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## Fulfilling a Mitzva without Intention

**Question:** Does one fulfill the mitzva of Yishuv Eretz Yisrael (inhabiting the Land of Israel) if he lives (t)here without kavana (intention to fulfill the mitzva)?

**Answer:** The gemara discusses the question of whether MITZVOT TZ'RICHOT KAVANA (a mitzva is valid only if performed with the intention to fulfill it) with regard to a number of mitzvot, including reading Kri'at Shema<sup>1</sup> and blowing shofar.<sup>2</sup> The Shulchan Aruch<sup>3</sup> rules that kavana is required, but there is significant discussion about whether this applies to mitzvot that are only Rabbinically mandated.<sup>4</sup> Thus, one could conjecture that the possibility of fulfilling the mitzva of Yishuv Eretz Yisrael without having kavana depends on whether the mitzva is from the Torah (Ramban<sup>5</sup>) or is Rabbinic (simple under-

standing of the Rambam<sup>6</sup>).

There are several opinions, however, that the issue of mitzvot tzrichot kavana does not apply to all mitzvot. The Ran<sup>7</sup> writes that even the opinions that usually require kavana do not necessarily require it for mitzvot that involve the physical enjoyment of eating, such as eating matza. This distinction is rooted in the gemara's statement that the exemption from bringing a korban for an unintentional sin does not apply to sins from which physical enjoyment is derived<sup>8</sup>; a significant act has been performed, regardless of intent. Yishuv Eretz Yisrael apparently does not fit into this category, as the mitzva is fulfilled by living in the Land, not by receiving physical enjoyment. However, others<sup>9</sup> understand that one is not required to have kavana for any mitzva that is done via a classic physical action (including the mitzva of lulav<sup>10</sup>), as opposed to a mitzva fulfilled by speech (e.g. Kri'at Sh'ma) or hearing (e.g. shofar blowing). According to this distinction, perhaps one would not need kavana to fulfill Yishuv Eretz Yisrael, which calls for the presence of one's body, not speaking or hearing.

<sup>1</sup> Berachot 13a.

<sup>2</sup> Rosh Hashana 28b.

<sup>3</sup> Orach Chayim 60:4.

<sup>4</sup> See Mishna Berura 60:10.

<sup>5</sup> Ramban's comments on the Rambam's *Sefer HaMitzvot*, Omitted Positive Mitzva #4.

<sup>6</sup> See discussion in *Amud HaYemini* 22.

<sup>7</sup> Rosh Hashana 7b in Rif's pages.

<sup>8</sup> See *Kritot* 19b.

<sup>9</sup> See *Sdei Chemed*, vol. IV, p. 305.

<sup>10</sup> *Ibid.* p. 306.

A similar distinction is found in Kovetz Shiurim,<sup>11</sup> in which Rav Elchanan Wasserman argues that one fulfills mitzvot that are conceptually result-oriented even without intention; the important thing is that the result was achieved. Examples he gives include repaying debts and P'RU UR'VU (procreation). Yishuv Eretz Yisrael is tricky from this perspective. On the one hand, one does not reach a result due to which he can say the mitzva is complete. However, the mitzva is apparently to be in the state of living in the Land (the parameters are beyond our present scope). Thus, it is a mitzva of a result, but it is an ongoing state/result. Accordingly, yishuv Eretz Yisrael would not require kavana.

Rav Asher Weiss<sup>12</sup> explains this distinction as follows. The requirement of kavana applies to mitzvot that are significant only when done as service to HaShem. If, however, the result of the mitzva is intrinsically significant, the mitzva obligation is satisfied even if that result was reached without intent for the mitzva. Having children, for example, is significant even when it does not result from overt intent for service of HaShem, and the same is presumably true of Yishuv Eretz Yisrael.

Despite the above, it is important to note that there are two elements in fulfilling a mitzva: (1) technical fulfill-

ment, the greatest ramification of which is that it exempts one from repeating an action for the mitzva; and (2) the reward one receives for its fulfillment. The various halachic discussions focus on the first element – the operative question of whether the mitzva needs to be repeated. But what happens regarding reward if one “performed” the mitzva without intent?

There is no way for human beings to determine HaShem’s reward system, but it is clear that HaShem will not give the same reward to one who accidentally performed a mitzva or did it solely for an extraneous reason as He will give to one who did it for the right reasons.<sup>13</sup> The *Imrei Bina*<sup>14</sup> cites the formulation of the author of the *Chochmat Adam*: Even if and when one is credited with fulfillment of a specific mitzva without kavana, he nevertheless fails to perform the general mitzva “to serve Him with all your heart.”<sup>15</sup> With regard to living in Eretz Yisrael, there are different reasons that one might not have kavana to fulfill the mitzva, including a lack of belief in HaShem, a Satmar ideology, not knowing there is a mitzva, or not thinking about it specifically, even though he is aware that it is a good thing to do. These possibilities and many other variables impact on a person’s virtue and thus on his reward for the mitzva.

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<sup>11</sup>. II:23.

<sup>12</sup>. Heard in a public lecture.

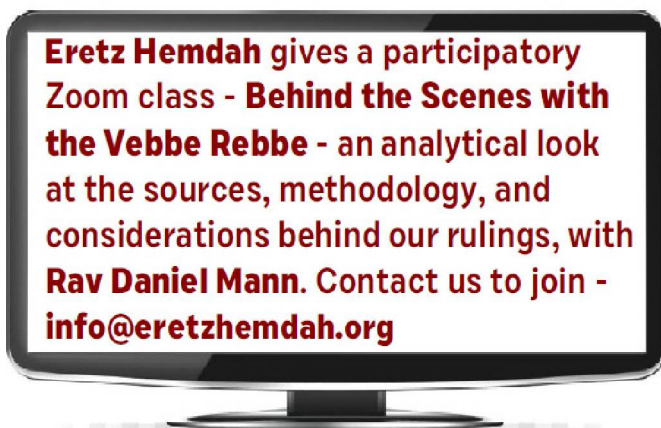
<sup>13</sup>. See a parallel idea in *Nazir* 23a.

<sup>14</sup>. *Orach Chayim* 4.

<sup>15</sup>. *Devarim* 11:13.

Regarding what was mentioned above that the element of fulfillment exempts one from repeating the mitzva action, the question here is totally moot. One never completes the mitzva of Yishuv Eretz Yisrael. Whether or not one fulfilled the mitzva yesterday, the mitzva exists today and will exist tomorrow. And as the mitzva continues, it is certainly better to do it with kavana. Note that kavana is not needed during every moment of the performance of the mitzva. If one reflects on the mitzva at some point and nothing arises to change that or if it is clear from his behavior that he is doing the action because of the mitzva, then this is considered basic kavana.<sup>16</sup>

*Ed. note: Required or not, it is a good idea for those living in Eretz Yisrael, to - every so often - pause from what you are doing, take a deep breath of AVIRA D'YISRAEL, the air of Israel, and say to one's self - or to others in earshot - L'SHEIM MITZVAT YISHUV ERETZ YISRAEL. A thank you to G-d for the zechut to live here is a good thing to add.*



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<sup>16</sup>. Mishna Berura 60:10.