

DIMENSIONS IN CHUMASH

Parshas Ekev

Mitzvos in Exile

INTRODUCTION

Probably the verses in our Parsha with which we are most familiar are towards the end of Chapter 11, as they comprise the second paragraph of the Shema. As we know, in this section, the Torah warns that abandoning the mitzvos is liable to result in the Jewish people incurring exile from the Land of Israel. Verse 18 then states:

וְשַׂמְתֶּם אֶת דְּבָרֵי אֱלֹהִים עַל לְבַבְכֶם וְעַל נַפְשֵׁיכֶם

You shall place these words of Mine on your hearts and on your souls

Rashi, citing the Sifrei,¹ explains these words as follows:

אף לאחר שתגלו היו מצויינים במצוות, הניחו תפילין עשו מזוזות, כדי שלא יהיו לכם חדשים כשתחזרו, וכן הוא אומר "הציבי לך צינים"

Even after you are exiled, retain your distinction through the mitzvos, put on tefillin and make mezuzahs, so that [the mitzvos] will not be new for you when you return [to the Land of Israel]; and similarly, it says "Make markers for yourself."²

PARSHANUT OBSERVATIONS

Before commenting on the content of Rashi's explanation, it is worthwhile noting the *parshanut* approach that is apparent from the comment itself. As we mentioned, the previous verses warn against abandoning the mitzvos, stating that doing so will lead to exile. Our verse then tells us to "place these words on your hearts and souls." What is the relationship between this verse and those that preceded it? What are we meant to take to heart, and how? We may have been inclined to explain that the verse is saying "Take all the above to heart so that it does not occur!" Indeed, this is the approach of the Ibn Ezra. Amazingly, Rashi explains that the verse is addressing the state of the people *after the exile has occurred*, telling them to nonetheless keep the mitzvos close to heart even while in exile.

¹ Parshas Ekev sec. 43. The Sifrei is the halachic midrash on Bamidbar and Devarim.

² Yirmiyahu 31:20.

Additionally, this approach will affect the way we understand the concluding verse of this chapter:

לְמַעַן יִרְבוּ יְמֵיכֶם וְיָמֵי בְנֵיכֶם עַל הָאֲדָמָה אֲשֶׁר נִשְׁבַּע ה' לְאַבְתֵּיכֶם לָתֵת לָהֶם

In order that your days and your children's days shall increase upon the Land that Hashem has sworn to your forefathers to give to them.

Here, too, the simple meaning of the verse would appear that it is discussing the way through which the people will be able to *stay* in their land and have no need of being exiled. According to the Midrash, however, the verse is describing how they should be able to return to their land and remain there.

RAMBAN: OBLIGATION AND FULFILMENT

Coming now to the Midrash itself, needless to say, this statement is extremely perplexing. It is well-known that whereas land-based mitzvos, such as *terumah* and *maaser*, pertain only in the Land of Israel, mitzvos that devolve on the individual, such as *tefillin* and *mezuzah*, apply in all locations. As such how can the Midrash present the reason for keeping the mitzvos of *tefillin* and *mezuzah* in exile as so that they should not be as new when we return to the Land of Israel, implying that there is no essential obligation? That is contrary to the halachah!

The Ramban on our verse states somewhat enigmatically that this Midrash contains an esoteric idea to which he has alluded earlier in his commentary. Later commentators³ explain that the Ramban is referring to an idea that he discusses in a number of places,⁴ namely, that there is a special and direct relationship with Hashem that can only be attained in the Land of Israel. It is with reference to this relationship the Gemara states that “One who lives outside of Israel is as if he has no God,”⁵ i.e. he is missing out on the direct connection that can only exist there. Indeed, in this regard, the Ramban further explains that the tradition that our forefathers kept the mitzvos even prior to the giving of the Torah⁶ was stated specifically while they were in the Land of Israel. For even though there was not yet a formal command to keep the mitzvos, the Avos fathomed that this was an integral part of their relationship with Hashem while living in that land. In this vein, the Midrash to our verse is informing us that even after the giving of the Torah, there remains a qualitative difference between mitzvos performed in the Land or outside. For even though the *obligation* to perform individual-based mitzvos exists in all locations, nevertheless, their *primary place of fulfillment* is in the Land of Israel.

RADVAZ: A HALACHIC OR EMOTIVE STATEMENT?

A fascinating explanation of our Midrash is founding the Responsa of one of the great late Rishonim, the Radvaz.⁷ He, too, addresses the question of how the Midrash can seemingly ascribe the fulfillment of mitzvos outside of Israel to retaining familiarity with them for when we return, seeing as they are a matter of obligation in all locations. The Radvaz explains that the intent of the Midrash is not to offer the *halachic basis* for keeping mitzvos in *Chutz la'Aretz*, which is very simply a matter of obligation. Rather, the Midrash is addressing the potential feeling of despondency the people may experience while in exile, with all the difficulties and oppression they may encounter there. All of this may lead them to a state of despair as to the future of the Jewish people.

