

The Three Oaths of Jewish History

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The Gemara, in the name of R. Yossi bar R. Haninna, brings three oaths that God made the Jewish people and the nations of the world swear to uphold:

One, that Israel should not ascend [altogether] like a wall;¹ and
 One, that the Holy One, blessed be He, made Israel swear that they would not rebel against the nations of the world; and
 One, that the Holy One, blessed be He, made the nations swear that they would not oppress Israel too much.

(Ketubot 111a)

These oaths are derived from the three-fold repetition of the verse, “I made you swear, daughters of Jerusalem, do not stir nor awake the love until it pleases” (Shir Ha-Shirim 2:7, 3:5, 8:4). The verse is interpreted to mean that the people of Israel, once in exile, are not to return to their land until it pleases God.

While the derivation of the oaths is purely midrashic, great rabbis throughout the ages have taken them to be wholly binding on the people of Israel. Rabbi Yitzchak Leon writes, “The commandment of possessing the land only applied during the periods of Moshe, Yehoshua and David and all of the time that they were not exiled from their land; but after they were exiled from their land, this commandment does not apply during subsequent generations until the coming of the Messiah since, on the contrary, we were commanded, according to what our Sages stated at the end of Ketubot, that we should not rebel against the nations to go and conquer the land by force ...” (Sefer Megillat Esther, Aseh 4).² According to R. Leon, the Jews as a nation are to await the coming of the Messiah to fulfill the commandment of possessing the land, the oaths binding them from doing otherwise.³

Similarly, R. Yitzhak Abrabanel (Yeshuot Meshiho, Part I, s.v., *v'habodaab*) writes that the oaths bind Israel “to suffer the yoke of their exile and dwell under the rule of the nations until the final days ... and not to rebel and leave the exile before the time fixed by God.” Noting the failed attempt of the tribe of Ephraim to leave Egypt before the given end, Abarbanel explains that once a period of exile has been proclaimed, the nation must abide by the decree lest it bring utter destruction upon itself.

So too R. Yehudah Loew, better known as the Maharal of Prague (Be'er HaGola, Be'er 7, Ch. 6), holds the exile to be divinely decreed and as such it must be borne with equanimity. Furthermore, he explains that any attempt to annul the decree by force is an

¹ The idea is that the people should not ascend “like” a wall – that is “all together as if surrounded” by wall (see Soncino translation). Rashi explains it as “together by force.”

² There is a discrepancy regarding the authorship of this work, being either R. Yitzhak d'Leon of Spain written before the Spanish expulsion or, as the Chida explains, by R. Yitzhak Leon of Italy who lived some generations later.

³ The term “possess” (*le'reshet*) implies conquering by force (see Hasagot HaRamban L'Sefer Hamitzvot, Mitzvah 4). R. Leon was thus opposed to a *national* move; he would, however, agree that the mitzvah of settling in the land was always open to all *individuals* (see Hidushei Maharsha, Ket. 111a).

affront to God and thus doomed to failure. As difficult as this is to accept, especially in light of Judaism's belief in *hishtadlut*,⁴ nevertheless fighting God, it must be realized, is a losing battle. A divine decree cannot be fought, but at best rescinded through appealing to God's mercy.

These sources make clear that the overarching historical processes of exile and redemption are decreed on high, beyond the realm of man's efforts to force reality to bend to his mortal will. Indeed, God is not simply the Creator of the physical universe; He is the Master of Time, the Maestro of History. R. S. R. Hirsch notes God's mastery over both space and time in his comments on the verse wherein Avraham "planted a tree in Be'er Sheva and there proclaimed the name of God, El Olam" (Gen. 21:33):

Up till now Abraham had taught of God, as being *El ehyon koneh shamayim v'aretz* ... Master of Heaven and Earth ... Now ... Abraham teaches a name which apparently points beyond the visible horizon of the present, and to God, as the God Who proclaims the time that is hidden from human eyes. For that is what Olam means, from *eeleim*, to be hidden...

God sees beyond the present to the distant future, for He has designed creation from the outset to reach its eschatological end. As such, there is a certain element of fate to history which cannot be altered by man, lest he bring about his total destruction.

In this vein, it is my contention that the three oaths express this fate element in history, governing the very unfolding of history. Indeed, it would be foolish to understand them as formal oaths entered into by conventional methods of agreement; for exactly with whom and when and how were they made? Rather, they are laws of nature, not physical but historical, entered into by the sheer force of existence. Each person born into this world is obligated to abide by them just as one is obligated to abide by the laws of physical nature. And just as attempting to ignore or overpower the law of gravity will result in one's immediate downfall, so too is one doomed in forcing his will against the law of history, against the oaths of exile and redemption.

