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The Painting on the Cover: A portrait of "the Gra" by an unknown artist, Germany, the second half of the 19th century

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## Abstracts of the Hebrew Articles

### The Mishnah Regarding "a Courtyard's Dividing-Wall Which Has Fallen" and Its Interpretation in the Tosefta and Talmud

Rabin Shustery

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The Mishnah (Bava Batra 1:4) rules that a person who shares a courtyard with another may obligate his neighbor to contribute to the rebuilding of a fallen dividing wall, but only up to a height of four *amot*. However, should the neighbor display seeming intent to make use of the dividing wall (higher than four *amot*) by constructing a wall on his side whose use requires use of the dividing wall, one may obligate him to contribute to the expenses of the dividing wall even above four *amot*.

According to the simple meaning of the Mishnah, one who builds a wall higher than four *amot* is assumed to have a vested interest in his neighbor's acquiring ownership of the wall. When the neighbor displays intent to make use of the wall by constructing a wall on his side, he reveals his interest in acquiring ownership of the wall. In doing so, he acquires the wall by virtue of its being in his property.

Both the Tosefta and the Palestinian Talmud discuss this latter case; however, they are difficult to understand, and commentators and academics have attempted to clarify their meaning. In this essay, I suggest a new interpretation of these texts according to which they assume that the builder of the wall intends for his neighbor to acquire it only after paying for its construction. As explained previously, this does not seem to be the case in the Mishnah. Instead the neighbor acquires the dividing wall when he expresses interest in doing so even though he has not yet paid for its construction. Because of this difference, the Palestinian Talmud explains the Mishnah through an *ukimta*. Though the Babylonian Talmud does not deal with this question directly, through in-depth study of the *sugya* I concluded that the Babylonian Talmud assumes the dividing wall is acquired by the neighbor

even before payment is made. This dispute has important implications with regard to the legal ramifications of entering another's field without permission.

**Keywords:** Mishnah, Tosefta, Palestinian Talmud, Babylonian Talmud, Bava Batra

## Special Providence over Animals: A Comparison of Cultural Sources

Israel Netanel Rubin

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According to Maimonides, "in the lower or sublunary portion of the Universe Divine Providence does not extend to the individual members of species except in the case of mankind. [...] I agree with Aristotle as regards all other living beings, and a fortiori as regards plants and all the rest of earthly creatures. For I do not believe that it is through the interference of Divine Providence that a certain leaf drops [from a tree], nor do I hold that when a certain spider catches a certain fly, that this is the direct result of a special decree and will of God in that moment [...]. In all these cases the action is, according to my opinion, entirely due to chance, as taught by Aristotle" (*Guide for the Perplexed*, III, XVII). This view was the consensus in the Jewish thought of the Middle Ages and had the support of Nachmanides, the author of *Sefer HaChinuch*, Me'iri, Albo, R. Bechaye and other rabbinic authorities during this period. Only the Karaites believed then in the Muslim Mu'tazila idea that God supervises animals individually. The opinion that there is no special divine providence over animals continued to prevail in rabbinic thought, and was accepted by Kabbalists such as R. Moshe Cordovero (Ramak) and R. Moshe Chaim Luzzatto (Ramchal). But at the end of the 18th century all of this was reversed, mainly through the influence of Hasidism. The argument that "a person must believe that even a straw on the earth is commanded by God, Who commanded it to be placed with its edges here and there," has been attributed to the originator of Hasidism, the Ba'al Shem Tov, but it has taken over all elements of Ultra-Orthodox society today. It was asserted that "it is a decided halacha that

there is not anything which is not supervised by Divine Providence," and a ban was imposed on reading texts from the past that support Maimonides' position.

In this article I prove that the belief in special providence over animals, described by the Lubavitcher Rebbe as "one of the fundamental points in the theory of the Baal Shem Tov," is actually not so new, and was already preached by Jesus in lectures to his disciples 2,000 years ago. Moreover, medieval Christian theologians attacked Maimonides for his position with the same arguments used against him today by Hasidic and Ultra-Orthodox theologians. Finally, I discuss how it happened that a Christian-Muslim-Karaite belief that was vehemently rejected by almost all Jewish authorities became the consensus in the Judaism of the modern era.

