

Although the Maharal understands the words of the Midrash “He imposed the oath on them in a generation of forced transgression” to mean that we must keep the oaths even if the gentiles force us at gunpoint to violate them, the Midrash’s language is not unequivocal enough to justify this novel ruling that one must allow himself to be killed, G-d forbid. The Midrash does not say explicitly that the oaths have the status of idolatry, which one must give up his life rather than commit. It merely says that He imposed the oath on them in a generation of forced transgression, and there are other ways one could understand these words.

Furthermore, even if the Midrash had said explicitly that the oaths supercede human life, it would be a puzzling contradiction to the widespread concept in the Talmud that in all cases we say “transgress rather than be killed” except for the three cardinal sins. So the Maharal would not have casually quoted such a puzzling source, against the halacha as expressed in the Talmud and codes, especially regarding a matter of life and death to the entire Jewish people, without giving the slightest hint that there was any doubt about the matter. Clearly, it must be that this halacha - that one rather be killed than transgress the oaths - was obvious to the Maharal from elsewhere, and that is why he used it as an explanation of the Midrash. So we have to know what reasoning led him to that position.

Furthermore, how is it possible to violate the oath "not to force the end" at all under duress? If one is forced at gunpoint to leave exile, G-d forbid, this is no freedom, so why is it called "forcing the end"?

[The following paragraph was added in the second edition of Vayoel Moshe.] Now, regarding this last question one could reply that the Maharal is not talking about a highly improbable scenario in which the nations force the Jewish people under threat of painful death to come out of exile and make themselves a country. Rather, he means that even if, G-d forbid, the nations commit all kinds of cruelty and torturous killings against Jews, may G-d spare us, and the Jews have no escape other than to leave exile and found a country for themselves, still it is forbidden. This is because the oaths have the same status as idolatry, where the law is that it is forbidden to convert to idolatry, G-d forbid, even to save oneself from death or torture, G-d spare us. But even according to this explanation, it is clear that the Maharal holds that the Three Oaths have the law of "be killed rather than transgress" like idolatry, and the question is how the Maharal knew this.

We also have to understand the language of the Rambam in his Letter to Yemen, in the midst of a lengthy warning not to force the end, and I quote:

Because Shlomo knew with holy inspiration that this nation, being sunken into exile, would try to awaken when it is not the proper time, and they would die because of this, and travails would befall them, he warned against doing this, and he made the people swear using metaphoric language, and he said, "I adjure you..."

This is difficult: since he considered this to be a real oath, carrying a severe punishment, G-d spare us, why did he say that it was in metaphoric language? Is he just telling stories here?

Maamar Shalosh Shevuos Siman 34

The Rosh writes in his responsa (Klal 5 paragraph 4) that one cannot impose an oath on people who are unborn. But one may impose a ban or a curse. [Thus, for example, when a community accepts upon itself a new law, such as not eating legumes on Pesach, it cannot work as an oath, because that would not obligate the next as-yet unborn generation. It can only work as a ban or a curse upon whoever eats legumes.] This view of the Rosh is codified as law in Shulchan Aruch Yoreh Deah 228:35, and no dissenting opinion is mentioned. See the Vilna Gaon there [who explains the Rosh's reason: an oath can only take effect on someone who heard it and answered amen. But a ban or a curse is effective even for those who did not hear it, as the Pirkei Rabbi Eliezer (37) says, that the "oath" made at the War of Pilegish Bagivah was actually a curse, and that is why it affected the people of Yavesh Gilad despite the fact that they did not hear of it.]

According to the Rosh, how could the oaths at the Giving of the Torah and the oaths against forcing the end take effect on future generations? We don't find it written in any place that they were not oaths, but rather bans or decrees. It seems that they were real oaths, so how do they work? The Ramban discusses this in his work "Laws of the Ban" but his words are hard to understand, and he does not mention this question.

Now, regarding the oaths at the Giving of the Torah, we can answer the question quite easily. Chazal famously say that when the Torah says, "I am making this covenant with whoever is here today, and whoever is not here today" (Devarim 29:14), it means that all Jewish souls that will be created till the end of time, and even future converts, were standing there when the Torah was given and during the covenants and the oaths. If so, this oath did not have to be imposed on those

born later - they were already present then. However, we don't find that such a gathering of souls was done for the oaths of exile and forcing the end.

