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Introduction

Judaism is a religion that imposes a very long list of commandments on its adherents. It is not enough to believe in one God. Believers must accept religious guidelines that accompany them from the moment they are born until they die. Fathers must circumcise their sons when they are only eight days old, and are responsible for the child's education. Believers must eat kosher food and marry only Jewish mates or converts. They must fast several times a year and keep the Sabbath by refraining from work, travel, operating machines, and more. They are commanded to pray three times a day, recite blessings over their food, and observe countless precepts.

Some of these precepts come directly from the Torah. Others are from the Mishnah, the Talmud, the rulings of illustrious Jewish legal scholars, among them Maimonides (1135–1204) and Joseph Caro (1488–1575), author of the *Shulchan Arukh* (the Code of Jewish Law), and rabbinic responsa composed over hundreds of years and still being written today.

There are also customs that emerged in certain Jewish communities around the world, but not in others. A Jew is obligated to follow the customs of his community or those of his parents. Sometimes there are discrepancies between the customs of one community and another. In any case, Judaism is a religion that requires certain behaviors from its adherents.

Like other religions, Judaism has also developed unique symbols that have become virtually exclusive to it, such as the Star of David and the seven-branched menorah. These two symbols appear, for example, on tombstones in Jewish cemeteries. Certain groups in Judaism have their own symbols.

In this book I argue—and bring proof—that Judaism impacts human geography in not insignificant ways. Human geography is a discipline that explores the processes by which human design shapes the environment, and man and space interact. Thus, factors such as patterns in human settlement,

urban construction and development, or transportation systems constitute the very core of this discipline. Religion impacts space and influences human geography. Churches and houses of worship are perhaps the chief example. Judaism, too, as a religion that requires tangible deeds from its adherents, has left an imprint on the landscape over the generations, most notably in the location and design of synagogues. Going back to the days of the Temple, it was necessary to build six cities of refuge in the Land of Israel to enable persons accused of accidental manslaughter to escape the vengeance of the victim's relatives. Yet another example of Judaism's imprint on human geography is *shemittah*, a set of laws requiring fields to be left fallow for an entire year every seven years, bringing all agricultural work in the Land of Israel to a halt.

Judaism has thus created a unique "Jewish geography." Nevertheless, few geographers to date have written about Jewish human geography.¹ This book is an attempt to partly fill that gap, and even more so, to point out other directions of research open to geographers in the context of Judaism and other religions.

This book is based on articles that were published throughout the years and whose common denominator is the ties between Judaism and human geography. The articles have been updated and reedited as required for their publication in this volume.

My interest in the subject of religion and its impact on settlement issues started already during my advanced studies at the Hebrew University of Jerusalem during the late 1970s and the 1980s. Being a Jewish Orthodox geographer has probably contributed to finding interest in this field and to the decision to explore it in my research work.

The book contains nine chapters. Chapter 1 discusses religious precepts and their geographical implications for Jewish urban and agricultural settlement in Palestine in the late Ottoman era. Chapter 2 deals with environmental aspects in the bylaws of the first neighborhoods that were built outside the Old City of Jerusalem. Chapter 3 explores the establishment of a Jewish colony based on national-religious ideology before the First World War. Chapter 4 analyzes the settlement principles of the Religious Kibbutz Movement and its efforts from the British Mandate onwards to establish kibbutzim with a religious lifestyle. Chapter 5 is about

1 See, for example, the article collection, Harold Brodsky, ed., *Land and Community: Geography in Jewish Studies* (Bethesda, MD: University of Maryland Press, 1997).

Hapoel HaMizrachi's establishment of religious neighborhoods in Israeli cities as a strategy for enhancing its political standing. Chapter 6 looks at the bid to incorporate principles of Jewish religious law in the State of Israel's Land Law, 1969. Chapter 7 focuses on the symbols of one of the most active groups in the religious Jewish world—the Chabad movement—whose center in New York has become an object of reverence and a “substitute” for no less than the Holy Temple in Jerusalem. Chapter 8 shows how Jewish religious symbols impacted on the landscape in North Toronto, with its very visible Jewish presence. Chapter 9 describes the Jewish agricultural settlement attempt in Western Canada and the reasons for its failure.

