

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...[not to arouse or awaken the love until it is desired]” (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.¹ 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 time of] the end [of exile], that they should not make the end more distant (or, according to another version of the text, force the end), and that they should not reveal the secret to the nations of the world.”² “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.”³

¹ In the metaphoric language of Shir Hashirim, the words “daughters of Jerusalem” usually refer to the nations of the world. Hence “I am dark but beautiful, daughters of Jerusalem” (1:5) means that the Jewish people says to the nations, “I am darkened through my sins, but beautiful due to the good deeds done by my ancestors, and some of my deeds are good as well” (Rashi). In the first two oaths, however, the speaker is Hashem and the daughters of Jerusalem are the Jewish people, who are warned not to go up as a wall or rebel against the nations. In the third oath, the daughters of the Jerusalem are the nations, who are warned not to “arouse the love” of the redemption by persecuting the Jews too much.

² Rashi offers two explanations: 1) the Sod Ha’Ibur: the method of calculating when the new moon will appear, and the laws for determining the date of Rosh Hashanah; 2) the reasons for the mitzvos of the Torah. This second explanation is puzzling: we ourselves don’t know the reasons for the mitzvos (the reasons offered by the Rishonim, such as the Rambam and Sefer Hachinuch, are only conjecture, and do not claim to be the whole picture), so how can there be a prohibition on teaching these reasons to the gentiles? The answer is probably that “reasons” here refers to the orally transmitted parts of the Torah – the details of the mitzvos not written in the Torah, describes when each rule applies and how the mitzvos are to be fulfilled. Indeed we find that while it is permitted to teach the written Torah to gentiles, as Yehoshua wrote the Torah in seventy languages for the gentiles to come and learn (Sotah 35b), it is forbidden to teach them the oral Torah, as the Gemara says in Chagigah 13a: “We do not hand over words of Torah to a gentile, as it states, “He did not do so for any nation, and the statutes they do not know.”

Regarding the idea that we must not reveal the Sod Ha’Ibur, Tosafos references a Gemara in Shabbos 75a where astronomy is called “your wisdom and understanding in the eyes of the nations.” The trouble is that there, the Gemara encourages teaching astronomy to gentiles, while here, it is forbidden by the oath. Possibly, the answer is that the Gemara in Shabbos refers to Temple times, when it was encouraged to show the gentiles our wisdom and earn their admiration. During exile, on the other hand, we are forbidden from gaining the admiration of the gentiles, lest they try to end the exile and give us back our land.

³ It may seem strange that Rabbi Yossi bar Chanina, Rabbi Levi and Rabbi Elazar all discussed the oaths of exile, yet their words were only incorporated into Shas because of the story of Rabbi Zeira planning to go to Eretz Yisroel without his rebbe’s consent. Had this story not taken place, how would we have known about these important laws? The answer is that Ravina and Rav Ashi organized all of the Torah sheb’al peh, making sure to place every halacha somewhere in Shas. Certainly the oaths were on track to be placed under the mishnah about the spouse who wishes to move to Eretz Yisroel, and they would have been included in any case. The story of Rabbi Zeira just provided an interesting springboard.

Rabbi Shlomo Aviner, in response #9 to the oaths, paragraph 3, cites Rabbi Mordechai Attiah who argued that the sages of Eretz Yisroel disagreed with the Three Oaths, and we follow them. He clarifies in a footnote that this refers to Reish Lakish and Rabbi Yochanan. See later, Siman 12 for more on this. In any case, here we see that Rabbi Yossi bar Chanina, Rabbi Levi and Rabbi Elazar, all from Eretz Yisroel, upheld the oaths.

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"!⁴

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?⁵

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

⁴ Throughout Shas, the phrase כתיב קרא אחרים ("another verse is written") is used when a Tanna or Amora states a halacha without giving the Scriptural source, the Gemara proposes that a certain posuk might be his source, and then rejects it. But here Rav Yehuda himself cited the posuk "They will be brought to Babylonia and there they will stay." How then can the Gemara claim that his halacha is based on a different posuk? One solution is that perhaps Rav Yehuda didn't really cite the posuk; his students merely appended it to his words. But the simple understanding of the Gemara is that he did indeed say it.

⁵ This question will be answered at the end of chapter 79.

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.⁶

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.") *Medinas hayam*, on the other hand, 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.⁷

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.

⁶ In passing we should note that 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 Vayael 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.

⁷ Especially since Babylonia was the largest Jewish community in the world outside of Eretz Yisroel, so in most cases, the question dealt with in the mishnah (whether one spouse can force the other to move to Eretz Yisroel) was being asked by Jews in Babylonia.

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.

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.⁸ 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.⁹

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 brought up in the mishnah only regarding a divorced couple who are fighting over the kesuba, but as long as they are still married,

⁸ The Beis Shmuel is dissenting from the Shulchan Aruch 75:4, who codifies the mishnah as halacha and states clearly that both husband and wife have the right to force the other party to move to Eretz Yisroel. It's noteworthy that the Shulchan Aruch makes the following caveat in s'if 5: “There is an opinion that one can only force a spouse to move to Eretz Yisroel when it is possible without danger.” He continues to say that sea travel in the winter, or any time of year when there are pirates, is considered dangerous. Today, with Eretz Yisroel under the control of a government that is very often at war, it would also be considered dangerous. For example, during the Gaza conflict, yeshiva students from abroad asked Rav Moshe Sternbuch if they should go home, and he replied that the zechus of learning Torah would protect them. This implies that those who are not learning, and have another place to live, should not be in Eretz Yisroel during a conflict. And even yeshiva students, who were allowed to stay and rely on their learning to protect them, might not have the right to force their wives to live there, since after all there is some level of danger.

⁹ Similarly, the Rosh, as he quotes Rabbeinu Meir, notes that Rabbeinu Meir understood that the Jerusalem Talmud disagreed with the Babylonia Talmud.

neither can force the other to accept a divorce.¹⁰ 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 Rabbeinu Yerucham (Nesiv 13, 1:45a) 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 not derived from that of the wife; it 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 wife’s power was equal to her husband’s, and she had the same law as the slave who fled to Eretz Yisroel: 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 can defend the Beis Shmuel who paskens that Mishnah about the husband and wife forcing each other holds true only in the time of the Temple, but nowadays a wife cannot force her husband.

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

¹⁰ For example, if the wife wants to move to Eretz Yisroel and the husband wants to stay, we do not force him to give her a get. And after Rabbeinu Gershom, if the husband wants to move to Eretz Yisroel and the wife wants to stay, we do not force her to accept a get, or utilize a Heter Meah Rabbonim.

The Ran discusses a story in which three friends got together and swore that they would move with their families to Eretz Yisroel, and later one man’s wife refused to come along. Even divorcing her was not an option – she refused to accept a get. The man wanted to know if he could annul to oath and back out of the agreement. The Ran’s reply was that not only he could annul it - he didn’t have to annul it, since it was “an oath to neglect a mitzvah” – the mitzvah to supply his wife with food, clothing and companionship. And the Ran stressed that giving a get against her will was not allowed due to the *cherem* of Rabbeinu Gershom. It’s implicit that a Heter Meah Rabbonim would also not be granted.

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 Tosafos¹¹ 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 still applies 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 already run away should make any difference.¹²

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,

¹¹ Kesubos 110b: "This law [that one spouse can compel the other to move to Eretz Yisroel] does not apply today when travel is dangerous. And Rabbeinu Chaim used to say that today there is no mitzvah to live in Eretz Yisroel, because there are many mitzvos that apply only in the land, and many punishments [for violating these mitzvos] and we can't be careful to keep them." Rabbeinu Chaim's view is not the same as that of Rabbeinu Meir: whereas Rabbeinu Meir holds that husbands today can still force wives to move to Eretz Yisroel, Rabbeinu Chaim holds that neither can force.

¹² 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?

is talking nowadays when there is no mitzvah to move to Eretz Yisroel, then how can the husband force the wife? And to this the Bach responds that actually, 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 (those who rule in accordance with Rabbi Meir of Rothenberg) write this rule that the wife cannot force the husband 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 wholeheartedly endorses the Ramban's opinion that living in Eretz Yisroel is a Torah mitzvah even nowadays - see his long responsum where he refutes 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 rules that the halacha is like him.¹³

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.¹⁴ 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

¹³ 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 does not outweigh the advantage of living off one's own work, but perhaps the mitzvah of learning Torah does outweigh it.

Alternatively, we could say that the Jews of the Old Yishuv may not have had jobs in Chutz Laaretz either, so their moving to Eretz Yisroel is not what subjected them to living off chalukah.

¹⁴ Similarly, the Pe'as Hashulchan (Hilchos Eretz Yisroel 1:3) endorses as halacha the words of the Rashbash, who says that although there is a mitzvah to live in Eretz Yisroel, the mitzvah does not devolve upon Klal Yisroel as a whole, only upon individuals; therefore, if there are factors that make it hard, one need not go. The Pe'as Hashulchan explains that since there are Three Oaths, it can't be that every Jew must go to Eretz Yisroel. Once it is not obligatory, other considerations take precedence over the mitzvah. The Rashbash gives six examples of factors that would prevent one from going: 1) If his wife does not wish to come along; 2) If he has children and cannot leave them; 3) If he thinks he will find a place to learn Torah in Chutz Laaretz but not in Eretz Yisroel; 4) He has a source of income in Chutz Laaretz, but in Eretz Yisroel he will not have one; 5) He cannot afford the trip and has to beg from others for his travel expenses; 6) The trip to Eretz Yisroel is dangerous. (Nowadays, the trip may not be dangerous, but living in Eretz Yisroel itself is dangerous.)

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. Therefore, 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 the same is the ruling of the Shulchan Aruch 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.¹⁵

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 was not satisfied with the Bach's answer that the wife has no responsibility to bring in the income.

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, possibly with the Bach's explanation, only holds that it's not sufficient. Thus when he writes that the law of a slave forcing his master applies even today, he may mean that this is true 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 as if it were his own, 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.

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.

¹⁵ Still, 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.

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.

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 there 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.¹⁶ 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.¹⁷

And in truth, Tosafos in Gittin 2a says that the land of the Philistines was actually part of Eretz Yisroel, as we 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.¹⁸ And in the

¹⁶ Today, however, with the Israeli government granting funding to idolatry, living there is the same as living in Chutz Laaretz for this purpose.

¹⁷ According to this, we can explain something that is puzzling about the Gemara in Kesubos. The full text reads as follows: "A person should rather live in Eretz Yisroel even in a city that's mostly non-Jews, than live in Chutz Laaretz even in a city that is mostly Jewish, because whoever lives in Eretz Yisroel is as if he has a G-d, and whoever lives in Chutz Laaretz is as if he has no G-d, as Scripture states, 'To give you the Land of Canaan, to be to you for a G-d.' (Vayikra 25:38) – And anyone who does not live in Eretz Yisroel is as if he has no G-d? Rather, say: Anyone who lives in Chutz Laaretz is as if he worships idols, as Scripture says, 'For they have expelled me this day from clinging to the land of Hashem, saying, go serve other gods.' (Shmuel I 26:19)..."

Why does the Gemara so forcefully reject the idea that living in Chutz Laaretz is like atheism, but readily accept the idea that it is like idolatry, which is not much better? Based on what the Rebbe says here, the answer is that the reason living in Chutz Laaretz is considered idolatry is because your tax money goes to support the idolatry of the nations under whom you live. In Talmudic times, all nations believed in some sort of religion, so it would not make sense to say that living under them is considered not believing in any higher power at all.

¹⁸ 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 worshipped idols" does not apply nowadays. The reason why the Rebbe is doubtful about this is that

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.¹⁹

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.

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.

Actually, it seems that the Ramban in Sefer Hamitzvos was not referring to the Gemara in Kesubos at all. The Ramban's language is, "Anyone who goes out of it and lives in Chutz Laaretz should be in your eyes as if he worships idols..." But the Gemara in Kesubos applies this to anyone who lives in Chutz Laaretz, whether they originated from Eretz Yisroel or not. Where did the Ramban get the idea that it applies only to one who leaves? The answer is that there are really two different statements of Chazal: one in the Gemara, and one in the Toras Kohanim on Parshas Behar (Vayikra 25:38). The Torah says, "To give you the Land of Canaan, to be your G-d." Chazal comment, "Every Jew who lives in Eretz Yisroel accepts upon himself the kingdom of Heaven. And whoever goes out to Chutz Laaretz is as if he worships idols." It is this statement that the Ramban means to quote. (The reference to "Kesubos" is an old printer's addition, and it was corrected in the recent Frankel edition to say "Toras Kohanim.")

Still, if the Ramban agreed to what the Rebbe says in this siman, it's not clear why he would hold that that statement of the Toras Kohanim applies even today – after all, what is wrong with leaving behind an Eretz Yisroel ruled by an idolatrous government and going to live under a different idolatrous government?

¹⁹ It's worth noting that the Gur Aryeh on Vayikra 25:38, the Haflaah on Kesubos. and the Avnei Nezer 454:14 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.

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.²⁰

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 26) say that Rabbeinu Chaim was a lone opinion.

Furthermore, 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 Ritva should have mentioned them and disagreed explicitly, as he usually does elsewhere. So we must say that there is no proof from the law of forcing a spouse that there is an obligatory mitzvah to go to Eretz Yisroel. Perhaps the law that one spouse forces the other is due not to the mitzvah to live there, but to the holiness of the place, as the Mishnah says that one spouse can also 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.²¹ 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 poskim²² who bring proof that there is a mitzvah to live in Eretz Yisroel even nowadays from the fact that the Rishonim (i.e. 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

²⁰ 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.

²¹ The same point is made by Tosafos, Bava Basra 20a.

²² Me'il Tzedaka 26: "And all the poskim hold that we force a wife to go with a husband as per the simple meaning of the Mishnah in Kesubos. And all the Acharonim - Teshuvos Maharit, Maharashdam, and Mahari Ben Lev also bring that Mishnah. If so, they certainly do not hold like Rabbeinu Chaim Cohen, who holds that since there is no mitzvah to go there, obviously one cannot force his wife to go with him."

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.²³

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 - 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 would apply even if the mitzvah now were equal to the mitzvah then.²⁴

Siman 7

²³ 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.

²⁴ See Igros Moshe v. 9 Even Hoezer 23, 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.

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.²⁵

Siman 8

²⁵ Another explanation of Rabbi Meir of Rothenburg's opinion is provided by the Vilna Gaon on Even Hoezer 75. He says that the mitzvos of the land apply to men, not women, so only the man can decide to move the family to Eretz Yisroel. Now, the mitzvos of the land are not time-bound, so why does the Gaon say they apply to men more than women? Perhaps the Gaon means that if they go as a married couple, the husband will be the one owning the land, so he will have the mitzvos. During Temple times, both spouses had the right to force, because then there was a mitzvah of living in the land itself, apart from any particular agricultural mitzvos. This would explain why Rav Yehuda, living after the Temple's destruction, could say that it is forbidden to move to Eretz Yisroel. This would not be contradicting any mitzvah, since the mitzvah no longer applied.

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.²⁶

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."

The Avnei Nezer proposes the above distinction in order to explain 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

²⁶ 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).

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 Kneset 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.

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 Yoshiah 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 Vayoel 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 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.

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.²⁷

Rashi explains, "Together, with a strong hand." We will have to understand the meaning of these cryptic words.²⁸ Later (Siman 17) 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.²⁹ 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.³⁰

²⁷ 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.

Indeed, the Midrash Rabbah on Shir Hashirim says that Bar Kochba transgressed the oath, even though he probably didn't have most of the Jewish people among his soldiers. Jews at that time lived in Babylonia, Egypt, Syria, and other parts of the world, and their total population is estimated at around 4 million. According to Dio Cassius, 580,000 Jews were killed in Bar Kochba's war.

²⁸ "With a strong hand" seems to indicate military force, while "together" seems to indicate a large group, so which is it? It cannot be that we need both, as explained in the previous note.

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,³¹ you are compared to cedar wood, which can rot."³²

We see here that any mass immigration³³ 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

²⁹ "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 (a Samaritan enemy of the Jews), 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." (Maharsha, Kesubos 111a)

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.

³⁰ Possibly the Maharsha did not mean that only someone who literally build the wall of Jerusalem violates the oath; rather, building a wall is just one example of rebellion against the ruling power. The Zionists did not build the current wall of Jerusalem, but they did build a state against the will of the land's residents.

Rabbi Shlomo Aviner, in his booklet Shelo Yaalu B'chomah, containing 13 arguments for how, in his opinion, the State of Israel escapes the prohibition of the three oaths, lists permission of the nations as argument #1, and lists the Maharsha as one of those espousing it. To be sure, there have been many rabbinic commentaries over the ages who stated that the oath only forbids conquest, not peaceful immigration with permission from the ruling power. But Rabbi Aviner is claiming that these sources would permit an independent state as well.

He does not address the question of whose permission would be necessary. Perhaps permission works only when granted by the ruling power (e.g. Persia, which ruled Eretz Yisroel in Nechemiah's time), not in a 1947-like situation where permission was granted by the UN, who did not rule anything. But let's ignore that for now.

Let's focus on the leap from immigration to independent state. It's quite possible that those who permit peaceful immigration do so because that does not depart from the parameters of exile. Just as 3 million Jews could live in Poland, or 5 million Jews could live in the United States, but still be completely in exile, so too millions of Jews could come to Eretz Yisroel under the Ottoman or British empires and still be in exile. Independence is a different story; that would be dechikas haketz – forcing the end of exile.

Back to the Maharsha: Rabbi Aviner might argue that the Maharsha is saying that whatever the oath prohibits, one may do with permission from the king. Thus if the oath prohibited building the walls of Jerusalem, yet with the king's permission it was allowed to do so, it follows that if the oath (that is, the other oath of dechikas haketz) prohibits an independent state, then with the king's permission it would be allowed to found one.

The flaw in this reasoning is that independence from the king is the very thing that the oath of dechikas haketz prohibits. So, building a defensive wall with permission from the king is by definition permitted because it doesn't go against the oath; the Jews are building it as subjects of the king. But declaring an independent state with permission from the king, even if such a thing had ever happened, would definitely be a violation of the oath.

Furthermore, even if the British as the ruling power in Palestine had given it to the Jews, but the Jews had to fight a war against local Palestinian Arabs to gain control of the land, that would have been considered "with a strong hand" as well as dechikas haketz. The Zionist response is that the state was declared and then afterwards the Arab armies attacked. Thus the fight was not a fight to establish the state; it was to defend an already existing state. This argument ignores the plain fact that when the Zionists made their declaration of independence, they knew full well that an attack was coming. They had even held a meeting to assess the readiness of their army for the attack, and based on those facts decided to take the step of declaring independence.

³¹ Some Jews coming to Eretz Yisroel and others staying behind, like a double door where one door is opened while the other stays in place (Rashi).

³² The presence of Hashem did not dwell in the Second Temple (Rashi).

³³ We still don't have a definition of "mass immigration." In Ezra's time, 42,360 Jews immigrated in the first wave (when Cyrus granted permission – Ezra 2:64) and another 1,500 came with Ezra himself (8:1-20). So clearly, anything less than that is not "mass". The question is where the line is drawn.

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 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.³⁴

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.³⁵

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.

Rabbi Aviner argues that since we know that 42,000 or fewer certainly don't constitute "as a wall," today's state is permitted because that number of people never immigrated at once; rather they came slowly over a period of a century. In the Second Temple, they also came in stages, yet since no one stage had over 42,000, the Gemara says it was not considered "as a wall." The same is true today.

However, there may not have been anymore immigration after those 42,000. All the Jews of the Second Temple era may have been descendants of that group, as the Pnei Yehoshua states in his comment on Kesubos 110b.

And even if the immigration did continue over a long period, 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 (according to Reish Lakish). 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.

³⁴ The Maharsha in Yoma is thus expressing a different explanation from the one he gives in Kesubos. In Kesubos he says that "going up as a wall" means doing something (like building a wall) to show independence from the Persian king who ruled the Holy Land, whereas in Yoma he says it means coming up in larger numbers, such that they could "be their own wall" and defend themselves without the need for a wall of stone.

³⁵ This supports the first possibility listed above: that "wall" does not mean the majority of the Jews, merely a large number, just as a large number could guard against assimilation.

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 Babylonia³⁶ 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.³⁷

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

³⁶ Or, according to the Matnos Kehunah quoted above, Babylonian Jews who had come to visit Eretz Yisroel.

³⁷ However, see Siman 80, last paragraph, where the Rebbe suggests that the reason why the Rambam doesn't incorporate the oath against "going up as a wall" into his Mishneh Torah is because he holds that "wall" refers to a majority of the Jews coming to Eretz Yisroel. This would be an ingathering of the exiles, and based on the pesukim in Devarim 30, cannot happen until the Jews repent. Anyone advocating such mass aliyah is thus a denier of the pesukim, and the Rambam did not need the oath to condemn such a person.

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.³⁸

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."³⁹

[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.

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

³⁸ 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.

This assumption seems strange, especially given that the Yefeh Kol himself lived in the Ottoman Empire which controlled Eretz Yisroel. Why would he explain the oath against rebellion in a way that only applies to an ownerless Eretz Yisroel? Perhaps with his Ruach Hakodesh, he foresaw a situation like 1948, which the British withdrew from the land and let Jews and Arabs – neither of whom had been sovereign before – fight over it.

³⁹ Rabbi Chaim Palaggi (Nishmas Kol Chai 49) quotes this and responds, "What difference does it make if Hashem scattered us? Now that the nations gave us permission to return, we may return." As to the Maharash Yafeh's question about why we need two oaths, his answer is that the oath against rebellion forbids only rebellion in other matters, not in the mitzvah of going to conquer Eretz Yisroel. Therefore we need the oath against going up as a wall to forbid conquering Eretz Yisroel. Peaceful mass immigration to Eretz Yisroel remains permitted.

Rabbi Chaim Palaggi also mentions the Rashbash (quoted by the Rebbe later in Maamar Yishuv Eretz Yisroel 3) who says that during exile, immigration to Eretz Yisroel is only for individuals, but for the masses it is "nimnaas" (withheld, impossible or forbidden). At first he understands the Rashbash to mean the same thing as the Maharash Yafeh: that mass immigration is forbidden under the oaths. In the end, he prefers to say that the Rashbash means it is impossible, but not forbidden. It is unlikely, he says, that all 70 nations would give the Jewish people permission to leave and go conquer Eretz Yisroel. Oddly, like the Maharash Yafeh in his first explanation, he seems to look at the other nations outside Eretz Yisroel as the main obstacle Jews will face.

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...⁴⁰ 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 Hashiriim 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

⁴⁰ This seems to contradict the Ramban quoted by the Ran on the first page of Megillah (1b in the Rif's pages) who says that most of the Jews had returned by the time of the Purim story, and that is why they made Purim depend on which cities had a wall from the time of Yehoshua. (??)

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 Babylonian".

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 Rabbi there were some who wished to issue a ruling that the lineage of Babylonia Jews is inferior to that of Eretz Yisroel Jews. Rabbi said to them:

You are putting thorns between my eyes.” Rashi explains that Rabbi 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.

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 Meleches 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.

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.

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.

[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 Vayoe 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.

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.

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.”

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.”

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.

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. [What if the generations elapse before the years are up?]

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.]

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.

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.

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].

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.]

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”?

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 an 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.”⁴¹

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.

⁴¹ 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. See Hakdama, section 14 for more on the subject of Zionism delaying the redemption.

See also Rabbi Yosef Leib Bloch, the Telzer Rav (Shiurei Daas, Dor Haflaga, pp. 63-66) who quotes Chazal’s statement, “The son of Dovid will not come until the Jewish people give up on the redemption...Three things come when we take our attention off them - moshiach, a fortuitous find and a scorpion” (Sanhedrin 97a). The Telzer Rav explains, “Not that we should give up on the redemption, but that we should give up on bringing the redemption through our own efforts. The redemption time has been planned by Hashem since before creation, and we have no way of knowing it. Many Jews throughout history have made the mistake of searching for ways to bring the redemption prematurely - each generation in its own style. In the earlier generations attempts were made to use spiritual methods, such as Kabbalah, and in the later generations attempts were made to use natural means. But all these did not succeed and cannot ever succeed, for the redemption cannot come about through human effort. It can only come when we take our attention off these efforts in the realization that they are futile.

“This is the comparison to a fortuitous find: a person has no way of knowing where he will run across such a find. Thinking about it will not hurt, but if he moves in a certain direction to look for it, it is quite likely that he will actually be moving further away from it. In the same way, if we make our own efforts to bring the redemption, not only will these efforts fail, but they are likely to bring us further away from the redemption. By striving for what we think is the redemption, we will be distancing ourselves from the true path of redemption. Whatever redemption we do find will not be the promised redemption; this itself causes the redemption to recede further.

“We have witnessed this many times in history: those who sought ways to bring the redemption ended up even further from the truth and the true emunah. And we see this today as well: that because they desired to bring the redemption with their own power, the people of our generation have become distanced from Torah and emunah. This has caused many tragedies, and thanks to them we have taken many steps backward, away from the redemption - may Hashem have mercy.”

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.

According, 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?

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.

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 Rebbe 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 Rebbe, 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 Rebbe 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, Rebbe 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 Rebbe 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 Rebbe 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?

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 much 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 Radbaz 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 Radbaz. 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 Radbaz 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.]

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) quotes the posuk (Tehillim 78:10) which 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 took place 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 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"?

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 Vayoe! 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?

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.

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-kAsher 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' (Koheles 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.

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.

[In the previous three simanim, the Rebbe argued that since an oath cannot be imposed on unborn future generations, the Three Oaths are merely the Gemara's way of stating the severity of a prohibition that existed already, without the oaths. Now he will attempt to show what exactly that prohibition is, by analyzing the statements of the Rambam and others regarding the signs of redemption and the criteria for identifying moshiach.]

The Rambam in his Letter to Yemen writes in reaction to an event that took place at that time: a certain individual claimed to be moshiach, and was able to perform signs, wonders, resurrection of the dead and similar feats. He thus gathered a following of Jews. The Rambam writes at great length and warns that people should not believe in him. He expresses amazement at the rabbi to whom he addresses the letter: since he was familiar with the works of Chazal, how could he be misled in such a matter? In great detail, the Rambam explains the qualities that the true melech hamoshiach will have: he will be a very distinguished prophet, on a level higher than all the prophets aside from Moshe Rabbeinu. Furthermore, Hashem will give him special abilities that even Moshe did not possess, as Scripture says: "He will sniff with the fear of Hashem; he will not judge by eyesight..." (Yishaya 11:2). "The spirit of Hashem will rest upon him..." (ibid. v. 3). A hitherto unknown man will arise, writes the Rambam, and the signs and wonders that he will cause to happen will be the proofs of his authenticity. Now, it is known that Hashem does not give the gift of prophecy to anyone who is not on the highest level of wisdom. (Check if this line is from the Rambam himself) The Rambam writes further that he could collect from all the books of the Tanach statements about the qualities of moshiach and his special abilities. For example, at the moment when he is revealed, all the rulers of the world will be overwhelmed by the news. Fear and confusion will strike their governments, and they will make plans for how to resist him, with the sword or otherwise. This indicates that they will not be able to dispute his messianic status, or deny him; they will simply be overwhelmed by the wonders that he will bring about, and they will be speechless. (Check if this line is from the Rambam himself)

However, the absence of rivalry and warfare from the east to the west is not something that will happen when the messiah is first revealed, but rather later, after the War of Gog and Magog. (Check if this line is from the Rambam himself)

Earlier, the Rambam writes that there is no doubt that the return of prophecy is the precursor to moshiach.

I have copied a few lines from the Rambam – not all, for it is very lengthy - in order to gain some understanding of his position. One can look there and read the rest.

Let us first look into the source for the Rambam's statement that moshiach will be greater than all the prophets except for Moshe Rabbeinu. From the verses of Tanach it would appear that moshiach will be greater than all the prophets. However, the Rambam must have reasoned that it is impossible for him to reach the level of Moshe Rabbeinu, since the Torah says, "And there never arose another prophet in Israel like Moshe" (Devarim 34:10).

However, the Midrash Tanchuma on Parshas Toldos expounds the verse, “Behold, my servant will be wise; he will be high, exalted and greatly elevated” (Yishaya 55:13). “This teaches that he will be higher than Avraham, more exalted than Moshe, and higher than the angels,” says the Tanchuma.

The Rambam would resolve this by saying that in one aspect moshiach will indeed be greater than Moshe: he will have the power to judge by smell (“not by his eyesight will he judge”), as he writes there in Igeres Teiman. This ability of moshiach is mentioned in the Gemara (Sanhedrin 93b). Moshe Rabbeinu did not have this ability, so we can understand the Tanchuma’s statement “he will be more exalted than Moshe” to refer to this ability, not to his level of prophecy, which would contradict the verse, “There never arose another prophet like Moshe.”

However, the holy Zohar (Pinchas 246a and Raya Mehemna Teitzei 280a, end of the page) states that moshiach will be Moshe Rabbeinu himself. And so it seems from other Midrashim (Midrash Rabbah Devarim 9:9). (Although it is also stated that he will be Dovid (Yechezkel 37:24, Hoshea 3:5), the Ohr Hachaim Hakadosh in Parshas Vayechi (Bereishis 49:11) reconciles this by saying that moshiach will have some of each of the souls of Dovid and Moshe.) According to this, we could explain the Tanchuma statement “he will be more exalted than Moshe” to refer to prophecy as well. For if moshiach will be Moshe himself, saying that he will reach a higher level of prophecy at that time does not contradict the verse, “There never arose another prophet like Moshe.” The Rambam, who says that moshiach will not reach the level of Moshe, did not have access to the Zohar.

In any case, the Rambam does say that in one aspect – judging by smell – moshiach will be greater than Moshe. Now, we have to understand: how did the Rambam know that Moshe Rabbeinu did not have this ability? Doesn’t the holy Zohar (Balak 186) tell the story of a child who had this ability? It says that the child knew that Rabbi Yitzchok and Rabbi Yehuda had not said Kriyas Shma that day. [These Taanaim were visiting a town and staying at a certain widow’s home. When her son came home from school, he said, “I cannot stand next to you because you did not say Kriyas Shma today.” They said, “Yes, it’s true, because we were occupied with a different mitzvah and thus we were exempt from saying Kriyas Shma.”] One of them asked the boy, “My son, how did you know?” He replied, “From the smell of your garments, when I drew near to you.” The Nitzotzei Oros, a commentary on the Zohar, quotes the Midrash on the Book of Rus, which says that Adam, the first man, had this ability as well. He also quotes Rabbi Chaim Vital, who writes in the Shivchei HaAri (a biography of Rabbi Yitzchok Luria, who was known as the Arizal) that the Arizal was able to discern facts from the smell of a person’s clothing, like the child mentioned in the Zohar. The Yismach Moshe, in his responsa Heishiv Moshe (Orach Chaim 2), writes that certainly any quality that we find in any great person in history, Moshe Rabbeinu had as well, except for moshiach (Check if this line is from the Yismach Moshe himself, regarding whom Scripture (Yishaya 55:13) testifies that he will be greater than Moshe. All the other abilities that were achieved by great individuals other than moshiach, Moshe had too.

Therefore, although the Rambam did not see the Zohar, we must still ask how he knew that Moshe did not have the ability to judge by smell.

We would have to answer that there is a range of levels of this ability to discern spiritual matters through the smell. It is similar to prophecy, where we know that there is a range of levels, and all the other prophets did not reach the level of Moshe Rabbeinu in prophecy. Here too, only moshiach will actually be able to rule on monetary cases between two people based on smell alone, without seeing or hearing any facts, as Scripture says, “Not by his eyesight will he judge, and not by what his ears hear will he rebuke.” No one else has ever achieved that. Although there have been great individuals who could discern much information with their sense of smell, they never reached the point where they could rule on monetary cases between two people, or force one person to pay the other, through smell alone.

Furthermore, the Gemara (Yoma 75a) tells us explicitly that Moshe used a different spiritual method to discern facts when ruling on disputes.

<blockquote>Just as a prophet could reveal to the Jews facts that were hidden in the holes and the cracks, so too the manna used to reveal to the Jews facts that were hidden in the holes and the cracks. For example, if two people came before Moshe with a dispute, one claiming, “You stole my slave,” and the other claiming, “You sold him to me” – Moshe would tell them, “Come back in the morning and I will decide.” In the morning, if the slave’s portion of manna was found next to the house of his first master, it becomes clear that the second one stole him. If his portion was found next to the house of his second master, it becomes clear that he purchased the slave legally. Similarly, if a husband and wife came before Moshe with a dispute, the husband claiming, “She was unfaithful to me,” and the wife claiming, “He was unfaithful to me,” [Rashi explains that according to the husband’s claim, he must divorce her and he need not pay her the kesubah, while according to the wife’s claim, there is no obligation to divorce, but she is entitled to demand a divorce with payment of the kesubah; this is in contrast to a wife who requests a divorce without grounds, in which case even if the husband grants it, he need not pay the kesubah since the divorce is on her initiative) Moshe would tell them, “Come back in the morning and I will decide.” In the morning, if her portion of manna was found next to the husband’s house, [it becomes clear that she was really faithful to him, and he is not obligated to divorce. If it fell next to her father’s house, it shows that she was unfaithful and he must divorce her. (This is the Bach’s version of the text.)]</blockquote>

So we see that Moshe Rabbeinu could not simply tell who was in the right from their smell; he had to resort to the test of where the manna would fall the next morning.

Similarly, Yisro said to Moshe regarding the adjudication of civil cases, "You will surely tire out" (Shemos 18:18). [Why would Moshe tire if he were ruling based on smell?] And Moshe said, "Whatever case is too hard for you, bring it to me and I will hear it." We see that he at least needed to hear it. Regarding the king moshiach, on the other hand, Scripture states that he will require neither seeing nor hearing; rather he will rule on every case based on smell alone.

Now, we cannot write lengthy dissertations on subjects of which we have no understanding whatsoever. But in any case, it must be that the Rambam understood it this way [that Moshe did not have this ability that moshiach will have, to rule based on smell] based on the Scriptural verses and the words of Chazal.

One might ask: how can we use supernatural methods such as prophecy, manna and smell to judge monetary cases? Isn't there a principle that "the Torah is not in heaven" (Bava Metzia 59b)? The Maharam ben Chaviv has already resolved this question by saying that only when it comes to deciding the halacha do we say that the Torah is not in heaven, but when it comes to questions of fact, such as determining whose claim is true and whose is false, one can rely on supernatural abilities like these, provided that they are reliable.

However, we have to analyze something else here: at first glance, these words of the Rambam in Igeres Teiman would seem to contradict what he writes in Sefer Hayad, Hilchos Melachim 11:3:

<blockquote>Let it not enter your mind that the melech hamoshiach will have to perform signs and wonders, changing the nature of the world, or resurrecting the dead and the like. It is not so. The proof is that Rabbi Akiva was one of the great sages of the Mishnah, and he was a close follower of King Ben Koziva, proclaiming him as the melech hamoshiach. He and all the sages of his time thought that he was the melech hamoshiach, until he was killed because of sins. Once he was killed, they realized that he was not. But the sages did not ask him for a sign or a wonder. The fundamental principle is that the laws and ordinances of this Torah are forever and ever, and we can neither add to them nor subtract from them.

