



## Is it a Halachic Obligation for Every Jew to Make Aliyah (Immigrate) to Israel?

### The Spiking Aliyah Rate

The Aliyah rate – or at least the Aliyah application-rate – has been rising since Covid-19. My sister told me that she welcomed several new families, who managed to come on Aliyah this spring and summer, settling in her town of residence, Zichron Ya'acov. According to Rabbi Yehoshua Fass, co-founder and executive director of *Nefesh B'Nefesh*, interest in Aliyah has reached 'staggering' numbers. "The numbers show a spike in aliyah interest that the State of Israel has not seen since its establishment... Last year in the first three weeks of June, 5,000 households reached out to contact the *Nefesh B'Nefesh* Aliyah hotline. This year, nearly 25,000 families contacted the organization in that same time period. Most of it, is because the outcome of Corona has recalibrated the compass of many individuals who always thought and [dreamt of coming to Israel.](#)" It seems to me that the Corona lockdown gave us a break from running around like a chicken without a head, being slaves to all of our various occupations. Closing down all our escape routes, made us rethink our priorities in life. I assume I'm not the only one who has been asking myself, "Why am I in this world? What is my individual mission? How can I redirect my life and activities to best achieve my personal goals?" It is no surprise that many Diaspora Jews have been re-evaluating whether they are supposed to remain in exile or rather take the leap of faith to join their extended family in the Promised land. The current situation is a clear sign that the birth contractions have begun and if we don't want to miss the boat, it's now or never.

### Living in Israel: Obligatory or Recommended Mitzvah?

There is a difference in opinion whether the mitzvah of immigrating to Israel is a binding mitzvah that obligates every Jew or whether it is a recommended, optional mitzvah. In the last three decades, I've heard several Rabbis discouraging people from moving to Israel, or visiting Yishuvim outside of the green line, due to it being 'dangerous' in their opinion. An argument for the *Chareidi* view, that it isn't obligatory to live in *Eretz Yisrael* is the ruling of the leading 20<sup>th</sup> century Torah scholar, Rabbi Moshe Feinstein, who held that although it is recommended to live in Israel, "...at this time there is no personal obligation to immigrate. If so...Rambam would have said – it is forbidden to live abroad, unless there is a severe famine in *Eretz Yisrael*... – thus it is not an obligatory mitzvah... (*Igrot Moshe, Even Ha'ezer* 102). Rabbi Moshe Feinstein based himself on the fact that Rambam wrote, "One should always dwell in the Land of Israel," yet, he did not list it as one of the 613 mitzvot. Rabbi Eliezer Melamed, Rosh Yeshiva of [Yeshivat Har Bracha](#), explains that Rambam did not enumerate the mitzvah of *Yishuv Ha'Aretz* (settling in Israel) because it is more important than a regular mitzvah, and it is inappropriate to enumerate mitzvot that encompass the entire Torah (*Eim Habanim Semeicha* 3:7-10). Furthermore, in the time of the medieval Sages, it was life-threatening to move to Israel, due to severe famine and persecution, which permits even the residents of *Eretz Yisrael* to leave the land. Yet, even then, it is *midat chassidut* to remain (Rambam, *Hilchot Melachim* 5:9). According to Rav Melamed, our Sages could not imagine a time when Jews would be able to exist in the Land of Israel, but simultaneously, some would still claim that this was not an obligatory mitzvah. Consequently, they only discussed situations, in which it was life-threatening to live in *Eretz Yisrael*. But even in such a situation, Rabbi Yehuda Halevi wrote that Jews should have made much more of an effort to immigrate to Israel (*Kuzari* 2: 24).

## Halachot Reflecting the Importance of Settling in Israel

The Talmud is replete with statements that support the obligatory mitzvah to live in Israel, for example: "At all times, a Jew should live in the Land of Israel – even in a city where the majority of its residents are idol worshippers, and not live outside of the Land – even in a city populated mainly by Jews, for anyone who lives in the Land of Israel is similar to one who has a G-d, while one who lives outside of the Land is similar to one who has no G-d" (*BT, Ketubot* 110b). This was codified as halacha (Rambam, *Hilchot Melachim* 5:12; *Ishut* 13:20). I understand this to mean that Hashem appointed a different angel or constellation to oversee every country, except for the Land of Israel, which Hashem Himself supervises directly. There are several halachot that reflect the vital importance of settling in the Land for Israel. For example, when one spouse wishes to immigrate to Israel – the other must comply, and if not, this justifies a divorce (Rambam, *Hilchot Ishut* 13:20; *Shulchan Aruch, Even Ha'ezer* 75:4). Regarding the nation's responsibility to apply sovereignty over the Land and settle it, Ramban writes, "We were commanded to take possession of the Land, which the Almighty, Blessed Be He, gave to our forefathers, to Avraham, to Yitzhak, and to Ya'acov; and to not abandon it to other nations, or to leave it desolate, as it says, 'Inherit the land and live in it, since it is to you that I am giving the land to occupy...'" (*Bamidbar* 33:53; Addendum to *Sefer Hamitzvot* of the Rambam, Positive Mitzvah 4). In addition to the general mitzvah that the Land be under Israeli sovereignty and that all Jews live here, there is a mitzvah upon every individual Jew to live in *Eretz Yisrael* ([Rabbi Eliezer Melamed, \*Peninei Halacha The Mitzvah of Settling the Land of Israel\* 1](#)). The supreme importance of the mitzvah of settling the land is furthermore clarified by allowing us to transgress some of the Rabbinical laws for its sake. (*Shulchan Aruch, Orach Chaim* 206,11). For example, for the sake of *Yishuv Eretz Yisrael* the halacha permits buying land in Israel from a non-Jew on Shabbat (*BT, Gittin* 8b; *Shulchan Aruch, Orach Chayim* 306:11).