Fate and Destiny

While this fatalistic definition of the human condition suggests an existence of utter compulsion, nothing could be further from the truth. Like a law of nature, the law of Jewish history is something which the Jewish people must learn to work with, learn to apply. For just as in accepting the law of gravity one can then apply its force to achieve locomotion, so too must one accept the laws governing exile and redemption to turn fate into destiny. Now, while no great effort is needed to accept the law of gravity, its consequences being immediate and unforgiving; the laws of history – no less powerful – are painstakingly etched over time and thus require more effort to discern.

Once man understands the fate of history, he can take part in the unfolding of destiny. The dialectic between fate and destiny is famously elucidated by R. Soloveitchik in his book on the subject, "Fate and Destiny" (formerly entitled "My Beloved Knocks").⁵ He explains that living a fated existence is living "a purely factual existence, one link in a

⁴ *Hishtadlut*, roughly translated as "making efforts", refers to the doctrine that man must make all the efforts he can to advance himself and the world toward the perfection that God intended.

⁵ R. Soloveitchik, "Fate and Destiny", [KTAV, Hoboken, NJ:2000].

mechanical chain, devoid of meaning, direction, purpose, but subject to the forces of the environment into which the individual has been cast by providence...”⁶ On the other hand he writes,

[T]he existence of destiny ... is an active mode of existence, one wherein man confronts the environment into which he was thrown, possessed of an understanding of his uniqueness, of his special worth, of his freedom, and of his ability to struggle with his external circumstances without forfeiting either his independence or his selfhood. ... Man is born like an object, dies like an object, but possesses the ability to live like a subject, like a creator, an innovator, who can impress his own individual seal upon his life and can extricate himself from a mechanical type of existence and enter a creative, active mode of being.⁷

So while there is certainly a fate aspect to the human condition, this does not necessarily confine man to a tragic existence of compulsion. On the contrary, man, while cognizant of his circumstances, has the ability – the responsibility – to apply himself, to use his free will to innovate within the parameters of his fate. R. Soloveitchik explains,

Man’s task in the world, according to Judaism, is to transform fate into destiny; a passive existence into an active existence; an existence of compulsion, perplexity and muteness into an existence replete with a powerful will, with resourcefulness, daring, and imagination.⁸

Applying this philosophy to the three oaths, it is possible to discern, in hindsight, how each oath defined the history of exile and redemption. That is, the oaths bound the Jewish people to a certain fate, but on the other hand, provided a pathway to fulfill destiny. By being cognizant of the fate of Jewish history, one can seize the day and take part in Jewish destiny. While the oaths were in place, the Jewish people had to seek out their destiny through repentance of the deeds that had fated them to exile.⁹ However, once an oath is annulled, the people are liberated from the bitter fate of exile and must seek out their destiny in their homeland.

Now, while all the oaths are understood as a package deal, such that once one oath is annulled they are all annulled,¹⁰ nevertheless, I propose that each oath, or more properly each annulment, represents a historic stage in the redemption of the Jewish people.

Oath 1: Sign of Desire

The first oath enjoins “that Israel should not ascend [altogether] like a wall.” This oath restricted the Jews from coming en masse to the land of Israel but by the same token

⁶ “Fate and Destiny”, p. 2.

⁷ “Fate and Destiny”, pp. 5-6.

⁸ “Fate and Destiny”, p. 6.

⁹ For an explanation as to why the exile was necessary, see my article “God Regrets Four Things”, *Alai Etzion*, Vol. 14 (<http://www.divreinafon.com/pdf/GodRegretsFourThings.pdf>), section “The Bitter Remedy”.

¹⁰ See R. Shlomoh Aviner, “Do Not Ascend Like A Wall”, (<http://www.yasharbooks.com/Open/OpenAccess11.pdf>)

permitted Jews as individuals to come.¹¹ Indeed, since the onset of the Roman exile until modern times, history has borne witness to the successful immigration of Jewish individuals as opposed to immigration en masse.

Yet, in the nineteenth century Jews started to come in greater and greater numbers. By the end of the century a mass immigration, known as the First Aliyah (1882-1903), brought 35,000 Jews to the land of Israel, establishing numerous agricultural communities. This immigration wave was followed closely by the Second Aliyah (1904-1914) which brought 40,000 Jews who settled the land and began to lay the foundations of a state. Something was stirring amongst the Jewish people, but the time wasn't yet ripe ... or was it?

