



Is it a Mitzvah to Make Aliyah?

Created by Naomi Freedman, Shlichat Aliyah for the Conservative Movement and Amy Dorsch, Education Coordinator, USY

Goals:

- A three part session:
 - a) pose the question, study a response by Rabbi David Golinkin
 - b) debate using personal opinions supported by the texts Golinkin presents
 - c) make personal connections following debate as to how we can respond to this if Aliyah is not necessarily in our cards, based on varying degrees or Levels of Aliyah.
- Using Rabbi David Golinkin's T'shuva, chanichim will examine whether it is a mitzvah to make Aliyah.
- The debate will ensue "mishem Shamayim." There will be no right or wrong answer necessarily, but a debate for "Heaven's Sake."
- Chanichim will also recognize that even if they are not quite able to fulfill the mitzvah of Aliyah as outlined by Rabbi Golinkin, that we reflect back on the first session on "levels of Aliyah" to find other connections one can make through levels of Aliyah.

KEY CONCEPT TO EXPLORE: A mitzvah can be defined as a Jewish action that guides our lives. Even for those that do not keep Shabbat, for example, most Jews know that Shabbat is a mitzvah. But when we educate about Israel, is there a mitzvah toward Israel? Is Aliyah a mitzvah?

Supporting Text for any Jewish debate:

Mishnah, Pirkei Avot 5:17 teaches: "Every argument for the sake of Heaven (machloket L'shem Shamayim) will in the end be of permanent value, but every argument not for the sake of Heaven will not endure..."

Duration: 45-60 Min

Materials:

- Copies of Connections with Israel/ Levels of Engagement with Israel examples (number of copies depends on whether you will post them on walls, on floor or hand them out for chanichim to work on ending exercise in pairs)
- Copies of Rabbi Golinkin T'shuva "Is it a Mitzvah to Make Aliyah?" from USY Sourcebook "Ayin L'tzyon," pages 76-78.
- Stickers or tape if hanging the Levels of Aliyah on walls

Introduction:

Ask for 5 volunteers to stand up in a line.



Ask chanichim if they can think of the major life decisions they have made or will make that may affect the rest of their lives and point to 5 different people who will represent these things. Examples: Adam represents your college choice, Jennifer represents who you choose to marry or spouse, Greg represents jobs we take that will lead us down a particular career path, etc.

Ask: what do most of these things have in common?

Explain: the connector between these 5 things is that to reach each decision, we must first have a connection or relationship to that decision; we must have built some kind of affiliation or positive association to make that thing a permanent part of our lives. The same is true with how we see Aliyah and Israel. Aliyah is a decision one makes based on their personal emotion or experience in building a relationship with Israel.

In this P'eula however, we will look at the Aliyah through Halacha, not personal or emotional, but legal. As Conservative Jews, we are committed to Halacha and although we are open to interpretation and adaptation, we are committed to mitzvot through halachah.

[you may want to define a mitzvah here as a Jewish action that guides our lives. Even for those that do not keep Shabbat, for example, most Jews know that Shabbat is a mitzvah. But when we educate about Israel, is there a mitzvah toward Israel? Is Aliyah a mitzvah?]

Part 1: is it a mitzvah to make Aliyah? Are we required to Halachikly?

Part 2: How do we feel about Aliyah as a mitzvah, as a halachik requirement or obligation? Debate it using the Tshuva and our personal opinions (Machloket L'shem Shamayim)

Let's see what a Conservative Rabbi says on the issue: is it a mitzvah to make Aliyah?

Body of activity:

Part one: Give out excerpt from USY Sourcebook "Ayin L'tzon," pages 76-78, of Rabbi David Golinkin's T'shuva (a response to a Halachik question) on the question of whether it is a Mitzvah to make Aliyah (also available online http://www.responsafortoday.com/moment/3_3.htm).

TEXT STUDY FORMAT: CONCENTRIC CIRCLES:

Divide group in half and form 2 circles, an inside circle facing those on the outside circle, so that everyone faces someone else. You will study this text through the 5 approaches he takes on the issue, with the inside circle moving one space over the right for each approach.

1. Introduce She'ela or halachik question: is it a mitzvah to make Aliyah?
2. Explain what a *T'shuva* is- expert draws on Jewish texts to come up with an argument or answer to the question



3. Rabbi Golinkin tries to answer this she'ela on Aliyah with 5 approaches. Read the first approach and discuss any of the questions provided in the margin of the page. What do you think about what he's saying? Do you agree with him or disagree?