## To Settle or Not to Settle Over the Green Line?

The leading Litvish Charedi rabbi in B'nei Brak, Rav Elazar Menachem Shach (1899 – 2001), criticized Jewish settlements in Judea and Samaria as ["a blatant attempt to provoke the international community,"](#) and discouraged Jews from living in these communities. Rav Shach supported the withdrawal from land under Israeli control, basing it upon the principle of *Pikuach Nefesh* ('saving life'). By repeatedly proclaiming that it was "permitted and necessary to compromise on even half of the Land of Israel" for the sake of peace, Rav Shach concurred with the leftist *Shalom Achshav* movement. Many Torah scholars, including Rabbi Shmuel Tuvia Stern opposed Rav Shach's position, asserting that the latter had failed to provide halachic references supporting his opinion (Shmuel Tuvia Stern, *She'elot uTeshuvot HaShavit* vol.7). Likewise, Rabbi [Yitzchak Hutner](#) stated that "agreement to other-than-biblical borders was tantamount to denial of the entire Torah" (Shlomo Lorincz, *Milvei Shlomo* pp. 296-297). This concurs with the religious Zionist view, as represented by Rabbi Melamed, who explains that the mitzvah to settle the Land of Israel is obligatory upon both the individual Jew and the Jewish nation as a whole. The mitzvah of *Yishuv Ha'Aretz* obligates us not only to dwell in developed cities or towns, but to make the wasteland bloom as well. To complete this mitzvah, the Promised Land must be under Jewish rule with every part of it settled, cultivated and flourishing. The to settle the land is increased proportionally according to the degree by which the particular part of the Land is desolate of Jews. Those who live in areas such as Judea and Samaria, contribute doubly to the mitzvah, for they are not only strengthening the Israeli authority over the areas that the nations attempt to wrest away from the Jews, but they are also helping to ensure that all of the Land is cultivated and settled. Those who live in other places in Israel, that are more isolated from Jewish presence and are surrounded by enemies, are fulfilling the mitzvah to an even greater extent. *Eretz Yisrael* is only acquired through pain and suffering (*Babylonian Talmud Brachot* 5a). The greater the suffering, the greater the reward.

## Moshe's Yearning for the Promised Land

*Parashat Vaetchanan* opens with Moshe's recalling to *B'nei Yisrael* his fervent prayers begging for permission to enter *Eretz Yisrael*, and G-d's denial of his request:

ספר דברים פרק ג פסוק כג וַאֲתַחֲנַן אֶל ה'שָׁם בְּעֵת הַהוּא לֵאמֹר: (כד) אֲדֹנָי יְיָדֹד אֶתְּהָ חַלּוּת לְהִרְאוֹת אֶת עַבְדְּךָ אֶת גְּדֹלְךָ וְאֶת יָדְךָ הַחֲזָקָה אֲשֶׁר מִי אֵל בַּשָּׁמַיִם וּבָאָרֶץ אֲשֶׁר יַעֲשֶׂה כְּמַעֲשֶׂיךָ וְכַגְבוּרֹתֶיךָ: (כה) אָעֲבֹרָה נָא וְאֶרְאֶה אֶת הָאָרֶץ הַטּוֹבָה אֲשֶׁר בְּעֵבֶר הַיַּרְדֵּן הַהוּא הַטּוֹב הַזֶּה וְהַלְבָּנִן:

"I entreated Hashem at that time, saying, O Hashem G-d, You have begun to show Your servant Your greatness and Your strong hand, for who is [like] G-d in heaven or on earth who can do as Your deeds and Your might? Please let me cross over and see the good land that is on the other side of the Jordan, this good mountain and the Levanon" (*Devarim* 3:23-25).

The word וַאֲתַחֲנַן/*Va'etchanan* – "I implored" has the numerical value of five hundred and fifteen. This teaches us, that Moshe prayed five hundred and fifteen prayers to be permitted to enter *Eretz Yisrael* (*Midrash Devarim Rabbah* 11:10). Moshe begged to enter the holy land not only to perform the mitzvot associated with the land, but for the sake of fulfilling his final mission. Moshe's task was to institute longing for *Eretz Yisrael*, because without this yearning, we would be unable to actualize our hold over the land. "Hashem wanted to deepen the heart of the Israeli nation, so that even when they are in foreign lands, their eyes shall be raised to Tzion, and their hearts shall be filled with passion for the land of their forefathers...

Moshe Rabbenu's numerous pleadings and prayers led to the development of an extra deep wellspring of yearning for *Eretz Yisrael* whose bountiful potency suits every generation. And since then, anyone who draws from Moshe Rabbenu's wellspring, even if he is located at a distance, yearns for *Eretz Yisrael*..." (Rav Kook, In *Mo'adei HaRAY"ח* p. 237). Although Moshe's request to enter *Eretz Yisrael* was not granted to him personally, his prayers established the Jewish longing for *Eretz Yisrael* throughout the generations. Let us tap into this wellspring of yearning so that Moshe's pain of being barred from entering the Promised Land will not have been in vain!