And if a king arises from the house of David, studying Torah and following the commandments like his father David, in accordance with the written and oral Torah, and he compels all of Israel to follow it and reinforce its weak points, and he fights the wars of Hashem, then he is presumed to be moshiach. If he succeeds...</blockquote>

Clearly, the Rambam gives only one sign by which to identify the melech hamoshiach: that he will compel all of Israel to fulfill the holy Torah and reinforce its weak points. Aside from that, he does not need to perform any sign or wonder, as he proves from Ben Koziva. In Igeres Teiman, on the other hand, the Rambam writes at length about the many qualities that the melech hamoshiach will possess and the amazing wonders that he will perform, and states that one who does not have all of these qualities is certainly not moshiach. This seems to be a contradiction. And one cannot say that the Rambam changed his mind, since, as I have already mentioned (Siman 31), in letters that he wrote in his old age, after he wrote the Sefer Hayad, he affirmed everything that he wrote in the Igeres Teiman.

Siman 38

[In the previous siman, the Rebbe pointed out an apparent contradiction between two works of the Rambam. In his letter to Yemen, he states that moshiach will judge based on smell alone, and that the signs and wonders he will perform will be the proof to his authenticity. In Yad Hachazakah, he says that moshiach need not perform any miracles; the only criterion for moshiach is that he must compel all Jews to follow the Torah.]

However, with a little analysis, we will see that there is no contradiction here. For even in the Sefer Hayad itself, the Rambam writes later in Hilchos Melachim (12:3) that moshiach will be a prophet:

<blockquote>All of Israel will gather around him and he will establish their lineage with the prophetic spirit that rests upon him. </blockquote>

The Rambam brings proof to this from the verse, “And Hatirshasa told them that they could not eat from the holiest foods until a kohein would arise with the Urim Vetumim” (Ezra 2:63). The Kesef Mishneh quotes the Tosefta, which comments on the above verse, “Like a man who says to his friend, until moshiach comes.” [The Kesef Mishneh states that this is found in the Tosefta Kesubos Chapter 1, but it is not found there in our versions of the Tosefta; a similar Tosefta appears, however, in Sotah 13:3, with one difference: instead of a reference to moshiach, it ends, “Like a man who says to his friend, until the dead come back to life, or until Eliyahu comes.” The text of the Gemara in Sotah 48b is, “Like a man who says to his friend, until the dead come back to life and Moshiach ben Dovid comes.”] We see from this that moshiach will have at his disposal the Urim Vetumim, which is more powerful than prophecy, as is evident from the fact that it has the power to testify to a kohein’s lineage, something that even the great prophets of Ezra’s time could not do. Now, the Urim Vetumim was certainly an amazing miracle, one of the greatest wonders of the world. So we see that even in Sefer Hayad, the Rambam says that moshiach will perform miracles.

In Hilchos Teshuva 9:1, the Rambam states further regarding the melech hamoshiach:

<blockquote>He will be wiser than King Solomon and a prophet almost as great as Moshe Rabbeinu, and therefore he will teach the entire Jewish people and guide them in the path of Hashem; all the gentile nations will come to listen to him as well. </blockquote>

So we see that even in the Sefer Hayad, the Rambam holds that the melech hamoshiach will be a prophet greater than all the other prophets, almost as great as Moshe Rabbeinu, just as he writes in Igeres Teiman. He also writes that all the gentile nations will come to listen to him, and it is certainly not natural that all the nations should come to listen to a Jewish man.

Furthermore, the Rambam writes earlier, in Hilchos Yesodei Hatorah 7:1:

<blockquote>Prophecy rests only upon someone who possesses great wisdom, strength of character, someone whose evil inclination never defeats him in any area, but who always defeats his evil inclination... someone who leads a holy life, separating himself from the ways of common people who walk in the darkness of the times, constantly urging himself to do better and teaching himself never to think about empty matters or current vanities and ideas...</blockquote>

He writes at length about the qualities a prophet must have, and then turns (7:7) to the criteria for identifying a prophet:

<blockquote>When G-d sends a prophet, He gives him a sign or a wonder so that the people should know that G-d truly sent him. But we do not simply accept anyone who performs a sign or a wonder as a prophet. Only if someone whom we knew beforehand as fit for prophecy, by virtue of his wisdom, his deeds superior to all of his colleagues, someone who follows the holy and pious path of prophecy, comes and performs a sign or a wonder and claims that G-d sent him, it is a mitzvah to listen to him.</blockquote>

Similarly, he writes in Hilchos Yesodei Hatorah 10:1-2:

<blockquote>Whenever a prophet arises among us and claims that Hashem sent him...we say to him: If you are a prophet, tell us some future events. He tells us, and then we wait to see if his words come true. Even if one minor detail fails to materialize, we know that he is a false prophet... If all his words come true, then he becomes trusted in our eyes. We test him many times. If on every occasion his words come true, he is a true prophet.</blockquote>

Thus, if the Rambam writes that the melech hamoshiach will be such a great prophet, it must be that he will be tested with a sign or wonder, combined with all the above-mentioned qualities that a prophet must possess. Obviously, then, when he writes in Hilchos Melachim that "moshiach need not perform signs or wonders, changing the nature of the world, resurrecting the dead or similar things" he means only that moshiach will not have to make the sort of miracles that change the nature of the world, like resurrecting the dead and other supernatural feats. Those things will happen at a time further into the future. But the melech hamoshiach himself will certainly be a wondrous person.

This resolution of the Sefer Hayad with the Igeres Teiman – that moshiach will indeed perform miracles but nothing that changes the nature of the world – is explicit in the Rambam's Commentary on the Mishnah, in the chapter Chelek of Sanhedrin, where he writes regarding the melech hamoshiach:

<blockquote>His name will be renowned and he will be known throughout the nations, more famous than King Solomon. All the nations will make peace with him and all the lands will serve him because of his great righteousness and the wonders that he will perform. Nothing of nature will change from its current state, except that sovereignty will return to Israel.</blockquote>

Here the Rambam makes much of the miracles that will be performed by moshiach, yet states in the same breath that no change in nature will take place. This shows that there is no contradiction between the Rambam's works Yad Hachazakah and Igeres Teiman. We need not write at length to explain all the details, for the above is clear to anyone who studies the text.

Siman 39

[Background: The Rambam (Hilchos Melachim 11:3) stated that moshiach will not have to perform miracles to prove himself; as proof, the Rambam cited the fact that Rabbi Akiva and the other Sages thought that Ben Koziva (Bar Kochba) was moshiach, and they never asked him for any sign or wonder. In Siman 38, the Rebbe showed that the Rambam agrees that moshiach will be a great prophet with supernatural powers; it is only in the rest of the world that nature will not change. It follows that if Ben Koziva was mistaken for moshiach, he must have been a prophet or at least a candidate for prophecy.]

It must be that Ben Koziva was an amazing holy man, fit for prophecy, possessing all the traits that the Rambam enumerates (Hilchos Yesodei Hatorah 7:1 and 7:7; see above Siman 38). The clear proof to this is from the Gemara (Sanhedrin 93b), which relates that the Sages said regarding Ben Koziva, "Let us see if he can judge based on smell." This was an ability that even Moshe Rabbeinu did not have, as the Rambam writes in Igeres Teiman (see above Siman 37). If Ben Koziva was not deserving of such a high spiritual level, how could the Sages have entertained the possibility that he had this ability, to the point that they took the trouble to test him?

Furthermore, the Rambam, even in Sefer Hayad (Hilchos Teshuva 9:1), writes clearly that the melech hamoshiach will be a prophet greater than all the prophets, and the Rambam earlier established a principle (Hilchos Yesodei Hatorah 7:7) that we must not believe in anyone's status as a prophet unless he has all the qualities that the Rambam enumerates. So how could the Sages have thought at first that Ben Koziva was the melech hamoshiach, if he did not possess those qualities that make a person fit for prophecy?

The Midrash Rabbah (Eichah 2:4) tells that when Ben Koziva and his soldiers went out to battle, they would pray using the verse from Tehillim (60:12), "Did you not desert us, O G-d? Do not go out, O G-d, among our troops!" One might argue that this shows that Ben Koziva was a man without much faith, like

the Zionists, who thought he could succeed without G-d's help. But the commentators explain that whenever it is impossible to win a battle naturally, and miracles and Divine intervention are necessary to save the Jews, the Jews need more merits to deserve such intervention. If the Jews are naturally strong, on the other hand, such that on the contrary, it would take a miracle for them to lose the battle, then it is easier to be saved – they need less merit. That is what Ben Koziva meant: he knew that the Jews of his time did not have enough merit for miracles, but he and his army were physically strong, so he said, "Let G-d's attribute of justice not come out especially to punish us." Similarly, the Midrash says that Ben Koziva's soldiers said before battle, "Do not help us or destroy us!"

It would also seem that Chazal's intent was that although Ben Koziva did not intend anything sinful with this prayer, it was indeed a mistake that contributed to his downfall. This is comparable to the story Chazal tell in Gittin 57a about a similar Jewish military hero, Bar Deroma, who also prayed, "Do not go out, O G-d, among our troops!" The Gemara says, "Bar Deroma's mouth caused him to stumble." He did not mean to say anything incorrect, rather he stumbled in his speech. Thus it is not as some mistakenly think, that Ben Koziva did not believe in Divine intervention, Heaven forbid.

The Jews of Ben Koziva's time as well were completely righteous; Chazal could find no sin in them other than the fact that they did not mourn for Jerusalem. [The Yerushalmi Taanis 24b says that Beitar continued to exist for 52 years after the destruction of the Temple, and it was destroyed because they lit candles to celebrate the destruction of Jerusalem. They did so out of anger at the wealthy swindlers who lived in Jerusalem and used to trick Jews from Beitar into selling their fields, using false documents.]

Perhaps if not for that sin, they would have been on a high enough level to merit an early redemption, as Chazal say, "If they merit, I will hasten it" (Sanhedrin 98a). But because of this single sin that they committed, it was not the right time for an early redemption, and as a result, to launch an uprising against Rome was considered forcing the end, and they received the punishment of which Chazal warned, "I will permit your flesh," may Hashem spare us.

As I stood at Rabbi Akiva's grave during my visit to Tiberias this past summer (5719/1959) [Vayoel Moshe was first published in 1959, Rosh Hashanah 5720; the second edition came out one year later], I thought of an idea to explain Rabbi Akiva's position regarding Ben Koziva. It was not a mistake, Heaven forbid, but rather there was a good reason, ordained in Heaven, why he said what he said at that time. I came up with an idea as to what this reason might have been, but I do not wish to write at length about it now.

[This explanation can be found in Divrei Yoel, Parshas Shemos, p. 51: Rabbi Akiva's belief in Ben Koziva served to minimize the punishment of the Jewish people for the uprising. If no Tanna had supported Ben Koziva, Hashem would have been more angry at the Jews for following a false moshiach. Hashem caused Rabbi Akiva to support him create a defense for the Jewish people. Although the Ben Koziva movement still resulted in terrible destruction, it was less severe than it could have been, due to the power of Rabbi Akiva's Torah. That is why we were left with so many tzaddikim, the students of Rabbi Akiva. This does not mean to say that Hashem caused Rabbi Akiva to make an error. He made no legal error, since Ben

Koziva certainly must have had the qualifications to be a prophet and to be moshiach, as the Rebbe writes here in Vayoe Moshe. The fact that he was not moshiach was only knowable in retrospect.]

The truth is that nobody knows the real story; the ways of the holy Tannaim are deep. What we do know is that Chazal say that the error of supporting a movement that attempted to force the end was an awesome and terrible stumbling block. Furthermore, the conclusion of the story, according to the Talmud Bavli, is that the Sages killed Ben Koziva. All the more so must we, orphans, children of orphans, keep far in all possible ways from any sort of steps toward forcing the end, more than one flees from a lion chasing him to kill him, may Hashem spare us. May Hashem Yisborach have mercy on us and all of the Jewish people and send up moshiach, soon in our days, amen.

The Radbaz says that if Rabbi Akiva did not retract his view that Ben Koziva was moshiach, it was because no case was ever brought before Ben Koziva on which he would have had to rule using his sense of smell. We see here that the Radbaz held that there is no dispute in this matter; all agree that the melech hamoshiach will judge based on smell.

[The Rambam says that the Sages did not ask of Ben Koziva any sign or wonder; the Raavad disagrees, based on the Gemara in Sanhedrin which says that the Sages tested him to see if he could judge based on smell. This would leave us with the impression that the Rambam holds that the halacha does not follow that Gemara and moshiach need not be able to judge based on smell. However, the Radbaz makes it clear that there is no dispute; the Rambam agrees to the Raavad, but holds that Rabbi Akiva supported Ben Koziva because he never had the chance to test him. This would fit well with the explicit words of the Rambam in Igeres Teiman, which say that moshiach will judge based on smell, quoted earlier in Siman 37. Thus, the Rambam meant that Chazal never asked Ben Koziva to perform a miracle involving the nature of the world around him, such as resurrecting the dead. However, they did expect him to be able to judge based on smell, if the opportunity arose. The opportunity evidently did arise, but not when Rabbi Akiva was present. The Raavad, who disagrees with the Rambam based on this story, does not distinguish between miraculous abilities and changes in the natural world, and holds that performing a miracle is a necessity for moshiach; one cannot accept a messianic claim at all until one sees a miracle.]

That is why the Radbaz was forced to propose that no such case, where there would have been a need to judge based on smell, ever came before Rabbi Akiva at that time. This is an unlikely scenario, for if Rabbi Akiva's contemporaries tested Ben Koziva to see if he could judge based on smell, how could Rabbi Akiva not have heard about it?

Now, the Radbaz's use of the word "if" implies that he was uncertain as to whether Rabbi Akiva ever retracted his view. However, the Sefer Hayuchsin, by Rabbi Avraham Zacuto, Maamar 1, under Rabbi Akiva, says explicitly that even Rabbi Akiva, after seeing that Ben Koziva could not distinguish the wicked by smell, gave up his messianic hopes for him; he writes that this teaches us a great principle in the matter of moshiach.

[Rabbi Avraham Zacuto served as an astronomical advisor to the kings of Spain and Portugal at the time of the Inquisition. He gained fame as the inventor of the astrolabe, a device that enables sailors to use the stars to determine their position. His astronomical charts were used by Columbus and Vasco Da Gama when they crossed the Atlantic. After the expulsion of the Jews, he moved to North Africa and later to Jerusalem. His Sefer Hayuchsin covers world history from creation up to his time. Here is the full quote:

<blockquote>The Rambam says at the end of Mishpatim (actually, Shoftim) that he [Rabbi Akiva] was a bearer of arms for Ben Koziva, king of Beitar, whom he thought was moshiach. But in the Midrashos we do not find that he bore arms for him, but because he was from the tribe of Yehuda and he fought wars and did mighty acts and was successful, he thought that he was moshiach, applying to him the verse, “A star will go forth from Jacob” (Bamidbar 24:17). But once he saw that he could not identify the wicked by smell, as Scripture says, “And he will sniff with the fear of Hashem” (Yishaya 11:2), he gave up on him. And this [fact that we have a litmus test for moshiach] is a great principle in the matter of moshiach against the gentiles (the Christians).</blockquote>

The Maharsha as well, who writes in his commentary to Sanhedrin 93b that “even Rabbi Akiva was mistaken about him at first,” implies that he later retracted his position. [quote]

[Thus the Radbaz, Sefer Hayuchsin and Maharsha all assume that the Rambam agrees that moshiach must judge based on smell. The difference between them is only that the Radbaz was uncertain as to whether Rabbi Akiva was aware that Ben Koziva failed this test, while the Sefer Hayuchsin and Maharsha assume that he was aware and therefore retracted.]

It is surprising to me that the Lechem Mishneh [and the Kesef Mishneh] understand that the Rambam and Raavad disagree as to whether moshiach must judge based on smell. Apparently, he did not have access to the Igeres Teiman, where the Rambam himself writes explicitly that the melech hamoshiach will have to judge based on smell.

[The Kesef Mishneh writes that the Raavad, who says that moshiach must judge based on smell, is quoting the Gemara in Sanhedrin 93b: “Once the Sages saw that he could not judge based on smell, they killed him.” The Rambam, on the other hand, bases himself on the Midrash Eichah which says that the gentiles killed him. The Rambam made the unusual choice of following the Midrash over the Gemara because he held that the Gemara follows the opinion that holds that the natural order of the world will change in the messianic era, while the Rambam holds like Shmuel, who says that the only difference between our time and the messianic era is that the Jewish people will not be living under the nations. Since there will be no changes in nature, it must be that moshiach will not be able to judge based on smell.

The Lechem Mishneh quotes the Kesef Mishneh and then suggests a different reason why the Rambam would rule like the Midrash rather than the Gemara: the Gemara itself mentions another Amora, Rabbi

Alexandri, who disagrees with Rava and holds that the words, “Vaharicho beyiras Hashem” do not refer to judging by smell, but rather to a flour mill: Hashem will load moshiach up with mitzvos and suffering like a mill. The Rambam held that since the Midrash tells us that the gentiles, not the Sages, killed Ben Koziva, it must be that the halacha is not like Rava, but like Rabbi Alexandri.]

In any case, you see that the Radbaz and Rabbi Avraham Zacuto took for granted that there is no dispute about this. And even according to the Lechem Mishneh, the Rambam, even in Sefer Hayad, says clearly that moshiach will have to be a prophet almost as great as Moshe Rabbeinu. [Thus the contradiction between Sefer Hayad and Igeres Teiman is not so great.] Later (Siman 53) I will speak more about the dispute between the Rambam and the Raavad, and about the Kesef Mishneh and Lechem Mishneh on the subject of Ben Koziva.

Siman 40

[Now that we have established that all authorities, including the Rambam, agree that although moshiach will not make changes in the natural order of the world, he will display prophecy and other miraculous abilities, we proceed to analyze the Rambam’s next words, to see what the main identifying criteria for moshiach are.]

Now, the language used by the Rambam is difficult to understand. He says in Hilchos Melachim 11:3:

<blockquote>Let it not enter your mind that the melech hamoshiach will have to perform signs and wonders, changing the nature of the world, or resurrecting the dead and the like. It is not so. The proof is that Rabbi Akiva was one of the great sages of the Mishnah, and he was a close follower of King Ben Koziva, proclaiming him as the melech hamoshiach. He and all the sages of his time thought that he was the melech hamoshiach, until he was killed because of sins. Once he was killed, they realized that he was not. But the sages did not ask him for a sign or a wonder. The fundamental principle is that the laws and ordinances of this Torah are forever and ever, and we can neither add to them nor subtract from them.</blockquote>

The relevance of the last sentence is difficult to understand: is the Rambam implying that if the melech hamoshiach needed to prove himself with signs and wonders, this would constitute a change, an addition or reduction of the Torah? What do signs and wonders have to do with changing the Torah, Heaven forbid?

Now, the Rambam writes that the first identifiable sign that someone is moshiach is that he will compel all of Israel to keep the holy Torah and strengthen its weak points. The source for this idea is the verse from the Torah quoted by the Rambam in Hilchos Teshuva 7:5:

<blockquote>The Jewish people will be redeemed only through teshuva (repentance), and the Torah has already promised that the Jewish people will eventually repent at the end of their exile, and then they will immediately be redeemed, as the Torah says, “And it shall come to pass, when all these things have

come upon you... And you will repent to Hashem your G-d... And Hashem your G-d will return your exiles..." (Devarim 30:1-3).

The problem is that this point is the subject of a dispute in the Gemara, Sanhedrin 97b. Rabbi Eliezer indeed holds that they will be redeemed only if they do teshuva, but Rabbi Yehoshua disagrees. The same dispute occurs between Rav and Shmuel: Rav says, "All end times have passed, and the matter depends only on teshuva," while Shmuel says, "The mourner has mourned long enough." Rashi's first explanation of Shmuel is that if they do not do teshuva, Hashem will not remain a mourner forever; rather, certainly there will be an end to the matter. His second explanation is that the "mourner" refers to Israel: the suffering of exile is enough for Israel, and they will be redeemed even without teshuva. Whenever there is a dispute between Rabbi Eliezer and Rabbi Yehoshua, the usual rule is that we follow Rabbi Yehoshua. In a dispute between Rav and Shmuel, the halacha sometimes follows Shmuel (for example, in monetary matters). So what prompted the Rambam to decide that the halacha follows Rabbi Eliezer and Rav, who say that without teshuva we will not be redeemed?

The first answer that occurred to me is that the Gemara (Sanhedrin 97b) says that even Rabbi Yehoshua agrees that there will be teshuva:

<blockquote>Rabbi Yehoshua said to him (Rabbi Eliezer): If Israel does not do teshuva, will they then not be redeemed? Rather, the Holy One, blessed is He, will raise up against them a king whose decrees are as harsh as Haman, and then Israel will do teshuva, and he will set them back on the right path.</blockquote>

It is true that the Yerushalmi, Taanis Chapter 1 (page 3a), attributes this statement about a harsh king to Rabbi Eliezer. It is Rabbi Eliezer who holds that a harsh king will be the catalyst for the Jewish people's eventual teshuva, while Rabbi Yehoshua disagrees and holds that even without any teshuva they will be redeemed. But since the halacha always follows the Babylonian Talmud, which says that even Rabbi Yehoshua holds that they will repent, except that it will be prompted by a king as harsh as Haman, the Rambam rules that they will be redeemed only with teshuva.

However, we cannot fit this explanation into the Rambam, since he writes in Hilchos Melachim that the melech hamoshiach will force all of Israel to keep the holy Torah. In other words, he is saying that the teshuva will be accomplished by the melech hamoshiach, not by a king as harsh as Haman.

Also, the second Baraisa quoted in the Gemara in Sanhedrin 97b, which describes an extended back and forth argument between Rabbi Eliezer and Rabbi Yehoshua based on verses from Tanach, mentions nothing about the fact that Rabbi Yehoshua agrees that there will be at least a wave of teshuva prompted by a harsh king. On the contrary, from the language of the verses quoted by Rabbi Yehoshua in his final argument it would seem that even without any teshuva, only because of our terrible suffering and downtrodden state, Hashem will have mercy and bring moshiach. See the Gemara there:

<blockquote>Rabbi Yehoshua said to him: Does it not say, “I heard the man wearing linen above the waters of the river, and he lifted up his right and left hands to heaven and swore by the Eternal One that after a period, two periods and a half, and when the holy people cease to spread, all these things will end” (Daniel 12:7). And Rabbi Eliezer was silent.</blockquote>

Rashi explains:

<blockquote>When the holy people cease to spread – when their ability to stand up and the strength of their hands, which previously enabled them to spread to all sides, runs out; after their strength is gone, and they are extremely lowly, these tragedies will come to an end and moshiach will come, as the Torah says (Devarim 32:36), “For their power is weakened.”</blockquote>

And similarly, on Shmuel’s words, “The mourner has mourned long enough,” Rashi gives two explanations, which I quoted above. In both of them, he states clearly that the redemption can take place even without teshuva. [And Shmuel follows Rabbi Yehoshua’s position, so it would seem that Rabbi Yehoshua also holds that the redemption can come without teshuva.]

Now, regarding the question from the second Baraisa, we could reply that the second Baraisa agrees with the Yerushalmi, while the Rambam’s ruling follows the first Baraisa.

But we must ask: according to the Rambam’s assertion that the Torah promises that the Jews will repent at the end of their exile, and that this promise is stated in the verse, “And you will repent to Hashem” (Devarim 30:2), how can there be a dispute as to what will happen if they do not repent? This is a situation that will never arise, for we cannot have any doubt about an event that the Torah promises will happen.

Additionally, what will those who hold that the Jewish people can be redeemed even without teshuva (i.e. Rabbi Yehoshua and Shmuel) say to the verse “and you will repent”? Even more puzzling is the fact that none of the Baraisos that discuss this dispute between Rabbi Eliezer and Rabbi Yehoshua, in the Bavli or Yerushalmi, mentions this verse brought by the Rambam, “and you will repent.” They cite many other verses, but not this one. Actually, there is one Baraisa later in the Yerushalmi that cites this verse, but the Yerushalmi does not point out that that Baraisa is only going according to one side of the dispute between Rabbi Eliezer and Rabbi Yehoshua.

Here is the relevant quote from the Yerushalmi Taanis 3a:

<blockquote>As soon as Rabbi Yehoshua brought him the proof from the verse, “He lifted up his right and left hands to heaven...” Rabbi Eliezer admitted defeat. Israel was redeemed from Egypt for five reasons: because the time had arrived, because of their suffering, because of their outcry, because of the merit of their fathers, and because of teshuva... [And the future redemption will also come for these same reasons]...”When all these things befall you, in the end of days, you shall repent to Hashem your G-d and listen to His voice” (Devarim 4:30) – that is teshuva.</blockquote>

The Yerushalmi says that Rabbi Yehoshua won the argument, and in the same breath cites a verse to support Rabbi Eliezer, that the redemption will come only if there is teshuva. Apparently, the Yerushalmi held that this verse would not pose a problem for Rabbi Yehoshua.

Furthermore, the Maharsha in Megillah 31, s.v. Kedai, writes, "In the future they will be redeemed through teshuva, as is explicit in Parshas Nitzavim: And you shall repent etc." [The Gemara says there that we read the punishments listed in Parshas Ki Savo before Rosh Hashanah so that the year and its curses should come to an end. The Maharsha adds that the new year will begin with the teshuva foretold in Parshas Nitzavim, so that the redemption can come in the new year.] The Maharsha writes that it is explicit. But if there were a dispute in the Gemara as to how to understand this verse, how can it be called explicit?

Also, at the end of the Baraisa in Sanhedrin 97b-98a that describes the debate between Rabbi Eliezer and Rabbi Yehoshua, Rabbi Eliezer is silent and does not respond to Rabbi Yehoshua's argument. This would indicate that he conceded that Rabbi Yehoshua was correct.

One might argue that he remained silent merely because he did not find it important to respond, as the Gemara says in many cases. However, Tosafos on Bava Basra 62a, s.v. Umodeh, demonstrates from many examples throughout the Talmud that this is only said regarding a teacher who fails to respond to his student's question. But when the two are on a comparable level, such as a teacher and his student/colleague [i.e. halfway between student and colleague, and certainly in the case of true equal colleagues like Rabbi Eliezer and Rabbi Yehoshua], we do not assume that he maintained his opinion but felt no need to respond; rather, his silence indicates that he conceded to his opponent's argument. The same point is made by the Ramban in Milchamos Hashem, Succah Chapter 1, in the sugya of Rosh Tur, and many other poskim – see the responsa of the Chacham Tzvi 124.

Therefore, in the case of Rabbi Eliezer and Rabbi Yehoshua, who were colleagues and disputants in this issue (as opposed to one merely asking a question to the other), Rabbi Eliezer's silence indicates that he conceded to Rabbi Yehoshua. If so, at the end of the day there is no disagreement among the Tannaim; everyone agrees that moshiach can come without teshuva. [In light of this, how could the Rambam rule that teshuva is necessary?]

However, we cannot say that Rabbi Eliezer retracted his opinion, because Rav also says, "The matter depends only on teshuva and good deeds." Rashi explains: "If all of Israel returns in teshuva, he will come, and if not, he will not come." If we say that Rabbi Eliezer agreed to Rabbi Yehoshua, then Rav would not be following either Tanna. Although the Gemara does sometimes say that Rav himself was considered a Tanna and could disagree with the Tannaim, in this case we cannot say that, because the Gemara says explicitly that the dispute of Rav and Shmuel is the same as the dispute between the Tannaim Rabbi Eliezer and Rabbi Yehoshua. Thus it must be that Rabbi Eliezer and Rabbi Yehoshua remain in disagreement.

This leaves us with the question: Why did Rabbi Eliezer remain silent, if he was on an equal level with Rabbi Yehoshua and he disagreed with his argument? The answer may be that when there are no halachic implications, Tannaim did not always bother responding to the arguments of the other side in a dispute. This concept can be inferred from Shabbos 29b:

<blockquote>Rabbi Yehuda said: “We once spent Shabbos in the attic of Beis Nitzah in Lud, and they brought us an eggshell and we filled it with oil and pierced a hole in it and hung it over the opening of an oil lamp, and Rabbi Tarfon and the other sages were there and they did not speak out against it to forbid it for fear that someone might forget himself and take some oil out of the eggshell to eat, thus causing the lamp to go out sooner.” They said to him: “That is no proof – the people of Beis Nitzah were careful and would not forget.” Avin Zippora’ah dragged a bench in an attic with a marble floor, in the presence of Rabbi Yitzchok ben Elazar. He said to him, “If I keep quiet to you as the other sages kept quiet to Rabbi Yehuda, a disaster will result: it will be reported that I approved, and people will come to drag benches in a regular attic where the floor is dirt, where dragging the bench creates a ditch in the floor.”</blockquote>

We see here that one reason not to be silent in a dispute is so that no one should later report this as consent, resulting in the disaster of people committing a sin. This only applies to disputes over halacha, where a mistaken halachic practice could result. But here the dispute is only over matters of Aggadah, with no practical ramifications: all agree that the Jewish people must repent, even if the coming of moshiach does not depend on it.

This is what the Rambam says in Maamar Kiddush Hashem: that keeping the Torah does not depend on the coming of moshiach, and even someone who will not be privileged to see the coming of moshiach must keep the entire Torah.

[The Rambam wrote Maamar Kiddush Hashem, also known as Igeres Hashmad, in the city of Fez, Morocco during the rule of the Almohads, who forcibly converted Jews to Islam. Many converted Jews felt that they could continue to live in Fez, keeping Judaism in secret, since in any case moshiach would soon arrive. The Rambam responded that we cannot make our Judaism dependent on moshiach coming at a particular time. In his opinion, the Jews of Fez needed to relocate immediately to places where it would be possible to keep the Torah openly and indefinitely.]

See the Chasam Sofer’s Teshuva, Yoreh Deah 356, [where he writes that belief in moshiach is not a foundation of our emunah in the sense that if there were no moshiach, we would not have to keep the Torah. It is listed among the Thirteen Principles only because one who denies it is like one who denies anything written in the Torah.]

This dispute between Rabbi Eliezer and Rabbi Yehoshua is only about what Hashem will do in the matter of moshiach’s coming. We find other such disputes on matters of Aggadah with no halachic consequence whatsoever. In such cases, one party in the dispute might not bother to respond to the

other, since no halachic disaster could come of it. Therefore, his silence is no proof that he conceded to Rabbi Yehoshua.

Furthermore, not everyone agrees with Rabbeinu Tam quoted in Tosafos that silence in a dispute between two equals implies agreement. The Ramban on Bava Basra 62 mentions Rabbeinu Tam's rule but concludes in the end that it is uncertain, and therefore in a monetary case we leave the money in the hands of the defendant, while in cases of a possible prohibition we take the stringent approach. The Korban Nesanel in Beitzah, in the chapter Mashilin (Chapter 5), paragraph 300, writes that we are stringent only when a Torah prohibition is at stake, not a Rabbinic one. The same point is made by the Maharit in his responsa, v. 1, end of siman 83, although the subject the Maharit deals with is not entirely similarly to our subject here, as anyone studying his words will see. In any case, it would seem that there is no unequivocal rule that silence signifies consent, and in this case, since the Gemara says that the dispute of Rav and Shmuel mirrors the dispute of the Tannaim, the Amoraim writing the Gemara surely knew that Rav held that Rabbi Eliezer and Rabbi Yehoshua still held to their opposing positions.

Still, the Rambam's ruling like Rabbi Eliezer seems to violate the rule that the halacha follows Rabbi Yehoshua over Rabbi Eliezer. And as far as the dispute between Rav and Shmuel, aside from the fact that we follow Shmuel in monetary cases, the Gemara (Sanhedrin 98a) later quotes a statement of Rabbi Yochanan that seems to side with Shmuel:

<blockquote>Rabbi Yochanan said, the son of Dovid will come only in a generation that is completely innocent or in a generation that is completely guilty. In a generation that is completely innocent - as it is written: "And your people are all righteous; they will inherit the earth forever." (Yishaya 60:21) In a generation that is completely guilty - as it is written (59:16), "And He saw that there was no man, and He was astounded because there was no one to pray" and it is written (48:11), "For My sake I will do it."</blockquote>

We see here that Rabbi Yochanan holds that it is possible for moshiach to come in a generation that is completely guilty; Hashem will act only for His own sake. This is against Rav, who says that as long as the Jewish people do not repent, he will not come.

Now, certainly the description "completely guilty" does not mean that, Heaven forbid, there will not be any observant Jews left in the world. There are two proofs that this is impossible:

1. The promise, "For it will not be forgotten from the mouth of its seed" (Devarim 31:21) means that there will always be some Jews who keep Torah and mitzvos. [For knowing the Torah without keeping it would not be considered truly knowing the Torah.]
2. The Rambam writes regarding the mitzvah to sanctify the new moon, in Sefer Hamitzvos 153, that it is impossible for Eretz Yisroel to become completely empty of Jews, since Hashem promised that the Jewish people would never disappear, Heaven forbid. If at some point there were to be no Jews left in Eretz Yisroel, the Jewish calendar would come to an end, since the

sanctification of the new moon can only be done in Eretz Yisroel. Then there would be no festivals for any Jews anywhere, which would mean the end of our existence as a people, Heaven forbid. [Why can't it be that the Jewish people will continue to exist forever, only without the observance of festivals? Clearly, the Rambam understood that the promise of the immortality of the Jewish people includes the concept that there will always be some observant Jews left in the world.]

The Ramban disagrees and says that even if there were no Jews in Eretz Yisroel today, the calendar and the festivals would not come to an end, since the calendar for all the years until the coming of moshiach was fixed in advance by Hillel Hanasi. But even the Ramban disagrees only with the Rambam's halacha, not with his premise that there will always be observant Jews in the world.

If just ceasing to observe the festivals is enough to be considered the end of our people, then certainly ceasing to observe the entire Torah is. Since Hashem promised that the Jewish people would never disappear, we certainly cannot take "a generation that is completely guilty" literally, as many mistakenly do. Rather, there are two ways to explain it.

- 1) It is known that Hashem judges the world by its majority. If, Heaven forbid, most of the world is guilty, it is judged as if it is completely guilty, since the majority is like the totality. The Taz in the laws of Rosh Hashanah 582:3 writes that this is why we use in our prayers the double expression, "Reign over the entire world, all of it" — because if we had said simply "the entire world" it could have been taken to mean merely most of the world, as there are many places where "all" means "most". Similarly here, "completely guilty" means that most of the generation is guilty, and the generation is judged according to its majority.

[If completely means mostly in the second half of Rabbi Yochanan's statement, then it must mean mostly in the first half as well. If so, Rabbi Yochanan's statement would seem to be superfluous: when moshiach comes, the generation will either be mostly innocent or mostly guilty. That doesn't teach us anything! The answer may be that, as the Gemara says later on in Sanhedrin 98a, there are two possibilities: moshiach may come early if we are deserving ("achishenah"), or he may be delayed until the latest possible time. Rabbi Yochanan's point is that there is a prophecy that if he is delayed to this latest possible time, the Jewish people will be mostly guilty at that time.]

- 2) Alternatively, "a generation that is completely guilty" could mean that every single Jew is guilty in a way, but not that they will be violators of the Torah; rather, the few observant Jews will not have enough greatness to outweigh all the sinful Jews of their time. That is what Rabbi Yochanan means when he cites the verse, "And He saw that there was no man, and He was astounded because there was no one to pray": there will be no one in that generation who can outweigh the entire world with his own teshuva and good deeds, and bring about the redemption by silencing the accusing angels who prevent it. Certainly there will be people who will be judged as righteous in other areas, but in this matter — the awesomely important

decision as to whether the redemption of the Jewish people will take place – no one is found worthy enough, and thus it is called “a generation that is completely guilty.”