The verse in Shir Hashirim upon which the oaths are based has God adjuring, "Do not stir up nor awaken love until it pleases." R. Shlomoh Aviner explains that if there is a sign that "it pleases" God, a sign that God has remembered His nation, then the oath of coming up "like a wall" is annulled.¹² Now while there are various signs given to indicate that God has remembered His people, the Gemara teaches that "the greatest sign of the redemption" is that the land of Israel will give forth its fruits in abundance.¹³ It is a matter of record that the land of Israel witnessed a miraculous transformation starting with the pioneers of the First Aliyah.¹⁴ As testimony to the dearth of agricultural activity in the land of Israel prior to this time, Mark Twain, on his visit to the region in 1867, wrote,

A desolate country whose soil is rich enough, but is given over wholly to weeds ... a silent mournful expanse... a desolation... we never saw a human being on the whole route... hardly a tree or shrub anywhere. Even the olive tree and the cactus, those fast friends of a worthless soil, had almost deserted the country.

(The Innocents Abroad, p. 361-362)

Indeed, the early settlers of the First Aliyah did not find it so easy to work the land. R. Isaac Nissenbaum,¹⁵ president of the Mizrahi Movement in 1913, writes that

The early settlers, upon seeing that their land was not suited for crops, set out to plant vineyards, and the Nativ [Baron Rothschild], who had vineyards in France, supported their effort so that in a short time the settlements turned to vineyards. In 1888 was the first grape harvest, ... however, [due to various circumstances,] the vintners were not successful in producing wine. ... The same was true in 1889.

¹¹ See, for example, Maharsha (Ket. 111a).

¹² R. Shlomoh Aviner, "Do Not Ascend Like A Wall", p. 5.

¹³ San. 98a, esp. Rashi (s.v. *meguleb*).

¹⁴ It should be noted that we need not show that the land went from complete desolation to blooming paradise to be convinced that the sign of redemption had been made. Clearly any peoples living in the land were sustained there from, but when the Jews returned at the divinely appointed time, the trees gave their fruit in accordance with the sign of remembrance – "in abundance". (Also, it is irrelevant to argue that it was the Jewish people's motivation to set up agricultural industry that brought forth the fruit in abundance, for the fact is that until the late nineteenth century, the land did not produce in abundance – period.)

¹⁵ R. Isaac Nissenbaum, "'Twenty Years in the Land of Israel'", Selected Writings, (Levin-Epstein, Jerusalem:1948), p. 31.

He then tells of the arrival of Baron Rothschild himself who planted a vineyard in Rishon Letzion in 1890 which successfully produced wine the following year. As a result, the Baron then planted another vineyard in Zichron Yaakov. These vineyards were so successful that “the vineyards were expanded, and the vintners, ... seeing that there was a great blessing in the vineyards, increased planting.”¹⁶ This is but one of many stories of how the Jews made the desert bloom.¹⁷

With the successful establishment of fruitful agricultural enterprises, the sign that “it pleases” God for the Jews to return was established and the first oath was effectively annulled. For the first time in almost 2000 years, Jews were able to immigrate to the land of their forefathers – en masse.¹⁸ Those who recognized this historic sign boldly took fate into their hands and participated in the destiny of the people of Israel. For others, the trees of the return obscured the forest of redemption, and thus they awaited a second historic event.

Oath 2: International Permission

The second oath states that, “the Holy One, blessed be He, made Israel swear that they would not rebel against the nations of the world.” In his halachic work entitled “Avnei Nezer” (Y.D. 456), R. Avraham Bornstein [1839-1910] explains that once the nations of the world give permission for all the Jews to go up to the land of Israel, the oath is annulled.¹⁹ In April 25, 1920, the San Remo Resolution effectively fulfilled this requirement:

The High Contracting Parties agree to entrust, by application of the provisions of Article 22, the administration of Palestine, within such boundaries as may be determined by the Principal Allied Powers, to a Mandatory, to be selected by the said Powers. The Mandatory will be responsible for putting into effect the declaration originally made on November 2, 1917, by the British Government, and adopted by the other Allied Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.

¹⁶ R. Isaac Nissenbaum, “Twenty Years in the Land of Israel”, Selected Writings, (Levin-Epstein, Jerusalem:1948), p. 32.

¹⁷ See Encyclopedia Hebraica, Vol. 6 [Jerusalem: 1957]; Section: “History: From the Early Settlements to the Balfour Declaration”, 508-509; Section: “Economics: Agriculture”, 823-826.