Please advise them that there are 5 approaches, so if they don't understand one approach they can move on to the next one.

After they have discussed the five approaches, with five different people in the concentric circles, come back into a complete circle for discussion.

Go over the 5 approaches to Aliyah:

1. A positive commandment, from the Torah, to inherit the land and dwell therein.
2. A *makhshir mitzvah* or preparatory act which enables one to perform the *mitzvot* which can only be performed in Israel. You can't do the other mitzvot associated with living in Israel without first having made Aliyah to Israel.
3. Encourage *aliyah* and discourage emigration (leaving Israel).
4. Pragmatic approach - since there is danger involved and since it is hard to earn a living there.... he argues that it is not a mitzvah.
5. It is definitely not a Mitzvah. This approach to Aliyah is very negative.

It is important to stop reading after the five approaches and come to an open discussion, and later to read about Rabbi David Golinkins personal approach.

Pose some of the questions in the margin of the t'shuvah such as "do you relate to Maimonides approach to this T'shuva as a North American Jew (page 77) or do the rewards outweigh the challenges?"

Part two: Discussion/Personal Opinions

Open it up to see how does each one feel about it. You can either form 2 teams and have them debate back and forth (point-counterpoint) on whether it is a mitzvah to make Aliyah, based on the Tshuva studied and personal opinions or open it up to a general discussion and have people argue both sides. **They should be encouraged not to just give their personal opinions, but use the text to argue what they think.** Jewish debate uses texts to form personal arguments, causing informed discussion, it is not based solely on emotion and personal thoughts.

If they are leaning heavily to one side, play the "Devil's Advocate" and argue their points as sicha leader, just to make it more interesting and present opposing opinion. You will be illustrating the value of Machloket l'Shem Shamayim: debate for the sake of debate.

Guiding questions

- If you were a rabbi today, what would you argue?
- Is it a mitzvah to make Aliyah today or not?
- Is it still dangerous or a risk?



- Why do many people who are shomrei mitzvot, who take the observance of mitzvot very seriously, do not make Aliyah? Why almost all other mitzvot and not this one?
- How do you feel about this Mitzvah since the state of Israel was established?
- Golinkin uses the Makhshir mitzvah argument, explaining that one cannot observe certain mitzvot unless living in Israel. On the other hand, some people say that it is harder for them to be "shomri mitzvot" in Israel. How do you feel about that statement?

After about 10 minutes of debate (you may not have reached a verdict- this is okay!), ask the group to figure out Rabbi Golinkin's personal opinion on the issue by reading page 78 beginning with "I made Aliyah in 1972..." Which of the 5 approaches does he use to express his opinion?

Interesting to add, but not essential: Golinkin and his influence on religious pluralism in Israel: For more information on the impact Rabbi Golinkin has on religious pluralism in Israel, check out his brief bio on his role in the Masorti movement in Israel on page 76.

Part three: Connecting our Discussion to Ourselves

Read the text from Pirkei Avot on Machloket L'shem Shamayim, found on the first page of this lesson outline. Ask chanichim to explain what this means and how it applies to our discussion today.

Explain: We didn't necessarily come to a consensus or conclusion, however, we were able to discuss the issue and debate it in order to grapple with it. For those of us who do believe it is a mitzvah to make Aliyah, but may not be ready for it or may have reasons for not observing this mitzvah, we can still find other "levels" of Aliyah which can help lead us to this mitzvah, help bring us closer to this mitzvah while living in North America.

Materials: Levels of Aliyah placed out on the floor or hung up on walls around the room. Ask chanichim to stand by the one action step that they can do in North America to help connect them to Israel and bring them closer to observing the Mitzvah of Aliyah, or the level they feel is closest to Aliyah that they can actually do in "real life." Ask each one to explain their choice.

Sikkum:

- Summarize by reiterating goals, reviewing the three steps you went through in discussing "Is it a mitzvah to make Aliyah?"
- Highlight responses to this debate. Give one *yes* response and one *not necessarily* response.
- Reiterate the "there is no one right answer, rather personal opinion" concept generated by textual support (as Rabbi Golinkin illustrates) and connected to Machloket L'shem Shamayim and another text that tells us that these debates are part of life. (Elo V'Elo divri elohim Chaiim- it is a Jewish value to question.)



Bring it home: Ask the rabbi at your synagogue or someone you know who is planning on making Aliyah or has made Aliyah, what his/her approach may be. Is Aliyah a Mitzvah? A Halachik obligation? If not, are there other ways you can connect to Israel on varying degrees without moving there? Try and commit to any Israel activity you can do in your community! Now, that's a mitzvah!

