



לעי"נ ברוך בענדיט ובזכה גרוס ע"ה  
by Mr. & Mrs. Duvy Gross

# The Hakuk Edition English Topics on the Daf

*Dedicated l'refuah sheleima for Yaakov ben Victoria*

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THE EIGHTH PEREK OF YEAMOS IS DEDICATED:

לזכר גשמת שלמה בן יהושע והחבר דוד בן החבר מרדכי

## Yevamos Daf 82

### Kedusha Shniyah

Does Eretz Yisroel today have the same kedusha it had during the time of the Beis Hamikdash?

This is subject to a Tannaic argument: Does the kedusha shniyah, the second time Eretz Yisroel was sanctified, at the beginning of the Second Beis Hamikdash, exist forever or not? Everyone agrees that the first kedusha ended when the Beis Hamikdash was destroyed, but maybe the second continues even after the churban. This is accepted by many poskim as the halacha – the kedusha exists forever.

Why should there be a difference between the two kedushos?

On the surface, it just seems like an inference in the possuk quoted in the Gemara. But let's see how the Rambam looks at it.

In Hilchos Beis Habechira (6:14-16) he splits this halacha between the rest of the Land of Israel and Yerushalayim.

Regarding mitzvos pertaining to the whole Land, such as maasros and shemitta, the first sanctity has ended but the second remains, as we said. Yerushalayim and the Mikdash are in a different category,

and their original kedusha remains for all time. "And why do I say [this]?" the Rambam asks rhetorically. "Because the holiness of the Mikdash and Yerushalayim are due to the Shechina... and that holiness remains. But the obligations pertaining to the Land derive from 'kibush rabim,' a communal conquest, and once it was seized by the goyim the conquest was nullified. It is exempt from the Torah from maasros and sheviis; it is not considered Eretz Yisroel. However, when Ezra came up and sanctified it, he didn't do it through conquest (kibush) but with chazaka, occupation of the land. Therefore, every territory they occupied remains sanctified today even though the land was taken away from us again."

The Rambam is advancing several suppositions here. He differentiates between the kedusha of Eretz Yisroel and Yerushalayim, applying our Gemara's discussion only to the rest of the Land. He records a qualitative difference between the two immigrations and, based on that, provides a logical explanation for the continuation of the second kedusha.

This is by no means straightforward.

The Raavad takes issue with the first point. Many sources in Chazal clearly state that after the churban we cannot carry out any avoda, unlike the Rambam who says that technically we can offer sacrifices even without a Mikdash. If anything, he adds, it's just the opposite – Eretz Yisroel would retain its holiness and not the Mikdash.

The Kessef Mishnah wonders about the Rambam's explanation about the second kedusha. Why should occupation be more potent than conquest? Either way, when we were overtaken, the chazaka was nullified?

Many Acharonim discussed this Rambam and attempted to resolve his words. Here are a few.

What's the difference between conquest and occupation, in this context? Tosfos Yom Tov notes that when they arrived in Eretz Yisroel with Yehoshua, they waged war and took control by force. The kedusha engendered by that conquest lasted only as long as the Jews sustained their dominion, until the goyim conquered them. In contrast, Ezra was granted permission by the reigning monarch, Koresh king of Poras. That kind of acquisition doesn't become void when other nations overpower us (Eduyos 8:7).

An interesting Gemara in Chullin (7a) says that many cities on the perimeter of Eretz Yisroel were sanctified with the first kedusha but not the second. Why? "They left them so that poor people could rely on them during sheviis." They left them in their unsanctified status – once the first kedusha stopped – in order that they may be planted during shemitta and the poor could partake of their matnos aniim, such as leket, shikcha and peah. Otherwise, it would have kedushas ha'aretz, and nothing is given specifically to the poor on

shemitta. We see from here, writes the Radvaz, that the second kedusha was left up to their discretion. How did they sanctify the sections of Eretz Yisroel? The Radvaz says they declared it so, aloud (Hilchos Terumos 1:5).

To further elaborate, the Devar Avraham (Siman 10) explains that the first ascent was done with all Klal Yisroel, a "kibush rabim," which had the potency of sanctification in and of itself. The second time, only a fraction of the Jews returned to the Land with Ezra, and for such a "kibush yachid" they had to add explicit, verbal declaration to it as well. But its weakness became its strength, as it achieved a kedusha that remains forever!

Another perspective is recorded from Rav Chaim Brisker (Gittin 47). The Talmud Yerushalmi in Sheviis (6:1) extrapolates the possuk in Devarim (30:5), "Hashem will bring you [back] to the Land... and He will do good to you and increase you, more than your fathers." This is a reference to the second group of settlers in the Land, with Ezra. How were they greater than their forebears? "They didn't have the yoke of sovereignty upon them, but you do. They were not obligated [in mitzvos dependent on the Land] until they conquered all of it, but you, as soon as each one came and acquired a part, he become obligated."

This is the Rambam's source, says Rav Chaim – the difference between the two times they ascended to Eretz Yisroel pivoted on the existence of the yoke of other sovereigns or not. The first conquest was a national endeavor and did not conclude until they finished the conquest. The second time, however, was a "greater blessing" than the first, since they were not able to gain control over the land and yet had the Divine ability to consecrate it. Not only that, but even individuals were

capable of establishing a holy place with merely chazaka!

Furthermore, says the Brisker Rav in his name (Chiddushei Hagriz al haTorah), this is alluded to in the Haftora of Shabbos Chanuka, the prophesy written in Zecharya Chapter 4. The angel told Zecharya that the forthcoming redemption, when they'd return to Eretz Yisroel after golus Bavel, would be executed "not with armies, not with strength, but with My spirit." They did not have the military wherewithal, not the option to employ it, and yet Hashem graced them with the Divine permission to establish a holy land. And where do we see that it would last forever? That prophecy describes "two olive trees," references to the two leaders of Klal Yisroel anointed with oil – the king and Kohen Gadol. But, Chazal tell us that the special anointing oil, the shemen hamishcha, was already hidden away by the time of the Second Beis Hamikdash? The Brisker Rav answers that it's a reference to the future redemption, may it come speedily in our days, when the shemen will be restored! This second kedusha will last until that time.