It is common for the Tanach and Chazal to speak in this manner. For example, the Torah says, “You shall not kill an innocent and righteous man, for I will not exonerate a wicked man” (Shemos 23:7). Chazal (quoted in Rashi on the Torah) explain that the first and second parts of this verse are referring to one and the same person, and the meaning is: Do not kill him if he is found innocent, even if afterward the trial new witnesses step forward to testify against him, for I will not exonerate a wicked man; I will make sure he gets his just punishment. We see that even though he may be a wicked man deserving of the death penalty, since in the trial he was found innocent, he is termed “righteous”.

The Mabait (v. 3, siman 165) writes at length on this. [He brings the above proof from Shemos 23:7 to show that someone who is actually wicked can be called “righteous” if he was acquitted in court, while Devarim 25:1 (“they shall acquit the righteous and convict the wicked”) shows that someone who may not be wicked is called wicked simply because he lost a case in Beis Din.]

Similarly, the Tanya at the beginning of his work Likutei Amarim writes at length on the statement of Chazal (Rosh Hashanah 16b), “The intermediate ones hang in the balance from Rosh Hashanah to Yom Kippur.” Rashi explains that “intermediate ones” are people who have exactly half good deeds and half sins. The Tanya demonstrates that this is not really the meaning of the word [as we see that the Talmudic sage Rabbah said, “I am intermediate” (Berachos 61b) and certainly Rabbah did not have a record of half sins. Actually, an intermediate person is one who feels the influence of both his good and evil inclinations, as the Gemara explains there.] The word “beinoni” (intermediate) is used to mean half and half in Rosh Hashanah 16b only because the people referred to there are intermediate in the context of the judgment on Rosh Hashanah. It is common for Chazal to use borrowed terminology.

Here too, the words “completely guilty” mean only as far as the case under consideration, wherein Hashem is deciding whether to bring the redemption – but certainly in other areas they are not guilty.

[Up to this point, the Rebbe has addressed those who claim that moshiach can come despite the fact that all Jews are sinners. Now he will address those who claim that precisely because they are all sinners moshiach will come.]

There are some who mistakenly think that being “completely guilty” actually helps bring about the coming of moshiach. This is certainly a serious mistake. On the contrary, the more mitzvos, teshuva and good deeds we do, and the further we stay away from sin, the more we help hasten the redemption.

Chazal’s statement that moshiach may come in a completely guilty generation was said in explanation of the words of the prophets, who foretold the future. There is a contradiction in the verses, similar to the

contradiction pointed out by the Gemara later on this daf, “In its time I will hasten it” (Yishaya 60:22). There Chazal answer that “in its time” (i.e. at the latest possible time) refers to a scenario where we are not worthy, and “I will hasten it” refers to a scenario where we are worthy. Similarly, Chazal also pose a contradiction between the verse that describes moshiach as coming “with the clouds of heaven” (Daniel 7:13) and the verse that describes him as “a poor man riding on a donkey” (Zechariah 9:9). Contradictions like this are raised and resolved in many areas of the Talmud.

Here as well, one verse says, “Your people are all righteous; they will inherit the earth forever,” and another verse says “there is no man...there is no support” and only “for My own sake I will do it.” Rabbi Yochanan resolves this by saying that if moshiach comes early, due to our being worthy, this will happen in a generation that is completely innocent – “and your people are all righteous.” But if they are not worthy of an early redemption, and he is delayed until the latest possible time, the prophet Yishaya foresaw that the prolonged exile will lead to “a completely guilty generation.”

There are many Baraisos brought in the Gemara that speak prophetically about the way the world will look just prior to the coming of moshiach: “The face of the generation will be like the face of a dog...the truth will be hard to find...those who fear sin will be rejected...” and many other fearful descriptions whose fulfillment we have unfortunately seen in our time. Obviously, this does not mean that moshiach will come because of these things – because the generation is completely guilty – but rather the idea is that moshiach must come because Hashem promised and swore that the redemption would come by a certain time, no matter what. This is what Rabbi Yehoshua said in his argument with Rabbi Eliezer, citing as proof the verse, “For at a period, two periods and a half...” Rashi explains, “We see from here that there is a final deadline.”

After I wrote this, others showed me that the holy commentary Zekukin Denura on Tanna Devei Eliyahu [by Rabbi Shmuel ben Moshe Hida, printed in Prague in 5436 (1676)], in his piece at the end of Seder Eliyahu Rabba, has already given the same explanation of “a completely guilty generation.” I was pleased to see that I thought along the same lines as that great man. This is a true explanation, on the simplest level.

In any case, we see from Rabbi Yochanan’s statement that moshiach may come even to a completely guilty generation; Hashem will do it only for His own sake. Clearly, he disagrees with Rav, who holds that if the entire Jewish people does not repent, he will not come.

So let us review the reasons why it is so puzzling that the Rambam writes that the redemption will be preceded by teshuva:

- 1) The rule is that in a dispute between Rav and Rabbi Yochanan, we follow Rabbi Yochanan.
- 2) This is all the more true here, where both Shmuel and Rabbi Yochanan disagree with Rav,
- 3) Rabbi Yochanan is following Rabbi Yehoshua, whom we follow in his disputes with Rabbi Eliezer.
- 4) Rabbi Eliezer remained silent at the end of the argument, so it is at least possible that he conceded to Rabbi Yehoshua.

- 5) Also, many anonymous Baraisos in Sanhedrin and at the end of Sotah seem to follow Rabbi Yochanan. These Baraisos give a detailed description of the deficiencies of the generation just before the coming of moshiach.

Thus is it really incredible that the Rambam goes against all of the above. Although he derives his view from a verse in the Torah (Devarim 30:2), he should have followed the words of Chazal, since they knew the meaning of all the verses, and it is not for us to decide among them using our own analysis; we can only use the rules that they passed down to us as to how to decide halacha.

Even the Raavad and the other commentators who often disagree with the Rambam do not express any dissent on this point. According to the “Rules of the Raavad” this proves that they all agree. [This is printed at the beginning of the standard Mishneh Torah, in a page called “Klalei Harambam” which the printers collected from the Yad Malachi, the Knesses Hagedolah and the Shem Hagedolim. The last of the “Klalei Haraavad” is that the Mishpat Tzedek says that when the Raavad disagrees with the Rambam but the Ramach does not express disagreement, it does not prove that the Ramach agrees with the Rambam, because perhaps once the Raavad expressed the objection, the Ramach did not feel the need to do so. The Knesses Hagedolah infers from this that when none of the dissenters dissents, it shows that they agree with the Rambam.] So we need an explanation here.

To take the question a step further, the Maharik in Shoresch 165 writes that all the rules for determining the halacha among the Talmudic sages apply only to laws that are applicable nowadays, not to laws that apply only in Temple times. In disputes over laws of the Temple, even the Talmud itself does not rule, and thus whenever the Talmud quotes a statement that the halacha is like so-and-so in a Temple matter, it immediately asks, “Can we then rule halacha for moshiach?” Many halachic authorities agree with the Maharik; the Yad Malachi (Klalei Hatalmud 234) lists many of them.

On the other hand, the Chida in his works Shaar Yosef (Horayos 2a) and Yair Ozen (section hei paragraph 13), writes that the fact that the Rambam, the Raavad and the Smag codify all the laws of Kodashim and Taharos, which do not apply nowadays, basing their rulings on the usual rules of decision-making, proves that they disagree with the Maharik. In my humble opinion, the Rif and the Rosh’s omission of all laws that do not apply nowadays shows that they agree with the Maharik that we have no way to decide halacha in these areas.

But even the Rambam, who does rule on laws that will apply only when moshiach comes, does not decide on matters that are solely in the hands of Hashem. This is what he says in his Commentary to the Mishnah, Perek Chelek, in reference to the dispute between Rabbi Eliezer and Rabbi Akiva as to whether the Ten Tribes will one day return: “I have already told you many times that in any dispute between the sages that has no practical ramification, only belief, we cannot rule halacha like either side.” He makes the same statement in his Commentary on the Mishnah, Sotah Chapter 3, regarding the dispute over whether a guilty Sotah can have her Divine punishment delayed if she possesses merit – see there.

Here as well, no one disputes the fact that we are obligated to do teshuva, for even without the coming of moshiach, we must do teshuva and fulfill the entire Torah. The dispute is only over whether Hashem might redeem us even without teshuva. So this is like the dispute over the Ten Tribes or the Sotah's punishment: it is about what we believe Hashem will do. How then can the Rambam decide that the Jewish people will be redeemed only if they do teshuva? He himself already taught us the rule that we do not decide on such disputes.

After writing the above, I saw that the Yismach Moshe, Parshas Tisa, p. 187 column 4, writes: "All the books say that all the rules for deciding halacha apply only to laws that are applicable today, not matters that apply to Heaven." Now, I have only found this rule in the Rambam, as stated above. But the Yismach Moshe must have seen this in many places, since he writes "all the books." In any case, the Rambam is certainly difficult: he rules here on a dispute of Tannaim relating to the redemption, which is only in the hands of Heaven, seemingly violating his own principle that we possess no guidelines for how rule on cases like this.

Siman 41

[In the previous siman, the Rebbe asked how the Rambam can rule (in Hilchos Teshuva 7:5) that the Jewish people must do teshuva before the redemption, in view of the fact that there is a dispute about this in the Gemara between Rabbi Eliezer and Rabbi Yehoshua, and all indications are that we follow Rabbi Yehoshua that the redemption may come without teshuva. Furthermore, when it comes to matters that are in the hands of Hashem, the Rambam elsewhere states that we don't issue any rulings at all.]

An honest analysis of all these problems points to one solution: the Rambam's statement that the redemption must be preceded by teshuva has nothing to do with the dispute among the Tannaim and Amoraim in the Gemara. The Rambam is talking about something else about which there is universal agreement, since it is written clearly in the Torah.

The Midrash Tanchuma, Parshas Bechukosai, end of paragraph 3, brings this dispute (which appears in the Gemara between Rabbi Eliezer and Rabbi Yehoshua) in a different form. Three opinions are cited in the Midrash: 1) Rabbi Yehuda holds that if the Jewish people do not repent, they will not be redeemed. 2) Rabbi Shimon holds that even if they do not repent, when the end-time arrives they will be redeemed immediately. 3) Rabbi Eliezer holds that if they do not repent, Hashem will raise up a king as harsh as Haman and then they will repent.

In the Pirkei Derabbi Eliezer, end of Chapter 43 (in our text this is in chapter 42), also quotes the statement of Rabbi Yehuda as it is found in the Tanchuma: that if the Jewish people do not repent, they will not be redeemed. But then the following line appears: "But Israel will not do great (the word "great" is not in our text) teshuva until Eliyahu comes, as Scripture says, 'Behold I am sending you Eliyahu the prophet... And he will bring back the hearts of the fathers...'" This statement implies that the teshuva they will do before Eliyahu's coming will be a lower level of teshuva, as Chazal deduce in Shabbos,

Chapter Klal Gadol (68a), that the word “great” implies that there also exists a smaller one [or another one, to use the exact wording of the Gemara].

My holy ancestor, the Yismach Moshe (on the Haftarah of Parshas Shemos) explained that before the coming of Eliyahu and moshiach, they will do teshuva initiated from below, while later they will do teshuva initiated from above. In one verse (Malachi 3:7), Hashem addresses the Jewish people and says, “Return to Me!” In another verse (Eichah 5:21), the Jewish people says to Hashem, “Bring us back to You, Hashem, and we will return.” Each wants the other to initiate the process. The Yismach Moshe says that both will come true: the first before Eliyahu and moshiach, and the second afterwards.

The Akeidah makes a similar point on Parshas Nitzavim, Shaar 100. He says that there will be two waves of repentance: one before the coming of moshiach, and a greater one later. He uses this to explain the verse, “Let the wicked leave his ways behind, and the man of iniquity his plans; and let him return to Hashem...” (Yishaya 55:7) Seemingly, once the wicked man has left behind his evil ways, he has repented already. What then is the meaning of the rest of the verse – “let him return to Hashem”? The answer is that leaving behind one’s evil ways is not complete teshuva; one still needs a higher level of teshuva.

There are many other statements of Chazal (for example, Eichah Rabbah 5:21) indicating that there are two stages of teshuva, one before the coming of Eliyahu and moshiach, a teshuva expressed in the words “return to Me” i.e. return on your own to Me before the appearance of moshiach, and only then “I will return to you”; and another stage of teshuva accomplished by the coming of Eliyahu and moshiach, who will have great abilities to rouse the entire Jewish people to teshuva – expressed in the words “bring us back, Hashem.” In most places in Chazal and the Rishonim, it is predicted that Eliyahu will bring the entire Jewish people to teshuva before the coming of moshiach, as I will quote later on (Siman 50). The Rambam as well, in Hilchos Melachim 12:2, writes that Eliyahu will be the messenger to guide the people in the right path and prepare their hearts. He then says, “Some of the Sages say that Eliyahu will come before moshiach comes,” implying that there is a dispute about this, and that perhaps the king moshiach himself will lead all the Jews to teshuva before the redemption, and only then will Eliyahu come to lead them to a higher level of teshuva. Later (Simanim 51-54) we will explore the question of what source the Rambam may have had for a dispute about when Eliyahu will come.

In any case, according to the above (that there is a stage of teshuva before the coming of moshiach) we can say that the dispute in the Gemara and Midrashim between the Tannaim and Amoraim as to whether the Jewish people might be redeemed without teshuva is referring to this teshuva that precedes the coming of Eliyahu and moshiach. Certainly, all agree that Hashem would prefer that we do teshuva first on our own, as the prophet says, “Return to Me and I will return to you.” But in the words of Eichah, the Jewish people respond with the argument, “Bring us back to You, Hashem, and then we will return.” This is the subject of the dispute between the Tannaim and Amoraim: whether it is possible that Eliyahu and moshiach might be revealed to the world without teshuva.

Indeed Rashi appears to say that the “redemption” mentioned in this Gemara in Sanhedrin refers to moshiach’s coming. On the words of Rav, “The matter depends only on teshuva,” Rashi comments, “If all

of Israel returns in teshuva, he will come, but if not, he will not come.” Similarly, later on page 98a, where the Gemara quotes the verse in Daniel (12:7), “And when the scattering of the holy people’s power is complete, all these things will come to an end,” Rashi comments, “After their power is depleted and they are very lowly, these troubles will end and moshiach will come, as we say (Devarim 32) ‘For their hand is weak.’” So we see that the whole dispute is only about the period before moshiach comes: whether there is a possibility that he may come to a lowly generation even before they do teshuva.

The Gemara calls the coming of moshiach “redemption” because the appearance of Eliyahu or moshiach to herald the redemption is itself called redemption, even before they have taken any action to redeem the Jewish people or gather in their exiles. The Maharal of Prague goes even further in his work Netzach Yisroel, Chapter 24, and says that the reason why Hashem imposed an oath on the Jewish people not to reveal the time of the redemption is because as soon as they reveal the time, they have, in a sense, brought the redemption, for whoever knows when he will be let out is as if he is already redeemed. If even the announcement of the time of redemption is like redemption, certainly the actual arrival of Eliyahu or moshiach’s, when the world will know that the redeemer has come, can be considered redemption.

See Berachos 9a which states that the redemption from Egypt was considered to have happened at night, because at that time Pharaoh gave the Jews permission to leave. This is despite the fact that they were not permitted [by Hashem] to leave at that time – they had to wait until daylight. Similarly, the coming of Eliyahu and moshiach to announce the redemption will be at least the beginning of the redemption, even before they take any action towards redemption. And it is regarding this kind of redemption that the Tannaim and Amoraim disagree as to whether it can take place without repentance.

The Maharsha on Sanhedrin 97b says that even Rabbi Yehoshua agrees that the redemption must be preceded by at least repentance spurred on by a king as harsh as Haman, as the Gemara says. The dispute, then, is only over whether we need voluntary teshuva: Rabbi Eliezer says that as long as the Jews do not repent of their own free will, without the threat of a king as harsh as Haman, they will not be redeemed, while Rabbi Yehoshua does not require such a high level of teshuva. This fits well with what I am saying that the redemption discussed here is the coming of moshiach, and thus the teshuva discussed here is only the voluntary teshuva that the Jewish people do before the coming of the moshiach, not the teshuva that moshiach will bring about, for that teshuva – like the teshuva due to a harsh king - will not be done completely willingly, and thus will not be as valuable as the teshuva done during exile. The Rambam, with his golden style, puts it well when he says, “The king moshiach will force all of Israel” to keep the Torah. In other words, moshiach’s influence on the Jews will be similar to force. And as the Rambam writes regarding moshiach in his commentary on Perek Chelek in Sanhedrin, “That king will be very great... and his reputation will spread throughout the nations more that King Solomon. All the nations will make peace with him and all the countries will serve him due to his great righteousness and the wonders that come about through him. Anyone who rises up against him, Hashem will destroy and deliver him into his hands...” If the non-Jews will fear him, then certainly the

Jews will, and so it will be as if they are forced to repent. I have already brought the Yismach Moshe's explanation: that the teshuva that will take place after the coming of moshiach is described as "Bring us back, Hashem" and not as "Return to Me."

We find a similar concept in the case of converts to Judaism: the Maharam ben Chaviv (quoted by the Mishneh Lemelech, Hilchos Bikurim 4:3) says that those converts who joined the Jewish people at the time of the Exodus from Egypt - the "mixed multitude" that went up with them, who saw the greatness of Moshe and Aharon and were overcome with fear of the Jews - are not as great as the converts who convert during exile, out of their own free will alone.

Therefore, since Rabbi Eliezer and Rabbi Yehoshua disagree only over voluntary teshuva, as explained, their dispute does not touch at all on the teshuva that will take place after the coming of moshiach. Rather, as I have explained, they disagree as to whether there is a possibility that moshiach will come if the Jews do not repent beforehand, during the time when Hashem's presence is unfortunately hidden, in the depths of exile. There are Baraisos and other statements in the Gemara implying that the Jewish people will not repent before moshiach's coming, even through a king as harsh as Haman. This is the Yerushalmi's version of the dispute (quoted about in Siman 40 - that Rabbi Eliezer holds that teshuva through a harsh king is enough for the redemption to come, while Rabbi Yehoshua holds that even that is unnecessary). Therefore, the Rambam does not speak about this issue of teshuva before moshiach at all, because his practice is not to rule on such disputes, as explained above (end of Siman 40).

The proof that the Rambam does not rule on this dispute is that in Hilchos Melachim, he writes that the sure sign of moshiach is that he will compel all of Israel to follow the laws of the Torah. If moshiach will force them to keep the Torah, it must be that they won't have done teshuva before he comes. [Seemingly this means the Rambam is ruling in accordance with Rabbi Yehoshua that they need not do teshuva before moshiach. See below, where the Rebbe explains how this Rambam fits with Rabbi Eliezer as well.]

The Rambam avoids discussing what will happen before moshiach, because the issue of whether moshiach may come without prior teshuva is a disagreement in the Gemara, and therefore the Rambam does not give a clear decision on it, as I quoted above (end of Siman 40) that the Rambam's practice was not to rule on any matter that is in the hands of Hashem (i.e. whether to send us moshiach if we haven't yet done teshuva). However, the Rambam holds that after moshiach comes, before he takes any action toward redemption or gathering in the exiles, he will surely lead all of the Jewish people to teshuva. And on that point there is no dispute; that is the anonymous Baraisa quoted in the Yerushalmi (Taanis 3a: "Israel was redeemed from Egypt for five reasons...and because of teshuva... in the end of days you shall repent to Hashem your G-d and listen to His voice"). It does not depend on the dispute between the Tannaim; it is explicit in the verse of the Torah, "And you shall repent..." which is followed (in Parshas Nitzavim) by the ingathering of the exiles, their redemption and coming to the Holy Land.

One might be tempted to argue that sometimes the Torah does not follow chronological order, so perhaps the ingathering will actually take place before the teshuva. However, the Gemara in Pesachim

6b says that the Torah only deviates from chronological order in two different sections, but in one section, what is first is first and what is second is second.

Accordingly, the Torah states explicitly that teshuva will come before everything else, at a time when the Jews are still at the end of their exile, as the beginning of that passage of the Torah reads, “And you shall take it to your hearts among all the nations where Hashem your G-d will have scattered you, and you shall repent to Hashem....” The Rambam holds that since this promise is made by the Torah, it is impossible to deny it, and thus there cannot be any dispute about it. Therefore, he writes in Hilchos Melachim that moshiach will lead the Jews to fulfill the Torah, because this is something everyone can agree to. It fits either way – according to the opinion that they will certainly do teshuva even before moshiach comes, then certainly they will be keeping the Torah in moshiach’s time [and we would understand “he will force them to follow it” to mean that he will force them to continue doing what they are already doing]. And even according to the opinion that it is possible for him to come without teshuva, it is at least certain that he will lead them to teshuva, as the Rambam writes in Hilchos Teshuva, “Israel will be redeemed only through teshuva.” We must understand that with these words, the Rambam includes the possibility of teshuva after the coming of moshiach, as he writes in Hilchos Melachim. Thus, when he writes in Hilchos Teshuva that the redemption will happen through teshuva, he means the active process of redemption itself that will take place after the coming of moshiach – that redemption will not take place without teshuva. Rather, certainly [if there has been no teshuva prior to that time], moshiach will possess a powerful Divinely granted influence to lead the Jews to teshuva, and this is described by the verse, “Bring us back, Hashem.”

I have already quoted (Siman 21) the Raavad’s opinion in his commentary on the Mishnah: that even after moshiach comes, the Jewish people will not come to Eretz Yisroel until they have done teshuva, gathered into the wilderness and undergone a sorting process. The Rambam, on the other hand, does not go into detail about how things will proceed after moshiach comes; as he writes in Hilchos Melachim, it is impossible for us to know any of these things. But one thing is clear from the Rambam: no part of the process will happen without teshuva.

Siman 42

The Rambam has taught us an important lesson here. The question we raised earlier was that seemingly, there is no legal ramification of the fact that moshiach will not appear before the Jewish people does teshuva; why then does the Rambam mention it in his code of law? Doesn’t the Rambam say in Hilchos Melachim 12:2 that we should not spend too much time trying to figure out how matters will unfold after the coming of moshiach? And if the Rambam holds that the Torah promises us that we will do teshuva before he comes, then it will certainly be so, whether we know about it or not.

However, the answer is that it is very important for us to know about this now, so that there should be no room to mistake a false redemption for the real one. Now that we know about the prediction that the redemption will be preceded by teshuva, we can argue as follows: if the entire Jewish people repents and follows all the laws of the Torah, then certainly the redemption will come immediately, as

Chazal say, "All times have passed, and the redemption depends only on teshuva" (Sanhedrin 97b). Similarly, moshiach said to Rabbi Yehoshua ben Levi, who asked him when he was coming, "Today," which the Gemara interprets to mean, "Today if you listen to His voice" (Sanhedrin 98a). And if they have not yet done teshuva, the Rambam tells us in his legal code that it is impossible for the redemption to come. He writes that this is explicitly stated in the Torah – the Torah promises that teshuva will precede the redemption. Since that is the case, whoever thinks otherwise – that there is a possibility of a redemption without teshuva – is thinking against what the Torah says, and is thus denying the Torah, R"L.

[Thus these words of the Rambam prevent us from following any false messiah. When a messianic candidate arises, we tell him, "If the Jewish people did teshuva the geulah would have come already, so it must be that they did not repent; therefore you can't be moshiach."

Question: What if the Jewish people does teshuva and moshiach doesn't come - what's preventing us from making a Zionist movement at that point (assuming that we don't know the Three Oaths and we have only read the Rambam)? Answer: We don't know what's in people's hearts and we can't tell whether they did teshuva or not. If we think there is teshuva, we're obviously making a mistake. So either way, there is never going to be a situation where we can make a Zionist movement. That's how the Rambam in effect brought down the Three Oaths: we can never know when the time has come, and when the time does come, the redemption is going to come by itself.

Question: In Hilchos Melachim 11:4, the Rambam says, "If a king arises from the house of David, studying Torah and following the commandments like his father David, in accordance with the written and oral Torah, and he compels all of Israel to follow it and reinforce its weak points, and he fights the wars of Hashem, then he is presumed to be moshiach. If he succeeds and builds the Beis Hamikdash on its ancient site and gathers in the exiles of Israel, then he is certainly moshiach. If he did not succeed... he is like every good king." So we see that it is possible for a messianic candidate to complete stage one, yet fail at stage two. Now, part of stage one is that he will compel everyone to do teshuva. But the Rebbe is saying here that if everyone does teshuva, the redemption will certainly come – how then can this candidate go on to fail? Answer: Again, we cannot know what's in people's hearts. Although previously everyone – even the messianic leader himself – thought the teshuva was real, his failure at stage two reveals to us that the teshuva was not real.

Rabbi Menachem Kasher (Hatekufah Hagedolah p. 98) asks another important question here. He quotes the Radak on Yishaya 59:16, who says that there seems to be a contradiction: the Torah says that teshuva will precede the redemption, but Yishaya says "And I saw that there was no helper..." and Yechezkel says "Not for your sake will I do it, House of Israel..." So it seems that through the kindness of G-d and the merit of the Patriarchs they will leave exile, not on their own merit. And Chazal too were in disagreement as to whether the geulah would happen without teshuva... "Behold, we see that they were in doubt as to whether there would be an ingathering of the exiles through teshuva or not, due to the contradiction in the pesukim," writes the Radak. So, asks Kasher, how could the Satmar Rebbe call it heresy if the Radak says it is a legitimate possibility? The answer that the Rebbe only said that according

to the Rambam. The debate between the Zionists and the anti-Zionists is not over the question of redemption without teshuva; it's over the Three Oaths. The Three Oaths are what forbid us from founding a state. The question the Rebbe was dealing with was only: why doesn't the Rambam mention the Three Oaths in his code of law? And his answer to that is that the Rambam found another way to preclude the possibility of anyone thinking of making a false messianic or non-messianic movement to redeem the Jews: he said that teshuva is a precondition of the redemption, and we can never know on our own if teshuva took place. If the Radak disagreed with that, and the Radak decided to write a code of law, he would have no choice but to mention the Three Oaths, and say, yes, there may be a redemption without teshuva, but under no circumstances can there be a redemption without moshiach.]

The Rambam in Chapter 11 of Hilchos Melachim says that the reason why anyone who does not believe in the coming of moshiach, or does not wait for his coming, is a denier of the Torah and Moshe Rabbeinu, is because the Torah testifies, "Hashem your G-d will return your exiles and will once again gather you... and Hashem will bring you..." The Rambam concludes, "These things, which are explicit in the Torah, encompass all the things stated by all the prophets." If so, the precedence of teshuva – the fact that teshuva will precede all these explicitly stated events (which were later stated by the prophets) – is also stated in the same verses. The Torah testifies to its truth just as it testifies to the coming of moshiach.

And there is no doubt that one who denies this promise – that it is impossible for the redemption to come without teshuva – is just as bad as one who denies the promise of the coming of moshiach itself. And on the contrary, he is worse. The reason for this is that, as the Chasam Sofer (Responsa, Yoreh Deah 356) says, logically, there is no reason to include belief in the redemption among the fundamental principles of faith. [The principles of faith are concepts without which the entire Judaism would fall apart. For example, if someone worships Hashem thinking that He is not the first cause, he is worshipping a different god. If our Torah were not the same one given to Moshe Rabbeinu, we would not have to follow it.] If, Heaven forbid, our sins caused us to be exiled forever, as Rabbi Akiva actually holds regarding the Ten Tribes (Sanhedrin 110b), would it then become permitted to throw off Hashem's yoke or to deviate one iota from the Torah, even from Rabbinic law? Certainly not. So how can belief in the redemption be considered a fundamental of Judaism? However, answers the Chasam Sofer, since the foundation of all of Judaism is belief in the Torah, and the Torah foretells our final redemption in Parshas Nitzavim and Haazinu, whoever doubts that redemption is denying the Torah. The Chasam Sofer goes on at length to make his point clear – see there.

[Seemingly, if belief in the redemption is considered fundamental just because it is written in the Torah, every fact written in the Torah should be considered equally fundamental, and there should be hundreds of principles of faith, not just 13. The Chasam Sofer deals with this question by differentiating between the vast majority of the Torah, which describes events witnessed by the entire Jewish people (or their predecessors such as Adam and Noach) and passed down from father to son, and those few sections that deal with events not witnessed by the Jewish people, such as the story of Bilam. Denying even one event witnessed by all undermines belief in everything, leading to the collapse of Judaism.

Presumably, the Chasam Sofer means that such denial is already covered under principle 7, belief in the prophecy of Moshe Rabbeinu, and we do not need a separate principle for each fact in the Torah. But denying the story of Bilam does not upset the concept of tradition; it is simply denying the veracity of the Torah. Denying the Torah's predictions about the redemption falls in this latter category.]

Now, one who denies the Torah's promise, written in the same verses of Nitzavim, that there cannot be a redemption without teshuva, is even worse. Not only is he denying what is written in the Torah, but the very idea of taking a redemption and a sovereign state on our own, before the end time has arrived, is a heretical concept, R"L.

Chazal say that the Bnei Ephraim, who left Egypt early, "did not believe in G-d." I have already quoted the words of the Maharash Yaffe (Rabbi Shmuel ben Yitzchak Yaffe), who comments that although it was only a mistake, since according to their calculation, the 400 years were up, and they definitely did believe in G-d's word and trust in His deliverance, according to what they thought - still, since they did not receive any prophecy from Hashem, they should not have redeemed themselves by their own power. The fact that they did not receive any prophecy from Hashem should have indicated to them that they had erred. The Maharash Yaffe also explains the reason for the prohibition against going up as a wall, "Since Hashem scattered us, we have no permission to gather together on our own until Hashem gathers us through moshiach."

This argument (that we must not leave exile without an explicit prophecy from Hashem) becomes even stronger in this final exile: at least in Egypt there was a promise of redemption after 400 years, but in the present exile no one has any idea how long it will last. The Rambam writes in Igeres Teiman that even in Egypt, when the exile was supposed to last 400 years, the count was hidden from us, and we knew that the end had come only when Moshe and Aharon came and said the code words, "I have surely remembered you..." - all the more so in the present exile, whose great length the prophets feared with trembling. And the Book of Daniel teaches that the end of this exile is a hidden secret, and we are not allowed to know anything until moshiach is revealed.

[The Rebbe now brings four proofs from Chazal that the redemption cannot happen before moshiach comes. Thus both are true: no redemption without moshiach, and no redemption without teshuva. One without the other is not enough.]

1) And the Midrash Rabbah on Devarim 1:19 says:

<blockquote>Why does the Torah say "turn yourselves northward"? If you see him (Esav) planning to start a conflict with you, do not stand up against him. Rather, wait until moshiach comes and fulfills the verse (Tehillim 31:20), "How great is the goodness that You have hidden away for those who fear You." (The word "tzafon" – north – can also mean hidden.)</blockquote>

2) The Midrash also says later in the same place:

<blockquote>Israel said to the Holy One, blessed be He: “Master of the World, how long will be subjugated under his hand?” He said to them, “Until the day comes of which it is written (Bamidbar 24:17), ‘A star shall go forth from Jacob’... At that time I will make My kingdom appear and I will reign over you, as it is written (Ovadiah 1:21), ‘The saviors shall go up on Mount Zion.’”</blockquote>

3) The same concept appears in the Midrash Rabbah (Bereishis Rabbah 56:2) on Parashas Vayeira:

<blockquote>"[On the third day, Avraham lifted up his eyes] and saw the Place from afar" (Bereishis 22:4). Rabbi Yitzchak said: The Place will one day be distanced from its owners [during the exile when Jews would be far from the site of the Beis Hamikdash and Eretz Yisroel.] But will the exile last forever? No, for Scripture states (Tehillim 132:14): “This is My resting place forever, here I will dwell” – with the arrival of the one described as “a poor man riding on a donkey” (Zechariah 9:9). [In other words, moshiach, who will be riding a donkey, is alluded to in Avraham’s words, “Sit here with the donkey.”</blockquote>

4) Another proof that we will not leave exile until moshiach comes can be brought from the words of Shmuel in the Gemara, “There is no difference between this world and the days of moshiach except that now we are subjugated to the nations” (Shabbos 63a). We see here that at least freedom from the subjugation of the nations depends of the coming of moshiach. Those in the Gemara who disagree with Shmuel hold that even the other changes in nature described in Scripture will take effect immediately after moshiach comes, but as far as Shmuel’s point that until moshiach there will be subjugation, they do not disagree at all.

This can be proven from the words of Rashi on Sanhedrin 91b, “This is talking about the days of moshiach – when the subjugation of exile is over.” So we see that Rashi clearly states that the end of subjugation depends on the coming of moshiach. [From the context it is clear that Rashi says this according to those who disagree with Shmuel. The Gemara poses a contradiction between two verses in Yishaya: one verse says that the sun and the moon will be embarrassed in the future, and the other says that the moon will shine like the sun and the sun will shine seven times stronger than the light of the Seven Days of Creation. The Gemara answers that in the days of moshiach they will shine stronger, but in the World to Come they will be embarrassed (by the light of the tzaddikim). Then the Gemara asks: But according to Shmuel, who says nature will not change when moshiach comes, what will we answer? The Gemara answers that both are describing the World to Come: one was said regarding the camp of the righteous and one regarding the camp of the Divine Presence. Rashi’s comment was made on the first stage of Gemara, so clearly it was said according to those who disagree with Shmuel.]

Countless other statements of Chazal make it clear that there will be no freedom from the subjugation of the nations until moshiach comes. But what the Rambam is saying in Hilchos Teshuva is that even after moshiach comes, there will not be any redemption without teshuva.

[The Rebbe continues to quote statements of Chazal that say that Hashem wants to stay in exile and wait for the redemption at a time only He will determine. We need both moshiach and teshuva, as shown in the previous siman. Therefore, we must not follow a redemption without moshiach such as Zionism, and we must also not follow a messianic claimant when there is no teshuva.]

The Sifri on Haazinu, quoted in the Yalkut Shimoni on Tehillim, section 865 says:

<blockquote>When the Holy One, blessed is He, created His world, He created it with speech, not with an oath. And who caused Him to swear? Those lacking in trustworthiness caused Him to swear, as it says (Tehillim 106:26), “And He lifted up His hand to them...” </blockquote>

The Sifri goes on to say that that oath refers to exile, as the following verse in Tehillim says, “to scatter them in the lands.”

[The words “mechusrei amanah,” lacking in trustworthiness, are found most notably in Bava Metzia 49a, where the Gemara presents a dispute as to whether a person must keep his word in a business deal. According to one opinion, the person who goes back on his word is considered “mechusrei amanah.” Here too, Hashem knew that simply commanding the Jews to stay in exile, as He commanded the world into existence, would not be enough. They could not be trusted, so He had to impose an oath.]

Another reference to the oath of exile is found in the Gemara, Bava Basra 74a, where it is related that Rabba bar bar Chana heard a Divine voice proclaim, “Woe is to Me, for I have sworn, and now that I have sworn, who can annul it for Me?” We see here that the holy Divine Presence laments over that oath that prolongs the exile, and the whole reason for the oath is because of those who lack trustworthiness.

[The Gemara says that Hashem wishes someone would annul His oath so that He could end the exile early. It seems that without an oath, Hashem would have had more leeway, so to speak, in ending the exile, but due to the unreliable nature of the Jewish people, He had to impose an oath.