Attachments: Text - Is it a Mitzvah to make Aliyah? USY Sourcebook "Ayin L'tzyon," 2008, *Connections to Israel, levels of Engagement with Israel.*

Levels of Engaging with Israel

To visit Israel

To give money to Israel

To work for a Zionist organization

To make Aliyah

To live in Israel on a program (Nativ, sabbatical...)

To be involved in AIPAC or any lobby for Israel

To serve in the IDF

To raise a family in Israel

To help others to make Aliyah

To work in Israeli politics

To pray for the state of Israel

To go on USY Pilgrimage or any other educational
tour

Is It A Mitzvah To Make Aliyah?

Since the days of the Mishnah 1800 years ago, whenever the Jews have had a serious ethical or legal problem, they send a written question to the rabbi of their choice who wrote a detailed reply based upon the Tanakh, the Babylonian Talmud, commentaries to the Talmud and codes of Jewish law. These Responsa are known as "Sheilot u'Teshuvot (questions and answers) and comprise the body of written decisions and rulings given by the rabbis who have studied the texts and have made decisions about Jewish Law.

A question arose asking "Is it a mitzvah to make aliyah". The first question that had to be asked "What constitutes a mitzvah"? Next, texts regarding aliyah to Israel found in the Tanakh (Hebrew Bible), Talmud and modern rabbinical literature were all taken into account. Finally, a recommendation is made via the "Responsum" (or response) as an answer to the question. Take a look at the full text of the Responsum below on the question "Is it a Mitzvah to Make Aliyah."

QUESTION: Is it a mitzvah to make aliyah? ¹

By Rabbi David Golinkin

* Editor's Note: Text bolded for educational purposes

YD 157:1

RESPONSUM

Rabbi David Golinkin was born and raised in Arlington, Virginia and made aliyah in 1972. He received an M.A. in Rabbinics and a Ph.D. in Talmud from the Jewish Theological Seminary of America where he was also ordained as Rabbi. Prof. Golinkin is President and Professor of Jewish Law at the Schechter Institute of Jewish Studies in Jerusalem. He is long-time Chair of the Va'ad Halakhah (Law Committee) of the Rabbinical Assembly which writes responsa and gives halachic guidance to the Masorti (Conservative) Movement in Israel.

The word *mitzvah* can mean good deed, but, technically, it refers to one of the 613 *mitzvot* or commandments in the Torah. This number was originally stated by Rabbi Simlai in the third century (*Makkot* 23b); ² since then dozens of rabbis have enumerated the 613 commandments. ³

As I have explained elsewhere, ⁴ *Eretz Yisrael* holds a unique place in Jewish tradition and history. As a result, we would expect our tradition to unanimously require *aliyah*. Yet, in fact, rabbinic literature contains at least five different approaches towards *aliyah*:

1. The early midrash of *Sifrei Devarim* (paragraph 80) relates that Rabbi Elazar ben Shamua and Rabbi Yohanan ha-Sandlar (ca. 150 c.e.) were on their way to study Torah outside of *Eretz Yisrael*. When they reached Sidon in Lebanon, they remembered *Eretz Yisrael*. They began to cry and they rent their garments and they recited the verse (Deuteronomy 11:31-32): "When you have occupied it and are settled in it, take care to observe all of the laws. . . ." Said they: **'Dwelling in Eretz Yisrael is equal to all of the other commandments in the Torah'**. Whereupon they turned around and went back to *Eretz Yisrael*.

Rabbi Golinkin, David. *Responsa in a Moment*. Jerusalem: The Institute of Applied Halakhah at the Schechter Institute of Jewish Studies, 2000, pp. 79-83.

NOTES

1. I.e. to immigrate to Israel. There is a vast literature on this subject. In English, see J. K. Mikliszanski, *Judaism* 12/2 (Spring 1963), pp. 131-141; J. David Bleich, *Contemporary Halakhic Problems*, vol. 1, New York and Hoboken, 1977, pp. 3-13; Ephraim Kanarfogel, *Jewish Quarterly Review* 76/3 (January 1986), pp. 191-215; Hershel Schachter in Shubert Spero and Yitzchak Pessin, eds. *Religious Zionism*, Jerusalem, 1989, pp. 190-212.