I would like to thank Professor Dov Schwartz, the editor of the series “Emunot: Jewish Philosophy and Kabbalah,” who encouraged me to present my studies in this book. The Zerah Warheftig Institute for the Research of Religious Zionism, headed by Professor Schwartz, has contributed to the publishing of the book and I am thankful for that. I have also been assisted by the Schnitzer Foundation for Research on Israeli Economy and Society, Bar-Ilan University, and by the Chair for the Study of the History and Activities of the Jewish National Fund at Bar-Ilan University, and I appreciate their support. This book could not have been published without the editing work undertaken by Henia Columbus, and I am grateful to her. I thank also Inbal Samet for editing the language of two translated chapters. Special thanks are due to the staff of the Academic Studies Press: Alessandra Anzani, Editorial Director of the Academic Studies Press, and to the other workers of the Press for their efforts. Last but not least, I am grateful to my wife Ruthie, who for the last forty years has been assisting me with my research work.

* * *

The list of the original papers and the journals and books in which they first appeared is as follows:

“The Jewish Religion and Spatial and Communal Organization: The Implementation of Jewish Religious Law in the Building of Urban Neighborhoods and Jewish Agricultural Settlements in Palestine at the Close of the Nineteenth Century,” in *Sacred Places and Profane Spaces: Essays in the Geographics of Judaism, Christianity, and Islam*, ed. Jamie Scott and Paul Simpson-Housley (Westport, CT: Greenwood Press, 1991), 3–19.

“Aspects of Environment in the Bylaws of Jerusalem’s First Neighborhoods” [Hebrew], *Al Atar* 8–9 (2001): 37–44.

“The Attempted Settlement at Kfar Uria on the Eve of World War I” [Hebrew], *Zion* 52, no. 1 (1987): 45–55.

“The Religious Kibbutz Movement and its Credo, 1935–48,” *Middle Eastern Studies* 31, no. 2 (1995): 253–280.

“HaPoel HaMizrachi and Urban Religious Settlement: Vision and Practice in the Yishuv Period and after the Establishment of the State of Israel,” in *Between Tradition and Innovation: Studies in Judaism, Zionism and the State of Israel: Yoshua Kaniel—In Memoriam* [Hebrew], ed. Eliezer Don Yehiya (Ramat Gan: Bar Ilan University Press, 2005), 177–197.

“Incorporating Jewish Law in the Legislation Process of Israel’s Land Law, 1969” [Hebrew], *Karka* 53 (2001): 91–134.

“Sanctification of a House and Its Number: The Chabad Movement and Beit Moshiach on 770 Eastern Parkway, New York” [Hebrew], *Daat* 78 (2005): 107–127.

“‘Jewish Toronto’: Its Expression in Street Names, Symbols and Signs in the North of the Metropolis” [Hebrew], *Horizons in Geography* 83 (2013): 40–52.

“The Failure of Jewish Settlement in Western Canada,” in *Land and Community: Geography in Jewish Studies*, ed. Harold Brodsky (Bethesda, MD: University of Maryland Press, 1997), 389–397.

Chapter 1

The Implementation of Jewish Religious Law in the Building of Neighborhoods and Agricultural Settlements in the Land of Israel

Jewish religion has expressed itself spatially in manifold and varied spheres. This can be identified already through the perusal of the Torah, which reveals a number of commandments with a distinctly spatial aspect. For example, we encounter the commandments to conquer the Land of Israel and settle it with the Jewish people,¹ to erect the Temple at the site of God's choosing,² and to visit it at least three times a year,³ as well as religious duties related to agricultural labor in the Land of Israel, such as the prohibition on working the land during the sabbatical year (the commandment of *shemita*).⁴

The Jewish halakhic (religious-legal) literature, commencing with the Mishnah and continuing with the Talmud, the decisions of Maimonides, the *Shulchan Arukh* and the responsa literature, covers many topics with spatial aspects. This derives from the fact that halakhic literature addresses all spheres of life, since the Jewish religion, governed by Halakha, demands from its believers not only faith but concrete actions, including many with a spatial expression. Thus, the Halakha addresses the subject of the boundaries of the Land of Israel.⁵

1 See, for example, Numbers 33:50–55.

2 See, for example, Exodus 24:8.

3 Exodus 23:17.

4 See, for example, Leviticus 25:1–7.

5 See Chaim Bar Droma, *These are the Boundaries of the Land* [Hebrew] (Jerusalem: Beer and Mossad HaRav Kook, 1958), who deals extensively with the subject.