Possibly, the answer is that the oaths of exile were also spoken at Sinai. Chazal say (Shevuos 39a) that at Sinai, the Jewish people accepted not only the mitzvos given at that time but also Rabbinic obligations enacted later, such as the mitzvah to read the Megillah on Purim. The Midrash Rabba on Yisro (28:6) goes even further and says:

All the prophecies that the prophets later spoke, they received from Mount Sinai... as it says (Malachi 1:1), "The burden of the word of Hashem to Israel in the hand of Malachi." It does not say "in the days of Malachi" but "in the hand of Malachi," to indicate that the prophecy was already in his hand from Mount Sinai, only he was not granted permission to speak it until that time. And similarly, Yishaya (48:16) says, "From the time that it existed, I was there" - on the day when the Torah was given at Sinai, I was there and I received this prophecy. Only "now G-d sent me" - but until now I did not have permission to speak my prophecy. Not only the prophets, but even the Sages who arose in every generation - each received his teachings from Sinai.

Accordingly, Shir Hashirim, which is "holy of holies" (Yadayim 3:5) more than all of the Scriptures, as Chazal say, was certainly said already at Sinai - for it is no less important than the other prophecies and words of Chazal. If so, the verses of the Three Oaths, "I have adjured you, daughters of Jerusalem" were also given at Sinai, so the oaths were given to all the souls who were present, including those who would be born later.

But the problem with this answer is that one of the oaths is upon the nations of the world: Hashem adjured them not to persecute Israel too much, as the Gemara and the Midrash say. Here we cannot answer as above, since the nations were not present at Sinai, only the future converts. And this does not mean that all the non-Jewish souls were there, lest they become converts - Rabbi Menachem Azariah of Fano says in Asarah Maamaros that the souls of converts are actually souls from the Jewish people who were scattered among the nations.

The Avnei Nezer in Siman 454 argues that not only is it hard to understand how the oath worked for those born later - even those alive at the time Shir Hashirim was written never accepted the oath. We don't find that Shlomo gathered the entire Jewish people to administer these oaths to them, as they were gathered at the Giving of the Torah. Furthermore, he asks, how could the nations' oath take effect if they didn't even know of its existence? He answers that the nations' oath was administered to their guardian angels, and the Jewish people's oaths were administered to the roots of their souls in heaven. He goes on at length about this.

[The Avnei Nezer admits that an oath imposed on the soul would not obligate the body (as the Akeidah asks – see Siman 35) but argues that “I will permit your flesh as the gazelles and deer of the field” is not to be understood as a direct punishment, but as a cutting off of Hashem’s protection that comes as a result of the sin. If the Jews violate the terms of exile and conquer Eretz Yisroel or fight against the nations, Hashem will ask their souls why they did it, and the souls will answer, “We tried our best to push the bodies in the right direction, but they did not listen to us.” Then He will call their bodies in for judgment, but the bodies will reply that they never took any oath; only the souls did. Each has a good excuse, but the connection between body and soul has been ruptured. Hashem’s providence and supervision is removed from the body, and the body is left as ownerless as the wild animals, which have no soul. The Rambam in Moreh Nevuchim (3:17) and the Chinuch in Mitzvah 169 write that Hashem’s supervision does not apply to the particulars of each animal but only to the preservation of the species. The same will be the case for a human being who distances himself from his soul.

Of all wild animals, the gazelle and the deer are singled out because they are used elsewhere as the symbols of detachment from holiness. In three places, when the Torah wants to teach us that meat is not holy, it says “like the gazelle and the deer.” Devarim 12:15, says Rashi, is talking about sacrificial animals that became blemished and were redeemed with a replacement animal. The new animal is brought as a sacrifice instead, and the blemished one may be eaten as plain meat without any special restrictions. The Torah uses the same comparison in 12:22 when referring to plain meat that was never designated as a sacrifice, and in 15:22 when referring to a firstborn animal that became blemished and is permitted to eat as plain meat.

In two out of those three places, the Torah is discussing meat that was once holy but now its holiness has been removed. Here also, the result of violating the oaths of exile is that one is cut off from his source of holiness and removed from Hashem’s supervision.]

It sounds as if the Avnei Nezer would have been satisfied if Shlomo had indeed gathered all the Jews of his time, but I don’t see how that would have helped for the future generations who did not exist at the time. But I have already answered that the oaths took effect at the time of the Giving of the Torah, and Shlomo only revealed the prophecy later. At the Giving of the Torah, Hashem miraculously brought all future souls to accept the oaths.

