



## RAMBAM

Musa Ibn Maimon, known as Maimonides or Rambam, was born in Cordova on the Iberian Peninsula.

In 1168, he finished and published his first major work, the *Mishnah Commentary* that, besides explaining and interpreting the Mishnah, he provided it with an extensive Introduction in which he discusses important theological and philosophical problems. Maimonides had no sooner completed the *Mishnah Commentary* than he began working on his *Mishneh Torah*, or *Yad ha-Hazakah*, Code of Jewish Jurisprudence. He began this work by first establishing the Taryag, or the six hundred and thirteen mitzvot—two hundred and forty-eight positive and three hundred and sixty-five negative precepts of the Torah. He wrote the book in the Arabic language and it was published under the title *Sefer ha-Mitzvot*, the "Book of Commandments."

Mishneh Torah

The Land of Israel

Laws of the Heave Offering 1:2,5

Whenever the term "Land of Israel" is mentioned, it refers to the lands conquered by an Israelite King or by a prophet with the consent of the majority of Israel. This is the so-called national conquest.

All territories seized by the Israelites who had come up from Egypt, and consecrated with the first consecration have subsequently lost their sanctity when the people were exiled there from, inasmuch as the first consecration, due solely to conquest, was effective only for its duration and not for all future time. When the exiles returned and reoccupied part of the Land, they consecrated it a second time with a consecration that is to endure forever, both for its duration and for all future time.

The Sages however, left the places seized by those who had come up from Egypt, but not reoccupied by the returnees from Babylonia, in their former status, and did not exempt them from heave offerings and tithes, in order that poor people might derive sustenance from them during the Sabbatical year.

Our Saintly Rabbi, however, granted a dispensation to Beth-Shan, out of the places not seized by those who had come from Babylon, so that it counted with Askelon and its exempt from tithes.

Rambam Mishneh Torah

Laws of the Temple 6:16

Now why is it my contention that as far as the Sanctuary and Jerusalem were concerned the first sanctification hallowed them for all time to come, whereas the sanctification of the Land of Israel involved the law of the Sabbatical year and tithes and like matters, did not hallow the land for all time to come?

Because the sanctity of the Sanctuary and of Jerusalem derives from the Divine Presence, which could not be banished. Does it not say, “I will bring your sanctuaries unto desolation” (Leviticus 26:31) whereupon the Sages have averred: even through they are desolate, the sanctuaries retain their pristine holiness.

By contrast, the obligations arising out of the Land of Israel as far as the Sabbatical Year and the tithes are concerned had derived from the conquest of the Land by the people (of Israel), and as soon as the Land was wrested from them, the conquest was nullified. Consequently, the Land was exempted by the Law from tithes and from (the restrictions of) the Sabbatical year, for it was no longer deemed the Land of Israel.

When Ezra, however, came up and hallowed (the Land), he hallowed it not

by conquest, but merely by the act of taking possession. Therefore, every place that was possessed by those who had come up from Babylonia and hallowed by the second sanctification of Ezra is Holy today, even through the land was wrested from them; and the laws of the Sabbatical year and the tithes appertain thereto in the manner we have described in the Laws concerning Heave Offerings.