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ENGLISH ABSTRACTS

A POSITIVE COMMANDMENT OVERRIDES A NEGATIVE ONE: THE TANNAITIC SOURCE OF THIS PRINCIPLE AND ITS HISTORY

David Henshke

That a positive commandment overrides a negative one is one of the best known fundamental principles in the Talmud. It means that when the fulfillment of a positive commandment clashes with the observance of a negative one, the discharging of the positive one takes precedence. This article examines the source and history of this principle in Tannaitic and Amoraic literature.

Within the entirety of the Tannaitic literature this rule appears only twice, both times in the *Mekhilta de-Rabbi Yishmael*, and it apparently was not accepted as a comprehensive principle by all the Tannaim. In the matter of the obligation to attach *zizith* (fringes) to a sheet, the *Mekhilta to Deuteronomy* attributed this principle to both the Academies of Shammai and Hillel. However, this was apparently a later explication for their original controversy which really dealt with an entirely different issue.

There is no mention of this principle in the Mishnah. There is a difference of opinion between the *Mekhilta* and the Mishnah in *Bava Mezia* concerning the conflict between the obligation to return a lost object and a priest's obligation to avoid defiling himself in order to return it. The *Mekhilta* justifies its position by the principle that 'a positive commandment overrides a negative one' while the Mishnah implicitly does not accept this principle. Indeed, in the fourth generation of Ammoraim in the Land of Israel, R. Yossi continues to advocate the Mishnah's position by asserting that 'a positive commandment overrides a negative one' only when the two biblical verses containing the positive and negative commandments are adjacent to each other. However, in the case of any other negative commandment clashing with a positive one, there is no preference for the positive commandment over the negative one.

However, the Babylonian Talmud testifies that Reish Lakish, a second generation Ammora in the Land of Israel, adopts the *Mekhilta's* principle: 'Any place where you find positive and negative commandments and you can fulfill both of them, fine; and if not, the positive commandment overrides the negative one'. In the fourth generation of Babylonian Ammoraim, Rava adopted Reish Lakish's rule, and was involved in litigation based upon it and developing it. Thereupon, this principle became the general convention and consensus in Babylonia, and diverse and intensive deliberations concerning it have continued throughout the entire course of rabbinic literature.

Towards the end, this essay also discusses the conceptual implications of the conflict between the active fulfillment of a positive commandment and the passive observance of a negative one.

‘EVEN THOUGH THERE IS NO PROOF TO THE MATTER, THERE IS AN INDICATION OF THE MATTER’: THE MEANING, CHARACTER AND SIGNIFICANCE OF THE PHRASE IN THE TANNAITIC LITERATURE

Assaf Rosen-Zvi

The phrase ‘Even though there is no proof to the matter, there is an indication of the matter’ is used in Tannaitic homilies to introduce a scriptural citation. While other introductory formulas (e.g., ‘as it is said’) have no specific meaning, this one supposedly indicates a weak connection between the homily and the verse cited as its source. In this article the author rejects this widespread understanding, showing that the phrase has nothing to do with the persuasive force of the evidence. Rather, it marks the problematic authority of non-legal scriptures (even from the Pentateuch) in Halachic rulings. The phrase thus indicates that the matter is indeed mentioned in the scripture, but the verse cannot be taken as an absolute evidence, due to its non-Halachic context.

The paper further attempts to show that the phrase belongs to the school of R. Ishmael, and is part of this school’s midrashic methods. After mapping the occurrences of the phrase, the paper concentrates on the series of homilies in Mishnah, *Shabbat* 8:7–9:4, arguing that in this well formed unit the editor points to the problematic authority of non-Halachic scripture. The last part of the article deals with the polemic character of the phrase, as is attested especially from comparison to the opposite phrase: ‘there is a proof for the matter’. The paper ends with a reflection on the significance of the phrase for the understanding of midrashic methods as well as for the role of scriptural authority in the Tannaitic homilies.

‘BEHOLD, THE MAN HAS BECOME LIKE ONE OF US’: POLEMIC, SILENCING, AND SELF-RESTRAINT IN EARLY RABBINIC MIDRASH

Adiel Schremer

The *Mekhilta de-Rabbi Yshmael*, Tractate *Vayehi be-Shalach*, 6, contains a series of four disputes between Rabbi Pappias and Rabbi Aqiva concerning the interpretation of several biblical verses. In these disputes, Rabbi Aqiva responds to Rabbi Pappias’s interpretations and says, ‘Enough Pappias!’ (דייך פפיס). This response has been understood by some scholars as an act of silencing, aimed at denouncing certain theological views, which were considered by the Rabbis heretical.