¹⁸ As an aside, it appears fair to say that the First Aliyah, some 35,000 souls over the course of 20 years, occurred under the permit of “individuals” settling the land within the parameters of the oaths. For indeed, this aliyah amounted to an average immigration of 1,750 people a year, as opposed to the later aliyot which brought on average 4,000, 8,000, and 16,400 per year. That is, the Second Aliyah (1904-1914) brought 40,000 souls over 10 years; the Third Aliyah (1919-1923) brought 40,000 souls over five years; and the Fourth Aliyah (1924-1929) brought 82,000 over five years. See R. Shlomoh Aviner, “Do Not Ascend Like A Wall”, p. 17, who brings many sources that hold that “ascending even in thousands” is not considered “like a wall.”

¹⁹ Admittedly, R. Bornstein says this annuls the oath of going like a wall, however he reads the phrase “going like a wall” as Rashi, to mean “together by force” which has the same implications as the words of this second oath.

With these words – “divinely inspired” according to R. Meir Simcha of Dvinsk – the law of exile that condemned the Jews to a fate of wandering the earth like unwanted vagabonds was summarily rescinded. R. Meir Simcha declared that the San Remo Resolution removed “the fear of the oaths, ... re-establishing the mitzvah to settle the land.”²⁰ For a second time in modern Jewish history, the people of Israel were given an opportunity to take fate into their hands and participate in the destiny of redemption. Some courageous souls perceived this sign calling them home and made aliyah; others would await a third sign crying that the sands of time had shifted.

Oath 3: Suffering

The third oath declares that “the Holy One, blessed be He, made the nations swear that they would not oppress Israel too much.” R. Betzalel Ashkenazi (Sheeta Mekubetzet, ad loc.), in the name of the students of the Rashba, writes that God cannot bear to see Israel oppressed, so that if the nations oppress Israel too much, this will arouse God’s compassion for them, “causing the redemption before its time (*shelo bizmana*) as it is stated in general: When the time of their redemption will come (*k’she’yagia zemanam ligael*), God will install a king whose decrees are like those of Haman causing the Jews to return to their better selves whereupon they are immediately redeemed.”

There are two significant difficulties with this teaching of the students of the Rashba that, once explained, will shed light on the mechanism of this third oath. First, the oppression of the Jews is said to cause the redemption before its time (*shelo bizmana*), however, the proof text used teaches that an oppressive king will be installed “when the time of their redemption comes.” So does oppression cause the redemption before its time or at the appointed time? Second, if God cannot bear to see the oppression of the Jews, how is it that He Himself installs a king to so oppress them?

The answers to these questions are based on the understanding that there is an element of fate to Jewish history, while at the same time allowing for man’s free will to turn this fate into destiny. That is, the nation of Israel was given the land of Israel to fulfill its commitment to God and His Torah.²¹ Upon failing this covenant, the Jews were exiled in order to atone for the sins they committed in their land. The “fate” of exile was to provide a place where they might reflect on their predicament and repent of their past misdeeds.²² Upon doing this, they would then be worthy of redemption in its proper time – i.e., the time that they accomplished the purpose of the exile.²³

However, by wallowing in the exile and failing to return to better ways, fate runs its course and redemption occurs by force. That is the intent of the proof text which explains that God will bring about the redemption “in its time” – i.e., in its fated time,

²⁰ Otzar Ha-Aretz p. 82, printed in “Torah U-Meluchah” by Mossad Ha-Rav Kook.

²¹ Lev. 18:26 (esp. Rashi, ad loc.), Lev. 20:22 (esp. R. Hirsch, ad loc.), R. Z. Y. Kook (*Torat Eretz Yisrael*, p.114).

²² See fn. 9.

²³ Here the proper time refers not to a fixed time but to an accomplished purpose. If the people were redeemed before they accomplished the purpose of the exile, this would mean they were redeemed *before* the proper time (i.e., “*shelo bizmana*”). This, it should be noted, is as opposed to the use of the term, “*b’ita*” (in its time), in the Gemara (San. 98a), which refers to “the proper time” – from God’s perspective – i.e., the time fated by God for the ultimate redemption to take place.

but before the “proper time” when the Jews would have earned it through their free-willed repentance.

The proof text is actually part of a lengthy debate between R. Eliezer and R. Yehoshua over the terms of redemption (San. 97b-98a). R. Eliezer argues that redemption is dependant on repentance, without which the Jews will remain exiled indefinitely. R. Yehoshua, whose opinion is ultimately accepted, explains that though repentance can bring redemption, there is an element of fate to history, such that when the ultimate time of redemption has arrived, it will perforce occur.