In Siman 72, the Rebbe will say that according to Rabbi Chaim Vital, one of the Three Oaths refers to Hashem’s oath not to bring the redemption before a certain time. Accordingly, one could understand the oath in Bava Basra 74a as a reference to that oath – not the oath placed on the Jewish people. However, apparently the Rebbe here in Siman 43 is saying that it does refer to the oath placed on the Jewish people because of their untrustworthiness. It could be that the Rebbe only wrote Siman 72 according to Rabbi Chaim Vital, but here he is going according to the standard understanding that there is no such thing as an oath on Hashem. Alternatively, it could be that he held that even Rabbi Chaim Vital would agree that the oath in Bava Basra is the oath of the Jewish people.]

However, unfortunately, for those who deny the Jewish faith completely, even an oath does not help. They don’t care even about Hashem’s oath, and they make a redemption for themselves.

In the Yalkut Shimoni on Parshas Bo, section 191, says:

<blockquote>Who saved you from Madai? Mordechai and Esther... Who saved you from Greece? The Chashmonaim, who offered two tamid offerings each day. Who will save you from the fourth kingdom? Natruna, as the Torah says, "It will be to you for waiting." "Do not eat of it raw" – do not request it undercooked.</blockquote>

The Zayis Raanan commentary, written by the author of the Magen Avraham, says that the word "natruna" means that we must be patient and wait. "Do not request it undercooked" means that we should not try to eat it when it is only lightly singed by the fire, before it is fully roasted. We see from this that in this final exile, the fourth, there is no one who can fight them for us to bring the redemption except for the merit of "natruna," to watch and wait, and fulfill the verse, "Do not eat of it raw" – before the proper time.

Unfortunately, now that the time of our redemption is near, many have stumbled in this, transgressing the prohibition to eat of it raw. They have joined in this bitter feast and thus prolonged the exile, unfortunately. Woe to us for we have sinned! They do not believe in what Hashem promised (Midrash Rabbah on Shir Hashirim 2:7), "When the time arrives, I will bring it on its own with great fanfare; I will not delay." They do not believe in Hashem's oath that everything is in His hands and the redemption depends only on our teshuva; this is complete heresy, may Hashem spare us.

[The book Aloh Naaleh cites a Rabbi Tzvi Green who accuses the Rebbe of deliberately misquoting this Zayis Raanan. The full quote is "'Do not request it undercooked' means that we should not try to eat it when it is only lightly singed by the fire, before it is fully roasted – meaning before the sins of the non-Jewish nations have reached their full measure." Thus he argues that the Midrash's answer to the question "who will save you from the fourth kingdom" is not the merit of waiting, but rather the fact that the non-Jews' sins will lead to their downfall and, automatically, we will be redeemed.

However, this Rabbi Green is actually restating the Zionist belief that the redemption or some part thereof can come without our teshuva. Therefore, he finds it reasonable that the catalyst for redemption should be only the sins of the nations. The Satmar Rebbe, on the other hand, having proven from the Rambam that there must be teshuva before the redemption, would never explain the Zayis Raanan as did Rabbi Green. He obviously held that two things are necessary: the nations must fill up their measure, and we must have the merit to be redeemed. Therefore, if we can wait till the nations fill up their measure, we will have both things. If we cannot wait and instead we create our own state, we will still need a large amount of merit even after the nations fill up their measure. He thus omitted the reference to the nations filling up their measure because that is merely a description of the amount of time we have to wait; the catalyst for redemption still remains the merit of our waiting.]

At the beginning of Bereishis, Rashi quotes Rabbi Yitzchok's statement, "The Torah should have begun with the mitzvah of proclaiming the new month, the first mitzvah given to Israel. Why then does it start with Bereishis? ... So that the nations should not say, 'You are robbers...'" The Kli Yakar asks: Is this a reason to change the order of the Torah? He answers that such an accusation would lead to atheism, for they would say, "There is no justice and no Judge, and whoever is stronger prevails.

[Here is the full quote from the Kli Yakar:

<blockquote>: So what if they accuse us of being robbers? Is that so important that it warrants a change in the order of the Torah? The answer is that the accusation of robbery would lead to a complete denial of G-d, for they will say, "There is no justice and no Judge, and whoever is stronger prevails. For if the world had a Manager, who takes care of all that goes on, why did He not stop you when you took the land of the Seven Nations by force and by robbery?</blockquote>

Presumably the Kli Yakar means that the rest of the Torah from Shemos and onward, which says that Hashem not only let us take over Eretz Yisroel but actually commanded us to do so and intervened to help us, would not satisfy these people, for they would not accept a G-d who could condone such an injustice, and therefore they would either deny His existence or refuse to worship Him. Therefore it was necessary to emphasize that G-d taking land from one people and giving it to another is not an injustice, since He is the creator of that land and therefore only He can decide who should own it and for how long.]

He writes at length on this subject and then adds that when Rabbi Yitzchok said that the Torah should have begun with the mitzvah of proclaiming the new month, he does not mean that the Torah did not have to write the story from Bereishis up to the mitzvah of the new month at all. Of course there is a great need to know about the world's creation, and many other fundamental subjects in the book of Bereishis. Rather, the question is that since the main purpose of the Torah is its commandments, it should have begun with the first mitzvah and told the story of creation later on. The answer is that writing it that way would have left the door open for sinners to deny the Torah [because they might not read the entire Torah; they might stop after the first mitzvah and say, how could Hashem have given all these mitzvos in which He warns us against theft (for example, taking the Pesach offering from our own sheep) if He did not stop you from committing theft?]. Therefore the Torah placed the story of creation first in order to teach that they did not take the land by robbery. See his entire lengthy discussion of this.

Now, we can debate about whether he is correct that any sort of robbery leads to heresy. It is well known that Hashem granted man free will. Robbery is no different from any other sin, an act which is against Hashem's will, yet we have free will to commit it, and Hashem does not intervene to stop us. [So perhaps Hashem did not really command the Jewish people to conquer Eretz Yisroel; they did so on their own, it was indeed a sin, and He did not approve but still did not intervene.]

However, in this particular case, the conquest of Eretz Yisroel and freeing ourselves from exile, his words are very true, for those matters are in the hands of Hashem alone, reinforced with His oath.

[The Rebbe is now reinterpreting the Kli Yakar to say that our concern is not only what the nations will say, but what the Jews themselves will say. It's not just that the nations will say: "If there is a G-d, why did He not intervene to stop the theft of Eretz Yisroel?" It's the the Jews who will say: "Our ability to carry out this theft shows that G-d does not intervene in the world." To this, the Rebbe responds that regarding theft in general, this is debatable. Maybe G-d doesn't intervene to stop all thieves because He grants man free will. But conquering Eretz Yisroel is different. Other sins are analogous to running a red light or cheating on taxes, where the perpetrator recognizes the government's existence and its right to make law; he is merely violating it for his own personal convenience. But conquering Eretz Yisroel is usurping Hashem's role, analogous to taking an army and declaring war on another country in the name of one's own country. Doing such a thing implies that the perpetrator does not recognize the government; so too here, Zionism implies that one does not recognize Hashem as the one in charge of exile and redemption. The religious Zionists might therefore feel that if Hashem didn't stop them, He must approve of their actions.

Indeed we find that this is one of the most common Zionist arguments. Rabbi Ovadiah Hedaya writes (Shaalos Uteshuvos Yaskil Avdi, v. 5, second introduction, paragraph 3, published in 1958): "Every Jew believes in Divine providence: that there is nothing, great or small, that happens in the world that does not come from Hashem Yisborach, as Chazal say (Chullin 7b), 'A person cannot knock his finger down in this world unless they decreed it upon him from above.' And so too everything, good or bad, is decreed above, and cannot happen unless it is decided up in Heaven, as Chazal say (Berachos 58a and Bava Basra 91b), 'Even the man in charge of the well water is appointed in Heaven.' And so the Midrash says on the posuk, 'This is the book of the generations of man' (Bereishis 5:1): 'The Holy One, blessed is He, showed Adam Harishon each generation and its speakers, sages and leaders.' Certainly, He showed him the establishment of the State of Israel and its leaders. Hashem showed everything to Adam Harishon, they were appointed by Heaven and we cannot question Hashem's decisions. For everything, there is a time: a time to destroy, a time to build, a time for war and a time for peace. I don't know why [the anti-Zionists] protest, since this is what Hashem's wisdom decreed. Even a man in charge of a well is appointed from Heaven, all the more so a whole country with ministers and leaders."

Rabbi Yoel Kahan in Maaneh Chochom (section 14) also makes the claim that Hashem removes man's free will when it comes to the state, but he portrays this as the Satmar Rebbe's view, and takes it in the opposite direction. In Rabbi Kahan's view, Hashem would never allow a Jewish state before moshiach because that is kefirah. His absurd conclusion is that the current State of Israel must not be a real independent Jewish state and is therefore permitted.

However, the truth is that even in the case of exile and redemption, Hashem does allow free will. He expects us to decide right from wrong based on the Torah and not based on world events. True, He decrees who will be a political leader or even a well water coordinator, because countries are allowed to exist and there is no sin in appointing one politician as opposed to another. But when it comes to mitzvos and aveiros, man has free will. It was a human decision to create a Jewish state in violation of

the Torah, not Hashem's decision. But once there is a state, the sin is the same no matter which politicians are in charge, so Hashem controls who the political leaders should be.]

Siman 45

[This siman continues the theme that exile and redemption are in the hands of Hashem more than other matters. All all matters are in the hands of Hashem, the difference is that in other areas, we make "hishtadlus" (effort) while believing that Hashem controls whether or not we will succeed. But in exile and redemption, we are not even allowed to make hishtadlus.)

I have already mentioned (Siman 18) that on the verse, "And He said to Avram, know, you shall know that your descendents will be strangers in a land not theirs" (Bereishis 15:13), Chazal comment, "Know that I scatter them; you shall know that I gather them. Know that I pawn them; you shall know that I redeem them" (Bereishis Rabbah 44:18). Now, it seems surprising that the Torah would have to go out of its way to use the double expression "know you shall know" to warn Avraham Avinu explicitly that exile, redemption and the ingathering of the exiles are in the hands of Hashem. Don't believers know that even in other areas, everything that happens comes from Hashem? That is the first of the Thirteen Principles of Emunah: to know that Hashem alone did, does and will do all actions. The Ramban at the end of Parshas Bo says that a person has no share in the Torah of Moshe unless he believes that all that happens to us, whether on an individual or a national level, is miracles, not merely nature or the way of the world. Similarly, the Rambam in Igeres Teiman says that the verse "if you walk with Me in chance" refers to the belief that things happen by chance, without Hashem's supervision. And so he writes in Moreh Nevuchim (3:36; see also Hilchos Taanis 1:3). How then can Chazal say that we need the extra words "know you shall know" to teach us that exile and redemption are from Hashem, as if, Heaven forbid, other matters were not from Hashem?

Clearly, the true answer must be that in other areas, even though everything is under Hashem's supervision, the Torah says, "So that Hashem your G-d will bless you in all the works of your hands that you do." A person is not allowed to sit with his hands folded. Chazal say (Kiddushin 39b), "We do not rely on miracles." The Ramban writes at the end of Parshas Eikev (Devarim 11:13), "Know that miracles, whether for good or for bad, are only performed for the completely righteous or the completely wicked. But those in between are treated according to the nature of the world, according to their ways and actions (i.e. according to the amount of effort they put in)." When he writes in Parshas Bo that everything is miracles, he means miracles disguised as nature. Since it has to keep the appearance of being natural, these in-between people must exert effort according to the way of the world.

However, in the area of redemption, we must know that only Hashem does everything and we have no permission to do anything besides repentance and good deeds. That is why the Torah goes out of its way to write "know you shall know" – because this is not like other subjects.

And although we might sometimes see some success for those who take redemption into their own hands, in violation of the Torah, it is no different from the success of idolatry, regarding which the

Gemara says (Avodah Zarah 55a), "If one tries to defile himself, Hashem opens up the door for him." Sometimes even great miracles can happen for them, as the Torah says, "And the sign or the wonder he predicted will come true... for Hashem your G-d is testing you." See Sefer Chassidim, Siman 1054, who says that a wicked man is more successful when he does evil than when he does good, so that he should be deprived of his share in the World to Come. See also the Midrash Talpao (by Rabbi Eliyahu Hakohein of Smyrna), under the section "Hatzlacha," who writes at length about this and says that if those who violate a ban (cherem) are successful, the purpose is order to punish them for their success as well as their earlier efforts.

The movement of Ben Koziva met with amazing success, as the Midrashim of Chazal relate. Their success lasted 21 years [standard texts of Vayoel Moshe have "15 years" but this is clearly a typo], as the Seder Hadoros says. The Gemara's statement that Ben Koziva reigned for two and a half years refers only to the last Ben Koziva. In the end, after 21 years, there was a terrible tragedy and massive casualties, more than in any other tragedy before it.

[Here is the full quote from Seder Hadoros, under the entry "3880: Ben Koziva":

<blockquote>According to Rabbi Avraham ibn Daud (author of Sefer Hakabalah), it took place in the time of the Roman emperor Domitian, brother of Titus, 52 years after the destruction of the Temple (in the year 120 CE; this is problematic because according to modern historians, Domitian reigned from 81 to 96 CE). Koziva died while still in power, and was succeeded by his son Rufus, and then by his grandson Romulus, who was also known by his grandfather's name Koziva. The conquest and slaughter in Beitar took place in his (Romulus') time, 73 years after the destruction of the Temple (in 141 CE). Thus the dynasty of Ben Koziva and his descendents lasted 21 years.

The Tzemach Dovid (Rabbi David Gans) comments: According to this, when Chazal say in Seder Olam Chapter 30, and in Sanhedrin 97b, that Ben Koziva ruled for 2 ½ years, they mean the last Koziva. However, Rabbi Avraham ibn Daud's contention that the slaughter in Beitar took place 73 years after the destruction is incorrect (because then it would be after the death of Hadrian, who ruled only until 138); rather it took place 52 years after the destruction, in the year 3880 (120 CE).</blockquote>

Today, historians date the Bar Kochba rebellion to 132-135 CE. Their sources are Dio Cassius, and also the theory that the rebellion came in reaction to Hadrian's visit to Jerusalem in 130 CE, where he announced plans to make the city a Roman colony called Aelia Capitolina; only Romans would be allowed to live there and only Roman gods worshipped. He planned a temple to Jupiter on the site of the Beis Hamikdash. This angered the Jews and they revolted. However, nothing is known for certain; it could be that the plan to rename the city and build the pagan temple was actually a punishment for the revolt, which occurred in the 120's.]

The Rosh on Berachos Perek 6 siman 22, quoted by the Beis Yosef in Orach Chaim 189 where he discusses the "Hatov Vehameitiv" blessing in Birkas Hamazon, which was written in reference to those killed at Beitar, says, "The Yerushalmi says that when Beitar was destroyed, the pride of Israel was cut

down, and it will not return until Ben Dovid comes.” This, says the Rosh, is why the blessing was placed after the blessing, “Bonei Yerushalayim.”

[Why do the Beis Yosef and the Rebbe have to quote this Yerushalmi from the Rosh? Why not quote it directly from the Yerushalmi? The answer is because it’s not found in our text of the Yerushalmi. We do find a similar statement in the Yerushalmi Succah 23a in reference to Trajan’s massacre of the Jews of Alexandria.]

Now, the people of Beitar were completely righteous, as I have proven earlier [Siman 39: “Chazal could find no sin in them other than the fact that they did not mourn for Jerusalem”], yet the pride of Israel was cut down because of them, because the act of forcing the end of exile before its time is worse and more bitter than all other sins, even the most severe sins in the Torah. That is why the Torah wants us to know this clearly: if we take the redemption on our own, against the Torah, it is certainly heretical; and we can apply the Kli Yakar’s point that the Torah cannot begin before we know this clearly. [The Kli Yakar, quoted in Siman 44, said that the Torah needed to begin with creation to show that the Jews were not stealing the land from the Canaanites, because otherwise, people might see the success of stealing as proof against the existence of Hashem. The Rebbe modified this point: people will understand that Hashem grants free will and does not always intervene when someone steals. However, in the case of the conquest of Canaan, we definitely need to know that Hashem authorized it, because an unauthorized conquest – even if successful – would be an act of heresy.]

[Based on the above, the Rebbe now goes back to answer the questions he posed in Siman 32.]

1. Now we can understand the language used by Chazal regarding the Bnei Ephraim, “They transgressed the end, and they transgressed the oath.” How are these two separate concepts? The answer is that transgressing the end is itself a terrible sin, even without the oath, because it is completely against emunah, as we explained just now.
2. And we understand the Mechilta, which quotes the posuk (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.” [Since this incident took place before the Torah was given, how does it make sense to say that they refused to follow the Torah?] The answer is that it’s impossible for people to begin the Torah if they think that they can leave golus on their own, as explained above.

Alternatively, we can answer this based on the Ibn Ezra’s comment on the first of the Ten Commandments, “I am Hashem your G-d who brought you out of the land of Egypt, the house of bondage.” The commentators ask why Hashem presented Himself as the G-d of the Exodus, rather than the G-d who created heaven and earth. To this, the Ibn Ezra responds that proofs to G-d’s existence from the creation of heaven and earth cannot be understood by the common man, only by great philosophers. But at the Exodus from Egypt, everyone experienced the wonders of Hashem; therefore the Ten Commandments had to start with this.

<blockquote>[“Rabbi Yehuda Halevi, who rests in honor, once asked me why G-d said, I am the L-rd your G-d, who brought you out of the land of Egypt rather than, I am the L-rd your G-d who made heaven and earth and created you? I answered the following. Know that people who believe in G-d are not on the same level of faith. Many believe what they have heard; that is, they believe because their masters have told them so. Above them are those who believe because of what they have read in the Torah, which G-d gave to Moses. If a heretic were to come along and argue that G-d does not exist, they would place their hands upon their mouths, for they do not possess the means to answer. Now a person whose heart has moved him to study the sciences, which are the steps that lead to the place of his desire, will see G-d’s work in the metals, in the plants and living creatures, and in the human body itself. He will know the makeup of each organ according to the scientific explanations of how each organ functions. He will similarly know the reason for each organ’s form. His heart will then aspire to learn the science of the spheres that are the L-rd’s works in the middle world, which is everlasting. He will learn how to predict when the sun or moon will be eclipsed, exactly how much of the sun will be eclipsed, and what causes the moon to be eclipsed. He will know these things and be able to prove them beyond a shadow of a doubt. The intelligent person will come to know G-d by learning the ways of G-d. Moshe similarly stated, show me now Your ways, that I may know You (Shemos 33:13). Now G-d proclaimed, I am the L-rd your G-d in His first statement. Only one who is of great intellect can understand this...

It was because of the signs that G-d performed in Egypt that Moshe said, Unto you it was shown, that you might know that the L-rd, He is G-d; there is none else beside Him (Devarim 4:35). Everyone, learned and nonlearned, adults and children, witnessed this. When recounting the events at the assembly at Sinai, Moshe added that Israel heard G-d’s voice. Thus, following the latter, Moshe said, Out of heaven He made you hear His voice, that He might instruct you (Devarim 4:36). At the very end Moshe said that ultimate knowledge consists in the development of one’s mind to the point where one is able to prove to himself that the L-rd alone is G-d. Scripture therefore states, know this day, and lay it to thy heart, that the Lord, He is God in heaven above and upon the earth beneath; there is none else (Devarim 4:39)...

Now it is for the intelligent that G-d said, “I am the L-rd.” He added “who brought you out of the land of Egypt” so that the intelligent and the non-intelligent would understand. G-d added “your G-d” meaning, you are obligated to serve Me, that is, to be My servant and to be My people, and I will be your G-d, because I...brought you out of the land of Egypt, out of the house of bondage (Ibid.).</blockquote>

The Ibn Ezra said this in response to Rabbi Yehuda Halevi’s question; however, Rabbi Yehuda Halevi himself gave a very different answer. In his Kuzari (1:11-13), he has the Rabbi introduce the Jewish religion as follows:

<blockquote>Rabbi: I believe in the G-d of Abraham, Isaac and Israel, who led the children of Israel out of Egypt with signs and miracles; who fed them in the desert and gave them the land, after having made them traverse the sea and the Jordan in a miraculous way; who sent Moshe with His law, and subsequently thousands of prophets, who confirmed His law by promises to the observant, and threats to the disobedient. Our belief is comprised in the Torah - a very large domain.

The Khazar: I had not intended to ask any Jew, because I am aware of their reduced condition and narrow-minded views, as their misery left them nothing commendable. Now should you, O Jew, not have said that you believe in the Creator of the world, its Governor and Guide, and in Him who created and keeps you, and such attributes which serve as evidence for every believer, and for the sake of which he pursues justice in order to resemble the Creator in His wisdom and justice?

Rabbi: That which you express is religion based on speculation and system, the research of thought, but open to many doubts. Now ask the philosophers, and you will find that they do not agree on one action or one principle, since some doctrines can be established by arguments, which are only partially satisfactory, and still much less capable of being proved...</blockquote>

And continuing in Kuzari 1:25:

<blockquote>In the same way G-d commenced His speech to the assembled people of Israel: 'I am the G-d whom you worship, who has led you out of the land of Egypt,' but He did not say: 'I am the Creator of the world and your Creator.' Now in the same style I spoke to you, a Prince of the Khazars, when you asked me about my creed. I answered you as was fitting, and is fitting for the whole of Israel who knew these things, first from personal experience, and afterwards through uninterrupted tradition, which is equal to the former. </blockquote>

Thus while the Ibn Ezra holds that proving G-d from the world is the highest level of belief, attainable only by great sages, Rabbi Yehuda Halevi holds that such proofs are only partially satisfactory. While the Ibn Ezra holds that the proof from our personal experience is for unintelligent people, Rabbi Yehuda Halevi holds that it is the only ironclad proof that we have.]

If so, the Bnei Ephraim, who went on their own before the amazing revelation of the power of Hashem, had no foundation on which the Torah could have been given, since all of the Torah is based on the Exodus, as the Ra'ah in Sefer Hachinuch and other holy sefarim explain in many places [and this serves as the proof to the Torah for the vast majority of people, who are not great sages, or, according to the Kuzari, for everyone]. Therefore it is states that the Bnei Ephraim "refused to follow the Torah," although the Torah had not yet been given, because in effect they refused to accept a Torah; their action of self-emancipation precluded the possibility of the Torah being given to them.

[Nowadays, we have the memory of the miracles of the Exodus, so some might argue that we can end exile on our own, without undermining the foundation for belief.] However, in Berachos 12b we find a dispute about the time of the future redemption: the Sages holds that remembering the Exodus will be secondary, and Ben Zoma holds that the mitzvah to remember the Exodus will be abrogated completely. Clearly, both opinions agree that there will be amazing revelations at that time, proving our emunah more powerfully than the Exodus, otherwise how could we forget about (or downgrade the importance of) the Exodus, the foundation of our belief in the Torah? Therefore, to think that we could fight our way out of exile using our own strength is completely against emunah in Hashem and His Torah [because in such a scenario, the Jewish people would be skipping over and missing out on those important lessons in emunah, which they could have learned from Hashem's geulah].

We see from many places in the Rambam's writings that he was afraid of those who would identify moshiach based on miracles. That is why he goes out of his way to say (Hilchos Yesodei Hatorah 7) that not everyone who performs a sign or wonder is accepted as a prophet. A man may perform a miracle yet not be a prophet; the miracle was merely a trick. Only if a person was known beforehand as someone fit for prophecy due to his wisdom and good deeds, is elevated in this matter above all others in his cohort, and walks in the ways of prophecy with holiness and separation from the world, do we assume that he is still good.

And similarly he writes at length in Chapter 8 of Yesodei Hatorah, explaining that miracles, no matter how amazing, cannot be a sure basis for belief. Even Moshe Rabbeinu was not believed on the basis of his miracles; the miracles he performed were for the needs of the time, not to convince people that he was a true prophet. The reason we believe in Moshe Rabbeinu is because our eyes witnessed the awesome event of Matan Torah, in which Hashem said to Moshe, "Behold, I will come to you in the thickness of the cloud so that the people hear when I speak with you, and they will believe in you forever." This implies that before this event, they did not believe in him in a way that could last forever. The Rambam goes on to explain that this is why we do not listen to any sign or wonder given by a prophet who claims that Hashem told him to change, chas veshalom, anything written in the Torah.

The Smag in his introduction to the positive commandments says, "Hashem said to Moshe: In the Torah that I wish to give, I don't want them to believe in you on the basis of a sign or wonder, but on the basis of what they will hear with their own ears, that I am speaking to you. The reason Hashem did this is so that when Israel goes into exile, if an idolater or a Muslim tells them to abandon their Torah, and gives them a sign or wonder to prove their point, the Jews can reply, 'Even if you make as many miracles as Moshe the son of Amram, we will not believe you to exchange our Torah for something else, unless we hear with our ears Hashem speaking to you as He spoke to Moshe. For Hashem did not even want us to believe in Moshe, His chosen, the most faithful of His house, except for the fact that we heard Him speaking to Moshe... And since we have established that we must not believe in any sign or wonder to exchange our Torah, how does the false prophet have the ability to perform the sign or wonder? The Torah in fact describes this situation, as it says, "If there arises among you a prophet or a dreamer, and he gives you a sign or wonder [i.e. a prediction about the future], and the sign or wonder comes true... do not listen to that prophet or dreamer, for Hashem your G-d is testing you... We see here that the sign or wonder does not come from the power of his idol, but rather Hashem is making it happen in order to test Israel."

[Here is the full quote from the Smag:

<blockquote>And when the Master of All wanted to give the Torah, He bent down the heavens and the heavens of the heavens on Mount Sinai, with thunder and awesome torches, and called Moshe, His chosen one, and said to him, "Behold, I will come to you in the thickness of the cloud so that the people hear when I speak with you, and they will believe in you forever." And why did He need to do this? Isn't it already written by the sea, "And they believed in Hashem and in Moshe His servant"? But this is what the Holy One, blessed is He, said to Moshe: I want Israel to believe in you as a prophet through the signs

and wonders that you performed. But for the Torah which I wish to give, I don't want them to believe in you based on any sign or wonder, but based on what they heard with their ears that I am speaking with you. And the reason why the Holy One, blessed is He, did this is because when Israel is in exile and a goy or an Ishmaelite tells them to leave their Torah and serve other gods, and they give them a sign or wonder, Israel can reply, Even if he [their founder] performed as many signs and wonders as Moshe son of Amram, we will not believe you to change our Torah, unless we hear with our ears Hashem speaking with you as He spoke with Moshe. Even for Moshe, His chosen, the most loyal of His house, He didn't want us to believe him on the Torah except because we heard Him speaking to him. And after He gave the Torah, He said, "You see that from heaven I have spoken with you." In other words, you should no longer believe any man who claims that I changed this Torah, unless you see Me speaking with you from heaven to change it.

And since we have established that we must not believe any goy or Ishmaelite with a sign or wonder that he performs to change our Torah, the Torah explains how he has the ability to perform a sign or wonder, as it says, "If there arises among you a prophet or a dreamer, and he gives you a sign or wonder... and the sign or wonder comes true... do not listen to that prophet... for Hashem your G-d is testing you... See, the Torah is explaining to you that the sign or wonder does not come from the power of his idol, but rather the Holy One, blessed is He, is making the sign in order to test Israel.</blockquote>

Other Rishonim, such as the Ramban and the Seforno on Parshas Re'eh give similar explanations. [The Ramban gives two reasons why we don't listen to the prophet telling us in the name of Hashem to serve idols, even if he performs a miracle: 1) Because the Exodus from Egypt actually happened to us. It cannot have been an illusion. It showed that the world belongs to Hashem, He is the Creator and can do whatever He wants, and there is no other besides Him. 2) At Har Sinai Hashem commanded us face to face not to worship idols.

The Seforno says that the false prophet's miracle was surely done through witchcraft or some other trick. However, he doesn't explain the difference between the false prophet and Moshe Rabbeinu, as the Rambam, Smag and Ramban do.]

In Igeres Teiman, the Rambam writes about the false messiah in Yemen, who was reported to have performed amazing miracles and attracted a following of many Jews, including rabbis. In the end, the Rambam's assessment is that he did not deliberately mislead people with his messianic claims, but rather he acted out of insanity. We see from this that even an insane man can fool people into thinking that he performed amazing miracles. We can't say that he did the miracles using witchcraft, because then he would have been deliberately misleading them, which the Rambam says was not the case. Had he been a magician, nothing could be more deliberate evil. In Hilchos Yesodei Hatorah, the Rambam says several times (8:1, 8:3, 9:5) that miracles can be done with magic and witchcraft. But in one place (7:7), he uses the words, "There is something behind it." The fact that he changes the wording implies that the "miracles" happened without witchcraft. The Seforno, too, writes in Parshas Re'eh that the false prophet's miracle was surely done through witchcraft "or some other trick."

The Gemara in Avodah Zarah 55a tries at length to explain the apparent miracles done by idols, and the final, last-resort answer is that “if one comes to make himself tamei, Hashem opens the door for him.” Now, if the miracles were done by witchcraft, the Gemara would have had no problem at all. The powers of witchcraft were well-known to Chazal; Chazal even say, “Witchcraft weakens the heavenly group” (Chullin 7b). By changing nature, witchcraft counteracts the higher powers of the heavenly system. [Rashi explains: Hashem may have decree that a person should live, yet witchcraft can kill him.]

[So clearly, the miracles of the false prophet are sometimes done by Hashem Himself. Why would Hashem do such a thing?] In Parshas Re’eh on the verses, “The sign or wonder will come true...for Hashem your G-d is testing you...” the Ibn Ezra writes:

<blockquote>Because they left [him] alive and did not kill [him], and the trial of Hashem is in order to show the righteousness of the one being tested.</blockquote>

We see two points here: 1) Because they left this false prophet alive after he spoke against the emunah, they were punished with this challenge of the sign or wonder coming true. 2) Through a challenge, the righteousness of the tested person is revealed.

Now, I heard that there is someone who explains the Ibn Ezra to mean, “Because Hashem left the false prophet alive and did not kill him.” [This is found in the commentary on Ibn Ezra printed in Rabbi Shlomo Netter’s Mikraos Gedolos, published in Vienna in 1859.] But this cannot be correct, because the words “because Hashem your G-d is testing you” are the reason given by the Torah for why the false prophet succeeded in performing a miracle, as all the commentators say (Rashi, Ramban). How could the Ibn Ezra be saying that because Hashem left him alive and did not kill him [in order to test us], therefore he succeeded further and performed a miracle? Then the Torah would be giving no reason at all for why the prophet was able to perform the miracle.

And in truth, the fact that Hashem left him alive doesn’t need a reason, for that is the way Hashem runs the world in the vast majority of cases: He does not punish the wicked on the spot. “He is slow to anger, but in the end He collects His debt” (Midrash Rabbah Bamidbar 14:6). As the Torah says, “He pays up [the reward due to] His enemies, in order to destroy them [in the World to Come]” (Devarim 7:10).

[There are two steps to the false prophet’s success: 1) The fact that he did not drop dead as soon as he began to say his prophecies. 2) The fact that he was able to perform a miracle. According to Netter, the Ibn Ezra says that Hashem caused stage 1 to happen by not intervening and killing the prophet. The Rebbe’s objection is that stage 2 needs an explanation much more than stage 1. In fact, it is totally understandable why Hashem doesn’t intervene and kill every sinner. We don’t have to say that He refrained from intervening in order to test us. He refrained from intervening because that is His usual way of running the world. It is stage 2 – the miracle that seems to prove the prophet right – that needs an explanation. Why would Hashem allow him to do break the rules of nature? The answer is that He is testing us, as Rashi and the Ramban say. The Rebbe prefers to say that the Ibn Ezra is in line with Rashi and the Ramban.

There is a grammatical disadvantage to the Rebbe's explanation: If the words עזבו and המיתו are to be vocalized "azvu" and "heimisu", i.e. in the past tense plural, then the direct object is missing. The Ibn Ezra should have written עזבוהו and המיתוהו. However, he holds that his explanation makes so much more sense than Netter's that it is preferable to say that the Ibn Ezra was not exact with his grammar than to say he meant what Netter says.]

For example, Nimrod lived longer than Avraham Avinu, as we see that Nimrod was a king and caused the entire world to rebel against the Holy One, blessed is He, even before Avraham Avinu was born. And when Avraham Avinu passed away, Nimrod was still alive, as we see that Esav was the one who killed him.

However, the success that the false prophet enjoys, to the point that he can perform signs and wonders, needs an explanation. And if we read the Ibn Ezra to mean that it is because the Holy One, blessed is He, left him alive and did not kill him, that would not be an explanation. But if we explain that it is because the Jewish people ignored him and did not kill him, that is a real reason for the success of his sign and wonder, because the Jewish people sinned in not following the halacha - as the Torah continues, "And that prophet or dreamer must be killed, for he spoke something untrue..." In other words, the Jewish people should have killed him immediately after he announced his dreams and his words, even before his predicted miracle came true. Had they done so, his power would have been stopped. But because they left him alive, he was able to continue and increase his incitement, and this allowed the power of the Satan to succeed.

Now, it's true that for a complete tzaddik who stands up to trials and does not waver, a trial is beneficial, because it proves his righteousness. However, we pray every day, "Do not bring us to a nisayon," for many people succumb to their evil inclination and do not pass the trial. This is especially true when we are talking about a trial faced by the entire Jewish people, such as the signs and wonders of the prophets of the Baal. These have a negative effect on the Jewish people, "for many dead they have slain, and numerous are their victims" (paraphrasal of Mishlei 7:26). We see this, unfortunately, in our time as well: the sin of our generation has caused that we have been faced with tremendous trials like this.

When the Ibn Ezra says that the Jewish people left the prophet alive and did not kill him (implying that they should have killed him), he is referring to the verses of the Torah, which were written regarding a time when the Jewish people has the power to execute criminals, as the Torah continues, "And that prophet shall be killed..." In our time, when the Jewish people do not have this power and we cannot kill the false prophets of our time, we at least have the obligation to stay as far from them as possible. And certainly we must not give them any encouragement, Heaven forbid. But when Jews are quiet in the face of inciters, this silence is like consent, and all the more so if they give them encouragement too, whether with words, actions, or even gestures. They cause the Satan's project to be successful, he is able to show signs and wonders, and then we need heavenly mercy. Woe to us that this has arisen in our times! Almost the majority of the Jewish people accept the words of the inciters and readily give

them permission to do what they do, and as a result, the Satan is victorious. May Hashem Yisborach have mercy and save us quickly from darkness to light.

The Sefer Chassidim, chapter 59, warns against violating the commandment against “nichush” - superstition. He mentions examples of superstitions that people believed in in his time:

>>If they saw a fire on a coal burning straight up, they would say, “It is a sign that we will have a guest.” And if someone put out this burning coal, it meant that the guest would fall into water. This is a form of sorcery, which is forbidden by the Torah. And it is actually true: many people have tried it and proven it correct. But it is actually the Satan who is confusing them, because when the Satan sees that someone is using this form of superstition to predict the future, and he says that the guest will fall into the water, then the Satan says, I will go and throw the guest into water in order to make this man think that the superstition is true, and he can continue using it.

