

OVERVIEW of the Daf

1) An application of the dispute between R' Yehudah and Rabanan (cont.)

Rava concludes rejecting the suggested application of the dispute between R' Yehudah and Rabanan.

2) Delivering a גט that was written on a boat (cont.)

R' Nachman bar Yitzchok suggests that the dispute regarding a גט written on a boat relates to a boat in the Mediterranean but a גט written on one of the rivers of Eretz Yisroel does not require the agent to make a declaration.

A Baraisa is cited that supports this assertion.

A short exchange between R' Yehudah and Rabanan about R' Yehudah's exposition is cited.

3) The status of Suria

A Baraisa teaches that in three ways Suria is similar to the Diaspora and in three ways it is similar to Eretz Yisroel.

The Gemara clarifies the three ways in which Suria is similar to Eretz Yisroel.

4) A slave's emancipation document

A Baraisa teaches that if a slave brings an emancipation document that declares that the slave is given his body and the owner's possessions he only acquires himself but not the owner's possessions.

The Gemara inquires whether the halacha would be different if the owner wrote that he was giving all his possessions.

Abaye answers that once he acquires himself he ac-

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REVIEW and Remember

1. What is the Western border of Eretz Yisrael?

2. In what way is Suria similar to the Diaspora?

3. What type of document may be written on Shabbos?

4. Explain פלגין דיבורא.

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 by Dr. and Mrs. Jeremy Simon
 in memory of their father
 ר' חיים ראובן שלמה בן שבח אליעזר ע"ה

Distinctive INSIGHT

כיבוש רבים and כיבוש יחיד

קסבר כיבוש יחיד שמיא כיבוש

The Rishonim discuss the definition of כיבוש רבים (a conquest by the community) and כיבוש יחיד (a private conquest), and also why the capture of Suria by King David is deemed a private conquest.

Rashi explains that the battle in which King David annexed Suria was a private conquest because "not all the Jews were together" as they were, for example, at the time of Yehoshua. Furthermore, the battle of Yehoshua was waged for the sake of the entire nation, before the land was divided into tribal units. This was in contrast to the battle for Suria, which King David fought "for himself". Rashi in Gemara Avoda Zara (20b, ד"ה סוריא) explains that the conquest of Suria was done without divine sanction of the Urim V'tumim, and without a full army of 600,000. שיעור רבי שמואל notes that Rashi here seems to say that there are two factors necessary for a battle to be כיבוש רבים: The entire nation must be represented in the army, and that the battle be for the sake of the entire nation as a whole.

Tosafos (ד"ה כיבוש) cites the Sifrei, that King David's conquest of Suria was done "out of sequence." At that time, not all of Eretz Yisroel itself was fully occupied, and some areas were still under foreign control. King David would have been authorized to conduct further battles and have them designated as כיבוש רבים only after the entire land was captured and under Jewish control. At that point, even areas captured as כיבוש יחיד would have had full status as being holy. Ramban to Devarim 11:24 seems to suggest that Suria was a private conquest because King David went to battle without consulting the Urim v'Tumim and without seeking approval from the Sanhedrin. Because he did not follow the procedure outlined in the Torah, some opinions hold that his success was not officially sanctioned as a valid conquest (לא שמיא כיבוש), while other say that בדיעבד that area does have the status of having the holiness of Eretz Yisroel.

Rambam (Hilchos Terumos 1:2-3) explains that when King David conquered Suria, he did consult with the Sanhedrin, but it was deemed a personal battle because he captured the land for his own personal advantage, and not for the nation. In fact, even if a king would conquer land within the original area promised to Avraham, Rambam rules that it would not necessarily have the designation of Eretz Yisroel regarding all its mitzvos, unless it was captured by a national leader, with the consent of most of the people (מדעת רוב ישראל), for the sake of the entire nation. Rambam also adds that the land must be captured in a proper sequence, meaning that Eretz Yisroel must be entirely under Jewish control before foreign lands may be conquered. ■