**Keywords:** special providence, Hasidism, Christianity

## R. Hayyim Volozhin's Ideological Dispute with Hasidism in *Nefesh HaHayyim* and the *Sheiltot* Literature

Raphael Shuchat

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R. Hayyim, the best known of the Gaon's students, founded the Volozhin yeshiva, the prototype for all yeshivot of today, in 1802. Much has been written on the political and social aspects of the Mithnagdic opposition to Hasidism, but little has been written about the ideological disputes between them. In this article I discuss the ideological differences between R. Hayyim and Hasidic thinkers as seen in *Nefesh HaHayyim* and in the *Sheiltot* literature, which contains questions asked of him by students of the Volozhin yeshiva in the last three years of his life. I also discuss the structure of *Nefesh HaHayyim* and explain that it was written both as a polemic against Hasidism and as an elucidation of a rabbinic and kabbalistic worldview offering an alternative to Hasidism.

**Keywords:** R. Hayyim of Volozhin, Vilna Gaon, Hasidim, Mithnagdin, Kabbalah, Halacha

## From Moses unto Moses There Was None Like unto Abraham: The Rabbinical Emissary Rabbi Abraham Ashkenazi among the Jewish Community of Tunis

Ronel Atia

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The phenomenon of "rabbinical emissaries" sent from the Land of Israel to Diaspora Jewish communities is well known. The emissaries were usually received warmly in Diaspora communities. Local Jews would host them in their homes, and the community leaders or rabbis would take care of their needs. On occasion, however, Jews refused to help the emissaries collect funds for those who sent them. They maintained that the community was poor and must first take care of its own members. Sending money to the poor of the Land of Israel would come at the expense of the local poor. The emissaries justified their mission by emphasizing the importance of the Land of Israel, of observing the divine commandments on its soil, and of the partnership the donors would have in religious observance in the Land of Israel. In this study I present a document from 1844 that describes the efforts of Rabbi Abraham Ashkenazi, an esteemed emissary from the Jewish community of Jerusalem to Tunis. In the course of his visit he had to deal with the objection of one of the local rabbis to his collecting money for the poor of Jerusalem and his innovative suggestion that would have threatened the entire enterprise of emissaries from Israel to the Diaspora.

**Keywords:** Rabbi Abraham Ashkenazi, emissary in Tunis

## Rabbi Yakov Moshe Toledano's Attitude towards Magical Practices and Folk Beliefs among the Jews of Morocco

Moshe Ovadia

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The article examines the attitude of Rabbi Yakov Moshe Toledano (Tiberias, 1879–Jerusalem, 1960) towards magical practices and folk beliefs among the Jews of Morocco. In addition, it considers whether Rabbi Toledano wrote the



book *Sihat Dekalim*, which deals with practices and folk beliefs in Morocco; several pages from the book, with scholarly notes, are included in the appendix of this article. Rabbi Toledano was opposed to magical practices and folk beliefs. In fact, as we can see from some of his attitudes described in the article, he was even more strongly opposed to them than Maimonides.

**Keywords:** Rabbi Yakov Moshe Toledano, Morocco, folk beliefs, *Sihat Dekalim*

## The Moral and Religious Aspects of the Doctrine of Immunity of Civilians in War as Presented in the Modern Halachic Literature

Elazar Goldshtein

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The article examines the relation between morality and religious law in the views of religious Zionist *poskim*. How do they resolve the apparent contradiction between the doctrine of immunity of civilians, whereby war must be limited and civilians removed from the arena of combat, and the halachic imperative, which appears to mandate the total destruction of the enemy in war, or at least the killing of all the males? As a general rule, almost all *poskim* have adopted the requirement to distinguish between civilians and soldiers (on different levels). The article presents several approaches to the dilemma, reflecting different ethical approaches among *poskim*, as well as the different halachic implications that emerge from these approaches.

The first approach to the problem is meta-halachic: the "pure" halacha is indeed understood to permit the killing of civilians in wartime, but because of other meta-halachic considerations (such as the desecration of God's name, the need to live according to the legal standards of one's time, etc.) the purist halacha is not applied. The second approach is to interpret the biblical prohibition against killing women and children as a blanket prohibition against killing civilians. This interpretation not only eliminates the conflict between religion and morality, but even understands the halachic restriction as being more comprehensive than the restrictions established

by the modern laws of warfare. Another approach frames the halachic requirement to kill all the males as something which was only relevant in the military and social reality of ancient warfare, but is not applicable to modern military conflicts. This interpretation limits the conflict between religion and morality because halacha does not require that which morality forbids. This interpretation appears to endorse moral relativism, in that the rules governing morality in war are not absolute but depend on the cultural and social context. This approach leaves a certain gray area regarding the halachic obligation to protect civilians in future conflicts. The last resolution of the problem declares that both halacha and morality depend on the normative behavior and accepted legal practice of the time. Halacha and moral codes can set high expectations, but must operate in relation to the norms of their era. This interpretation also leaves a gray area in which moral standards might vary from era to era, but this gray area derives from the discrepancy between the moral ideal and the accepted normative practice, not between moral and halachic ideals.