We see from this that even to lead one Jew astray with a simple negative commandment against superstition, the Satan goes and throws a guest into water. Now, this guest is totally innocent and does not know why this is happening. And the one who believed in the superstition is not taking any action. He is not practicing witchcraft. The Sefer Chassidim is not talking about witches. He is talking about making a prediction based on a superstition, which people often do with mere speech. Yet the Satan causes this to happen in order to lead astray one Jew to violate a negative commandment that doesn't even involve an action, only speech.

All the more so that when the Satan comes to lead the entire Jewish people astray with the very principles of our faith and prevent, Heaven forbid, the redemption from coming, which is something that the Satan fights his hardest to achieve, he will definitely do anything to confuse Jews in terrible ways. May Hashem protect us.

And Chazal say in Chullin 43a regarding the story of Iyov, who was kept alive although he lost his gallbladder (usually loss of a gallbladder causes death), “We do not bring proof from miracles.” And they say further, in Bava Basra 16a, “The pain of the Satan was greater than the pain of Iyov. This is like telling someone to break a barrel and keep its wine.” So we see that the Satan has a power to make very great miracles.

And in the Midrash (Bereishis Rabbah 38:7) regarding the Dor Haflagah, on the posuk, “And they found a valley,” Rabbi Nechemiah said, “If one desires to join the scorners, then let him scorn.” The Yefei Toar explains:

>>This valley did not exist previously. Hashem created it only at that moment, as occasionally happens when an earthquake causes a valley to open up in the mountains. Hashem made this happen for them because of the posuk, “If to the scorners, let him scorn” (Mishlei 3:34). For in the way that a man wishes to go, Heaven guides him. Therefore Hashem made the Dor Haflaga a place that would serve as an opportunity for their evildoing.

And of course, this was all done through the Satan, whose job it is to lead people astray. From Hashem, no evil emanates, but Hashem gives power to the Satan to do terrible things, because that was what he was created for. As Chazal say on the verse “if to the scorers, let him scorn” – if one wishes to become defiled, they open a door for him.”

And Rabbi Yaakov Emden writes in his Sefer Migdal Oz, Aliyas Hayirah, chapter 23 (slightly abridged):

>>Let no man despair when he sees strange supernatural things that look like miracles being done by the inciters and the heretics. As the Torah says, “When a prophet arises...and he gives you a sign or a wonder, and that sign or wonder comes true...” Do not turn aside after their breakaway actions, and let your heart not be faint in your faith because of them. Heaven forbid. As the Torah says, “After Hashem your God you shall go, and Him you shall fear.” Let no fear of anyone else enter your heart, only Hashem. You do not need to investigate and find out how these seeming miracles were performed, whether through witchcraft, etc. Even if it were clear to you that it was a miracle, free of any suspicion of trickery, still let your heart not weaken, and do not retreat from your position. Do not look at any signs or wonders that the inciters do to twist your mind away from the Torah. As Chazal say, even if the false prophet causes the sun to stand still in the middle of the sky like Yehoshua bin Nun, do not listen to him to worship an idol, or even to subtract one letter from the Holy Torah. Because it is written, “For Hashem your G-d is testing you.” Therefore, it is definitely true that sometimes Hashem helps to give the Satan success to test the hearts of the upright and the believers, to know and to make known their righteousness and their goodness.

See his piece where he writes at length about this. In any case, we see throughout the words of the Rambam that he was afraid to base faith on miracles. As the Vilna Gaon says in Aderes Eliyahu, Parshas Re'eh, on the verse, “When a prophet arises in your midst and gives you a sign or a wonder:”

>>A wonder is a change in nature, and it comes from the same root as the word pitui, which means convincing. For a change in nature convinces the heart of man to believe in the words of whoever is performing this miracle.

Siman 47

[In this siman, the Rebbe continues with the topic of why our faith should not be based upon miracles.] In our history there have been many prophets of the Baal and false messiahs who confused the people using miracles, and then went on to wreak destruction on a terrible level, to the point that it took a long time before the true gedolei hador were able to save the people. All the more so in our orphaned generation, when we don't even need miracles, but even with open lies the Satan is able to blind people's eyes, causing them to imagine that there were miracles. That is enough to lead astray the entire world off the path of truth.

We find an even greater example of this in the generation of Jews who left Egypt and crossed through the desert, when although it was a "wise generation," yet the Satan led them to sin with the golden calf. The Torah says that they said, "For this man, Moshe, who brought us up out of Egypt - we do not know what happened to him" (Shemos 32:1). Rashi explains that the Satan showed them a vision of Moshe dead, being carried at his funeral in the sky. This was completely false; it had no connection to the truth. Moshe Rabbeinu at that time was with Hashem in heaven, higher than all the angels, receiving the Torah from Him. Nevertheless, all the people saw this terrible, false vision with their eyes because the Satan made them see it. And Aharon and the tribe of Levi and all those who did not follow the Satan knew the truth - that it was a false vision that did not reflect the truth at all - but they could not save the people, for the people insisted that they saw with their eyes what the Satan was showing them, and they continued to be mistaken until Moshe Rabbeinu came and the truth was revealed.

48.

[In this siman, the Rebbe continues to discuss the dangers of false messiahs. The danger is not only the disappointment that may result if the false messiah fails, but also that the false messiah might succeed and would then be taking the Jewish people out of exile before the proper time.]

In Pirkei D'Rabbi Eliezer, chapter 48, it is told that the secret of the redemption from Egypt was entrusted to Serach bas Asher. When Moshe and Aharon came to the elders of Israel and performed the miracles before their eyes, the elders went to Serach bas Asher and told her, "A man has come and performed miracles before our eyes and done as follows." She said to them, "Those miracles mean nothing." They said to her, "But he said the words pakod pakadti - I have certainly remembered you." She said to them, "He is the man who will redeem us from Egypt! For this is what I have heard from my father," etc. This is quoted in an abridged form in Tosafos on Sotah 13a.

Tosafos comments that they needed this sign because they had already stumbled in the escape of the Bnei Ephraim, who left Egypt before the correct end-time. Therefore, the elders went to confer with Serach bas Asher before accepting Moshe and Aharon. We see from this that even regarding Moshe and Aharon, on whose faces the Shechinah rested, and who performed miracles before their eyes, Serach said that miracles are worthless, until she heard the secret word which she had received from her fathers by tradition. Now, Moshe and Aharon never said [as the Zionists did] that they were going to fight a war against the Egyptians or take any other action. They simply came as emissaries of Hashem to bring wondrous plagues upon Egypt, promising that Hashem Himself would set them free afterwards, as the Torah says. So, wouldn't those plagues be the greatest proof that they were the true emissaries of Hashem? Yet she told them not to believe in such a redemption, for fear of the possible stumbling block of leaving Egypt before the proper time. "We have no other test except that which we received from our fathers," she declared.

And regarding the future redemption, Chazal say (Midrash Tanchuma, Parshas Acharei, on the pasuk: "Israel is saved by Hashem in an everlasting redemption" (Yishaya 45:17): In the past, the redemptions

were not complete because they took place through humans. But in the future, Israel will be saved by Hashem. He himself will redeem them, and therefore it will be an everlasting redemption. And so they said on the pasuk: "And those who were redeemed by Hashem will return..." (Yishaya 51:11) And Scripture says, "I Hashem in its time I will hasten it" (Yishaya 60:22) - I and no other. We do not have to go on at length bringing all the Scriptural verses and statements of Chazal that say explicitly that the exile and the redemption are only in the hands of Hashem; He Himself will bring the redemption in a clear way, as we have written. Only one who denies the Torah and emunah could think that we ourselves could carry out redemption.

The time of redemption is hidden. No one knows when it will be. But the words of Chazal are clear that now it depends only on teshuva (Sanhedrin 97b). Also, the Rambam saw that this future teshuva is explicitly stated in Scripture ("You will return to Hashem your G-d and listen to His voice" – Devarim 30:2). And therefore in his Yad HaChazakah, in which he usually summarizes the things we need to know, he did not want to make our identification of moshiach dependent on miracles, because this is a path that can lead to terrible mistakes, as we have said.

And in Masechta Tamid 32a, where the Sages tell Alexander the Great, "The Satan is victorious," Rabbeinu Gershom comments, "This means: do not be surprised that the Satan is victorious, for he leads them astray and gives them a redemption, and in the end, he brings them down to Gehinom." The Satan, we see, is the one who fools people into thinking that the redemption is here.

[The Gemara in Tamid says that Alexander the Great asked the Sages, "Why do you resist me?" The Sages replied, "The Satan is victorious." Rabbeinu Gershom explains that Alexander's question was: Since we are in power over you, why don't you give up your religion and accept ours? The Sages replied: The fact that you are in power does not prove that your gods are true. Rather, it is because the Satan gave you power in order to deceive you, so that he can bring you down to Gehinom. But Hashem guided his hand to use the word "geulah" - redemption - a word that does not really apply to Alexander the Great and his conquest of the known world. (Some better word choices would have been kingship, rulership or power.) The word "geulah" only applies to today's situation, where the Satan has confused the Jewish people and given them a false geulah so that he can bring them down to Gehinom. And the central message of the Gemara in Tamid can be applied to Zionism too. When the Zionists ask us to join them, arguing that their power is proof that Hashem approves of their movement, we reply, "No, it is the Satan who gave you this power in order to test the Jewish people."]

And therefore the Rambam makes the identification of moshiach dependent on his being someone who learns Torah and does mitzvos like his forefather Dovid, according to the written and oral Torah, and he will compel all of the Jewish people to follow it and to strengthen its weak points. This is the only sure path, as we have seen.

And although he brings, even in Sefer HaYad HaChazakah (Hilchos Teshuva 9:2), that moshiach will be a wondrous man, on a level of prophecy close to that of Moshe Rabbeinu, and other amazing things, still the main test for indentifying him as moshiach is if the Jewish people will fulfill the entire Torah. If only

we could be zocheh to see this with our eyes quickly! This is the sign, no other. Therefore, after the Rambam writes that moshiach does not depend on miracles (Hilchos Melachim 11:3), he ends off with the following words: "And the main thing is that this Torah, its laws and its ordinances will last forever and ever. We cannot add to them nor subtract from them." For if we were to think that the identification of moshiach does depend on miracles, one might be confused by a miracle that he brings to add or detract somehow from the Torah, Heaven forbid. But the idea that the entire Jewish people will do teshuva and return to keeping the entire Torah before the geulah is mentioned in the Torah and it cannot be changed.

Siman 49

[In this siman and the following few simanim, the Rebbe shows that according to most commentators, Malachi's prophecy that Eliyahu Hanavi will arrive before moshiach served as a safeguard against potential false messiahs. However, the Rambam states that Chazal were not in agreement on this point, and therefore he could not make Eliyahu's announcement a criterion of moshiach.]

The Maharal of Prague in his Haggadah gives a reason for the custom of opening the door before reciting Shfoch Chamascha. First, he brings the reason given by previous commentaries: [that we open the door to show that Pesach is a night when Hashem guards every Jewish home, and therefore we are not afraid to open the door. But he rejects this reason because if so, why do we open the door at this particular point in the Seder?] Rather, he says:

>>The reason is that we wish to arouse Hashem's mercy for the final redemption, and we are therefore obligated to teach our children and to publicize the tradition we have received from the prophets that before the redeemer arrives, Eliyahu HaNavi will come to announce the redemption, as it is stated in the psukim: "Behold, I am sending you Eliyahu HaNavi before the coming of the great and awesome day of Hashem." (Malachi 3:23) Therefore, the arrival of Eliyahu is the proof that he is the real redeemer. This is a true foundation and an important principle in our emunah in the coming of moshiach, for whom we wait, because it prevents us from falling into the trap of any false messiah. Therefore we have the custom to open the door in honor of Eliyahu HaNavi and also to pour a special cup of wine for him, the cup of the yeshuah of the redemption. All of this is in order to publicize and teach the members of one's household that the redemption depends on the arrival of Eliyahu HaNavi beforehand to announce it.

See there where he writes at length and concludes that this is a correct and clear reason, sweeter than honey, to explain the custom of opening the door. We see from this that he holds that the litmus test to identify whether this is a true redemption or not is what the pasuk says: Behold I am sending you Eliyahu... This is the only way to know whether this is the true geulah or not.⁴²

⁴² The Haggadah of the Maharal quoted by the Rebbe here was published in 1905 by Rabbi Yehuda Rosenberg, known for his other forgeries in the name of the Maharal. For example, in 1909 he published Niflaos Maharal describing the adventures of the Golem of Prague, and in 1913 he published Choshen Hamishpat, an adaptation of Arthur Conan Doyle's "The Jew's Breastplate," with the Maharal playing the role of detective in place of Sherlock Holmes. Rosenberg claimed to have received the manuscripts for these two books from a man named Chaim Scharfstein, who

However, the Rambam does not agree with this, because he writes at the end of Hilchos Melachim, Chapter 12, that it is a dispute between the Sages. Some say that before the war of Gog Umagog, which will take place at the beginning of the days of moshiach, Eliyahu will come. But others say that Eliyahu will come before the arrival of moshiach. This dispute has not been resolved, says the Rambam. Thus according to the Rambam, we cannot use the coming of Eliyahu as a test to identify moshiach.⁴³

Siman 50

Let us see what sources we can find in Chazal for these two opinions. It would seem that the opinion of the Maharal of Prague is clearly based upon the Gemara in Eiruvim 43b, which discusses the case of someone who takes a vow to become a nazir on the day when the son of David comes. The Gemara says that he is permitted to drink wine on Shabbos and Yom Tov, because since the pasuk says, "Behold, I am sending you Eliyahu Hanavi before the great and awesome day of Hashem," and Eliyahu did not come on Friday, moshiach cannot come on Shabbos. The Gemara explains that the reason Eliyahu does not come on Friday is because he does not want to interrupt the Jewish people's preparations for Shabbos. Similarly, the question of whether it is allowed to drink wine on Sunday depends on whether Eliyahu could come on Shabbos, which depends on whether the laws of techumin apply to someone who is more than ten tefachim above the ground. If the laws of techumin apply, Eliyahu would not be able to come on Shabbos, and thus moshiach would not be able to come on Sunday.⁴⁴

had inherited them from his uncle, who in turn had received them from the Royal Library of Metz, where they had been sitting for 300 years since the Maharal's time. No such library ever existed.

Rosenberg claimed that Maharal's Haggadah originated from the same source. In fact, in the front of the Haggadah, Rosenberg neatly covers his tracks by printing a letter from Scharfstein promising never to give a copy of the manuscript to anyone else. Many of the comments attributed to the Maharal are based on the Maharal's real works such as Gevuros Hashem. However, this particular comment on the reason for opening the door does not appear there; in fact, as far as I was able to ascertain, it doesn't appear in any commentary on the Haggadah written by anyone before the time of Rosenberg. All old Haggados simply state that the reason we open the door is to show that Pesach is a Leil Shimurim, and in the zechus of our faith we will bring moshiach. Nothing about Eliyahu is mentioned. It seems that Rosenberg succeeded not only in forging a document in the name of the Maharal, but also in creating a legend that is now taken for granted by Jews of all types, everywhere.

In terms of the sefer Vayoeil Moshe, the purported Maharal comment is not saying much new because, as the Rebbe will detail in the coming simanim, the idea that moshiach will be preceded by Eliyahu is based on the Gemara in Eruvin 43b and is agreed upon by almost all commentaries.

⁴³ Hilchos Melachim 12:2. It would seem from the simple meaning of the words of the prophets that at the beginning of the days of moshiach, the war of Gog Umagog will take place, and that before the war of Gog Umagog, a prophet will arise to set Israel on the proper path and to prepare their hearts, as Scripture says, "Behold, I am sending you Eliyahu..." And he does not come to declare the tahor tamei or the tamei tahor or to invalidate the lineage of people who were previously known to be of good lineage; neither does he proclaim good the lineage of those who were considered invalid. But rather, he comes to make peace in the world, as Scripture says, "He will return the hearts of the fathers to the sons..." And there are some Sages who say that before the coming of moshiach, Eliyahu will come. No man will know how these things and the like will happen until they happen, because these things are written cryptically in the words of the prophets, and the Sages did not possess a tradition about them either. Rather, each one stated what he felt was the most probable meaning of the pesukim, and therefore they disagree about these matters. And in any case, neither the order of these events nor their details are a core principle of Judaism. A person should never occupy himself with these Agados and not spend long amounts of time on the Midrashos that are stated about these things or the like. And he should not make them a centerpiece of his study, because they do not lead to fear or love of Hashem.

⁴⁴ Eiruvim 43a-b: It was taught in a Baraisa: "If one vows to be a Nazir on the day the Son of David comes, he is allowed to drink wine on Shabbos and Yom Tov, but he is forbidden during the weekdays." This seems to be a proof that there is a prohibition of techumin (Shabbos boundaries) in the sky; that is why moshiach cannot come on Shabbos or Yom Tov. The Gemara responds: No, the reason why one may drink on Shabbos is because Eliyahu did not come the day before. If so, it should be permitted on weekdays too, because Eliyahu didn't come yesterday! – The

So, based on the give and take in this Gemara, it is clear that halachically we permit someone to violate nezirus (that is, we assume he is not a nazir) based on this principle that moshiach cannot come unless Eliyahu came on the prior day. Thus Eliyahu's coming on the prior day is a clear test of the authenticity of moshiach. The same is stated explicitly by the Raavad in his commentary on the Mishnah at the end of tractate Eduyos, perek 8, mishnah 7: "Eliyahu does not come to declare anything tamei or tahor, to invalidate or validate anyone's lineage...but only to make peace in the world, as it says, "Behold, I am sending you Eliyahu Hanavi...and he will return the hearts of the fathers upon the sons and the hearts of the sons upon the fathers." The Raavad explains that he will come to make peace between the Jews and the other nations and to announce the coming of the redeemer, and this will be one day before the coming of moshiach.

Similarly, the Rambam in his commentary on this mishnah writes: "Because Moshe told the Jewish people about the coming of moshiach and wrote in the Torah, 'And Hashem will return your captives etc. And He will circumcise your hearts, etc.' he told them also what he heard from Hashem about the preconditions and causes for the coming of moshiach, and that a man would come first to pave the way, and he is Eliyahu."

The same is stated by the Tosafos Yom Tov at the end of Eduyos: that Eliyahu will come before the coming of moshiach.

Similarly, from the language of the Gemara in Shabbos 118a, it appears that Eliyahu will come to save us from the birthpangs of moshiach.⁴⁵

The Targum Yonasan at the beginning of Parshas Pinchas writes about Pinchas, "He will live forever to announce the redemption" - because Pinchas is Eliyahu.

In the Midrash Rabbah, Shemos 3:6, on the verse, "I have sent you," Chazal say, "The sign of the first redemption (i.e. the redemption from Egypt) is that the Jews came down to Egypt with the word Anochi, as the posuk says, "I will go down with you to Egypt," and with the word Anochi they went up, as it says, "I will bring you up." And the sign of the final redemption is that they will be healed and redeemed with the word Anochi, as the posuk says, "Behold, I (Anochi) am sending to you Eliyahu..."

answer is that perhaps Eliyahu did in fact come yesterday to the great Beis Din, and we did not hear about it. If so, Shabbos should also be forbidden, because perhaps Eliyahu came on Friday and we didn't hear about it! – The answer is that the Jewish people was already promised that Eliyahu will not come on Erev Shabbos or Erev Yom Tov, so as not to disturb the Jews in the midst of their preparations... If so, why isn't it permitted to drink on Sunday, because Eliyahu cannot have come on Shabbos due to the techum? Wouldn't this imply that the Tanna of the Baraisa held that there is no prohibition of techumin in the sky? – The Tanna was uncertain whether there are techumin in the sky, so he adopted the strict position of forbidding wine on Sunday. Since he was uncertain, we may not go and walk outside the techum above 10 tefachim, such as on top of a narrow wall.

⁴⁵ Whoever eats three meals on Shabbos will be saved from three punishments: the birthpangs of moshiach, the judgment of Gehinom and the war of Gog and Magog. How do we know this? Regarding the Shabbos meals the Torah uses the word "day" ("And Moshe said, eat it today"), and regarding the birthpangs of moshiach we find the word "day" as it is written, "Behold I am sending you Eliyahu Hanavi before the coming of the great and awesome day of Hashem." (Shabbos 118a) The Gemara seems to equate the "great and awesome day" with the birthpangs of moshiach, and Eliyahu will come before that, presumably to save us from it.

And there are countless other statements of Chazal that say that Eliyahu will come to announce the redemption before the coming of moshiach.

The Pesikta d'Rav Kahana 36:4 makes a more detailed statement: Three days before the coming of moshiach, Eliyahu will come and stand on the mountains of Israel. However, the Gemara in Eiruvin is clearly saying that he will come only one day before; that is why forbids the one who vowed to be a nazir on the day moshiach comes from drinking wine on Sunday, because Eliyahu might have come on Shabbos, if we hold that the techumin laws don't apply above ten tefachim. Tosafos asks: Maybe Eliyahu came on Friday, but only made his announcement on Shabbos. Tosafos answers that the posuk implies that on the same day that he comes, he will announce: "Behold, I am sending you Eliyahu Hanavi before the day of Hashem..."⁴⁶ This would also explain why the man taking this vow is permitted to drink on Shabbos and Yom Tov because it is impossible that Eliyahu came on Erev Shabbos. Now, why don't we fear that he may have come on Thursday or Wednesday? It must be that he must come only one day before moshiach, in contrast to the Pesikta d'Rav Kahana which holds he comes three days before. In any case, all agree that he will come before moshiach.

And we also see in the Tanna Devei Eliyahu (Seder Eliyahu Rabba 18, quoted in Tosfos on Bava Metzia 114) that Eliyahu himself said this:

>>It once happened that our teachers and other sages were sitting in the Beis Midrash and debating and saying, "From whom is Eliyahu descended?" Some said that he was descended from Rachel, and others said from Leah. As they were discussing it, I came and stood before them and I said: "My teachers, I am a descendant of Rachel." And they said to me, "Bring proof to your words." And I said to them, "Is it not written in the lineage of the tribe of Benjamin (Divrei Hayamim 1:8:27), "And Yareshya and Eliyah and Zichri, the sons of Yerocham"? And they said to me, "Aren't you a kohein? Didn't you say to the widow, make me a small cake first and bring it out to me, and then only afterwards make for yourself and your son?" (Tosafos explains that because he was a kohein, he wanted to take challah first.) And I said to them, "That child was Moshiach ben Yosef, and I wanted to give a hint to the world that I will come first and then the son of Dovid will come."

See there in Seder Eliyahu Rabba and in the Tosafos who quotes it. In any case, we see explicitly that Eliyahu himself said that he will come before the coming of Ben David.

But the Yerushalmi (Shabbos 1:4 and Shekalim 3:3) says that Eliyahu will come at the revival of the dead, and this is definitely after the coming of moshiach.⁴⁷ If so, it seems that Eliyahu will come after moshiach. Perhaps we could reconcile these two sources by saying that Eliyahu will come twice: he will

⁴⁶ And we also don't fear that he came on Thursday and announced Thursday – because we assume he will make his announcement exactly one day before moshiach comes.

⁴⁷ The actual wording of the Yerushalmi is that the revival of the dead will lead to Eliyahu. However, the commentators say that Eliyahu will come first, and the Yerushalmi merely means that the revival of the dead will necessitate Eliyahu's arrival in advance to make the announcement.

be a messenger from Hashem before the redemption, and then again a messenger before the revival of the dead. The posuk, "Before the coming of the day of Hashem" could refer to both of these events.

It's also possible to reconcile based on what the commenators have written that there will be two revivals of the dead: The greatest tzaddikim will arise immediately when moshiach comes, and the later revival will be a general one for the entire world. [Here are some of the sources for this concept:]

The Yefeh Toar has already written about this in his commentary on Bereishis Rabba, chapter 26. He quotes many statements of Chazal that there will be a revival of the dead at the beginning of the days of moshiach. But other statements of Chazal say that the revival will happen much later, after moshiach's time. His solution is that based on the the Sefer Halkkarim and the Ibn Ezra, the greatest tzaddikim will arise at the beginning of the time of moshiach; the other Chazals that say that the revival of the dead will be later are referring to the general revival of all of the Jewish people.

The Radbaz (2:839, in the name of the Ritva, who quotes his teachers; and 3:644, which is teshuva number 1,069) writes that all agree that there will be two revivals. Many other Rishonim write this too.

We find support for this in the Gemara, Bava Metzia 85b, in the story of Rabbi Chiya and his sons, whom Rabbi had appointed to lead the prayers because Eliyahu had told him that these sages were capable of bringing moshiach. The Gemara says that when they came to the words "mechayeh hameisim," the world began to shake, and Eliyahu came to stop them. This sounds puzzling: if they came to pray for the coming of moshiach, why was the world shaking when they prayed for the revival of the dead, which is supposed to take place much later, many years after moshiach comes? They had not even prayed for the coming of moshiach yet!

The Maharsha asks why the earth shook, and he explains that it's possible that the revival of the dead will begin with an earthquake, as we see in the case of the dead bodies who were revived by Yechezkel, where the posuk says, "And there was a sound as I prophesied, and there was an earthquake" (Yechezkel 37:7). But this still does not explain what this has to do with the coming of moshiach. However, according to the Rishonim mentioned above, who say there will be two revivals, and the first one will take place simultaneously with moshiach, it makes sense, because the first revival and the coming of moshiach (for which they were praying) is one and the same event.

Now we can answer that when the Yerushalmi says that Eliyahu Hanavi will come before the revival of the dead, it is referring to the first revival which is simultaneous with the coming of moshiach.

There is further support for the idea that there will be a revival of the dead together with moshiach, from the Gemara in Sotah 48b:

>>Since the First Temple was destroyed, there have no longer been Levite cities, Urim Vetumim, or a Davidic king. And if someone asks you, doesn't the posuk say, "And Hatirshasa told them they would not be able to eat from the holy of holies (i.e. the sacrifices) until a kohein arose with the Urim Vetumim"

(Ezra 2:63) – reply to him, this is similarly to a person who says to his friend, “Until the dead come to life and Moshiach ben Dovid comes.”

We see here that the Gemara mentions the revival of the dead before the coming of moshiach. But how can this be? Don’t we find in many places that the revival of the dead will be after the coming of moshiach? But according to the above, we can say that this refers to the first revival of the dead.

[But this is still problematic, because even the first revival that comes together with moshiach will be immediately after his coming, not before! The answer may be that certain individuals such as Moshe Rabbeinu and his generation will arise before moshiach. For we see that] the Midrash Rabbah at the end of Eikev (Devarim Rabbah 3:17) says that the Holy One, blessed is He, said to Moshe Rabbeinu, “By your life, when I bring them Eliyahu Hanavi, both of you will come at the same time.” If so, we see that Moshe Rabbeinu will arise from his grave before the coming of moshiach, so that he can come with Eliyahu. Furthermore, the Midrash Rabba, Va'eschanan 2:10, says that the reason why Moshe Rabbeinu stayed behind and died in the desert was so that the Dor Hamidbar should arise together with him at the revival of the dead, and he should lead them, as the posuk says, “For there the grave of the lawgiver was hidden, and he led the leaders of the people” (Devarim 33:21). Since it is impossible for the Dor Hamidbar to arise without Moshe, we must conclude that the entire Dor Hamidbar will arise before the coming of moshiach, at the same time as Moshe. And perhaps the Gemara in Sotah 48b, which says that the revival of the dead comes before moshiach, is referring to that revival. And we can explain the Yerushalmi the same way.⁴⁸

[Continuing in the list of commentators who hold that Eliyahu will precede moshiach,] the Smag in his introduction to the positive commandments says: “Hashem sent a message with Malachi, the last of the prophets, and he said, Behold, I am sending you Eliyahu HaNavi before the coming of the day of Hashem. In other words, he, Malachi, is the last of all the prophets, and from him until Eliyahu arrives, there will be no other prophet.”

If so, it is clear that the Smag holds that Eliyahu Hanavi will arrive before the coming of moshiach. Because if he held like the Rambam, that moshiach may come first, we know that the Rambam writes that moshiach himself will be a great navi, greater than all the other prophets, and close to the level of Moshe Rabbeinu (Hilchos Teshuva 9:1), and also in Igeres Teiman, he writes that it’s clear that before the coming of moshiach, prophecy will return. If so, it is impossible to say (as the Smag does) that the posuk means that there will not be any prophet from Malachi until Eliyahu, because possibly the moshiach will come first and he will be a great prophet. Rather, it must be that the Smag did not have any doubt about when Eliyahu would come; he held that Eliyahu will definitely come first.

⁴⁸ Recall that the actual wording of the Yerushalmi was that the revival of the dead will lead to Eliyahu. Based on the above, this could be literally true, because a certain part of the revival – Moshe and the Dor Hamidbar – will take place first.

And in the piyut recited at the end of Shabbos, we refer to Eliyahu as “a man appointed for all good tidings.” This certainly includes the announcement of the redemption before the coming of moshiach, as the Maharal says.

In summary, we have 11 sources in support of the idea that Eliyahu will precede moshiach: Eiruvין 43b, the Raavad, the Rambam and the Tosafos Yom Tov on Eduyos, Shabbos 118a, Targum Yonasan, Midrash on Shemos, the Pesikta deRav Kahana, Tanna Devei Eliyahu, the Smag and the piyut Eliyahu Hanavi.

Siman 51

However, as mentioned above at the end of Siman 49, the Rambam writes in Hilchos Melachim that there is a dispute as to whether Eliyahu will come before or after moshiach. [How does the Rambam reconcile his words with the Gemara in Eiruvין 43b?] The answer is that the Rambam has his own interpretation of the halacha quoted in that Gemara. In Hilchos Nezirus 4:11, the Rambam states:

- If one vows to be a nazir on the day when the son of David comes, he is permitted to drink wine on Shabbos and Yom Tov because any uncertain situation in nezirus is treated leniently⁴⁹, and we are uncertain as to whether moshiach can come on Shabbos and Yom Tov.

The Kesef Mishneh asks three questions on this Rambam.

- 1) The Gemara states that the reason is because Eliyahu does not come on Fridays, so moshiach will definitely not come on Shabbos. Why then does the Rambam ignore the reason stated by the Gemara and give his own reason - that an uncertain situation in nezirus is treated leniently?
- 2) The Gemara says that moshiach will definitely not come on Shabbos or Yom Tov because Eliyahu cannot come on Friday or Erev Yom Tov. Why then does Rambam write that it's uncertain?
- 3) The Gemara says explicitly that in a case of uncertainty, such as Sunday, when we're uncertain as to whether Eliyahu can come on Shabbos, and hence whether moshiach can come on Sunday, we are strict and do not allow the nazir to drink wine. Why then does the Rambam say that in an uncertain case of nezirus, we are lenient?

⁴⁹ The Rambam rules in accordance with the opinion of Rabbi Yehuda in Nedarim 19a: “If one said, I am hereby a nazir if a certain pile of grain contains 100 kur, and by the time he arrived at the granary to measure it, it had been completely stolen or lost, such that he does not know whether it was there at all at the time of his vow, and even if it was there, there is no way to find out whether it contained 100 kur, then Rabbi Yehuda says he is not a nazir, while Rabbi Shimon says he is.

Although a vow is a Torah prohibition, and therefore would ordinarily be treated strictly in cases of uncertainty, here Rabbi Yehuda's logic is that a person never intends to bring himself into a doubtful situation. He only meant that he would be a nazir if he actually measured the pile and found it to contain 100 kur.

In our case, one who takes a vow to be a nazir on the day moshiach comes is always a sofek nazir, since moshiach may arrive any day. Even Rabbi Yehuda agrees in this case, since that was the person's obvious intent. But when he took the vow on Shabbos, on top of the regular uncertainty over when moshiach will come, there is the additional factor that perhaps moshiach cannot come on Shabbos at all. Therefore, he never meant to accept nezirus in this case.

The Kesef Mishneh answers that the Gemara in Eiruvim follows the opinion of Rabbi Shimon (Nedarim 19a), who holds that doubtful nezirus must be treated strictly. Therefore, the Gemara was forced to say that the reason why it is permitted to drink on Shabbos and Yom Tov is because the Jewish people have a guarantee that Eliyahu will not come on Friday or Erev Yom Tov. But the Rambam, who rules according to Rabbi Yehuda, who says that doubtful nezirus is treated leniently, no longer needs to say that there was such a guarantee. Eliyahu may come on Friday, moshiach may come on Shabbos, and nevertheless it is permitted to drink wine because of we are lenient with uncertain nezirus.

The trouble with the Kesef Mishneh's explanation is that since the Gemara makes a flat statement that Eliyahu will not come on Friday or Erev Yom Tov, it sounds as if the Amoraim already knew that this was guaranteed, i.e. they did not just invent this idea to answer a question. If so, even though according to the opinion that uncertain nezirus is treated leniently we do not need to say that there was such a guarantee, it may still be true that there is a guarantee. There is no hint in the Gemara that anyone disagrees on this. It is quite possible that everyone agrees that a person making such a vow would be permitted to drink on Shabbos and Yom Tov because of the definite fact that Eliyahu will not come on Friday, and not because of a rule that we are lenient in cases of doubt (even if there is such a rule). So why does the Rambam have to create a new dispute where there is no evidence that any dispute exists?

Furthermore, in Pesachim 13a, a Baraisa states that we burn terumah that is possibly tamei on the Friday before Erev Pesach that falls on Shabbos (since there is no way to eat it in any case, we need to burn it before Pesach, and on Shabbos it may not be burnt), and we are not afraid that perhaps Eliyahu will come later that day and declare them tahor, hence permitting them to be eaten. The Gemara explains that this is because we are guaranteed that Eliyahu will not come on a Friday. And although there is a dispute whether terumah tehorah may be burnt (when there is too much of it to eat on Shabbos), in the case when it is possibly tamei, all agree. When one Tanna made the argument that Eliyahu will not come on Friday, the opposing Tanna did not respond. So it seems there was no dispute about this guarantee.⁵⁰

The Lechem Mishnah offers a different approach to reconciling the Rambam with the Gemara in Eiruvim.

⁵⁰ Pesachim 13a: When the 14th of Nissan falls on Shabbos, we burn all chometz before Shabbos: we burn both terumah tameiah, terumah that is possibly tamei, and even terumah tehorah. And we leave over enough of the tehorah to make two meals to eat on Erev Pesach before the end of the fourth hour. This is the opinion of Rabbi Elazar ben Yehuda of Bartosa in the name of Rabbi Yehoshua. They said to him, "Let them not burn the tehoros, because we might find people to eat them." He said to them, "They already looked and did not find" (i.e. they already know who is coming for Shabbos and who lives in the city who might possibly be able to eat this terumah). They said to him, "Maybe the people who might eat the terumah are sleeping outside the city walls and they might come in on Shabbos morning." He said to them, "If you are going to be worried about such an unlikely event, then even the terumah whose tumah status is uncertain should not be burned, because perhaps Eliyahu will come and declare them tahor!" They replied, "The Jewish people are already guaranteed that Eliyahu will not come on Friday or Erev Yom Tov, because he does not want to trouble them in the midst of their Shabbos preparations."

The Rebbe's point here is that if there existed any opinion who disagreed with the idea that Eliyahu cannot come on Friday, then why didn't Rabbi Elazar ben Yehuda respond, "I hold that Eliyahu might come on Friday, but just as we're not afraid of that happening, we're not afraid that unexpected guests might arrive"? From the fact that he did not say this, it seems that nobody disagrees with the idea that Eliyahu will not come on Fridays.