3 See Rabbeinu Bachye to our verse [see also Gur Aryeh].

4 In addition to our verse, see Ramban to Bereishis 24:3, 26:5 and Vayikra 18:25.

5 Kesubos 110b.

6 See Yoma 28b, cited in Rashi to Bereishis 26:5.

7 R' David ibn Zamra, vol. 5, resp. 2,154.

To this end, the Midrash offers *words of encouragement*: “Stay in practice! You will need to be familiar with the mitzvos for when you return to the land.” By reminding the people of the future redemption in this way, they will be heartened and fortified in fulfilling their mitzvah obligations wherever in exile they may be. By way of analogy, this is similar to a situation where someone who has allowed themselves to fall into a state of neglect and dysfunction. The way to get them out of it is not simply to say, “You have to take care of yourself!” even though that is true. Rather, it is to tell them they want to be looking their best for some upcoming special event, occasion or visit, restoring horizons of which they may have lost sight, encouraging them thereby to maintain themselves as is appropriate.

Very beautiful.

WHICH MITZVOS?

An altogether different approach to this Midrash is found in the writings of later commentators.⁸ They note that while Rashi concludes his quotation of the Midrash by specifying that the mitzvos that are to be “kept up” in exile in order to remain familiar are those such as *tefillin* and *mezuzah*, the Midrash itself does not mention any mitzvos by name. They therefore suggest that the Midrash is not referring to mitzvos which are on the individual, but rather, to land based mitzvos such as *terumah* and *maaser*! These are the ones that should be practiced in the diaspora as well.

In fact, support for this approach can be found in a statement of the Midrash elsewhere,⁹ which says:

רבי שמעון בן יוחאי פתר קראי בנביאי האמת... שהיו... אומרים לי הפרישו תרומות ומעשרות, וכי יש תרומות ומעשרות בבבל? אלא בשביל לאהבני לקדוש ברוך הוא, הוא שירמאו אומר “הַצִּיבִי לְךָ צִיָּנִים”

R’ Shimon ben Yochai explained the verse as relating to the true prophets who were saying “separate terumah and maaser.” Is there, indeed, terumah and maaser in Babylon? Rather, [they commanded this] in order to make me beloved to The Holy One, Blessed is He. Thus did Yirmiyahu say, “Make markers for yourself.”

We see that this Midrash explicitly refers to the institution of land-based mitzvos in exile, adducing to this end the verse in Yirmiyahu about “making markers.” These words in the second Midrash are of special significance in shedding light on our understanding of the Sifrei, for they are stated in the name of R’ Shimon ben Yochai, and the Gemara informs us¹⁰ that, as a rule, the contents of the Sifrei are in accord with R’ Shimon’s opinion! Hence, the statement of the Sifrei that mitzvos should be performed in exile in order to retain familiarity for when we return, do not refer to mitzvos which are universal obligations, but to those which are only obligatory in the Land of Israel.

That is quite a chiddush!

BACK TO RASHI

Having mentioned this second approach to the Sifrei, we come back to Rashi and note that he clearly does not seem to subscribe to it, as he makes specific mention of the mitzvos of *tefillin*

8 Hakesav ve’Hakaballah to our verse, Netziv, Commentary Emek Hasifrei to the Sifrei loc. cit.

9 Eichah Rabbasi 1:19.

10 Sanhedrin 86a.

and *mezuzah*. However, there is a tradition which is ascribed to the Vilna Gaon¹¹ whereby Rashi is in fact in line with this second approach. He explains that the original text of Rashi that specified which mitzvos to uphold in exile was “הפרישו תרומות עשרו מעשרות – *separate terumah and tithe tithes*”! At a later date, however, these four words were condensed into *roshei teivos* (acronym form) to read “ה”ת”ע”מ”. Later copyists then “opened up” these *roshei teivos* to the way we have them, “הניחו תפילין עשו מזוזות” – put on *tefillin* and make *mezuzos*!¹²

We have presented two classic approaches to this fascinating comment of the Midrash. Whichever approach we adopt, we look forward to the fulfilment of the concluding verse in that paragraph: “*In order that your days and your children’s days shall increase upon the Land that Hashem has sworn to your forefathers to give to them, like the days of the heaven over the earth.*”

May it happen speedily in our days!

11 Cited in Divrei Eliyahu, Parshas Ekev. See also Hakesav ve’Hakaballah loc. cit., and Responsa Tzitz Eliezer vol 12 end of sec. 43. Others attribute this explanation to the Vilna Gaon’s disciple, R’ Zalman of Volozhin, see R’ Dov Eliach, Peninim MiShulchan HaGra, Parshas Ekev.

12 It is noted, however, that our version of Rashi’s words as referring to *tefillin* and *mezuzah* is found as early as the Ramban’s commentary who quotes it as such. Any scribal error, therefore, would have had to have taken place prior to that point.