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**"The Talmudic-Rabbinic Attitude Toward Settlement in the
Land of Israel."**

by

H. Leonard Poller

Submitted in partial fulfillment
of the requirements for the
Master of Hebrew Letters Degree
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The Talmudic-Rabbinic attitude toward settlement in the Land of Israel is one of manifold character. Elements contained in its outlook include theological views, economic views, social views, and nationalistic views. These elements have the tendency to overlap. None of them remains exclusive in its outlook. Economic influences are felt in the theological positions, nationalistic influences in the social, and so forth.

Much of the rabbinic attitude toward the land depends on the religious commandment to live there. Spiritual reward is offered to those who would immigrate to the land. Material punishment is held out to those who would emigrate, and to those who refused to come up when their mate desired to make the change.

As long as this religious command exists, the influence of the rabbis is felt. However, once the religious command is no longer binding, the position of the rabbis is challenged, and the authority which they had prescribed of little value.

The rabbis considered the land of Israel as the geographic center of their thought. All other lands play a secondary role by comparison. The most important of the other lands of the world is Babylonia, whose position is well established because of their "Zechut Torah". Babylonia is often compared to Israel, the comparison sometime giving greater emphasis to the religious importance of Babylonia.

The rabbis were not unchallenged in their attitude toward the land, even on the basic tenets of their claims. Theologically they were questioned; economically they were challenged; socially they were rebuked; and their leadership was maledicted. The rabbis of the Talmud even come to be called 'plunderers',

against whom prosecution will be called in the days of the Messiah.

The rabbinic 'codes' are a further development of the views of the rabbis. Just as the Talmudic attitude is based on the Biblical view, elaborated and extended, so too the rabbinic codes. They are somewhat less theoretic than the Talmudic arguments. They deal with matters of a more practical and pragmatic nature. Theirs is the challenge of evaluating the rabbinic attitudes for their own generation, and geographic situation.

H. Leonard Poller

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Introduction

Throughout the history of the Jewish people, the land of Israel holds a most important position. From the early chapters of the Bible, through the vast literature of the Rabbis, the Land of Israel plays a dominant role.

It was a significant part of the covenantal relationship that was established between God and the people of Israel. The land was "a land which the Lord, thy God, careth for; the eyes of the Lord are always upon it."¹ It was the only land so considered by the Biblical writers.

The land was the physical sign of the covenant, the kept conditions of which meant the reward of rain and plenty on the land for the people if the Israelites would only observe their obligations.²

The soil was uniquely holy because of this bond. "While all the peoples of the world were ultimately subjected to the Lord's will, Israel alone was his covenanted people, and the land of his dwelling place was uniquely holy."³

Early in the history of the Hebrew people, the promise of the land, as part of the heritage of the people, is established by the covenantal relationship between God and Abram: "And I will give unto thee, and to thy seed after thee, the land of thy sojournings, all the land of Canaan, for an everlasting possession; and I will be their God,"⁴ This formula is repeated many times within the first book of the Bible,⁵ and marks the importance that is placed on the land as part of the covenantal relationship that starts with the first patriarch, and continues through the Bible.

The heritage of Abraham is passed on to his son Isaac, who is reminded of the relationship that had already been established between his father and the Almighty: "Sojourn in this land, and I will be with thee, and will bless thee; for unto thee and unto the seed, I will give all these lands and I will establish the oath which I swore unto Abraham thy father." ⁶

This process is continued in the reestablishment of the covenant between each of the patriarchs and God. When Isaac passed the mantle of leadership to his son Jacob he blessed him accordingly: "And God Almighty bless thee...and give unto thee the blessing of Abraham, to thee, and to thy seed with thee; that thou mayest inherit the land of thy sojournings, which God gave unto Abraham." ⁷

It is important to note the reference to the land in the renewal of the covenant with each patriarch. It is as important a part of the relationship as the oath itself, for it is the physical manifestation of the affect of the covenant for all generations.

The last of the patriarchs, Jacob, reiterates to his children the process wherein he came to know God, and the reward that was promised to him for faithfulness: "Behold I will make thee fruitful, and multiply thee, and I will make of thee a company of peoples; and will give ~~this~~ ⁸ land to thy seed after thee for an everlasting possession." As a result of this, Jacob forces his son Joseph to vow that the father's remains would be

taken to the land of Canaan for final burial.⁹

Joseph, in turn, tells his brothers, "I die; but God will surely remember you, and bring you up out of this land to the land which he swore to Abraham, to Isaac, and to Jacob."¹⁰

Thus we become aware of the continuous chain of association between the patriarchs and the "Promised Land" from the beginning of the discovery of the God of Abraham, until the fate of the children of Israel has been told within the Book of Genesis.

This chain is unbroken by the events of the Book of Exodus. Within the pages of this book and the remaining pages of the books of the Pentateuch, the land which we have come to regard as the Land of Israel, was the land of promise and served as the goal of Moses and the children of Israel, whom he led out of Egyptian bondage. It was his objective "to bring them up out of that land unto a good land and large, unto a land flowing with milk and honey; unto the place of the Canaanite, the Hittite, and the Amorite, and the Perizzite, and the Hivite, and the Jebusite."¹¹

The Books of Joshua and Judges are replete with references to the Holy Land. It is their object to treat the conquering of the land, and the division of it amongst the children of Israel.

It is the intention of the Books of Samuel and Kings to show the activity of the land of Israel and its rulers. Consequently it is a constant occurrence to find references to the importance of the land.

The later prophetic works of the Bible likewise reflect the close relationship between the people of Israel, their land and God.

Amos speaks of God's revelation in Zion. He evidently thought of the Temple when he said, "The Lord roareth from Zion, and uttereth his voice from Jerusalem."¹² There God led the children of Israel and there He dispossessed the Amorites for their sake.¹³ For the people of Israel, any other land is unclean, "possibly because it was not consecrated to Jahweh himself."¹⁴

Hosea considers the union between God and the Land of Israel so strong that the worship of any other diety within its borders constitute rank harlotry, and base ingratitude.¹⁵

"Despite his universalism, Isaiah too regarded Jahweh linked with the land of Israel...He beholds the majesty of Jahweh in the Temple of Jerusalem and...speaks of the Temple as Jahweh's House, and the rock on which it was built, as the "Mount of the House of Jahweh."¹⁶ Jerusalem was to him the religious center not only of his own land,¹⁷ but of the world.¹⁸ To it the nations of the world will flow to be taught Jahweh's ways of righteousness and universal peace....¹⁹ In the ideal state of the future, "He that is left in Zion, and he that remaineth in Jerusalem, shall be called holy, even everyone that is written unto life in Jerusalem; when the Lord shall have washed away the filth of the daughters of Zion, and shall have purged the blood of Jerusalem from the midst thereof, by the spirit of judgment, and by the spirit of destruction. And the Lord

will create over the whole habitation of Mount Zion, and over her assemblies, a cloud and smoke by day, and the shining of a flaming fire by night; for all the glory shall be a canopy, And there shall be a pavilion for a shadow in the day-time from the heat, and for a refuge and for a covert from storm and from rain."²⁰

As a result of the concerted effort on the part of the prophet and the people to affirm the importance of Jerusalem, it was soon held that the city, because of the Divine Presence, was inviolable. Neither the righteousness of the people, nor their wickedness affected the ultimate safety of Jerusalem for the Lord had announced, "For I will defend this city to save it, for mine own sake, and for my servant David's sake."²¹

So firmly was this dogma of the inviolability of Zion established in the minds of the people that, a century later Jeremiah ran the danger of being be put to death for casting doubt upon it. He had warned the people that the Temple, which they regarded as God's personal residence, would not save them from his offended wrath,--"Is this house whereupon My name is called, become a den of robbers in your eyes?"²²

"To Jeremiah, Micah, and Uriah ben Shemaiah, the belief that Zion, as the residence of the Lord is indestructible irrespective of the low moral standards of its people, planted a serious stumbling block in the way of spiritual progress, for it removed all sense of moral responsibility. It was only the tragic fall of Jerusalem in 586 B.C.E. that effectively shook the people's complacency."