How will it occur? This brings us to the second quandary we posed: How is God moved to compassion over the very oppression for which He is responsible? The answer is that God is both, at one and the same time, a God of Justice and a God of Mercy. Justice demands that punishment be meted out to wrongdoers, offering no clemency. Mercy begs for extenuating circumstances to be considered, for fatherly compassion to hold sway. This conflict is exacerbated when fate requires redemption to occur regardless of Israel’s merit – or lack thereof. Without merit, Justice demands that the Jews stay in exile while Mercy appeals for redemption.

To reconcile these two opposing forces, “God brings a king whose decrees are as cruel as those of Haman” to satisfy the calls of Justice. At the same time, when such oppression is meted out to the Jewish people, God’s compassion is aroused. That is, His mercy is allowed to take effect because, in fact, it is really operating according to justice. There are two reasons for this. First, such oppression might be sufficient to complete the requisite atonement.²⁴ Second, the third oath that binds the nations of the world “to not oppress Israel too much,” will have been violated. If one party to an oath violates the oath, then Justice releases the other party from the oath.²⁵ The oppression by the nations of the world *ipso facto* releases the Jews from their oath to not return to their land.

How did this come to be historically? The proof text brought by the students of the Rashba is actually a paraphrase of R. Yehoshua who stated that “God will install a king whose decrees are as cruel as those of Haman and Israel will do *teshuva* and return to their better selves.” Here we find added the words “cruel” and “*teshuva*”, the latter resulting from the former. For any Jew living in the twentieth century, it takes no great stretch of the imagination to envisage who could be “a king whose decrees are as cruel as those of Haman.” Haman decreed, “to destroy, to kill, and to annihilate, all Jews, both young and old, little children and women, ... and to take the spoil of them for plunder” (Esther 3:13). Hitler’s “Final Solution” could not have been stated more succinctly.

With the news of the horrors of the Holocaust, arguably the greatest oppression of the Jewish people since the Roman destruction, the third oath was indisputably abrogated.²⁶ For a third time in modern Jewish history, the Jewish people were given a sign, albeit a dark one, that the fate which bound them to the exile had come to its frightful end.

²⁴ See Alshich (Shir HaShirim 3:5).

²⁵ Shulhan Aruch (“Laws of Oaths”, Y.D. 236:6): Two that swore to abide by something and one of them violated the oath, the other is removed from responsibility to the oath.

²⁶ See R. Shlomoh Aviner, “Do Not Ascend Like A Wall”, p. 15 for sources that recognized the Holocaust as a breach of the third oath.

But did “the decrees of Haman” bring the Jews, as R. Yehoshua had predicted, to *teshuva*? In the classical sense of repentance and return to religious piety, it did not; however, it did cause the return of the Jews to their land. Historian Paul Johnson writes, “The Holocaust and the new Zion were organically connected. The murder of six million Jews was a prime causative factor in the creation of the state of Israel.”²⁷ As such, it is more than reasonable to understand R. Yehoshua’s “*teshuva*” to mean a return of the Jews to their land. In consonance, Rav Kook explains that, “The yearning arousal of the nation as a whole to return to its land, to its essence, to its spirit, to its character: this truly has in it the light of *teshuva*.”²⁸

Conclusion

In conclusion, the oaths are not pledges entered into by mutual consent but laws of nature, of fate, woven into the fabric of time. Each oath bound the Jewish people to bear the burden of the exile; conversely, the annulment of each oath afforded the Jewish people a historic opportunity to return to the land of their forefathers. With all three oaths revoked, the official establishment of the state of Israel was declared. Those who chose to return to their land, chose to take part in destiny; those who did not, chose to continue to be blown by the winds of fate. The oaths that bound the Jewish people to a difficult fate have been removed and a new fate, the fate of redemption, calls to action. An epic opportunity to turn fate into destiny, to participate in the unfolding of history, and to effect the very perfection of creation, expectantly awaits in the land of Israel.

²⁷ Paul Johnson, *A History of the Jews* (Harper & Row, New York: 1987), p. 518.

²⁸ *Orot HaTeshuva* 17:2. Similarly, R. Yehuda Alkalai explains that the *teshuva* to the land of Israel is bound with the acceptance of God since “one living in the Diaspora is like one who has no God” (Goral Hashem, [Warsaw:1903], p. 23).