The Gemara begins its analysis of the Baraisa (which says that if someone takes a vow to be a nazir on the day moshiach comes, he is forbidden to drink wine all week but permitted on Shabbos) by proposing that this Tanna must have held that the prohibition of techumin applies in the sky, and thus moshiach cannot come on Shabbos. But how did the Amora who spoke this line of the Gemara understand why Sunday is prohibited? Shouldn't it be allowed to drink on Sunday, because Eliyahu cannot come on Shabbos, for the very same reason of techumin? The answer is that this Amora held that Eliyahu does not necessary have to come exactly one day before moshiach. He might come several days earlier.

The other Amora in the Gemara's dialog then responds that the reason Shabbos is permitted has nothing to do with techumin; rather, it is because Eliyahu comes exactly one day before moshiach, and he cannot come on Friday. Now, this answer works only because the Amoraim in this Gemara held [like Rabbi Shimon] that any uncertainty in the laws of nezirus is ruled strictly. Thus he was forced to say that it is impossible that Eliyahu will come more than one day before moshiach, because if it were possible, then how would it be allowed to drink wine on Shabbos and Yom Tov? Couldn't Eliyahu come on Thursday or earlier?

But according to the opinion [of Rabbi Yehuda, which the Rambam follows] that uncertain nezirus is leniently ruled, then the first Amora in the Gemara could be correct that it is possible for Eliyahu to come several days prior to moshiach. Then the reason why Shabbos is permitted is not because Eliyahu can't come before – after all, he could have come on Thursday, and so Shabbos is the same uncertainty as every day. Rather, Shabbos is permitted because techumin might apply in the sky, preventing moshiach's arrival.

According to way the Lechem Mishneh explains the Rambam, there is no disparity between the Rambam and the Gemara about the guarantee that Eliyahu will not come on Erev Shabbos. Rather, the disagreement is that the Gemara concludes that he must come exactly one day before moshiach, while the Rambam holds that he might come several days earlier. And this is a reasonable subject to disagree over, because, as I have already shown (Siman 50), the Pesikta says Eliyahu will arrive three days prior to moshiach.

However, I do not understand why the Lechem Mishnah and the Kesef Mishnah work so hard to create new disputes about the time of Eliyahu's coming before moshiach. Don't we see explicitly in the Rambam in Hilchos Melachim that the very idea that Eliyahu will precede moshiach was in dispute among the Sages, and we cannot make any decision as to who is right? If so, the entire dialogue of the Gemara in Eiruvim, which permits drinking wine on Shabbos and Yom Tov because it assumes that Eliyahu will come before moshiach, is only true according to one opinion. But according to the opinion that Eliyahu will come post-moshiach, we would have no reason to permit wine on Shabbos.

It must be that the Gemara in Eiruvim followed the opinion that in uncertain nezirus, we go to the stringent side; that is why the Gemara was forced to explain that the Baraisa permitting the wine on Shabbos assumes that Eliyahu will come before moshiach, and he cannot come on Friday. But according to the opinion that with uncertain nezirus we go to the lenient side, there is no necessity to take sides in

the dispute about when Eliyahu will come. And therefore the Rambam, who already ruled in his Hilchos Nezirus (2:7 and 2:9) in accordance with the opinion that uncertain nezirus is lenient, writes that this same reason is what permits wine on Shabbos, and does not [give the Gemara's reason that Eliyahu must come first, because] he does not wish to take a side in a dispute which he cannot rule upon.⁵¹

[Thus, the Rambam meant that because of the uncertainty as to whether Eliyahu must come before or after moshiach, we are uncertain as to whether moshiach can come on Shabbos, so we allow drinking wine on Shabbos because we are lenient in uncertain nezirus.]

This is a very satisfying answer to the above question on the Rambam. However, I still do not know the Rambam's source for the other opinion [that Eliyahu will come after moshiach]. Since the opinion of the Gemara is that Eliyahu will definitely come before moshiach, and there is no hint in the Gemara that there is any other opinion, logic dictates that even though regarding "uncertain nezirus" the halacha does not follow that Gemara in Eiruv, however, regarding the fact presented in the Gemara as definite that Eliyahu will come before moshiach, we have no reason to think anyone disagrees. That is the general rule followed by all poskim: that when a fact is stated - even by a Tanna or Amora whose opinion we do not follow in some matter - we still accept that fact. Our non-acceptance of him is confined to the exact area in which we find that the dispute, but on a subject where we don't find any dispute, we don't create a new dispute and say that the other Tannaim or Amoraim disagree with him on that too.

In the language of the Chacham Tzvi in Siman 134, "It is a clear matter to anyone who is experienced and fluent in the ways of the Talmud that we do not make up any disputes between Tannaim and Amoraim. The only disputes are the ones that they are explicitly arguing over. This is one of the fundamental principles of the Talmud."

And the same is stated by all the poskim - the Rishonim and the Achronim. There is no need to write further on this subject.

Siman 52

The Rebbe is searching for the Rambam's source that there is an opinion in Chazal that disagrees with the Gemara in Eiruv and holds that Eliyahu might come after moshiach.

My first thought was that perhaps the Rambam's source is the story of Ben Koziva. In Hilchos Melachim 11:3, the Rambam derives certain details about the identification process for moshiach from the story of Ben Koziva. Although it turned out that following Ben Koziva was a mistake, and it actually led to a tremendous calamity, still, from the fact that Rabbi Akiva and all the sages of his generation believed at

⁵¹ As the Rambam says in his Commentary to the Mishnah, Perek Chelek, in reference to the dispute between Rabbi Eliezer and Rabbi Akiva as to whether the Ten Tribes will one day return: "I have already told you many times that in any dispute between the sages that has no practical ramification, only belief, we cannot rule halacha like either side." The Rebbe quoted this above in Siman 40.

first that he was moshiach, the Rambam held that we can prove, for example, that moshiach need not perform miracles.⁵² If so, by the Rambam's own logic, the story of Ben Koziva serves as proof that it's not necessary for Eliyahu to come before moshiach, because obviously Eliyahu did not come before Ben Koziva to announce the redemption because, as we know, it turned out to be false. It must be, then, that Rabbi Akiva and his colleagues disagreed with the Baraisa cited by the Gemara in Eiruvim, which holds that it is impossible for moshiach to come without Eliyahu coming first.

However, [there is a difference. We don't find anywhere in Chazal that moshiach will need to perform a miracle, so the Rambam inferred from Rabbi Akiva's initial acceptance of Ben Koziva that it must not be necessary for him to perform a miracle. But here,] we have a sugya in the Gemara (Eiruvim 43b) that so definitely relies on the promise that Eliyahu must come before moshiach that it permits one to violate the laws of nezirus on Shabbos and Yom Tov, even according to the opinion that wherever there exists any doubt about a case of nezirus, we are strict. In this case, even the Rambam would not claim that Rabbi Akiva, because he briefly considered the possibility that Ben Koziva was moshiach, must have disagreed with this Gemara.

Furthermore, the Gemara in Bava Basra 130b says that we don't derive halacha from "something taught" or from a story. The Rashbam explains that "something taught" means that if a rebbi is teaching and he says, "So-and-so's reasoning makes sense," his students must not draw any halachic conclusions from this, because perhaps if the rebbi were confronted with an actual situation, he would be more careful and give consideration to the other opinion.

"From a story" means that even if a student witnesses his rebbi ruling on an actual case, he should not draw conclusions about the halacha, because perhaps he was mistaken as to the reason for his rebbi's decision in that particular case.

The Rashbam also quotes the Gemara that says, "We do not learn halacha from a mishnah," for example, where the Mishnah says that the halacha follows a certain Tanna, unless the Amoraim in the Gemara also rule this way. The reason why we rely more on Amoraim is that Rav Ashi and Ravina are called "sof hora'ah" - the conclusion of all halachic decisions (Bava Metzia 86a), and they codified the Amora's decision by including in the final text of the Gemara.

Rashi on Niddah 7b says that the reason why we do not derive halacha from a Mishnah or a Baraisa is because the later Amoraim analyzed the reasons of the Tannaim, and determined what the real halacha is. And see the responsa of the Radbaz, Volume 2, number 647.

⁵² "Let it not enter your mind that the melech hamoshiach will have to perform signs and wonders, changing the nature of the world, or resurrecting the dead and the like. It is not so. The proof is that Rabbi Akiva was one of the great sages of the Mishnah, and he was a close follower of King Ben Koziva, proclaiming him as the melech hamoshiach. He and all the sages of his time thought that he was the melech hamoshiach, until he was killed because of sins. Once he was killed, they realized that he was not. But the sages did not ask him for a sign or a wonder." (Rambam Hilchos Melachim 11:3)

Based on the above, since the sugya in the Gemara Eiruvim 43b contains a conclusion reached by the Amoraim (that Eliyahu will precede moshiach), this overrides even what Tannaim in a Mishnah or a Baraisa explicitly state as halacha, even when those Tannaim did not later retract. And all the more so in the case of Rabbi Akiva believing in Bar Koziva's messianic status, which was only a temporary position that he held, a position which he later retracted and, in fact, did the opposite by killing Ben Koziva (Sanhedrin 93b). Certainly in this case the halacha would follow the Gemara.⁵³

[Now that we have mentioned the Rambam's proof from Ben Koziva that moshiach need not perform miracles, let us comment on the enigmatic claim of the Rambam that not only Rabbi Akiva but all the sages of his generation believed that Ben Koziva was moshiach. Why does the Rambam stress this, and what is his source?]

The reason why the Rambam stresses (Hilchos Melachim 11:3) that not only Rabbi Akiva but all the sages of his generation believed that Ben Koziva was moshiach is because possibly from Rabbi Akiva alone he would not have had proof [that moshiach need not perform miracles], because the halacha follows Rabbi Akiva only against an individual Tanna, not against a majority, as the Kessef Mishneh says in Hilchos Tefillin 4:10 and Hilchos Terumos 12:7. Therefore the Rambam states that all the other sages of the generation also believed in Ben Koziva.

However, we don't find in the Gemara or the Midrash that the other sages of his generation agreed. And on the contrary, in Midrash Eichah 2:2 it says that Rabbi Yochanan ben Torasa said to Rabbi Akiva, "Akiva, the grass will grow on your cheeks before moshiach comes!"

I would propose that the Rambam source was the Gemara in Sanhedrin 93b:

>Ben Koziva said to the Rabbis, "I am moshiach." They said to him, "It is stated that moshiach will be able to judge by smell. Let us see if you can judge by smell." Once they saw that he could not judge by smell, they killed him.

The Rambam reasoned that since they had to test him, and only once they had tested him, they concluded that he was an impostor, we see that before the test, they held that he was a legitimate candidate to be moshiach.

⁵³ One could object to this reasoning based on the Rambam's own view, quoted in Vayoeil Moshe near the end of Siman 40, that we do not rule halacha in a dispute over what will happen in the messianic age. Thus although the Rebbe is correct that the halacha would ordinarily be ruled according to the Gemara over a Tanna, in this case we don't rule at all on the question of Eliyahu preceding moshiach. That would explain why the Rambam left it as an unresolved dispute.

However, the Gemara in Bava Basra still says that we do not derive halacha from a story, since as the Rashbam explains, there may have been other factors that the student was unaware of. In the Ben Koziva story too, there may have been other historical details we do not know, so we cannot even register Rabbi Akiva's position as one of the sides in a dispute. On the question of whether moshiach will perform miracles, since there is no other known statement of Chazal, the Rambam did derive lessons from the story, but here, in the face of an opposing sugya, we would rather say that we don't have all the information about Rabbi Akiva's view and therefore, it should not count.

However, the Rambam's proof is not conclusive. It's possible that the sages had other reasons to reject him, or possibly they were uncertain about the other reasons, and they tested him with smelling and judging only to convince the rest of the people, since that is a sure-fire test.

Tosafos on Succah 24a point out that the Gemara there (and in Eiruvim, Gittin and Bava Kama) says that the reason of Rabbi Yehuda is because he doesn't recognize the concept of "breirah" (determining present events based on future events), although the Baraisa says explicitly that Rabbi Yehuda's reason is because the bottle may break.⁵⁴ Tosafos proves from many places in Shas that often, the Gemara does not consider the reason written in the Baraisa to be the real reason. If so, we may certainly make the same argument here. The Sages may have had other reasons, perhaps more basic ones, to reject Ben Koziva.

I've already mentioned before (Siman 39) that Rabbi Avraham Zacuto (in his Sefer Hayuchsin) says that even Rabbi Akiva later retracted his opinion. This is quoted in the Seder Hadoros. In the Babylonian Talmud, the entire opinion of Rabbi Akiva that Ben Koziva was moshiach is omitted. And it is well known that Tosafos (Shabbos 59a and 152b) and other Rishonim (Rosh, Chullin 2:6) say that the reason why so many Baraisos were left out of Shas is because the compilers of Shas sorted through everything and rejected them as halacha. If so, even though the Midrash mentions what Rabbi Akiva originally thought about Ben Koziva, since the Babylonian Talmud brings the words of the other sages and does not mention Rabbi Akiva, it is certain that we cannot bring Rabbi Akiva as a proof that there is an alternative opinion to the clear sugya in Massechta Eiruvim where the Gemara reaches a halachic decision on this subject.

This, combined with the fact that we see in the words of the Sages in Sanhedrin 93 that they were in doubt about Ben Koziva, and they said, "Let us see if he can smell and judge," makes it obvious that this "doubt" does not override a "certain" ruling of the Gemara in Eiruvim.

On the other hand, the Rambam does bring proof from Ben Koziva that moshiach need not perform miracles, because the Gemara never contradicts this in any place. Therefore, if the Sages were at least in doubt about Ben Koziva, it is not clear that he must perform miracles. That is why the Rambam says, "Do not let it occur to you," meaning, do not confuse your minds by making the coming of moshiach dependent on miracles. I've already explained at length what the Rambam's reason is for saying this: because he was afraid in general of making miracles into the foundation of Judaism, because this could lead Jews to stumble and abandon the Torah. Therefore, the Rambam takes the trouble not to make the coming of moshiach based on anything except for the fact that he will first bring all of the Jewish people to fulfill the entire Torah, as he writes in Hilchos Teshuva (7:5). In order to strengthen this point and not allow people to think that miracles must occur when moshiach comes, he brought a proof from Ben

⁵⁴ The case under discussion involves a bottle of wine from which terumah and ma'aser has not been separated. In order to drink from it on Shabbos, when it is not allowed to separate tithes, one opinion holds that he should make a verbal declaration that whatever he will separate after Shabbos should be the terumah right now (this is known as breirah). Rabbi Yehuda forbids this, because (says the Baraisa) he fears that the bottle may break on Shabbos and he will never come to the point where he can perform the separation of terumah.

Koziva, where we see at the very least that miracles are not necessary, and one must not trouble his mind with things that are not clear or necessary.

The Rambam does not write, "Let it not occur to you that moshiach will perform miracles." Rather, he writes, "Let it not occur to you that he must perform miracles," because we do not know what he will need to do. But to bring a proof from Ben Koziva that Eliyahu does not need to come beforehand, which is against the Gemara in Eiruvim, would not be justified.

Siman 53

We are discussing whether we can derive from the story of Ben Koziva that Eliyahu does not have to come before moshiach.

See the Ran on Nedarim 65a, and the Beis Yosef Yoreh Deah 228, who expands further upon the case of someone who took a vow for the sake of his friend, where the rule is that we do not annul the vow unless that friend is present. The Ran raises the question of whether, post facto, the vow become annulled if they performed the annulment without the friend's presence. There are some Rishonim who proved the point from the story of King Tzidkiyahu, who was a complete tzaddik, and the Sanhedrin in his time who permitted his vow without Nevuchadnetzar's presence. (See above Siman 30 for the details of this story.) These Rishonim argue that it is inconceivable that the Sanhedrin did something incorrect. Rather, it must be that Tzidkiyahu's case was like a post facto case, since he was very upset about having to keep his vow, and it was permitted to annul it without the presence of Nevuchadnetzar. And the reason why he was punished for it so severely (by having his eyes gouged out) was because of the chillul Hashem involved.

However, the Raavad and other Rishonim disagree with this and say that on the contrary, from the end of the story, where Tzidkiyahu was punished along with the Sanhedrin, it is obvious that the halacha is not in accordance with what they did. One cannot cite their actions as a proof that it is allowed to annul such a vow.

So we see that according to the Raavad and the others who follow his lead, even though Tzidkiyahu and the Sanhedrin put their halachic opinion into action and carried it through, which we would usually use as the basis for halacha, as per the Gemara in Bava Basra 130b ("we do not derive halacha from something taught, or from a story, unless the rav says it is halacha l'maaseh"), and even though we could have attributed their punishment to chillul Hashem, as the other Rishonim did, still, since they were punished for what they did, the Raavad and the other Rishonim hold that clearly, what they did was a tremendous mistake and we do not base the halacha on it. This is all the more so in the case of Ben Koziva. Like Tzidkiyahu, Ben Koziva brought a tremendous punishment upon the Jewish people - as the Yerushalmi says, the pride of Israel was cut down - so according to the Raavad and the other Rishonim, we would not learn from this story. But unlike Tzidkiyahu who actually went through with the annulment, the Sages' decision to follow Ben Koziva as moshiach was not carried to on a practical level; it was only something they considered temporarily. And therefore, it's not any stronger than the cases

listed in Bava Basra from which we don't derive halacha ("something taught" or a "story" in which we don't know they reason for the psak).

As to the fact that the Rambam proves from Ben Koziva that moshiach need not perform miracles, we've already explained in the previous siman that for this purpose, it is enough if it's at least uncertain whether moshiach will perform miracles. We see this from the fact that the Sages entertained the possibility that he was moshiach. The Rambam could really have stated the idea (that moshiach need not perform miracles) without proof, but just to make his point stronger he cites the words of Rabbi Akiva, who according to the Midrash said explicitly at first that Bar Koziva was moshiach. Although this is not a complete proof, it's still enough to be considered uncertain enough that no one can claim to know that miracles are a criterion for moshiach.

And I think this is what the Raavad means where he disagrees with the Rambam regarding Bar Koziva, and writes that since the Sages killed Ben Koziva after seeing that he was unable to judge by smell, it became clear that the Sages who had followed him were wrong. The Raavad's point is that we do not bring proof from a story that ended with such a tremendous tragedy. Thus, the Rambam and the Raavad in Hilchos Melachim are arguing about the exact point on which the Rishonim disagree in Nedarim. (The Raavad is consistent in his opinions in both places.) The cases are not exactly the same, but they are similar.

The Kesef Mishneh and the Lechem Mishneh both agree that the Rambam and Raavad in Hilchos Melachim are arguing over how Ben Koziva was killed. The Rambam states that Bar Koziva was killed, which implies that he was killed by the Romans.⁵⁵ But the Raavad quotes the Talmud Bavli (Sanhedrin 93b), which states that the Rabbis killed him.⁵⁶ They write that it is actually a dispute between the Talmud Bavli and the Midrash: the Midrash Eichah on the pasuk Bila Hashem (Eichah 2:2) states that Ben Koziva was killed by the nations. The Rambam rules in accordance with the Midrash.

[But what is behind the dispute between the Bavli and the Midrash themselves? On this point the Kesef Mishneh and the Lechem Mishneh are divided.] The Kesef Mishneh states that this dispute hinges on whether the halacha follows Shmuel, who said, "There is no difference between this world and the days of moshiach except for the subjugation of the nations." The Rambam (Melachim 12:2) follows Shmuel. [Therefore, the Rambam chose to follow the Midrash, whose view of moshiach is more naturalistic.] The Lechem Mishneh, on the other hand, says that the dispute depends on whether moshiach is required to judge by smell.

[The Kesef Mishneh's approach is problematic for two reasons:] 1) We don't really understand how the dispute should depend on this, [because even if nature in general remains the same in the days of

⁵⁵ The Rambam says that "Rabbi Akiva and all the sages of his generation believe he was moshiach, until he was killed due to sins." The implication is that the sages continued to believe in him up to the point when he was killed, not that they themselves turned against him. Clearly, he was killed by the gentiles.

⁵⁶ Thus the Raavad argues the Rabbis did indeed ask him to prove himself by showing that he possessed a miraculous ability. The Rambam follows a different version of the story, in which the Rabbis did not test him, and it was the Romans who killed him.

moshiach as Shmuel say, it is still possible that moshiach will have the ability to judge by smell, which is really just a level of semi-prophecy.] 2) Also, the Lechem Mishneh (Hilchos Teshuvah 8:7) already demonstrates using clear proofs that the Rambam did not rule in accordance with Shmuel; when he quotes Shmuel's statement in Melachim 12:2, he does so only to prove a point that is true even according to the other Amoraim who disagree with Shmuel. Based on this, he rejects the words of the Kesef Mishneh at the end of Melachim.⁵⁷

The Lechem Mishnah says that the Rambam and Raavad are disagreeing as to whether moshiach must be able to judge by smell. However, I have already mentioned (Siman 39) in the name of the Radbaz and Rabbi Avraham Zacuto that this is not a matter of dispute. After all, the Rambam himself in his Letter to Yemen states clearly that moshiach will have to be able to judge by smell. It seems the Lechem Mishnah must not have seen the Letter to Yemen.

Also, furthermore, how could the Rambam reject the Gemara in favor of the Midrash? Don't we have a rule that Shas takes overrides Midrashim? And since the sole, undisputed Gemara on this subject says that in the end, the Sages held that moshiach must be able to judge by smell, and they went ahead and put that into practice by killing him, how can we say that we don't follow them? And furthermore, the entire premise of the Lechem Mishnah and the Kesef Mishnah that there is a dispute between the Gemara and the Midrash is unjustified, because the Abarbanel in his work Mashmia Yeshuos writes that there is no dispute here: when the Gemara says that the Sages killed him, it doesn't mean that they killed him themselves, but rather that they judged him as being liable to death, and afterwards he was killed by the Romans. Therefore, there is no contradiction between the Gemara and the Midrash. Why should we assume that there is a dispute between the Tannaim when it is possible to reconcile them?

[The Abarbanel's explanation that they did not kill him physically is totally reasonable. After all,] in the Torah in Parshas Vayeishev, in the story of Yosef in jail, it says, "Everything that they did there, he did it." The Targum says, "By his word it was done" - because whatever was done by his word is considered as if he did it, because his authority caused it to happen, even though he did not physically do it. And so we find in many places. Thus, there is no contradiction to the Midrash from the Gemara which says the Sages killed him, because it could have happened through the curse of the rabbis, or even perhaps their thoughts and opinions. In any case, it was their authority that caused it to happen, even though physically they did nothing.

⁵⁷ The Gemara says in several places that Shmuel's opponent is Rabbi Yochanan, who said, "All the prophets spoke only about the days of moshiach, but no eye but G-d's has seen the World to Come." In other words, Rabbi Yochanan holds that there will be changes in nature during the messianic era, as described in the prophets. Shmuel, on the other hand, holds that in the messianic era there will be no changes, and the prophets are describing the World to Come. Now, the Rambam in Hilchos Teshuva 8:7 quotes Rabbi Yochanan word for word, but in the next chapter (9:2) as well as in Hilchos Melachim 12:2 he quotes Shmuel word for word. Isn't this a blatant contradiction?

The Lechem Mishneh resolves this by saying that even Rabbi Yochanan does not say that there will be open changes to the laws of nature and physics. He just means that certain aspects of the world will change, within the bounds of nature: there will be no wars and no poverty. Shmuel counters that the posuk says, "For the poor will not vanish from the earth." The Rambam follows Rabbi Yochanan. However, in Hilchos Melachim he is explaining the verse, "The wolf will live with the lamb and the leopard will lie down with the goat" (Yishaya 11:6). This seems to be an open change of nature, which will not happen even according to Rabbi Yochanan. His answer is that even Shmuel will have to admit that Yishaya 11 is describing the days of moshiach - it says so explicitly: "And a staff will emerge from the trunk of Yishai..." How does he explain the wolf living with the lamb? The answer must be that it is a metaphorical description of an era when the gentile nations no longer harm us. If so, Rabbi Yochanan, too, can explain it as a metaphor.

In particular, I am surprised that the Kesef Mishnah and the Lechem Mishneh say that in Eichah Rabbasi (Midrash Eichah) on the posuk "Bila Hashem velo chamal" (Eichah 2:2), it says that Ben Koziva was killed by the nations. Actually it does not say that. Here is the relevant quote:

- Ben Koziva was killed, and they brought his head before Hadrian. He said, "Who killed this man?" He went and brought him [the body], and he found a snake coiled around his neck. He said, "If G-d had not killed him, who would have been able to kill him?" And he applied to him the following verse in the Torah: "If not for the fact that their Rock sold them out" (Devarim 32:30).

So we see explicitly that it was not the nations that killed Ben Koziva. It was not even possible for them to kill him. Only Hashem Yisborach killed him.

This story is also brought in the Yerushalmi Taanis, Chapter 4. The Maharash Yaffeh in his commentary Yefei Mareh on the Yerushalmi says that the snake was a messenger from Hashem Yisborach. If so, there is definitely no contradiction between the Midrash and the Bavli. Just as the Midrash says that Hashem killed him, since it happened through a snake who was a messenger from heaven, in the same way, the Bavli says that the Sages killed him, because whatever was done in heaven was done by the Sages; they killed him through a messenger who was sent from heaven. Even Hadrian, who knew nothing about what the Sages had said, saw clearly that he was killed by heaven. The Midrash says nothing else about this. But the Gemara reveals to us that the reason why the Sages killed him, and that his death was an act of the Sages through heaven. So why should we assume there is a dispute among Chazal, when there doesn't have to be one?

Also, the Rambam does not say that he was killed by the nations. He just says that he was killed, and his words could easily be understood to mean that he was killed by the messenger, the snake, who was both a messenger of the Sages and the messenger of Hashem.

As far as the Raavad, it's unnecessary to say that the Raavad is challenging the Rambam based on the Gemara's statement that Ben Koziva was killed by the Sages, because this does not contradict the Rambam, as we have explained. Rather, the Raavad is telling the Rambam that he cannot bring any proof from Ben Koziva, since following him turned out to be a tragic mistake.

And indeed, the Rambam himself did not mean to bring a complete proof from there, just to create a doubt [to show that it was at least uncertain whether moshiach will perform miracles] because we don't find anything to the contrary in Shas. But even the Rambam would not bring a proof from Ben Koziva against the clear statement of the Gemara in Eiruvim 43b that Eliyahu must precede moshiach.

Afterwards I saw that the Kreisi Upleisi at the end of siman 110 explains the Rambam's opinion about Eliyahu coming before moshiach. The Rambam agrees that Eliyahu will come before moshiach, since the Gemara does say this. But as is well known, Chazal say (Sanhedrin 98a) that if we are worthy, moshiach

will come in his time - meaning at the last possible time - but if we are worthy, he will come early. If he comes at the last possible time, then Eliyahu will precede him, but if we are worthy that moshiach should come early, then Hashem "skips over the mountains and leaps over the hills" (Shir Hashirim 2:8) to change the order of events. Because we have this zechus, Hashem's love for us changes the plans. This, then, is what the Rambam means (Hilchos Melachim 12:2): The proper way is for Eliyahu to come beforehand to announce the geulah, but it doesn't have to happen that way, because perhaps Hashem will have mercy and pour out His holy spirit upon Israel to serve Him with all their hearts, and then he will bring about our redemption and bring moshiach without Eliyahu coming first. Why then does the Gemara in Eiruvim 43b permit a nazir to drink wine on the assumption that Eliyahu must come first? Weren't they afraid of the early moshiach scenario? The answer is that it's not likely to happen, and they did not prohibit a nazir due to something that is not likely to happen.

But it's difficult, in my humble opinion, to learn the Rambam in accordance with the Kreisi Upleisi, because the Rambam says there is a dispute among the Sages regarding the verse, "Behold I am sending to you Eliyahu Hanavi before the coming of the great and fearful day of Hashem." Some say that this "great and fearful day" refers to moshiach, while others say it refers to the war of Gog and Magog. (See footnote 29?? for the full text of the Rambam.) But according to the Kreisi Upleisi, it's not a dispute among the Sages; moshiach without Eliyahu is just something that may happen but is unlikely to happen. It's so unlikely that Chazal don't even take it into account even for a Torah prohibition of nezirus, even in their time (when Jews were greater tzaddikim, and an early moshiach scenario was more likely), and all the more so in our time. The Chasam Sofer in his Likutei Shailos V'Teshuvos 98 does quote this Pleisi, and praises it, but he doesn't explain how the Pleisi fits this into the Rambam's words.

Siman 54

Background: In the previous siman, the Rebbe brought the words of Rabbi Yonasan Eybeshutz in the Kreisi Upleisi, who explains that although the Gemara says that Eliyahu will come before moshiach, that is only if he comes at the last moment, but if he comes early, moshiach might come before Eliyahu.

According to the Kreisi Upleisi, we can understand the Gemara in Sanhedrin 22b: "Rebbi said, I say that kohanim are forbidden to drink wine anytime, but what can I do? Their problem is their solution." Rashi explains that kohanim today don't know which shift (mishmar) they belong to, and therefore they may drink wine at any time because we follow the majority and assume that this week is not their shift.

On the other hand, Tosafos in Eiruvim 43b explains "their problem is their solution" to mean that many years have gone by and the Beis Hamikdash has not been rebuilt. Now, this seems like a strange argument. Just because many years have gone by and it hasn't been rebuilt, has our trust in the coming of moshiach and the rebuilding of the Beis Hamikdash become any less, to the point that the prohibition of drinking wine for a kohen has changed? Tosafos adds another reason why kohanim are permitted to drink wine: because even if the Beis Hamikdash gets built and this kohen has just had wine, another

kohen can always do the avodah, or this kohen can sleep off the wine and then do the avodah.⁵⁸ This reason is mentioned by the Gemara in Sanhedrin too.⁵⁹

But if that is the reason why the kohanim are permitted to drink (that he can sleep or find another kohein), then the Gemara should have said only that reason, not the reason that many years have gone by and it hasn't been built, which is seemingly a very strange argument.

But according to the Pleisi, we understand it, because if moshiach comes at the latest possible time, there's no way that he could come unless Eliyahu comes first, at least to the great Beis Din. If so, there is no problem with a kohein drinking wine because he will have a whole day in between the coming of Eliyahu and the redemption, and there will be plenty of time to sleep off the effects of the wine. Or, if Eliyahu comes to the great Beis Din, they can prepare a different kohein, and there is nothing to worry about. What do we have to be afraid of? Only that moshiach might come early, in which case he might come suddenly, without any forewarning by Eliyahu. And that's what the Gemara means by saying that our problem is our solution, because many years have gone by and it hasn't been built. There is no longer any possibility of an early redemption scenario; that time has already passed. Now we can be sure that there won't be any change in the order of events. Eliyahu will precede moshiach. Furthermore, even if we are still early enough to experience an early redemption, we can assume that it won't happen, because today's generation is not more righteous than those of the past who did not merit to see this. This is why there's no problem with a kohein drinking wine - because there will always be time to sleep or to prepare a different kohein.

According to this, the Rambam would have no proof from the case of Ben Koziva, who was thought to be moshiach despite the fact that Eliyahu did not come before him, because then it was very early, just a 52 years after the destruction of the Beis Hamikdash, and certainly it was not a late redemption scenario. The Gemara in Sanhedrin 97a says that the expected time for moshiach is at the end of the fourth millennium, which is 172 years after the destruction.⁶⁰ See also Avodah Zarah 9a. We can comment more on this, but it has already been discussed extensively by others. And of course, in these matters, no one knows what will happen, as the Rambam says at the end of Hilchos Melachim, which we will soon discuss. In any case, certainly at the time of Ben Koziva the time had not come, as the Midrash says.⁶¹

⁵⁸ Tosafos begins with a question: when someone vows to be a nazir on the day moshiach arrives, he is forbidden to drink wine every day of the week except Shabbos. So why is a kohein allowed to drink wine on the assumption that the Beis Hamikdash won't be built, since it has been so long? He answers that with the kohein we are more lenient because the avodah could always be done by another kohein, or by this one after sleeping.

⁵⁹ The Gemara gives this argument temporarily in order to pose the question: what is the difference between growing long hair, which is permitted, and drinking wine, which is forbidden according to the opponents of Rabbi? If you argue that he can just get a haircut when the times comes, then with wine as well, he can just take a nap when the time comes. The Gemara replies that we are worried that the kohein might drink a large amount, for which sleep would not help.

⁶⁰ Based on Tanna Devei Eliyahu: "The world exists for six thousand years. Two thousand years of emptiness, two thousand years of Torah, and two thousand years of moshiach."

⁶¹ The Midrash Eichah 2:4 says that when Rabbi Akiva proclaimed Ben Koziva to be moshiach, "Rabbi Yochanan ben Torasa said to him, Akiva, grass will grow on your cheeks and moshiach will not have come yet."

Therefore, when they thought originally that he might be moshiach, it would have been an early redemption, not following the order of events, and there would have been no need for Eliyahu to come first. The Rambam could not have brought proof from Ben Koziva to the time of Shas (that is, the Amoraim), when Rav said, "All the end times have passed." Already in Rav's time, it was the time of the late redemption scenario.

In any case, we see that the Pleisi has also dealt with this difficulty in the Rambam, and tries to explain why the Rambam says there is another opinion about Eliyahu that opposes the Gemara in Eiruvim. His solution is to distinguish between a late and an early redemption. Even though the argument makes sense, still, in my humble opinion, I've written that it's hard to fit that into the words of the Rambam

Perhaps the true answer is that the Rambam did not want to give a definite ruling about the coming of Eliyahu because it doesn't matter for practical halacha. After all, from the Gemara in Eiruvim, there is no complete proof, because that Gemara follows the opinion that every doubtful situation in nezirus is treated strictly, as we explained earlier (Siman 51). And from the Gemara about Ben Koziva, we see that at least they were uncertain about it. It could be that the Rambam found some other midrash stating that Eliyahu will not precede moshiach. Therefore, he brought both opinions to make his sefer fit according to everyone. We only have to know practical halacha - nothing more. I'm leaving this matter for further study.

What we have gathered from all of the above is that the Maharal's opinion is the same as that of many Rishonim who hold like the simple meaning of the Gemara in Eiruvim and many other statements of Chazal: that Eliyahu must come before moshiach. And therefore, the Maharal writes this as a strong fundamental of faith, protecting us from falling into the trap of a false redemption, because we will always be able to check if Eliyahu came first.

According to the Rambam, it seems that there's a dispute about this; it's not clear. Therefore, the Rambam did not give Eliyahu as a litmus test of the true geulah. The only litmus test he gave is that all of the Jewish people will return to keeping the Torah. This is the clear sign according to all opinions. All agree, as the Rambam says in Hilchos Teshuva, that it is written in the posuk that the Jewish people will do teshuva before the geulah.

Siman 55

The Rambam also writes that among the criteria to identify moshiach is that he must be from the seed of David and he must build the Beis Hamikdash. But it seems this was also is a matter of dispute. [Just as the Rambam said that Eliyahu preceding moshiach is a dispute, and therefore the Rambam does not take sides, here too whether moshiach will build the Beis Hamikdash is a dispute, yet here the Rambam does take a side.] The Tosafos Yom Tov on Maaser Sheini 5:2 quotes the Yerushalmi, which says that the building of the Beis Hamikdash will take place before the kingdom of the house of David. If so, it's not so clearcut that the Beis Hamikdash will be built by moshiach, and as I've already mentioned (Siman 40),

the Rambam does not rule on questions about what Hashem will make happen in the future. So why does the Rambam take a side on the question of who will build the Beis HaMikdash?