"It must not be inferred that Jeremiah dissociated Jahweh from Jerusalem... 'Israel is the tribe of his inheritance.'²³ He is Israel's God and Israel is His people. He planted them in the land flowing with milk and honey in fulfillment of His oath unto the Patriarchs.²⁴ Accordingly, Palestine was especially²⁵ consecrated to Him. Its temple was dedicated to His name. Hence idolatry constitutes a deliling detestation. To the exiled nation's cry: 'Is not the Lord in Zion? Is not Her king in her?' Jahweh replies: 'Why have they provoked Me with their graven images and with strange vanities'.²⁶"

"While counseling his brethren that were deported to Babylon to identify their welfare with that of their new home,²⁷ the prophet sounds the hope that 'He that scattereth Israel will gather him...and they shall come and sing in the height of Zion, and shall flow unto the goodness of the Lord, to the corn and the wine, and to the oil and to the young of the flock and of the herd.'²⁸ The land of Judah after her restoration will again be called, 'The Habitation of Righteousness, The Mountain of Holiness,'²⁹ and 'The Lord is our Righteousness.'³⁰ The whole city of Jerusalem will be built to the Lord, and the entire valley shall be 'Holy unto the Lord.' In the days of Israel's repentance, not the ark of the covenant, but the whole city of Jerusalem will be known as 'The Throne of the Lord, and all the nations will be gathered unto it, to the name of the Lord, to Jerusalem.'³¹

The prophet Ezekiel, following Hosea and Jeremiah, denounced heathen worship as harlotry which defiled the soil of the Land

of Israel. The people who thus defiled Him were exiled and now find God's compassion and mercy. God promised to return them to their own land where, purified in heart and renewed in spirit, they will be reunited with Him,³² "For in my holy mountain, in the mountain of the height of Israel, saith the Lord God, there shall all the house of Israel, all of them, serve me in the land; there will I accept them and there will I require their heave-offerings, and the first of your gifts, with all your holy things. With your sweet savour will I accept you, when I bring you out from the peoples, and gather you out of the countries wherein ye have been scattered; and I will be sanctified in you in the sight of the nations."³³

For His name's sake will God restore Israel unto His grace.³⁴ His dwelling place will again be in Israel. He will be Israel's God, and Israel will be His people. "And the nations shall know that I am the Lord that sanctified Israel, when my sanctuary shall be in the midst of them forever."³⁵

Deutero-Isaiah blended some of the national hopes with universal aspirations. His "moral outlook is generally regarded as the least exclusivist, consistently proclaimed his strongly national point of view."³⁶ To him, "the events of the day are part of God's plan. The destruction of Babylonia and the rise of Persia fall into His pattern...The ransomed captives shall return jubilantly to Zion under God's protection. Israel's restoration in Zion represents the practical manifestation of sovereignty:"³⁷

"For they shall see, eye to eye
 The Lord returning to Zion.
 Break into joy, sing together
 Ye waste places of Jerusalem,
 For the Lord hath comforted His people
 He hath redeemed Jerusalem."³⁸

The Temple stands out as the center to which all nations shall stream to worship God: "And they shall call thee of the city of the Lord, the Zion of the Holy One of Israel."³⁹

Zechariah likewise predicted that "many peoples and mighty nations shall come to seek the Lord of Hosts in Jerusalem, and entreat the favor of the Lord."⁴⁰ For, "Thus saith the Lord: I will return to Zion and will dwell in the midst of Jerusalem; and Jerusalem will be called the city of truth; and the mountain of the Lord of Hosts, thy holy mountain."⁴¹ The Lord Himself will be unto Jerusalem a wall of fire round about, and will glory in the midst of her."⁴²

"The prophetic tradition rests squarely on the idea of the covenant between the Lord and His people Israel. The prophets were concerned directly and exclusively with this 'chosen people', and they took notice of other peoples and nations only when the latter came in contact--invariably for bad rather than good--with Judah and Israel."⁴³

Scholars have spent endless hours and words describing the importance of the Land of Israel in the Bible. It would be presumptuous of this writer to attempt to accomplish this task within the few pages allotted. By no means have all the facts been presented or all the arguments exhausted.

Despite this fact, one is indelibly impressed by the importance given the Land of Israel in Biblical writings. The land represents the physical sign of the covenantal relationship between God and Israel. In the pages of the sacred books we find the land is or will be God's exclusive place of habitation on earth. The land signifies the place to which all the nations of the world will come at the end of days, To the center of learning and divine discipline.

Eretz Yisrael, "not only formed the background for the unfoldment of Israel's religious life, but to a great extent determined both its line of progress and its character."¹⁴

This attitude toward the Bible was accepted and understood by the rabbis of the Talmud and later writings. To this attitude they supplemented their own practical, homiletic, theologic and social views toward the Land of Israel. They were not as liberal or 'universal' as the Biblical writers. The land of Israel represented their national homeland, as well as the birthplace of their religion and the land wherein it was nurtured. It was the land where the greatest spiritual promise would be derived. The land which a promise in the Bible, was their land in actuality, holding convictions that the future held even further promise for the land, especially in the days of the Messiah as well as in the immediate future for those who would make it their home.

While they were concerned with the welfare of the land and its inhabitants from a spiritual point of view, as the Bible was, the rabbis implemented their attitude with practical

and pragmatic arguments. The land was a living land to them. In order for it to survive, it needed living residents therein. They did not regard it as a place left for the academicians alone to discuss and praise. They encouraged settlement in the land and placed the residence therein as one of the most assuring ways to obtain the promise of the world to come. Rewards were offered to those who would immigrate, and punishment to those who would leave the land after they had once settled there.

To further augment their encouragement for settlement, the rabbis exaggerated the productive ability of the land, fabricated the accomplishments of some of the farmers, belittled other lands by comparison, and placed further claim on the land by pronouncing it a pure land whereas the other lands of the world were impure. ⁴⁵ Finally, theirs was the land reserved for God's protection.

The literature tells us that the rabbis did not hold a unanimous view toward the land. Especially within the pages of the Talmud are we aware of a dissenting view. But it is to be kept in mind that even when contradictory or opposing views are expressed, they are done so with a respect toward the land of Israel, which thus recognizes its importance as a religious center.

The pages of the Talmud are replete with references to the land and its importance. All aspects of life are taken into account within its pages, as with the writings of the later

rabbinic authorities. It would require the greatest scholarship to examine all the references to the land in the Talmud and the later rabbinic sources.

It is therefore the object of this writer to take a significant passage of the MISHNAH, Ketuboth 13:10-11, and examine it and the extensions and variations of thought in later writings of the rabbis, and evaluate their concern for the Land of Israel and the settlement therein.

As part of the research for this paper, the following primary sources were consulted: MISHNAH, BABYLONIAN TALMUD, PALESTINIAN TALMUD, TOSEPHTA (edited by Zuckerman), MISHNEH TORAH, TUR, SHULHAN ARUCH, RAV ALFASI, and OTZAR GEONIM (edited by Levine). In conjunction with these primary sources, the various commentators and commentaries were examined and their views were taken into account wherever relevant or necessary.

In addition to the primary sources, several secondary sources were used. These included: *אגף ישראל בדרוש ופסוק* by Yehiel Michal Guttman, *השבט והארץ* by Yisrael Shimon Feldhorn, *גאדות ההלכה*, by Chayim Tzernowitz, "Palestine in Jewish Theology", by Samuel S. Cohon, "On Jewish Law and Lore", by Louis Ginzberg, and various other works relevant to the subject, some of which have been included in the references within the paper.

I am most grateful to my thesis referee, Professor Alexander Guttman for his helpful and understanding guidance in the writing of this paper.

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3. Harry M. Orlinsky. "Where Did Ezekiel Receive the Call to Prophecy?" (Bulletin of the American Schools of Oriental Research 122). Jerusalem, 1951. Page 34
4. Genesis 17:8
5. Genesis 13:14-18, 15:18-21
6. Genesis 26:3
7. Genesis 28:3-5
8. Genesis 48:4, cf. Genesis 28:13, 35:12-15
9. Genesis 49:30
10. Genesis 50:24
11. Exodus 3:8, cf. 3:17, 6:8, 12:25, 13:5, 34:11, Leviticus 20:22-26, 18:24-30, 26:27-45
12. Amos 1:2
13. Amos 2:9-10, 9:7
14. Samuel S. Cohon. "Palestine in Jewish Theology" (Hebrew Union College Annual Jubilee Volume) Cincinnati, 1925. P180
The major portion of scholarship in the introduction, especially that material related to the prophets, is dependent on Cohon's article.
15. Hosea 2:7
16. Isaiah 2:2, 18:7
17. Isaiah 30:29, 33:20 ff.
18. Isaiah 6:3
19. Isaiah 2:3
20. Isaiah 4:3-6, quoted in Cohon's article, op. cit. Page 181
21. Isaiah 37:35
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23. Jeremiah 10:16
24. Jeremiah 11:4-5

25. Jeremiah 7:10, 23:11, 32:34-35, 34:15
26. Jeremiah 8:19
27. Jeremiah Chapter 29
28. Jeremiah 31:10-12
29. Jeremiah 31:23
30. Jeremiah 33:16
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32. Ezekiel 16:16 ff., 28:25-26
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34. Ezekiel 36:8-38
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36. Harry M. Orlinsky. Ancient Israel. Ithaca, Cornell, 1954. Page 166
37. Samuel S. Cohon, op.cit., Page 191.
38. Isaiah 52:7-11
39. Isaiah 60:14
40. Zechariah 8:22, 2:15
41. Zechariah 8:3, 1:16-17
42. Zechariah 2:9
43. Harry M. Orlinsky. Ancient Israel. Ithaca, Cornell, 1954. Page 166.
44. Samuel S. Cohon. op. cit. Page 171
45. Louis Ginzberg. On Jewish Law and Lore, Philadelphia, J.P.S. 1955, Page 80.

CHAPTER I

The rabbis of the Talmud and later literature of the Jews, were vitally interested in the Land of Israel. Theirs was a pragmatic and practical interest, as well as an academic interest. The land represented to them the promises which the Bible had set forth, whereby the Land of Israel was an essential part of the covenant with the patriarchs; the goal of the liberated Hebrews in their exodus from Egypt and their wanderings through the wilderness; the place of God's residence on earth; and the center of learning for the entire family of nations who would come there in the end of days.