HALACHAH Highlight

Violating Shabbos to settle Eretz Yisroel

משום ישוב ארץ ישראל לא גזרו רבנן

Because of the mitzvah to settle Eretz Yisroel the Rabbis did not issue a decree

The Gemara teaches that it is permitted to instruct a non-Jew to write a contract on Shabbos for the purpose of purchasing land in Eretz Yisroel from a non-Jew since settling in Eretz Yisroel is a mitzvah. Rivash¹ wonders why Chazal did not also permit instructing a non-Jew to do melacha for the purpose of fulfilling other mitzvos. He answers by noting that there is a basic distinction between the mitzvah of settling in Eretz Yisroel and the performance of other mitzvos. The mitzvah of settling in Eretz Yisroel is a continuous mitzvah that does not come to an end. In contrast other mitzvos are fulfilled within a given timeframe and then they come to an end. Furthermore, the mitzvah of settling in Eretz Yisroel is beneficial for all of Klal Yisroel in contrast to other mitzvos. It is only regarding the mitzvah of settling in Eretz Yisroel, that contains these two components, did Chazal find it appropriate to allow instructing a non-Jew to do melacha on Shabbos, but other mitzvos that do not possess these characteristics are not afforded this leniency.

In a different teshuva Rivash² was asked whether it is permitted to travel to Eretz Yisroel by boat with non-Jewish sailors for the purpose of settling in the land. The one who posed the

quires the property as well.

Rava successfully challenges this position and Abaye is forced to change his answer and conclude that since the slave does not acquire the possessions he does not acquire himself.

Rava rejects the position as well and offers his own explanation.

R' Ada bar Masna begins to formulate a challenge to Rava's explanation since it indicates that Rava accepts the principle of R' Shimon that we can divide a statement. ■

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question reasoned that based on our Gemara it should be permitted. If our Gemara permits instructing a non-Jew to write a contract to purchase land it should certainly be permitted to have non-Jewish sailors sail a boat on Shabbos for the purpose of settling the land. Rivash rejected this line of reasoning and prohibited traveling to Eretz Yisroel in this fashion. He asserts that there is a fundamental difference between writing a contract to purchase land in Eretz Yisroel and settling the land. Someone who purchases land from a non-Jew does a greater mitzvah than one who merely travels to the land because one who travels to Eretz Yisroel does a mitzvah that is beneficial only to himself and is temporary as opposed to one who purchases land for the purpose of settling in Eretz Yisroel. Purchasing land in Eretz Yisroel is an ongoing mitzvah that benefits Klal Yisroel therefore it is afforded greater leniency. ■

1. שו"ת הריב"ש סי' שפ"ז.

2. שו"ת ריב"ש סי' ק"א. ■

STORIES Off the Daf

Yishuv Eretz Yisrael

"משום ישוב ארץ לא גזרו רבנן..."

Someone asked his Rav if he was permitted to have a non-Jew perform Torah prohibitions on Shabbos to enable him to make aliyah to Eretz Yisrael. His Rav answered that he believed that this was permitted.

"I think this is obvious from Gittin 8b which states that one may have a non-Jew transgress even a Torah prohibition to acquire land in Eretz Yisrael since Chazal didn't make a gezeirah regarding the mitzvah of yishuv Eretz Yisrael. Clearly ascending to do the actual mitzvah of settling in the land may be done

in this manner."

But since the Rav was not absolutely certain, he decided to consult with the Rivash, zt"l. He was surprised by the Rivash's answer. "Your analysis is incorrect. On the contrary, purchasing land in Eretz Yisrael is a greater mitzvah than aliyah. Settling in Eretz Yisrael merely concerns the person doing the mitzvah, but purchasing land in Eretz Yisrael concerns every Jew. Purchasing property in the holy land removes non-Jews from its environs and further ensures the Jewish presence in the land. You cannot learn from such a great mitzvah to any lesser mitzvah such as merely traveling to the land."

The Tashbatz, zt"l, disagreed, however. "If we are permitted to have a non-Jew do a Torah prohibition on Shabbos

to merely purchase land, we are surely able to do so to reach the holy land itself. If one who is already in the holy land may still have a non-Jew violate Shabbos for him, surely one who is still in impure chutz l'aretz may do so."

When someone asked the Avnei Nezer, zt"l, whether there was a mitzvah to purchase land in Eretz Yisrael even if he was not able to actually move there he received a very emphatic response. "Absolutely. One who purchases land in Eretz Yisrael even if he remains outside the land is doing a great mitzvah. In doing so, he fulfills a lesser aspect of the mitzvah of yishuv Eretz Yisrael. The Ibn Ezra in Bereishis 33:19 writes that merely owning a portion in Eretz Yisrael is likened to having a chelek in Olam Haba!" ■