The heretics have used this Yerushalmi in support of Zionism, arguing that since the building of the Beis Hamikdash could take place before the kingdom of the house of David, perhaps a country could also be founded before the kingdom of the house of David. Therefore, I decided to devote a little explanation to this detail.

The Yefei Toar in his commentary on Bereishis Rabbah 26 quotes the Ran Chisdai (Rabbi Chisdai Crescas, 1340-1410, in his sefer Ohr Hashem), who brings a proof that there will be a revival of the dead for the greatest righteous people at the same time as the coming of moshiach. The Gemara in Yuma 5b presents a question about how the kohen gadol and the kohen hedyot are dressed. Do we dress the kohen gadol completely and then the kohen hedyot completely? Or do we dress them at the same time, putting the shirt on one, the shirt on the other, and so on? The Gemara then objects that this is unnecessary to discuss, because when the Beis Hamikdash is rebuilt, Moshe and Aharon will be with us and they will tell us what to do. We see from this that it is impossible for the Beis Hamikdash to be rebuilt before Moshe and Aharon are resurrected at the time of moshiach. (See above, Siman 50, where this Yefei Toar was quoted. The Yefei Toar discusses whether the resurrection of the dead will happen at the time of moshiach, or much later; he concludes that there will be two resurrections.) And many commentaries make the same inference from this Gemara in Yuma. However, this Gemara in Yuma contradicts the statement of the Tosafos Yom Tov quoting the Yerushalmi, who says that the Beis Hamikdash might be built even before moshiach comes. [Because if the Beis Hamikdash is built before moshiach, then the Gemara in Yuma would be saying that Moshe and Aharon will be resurrected before moshiach, which is definitely not a possibility. The two possibilities considered by the Yefei Toar were a resurrection at the same time as moshiach, or much later.]

Now, the Yefei Toar and other commentaries who understand Yuma this way could have explained away the proof by saying that the Gemara means that the question about how to dress the kohen gadol and the kohen hedyot applies only to Aharon and his sons themselves, not to any other kohen gadol and kohen hedyot. Therefore, the Gemara knew that whenever this question arises, Aharon, and by extension Moshe, will be alive. But other kohanim gedolim don't require any special order, and therefore, when they are dressed at the time when the Beis Hamikdash is first built (perhaps before moshiach), Moshe and Aharon need not be alive.

However, clearly they did not wish to adopt this explanation of the Gemara in Yuma because they understood that if the Torah says this regarding Aharon and his sons, we can assume it applies to other kohanim gedolim too. Furthermore, if we say that the question applies only to Aharon and his sons themselves and no one else, then why did the Gemara even present this question in the first place? Wasn't it obvious that Aharon will be alive then and we can ask him?

There is an additional source that the Beis Hamikdash will not be built before moshiach: Tosafos on Pesachim 114b says that there is no need to worry about a certain mistake when the Beis Hamikdash is

built because when it is built, Moshe and Aharon will be with us. Now Tosafos is not discussing the dressing of Aharon and the sons; they are discussing how to bring the korban Pesach.⁶² And still Tosfos says that it's impossible to have the Beis Hamikdash without having Moshe and Aharon.

[By the way,] these words of Tosafos definitely pose a challenge to those who considered the idea of bringing the korban Pesach in our times before the coming of moshiach and even before the building of the Beis Hamikdash. Many poskim have discussed this idea and said that it is impossible; now is not the time to delve into this subject.

Siman 56

In the previous siman, the Rebbe quoted the Yerushalmi saying that the building of the Beis Hamikdash will take place before moshiach, and the Bavli (Yuma 5b), as well as a Tosafos, saying that it will happen after moshiach. This siman is about the position of the Zohar.

On the Mishnah Maaser Sheini 5:2, the Tosfos Yom Tov quotes the Yerushalmi mentioned above, which says that the building of the Beis Hamikdash will happen before the coming of moshiach.

The Rashash (Rabbi Shmuel Strashun of Vilna), in his commentary on the Mishnah, points out that the Gemara in Yuma 5b contradicts this Yerushalmi. He does not mention the Tosafos in Pesachim 114b. Then he brings another sefer⁶³, who writes in the name of the Zohar Hakadosh, Midrash Hane'elam, Parshas Toldos 139a, that the building of the Beis Hamikdash will come before the ingathering of the exiles, and the ingathering of the exiles will be 40 years before the revival of the dead. He understood this Zohar to be in line with the Yerushalmi.⁶⁴

⁶² We place two cooked foods on our seder plate to symbolize the Pesach and the Chagigah brought on the 14th on Nissan. Tosafos says that we observe this custom even when the 14th falls on Shabbos, although a Chagigah would not be brought in this case. We are not worried that when the Beis Hamikdash is rebuilt someone may erroneously use this as a precedent to bring a Chagigah on Shabbos, because at that time Moshe and Aharon will be with us and they will surely prevent this from happening.

⁶³ The Rashash calls this sefer פמ"ג בחלק הא"ב פמ"ג. This is shorthand for the sefer Meor Einayim, by Azariah dei Rossi, in the Imrei Binah section, Chapter 43. The quote from the Zohar is found on page 368 of an edition of Meor Einayim printed in Vilna in 1866, which the Rashash (who passed away in 1872) may have seen. He understandably disguised the name of the sefer, since it was considered heretical by many.

⁶⁴ The Tosafos Yom Tov says the Beis Din that is around at the time when the Beis Hamikdash is built will not be allowed to repeal the earlier decree (to bring the fourth year grapes to Jerusalem instead of transferring their holiness onto money), because perhaps they will not be greater than the Beis Din that enacted the decree in the first place. This is because the building of the Beis Hamikdash may happen before the kingdom of the house of David, as the Yerushalmi says on our Mishnah, and so certainly it may precede resurrection of the dead.

On this, the Rashash comments: "This contradicts the Gemara in Yuma 5b, which says that in the future, Aharon and his sons and Moshe will be with them, see there. However, in the Meor Einayim, Imrei Binah section, Chapter 43, I saw that he quotes the Midrash Hane'elam on Parshas Toldos, which says, in brief, that the building of the Beis Hamikdash will precede the ingathering of the exiles, and the ingathering of the exiles will precede the resurrection of the dead by 40 years."

The Rebbe infers that the Rashash brings this Midrash Ne'elam to support the Tosafos Yom Tov in his contention that the Beis Hamikdash will be built before moshiach.

However, we can read the Rashash differently. Perhaps he is only concerned here with when the resurrection of the dead will take place: before or after the building of the Beis Hamikdash? The Tosafos Yom Tov's contention was that the Beis Hamikdash might be built before the dead are resurrected, so that the great tzaddikim who are resurrected at that time will not yet be around to annul the previous decree. To this, the Rashash brings support from the Midrash Hane'elam that indeed, the resurrection of the dead will take place after the ingathering of the exiles which, in turn, will take place after the building of the Beis Hamikdash. The question of when moshiach comes is irrelevant to this point.

However, if you look at the Zohar inside, you will see that there is no proof. On the contrary, the Zohar holds that moshiach will come long before the building of the Beis Hamikdash. Here is the full quote: Rav Yosef said, won't the days of moshiach and the revival of the dead come at the same time? He (Rav Nachman) said to him, no, as we have learned in a Baraisa: "The building of the Beis Hamikdash will come before the ingathering of the exiles, and the ingathering of the exiles will be 40 years before the revival of the dead. And the revival of the dead is the last stage, as the posuk says in Tehillim (147:2), 'Hashem builds Yerushalayim,' and only afterwards, 'He gathers in the exiles of Israel.' And only afterwards, 'He heals the brokenhearted and binds up their wounds,' which means the revival of the dead."

The implication is that all three of these steps will take place after the coming of moshiach, because if you say that it's possible that the building of the Beis Hamikdash and the ingathering of the exiles will be before the coming of moshiach, then there would be no proof from the Baraisa quoted that the revival of the dead and the days of moshiach will not be at the same time. All it says is that the revival of the dead is the last step after the building of the Beis Hamikdash and the ingathering of the exiles. So, if there is a possibility that these two things will happen before the coming of moshiach, then there's a possibility that the revival of the dead will take place simultaneously with the coming of moshiach. Clearly, it was obvious to the Amoraim that the building of the Beis Hamikdash and the ingathering of the exiles will both take place after the coming of moshiach. Hence since the revival of the dead is the last step, it must be that it will take place many years after the coming of moshiach.

In any case, this Zohar does not contain any hint at all that the building of the Beis Hamikdash will take place before the coming of moshiach. Furthermore, the Rashash himself quotes the Gemara in Yuma 5b that disagrees with the Yerushalmi on this point. Thus according to his understanding that the Zohar agrees with the Yerushalmi, it's still in disagreement with the Shas Bavli, and therefore there is still a dispute between Tannaim⁶⁵ over this subject.

Siman 57

In Siman 55, Rebbe quoted the Yerushalmi saying that the building of the Beis Hamikdash will take place before moshiach, and the Bavli (Yuma 5b), as well as a Tosafos, saying that it will happen after moshiach. In this siman he will propose a solution: that the Yerushalmi means that the building will take place before moshiach's kingdom spreads, but after his arrival.

⁶⁵ It's not clear which Tannaim the Rebbe is referring to. The Zohar does quote a Baraisa. But the Yerushalmi on Maaser Sheini as well as the Bavli Yuma 5b are both Amoraim.

However, the truth is that the words of the Yerushalmi themselves [ignoring the Tosafos Yom Tov's commentary] could be reconciled with the Bavli, because even after the coming of moshiach, his kingdom will not spread until he first leads all of the Jewish people to teshuvah. I have already quoted (end of Siman 37) from the Rambam that the first sign of his identity as moshiach is that he will bring all of the Jewish people back to the true Torah.⁶⁶ If so, we must not believe in him at all before he accomplishes this teshuvah. And therefore it is impossible that he will have a kingdom at that point in his career.

The Malbim explains the verses (Yechezkel 34:23-24) to mean that at the beginning of the revelation of the moshiach, he will not have a kingdom, until he makes all of the Jewish people do teshuvah.⁶⁷

[Now that we've established that moshiach at the first stage will not yet be a king], it could be that at that first stage, Eliyahu and moshiach, and Moshe and Aharon with them, will all come back before moshiach's kingdom spreads. And when it says (Zohar, quoted in Siman 56) that the resurrection is the last stage, that just means the general resurrection in which the entire Jewish people gets up. But the great tzadikim will arise first, the same time as moshiach comes, as the Yefei Toar says (quoted in Siman 50). And I have already quoted (Siman 50) that Chazal say explicitly that Eliyahu will come only together with Moshe.⁶⁸

Based on this idea that there will be two stages of moshiach, and at the first stage Moshe and Aharon will be with him, we can understand the Gemara in Megillah 17a, which talks about the order of the blessings of Shemoneh Esrei. The blessing that says, "Bring back our judges as in the days of old" is based on the posuk in Yeshaya 1:26, "And I will bring back your judges as in the days of old, and your counselors as in the beginning." The Gemara continues to say that this [restoration of the judges] leads to the destruction of the sinners, and the pride of the tzaddikim is uplifted. And afterwards Jerusalem is built, and once Jerusalem is built, Dovid comes. The Yalkut Shimoni on Yeshaya comments that the judges here refer to Moshe and Aharon, and the counselors are Dovid and Shlomo.

⁶⁶ And if a king arises from the house of David, studying Torah and following the commandments like his father David, in accordance with the written and oral Torah, and he compels all of Israel to follow it and reinforce its weak points, and he fights the wars of Hashem, then he is presumed to be moshiach. (Rambam, Melachim 11:4)

⁶⁷ "I will raise up over them one shepherd, and he will lead them, my servant David - he will lead them, and he will be their shepherd." (Yechezkel 34:23). The Malbim comments, "The prophet is predicting that after Hashem judges them and leads them Himself, then the kingdom of Dovid will be revealed, and he will become the shepherd instead of Hashem. But this will take place in three stages: 1) First he will lead them, that is, a man will arise from the house of David who will guide the Jewish people to force them to do justice and righteousness. (This is the teshuvah stage.) 2) Then he will become their leader, that is, they will accept his leadership, and they will learn from him, until he is their leader with their consent."

The next posuk continues, "I, Hashem, will be their G-d, and My servant David will be their nasi (king); I am Hashem who has spoken." The Malbim comments, "They will accept the kingdom of heaven, and the kingdom of Hashem will be revealed, until He becomes their G-d. And My servant will rise from the level of a leader to the level of a king, that is, he will be the messianic king."

⁶⁸ When Moshe Rabbeinu was debating with Hashem and asking Him to forgive the Jews, Hashem said to Moshe, "By your life, just as you laid down your life for them in this world, so too in the next world when I bring them Eliyahu HaNavi, both of you will come at the same time. (Devarim Rabbah 3:17)

So we see in the order of the blessings that these tzaddikim - Moshe, Aharon, Dovid, and Shlomo - will be with us, they will purify the Jewish people (by fighting the heretics), build Jerusalem (including the Beis Hamikdash), and only then will come the kingdom of the house of Dovid.

Thus there is no contradiction between saying that the building of the Beis Hamikdash is before the kingdom of the house of David, and saying that Moshe and Aharon will be present at the building of the Beis Hamikdash. And therefore there is no need to propose a dispute between the Yerushalmi and the Bavli.

However, according to the way the Tosafos Yom Tov understands the Yerushalmi, it cannot be reconciled with the Bavli. The Yerushalmi says, "This proves that the building of the Beis Hamikdash will be before the kingdom of David." What is the Yerushalmi's proof? The Tosafos Yom Tov explains that the proof is from what Rabbi Yossi said in the Mishnah: that they stipulated that whenever the Beis Hamikdash would be rebuilt, the decree would automatically come back into force.⁶⁹ Why did they need to stipulate this? Won't there be a beis din at the time of moshiach that is greater than the previous beis din (the one that said there was no longer a need to bring the fruits to Jerusalem)? [Why can't moshiach himself convene a beis din together with Moshe and Aharon and reinstate the law?] This is the Yerushalmi's proof that the Beis Hamikdash might be built before moshiach comes, when there is no greater beis din around.

But if the Beis Hamikdash can't be built unless Moshe and Aharon are already here, even if we say (as I argued above) that Moshe and Aharon may arise before the kingdom of moshiach spreads around the world, then Moshe and Aharon are certainly greater than any previous generation, and they can still change the rule about bringing up the fruits. [The Yerushalmi must therefore mean that the rebuilding will take place even earlier than Moshe and Aharon's coming, which contradicts the Bavli.]

Now, there are commentaries that understand the Yerushalmi differently from the Tosafos Yom Tov, and according to those explanations, my answer would work.⁷⁰ But according to the Tosafos Yom Tov, we cannot resolve this except by saying that there is a dispute.

Siman 58

⁶⁹ The Torah says that the fruits from the fourth year in the life of a fruit-bearing tree must be eaten in Jerusalem. But if the owner wishes, he may transfer the holiness of the fruits onto money, bring the money to Jerusalem, buy food and eat it there. The Sages enacted that within a one-day radius of Jerusalem, the fruits themselves and not their monetary equivalent must be brought, so as to beautify the streets of Jerusalem with fruit. When the Beis Hamikdash was destroyed and Jerusalem fell into the hands of the Romans, there was no longer any need to beautify it, so the Sages suspended their decree and allowed the redemption of the fruits with money. However, they stipulated that whenever the Beis Hamikdash would be rebuilt, the decree would automatically come back into force (Mishnah Maaser Sheini 5:2). The Talmud Yerushalmi says, "This means that the Beis Hamikdash will be rebuilt before the kingship of the house of David."

⁷⁰ The Yefei Mareh says that the Yerushalmi's proof is simply from the wording of the Mishnah: "They stipulated that whenever the Beis Hamikdash would be rebuilt, the decree would automatically come back into force." The Mishnah could have said, "whenever moshiach comes." The implication is that the Beis Hamikdash may be built before moshiach.

The Pnei Moshe explains that the Yerushalmi's words "this proves" refer not to the Mishnah but to a posuk it quotes to prove that the rebuilding will take place before the spread of the kingdom of moshiach (but after his appearance, exactly as the Rebbe proposed). Since the Beis Hamikdash will exist for a while in an unredeemed world, when the city of Jerusalem is not yet in Jewish hands, the Yerushalmi asks: why does the Mishnah want the fruits brought up to Jerusalem immediately after the rebuilding of the Beis Hamikdash? Why beautify the city when it is still in the hands of the gentiles?

In the previous siman, the Rebbe brought the Tosafos Yom Tov on Maaser Sheini, who explains the Yerushalmi to mean that the Beis Hamikdash might be built before the coming of moshiach, Moshe, or Aharon. In this siman he points out a contradiction in the Tosafos Yom Tov himself.

However, what is more surprising about the Tosafos Yom Tov is that he contradicts himself. In the fifth chapter of Yuma (Mishnah 5), he writes regarding the dimensions of the Beis Hamikdash, “It is known that all these halachos will only apply when moshiach comes. And when the Beis Hamikdash is built soon in our days, Eliyahu will already have come and resolved all of our doubts, since the future Beis Hamikdash described by Yechezkel is not explained by Chazal. The Rambam makes this same point in Hilchos Beis Habechirah 1:4, ‘The future Beis Hamikdash, although it is described in Yechezkel, is not explained clearly.’”

And in his introduction to Tractate Midos, the Tosafos Yom Tov asks why we learn Midos, which is about the dimensions of the second Beis Hamikdash. After all, the future Beis Hamikdash will be different from the second one, and regarding the verses of Yechezkel, we don’t know exactly how to put them into practice. When we merit someday to build the future Beis Hamikdash, the Holy One, Blessed is He will enlighten our eyes and the entire world will be filled with the knowledge of Hashem, to understand the difficult passages in Yechezkel, and then we will build it. He answers that we still need to study the way the second Beis Hamikdash was built, because most of the ideas of the third Beis Hamikdash will be based on it, and only by studying the second Beis Hamikdash we will be able to explain the verses of Yechezkel and understand them. If the second Beis Hamikdash were not described in any book, we would not have any idea how to build the future Beis Hamikdash.

And in his commentary on the haftarah of Parshas Tetzaveh⁷¹, the Tosafos Yom Tov quotes the Radak in his commentary on Yechezkel, who says that Eliyahu will explain the verses about the future Beis Hamikdash to us because we don’t understand them.

So we see from all these places that the Tosafos Yom Tov himself states clearly that it is impossible to build the future Beis Hamikdash before the coming of Eliyahu and moshiach. This was written already by the Rambam and the Radak, and he treats it as a well-known fact. [How then is it possible for the Tosafos Yom Tov in Maaser Shenii to tell us that the Beis Hamikdash might be built before moshiach?]

Now, [one might reply that of course the real Beis Hamikdash will be built under the direction of Eliyahu and moshiach, but we can at least temporarily build it now, and if it is done wrong, they will change it then.] But clearly his intent is that it is impossible to [simply try our best to] build the third Beis Hamikdash according to the dimensions in tractate Middos, or the description in Yechezkel. [The reason is that it must be built based on prophecy.] Even regarding the second Beis Hamikdash, it is stated in the Gemara, Sukkah 51b and Zevachim 62a, that they were only able to build it through prophecy, as it is written, “All was written from the hand of Hashem who granted me wisdom” (Divrei Hayamim 1, 28:19). And in certain matters [for example, the balcony built for women], they found Scriptural support. So it is

⁷¹ A separate sefer called Tzuras Beis Hamikdash, printed in Mikraos Gedolos on the Haftarah of Parshas Tetzaveh

impossible to build the Beis Hamikdash without prophecy or at least the zechus of understanding the verses of Yechezkel.

Furthermore, it is forbidden to build the Beis Hamikdash in any place other than the place where it was originally built. This means that when Eliyahu and moshiach arrive and need to build it, if there is some other building in that place, they will need to destroy it. But it is known that third Beis Hamikdash will never be destroyed. There were only two destructions, no more, as Rashi says in Parshas Pekudei, that the words "Mishkan mishkan" refer to the two Temples that were taken as a security for the Jewish people. And the Midrash Rabbah in Mikeitz 92:3 comments on the verse, "And I, just as I am bereaved, I am bereaved" - just as I was bereaved of the first Beis Hamikdash, so too I was bereaved of the second Beis Hamikdash, and I will never be bereaved again. The Yefei Toar explains that there will never be another destruction of a Beis Hamikdash after the first and second. And so it is stated in all places: that the third Beis Hamikdash will never be destroyed; it will stand forever.

Therefore, since we can't understand the verses in Yechezkel, the Tosafos Yom Tov concludes that we cannot build it ourselves, because if we were to build it in the wrong way, it would have to get destroyed to make room for the new one. Thus we see explicitly in the Tosafos Yom Tov that it is a well-known concept that when the Beis Hamikdash is built, Eliyahu and Moshiach will already be here, and the world will be filled with knowledge of Hashem. This contradicts what he writes in Maaser Sheini, quoting the Yerushalmi, that the building of the Beis Hamikdash will take place before the kingdom of the house of David, which he explains this to mean that it could be built even in a time when there are no great people, neither Moshe nor Aharon nor anyone else. And he raises no questions on this from what he writes in the other places. This seems to be a very sharp contradiction in the words of the Tosafos Yom Tov, and it's surprising that I haven't seen any of the commentators raise this issue.

Siman 59

Like the previous four simanim, Siman 59 revolves around the Mishnah in Maaser Sheini 5:2, which says that Chazal decreed that all grapes of the fourth year ("kerem revai") must be brought to Jerusalem, not redeemed with money, if the grapes grew within one day's journey of Jerusalem. The Mishnah goes on to say that at a certain point in history, Chazal rescinded this decree. There is a dispute as to when this happened. The Tanna Kama of the Mishnah states that it happened during Temple times when there was a surplus of fruit in the marketplaces of Jerusalem and Chazal saw the need to cut down on the amount of fruit brought up there. The Tanna Kama adds that the Sages stipulated that at any point in time, if the fruits decreased in number, the original decree would come back into force.

Rabbi Yossi, on the other hand, holds that the decree was in force until the destruction of the Temple. After the destruction of the Temple, when there was no longer a need to beautify the streets of Jerusalem, they enacted that all grapes be redeemed in their places and not brought up physically to Jerusalem. Like the Tanna Kama, Rabbi Yossi states that there was a stipulation made: when the Temple would be rebuilt, the original decree will automatically come back into force.

The Yerushalmi (as explained by the Tosafos Yom Tov) commented that we see from Rabbi Yossi that the Temple might be rebuilt before the coming of moshiach, at a time when there will be no sages around who could enact the original decree again. However, the Tosafos Yom Tov in other places says that the Temple cannot be rebuilt until moshiach comes. Seemingly, this is a contradiction in the Tosafos Yom Tov.

Now, I have another problem with the Mishnah in Maaser Sheini. There is a dispute there between the Tanna Kama and Rabbi Yossi as to when the stipulation was made that the original decree would come back into force. But according to both of them, the stipulation is relevant to halacha.⁷² Why then does the Rambam omit this stipulation from his Yad Hachazakah?⁷³ None of the commentators on the Rambam raise this question.

Furthermore, the Tosafos Yom Tov in his commentary on the Mishnah asks why the Rambam follows Rabbi Yossi and not the Tanna Kama (presumed to be the majority opinion). Don't we have a rule that the halacha follows Rabbi Yossi only when he is against a single Tanna, but not when he is against a majority? The Tosafos Yom Tov criticizes the Kesef Mishneh for not bringing up this issue.

The Tosafos Yom Tov briefly suggests, based on a line in the Rambam's commentary on the Mishnah, that the Rambam did not mean to rule at all on this dispute. He merely states a fact that is true according to both opinions: that after the Temple was destroyed, the fruits are no longer brought up to Jerusalem.⁷⁴ However, the Tosafos Yom Tov rejects this approach, because the Rambam's practice in his Yad Hachazakah was not to leave out any halacha, even if it applied only when the Temple was standing.

[Actually, the answer rejected by the Tosafos Yom Tov may be correct.] The Rambam's purpose in including all the laws that applied only when the Temple was standing was only because they will someday become relevant again. But he does not include anything that was purely historical and irrelevant to the future. We see this also in the Rambam's commentary on Maseches Middos, where he goes out of his way to explain that Middos was written only because it will be useful in the future when we build the Third Temple. The Tosafos Yom Tov explains that comment of the Rambam, as we have quoted above in Siman 58. Therefore, it may well be that the Rambam saw no need to mention the Tanna Kama's purely historical opinion that the bringing of the fruit stopped already during Temple times.

The only practical difference today between Rabbi Yossi and the Tanna Kama lies in the stipulation. [According to Rabbi Yossi, the decree comes back when the Temple is rebuilt, whereas according to the Tanna Kama, even after the Temple is rebuilt, the decree will not come back until there is a lack of fruit

⁷² According to the Tanna Kama it matters because at some point during Temple times, the decree could come back into force if there were very few fruits in Jerusalem. And according to Rabbi Yossi, when the future Temple is built, it will come back into force.

⁷³ Rambam, Hilchos Maaser Sheini and Neta Revai 9:5: "As for grapes of the fourth year, the beis din enacted that they should go up to Jerusalem within one day's journey to each side, in order to beautify the streets of Jerusalem with fruit. After the Temple was destroyed, it could be redeemed even right outside the wall of Jerusalem." The Rambam thus adopts the opinion of Rabbi Yossi, but he does not mention Rabbi Yossi's stipulation that the enactment will come back into force when the Temple is rebuilt. Why not?

⁷⁴ Thus although the Tanna Kama held it was historical fact that they stopped bringing up the fruit at some point before the destruction of the Temple, that fact is irrelevant to today's halacha and therefore the Rambam does not need to mention it. The only relevant fact today is that we don't bring up the fruit in our time.

in Jerusalem.] So the big question is why the Rambam omitted the stipulation. If we could understand that, there would no longer be a practically relevant disagreement between the Tannaim, and then the Tosafos Yom Tov's question would automatically be answered too. Why then does the Tosafos Yom Tov focus on the smaller question [of why the Rambam follows Rabbi Yossi] while ignoring the bigger question [of why he omits the stipulation]?

Because these questions are so difficult, I would like to suggest a new approach to resolving the contradiction in the Tosafos Yom Tov. The Midrash Rabbah (Toldos 64:10) says:

In the time of Rabbi Yehoshua ben Chananya, the evil kingdom (Rome) decreed that the Temple be rebuilt. The Cuthites went and said, "Be it known to the king that if this rebellious city is built [and its walls completed, they will not pay the king land tax, head tax or other taxes.]" He said to them, "What can I do? I have already decreed." They said to him, "Send a message to the Jews that they must either build the Temple in a different place, or they must add five cubits or subtract five cubits from its size. Then they will stop on their own." When the letter with the king's new decree arrived, the Jews began to cry, and they decided to rebel against the government. The Sages said, "Let a wise man go and appease the multitude." They chose Rabbi Yehoshua ben Chananya... He spoke before them and told them the following fable: "Once a lion was eating [and a bone got stuck in his throat. He said, 'Whoever comes and gets it out, I will give him a reward.' An Egyptian stork came, stuck his neck in and took it out. He said, 'Give me my reward.' The lion said, 'Go boast that you entered the lion's mouth in peace and came out in peace.' So too,] it is enough for us that we entered our exile under this nation in peace and came out in peace."

We see from this that at the beginning, when the king decreed to build the Beis Hamikdash, the Sages were silent. Only later, when he changed his mind and commanded them to build it in a different place, which is forbidden, leading them to plan a rebellion against the Romans – only then did the Sages send Rabbi Yehoshua ben Chananya to calm the people. But according to what I have written, based on Tosafos (Pesachim 114b), the Rambam (Hilchos Melachim 11:4), the Radak (on Yechezkel), and the Tosafos Yom Tov (see Siman 58), who says that there is no way the Temple could be rebuilt until Eliyahu comes because we don't know the meaning of the book of Yechezkel, how could the Sages have been silent originally when the king decreed to build it? They spoke up only later, to prevent a rebellion against Rome, and even then, Rabbi Yehoshua ben Chananya never said that it's not allowed to build the Temple, only that they should not rebel.

One might reply that because the Sages knew via ruach hakodesh that in the end, the king would rescind his permission to build the Temple, they saw no need to speak out, until later when they had to quiet the rebellion. They reasoned that it would be easier to dissuade the people from rebelling than to dissuade them from building the Beis Hamikdash.

However, this doesn't make sense. If building the Temple was really forbidden, how could they have kept silent, implying that they agreed to it? Don't we see that even the Jewish multitudes were unwilling to build the Temple in a manner forbidden by halacha, such as in the wrong place or the wrong size? So

if the entire building of the Temple was forbidden by halacha, how could the rabbis have been quiet and not informed the people that it was forbidden to build it?⁷⁵

Siman 60

In the previous siman, we left off with the question of how it could have been permitted for the Jews to build the Temple in the time of Rabbi Yehoshua, given that we don't know exactly how to interpret the verses of Yechezkel.

We can answer this based on a closer analysis of the Tosafos Yom Tov's words in the fifth chapter of Yoma: "The future Temple of Yechezkel was not explained by Chazal." The implication is that Chazal themselves understood the Temple described by Yechezkel, but they did not explain it to us. Since they had decided at a certain point in time that the building of the Temple must not take place before the coming of Eliyahu and moshiach, they chose not to transmit their knowledge further. This is similar to the argument of the Binyan Tzion (Rabbi Yaakov Ettlinger, author of Aruch Laner, teshuva 1⁷⁶) that we cannot bring offerings today because the Torah says, "I will not smell your fragrant offerings" (Vayikra 26:31).

This is why the compilers of the Mishnah and Shas did not explain the pesukim of Yechezkel on this topic. Hence, we have no idea what these pesukim mean, just as the case is with all mitzvos in the Torah, where without Chazal's explanations and details, we would never figure out how to keep them.

[Now, Chazal could have transmitted the details of Yechezkel's Temple, while warning us to wait until moshiach comes to build it. But] it could be that they feared that a future beis din would mistakenly rule that the Temple should be built before moshiach. Therefore, [by not transmitting their tradition] they ensured that we wouldn't know how to build it, and thus it was impossible for it to be built until that time.

According to this, it may be that in the time of Rabbi Yehoshua ben Chananya, they did still learn and know the meaning of Yechezkel's prophecy, and they had not yet come to the halachic decision not to build the Beis Hamikdash before moshiach. After all, it is a dispute between Tannaim, as we will explain soon (Siman 61).

On the other hand, when the Rambam (Beis Habechirah 1:4) says that we cannot build the Temple nowadays, and the Tosafos Yom Tov takes it as a given that when the Beis Hamikdash is built, Moshe and Aharon will already have come, and so Tosafos decides in Pesachim 114b - this was all written after

⁷⁵ The Rebbe may be hinting at a parallel in our own time. When the Zionist movement began, there were relatively few gedolei hador who spoke out against it, and even among those who did, few stated clearly that the Zionists' objective - a Jewish state - was forbidden by the Torah. Possibly, the reason was that no one imagined that the Zionist vision had a chance of becoming reality, so they felt no need to say anything. However, the Rebbe argues, if you are silent when something is an unrealistic idea, your silence is perceived as consent, and then later when it does become realistic, the Zionists may claim you as a supporter of their idea.

⁷⁶ Written to Rabbi Hirsh Kalischer, who had proposed the idea of bringing korbanos today without a Temple.

the completion of the Talmud. Once we saw that Chazal did not explain this halacha (how to build the Temple) to us, it became obvious that it is impossible to build it today.

According to this, we can resolve the contradiction between the Tosafos Yom Tov's words on Yoma and his commentary on Maaser Sheini, where he brings the Yerushalmi that says according to Rabbi Yossi that the building of the Beis Hamikdash could take place before David's kingdom. In the time of Rabbi Yossi, when they still understood how the Third Temple would look, there was a concern that it would be built in a time when there were no gedolim greater than those [who made the decree that the fruits should not be brought to Jerusalem]. But in the fifth chapter of Yoma, where the Tosafos Yom Tov is discussing the practical halacha as it stood after the Talmud, he writes that it cannot be built before moshiach. So there is no contradiction here.

This also explains why the Rambam left out the stipulation in the Mishnah in Maaser Sheini. Although according to the Tosafos Yom Tov, the Rambam follows the view of Rabbi Yossi that the enactment to stop bringing the fruits was made after the destruction of the Temple, he does not mention Rabbi Yossi's stipulation which relates to the time of the building of the future Temple. Since the Rambam was writing after the end of the Talmudic period, when it was no longer allowed to build the Beis Hamikdash before moshiach, there was no longer any need to mention the stipulation.

However, the Tosafos Yom Tov on the haftarah of Parshas Tetzaveh still needs explanation. He is commenting on the words of the Pesikta, which says regarding the description of the Temple in Yechezkel:

“‘And if they are ashamed of all that they have done, the form of the Temple...’ (Yechezkel 43:11). Is the Temple already built, that it might have a form? Rather, the Holy One, blessed is He, said: when you study the subject, it is considered as if you were building in it.”

The Tosafos Yom Tov points out that it does not say “building it” – since that would imply building all of it. Rather, it says “building in it” – that is, some of it, because reading those portions of Yechezkel's description that they don't understand is not considered like building it. He writes this to explain the Pesikta, which implies that already at the time the Pesikta was written, Chazal did not understand how to build some parts of the Third Temple. [Assuming that the Pesikta was an early Midrash, didn't Chazal still possess the tradition at that point?]

One might reply that the Tosafos Yom Tov later dismisses this inference from the words “building in it,” saying that the Pesikta may have chosen this language for purely poetic reasons (“when you study the subject - *misaskin bo*, it is considered as if you were building in it - *bonim bo*)). He then says that nevertheless, it's logical to say that reading pesukim that one doesn't understand is not considered as if he is building the Temple. But this may be referring to later generations, not the times of the Tannaim recorded in the Pesikta.

But still, since he concludes that Chazal hinted at this in the language of the Midrash [the Pesikta], it seems he did hold that at the time of the Pesikta there were parts of the Third Temple that they did not know how to build.

One possible answer is that the Pesikta was compiled by Rav Kahana, who lived in the era of the Amoraim, and at that time Chazal had already stopped transmitting the tradition. After all, we see that they completed the Mishnah and did not include the Third Temple there, only a description of the Second Temple in Tractate Midos. But earlier, in the times of the Tannaim like Rabbi Yehoshua ben Chananya and Rabbi Yossi, they still did have the tradition. So the Tosafos Yom Tov's commentary on the Haftarah requires further study. In any case, my explanation works for the Rambam, the Tosafos and the Tosafos Yom Tov on Yoma and Midos.

Going back to the Midrash Rabbah (Toldos 64:10), there is another question about the Midrash's language. It says, "In the time of Rabbi Yehoshua ben Chananya, the evil kingdom decreed that the Temple be rebuilt." Why did Chazal call the building of the Temple a "decree of the evil kingdom"? Seemingly, building the Temple would have been a wonderful thing, for we see that later, when the king revoked his permission, the Jews wanted to rebel, until Rabbi Yehoshua ben Chananya appeased them by saying, "It should be enough for us that we entered exile under this nation in peace and we will leave in peace." We don't have to look for extra benefits from them; and he told the fable about the lion and the stork.