In addition to the Biblical view, which they not only supported, but utilized to supplement and substantiate their own views, the rabbis regarded the Land of Israel as the physical sign of the fulfilled promise to the people who had given their allegiance to the One and True God. It represented not only the cradle of their religion, but their homeland.

Indeed, the character and progress of the religion of Israel was affected by the rabbis' view of the importance of the land. They recognized the importance of the land from a theological point of view and consequently defended it as the geographic center of their religious thought. While they were vitally concerned that people should settle therein because of its importance theologically, but also because of economic necessities, they could not disregard settlement without the land. Theologically, while they gave certain blessings to the land of Israel, they were at the same time not unrestricted to

residence elsewhere. Theirs was a task to resolve a definite conflict of interests. They were not confined to the realm of theory. The practical aspects of life strongly entered into their thinking. They were part of their society and could not escape the facts of living.

Once residence is established in any given land, or any specific area within a land, it is a difficult thing for people to uproot themselves from their environment and resettle themselves in a new location. The difficulties involved in relocation are not easy to resolve.

The rabbis were aware of the problems involved in changing one's residence. Evidence for this awareness is found in the Mishnah Ketuboth 13:10: "There are three lands (within the land of Israel) with respect to marriage, (and these are) Judah, beyond the Jordan, and Galilee. One may not remove (his household) from one town to another town, or from one city to another city (outside a particular land). But within the same land, one may remove (his household) from town to town, or from a city to another city, but not from a town to a city or a city to a town. They may remove one from a poor dwelling to a good dwelling, but not from a good dwelling to a poor dwelling. Rabbi Simeon ben Gamliel said, (they may not remove one) not even from a poor dwelling to a good one, for a good place presses (מְצִיחַ)."

It is explicitly stated that change of residence is of no advantage for within the text of the Mishnah we find the objection of Rabbi Simeon ben Gamliel who argued that change,

even from a bad place to a good, is not without disadvantage. A new place of residence is said to press, or as Rashi interprets, "puts the body to a physical test."¹

The Gemara passage adds to the Mishnah reasons why the basic concepts of residential change were oppressive to the rabbis. They understood disadvantages in moving from a city to a town "because all things are found in a city, whereas they are not available in a town."² Commenting on the same verse and to emphasize the physical distress involved, Rashi states, "whoever dwells within a city finds close quarters and houses so close to one another that there is no air. But those who live in towns find orchards and gardens near their houses with fresh air (all around them)."³

Another Talmudic argument suggests that it is not good to move from a town to a city. Its basis is found in a Biblical verse, which is interpreted by Rabbi Jose bar Hanina to mean that settlement in cities is a hardship: "and the people blessed all the men that willingly offered themselves to dwell in Jerusalem."⁴ It is understood that the settlement was difficult because of the need for men to volunteer to live in such a place. If it was an advantage to live in cities it would have been unnecessary for the men to have willingly offered themselves to live there.⁵ Rather, they could be anxious to do so.

Samuel added further comment on the concept of .
 "The very act of change and resettlement precipitates sickness of the bowels."⁶ Rashi concurs with this view when he says,

"resettlement even for good, is no good."⁷

To further exemplify the statement of Rabbi Simeon ben Gamliel, the Palestinian Talmud cites an example⁸ of Lot to illustrate how a good place put a man to test. The mountain which is supposed to be a better place in which to live, is cited as the place where Lot was put to test with his two daughters. A scriptural verse cited by Rabbi Levi in the name of Rabbi Hama, said in the name of Hanina, "Lest the evil will overtake me and I will die."⁹

Still another reason to discourage change in residence, even from a poor place to a good place, is rendered by Maimonides in the 'Mishnah Torah.'¹⁰ Herein it is stated that "the woman would have to put on 'make up,' and would have to guard her actions, with greater care lest she be underrated or considered ugly."

The main concern involving movement, within the prescribed areas mentioned in the Mishnah, is in the practical matter of marriage. The opening statement of the Mishnah¹¹ indicates the concern. Thus the commentary on the Mishnah is largely concerned with the prospects of movement as a result of marriage. The concern shown has been largely of a practical nature, with some theoretical examples (as shown by the incident of Lot).

The formulation of codes of law found further regulation of movement from place to place. "The law is simply stated: 'whatever conditions are made at the time of betrothal are the most binding. The violator of the conditions has the lower hand.'¹² Once conditions are arrived at, namely, "that the man

and woman settle in one area, there can be no movement to another land, even though the land to which they would go is the land from whence the bride originally came."¹³

"The husband can not move his wife from a town to a city or a city to a town within the land, even though he had conditioned with her to take her out of the land," thus indicating that the regulations for movement did not permit one to go beyond the bounds of the conditions that had been made.¹⁴ If movement was to be made at all, it must be made according to the conditions that were originally drawn up at the time of betrothal.¹⁵

To indicate the deep concern the rabbis had for the well-being of a family, one statement which restricts movement shows the vital concern they had for the individual's safety: "A man may not remove his wife from a place of good government to a place of an evil ruler."¹⁶

Finally it is to be noted that the conditions for movement were to be contracted between the two individuals themselves.

"The man cannot move the woman from a place to another if he did not so specify it to her at the time of betrothal. If he made arrangements with the mother, and not with the daughter, the arrangements are not valid. However, if he had excuses and reasons for not telling her, then some changes could be made."¹⁷ The movement of the individuals could not be made until the marriage was consummated.¹⁸

It was not a steadfast rule that restricted people from moving their homes. There were times when people were encouraged

to relocate. Unanimous agreement is found which encouraged all Jews to live in an area which is largely inhabited by Jews,¹⁹ rather than to live in a place which is dominated by Gentiles. In another case it is found that if a husband cannot sustain his wife in a given area, and is consequently forced to move, "it is incumbent upon his wife to go with him to the place he chooses."²⁰

Another view which endorses movement is indicated in responsa which provides that certain facilities need be found in the place to which the people are to move: "Even though one city is not as large as another, but has a synagogue, *מִקְדָּשׁ* bath-house, *בֵּית מַדְרָשׁ* a mill, *סִימָן* a wall, and a sufficient number of markets, it is incumbent on the woman to go there."²¹

Thus the discussion, dependent on the objection of Rabbi Simeon ben Gamliel who realized that there were certain pressures placed on the individual even when they moved their home from a poor location to a good one, is given careful deliberation by the rabbis.

It is to be noted that the land itself is divided into three distinct districts, either because of dialectic reasons,²² as one source would have us understand, or because of boundary differences,²³ which give the land a special concern by comparison with the other lands of the world.²⁴ Because of the differences within these areas of the land itself, and the care shown to prevent hardship on those who would relocate within the bounds of the entire land, we are aware of the special interest

shown for movement and change of residence. All that applies to the three divisions of Israel, separately applies to the other nations of the world collectively.

It must be remembered that the entire thought of the Mishnah centers around the prospect of moving from one place to another within the three divisions of the land of Israel, or from one settlement to another outside the land of Israel. But it is not concerned with the movement from the land of Israel to outside the land, or from outside the land to the land of Israel. The treatment of this matter is the subject of the next Mishnah and the next chapter of this paper.

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 2. Babylonian Talmud, 110b,
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 5. Babylonian Talmud, page 110b
 6. ibid. ענין וסג מחילת חוץ מדין: כמוב בספר בן סירא כל ימי עני' דעיה
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 8. Palestinian Talmud, Piotrkow edition, 1949. page 143, Halacha 10.
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 10. Mishneh Torah, Berlin edition, 1862, Hilchot Ishot, Chapter 13.
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 11. Mishnah Ketuboth 13:10
אלו אינן זמ וזכרים
 12. Otzar Geonim, edited by Levine, Jerusalem, 1939, Page 372.
אבל אם יתנו ביניהם בדת המדוכין הכל לפי התנאי והיונא מן המלא' יבו דא התחתונה
 13. Tur, Wilna edition, 1900, Hilchot Ketuboth, Page 109, Even Ha'ezer.
אין יכול להוציא מאתו באופן להביא לאורו כן אם הוא מיהודי ונראה שם אין יכול להוציא מאתו אלא להביא לאורו אלא אם הינה מגילת
 14. Shulhan Aruch, Lemberg edition, 1900, Hilchot Ketubet, Even Ha'ezer, Chapter 75.
אבל אין יכול להוציא מדור זכר או להיפך בגילת אלא דא דא דהתנה דמה להוציא מגילת אישיה
 15. Otzar Geonim, op.cit.
הכל לפי המלא'
 16. Shulhan Aruch, op. cit.
אין יכול להוציא מקום שמואל טוב מקום שמואל רד
 17. ibid.
אפילו חלה בפיו זמ כמנה אלא אם התנה זמ אלא לאו כיום כן
 18. ibid.
אין יכול להוציא מקום היינו לאחר שפנה ונראה אלא קובץ נישואין
 19. Tosefta, edited Zukermendel, Fazewalk, 1891, Ketuboth 13:12
מוציאין מדור שרובה איש דדיר שכולה ישראל ואין מוצאין מדור שיהיה
 20. Shulhan Aruch, op. cit.
ישראל דדיר שרובה איש
- זמ ואחרים אם לא יכול להוציא ולפיכך יצאו כפיין אלא שם דא
מקום שרובה

21. Otzar Geonim, op. cit.

22. Shulhan Aruch, op. cit.

23. Tur, op. cit.

24. Shulhan Aruch, op. cit.

ג' ארצות בא"י חלוקה לארבע חלקים
 וכל הישוב הוא ארצות בא"י
 וארץ מצרים וארץ חמץ
 דמא דקין בכל ארץ וארץ חמץ
 חלוקה לארבע חלקים

cf note 22.