Maamar Shalosh Shevuos Siman 35

[We are discussing the mechanism by which the oaths are binding on all generations. The Rebbe explained that they took effect at the Giving of the Torah, when all future souls were present. However, this does not answer how the non-Jewish nations' oath took effect. The Avnei Nezer answered that the oath was administered to the root souls of Jews and to the guardian angel of each nation.

Both the Rebbe and the Avnei Nezer agree regarding the future Jews that the oath was administered to their souls, not their bodies. In the siman, the Rebbe will bring sources to prove that an oath administered to a soul alone is not valid.]

Regarding the Avnei Nezer's answer that the oaths were administered to the guardian angels and to the roots of the Jewish souls in heaven, it would seem that such an oath would not be halachically valid. The Akeidas Yitzchok on Parshas Nitzavim, Shaar 99, asks: Chazal treat the oath of the acceptance of the Torah as a real oath like any other. Thus they say, for example, that if one swears not to eat non-kosher food and then eats it, he need not offer a sacrifice to atone for his oath, because his oath was superfluous – he already swore at the Giving of the Torah (Yoma 73b). But why should the children be affected by an oath their fathers took? The prophet Yechezkel (18:2) says, "Why do you say this expression about the Land of Israel: the fathers ate unripe fruit and the teeth of the children will be blunted"? The Jews of Yechezkel's time were saying: We've got time, we don't have to worry about the destruction of the Temple, because we see that the Northern Kingdom of Israel sinned for hundreds of years before something finally happened to their children. That's Hashem's way: He punishes the children for what the fathers do. Hashem replied (v. 4), "No, only the soul that sins will die." And the Akeidah is not satisfied with the answer that all future Jewish souls were present at the Giving of the Torah, because, he argues, the mitzvos are obligations on the body, and the body would prefer to be free. The rule is that you cannot act on someone's behalf to his detriment when he has not authorized you to act. So the body, not just the soul, would have had to be present to accept the Torah. The Talmud says (Kesubos 11a) that beis din can convert a young child to Judaism, but when he reaches the age of 13 he can nullify the conversion by saying it was something he did not want, and that beis din had no standing to do it on his behalf when he was too young to know better. There at least the convert's body was in existence, yet since he was a minor it was ineffective; all the more so in our case where the bodies of future generations of Jews were not present at all when the Torah was given.

Furthermore, he argues, the obligation to keep mitzvos can only be accepted by a person who consists of a union of body and soul. That is why when someone dies and his soul leaves his body, there is no longer any obligation to keep mitzvos.

[As noted above in Siman 34, the Avnei Nezer solves these problems in the case of the Three Oaths by proposing that the punishment is not a direct one but a rupturing of body from soul.]

The Akeidah continues at length and concludes that in fact the oath of the Giving of the Torah was not a real oath, and our obligation to keep the Torah is because Hashem's protection of us is conditional on our keeping it. He explains this with an analogy to a person who, due to his many qualities, aroused the jealousy and hatred of powerful and violent people. He could find no rest until, finally, he found refuge in the king's palace courtyard. The king promised him that if he would agree to his covenant and follow his ways, the king would protect him and no harm would befall him; he would only continue to succeed more and more. And so it was as long as he kept the king's covenant. But after a long time, when he broke the rules and severed his covenant and connection with the king, the enemies attacked him. Now, we cannot say that the king punished him; the king did nothing but remove his protection, and the attacks came from the enemies, who can, G-d forbid, destroy him completely. Similarly, if the Jews, G-d forbid, violate the covenant of the Torah, Hashem's protection is removed and, G-d forbid, the enemies do whatever they do. The Akeidah goes on for several pages explaining this.

The holy Shelah, in his Asarah Maamaros, Maamar 2, pages 43-44, quotes the Akeidah and then concludes, "In summary, it is not because of an oath that Jews in all generation have to keep the Torah, but rather in order to survive. This is more severe than an oath, because the Jewish people know well that if they were to leave Hashem's hand and protection, they would be vulnerable to genocide. Whoever separates himself from Hashem is cutting himself off from life.

Accordingly, the Akeidah's opinion is that not only the Three Oaths, but even the oath of the Torah is not binding upon the descendants of those who accepted it, and nevertheless, since it is more severe than an oath, Chazal use the word "oath" to describe it. The word "oath" is only figurative.