2. See Nahman Danzig, *Sinai* 83 (5738), pp. 153-158 for the history of this number.

3. See *Encyclopaedia Judaica*, vol. 5, cols. 760-783.

4. See my responsum in *Moment* 18/6 (December 1993), pp. 34 = above, pp. 31-32. For the centrality of *Eretz Yisrael* in Jewish tradition, see above, p. 35, note 2.

2. Nahmanides (1194-1270) followed their approach by ruling that it is a positive commandment to inherit the land and dwell therein.⁵ Furthermore, he practiced what he preached, arriving in Jerusalem from Spain in 1267 and settling in Acre.⁶ His opinion was accepted by a number of prominent medieval rabbis and is very popular among Israeli rabbis today.⁷

On the other hand, the above-mentioned Rabbi Simlai **did not view *aliyah* as a *mitzvah* in and of itself but rather as a *makhshir mitzvah* or preparatory act which enables one to perform the *mitzvot* which can only be performed in Israel such as tithing and the Sabbatical and Jubilee years.**⁸

Rabbi Simlai expounded: Why did Moses our teacher yearn to enter the land of Israel? Did he want to eat of its fruits or satisfy himself from its bounty? But thus said Moses: **"Many mitzvot were commanded to Israel which can only be fulfilled in Eretz Yisrael. I wish to enter the land so that they may all be fulfilled by me"** (Sotah 14a). Rabbi Simlai's approach was also followed by a number of medieval rabbis.⁹

3. Other talmudic sages did not rule explicitly on whether *aliyah* is a *mitzvah*, but tried to encourage *aliyah* and discourage emigration via specific legislation:¹⁰ "Both husbands and wives may force their spouses to make *aliyah* (*Mishna Ketubot* 13:11). If a Jew wants to buy land in Israel, he may tell the non-Jewish owner to draw up the contract even on Shabbat (*Gittin* 8b and *Bava Kamma* 80b). "It is forbidden to leave Eretz Yisrael unless two *se'ah* (26.4 liters) of wheat sell for one *selah*. Rabbi Shimon said. . . if one can find any wheat at all, even if one *se'ah* costs a *selah*, he should not emigrate" (*Bava Batra* 91a).

Maimonides followed this approach. He codified the specific laws mentioned above,¹¹ yet he did not list *aliyah* as one of the 613 *mitzvot*. Indeed, Maimonides himself seems to have visited Israel in the year 1165, but did not remain.¹²

4. A number of medieval rabbis took a pragmatic approach. Rabbi Meir of Rothenburg (Germany ca. 1215-1293), for example, did not think that *aliyah* was one of the *mitzvot*, but he did think that whoever moves to Israel "for the sake of heaven and conducts himself in holiness and purity, there is no end to his reward, provided that he can support himself there".¹³

Rabbi Israel Isserlein (Austria, 1390-1460) ruled that it is certainly praiseworthy to live in Israel. However, since there is danger involved and since it is hard to earn a living there, "every person should judge his physical and monetary capabilities if he will be able to fear Heaven and observe *mitzvot* [in Israel]" (*Pesakim U'ketavim*, no. 88).

Do you agree with this statement? If you were to rank Aliyah as one of the top three mitzvot, which other two would you consider?

Can you only live a Jewish life in Israel? Can you live a complete Jewish life in North America? How does being in Israel make you feel more Jewish?

How do you relate to Maimonides' relationship towards Israel? Apply this idea to North American Jewry.

What do you feel are the "rewards" of making Aliyah? What would outweigh the struggle?

5. Nahmanides to Numbers 33:53 and in his addenda to *Sefer Hamitzvot* by Maimonides, no. 4.

6. Regarding Nahmanides' *aliyah*, see Rabbi Charles Chavel, *Ramban: His Life and Teachings*, New York, 1960, pp. 56-66.

7. *Responsa Ribash*, no. 101; *Responsa Tashbatz*, part 3, no. 288; Rabbi Ovadiah Yosef, *Torah Shebe'al Peh* 11 (5729), pp. 35-42; Rabbi Hayyim David Halevi, *Aseh Lekha Rav*, part I, Tel Aviv, 5736, nos. 17-18. This was also the approach of Rabbi Abraham Isaac Kook which has been adopted by most religious Zionists in Israel.

8. For a good summary of the *mitzvot* dependent on the land, see Dayan I. Grunfeld, *The Jewish Dietary Laws*, vol. 2, London, Jerusalem and New York, 1972.