CHAPTER II

The Mishnah considered residence in the land of Israel a religious commandment. The law was established by the statement found in Ketuboth 13:11: "(A man) may compel all (his household) to go up (with him) to the land of Israel, but none may be compelled to leave it. All (of one's household) may be compelled to go up to Jerusalem (from any other place in the land of Israel), but none may be compelled to leave it. (This applies to) both men and women." The act of settlement in the land was thus considered a religious act.

Examining the Mishnah we find a contradiction to the concept held by the preceding Mishnah which discouraged people from changing their place of residence. The wording of the latter one not only encouraged them to resettle, but offered with the act of resettlement the rewards of doing a religious commandment.

The social and physical distresses that are concomitant with change of residence to other lands are not considered in moving to the Land of Israel. The rabbis were aware of the difficulties involved in the act of moving. The discussions which ensued in the Gemara on this Mishnah, which encouraged settlement in the land, take into consideration the problems involved in changing residence. They can not entirely abrogate what had been stated previously, but they do make a case for themselves by establishing the land as a land 'par excellence' on theological grounds, and on exaggerated claims of its physical process.

Because of the dispersion of the population from Israel to

other lands after the destruction of the second commonwealth, the ruling of the Mishnah is often challenged. To counteract these challenges, the rabbis of the Talmud and their followers, spent much time in deliberation to establish the legal significance of the land, and the relative merit of the lands which were outside the Land of Israel.

Theological grounds of argument gained most important consideration by the rabbis. The challenge they presented was one wherein residence in the Land of Israel was considered a religious obligation, an obligation which was not extended to any other land.

The starting point of the theological arguments for the settlement in the Land of Israel is found in a basic contradiction of the concept contained in the previous Mishnah. The argument is stated as follows: "It was taught in a well known B'raitha; 'One should always live in the land of Israel, even in a town where most of the inhabitants are Gentiles, but let no one live outside the land (of Israel), even in a town where most of the inhabitants are Israelites'.¹"

The previous Mishnah had established that in all cases it was better for a man to live in a place where all the inhabitants were Israelites. Though not explicitly stated, the previous Mishnah's reason for the resettlement in a place where Israelites lived was based on social reasons, and not based on theologic grounds.

In establishing the principle for settlement in the land of Israel, even in a place where most of the inhabitants are

Gentiles, the rabbis add the following reason based on a theological principle: "For whosoever lives in the land of Israel may be considered to have a God, but whosoever lives outside the land of Israel may be regarded as one who has no God, for it is written in Scripture, 'to give to you the land of Canaan, to be your God'."² The equation by the rabbis of the land of Canaan with God, is interpreted as meaning, that the presence of God is always found in the land of Israel (Canaan), and is the first theological basis of the rabbis for settlement.

This view is not accepted without challenge. If it were accepted and admitted that God resided in only the land of Israel, what would happen to those believers who lived outside the land? Immediately the question is raised, "Has he, then, who does not live in the land, no God?"

The answer is given that, "(one may serve God anywhere) but (this is what the text intended) to tell you, that he who lives outside the land may be regarded as one who worships idols. For in the case of David, Scripture relates, 'for they have driven me out this day that I should not cleave to the inheritance of the Lord saying, 'go serve other gods'. (Another question is interjected which challenges this statement) Now whoever said to David, 'serve other gods'? But (the text intended) to tell you that whoever lives outside the land may be regarded as one who worships idols."³ (David was compelled to seek shelter from Saul in the country of Moab, and in the land of the Philistines, places where idolatry was the exclusive practice).

As a result of this discussion, one concludes that the burden of proof is placed on the person who lives outside the land. He is obliged to show that he has believed in, and worshipped God, Whereas the resident of the land of Israel is considered to worship God without proving his belief.

With the claim established that whoever lives in the land has a God, Rabbi Eleazar said, "Whosoever is domiciled in the land of Israel lives without sin, for it is said in scripture, "and the inhabitant shall not say, 'I am sick'. The people therein shall be forgiven their iniquity."⁴

The explanation of Rabbi Eleazar is not accepted by Rava who said to Rab Ashi, "We apply this verse to those who suffer from disease,"⁵ and so another explanation is necessary to establish the claim that those who live on the land will find their sins expiated for them.

The answer to the objection of Rava, is presented by Rabbi Anan who expressed the following view, "Whosoever is buried in the land of Israel is deemed to be buried under the altar."⁶ In respect to the latter part of the verse, Rabbi Anan finds his scriptural support in the statement, "an altar of earth thou shalt make unto me,"⁷ and in respect to the former part of the verse it is stated in scripture, "and his land doth make expiation for His people."⁸ It is concluded therefore, that whoever lives in the land of Israel, lives without sin.

As a result of Rabbi Anan's statement that "he who is buried in the land of Israel is deemed to be buried under an altar" a lengthy discussion is found concerning death, resur-

rection, and the world to come, the overtones of which reverberate with the question of settlement in the Land of Israel.

Rabbi Eleazar makes the following statement: "The dead outside the land of Israel will not be resurrected, for it is written in scripture, 'And I will set glory in the land of the living,' (implying) the dead of the land in which I have my desire will be revived (here glory and desire ('ג') are synonymous, having been based on the same Hebrew word ('ג'). But the dead (of the land) in which I have no desire, will not be resurrected."⁹

Rabbi Abba bar Memel objected to the statement of Rabbi Eleazar basing his objection on another verse of Scripture. He quoted: "Thy dead shall live, my dead bodies shall arise," and then asked, "Does not (the expression) 'thy dead shall live' refer to the dead of the land of Israel, and (the expression) 'my dead bodies shall arise' (refer) to the dead outside the land of Israel?"¹⁰

With the regard to the text which Rabbi Eleazar quoted, Rabbi Abba bar Memel understood the text in a different light. To him the text, "And I will give glory in the land of the living" referred to Nebuchadnezzar, "concerning whom the All-Merciful said, 'I will bring them (One) who is as swift as a stag.'¹¹

Disregarding for the moment, the view of Rabbi Abba bar Memel, Rabbi¹² replied, " I make an exposition of another Scriptural text, 'He that giveth breath unto the people on it, and spirit to them that walk therein,'"¹³

Not satisfied to be brushed aside without comment on the verse he quoted, Rabbi Abba bar Memel again asks, "But is it not written, 'My dead bodies shall arise?' " Since he has quoted a Biblical verse which would support his claim that those outside the land will be resurrected, he contends with his opponents to interpret the verse which he has cited.

The answer given to Abba bar Memel on the verse is simply stated, "That was (interpreted) in reference to miscarriages (within the land of Israel).

A regular pattern is followed in a Talmudic argument. One person quotes a phrase from a source as the basis of his argument, and the person who objects must support his opposition with a statement from a source of equal authority or better in order for his objection to have merit. If the sources are equal, it is then the obligation of both parties to the argument, to interpret the statements they have made.

The argument between Rabbi Eleazar and Rabbi Abba bar Memel has involved several Biblical references, each supporting the claim of the man. In the midst of the previous discussion, the Biblical verse, "He that giveth breath to the people on it, and spirit to them that walk therein," was quoted, presumably by Rabbi Eleazar but it had not been answered by Rabbi Abba bar Memel. Not forgetting its having been quoted, it is said, "Now as to Rabbi Abba bar Memel, what (application does he make of the text) 'He that giveth breath unto the people on it'?"

"He requires it for (an exposition) like that of Rabbi Abbahu who said, "Even a Canaanite bondwoman who (lives) in the

land of Israel is assured of a place in the world to come, (for in the context) her it is written in scripture, "unto the people (U) upon it," and elsewhere it is written, "abide you here with (U) the ass," (which may be rendered, because of the consonantal similarity of U), people that are like an ass."¹⁴

It is difficult to determine exactly what is meant by this refutation of Rabbi Abba bar Memel. His answer might have intended irony since the equation of the people of the land with a Canaanite bondwoman or an ass, is not the most complimentary comparison.

On the other hand, one could interpret the statement to show that settlement within the land was of such a great value, that even a bondwoman of Canaanite descent could gain the world to come by virtue of the fact of residence in the land of Israel alone.

The second part of the Biblical verse, quoted by Rabbi Eleazar, "And spirit to them that walk therein," is answered by Rabbi Jeremiah bar Abba who said in the name of Rabbi Johanan, "Whosoever walks four cubits into the land of Israel is assured of a place in the world to come."¹⁵

Yet the statement of Rabbi Eleazar that "the dead of outside the land would not be resurrected," was one which distressed the rabbis. It was a problem because they understood resurrection and the world to come to be dependent on righteousness and not on residence. It is not surprising to find that the question is raised concerning the fate of the righteous men outside the land. "Would the righteous outside the land

be revived?"¹⁶

Rabbi Elai tried to resolve the problem when he replied,¹⁷
 "(They will be revived) by rolling (to the land of Israel)."
 In this way he does not deny the statement of Eleazar, for in
 order for the dead to rise they would have to come to the land
 of Israel. Yet he has offered only a partial solution.