In this context, the third dispute in this series, which relates to the proper interpretation of Gen 3:22 (‘Behold, the man has become like one of us’), is of special importance. The focal point of Rabbi Aqiva’s dispute with Rabbi Pappias’ interpretation is widely understood to have been the former’s refusal to accept the latter’s reading because it implies that God was speaking to the ministering angels, which He considered as His partners in the creation of the world. As a related view was held by Gnostics and many Church Fathers, Rabbi Aqiva’s reaction is often understood as part of an anti-Christian and anti-Gnostic polemic on the part of Palestinian Rabbis of the second century C.E.

This paper contests that interpretation by drawing attention to three major considerations: (1) Both early Christian authors and early midrashic texts explicitly relate the inter-religious polemic on the above theological question to Gen 1:26, not to Gen 3:22; (2) Rabbi Pappias's interpretation of Gen 3:22 does not in fact resemble the Christian (or the Gnostic) theological view. In fact, his interpretation is seen by early Christian writers as a specifically Jewish reading, that intentionally rejects the Christian understanding of the verse; (3) The reading upon which the prevailing understanding of the dispute rests is secondary. According to the reading attested to by virtually all early manuscripts, Rabbi Aqiva's interpretation of Gen 3:22 was actually similar to that of Rabbi Pappias! These findings call for a different understanding of the dispute.

This paper considers the possibility of relating Rabbi Aqiva's opposition to Rabbi Pappias's interpretation of Gen 3:22 to the former's stance, as found in Mishnah *Haggigah* 2:1 and other early rabbinic sources, according to which the exposition of *Ma'ase Bereshit* and *Ma'ase Merkavah* is prohibited in public. Accordingly, it is suggested that Rabbi Aqiva refused to allow Rabbi Pappias to express his interpretation because Rabbi Pappias addressed esoteric issues that should be kept in secret within the close circle of rabbis and their intimate disciples.

THE IMPORTANCE OF PARIS MANUSCRIPT HÉB 155 FOR UNDERSTANDING THE MAPS DRAWN IN RASHI'S COMMENTARY OF NUMBERS XXXIV

David Shneor

Two maps appear in Rashi's Commentary for Numbers, Chapter thirty-four. The first describes the route the People of Israel took from Egypt and the lands near which they passed. The second map describes the borders of the Land of Israel as written in the verses in the text. These maps have been found to be based on two early manuscripts of Rashi's Commentaries, thought to be extremely precise: Leipzig 1 and Munich 5.

Yosef Ofer has noted the exactness of the map of the borders of Israel based on Rashi's Torah Commentaries found in manuscript Paris 155. In this article, the author presents additional evidence, which points to the clear preference of *this* hand-written map to the Rashi maps found in manuscripts Leipzig 1 and Munich 5.

THE COMMENTARY OF JOSEPH IBN KASPI TO THE LOGICAL TERMS OF MAIMONIDES

Charles Manekin and Hannah Kasher

Among the writings of Joseph ibn Kaspi (1280–after 1331), two commentaries on Maimonides' *Guide of the Perplexed* (*Pillars of Silver* and *Filigrees of Silver*) and a treatise on logic (*Bundle of Silver*) have been known for some time. But only recently a short and incomplete commentary on Maimonides' *Logical Terms* has been discovered. The commentary, which is explicitly attributed to Kaspi and typical of his writing style, is not mentioned in any of his other writings or in either of the two versions of his auto-

bibliographic work (*Collection of Silver*). The date of the commentary's composition is difficult to determine. The present article presents an edition and commentary of the work, found in Vatican, BAV Heb. Ms. 429, fols. 123a–123b.

Even in this short, incomplete commentary, Kaspi manages to state his own views about the absence of tense from a standard predicative proposition, the different types of negation in propositions, and the distinction between essential and non-essential attributes.

THE ROLE OF THE MEDIUM AND THE NATURAL PLACE IN THE EXPLANATION OF THE NATURAL MOTION IN RABBI MOSES BEN YEHUDA'S THOUGHT

Esti Eisenmann

Rabbi Moses ben Yehuda (Rambi) proposed a unique explanation of natural motion. The explanation of movement in general in Aristotelian physics left a few unsolved problems regarding natural motion. These problems were discussed in the Judeo-Arabic tradition, and especially later on, in the 13th and 14th centuries, in the Christian Scholastic tradition. Natural motion was one of the most debated issues, since it was connected with two principles that were rejected by Aristotle: the possibility of a void and the possibility that objects could move themselves.

According to the main Judeo-Arabic Aristotelian tradition an object cannot move by itself. Therefore the motive force of a moving object must be external and must act by touch. Concomitantly, in natural motion the main and almost only motive force propelling the moving object is the medium through which it falls. For that reason, the possibility of a void was rejected, since in a void a movement would not be possible.

In contrast to this tradition, Rabbi Moses ben Yehuda claims, that the medium is not the only cause of the natural motion. He asserts that the object has an inherent principle of self-generated motion. Moreover, in contrast to Aristotelian physics, which rejects the concept of action upon a body at a distance, Rabbi Moses ben Yehuda claims that during natural motion the natural place attracts the object, and is one of the causes of its motion.