9. Rashbam to *Bava Batra* 91a, s.v. ein yotzin and Rabbi Baruch of Worms, *Sefer Haterumah*, Warsaw, 1897, p. 122a.

10. This legislation was probably a reaction to the dire economic situation after the Bar Kokhba revolt. See Gedaliah Alon, *The Jews in their Land in the Talmudic Age*, Jerusalem, 1984, pp. 659-661.

11. *Ishut* 13:20; *Avadim* 8:9-10; *Shabbat* 6:11; *Melakhim* 5:9-12; *Responsa of Maimonides*, ed. Blau, no. 365.

12. See *Encyclopaedia Judaica*, vol. 11, cols. 755-756. Regarding Maimonides' attitude towards Eretz Yisrael, see I. Twersky in Joel Kraemer, ed., *Perspectives on Maimonides*, Oxford, 1991, pp. 257-292.

13. *Responsa of the Maharam of Rothenburg*, ed. Berlin. Nos. 14-15, but cf. *ibid.* no. 79 where he states that making *aliyah* is indeed a *mitzvah*.

Does this have any merit? In terms of the economic struggle, do you think this is a legitimate reason to not make Aliyah?

How does it make you feel to see Jews so strongly protesting Israel's existence?

5. Lastly, there is the lone talmudic voice of the Babylonian sage Rabbi Judah who declared that whoever makes *aliyah* from Babylon to Israel actually *transgresses* a positive commandment (sic!).¹⁴

This negative approach to *aliyah* was followed by quite a few medieval rabbis.¹⁵ Rabbi Judah the Pious (Ashkenaz, thirteenth century) ruled, for example, that it is preferable *not* to make *aliyah*, because he who does so will not be able to find a wife in Israel nor have time to study Torah due to the difficult economic conditions.¹⁶

In modern times, Rabbi Judah's approach has been adopted by the Satmar Hassidim who rabidly **oppose mass *aliyah*, Zionism and the State of Israel due to their conviction that only God may redeem the Jewish people from Exile.**¹⁷

Given these five approaches, it is difficult to state *the* halakhic approach to *aliyah*, since all five can be justified by talmudic and halakhic sources. Therefore, I would like to explain *my* halakhic approach to *aliyah*.

I made *aliyah* in 1972 because I believe that *aliyah* is both a *mitzvah* and a *makhshir mitzvah*. First of all, Nahmanides was right to list *aliyah* as a *mitzvah*. He remained in the minority only because all attempts to list the 613 *mitzvot* took place at a time when it was virtually impossible for most Jews to make *aliyah*. It seems that most rabbis saw no point in requiring something so dangerous and expensive that it was virtually unobtainable. By requiring *aliyah*, the rabbis would have turned almost the entire Jewish people into sinners.¹⁸ But the thrust of Numbers 33:53 as well as of the entire Bible and Talmud is **that all Jews are supposed to live in Eretz Yisrael**. That is what God repeatedly promised our ancestors, that is why God redeemed us from Egypt, and that is where a large percentage of the *mitzvot* need to be observed.

Furthermore, *aliyah* is a *mitzvah* in the sense of a preparatory act because it enables one to perform not only the *mitzvot* connected to the land (no. 2 above) but *all* of the *mitzvot*. In Israel, one can observe Shabbat and all of the Jewish holidays with ease because the entire country is on "Jewish time". Israel is conducive to Torah study both in terms of vast opportunities and in terms of enabling the Bible and the Talmud to come to life. Living in Israel allows one to master Hebrew and thereby connect to our heritage which is written in Hebrew. Israel ensures "Jewish continuity" because, religious or secular, your children will most likely marry other Jews. Finally, Israel is the actualization of the prayers we have recited for 2,000 years: "May our eyes behold Your return to Zion with mercy"; "Blessed are you God who gathers the dispersed of Your people Israel".

In conclusion, one should make *aliyah* because living in Israel is a *mitzvah* in and of itself as well as a preparatory act which enables one to observe all of the *mitzvot* and to live a full Jewish life by living in a Jewish state.

14. Ketubot 110b-111a. Space does not allow me to explain the involved Talmudic passage regarding "the three oaths" which follows.

15. See the exhaustive treatment by Aviezer Ravitzky, *Messianism, Zionism and Jewish Religious Radicalism*, Chicago, 1996, pp. 211-234.

16. See Kanarfogel (above, note 1), pp. 205-206. 17. For the Satmar approach, see Ravitzky, chapter 2 and *Encyclopaedia Judaica*, vol. 15, cols. 909-910.

18. Cf. Bava Kamma 79b and parallels: "one does not impose a decree on the public unless the majority can abide by it".