The way is now cleared for the theoretician to take over.
 How would the righteous "roll" to the land, and "would not the
 rolling be painful to them" asks Rabbi Abba Sala the great?
 To this Abaye replied, "Cavities will be made for them under-
 ground."¹⁸

Karna was disturbed by the answer which Abaye provided
 for him concerning the righteous who would die outside the land.
 Thus he states in reference to Jacob's plea, 'they shall carry
 me out of Egypt and bury me in their burying place,' "There
 must be some inner meaning. Jacob our father knew that he was
 a completely righteous man, and since the dead outside the land
 will also be resurrected, why did he trouble his sons (that
 they should take him to the land of Israel for burial)?"¹⁹

A similar question is posed by Rabbi Hanina concerning
 Joseph who troubled his brothers to carry his body from Egypt
 400 miles for burial within the land.²⁰

To both queries the answer is related that true to the
 righteousness they possessed, and always striving for greater
 deeds, both of them asked that their bodies be taken to the
 land "because he might be unworthy to roll through the cavities."²¹

The effectiveness of these theological arguments are

brought forth in several examples found in the Gemara. In one case "his brothers sent a letter to Raba (bar Nachmani, who was from Pumbeditha, and whose brothers were in the land of Israel)²² wherein the passage, "Jacob knew he was a completely righteous man, etc," was quoted. In the letter to their brother the discussion was presented, and it was implied to him that if Jacob our Father was not sure about being able to be resurrected from a land outside the land of Israel, how could he, of lesser character,²³ expect to be revived?

"Ilfa added the following incident. A certain man was troubled on account of (his inability to marry) a certain woman, and desired to go down (to her country which was located outside the land of Israel). But as soon as he heard this (discussion concerning the patriarch Jacob who was not sure of being able to be revived in a land other than Israel) he resigned himself²⁴ to his unmarried state until the day of his death."

As long as residence in the land was a religious commandment, and as a result of the illustrations within the text which showed the great value found by settlement, people were inclined to hold the land in great esteem. But it was not a unanimous view that held the land as more sacred than any other land even on theological grounds.

Objections of varying degrees were set forth by the protagonists of the Babylonian community. Almost without exception the views of the Babylonian school reflected a high respect for the land of Israel. Babylonia was placed second to the land in degree of importance.

In support of this concept, Rabbi Judah said in the name of Samuel, "as it is forbidden to leave the land of Israel for Babylonia, so it is forbidden to leave Babylonia for other countries."²⁵ Rabbi Judah said: "whoever lives in Babylon is accounted as though he lived in the land of Israel, for it is written in scripture, 'Ho, Zion, escape thou that dwellest with the daughters of Babylon'.²⁶"

The following discussion reflects the relation of Babylon to the land of Israel in a more equal relationship, yet no less respectful.

The fit persons of Babylon (either because of descent or because of their worthiness and righteousness) are received by the land of Israel. The fit persons of other lands are received by Babylon." The question is then asked, "in what respect the fit are received? If it be suggested in respect to purity of descent (there will be objection), for did not Mar say, 'all the countries are like dough²⁷ to the land of Israel, and the land of Israel is like dough toward Babylon'. The fact²⁸ (is that they are received) in the matter of burial."

In further equalizing the view toward Babylon, Rashi makes the following comment, "Those dead of Babylon who can be carried to the land of Israel should be buried there. But in the case of the dead from lands near Babylonia, and far from the land of Israel, it is right to bury the dead in Babylonia for in Babylonia there is the merit of the Torah."²⁹

There is also the extremists view of the importance of Babylonia. Rabbi Judah said, "Whoever goes up from Babylonia

to the land of Israel, transgresses a positive command (of the Torah), for it is stated in Scripture, 'They shall be carried to Babylon and there shall they be until the day that I remember them, saith the Lord.'³⁰

This charge is answered by Rabbi Zera, who had expressed the desire to go to the land of Israel. He noted, "that the text refers to the vessels of the ministry."³¹

Rabbi Judah then utilized another text to convince Rabbi Zera not to go up to the land, "I adjure you, O daughters of Israel, by the gazelles and by the hinds of the field (that you awaken not, nor stir up love³² until it please)." With this verse he tried to convince all would be immigrants from Babylonia that they must wait patiently in the land wherein the Lord had dispersed them, until the time that it would please Him to bring them back to their own land.

But Rabbi Zera remained firm by explaining, "that text implies that Israel should not go up (all together as if surrounded) by a wall."³³ He interpreted Rabbi Judah's view in such a way that even though the whole community would not be brought up to the land, nonetheless it was possible for individuals to go up.

There was a further comparison between Babylonia and the land of Israel related by Babylonian interested parties. Whereas Jerusalem was considered the most important city in the land of Israel, as was illustrated in the Mishnah, so Pumbeditha is considered by the Babylonians. Consequently we find the view stated by Rabbah and Rabbi Joseph who said, "Just as it is

forbidden to leave Babylonia for other countries it is forbidden to move) even from Pumbeditha to Be ' Kubah.³⁴"

In order to draw this comparison of Pumbeditha to Jerusalem out further, two illustrations are found which show the degree to which this belief was held by the Babylonian school. The first expresses the importance of the community in the minds of the leaders, "A man once moved from Pumbeditha to Be ' Kubah, and Rabbi Joseph put him under a ban (for having gone from the community)."³⁵ The other sentiment shows favor for the community in a different way, "A man left Pumbeditha for Asthuniah and died. Abaye said, 'If this man wanted it, he could still have been alive.'³⁶ The obvious mistake of the man was that he left Pumbeditha.

Thus the importance of the land as the religious center, is questioned and even denied, because of the physical problems of the time. It was not the first time that practical matters and nationalistic influences enter into the thought of those concerned with the land. The rabbis were not dependent on theological views alone to stress the importance of the land. They had strong nationalistic tendencies blended into their theology, and independent of their theology, which helped form their attitude toward the land.

1. Babylonian Talmud, Ketuboth 110b.
אנאם יקור אנאם בארץ ישראל אביו בדד שרובה נכרים
מא יקור בחובה לארץ בעיר שרובה ישראל
2. *ibid*
פכו הדד בארץ ישראל שומה כמי שיש לו אלוה
ובל הדד בחובה לארץ שומה כמי שאין לו אלוה
3. *ibid.*
אלא מומר רק כל הדד בחובה לארץ כאלו דומה שרובה נכרים
4. *ibid.* 111a.
אמר ר' אלעזר כל הדד בארץ ישראל פדוי בלא דין
ובל שומר דין חיות חיים תיפסה בה נשוא דין
5. *ibid.*
דבא ליה אפי' און בסוגי' חללים מתניין אב
6. *ibid.*
כל הקבור בארץ ישראל כאלו קבור תחת המזבח
7. *ibid.*
מנחה אדמה תדעה לי
8. *ibid.*
וכפר אדמתו דמי
9. *ibid.*
אמר ר' אלעזר מנחם שחובה לארץ אינם חיים גמארי
ונחם צבי בארץ חיים ארץ שבעיני' בה מנחם חיים
10. *ibid.*
אין שבעיני' בה אין מנחם חיים
מנחם ל' אבא בר ממי' יחין מנחם נבולת יקומו ולי
11. Equating the Hebrew word עב' and the Aramaic word עב'אס mean both 'glory' and 'steg'.
12. Though his name is not mentioned, it is a probable reference to Rabbi Eleazar.
13. Isaiah 42:5
14. Babylonian Talmud, Ketuboth 111a.
אביו שפחה נכריות קבארי' ישראל מוהטח לה שהיא ביה הדמם הבח
15. *ibid.*
כל המאכל אדומ אמו בארץ ישראל מוהטח לו שבו בן הדמים הבח
16. *ibid.*
ור' אלעזר צדיקים שחובה לארץ אינם חיים
17. *ibid.*
אמר ר' אלעזר דא יב' יתלוא
18. *ibid.* Rashi
מחילת נדב' להם בקדש ודומים לו רגליהם והוא כח
במחילת עד ארץ ישראל וסם מבגב' וינצאים
Midrash Mishle interprets the passage as follows: Rabbi
Zavda asks about the righteous who will die outside the

land. If they need to be in the Land of Israel to gain atonement, how will this come about? He is told that the Holy One, Blessed be He, will send the ministering angels who will lead them from outside the land, to the land, in dancing (interpreting the word מחילות to mean dancing) and then the land will atone for them. (Chapter 7:1)

19. *ibid.*

אמר ל חנוך דברים גדו

20. *ibid.*

21. *ibid.*

אמר לא ינבא למחילות

22. *ibid.* Rashi says: רבה בר רבאמי בשם ר' יוחנן בן זבדי וכו' או אלהים באלו יצא ואלו אינן נזכר כי יצא אלם

23. *ibid.*

24. *ibid.* 'rolling' גלגול is a pun on the word גלגול

25. *ibid.* כשם שאמר לזאת מאד יצא אלם כן יצא אלם לזאת מאד

26. *ibid.* אמר ל יהודה כל הדר בבבא כאלו בר בורא יצא

27. *ibid.* The word צ'ס implies derogation in reference to illegitimacy and impurity.