We can answer this based on the Midrash Eichah (1:32), which tells of Rabban Yochanan ben Zakai's debate with the Arab prince Pangar outside the walls of Jerusalem: Rabbi Yochanan ben Zakai said to Pangar, "Not only do you fail to plea in our favor, you speak to our detriment." He said to him: "I want only what is best for you. As long as that Temple is intact, the kingdoms will confront you; if that Temple is destroyed, the kingdoms will not confront you." Rabban Yohanan said to him: "The heart knows whether it is constructive or crooked."⁷⁷

We see that Rabban Yochanan ben Zakai did not contest the truth of Pangar's argument that the existence of the Temple was a cause for attacks by other countries. He only said, "The heart knows whether it is constructive or crooked," in other words, your intent was not to help the Jewish people. Now, why didn't he argue that the Temple is a tremendous gift to the Jewish people? Don't we say in the Haggadah, "How much the more so do we owe Hashem a double and quadruple thanks, for bringing us out of Egypt... and building us the Temple to atone for all of our sins!"

The answer is that he could not say this, because naturally speaking, as long as the Temple was standing, it did indeed bring about jealousy among the nations and attacks from them. But the conquests of Yehoshua and Ezra Hasofer were done based on prophecy, as it is written in Tanach, and similarly the

⁷⁷ For three-and-a-half years, Vespasian surrounded Jerusalem. There were four governors with him: The governor of Arabia, the governor of Africa, the governor of Alexandria, and the governor of Palestine. Regarding the governor of Arabia, there are two Amoraim, one says that his name was Kilus and one said that his name was Pangar... They began telling parables before him (Rabban Yochanan ben Zakai): "What should one do to a barrel in which a snake has nested?" He said to them: "One brings a snake charmer, charms the snake, and leaves the barrel intact." Pangar said: "One kills the snake and breaks the barrel." "What should one do to a cabinet in which a snake has nested?" He said to them: "One brings a snake charmer, charms the snake, and leaves the cabinet intact." Pangar said: "One kills the snake and burns the cabinet." Rabban Yohanan ben Zakai said to Pangar: "All neighbors who perform evil perform it in their own neighborhood. Not only do you fail to plea in our favor, you speak to our detriment." He said to him: "I want only what is best for you. As long as that Temple is intact, the kingdoms will confront you; if that Temple is destroyed, the kingdoms will not confront you." Rabban Yohanan said to him: "The heart knows whether it is constructive or crooked." (Midrash Eichah 1:32)

Temples were built based on prophecy, as Scripture states, "All was written from the hand of Hashem who granted me wisdom" (Divrei Hayamim 1, 28:19). Therefore, as long as the Jews did whatever Hashem commanded them to do, He protected them and saved them so that there should not be any evil or harm done to them in their entire boundaries. As Chazal say, quoted by Rashi on the posuk (Bamidbar 6:24), "May Hashem bless you and keep you," "One who gives a gift to his servant cannot protect him from others, but the Holy One, blessed is He, is both the giver and the protector." He saves them from the attacks of the nations. But now [in the story of Rabban Yochanan ben Zakai] the time had come for the Temple to be destroyed, and the Jewish people knew it, as we see in the Gemara in Nazir 32b, based on the posuk (Daniel 9:24), "Seventy weeks have been decreed upon your people and your holy city."⁷⁸ And since Hashem no longer desired the Beis Hamikdash and the Jewish kingdom, it would become a cause for attacks from other countries. Therefore, Rabbi Yochanan ben Zakai could not dispute Pangar's argument. The only thing he could say to him was that his intent was not beneficial, which was true.

According to this, we understand why Chazal called the building of the Temple in the time of Rabbi Yehoshua ben Chananya a decree - because if it had been built at the time, before the coming of moshiach, it would have been a great danger to the Jewish people, just as Pangar told Rabbi Yochanan ben Zakai. This may be hinted in Rabbi Yehoshua ben Chananya words, "It's enough for us that we entered exile under this people in peace and left in peace." He meant that especially now that the Temple is not being rebuilt, we will go out in peace.

A similar concept is found in the Kli Yakar on Devarim 2:3, "You have spent enough time circling this mountain; turn yourselves northward." The Kli Yakar writes, "Many say that this posuk contains a warning to the Jewish people that pierces down to the depths, a hint for its time and for future generations. This concept of circling means that the Jewish people will go around and around, not coming close to the vineyard of Hashem Tzvaos, because many days will pass as the Jewish people wander the globe, given no power over the nations, not even one footstep, until the coming of he of whom it is said (Zechariah 14:4), 'And his feet will stand on that day on the Mount of Olives.' And as long as the Jewish people walk around and around, it is said to them, 'Turn yourselves inward!' And Chazal (Devarim Rabbah 1:19) explain this to mean, 'When it is time for Esav to rule, hide yourselves.' Hiding means that if a Jew attains any measure of success, a little here and a little there, he should hide it and disguise it from Esav. And so too, Yaakov commanded his sons and said (Bereishis 42:2), "Why do you show yourselves?" Rashi explains, 'Why do you show yourselves as satisfied in front of the children of Yishmael and Esav?' Both Yishmael and Esav believe that the blessing was stolen from them. Yishmael believe that Yitzchak stole his success in the world, and Esav believe that Yaakov stole his success through his efforts. Therefore, Hashem commanded, 'Turn yourselves inward!' Hide yourselves so that

⁷⁸ The Mishnah tells that some nazirites came to bring their offerings, only to find that the Temple had been destroyed and they could no longer do so. It seemed they would now be forced to stay nazirites forever! Nochum Hamadi annulled their vows using the argument that, had they known that the Temple would be destroyed, they would never have vowed. The other sages disagreed, saying that the destruction was a future event and could not be used to annul a vow. The Gemara defends Nochum by saying that the Jews knew the year of the destruction beforehand, based on the posuk in Daniel 9:24: "Seventy weeks (i.e. seventy shmittah cycles which equal 490 years) have been decreed upon your people and your holy city." This was understood to mean that the Second Temple would be destroyed 490 years after the First Temple. The Gemara rejects this argument because although the nazirites could have known the year of the destruction, they could not have known the date. As far as they knew at the time of the vow, they might be able to complete their offerings before the destruction. (Nazir 32b)

he should not be jealous of you. And this is the opposite of what the Jews are doing in our time, where anyone who has a hundred dollars shows himself in the street wearing expensive clothing and living in a beautiful house, as if he had many thousands. They invite attacks from the nations upon them, and they transgress the Torah's command to turn ourselves inward. This is common among many of our people, and it causes all the sorrows that we have encountered. Let the wise understand and accept this criticism."

So we see that he testifies that all of the sorrows that came upon us are all because of those who sought greatness and honor in the eyes of the nations before the coming of moshiach. And all the more so that if we were to build the Temple during exile, it would be a terrible decree, may Hashem protect us. And even more so if we take for ourselves a sovereign state with a government before the coming of moshiach! The heretics who desire a state without Torah blind us into thinking that they are saving us. Heresy is attractive (Avodah Zarah 27b), so the Jewish people is drawn after them, and unfortunately, the Satan was victorious.

But anyone who has eyes to see the truth sees how far they have turned the words of the living G-d upside down. All of their paths are very dangerous for the Jewish people, Heaven forbid. May Hashem Yisborach have mercy and say enough to our troubles, and save us from this trap set for us by the Zionists. May He hasten the time of our redemption with His great mercy and kindness, may His name be blessed forever.

Siman 61

[We will now summarize the two ways to understand the Yerushalmi, which says that the Beis Hamikdash might be built before moshiach – one given in Siman 57 and one in Siman 60. Then we will move on to another topic: whether the Beis Hamikdash will be built by human hands, or will descend from heaven.]

In any case (whatever the reason why the Midrash calls the building a "decree"), it is certain that there are two ways to understand the Yerushalmi's statement that the Beis Hamikdash may be built prior to the coming of moshiach. 1) The Beis Hamikdash will be built after moshiach comes but before his kingdom spreads (see Siman 57) 2) As the Tosafos Yom Tov learns, a scenario similar to that of Rabbi Yehoshua ben Chananya will arise, when the evil government will decree that we build it while we are still living in exile under them, and not even the slightest hint of redemption or moshiach has come. Just as Rabbi Yehoshua's time was not the messianic era - it has been many years since then and moshiach has still not arrived – so too, this opinion (Rabbi Acha) in the Yerushalmi was concerned about a similar situation arising in the future.⁷⁹

⁷⁹ The Rebbe's point is that Rabbi Acha is not endorsing the position, held by some religious Zionists, that the Beis Hamikdash might be built before moshiach as part of the redemptive process. The Zionist position would have to explain why the Rambam Hilchos Maaser Sheini and Neta Revai 9:5 does not mention the stipulation of Rabbi Yossi regarding what happens when the Beis Hamikdash is rebuilt, and why he states in Hilchos Beis Habechirah 1:4 that we don't understand Yechezkel's instructions for building it.

And this is only one opinion in the Yerushalmi: the Melechos Shlomo on the Mishnayos understands that the Yerushalmi in the next line objects to the idea that the Beis Hamikdash might be built before moshiach, based on the posuk, "And the blood of the grape you will drink fermented" (Devarim 32:14). "The blood of the grape" refers to the time of moshiach, where it says, "I trod out the wine press alone" (Yishaya 63:3). "Drink fermented" refers to the Beis Hamikdash, where libations of wine will be poured. Thus the posuk proves that moshiach will precede the Beis Hamikdash.

In any case, the Rambam is consistent: in Hilchos Beis Habechirah he writes that today we no longer know how to build the Beis Hamikdash, and therefore in Hilchos Melachim he writes that one of the identifying criteria of moshiach is that he will build the Beis Hamikdash. How will moshiach know how to build it? As the Rambam himself says, moshiach will be wiser than Shlomo and a greater prophet than all the prophets, almost on the level of Moshe Rabbeinu, as he says in Hilchos Teshuva (9:2). Thus, he will be able to resolve all our doubts about how to build the Beis Hamikdash.

The Mishnah in Succah 41a states that Rabban Yochanan ben Zakkai forbade chodosh (the new crop) for the entire 16th day of Nissan. The Gemara explains that the reason was because we hope the Beis Hamikdash will soon be built. [By Torah law, when the Beis Hamikdash is not standing, chodosh becomes permitted at daybreak on the 16th of Nissan. But when the Beis Hamikdash is standing, it becomes permitted only when the Omer, the barley offering, is brought in the Beis Hamikdash. Rabbi Yochanan ben Zakkai decreed that chodosh be forbidden for the entire day because when the Beis Hamikdash is built, Jews might erroneously continue to follow the practice of eating chodosh early in the day, when they should actually be waiting until the Omer is brought.]

The Gemara then asks: when are we afraid that the Beis Hamikdash might be built? If it is built on the 16th day itself, then since daybreak occurred without a Beis Hamikdash, the chodosh has already become permitted. And if it is built on the 15th of Nissan, i.e. the first day of Pesach, then there is plenty of time to get ready to bring the Omer, and Beis Din would not postpone it past midday; it should therefore be permitted to eat chodosh after midday. The Gemara answers that we are afraid it might be built during the night before the 16th, such that Beis Din will not be ready on time to bring the Omer. Alternatively, it might be built on the 15th day close to the end of the day.]

Rashi and Tosafos ask that we're not allowed to build the Beis Hamikdash on Yom Tov or at night (Shevuos 15b), so why would we be afraid that this might happen? The Meiri answers that we are afraid that the Beis Din at that time might make an error and build it at those times, out of their desire for holiness. [Seemingly, from this Meiri we see that the Beis Hamikdash might be built before the coming of moshiach, because moshiach would definitely not make such a mistake.]

It could be that indeed, according to the Meiri the Bavli does agree with the Yerushalmi and is concerned about the very scenario that the Yerushalmi is concerned about: perhaps the Beis Hamikdash will be rebuilt due to a decree from a non-Jewish ruler, as almost happened in the time of Rabbi Yehoshua ben Chananya. Or, it may be built mistakenly by a Beis Din thinking that it's allowed to build it

before moshiach comes.⁸⁰ In any case, this is only a temporary position taken up by the Gemara. Immediately after this, the Gemara proposes that Rabban Yochanan ben Zakkai actually followed the opinion that by Torah law, chodosh is forbidden for the entire 16th day in the absence of the Beis Hamikdash, and all he did was to publicize this halacha. He did not make any new decree at all. This seems to be the conclusion of the Gemara.

Also, Rashi, Tosfos, the Rashba⁸¹, and the Ritva all answer that the way the Beis Hamikdash might be built at night is because the future Beis Hamikdash will be revealed from heaven, pre-built and completed,⁸² and this might happen on Yom Tov or at night.

However, we must pose a different question. The Rambam says that moshiach will build the Beis Hamikdash. Seemingly, this contradicts the statement of Chazal, quoted by Rashi, that the future Beis Hamikdash will come down from heaven pre-built and complete. The Tiferes Yisrael in his commentary on the Mishnayos at the beginning of Middos raises this question, and he gives a forced answer, which we will omit here.⁸³

The Aruch Laner on Succah 41a brings several proofs that the Beis Hamikdash of the future will be built by human hands⁸⁴, and his conclusion is that both are true: At first, humans will build it, and then the heavenly Beis Hamikdash will descend into the humanly built Beis Hamikdash like a soul into a body. This is similar to the fire in the Mishkan and the Mikdash, which descended into the humanly kindled fire

⁸⁰ In Rabban Yochanan ben Zakai's time, it was actually permitted to build the Beis Hamikdash because at that time they had not yet lost the traditional interpretation of the passage in Yechezkel describing the Third Temple, and Chazal had not yet concluded that the halacha follows the opinion that it may not be built today (see above, beginning of Siman 60). When the Rebbe here says "mistakenly" he may be referring to a future era, past the time when the tradition for how to build it was lost; Rabban Yochanan foresaw such an era and feared that a Beis Din at that time might erroneously permit building it.

⁸¹ The Chida writes that the commentary published under the name of the Rashba on Succah was actually written by the Ritva.

⁸² In Succah 41a, Rashi and Tosafos do not give a source for this, but in Shevuos 15b Tosafos cites it from the Midrash Tanchuma. In our text of the Tanchuma there is a passage saying that Hashem will build the future Temple (Ki Sisa 13), but neither the language of Rashi (בני ומשוכלל – built and complete) nor the quote from the posuk "the Temple, Hashem, that Your hands established" appears there. It is known that Rashi had a now-lost version of the Tanchuma, from which he often quotes in his commentary on Chumash.

It seems strange that none of these Rishonim cite the Gemara in Bava Kama 60b, which says, "I set Zion on fire... and I will one day rebuild it in fire, as the posuk says, 'I will be a wall of fire surrounding it, and I will be honored inside it.'" Perhaps they understood that it refers only to the city of Jerusalem, not the Beis Hamikdash.

⁸³ The Tiferes Yisroel says that Chazal's statement that the Beis Hamikdash will descend from heaven is not to be taken literally. It just means that Hashem will miraculously help us build it. As to Rashi's question on the Gemara in Succah about how the Beis Hamikdash could be built on Yom Tov or at night, he responds that it may be built according to a special Divine command, and that is an exception to the rule. Alternatively, the Jewish people may hire non-Jewish workers to build it, as Shlomo Hamelech did, and they may work on Yom Tov or at night.

⁸⁴ Chazal always used the word "built" in reference to the Beis Hamikdash. In Succah 41a it says "may the Beis Hamikdash be built soon" and "when are we afraid it be built". The Mishnah in Tamid concludes, "May it be Your will that the Beis Hamikdash be built." If it is already built in heaven and needs only to be revealed, then Chazal should say "revealed" instead of "built." Also, in Succah 52b, the Gemara refers to Moshiach ben Dovid and Moshiach ben Yosef as builders. Rashi explains that they will build the Beis Hamikdash.

on the Mizbeach.⁸⁵ The Yitav Panim (Rabbi Yekusiel Yehuda Teitelbaum of Sighet, the Rebbe's grandfather) brings a similar answer from another sefer.⁸⁶

However, this only helps to resolve the contradiction between the Rambam and the words of Chazal that the Beis Hamikdash will come down from heaven. But Rashi and Tosafos cannot be answered this way, because they use the fact that it will come down from heaven to explain how it is possible for it to be built on Yom Tov or at night. Now, if it needs to be built by humans before the heavenly temple can come down, this question is not answered at all. The Aruch Laner therefore seeks a different answer to Rashi and Tosafos's question. But since Rashi, Tosafos, the Rashba, and the Ritva all give the same answer, we must not consider disagreeing with them. Rather we must work hard to make sense of their words. Even if we could come up with an answer that seems to us more satisfying than that of the Rishonim, heaven forbid for us to disagree with the Rishonim, for compared to the Rishonim, our minds are nothing at all.

This is especially true since the answer offered by the Aruch Laner is problematic. His proposal is based on Tosafos in Shabbos 95a, who asks that since making cheese on Shabbos is forbidden under the category of building, building a house on Yom Tov should be permitted because of the concept of “Mitoch”: once a particular category of work can be used to make food, it becomes permitted for all purposes. Tosafos answers that in fact, on a Torah level it is permitted to build on Yom Tov; nevertheless it is Rabbinically forbidden. The Aruch Laner then argues that this is only true according to Rabbi Eliezer, who holds that making cheese is a subdivision of building, but the other Sages disagreed. Now we can resolve Rashi and Tosafos' question. The Gemara in Shevuos 15a stating that it's forbidden to build the Beis Hamikdash on Yom Tov is going according to the Sages. The Gemara in Succah 41a, on the other hand, is proposing that Rabban Yochanan ben Zakkai held like his student Rabbi Eliezer and maintained that there is no Torah prohibition on building on Yom Tov, only a Rabbinic prohibition, and therefore for the sake of building the Beis Hamikdash, the rabbis relaxed their prohibition.

Now, it is true that if building were not a Torah prohibition, only a Rabbinic prohibition, we would understand why the future Beis Hamikdash is permitted to be built on Yom Tov, because of the rule that Rabbinic prohibitions do not apply in the Beis Hamikdash (Pesachim 65a). However, the Aruch Laner's contention that the Sages disagree with Rabbi Eliezer and hold that cheesemaking is not a subdivision of building is problematic. The Maggid Mishnah (Hilchos Shabbos 8:7) writes that Rabbeinu Chananel, the Rif, and the Rambam all hold that the Sages disagreed only with the second half of Rabbi Eliezer's list - from the case of “sweeping the house” and onward, but as to making cheese, everyone agrees that it is

⁸⁵ It's not clear what the Aruch Laner's source was to say that the heavenly fire descended into the man-made fire, implying that the man-made fire was there first. On Vayikra 1:6, Rashi says, “Although the fire comes down from heaven, it is a mitzvah to bring man-made fire.” The Gemara in Eiruvim 63a says that Nadav and Avihu, the sons of Aharon, were the first to state this halacha. Right after the fire came down onto the Mizbeach, they brought their own fire; their only sin was ruling halacha in front of their teacher, Moshe, but otherwise they were correct. Thus it's clear that the heavenly fire comes first.

⁸⁶ The reference may be to Yitav Panim, Avnei Zikaron L'rosh Hashana, 11, where he explains the posuk in Tehillim 122:3, “The built Jerusalem, like a city connected together” to mean that the heavenly Jerusalem will be connected with the earthly Jerusalem. However, the Yitav Panim does not cite this from any other sefer, and it seems to be based on the Gemara in Taanis 5a.

a Torah prohibition of building.⁸⁷ The Rambam rules this way in Hilchos Shabbos 10:13, and so does the Pri Chadash in Orach Chaim 495. True, there are Rishonim (such as the Ramban and the Ran) who say that the Sages disagree on every activity on Rabbi Eliezer's list, but then how would the Aruch Laner answer the question according to Rabbeinu Chananel, the Rif and the Rambam?

One may ask, however: if all agree that making cheese is building, and hence building on Yom Tov is only Rabbinically prohibited, then why indeed does the Gemara in Shevuos say that it is forbidden to build the Beis Hamikdash on Yom Tov? I will speak about this later on (Siman 63-65).

A further problem with the Aruch Laner is that it is unlikely that the Gemara considered, even for a moment, that Rabban Yochanan ben Zakkai's enactment might have been made only according to Rabbi Eliezer and not according to the Sages. The halacha does not follow Rabbi Eliezer, as the Aruch Laner himself points out. But we must not depart from the words of Rashi, Tosafos, and the other Rishonim.

Therefore, I would like to suggest that even with the assumption that the Beis Hamikdash will be built by human hands first, as the Aruch Laner says, the Gemara still says that we are afraid it might be built on Yom Tov or at night. This is because it's impossible to know exactly how things will proceed after moshiach comes, as the Rambam says in Hilchos Melachim, Chapter 12. It all depends on in what way and at what time in history he comes.

This is similar to what the Ramak (Rabbi Moshe Cordovero, Pelach Harimon, Shaar 9, Chapter 2) writes - that the reason why the Gemara says that we do not rule on halacha that will only apply in the time of moshiach (Sanhedrin 51b and Zevachim 45a) is because we don't know how moshiach's coming will affect the Halacha. The halacha may change and follow a different opinion, such as Beis Shammai.

And the commentary on Tehillim called Eretz Hachaim (by Rabbi Avraham Chaim Hacohen, who lived in the mid 17th century and was a great-grandson of the Rabbi Yehoshua Falk Katz, author of the Sma), Chapter 71, says that the timetable of the messianic era depends on when he comes. If he comes early, then first he will come, then 40 years later the dead will be resurrected, and then afterwards the Beis Hamikdash will be built. But if he comes at a later time, all these events may happen simultaneously.

Now, whatever is written explicitly in the Torah cannot change, and therefore anyone who denies the coming of moshiach is like one who denies the entire Torah. But the exact details of what will happen after moshiach comes cannot be known until it happens, as the Rambam writes.

And therefore, although the normal order of events will be that first the Beis Hamikdash will be built by human hands and then a heavenly Beis Hamikdash will descend into it, it is possible that if the Beis Hamikdash has to be rushed, it may come down from heaven even before humans build it, as the Eretz Hachaim writes that there may come a point when all three events - moshiach, the Beis Hamikdash, and the resurrection - happen at the same time. This is why Chazal saw the need to pass an enactment in case this happens.

⁸⁷ The Baraisa lists six activities which are prohibited by the Torah on Shabbos according to Rabbi Eliezer: milking a cow, setting milk to curdle, making cheese, sweeping the floor, pouring water on the floor, and removing honeycombs from a hive. The Baraisa concludes, "But the Sages hold these are only Rabbinic prohibitions." These Rishonim hold that the Sages mean only the last three cases.

Alternatively, we could say that when Rashi and Tosafos say that the decree was made in case the heavenly Beis Hamikdash comes down on Shabbos or Yom Tov (i.e. the first day of Pesach, which may fall on Shabbos) before moshiach comes, they only meant it in the context of the Gemara's first explanation, which the Gemara later drops. The Gemara's second and conclusive explanation is that Rabban Yochanan did not make any new decree; he merely publicized that the halacha follows Rabbi Yehuda that chodosh is forbidden for all of the 16th of the Nissan. According to this, we are no longer forced to say that the Beis Hamikdash might come from heaven first. It is in this context that the Rambam writes that it will be built by human hands.

The Yismach Moshe in Parshas Beshalach on the verse, "You will bring them and plant them" makes a different prediction of the future. He says that the first Beis Hamikdash was hidden and will be revealed in the future; the Jewish people will pray there, and then the heavenly Beis Hamikdash that was ready and complete will appear from above.

Siman 62

In the previous siman, we discussed the various possibilities to resolve the contradiction in the statements of Chazal. On the one hand, Chazal say that the Beis Hamikdash will be built, which would imply that it will be built by human hands, not that it will just appear from heaven. On the other hand, Rashi and Tosfos quote from the Midrash Tanchuma that the Beis Hamikdash is already built in heaven and it will just have to descend into its place.

There is another approach to this question: [humans will build a Beis Hamikdash first, and then the heavenly Beis Hamikdash will replace it.]

The holy Zohar (Pinchas 220b-221a) says that the future Beis Hamikdash will not be built by human hands at all. The Zohar says as follows:

One day, a non-Jewish philosopher came [to Rabbi Eliezer] and said: Old man, I have three questions to ask you. The first is that you say that another temple will be built, but the Prophet Chaggai (2:9) says, "The glory of this last house will be greater than the first," implying that this is the last one. There is no third temple. Those temples that were supposed to be built were already built, and there will never be another one... The same question that this wicked man asked, I myself asked one day to Eliyahu, and he said that in the heavenly academy they explained it before the Holy One, blessed is He: When Israel came out of Egypt, Hashem wanted to make them in the land like the holy angels above, and He wanted to build for them a holy house and to come down to them from the midst of the heavens. This is the meaning of the posuk (Shemos 15:17), "You will bring them and you will plant them in the mountain of Your inheritance." In which place? "In the foundation for Your dwelling which You made, Hashem." In that place that You built - You, Hashem, and no other." "The foundation for Your dwelling you made, Hashem" - this refers to the First Temple. "The Temple of Hashem that Your hands have

founded" - this refers to the Second Temple. And both of them are the handiwork of the Holy One, blessed is He.⁸⁸

When the Jews angered Hashem in the desert, the older generation died, the Holy One, blessed is He, brought their children into the land, and a Beis Hamikdash was built by human hands. And because of this, it did not last. And Shlomo knew this, and therefore he said (Tehillim 127:1), "If Hashem does not build a house, in vain do its builders toil in it," because it has no permanence. In the days of Ezra, again sin led to the Jews building it themselves, and therefore it was not a permanent Beis Hamikdash.

And so for all this time, the temple built by the Holy One, blessed is He, did not come into the world. But in the future it is said (Tehillim 147:2), "Hashem builds Jerusalem" - He and no other. And that is the building we are awaiting, not the building of a human being which has no permanence... Even the city of Jerusalem will not be the work of humans. All the more so the Temple which is His dwelling.

[In other words, the answer to the philosopher's question is that Chaggai meant that the Second Temple was the last Temple to be built by human hands.]

From the words of the Zohar, "Hashem will build - He and no other," and also from the fact that it says that this is the answer to the question of why the Third Temple was not mentioned in the posuk - because it will not be built by human hands – we can infer that no part of the Third Temple will be man-made.

And based on this Zohar, we can answer the question posed by the Yismach Moshe (Shemos 15:17) on the posuk, "Until Your people pass through, Hashem, until this people that You acquired pass through." Chazal (Berachos 4a) say that this posuk refers to the first entrance into the land under Yehoshua and the second entrance under Ezra. The Yismach Moshe asks: why is there no mention of the third entrance under moshiach? The Tzlach on Berachos 4a also raises questions about this statement of Chazal.⁸⁹ But according to this holy Zohar, we understand the answer: that the posuk only mentions the two temples built by human hands, and not the third which will come from heaven.⁹⁰

However, there are places where Chazal say that the Jewish people will build the Beis Hamikdash in the future. For example, the Midrash Rabbah Vayikra 9:6 says the king moshiach, who is in the north (as per Yishaya 41:25), will come and build the Beis Hamikdash which is in the south (the mizbeyach was mostly

⁸⁸ If the First Temple had been built by Hashem, then seemingly it would have lasted forever, so what would have been the need for a Second Temple built by Hashem? The answer may be that the Zohar means: if the Jews sin and the First Temple is built by human hands, the Second Temple may still be built by Hashem.

⁸⁹ The Gemara says that Ezra's entrance into the land should have been as miraculous as Yehoshua's, but the Jewish people sinned and so they entered humbly with the permission of the Persian Empire. The Tzlach asks from here on the Rambam (Hilchos Yesodei Hatorah 10:4), who says that a good prophecy always comes true, even if the people sin. He answers that the prophecy that they will enter miraculously for a second time could have been fulfilled either in Ezra's time or moshiach's time. Since they sinned, it was postponed until moshiach's time.

⁹⁰ This answers the Yismach Moshe's question, not the Tzlach's question. The Rebbe probably mentions the Tzlach only because his answer is similar to the Zohar's statement that the words "the foundation for Your dwelling which You made, Hashem" are a prophecy about Hashem bringing down a temple from heaven; that prophecy could have been fulfilled at the time of Yehoshua, but due to our sins, it was postponed.

in the south half of the azarah). And the Yerushalmi Megillah 1:11 says that when the exiles arise from the north, they will come and build the temple which is in the south. From this it seems that moshiach with the Jews ascending from exile will build the Beis Hamikdash. And this is in accordance with the Rambam (Hilchos Melachim 11:1) who says that moshiach will build the Beis Hamikdash. So how do we reconcile this with the Zohar?

The answer may be that although humans will build a temple, when the Divinely-built temple descends, the man-made building will dissolve into it, just as a candle flame dissolves into a torch. Then only the temple built by Hashem will be in existence, and no other. Why then would the Jewish people have to build it in the first place? Possibly, in order to give them the merit of fulfilling the mitzvah of building the Beis Hamikdash; as long as they do their part, they have fulfilled the mitzvah, even if in the end it is not used. Alternatively, it could be that the redemption has to start with a human initiative from below. There could be other reasons that are not known to us, just as all the ways of Hashem Yisborach and His mitzvos are hidden from us, as the posuk says, "For my thoughts are not your thoughts." (Yishaya 55:8).

And based on this, I can answer the question that I asked earlier in Siman 58 and 59, that on the one hand, the Rambam (Beis Habechirah 1:4) and the Tosafos Yom Tov (Yuma 5:5) say that we cannot build the Beis Hamikdash because the Sages did not explain to us the meaning of the verses of Yechezkel, so we don't know how to do it. On the other hand, we see that in the time of Rabbi Yehoshua ben Chananya, building it was a valid option. I have already written about this earlier, but according to the Zohar that we just quoted, we can suggest a new answer.

Rabbi Eliezer (who lived in the same time as Rabbi Yehoshua) asked Eliyahu Hanavi a question about why the Third Temple is not mentioned in a posuk, and in response Eliyahu revealed to him that in the heavenly academy, they decided that there will not be a future temple built by man; it would be built by Hashem. If so, we see that before Rabbi Eliezer asked this question, it was thought by his generation that humans would build another temple and do the avodah there, just like in the first two temples, even before any revelation of a heavenly temple. Therefore, they considered building it in the time of Rabbi Yehoshua ben Chananya. However, the Mishnah and Gemara, which were compiled after Eliyahu made this revelation that there would not be another man-made temple, no longer speak about the dimensions of the future temple.

The Mishnah in Maaser Sheini 5:2, which discusses Rabbi Yossi's opinion that a stipulation was made in case the Beis Hamikdash would be built before moshiach comes, was formulated before Eliyahu revealed that there would not be a future man-made temple. Afterwards, that Mishnah was preserved in Shas, as the Gemara says in many places that once a Mishnah is formulated, it remains unchanged.

However, the question on Rashi, Tosafos, and the other Rishonim in Succah who say that the future temple could be built on Yom Tov because it will come down from heaven, is still not answered according to this, since we are still saying that there will be some building done by human hands, even if that building is later dissolved into the future heavenly temple. How can this be, given that it's forbidden

by the Torah to build a temple on Yom Tov? This halacha is stated by the Rambam (Hilchos Yom Tov 1:2) and others, and this is the simple meaning of the Gemara (Shevuos 15a).⁹¹

Siman 63

The Gemara in Succah 41a states that the Beis Hamikdash might be built on Yom Tov. Rashi and Tosafos explain this by saying that it will come down pre-built from heaven. However, there are many sources that say it will be built by human hands. Even if we say that the man-made building is only the first stage and a temple from heaven will take over in some way, we still have to explain how the process will begin, given that it is Yom Tov.

In my humble opinion, we can offer a new solution to this problem. The poskim understand that Tosafos and the Rambam disagree over whether building on Yom Tov is a Rabbinic prohibition or a Torah prohibition. Tosafos, Shabbos 95a, states that on a Torah level, building would be permitted on Yom Tov because of the principle of “mitoch”: once it is allowed to do one kind of building – making cheese – it becomes allowed to do any kind of building. The prohibition is only Rabbinic. The Rambam, on the other hand, rules explicitly that one receives lashes for violating the prohibition on building on Yom Tov, meaning that it is a Torah prohibition. What would the Rambam reply to Tosafos's argument of “mitoch”?

One approach (advocated by the Pri Chadash, Orach Chaim 495:1) is that in fact, the Rambam holds that “mitoch” applies only to two categories of work: carrying and making a fire. However, the Maggid Mishnah and others say that the Rambam applies mitoch to all categories of work. If so, why doesn't he agree with Tosafos?

But Tosafos' opinion is also problematic. The Chasam Sofer in his commentary on Beitzah 12a proves the Rambam correct from the fact that the Gemara (Shevuos 15b) says that the building of the Beis Hamikdash does not supersede Yom Tov. What would Tosafos respond to this?⁹²

In my humble opinion, we can explain both Tosafos and the Rambam, based on a piece by the Pnei Yehoshua. In his commentary on Beitzah 12a, the Pnei Yehoshua writes that the reason why the Rambam considers building on Yom Tov a Torah prohibition is because he understands that when the Gemara says that cheesemaking is a subdivision of building, it only means when one makes cheese for long-term storage. But making cheese for Yom Tov itself is permitted and is not a subdivision of building at all, because whatever building one is making out of the cheese, one is about to destroy by eating it. It is like building with the intention of immediately destroying the structure. Therefore, we never find that building was permitted for the sake of food. The Pnei Yehoshua concludes although he feels that this explanation is correct, he did not find any posek or commentary who uses this logic. The Chasam Sofer

⁹¹ Contrary to the Aruch Laner, who argues that building on Yom Tov would be only a Rabbinic prohibition – see above Siman 61.

⁹² The Aruch Laner proposed that Tosafos is speaking only according to Rabbi Eliezer, while the Gemara in Shevuos is going according to the Sages, who disagree with Rabbi Eliezer. However, the Rebbe rejected that argument earlier in Siman 61, because it is unlikely that Rabban Yochanan ben Zakai (who feared the Beis Hamikdash might be built on Shabbos) would go only according to Rabbi Eliezer.

in his commentary on Beitzah 12a rejects the Pnei Yehoshua, saying that he does not know any source to say that making a tent with the intention of immediately destroying it should be permitted.

I am surprised that the Chasam Sofer says this, and I'm also surprised that Pnei Yehoshua says he did not find any previous source that uses his argument. Actually, we find that the Yerushalmi in two places (Shabbos 7:2 and 11:1) says:

- What building was there in the Mishkan - that they placed the boards in the sockets? Wasn't that temporary? Rabbi Yossi said: Since they encamped and traveled only at the command of Hashem, it is as if they encamped permanently. Rabbi Yossi the son of Rabbi Bun said: Since the Holy One, blessed is He, promised to bring them into Eretz Yisrael, it is considered temporary. So this proves that a temporary building is a building.

If so, we see that the Pnei Yehoshua's logic that a temporary building is not a building is the subject of an explicit dispute in the Yerushalmi. Now, one might ask why building is different from other categories of work, where we don't find such a distinction; work done for one minute is also considered work. The answer is that building by its nature is defined as a permanent act. That's why we find that the prohibitions on building and destroying do not apply to vessels (Beitzah 22a) - because vessels are not permanent. And a similar concept is found in the category of tying a knot: a knot is defined as a permanent knot (Shabbos 113a). But in other categories of work it doesn't work that way.

In any case, regarding building we have a source for the Pnei Yehoshua's logic. And I am especially surprised at the Chasam Sofer because in his responsa Orach Chayim 72 he quotes the above Yerushalmi and he even rules in accordance with the opinion that a temporary building is not a building, whereas here, in his commentary on Beitzah, he writes that he did not find a source for this idea.