On this the Shelah comments: "The Akeidah's words are truly sweet and 'the words of a wise man's mouth are graceful' (Kohes 10:12), but Chazal's words clearly demonstrate that this oath was a real oath. For example, the Gemara says (Shavuos 29a) that one taking an oath can play a trick and have in mind an interpretation of the words different from their usual meaning. Accordingly, when the Jews swore to keep the Torah, there was a danger that they might swear "to fulfill the words of G-d" but having in mind an idol, which is also called a god. To avoid this, Moshe said to the Jewish people, "I am imposing this oath on you not as you understand, but as Hashem and I understand it." This proves that it was a real oath, for if we would say as the Akeidah says, that it was a condition for Hashem's protection, how could such a trick work? Misinterpreting the condition would be no excuse, since after all they did not fulfill the condition.

Furthermore, the Akeidah says that the future generations' punishment for not keeping their ancestors' covenant is merely that Hashem will remove His promise from them, i.e. remove His protection. If so, asks the Shelah, why are there different punishments for different sins, such as lashes, death and Gehinom? So we must say that the original connection between Hashem and the Jewish people is intact with all its details forever.

Regarding the Akeidah's question as to how we could be bound by an oath taken by our ancestors, and his contention that the souls' presence at Sinai does not help since the bodies were not there, the Shelah replies that that indeed the central core of the bodies of future Jews were also there. See there, where he writes at length to explain the mechanics of this.

Now, I don't understand why the Shelah had to prove that the oath of the Torah was a real oath from the fact that Moshe warned the people that he was imposing the oath as he understood it. He could have brought a more obvious proof from the law that an oath not to commit a sin is meaningless because of the rule that an oath does not take effect on top of a pre-existing oath. Perhaps he held that in that case, even if the Torah oath was not an oath, since it has the severity of an oath another oath cannot take effect. But the fact that he had to specify that the oath was as he understood it shows that if not for that specification, they would have been able to escape culpability. This proves that it is a real oath.

Maamar Shalosh

Shevuos Siman 36

Based on this Akeidah, we can answer some of our questions about the Three Oaths. Our questions were:

1. How can the oaths be binding on future generations? (Siman 34)
2. How can the non-Jews' oath be binding on them? (Siman 34)
3. How could the Bnei Ephraim have been punished for violating the oaths before the Torah was given? (Siman 32)

The Akeidah says that even the oath of the Torah, which all the souls accepted, was not binding on future generations. (Why then did Hashem bring all the future souls to the Giving of the Torah? Not to make the oath effective – it was not effective in any case – but because that great,

holy and awesome experience left a deep impression on their souls. Or there may have been other reasons unknown to us.) It is called an oath only as a metaphor, because the covenant has a level of severity higher than an oath. And even the Shelah agrees to the basic concept proposed by the Akeidah, and comments “his words are sweet”; his objection is only due to the passage he cites from the Gemara proving that the oath of the Torah was a real oath, and from the fact that sinners don’t all get the same punishment. But regarding the oath of exile, where these objections do not exist, the Shelah could agree to the Akeidah’s explanation.

This explains why the Egyptians were punished for persecuting the Jews too much. The oath had not yet been given, yet the Egyptians were given harsh and bitter punishments, culminating in their drowning in the Sea of Reeds for what they did to Israel. The Rambam and the Raavad (Hilchos Teshuva 6:5) say that all these things were indeed punishments for what the Egyptians did. Similarly, in the future, when Hashem punishes His enemies for all the suffering and horrible cruelty they inflicted upon the Jewish people, physically and spiritually, they will receive retribution for much more than just an oath. Chazal only used the term “oath” in these cases in a figurative way, to signify a severe law, as the Akeidah says.

Later I will give a different explanation as to why the term “oath” was used here.

Now we can understand the Rambam, who writes even regarding the Jewish oaths of exile the words “metaphorically.” Since that oath was not revealed at Sinai, only later by Shlomo Hamelech, and since it also includes an oath for the nations of the world, the Rambam holds that it is halachically not an oath for the above mentioned reasons, and it was written in the language of an oath because it is a very serious matter even without the oath.

However, it remains to be determined what exactly is the serious matter here without the oath, and why they called it an oath if it not in fact an oath. In order to do this, I must first explain the views of the Rambam and other Rishonim on the identifying criteria of redemption and the coming of moshiach, events for which we long and hope. Based on this, we will see another reason why this is halachically not an oath.