28. *ibid.* ויחזקו וכו' כל הארצות צ'ס לאלו יצא ואלו יצא צ'ס לאלו... אלא ארצות קבורה

29. *ibid.* Rashi says: אלו ארצות קבורה: א כל מלכין אחרונים יצא ואלו יצא ארצות קבורה מאד יצא ואלו יצא ואלו יצא קבורה יצא צ'ס נכנס תורה

30. *ibid.*, 110b-111a: דאמר ל יהודה כל הדורה גבא לאלו יצא דבר גדש מיער וכו'

31. *ibid.* Zera's answer to R. Judah:

הוא בכו' קרת טריב

32. *ibid.* (for the land of Israel.

33. *ibid.* אלא יצא יצא במומה

34. *ibid.* רבה דר' יוסף דאמר תדעוהו אלו מבוהב' דא' אב' טוב'

35. *ibid.*

36. *ibid.*

CHAPTER III

The theological views of the rabbis toward the land of Israel place great stress on residence within the land. Yet the lack of unanimous agreement in the theological claims toward the land, left an opening for the rabbis to pursue the matter of settlement therein with arguments of a more practical nature. These practical arguments were based on economic and nationalistic claims, and very often, the arguments show a definite exaggeration of the productiveness of the land, and a chauvinism.

A thin line is drawn between the economic and nationalistic views and the theological. It is an almost impossible task to differentiate between them. Not that the views presented from a theological standpoint were totally related to the economic interests of the land, or the nationalistic interests. Each of these areas are treated with definite care by the interested parties. However, the barrier which separates the theological from the other arguments is almost impossible to identify in most cases.

To review some theological arguments, it is established that those who live in the land of Israel are to be considered as though they had a God; those who live there are considered to live without sin; those who walk so much as four cubits within the land are assured of the world to come; and those who are buried within the land are assured they will be revived. These are the main theological arguments of the rabbis, and one has to examine very closely the objectives involved in

their offering. Could it have been that these rewards were given not only to guarantee the people some goal toward sustaining the religious center of their faith, but also to encourage immigration to the land and discourage immigration from it?

It is obvious from the text of the Talmud that the interest of the rabbis was not exclusively theological. They did not confine themselves to the academic life. They were concerned for the practical aspects of life, and residence in the land of Israel had as many practical aspects as it had theological. Thus they combined their economic and national interests, in most cases with their religious outlook toward the land.

Within the argument concerning the atonement of sin by virtue of residence within the land, reference is made to burial within the land, and its subsequent equation to burial 'under an altar'. The original statement of Rabbi Eleazar that, "whoever lives in the Land of Israel, lives without sin," is the point from which the discussion ensues. It is elaborated upon by Rabbi Anan, who made the following declaration, "whoever is buried in the Land of Israel, is deemed worthy to be buried under the altar."¹

The following incident is then recounted. "Ulla was in the habit of paying frequent visits to the Land of Israel, but he died outside the land. (When people) came to Rabbi Eleazar and reported this, he exclaimed, 'O Ulla, you should die in an unclean land'. 'His coffin has arrived', they said to him. 'Receiving a man in his lifetime is not the same as receiving him after his death.'²

The facts of the incident are relatively simple. A man named Ulla was a frequent visitor to the land. He died outside the land and his remains were returned to the land of Israel for final internment. Rabbi Eleazar is told of the death of the man and of the arrival of his body for burial.

Considering the dictates of the rabbis, burial within the Land of Israel was considered of great merit. If taken literally, this argument would have found Rabbi Eleazar welcoming the return of the man to the land for his final repose and reward.

But such is not the case. Rabbi Eleazar's entire attitude is one of bitterness and cynicism. When told of the death of the man, the leader of the community remarked that the frequent visitor deserved to die in an 'unclean land'. As a result of this reply we must question whether atonement with burial in the land is to be taken unilaterally and literally. If the ruling were to be taken literally, it would have mattered little to Eleazar whether Ulla died in an unclean land or the Land of Israel for burial within the land was considered of great merit in itself, and would have atoned for his sins.

Further, why should a man who was a frequent visitor to the land deserve to die in an unclean land? If he did, why would the people come to the leader of the community to inform him of the death of the man, and to advise him of the arrival of the man's remains? We may also inquire what Rabbi Eleazar meant when he said, 'receiving a man in his lifetime is not the same as receiving him after his death'³?

It is clear that burial within the land did not hold the literal and unilateral meaning. Rather, it was intended to stimulate residence within the land, after which, at the time of death, the reward of having lived there will be equated with being buried under the altar.

Transients seldom add anything to the productive nature of a land. What ever his reason for coming, Ulla was regarded in this manner by Rabbi Eleazar. The leader of the community was disappointed that the man had never made permanent residence within the land, thus precipitating his outburst that 'Ulla deserved to die in an unclean land.'

To add to his expression of disappointment and cynicism, Rabbi Eleazar further remarked that, receiving a man in his lifetime is not the same as receiving him after his death. It may well have been his intent to announce that the land of Israel could survive only with productive settlers, and not unproductive corpses.

Settlement within the land was most important. It is impossible for a country to exist on transients alone. Permanent residents are required for administrative and productive purposes. In the case of the land of Israel there was no difference. They too needed permanent residents. It is for this reason that the Mishnah states as a religious law, "All may be compelled to go up to the land of Israel, and none may be compelled to leave it". This compulsion was for a permanent settlement and not for a temporary one. We find this view

substantiated in the rabbinic codes.

So important is the concern for settlement within the land that the discussion in the Gemara asks about a Hebrew slave who flees from his master so that he can reside in the land of Israel. What is the master required to do? Is the slave to be returned to the land from which he came or can he remain in the land? The answer given to the slave owner is "Sell him here, and go. (This is done) in order to (encourage) settlement within the land of Israel."⁴

The consequences for refusal to settle within the land give some indication of the economic force which the rabbis placed on those who refused to go up to the land with their mate.

If the woman refused to go with her husband to the land, or if she decided to go out of the land without him, she was divorced, and denied the right of collecting her Ketubah. In a similar manner, the husband who refused to go up to the land or wished to leave the land found the penalty of refusal on his shoulders. He was required to pay her Ketubah and divorce her.⁵

To insure the permanence of the settlement, the Shulhan Aruch adds the following comment, "And the matter relating to the Ketubah which she does not get (if she refused to go up with him to the Land of Israel) applies only if he remains in the land of Israel and does not return to outside the land after a few years. If it happens that the husband does return (to the original land and resettles) outside the land of Israel, he is then obligated to pay the wife or her heirs everything that is included in the Ketubah."⁶

Perhaps the most important theological force which stimulated settlement within the land was the promise of life without sin by virtue of residence in the land of Israel.

This is one of the most contradictory claims within the theological arguments set forth by the rabbis. One of the dominant elements in the religion of Israel is the stress on living the good life. It depended on the actions of man, and had nothing to do with residence. Consequently, the statement which would permit one to live without sin merely because of the fact that he lived in the Land of Israel, would be completely out of harmony with the rest of the rabbinic teachings regarding living a good life.

It is because of this reason that one can not help but feel that the intention of the rabbis in this instance was to promote the economic interest of the land, and the subsequent settlement there, as a direct result of the rewards offered from a theological standpoint. It is otherwise impossible to reconcile the views of the rabbis in this instance.

Claim is made, from a theological point of view, as long as the settlement within the land is a religious act. If there were no religious commandment to reside there, it is doubtful that many people would be willing to risk going there.

The commentators and the compilers of the legal codes were interested to define the law concerning settlement in their own time. To illustrate the argument, this discussion is found: "A Jerusalemite (who is outside Jerusalem) desires to go up to the land, and his wife refuses to go. (What is to be done

with her?) They force her to go up. But if the woman wanted to go up and the husband refused to go up, they do not force him to go up. (Which is a contradiction to the original Mishnah which forces both man and woman to go up). Rabbi Meir writes concerning this matter and says that it concerns a man of the present time. The Mishnah specifically teaches that they force him to go up. If the passage spoke only with regard to the time of the second Temple, this reconciliation (that the husband is not forced to go up) is not good enough, for why then do they force her to go up? (If the law no longer applied to the man, it no longer could apply to the woman.) Rather, it seems that they make no distinction between the present time and the time of the second Temple, and thus the Mishnah simply states the problem."⁷

Evidentially this answer is given to those claimants who like Rabbenu Hayim (Cohen) of the school of the Tosafists, declared: "Settlement in the land of Israel is no longer a religious commandment owing to the difficulty and impossibility of fulfilling many of the commandments directly related to the land."⁸

The statement of Rabbenu Hayim is preceded by the notice that it is no longer the custom for people to go up to the land of Israel owing to the difficulty in travel along the way."⁹

The Shulhan Aruch was cognizant of the problem and tried to reach a solution by compromise. Since there are those who maintain the compulsion of the Mishnah, and the realization that danger crouched on the roads, the ruling was established

that from the end of the Ma'aravah to No Amon (probably Alexandria) no one was forced to take the journey. But from No Amon and up, they do force them to go up to the land, either traveling by dry land or by the sea, in the summer time, if there are no robbers (perhaps a reference to political turmoil)."¹⁰

More realistic awareness of the problem is shown by the B^aer Hetev commentary of the Shulhan Aruch, wherein it is stated: 'the 'K'neseth Ha'gedolah has a lengthy discussion in it regarding this matter and there are many divided opinions. Since there is such a division of opinion among the rabbinic authorities, who is able to effectively force one to go up to the land if he does not want to go, and (who is able to effectively) obligate the husband to give his wife her due Ketubah?"¹¹

Thus the problem of the settlement within the land was not as dependent on the theological claims exclusively. Nor were the theological claims made without consideration of the economic and national welfare of the land. These elements were combined together in the presentation of the rulings from the theological presentations.