**Keywords:** philosophy of Halacha, morality and religious law, religious Zionism, ethics of war, civilian immunity

## I Am Grateful for Youthful Kindness: Begin as Leader of His People and Homeland

Yitzhak Mualem

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The article examines the Jewish-Israeli weltanschauung of Menachem Begin as an underground commander, opposition leader and prime minister. His outlook was predicated on two fundamental values: the continued survival of the Jewish people and the importance of the hallowed areas of the Land of Israel. These two values are intertwined and were to be actualized jointly. Ostensibly, from a practical standpoint there is tension between these two values in terms of their importance. Consequently, the article will delve into the question of whether the survival of the Jewish people takes precedence over preserving parts of the homeland, irrespective of the latter's religious and ideological importance.

The article consists of two parts. The first part delineates the prevailing tension between the two values – land and people. It demonstrates how Begin contended from a religious and ideological standpoint with the issue of yielding parts of the greater Land of Israel for the sake of the continued survival of the Jewish people when he functioned in the underground, the opposition and the prime minister's office. The second part examines how Begin actualized his Israeli-Jewish policy with regard to the immigration of Ethiopian and Argentine Jewry and how he addressed the issue of Soviet and Iranian Jewish "dropouts," who elected to immigrate to countries such as the United States, Canada and Australia instead of Israel.

**Keywords:** completeness of the homeland, completeness of the people, Zionism, Menachem Begin

## The Individual as a Tightrope Walker in a Circus: The Bonds between Alterman, Rabbah bar bar Hana, Chagall, and Tirza Atar

Esther Azulay

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The article highlights the intertextuality in multiple domains: modern poetry, a talmudic story and the paintings of Marc Chagall. All of these together – each work in its own way – can help us understand how every person is like a tightrope walker in a circus. Each work increases the number of obstacles the wanderer must encounter in the arena of reality.

The road in Alterman's poetry is the circus where the wanderer is a marionette. The path is revealed to him and he is directed to follow it even against his will. The cloud and the tree are pulling his strings as they await him. The wanderer, however, is not so much a marionette as a tightrope walker. During his lifetime, he is obliged to maneuver between contradictions that cause internal and external turmoil and expose him to different, contradictory situations.

The narrator/tightrope walker is seen in Alterman's "Three Tall Tales" as the successor to the talmudic sage Rabbah bar bar Hana. In these poems, he continues the

stories of the sage, as Alterman himself notes in the subtitle of "The Tall Tales: New Legends of Rabbah bar bar Hana" (*City of the Dove*, pp. 235–249). Alterman's "Three Tall Tales" are particularly related to Rabbah bar bar Hana's third story. This story tells of an imp that jumps between two mules standing on a bridge made of beeswax. Both of these works connect to three Chagall paintings, and to the poem "Death of the Tightrope Walker," by Alterman's daughter Tirza Atar. The allusion in Atar's poem is to Alterman's poem "Leap of the Tightrope Walker" (one of the "Three Tall Tales"). Atar's poem continues the idea of the wanderer as a tightrope walker.

Looking at these works simultaneously illustrates the condition of human beings and their destiny, wherein each individual must maneuver like a virtuoso and a tightrope walker throughout the generations (from the third century CE to the present day), between contradictory situations and changing forces, while a turbulent, threatening chasm opens up beneath their feet. This insight leads us to understand the nature of the poet-narrator as a tightrope walker, as well as explaining the subjective breakdown, since he must wander and maneuver between contradictory factors – for example, his role as a poet whose mission is to instill culture, but at the same time his addiction to alcohol. In addition, he is obliged to entertain and amuse the circus audience that, according to the painting, is in itself part of the circus.

The article highlights the view that every individual has always been regarded as a tightrope walker; this concept derives from one source and can be looked upon as a "tree": the roots of the tree are the concept of the human being as a virtuoso and a tightrope walker as found in the talmudic story of Rabbah bar bar Hana; the trunk is reflected in the poems of Nathan Alterman; and the treetop can be found in the poetry of Tirza Atar.

**Keywords:** "Three Tall Tales" by Nathan Alterman, Rabbah bar bar Hana, wanderer, ekphrasis, imp, circus, tightrope walker, contradictory situations, need to maneuver