CHAPTER IV

In addition to the theologic and economic arguments which the rabbis presented, claims were made for the land of Israel, which were exaggerated. It may have been the intention of the leaders of the community to tell the rest of the world the merits of the land, and by stretching the point a little they would thus stimulate settlement. Illustrating the claims will enable the reader to see some nationalistic arguments presented by the rabbis.

"Rabbi Hiyya bar Joseph said: There will be a time when the land of Israel will produce baked goods and silk garments of the purest quality, etc."¹

"It was taught in a well known B'ritha: (There will be a rich cornfield in the land, upon the top of the mountains) 'Its fruit shall rustle like Lebanon'. Wheat will rise as high as the palm trees and will grow on the top of the mountains, and the Holy One, blessed be He, will bring a wind from his treasure house which He will cause to blow upon it and thus reap it. This will loosen its fine flour and a man will walk out into the field and take a mere handful and out of it will have sufficient provision) for his own and his household's maintenance."²

Rabbi Hiyya bar Ashi stated in the name of Rab: "In the time to come, all the wild trees of the Land of Israel will bear fruit, for it is said in Scripture, "for the tree beareth its fruit, and the vines do yield their strength."³

"With the kidney fat of wheat." It was inferred that in time to come, a grain of wheat will be as large as the two

kidneys of a big bull."⁴

These claims of the prosperity, were presented by the rabbis to show the material gain that would come with settlement within the land. Yet, and in spite of themselves, they were aware of the fact that these claims were a bit elaborate. Rather than let them stand without any proof, several of them brought forth examples to show the accomplishments of the land.

With reference to the last statement (a grain of wheat would be as large as the two kidneys of a big bull) it is said, "and you need not marvel at this, for a fox once made his nest in a turnip (in the land of Israel) and when (the remainder of the vegetable) was weighed, it was found (to be) sixty pounds in the pound weight of Sepphoris."⁵

Further claims for the prosperity of the land are then related. "It was taught in a well know B'raitha: Rab Joseph related, (an incident) once happened to a man in Shihin whose father had left him three twigs of mustard. One of these split and was found to contain nine 'kab' of mustard, and its timber was sufficient to cover a potter's hut."⁶

"Rabbi Simeon ben Tahlifa related: Our father left us a cabbage stack and we (in order to gather its leaves) ascended and descended by means of a ladder."⁷

The exact way in which these claims were transmitted is not given. We do know that some of these men did travel and acclaim the worth of the land to the other nations. We might compare them to the modern day 'Chamber of Commerce' representatives who travel to distant places telling of the worth of their land. The following illustration indicates that there were

such representatives, and that their claims were indeed elaborate.

"When Rav Dimi came (from the land of Israel to Babylonia) he made the following statement: 'What was the implication of the Scriptural text, "Binding his foal unto the vine?" There is not a vine in the land of Israel that does not require (all the inhabitants of) one city to harvest it. "And his ass's colt to the choice vine?" There is not even a wild tree in the land of Israel that does not produce a load of (fruit for) two she-asses. In case you should imagine that it contains no wine, it is explicitly stated in Scripture, "He washed his garments in wine." And since you might say that it is not red (wine), it is explicitly stated, "And of the blood of the grape thou drinkest foaming wine." And in case you should say that it does not cause intoxication, Scripture states, "his vesture" (the word *אֵוֶן* is derived from the root, *אָוַן*, 'to incite'). And in case you should think that it was tasteless, Scripture relates: "His eyes shall be red with wine." Any palate that will taste it, will say, 'to me, to me'. And since you might say that it is suitable for young people, but unsuitable for old, Scripture says: "And his teeth white with milk,"⁸ read not "teeth white" but, "to him who is advanced in years."

To further illustrate the activities of these representatives, questions put to them are included in the pages of the Talmud. One person asks Rav Dimi, "In what sense is the plain meaning of the text, just recited,⁹ to be understood?

"He explained: The congregation of Israel said to the Holy

One, blessed be He, 'Lord of the universe, wink to me with thine eyes, which to me will be sweeter than milk.' (This interpretation) provides support for Rabbi Johanan who said: 'The man who (by smiling affectionately) shows his teeth to his friend, is better than one who gives him milk to drink,' for it is said in Scripture, "And his teeth while with milk," read not "teeth white," but, "showing his teeth."¹⁰

The answer given by Rav Dimi in support of Rabbi Johanan, modifies the extremity of the claim he previously made for the productive quality of the land. He thus tempers the claim with hospitality, a product shown by residents of the land to fellow residents and prospective residents.

The tone of Rabbi Johanan's statement presents the view that even if the material gain of the Land of Israel is not as great as sometime claimed to be, the spiritual gain more than compensates for the difference. The language used is worthy of examination. It is accounted that a friendly word is at least equal, if not more than equal to a glass of milk. He might have said, even though you can not find all the material wealth that you hope to find in the Land of Israel, at least you will be able to find spiritual plenty on the land because of the hospitality which is shown by the people who live there.

The rabbis were interested in showing the accomplishments of the entire land and not of only one section in particular. Since the area of the land is not large, it is not surprising to find the glories of the entire land recounted in the tales

of different men who traveled throughout it.

"Rami bar Ezekiel once paid a visit to Bene Berak (north east of Jaffa) where he saw goats grazing under fig trees. While honey was flowing from the figs, milk ran from them, and these mingled with each other. This indeed, he remarked, is a land flowing with milk and honey."¹¹

"Rabbi Jacob bar Dostai related: From Ono to Lod (is a distance of about) three miles. Once I rose up early in the morning and waded (all the way) up to my ankles in the honey of figs."¹²

"Resh Lakish added: I myself saw the flow of milk and honey of Sepphoris, and it extended (over an area) of sixteen by sixteen miles."¹³

"Rabbah bar Bar Hana said: I saw the flow of milk and honey in all the land of Israel and (the total area) was equal (to the land extending) from Be' Mikse to the fort of Tulbanke, (an area of) twenty-two Persian miles in length and six Persian miles in breadth."¹⁴

"Rabbi Helbo, Rabbi Avira, and Rabbi Jose bar Hanina once visited a certain place where a peach that was (as large) as a pot of Kefar Hino was brought before them."¹⁴

"Rav Hisda stated: What (was menat) by the Scriptural text, 'I give thee a pleasant land, the heritage of the deer?' Why was the land of Israel compared to a deer? To tell you that as the skin of a deer (after it has been flayed) cannot contain its flesh, so the land of Israel cannot contain its produce. Another explanation: As the deer is the swiftest of

all the animals, so is the land of Israel the swiftest of all lands in ripening its fruit. In case you should suggest that the deer is swift, but his flesh is not fat, so the land of Israel is swift to ripen its fruits, but they are not rich, it was explicitly stated in Scripture, "Flowing with milk and honey" (thus indicating that they are richer than milk and sweeter than honey."¹⁵

In their discussions, no mention had been made of any other land, neither a comparison of the productive ability of the land with other lands, nor an evaluation of the people within the land who derived benefit from the products.

But within the arguments in behalf of the land, we do find references to other people in the land, other lands and their products. Some are complimentary while others are not.

One vicious attack is made on the Arabs living in a section of the land. "Rabbi Joshua ben Levi once visited Gabla where he saw vines laden with clusters of grapes standing up (to all appearances) like calves. 'Calves among the vines,' he remarked. 'These,' they told him, are clusters of ripe grapes'. 'Land, O Land,' he exclaimed, 'withdraw thy fruit; for whom art thou yielding thy fruit? For those Arabs who rose up against us on account of our sins?"¹⁶

His words were not well received by the people who lived in this area. The following year Rabbi Hiyya happened along the way and came to the same place. He saw the "clusters of grapes standing up (to all appearances) like goats. 'Goats among the vines,' he exclaimed". But before he could say

anything further the people of the community told him, 'Go
away, do not treat us the way you friend did.'¹⁷

The people of the community would not accept his words without challenge. To them it was more important that the land should continue to produce its grapes in abundance and in forms that appeared like animals, even for those who rose up against them, because of their sins, rather than allow the land to leave off from producing because of the presence of antagonists within their midst.

There was a tone of nostalgia in their expression and a comparison of the productive ability of the land with other lands. A well known B'raitha taught: "In the blessed years of the land of Israel a 'beth se'ah' yielded fifty thousand 'kor', Though in Zoan, even in the days of its prosperity, a 'beth se'ah' yielded (no more than) seventy kor....Now, among all the countries there is none more fertile than Egypt...and there is no more fertile spot in Egypt than Zoan, where kings were brought up...Furthermore, in all the land of Israel there is no ground more rocky than Hebron, where the dead were buried. Hebron was nevertheless, seven times as fertile as Zoan...This refers to stony ground, but (in ground) where there are no stones (a 'beth se'ah) would yield five hundred (kor). This¹⁸ too refers to periods when the land was not blessed...."

To further add to their claims, the rabbis used the sentiments of those who either were their adversaries, or foreigners to the land. Thus we find that a "certain Saducee once said to Rabbi Hanina: 'You may well sing the praises of your country. My father left me one 'beth se'ah' and from it

and (I obtain) oil, wine, corn and pulse. In addition, my cattle feed on it."¹⁹

"An Amorite once said to a resident in the land of Israel, 'How much do you cut from that date tree that stands on the bank of the Jordan?' 'Sixty kor', the other replied. 'You have not improved it', the former said to him, 'rather, you have ruined it for we used to gather one hundred twenty kor', the other replied, I was speaking to you (of the yield) of one side only."²⁰

This passage and the passage wherein Rabbi Joshua ben Levi is rebuked for asking the earth to withdraw its fruit because of the Arabs on the land,²¹ give us notice of the feeling of the people and the merit of the land, regardless of the inhabitant thereon. No matter whether it was an Arab or an Amorite, the land did not discriminate in its production. It was rich and full and offered a great promise to those who would reside in it.

The best expression of worth comes from those who show a sincere and deep love and respect. Some of the expressions of love are told to the readers of this passage.

"When Rabbi Zera went up to the land of Israel and could not find a ferry wherein to cross (a certain river), he grasped a rope bridge and crossed. Thereupon a certain Saduccee sneered at him: 'Hasty people that put your mouths before your ears, you are still as ever clinging to your hastiness.' To this the other replied, 'This spot which Moses and Aaron were not worthy

(of entering), who could assure me that I would be worthy (to enter)?" ²²

"Rabbi Abba used to kiss the cliffs of Acco. Rabbi Hanina used to repair its roads. Rav Ammi and Rabbi Assi used to rise (from their seats to move) from the sun to the shade and from the shade to the sun. Rabbi Hiyya bar Ganda rolled himself in its dust, for it is said in Scripture: "For Thy servant takes pleasure in her stones, and love her dust." ²³

Thus by precept and example, the rabbis extolled the glories of the land to others. They did it because of their devotion to the land, of their interest in its spiritual and material well being.

With all the expressions which cast doubt on the sincerity of the rabbis interest in the land from a theological point of view, it is a pleasant change to find the expressions of love which certain men showed for the land. It is quite natural to find these expressions included in the passage which devotes itself to convincing others of its worth, for no better an expression of the worth of the land than the love which is emulated by the people who lived there. If there is love in the hearts of the people, irrespective of its theological overtones, the glories of the land will be heightened, and spiritual reward will be found within its gates.

1. Babylonian Talmud, Ketuboth 111b.
2. *ibid.*
3. *ibid.* Tosaphot mentions this final statement's having been given so that the section would end on a note of optimism, and not on a note of sadness or rebuke.
4. *ibid.*
5. *ibid.*
6. *ibid.*
7. *ibid.*
8. *ibid.*
9. Genesis 49:12
10. Babylonian Talmud, 111b
11. *ibid.*
12. *ibid.*
13. *ibid.*
14. *ibid.* The text explains that a pot of Kefer equalled five se'ah.
15. *ibid.* 112a
16. *ibid.*
17. *ibid.*
18. *ibid.*
19. *ibid.*
20. *ibid.*
21. *ibid.* cf. note 16
22. *ibid.*
23. *ibid.*

כ"ה תשרי ה'תשנ"א

CHAPTER V

One area of Jewish life that was definitely included in every rabbinic consideration was the relevance of Torah to a given subject. It would be expected that such an important subject as Torah should be part of the consideration of the rabbis in respect to the Land of Israel.

The study of Torah is related to the production of the land in one of the illustrations provided by the text: "Rav Hiyya bar Adda said:...My father left me one expalier and on the first day (of the three days that Hiyya bar Adda was away from his work as a tutor of Torah to children) I cut three hundred clusters (of grapes), each cluster yielding one keg. On the second day I cut three hundred clusters, each two of which yielded one keg. On the third day I cut three hundred clusters, each three of which yielded one keg, and so I renounced half my ownership of it. 'If you had not taken a holiday from (the Torah), the other told him, 'it would have yielded much more.' "¹

Here the study of Torah helps increase the production of the land. It is a unique expression on the part of the rabbis for in the other instances of reference to the land, all types of people on the land, irrespective of their national origin or their beliefs, were accorded the benefits of the land, for this was the characteristic of the land. It would produce for the Amorite, the Saduccee or the Arab, but it would not for one who was lax in the study of the Torah.

Further evidence of the rabbis attitude toward the Torah is found in the statement of Rabbi Eleazar who said: "The

ignorant (אִיזְכָּרָהוּ) will not be resurrected, for it is written in Scripture, 'The dead shall not live again, etc.' It was taught in a well known B'raitha: 'The dead will not live again'. As this might (be assumed to refer to all) it was specifically stated, 'The lax ('shades' according to the J.P.S.) shall not rise.' By this (it is indicated) that the text speaks only of such a person who was lax in the study of the words of Torah'. Rabbi Johanan said to him: 'It is no satisfaction to their master that you should speak of them in this manner. That text speaks only of such a man who was so lax as to worship idols.'

Thus the interpretation given puts some modification on the previous views of the rabbis who established that residence alone would assure one of the life to come. Now there is a condition placed upon the residency, that restriction one of enforced study of the words of Torah.

It could well have been the intention of the rabbis to exert their authority in such a way as to demand that their legislation would be adopted as the right way of life. Thus Torah would be understood as the study of the entire tradition and not the Pentateuch alone, and this study would be through the proclamations of the rabbis whose views would dominate.

To illustrate the problem further, we find an alternate verse quoted by Rabbi Eleazar: "I make an exposition (to the same effect) from another text, for it is written in Scripture, 'For thy dew is as the dew of light, and the earth shall bring the dead to life'. Whoever makes use of the 'light' of the Torah will the light of Torah revive. But whoever does not make use of the light of the Torah, the light of the Torah

will not revive."³

If the 'light' of the Torah refers to the dictates of the Torah alone, the problem is resolved. However, the text continues..."Any man who marries his daughter to a scholar, or carries on a trade in behalf of a scholar, or benefits scholars from his estate, is regarded by Scripture as if he cleaved unto the Divine Presence...Is it possible for a human being to cling unto the divine presence?...Any man who marries his daughter to a scholar, or who carries on a trade in behalf of scholars, or benefits scholars from his estate is regarded by Scripture as if he had cleaved to the divine presence."⁴

With this quasi-equation of Scripture and the divine presence with the scholar, one begins to question if the intention of the rabbis was to further benefit their own class, and to offer more adherence to their dictates.

It is evident that their view was challenged for Rabbi Zera said: "Rabbi Jeremiah bar Abba stated, 'In the generation in which the son of David will come their will be a prosecution against scholars...Samuel exclaimed, "(There will be) test after test"...Rabbi Joseph taught: "There will be plunderers and plunderers of the plunderers'."⁵

Thus the view toward the scholar is taken into account. It might well be deduced that the study of Torah was a most important consideration of the rabbis and the view toward its significance highly revered by them.

We cannot overlook their equation of study with the promises of the land. If the land itself will yield for all, why not to those who fail to study Torah? What is the reason for the controversy over the merit of the scholars and the support of

them by the community?

It appears that another manifestation of the economic and nationalistic importance of the land is taken into account. No organization can function without good leadership and the support of leadership by the community. This support can include financial support as is indicated in the rabbinic approach.

The controversy which concluded the tractate in the Talmud, indicates that the views of some of the leaders was challenged, and that some of their actions were regarded as plundering. If such is the true understanding, the attitude toward the land of Israel reflects benefit for the ruling class of the land.

From the view of scholars who have given careful examination to such a question, we bring to thought the views of Ginzberg who maintains that "the development of the Halacha from the period of the first 'Zug' to the time of the two schools (Hillel and Shammai), that the disagreements between the two wings of the Pharisees were not matters of personal temperament, but were caused by economic and social differences.⁶'

Thus it is revealed that the rabbis' views reflected a dominant economic and social interest. Their influences as the leaders of the community and the religious leaders of the land, afforded them the opportunity of expressing their views in a variety of ways.

The most influential channel at their disposal was the through theology. They encouraged settlement in the land by

offering rewards of a theological nature. They discouraged emigration from the land by imposing material penalties on those who would leave. Permanent settlement was their goal.

They accounted the praise of the land's productivity, and exaggerated claims in its behalf. To supplement their views, the rabbis used the praises of their adversaries and foreigners to show the glories of the land.

The Land of Israel was the geographic center of the rabbis thought. Any other land had to be second in their eyes. They defended the land of Israel with arguments that required the greatest mental gymnastics. The objections raised in behalf of the other lands of the world were stifled in their origin.

Their argument for settlement rested on the assumption that residence within the land was a religious commandment. As long as the land was viewed in that light, the dicta of the rabbis had practical implication. Once the commandment was rescinded, the rabbis were powerless to enforce their rulings. It is at this point that the discussion then reverts to its academic status, for the academicians to discuss.