Other commandments that have a distinct geographic significance are those connected with Sabbath observance such as the prohibition on journeying or riding on the Sabbath or walking over a thousand meters outside a settled region in any direction.⁶ The Halakha also defines what a city and a village are, for there are laws that specifically apply either to a city or to a village.⁷ The Halakha determines the distances governing land usage if such usage occasions a disturbance to city residents (for example, tanneries and cemeteries) and deals with relations between neighbors, property rights, and so on.⁸

One can justifiably contend that an Orthodox Jewish community that conducts its life according to the Halakha will adhere, even in the modern era, to the religious commands with a spatial import. Such a community will, of course, take account of the differences over time as decreed by the rabbinical authorities. Relying on this premise, this research will attempt to examine how Jewish Law influenced the contours of the spatial and organizational structure of the first Jewish neighborhoods founded during the 1860s and 1870s outside the walls of the Old City of Jerusalem. Similarly, it will explore the influence of Jewish Law upon the shaping of the spatial and organizational structure of the Jewish agricultural settlements that were also established during this period. The Jewish communities engaged in the establishment of these neighborhoods and settlements were homogeneously Orthodox in the full sense of the word.⁹ It was therefore almost plausible that on all relevant matters concerning the construction of neighborhoods and settlements and their organization there would be proper regard for the Halakha in those instances where it could be applied.

The historical background of the establishment of the neighborhoods and settlements

During the first half of the nineteenth century, the size of the Jewish population in the Old City of Jerusalem increased tremendously due

6 Yehoshua Neuwirth, *Shemirath Shabbath: A Guide to the Practical Observance of Shabbath* [Hebrew] (Jerusalem: Beit Midrash Halacha Moriah, 1979), especially 189, 339, 373, 377.

7 Mishnah, Megillah 1:1–3.

8 Mishnah, Bava Batra 2:1–5, 7–12.

9 Yehoshua Ben-Arieh, “Legislative and Cultural Factors in the Development of Jerusalem, 1800–1914,” in *Geography in Israel: A Collection of Papers Offered to the 23rd International Geographical Congress, USSR, July–August 1976*, ed. David H. K. Amiran and Yehoshua Ben-Arieh (Jerusalem: Israel National Committee, International Geographical Union, 1976), 90–105.

to a surge of immigration to Palestine from Eastern Europe. Steamships began at that time to call on the Mediterranean ports, enabling Jews in Eastern European Orthodox centers to fulfill their dream and the religious commandment to immigrate to the Land of Israel with greater facility. The vast majority of the immigrants settled in Jerusalem with its concentration of Jewish holy places, including the centerpiece, the Western Wall—the sole remnant of the Second Temple. A second source of the increased Jewish population was provided by the migration of Jews from the cities of Safed and Tiberias in the Galilee, following the devastating earthquake that struck the Galilee in 1837. In 1860 the Jewish population of Jerusalem reached about 8,000 out of a total population of 18,000, in comparison with the year 1800, in which Jews comprised only 2,000 of a population of 8,750. Almost its entirety was concentrated in the Jewish Quarter of the Old City, whose total area did not exceed 850 dunams (1 dunam = 0.25 acre). The growth in population led to a huge increase in the population density of the Jewish Quarter, with all the repercussions of overcrowding, such as deficient sanitary conditions and diseases. The hope of alleviating these conditions was one of the primary motivations that fueled the aspirations of the Jewish population to build new neighborhoods outside the Old City walls, and move into an area that, prior to the mid-nineteenth century, was desolate. Construction of these neighborhoods began in the 1860s and continued in the 1870s and they constituted the nucleus of Jerusalem outside the Old City walls. The primary initiative for the building came, as stated, from the residents of Jerusalem. Nonetheless, there were also initiatives from Jewish philanthropic bodies abroad who wished to assist the Jewish community in Jerusalem. The neighborhood population was a hundred percent Jewish; some neighborhoods were mixed in that they encompassed different Jewish communities while others were confined to specific communities. A few were even organized according to the population of the country of origin. What they all had in common, at least until the 1890s, was that their population was homogeneously Orthodox in every sense.¹⁰

10 The growth of the Jewish community within the city walls, the factors leading to the establishment of the Jewish neighborhoods outside the walls, and the process of their development are summarized extensively in Yehoshua Ben-Arieh, *A City Reflected in Its Times*, vol. 1: *Jerusalem in the Nineteenth Century: The Old City* [Hebrew] (Jerusalem: Yad Izhak Ben-Zvi, 1984); and idem, *A City Reflected in Its Times*, vol. 2: *New Jerusalem—the Beginnings* [Hebrew] (Jerusalem: Yad Izhak Ben-Zvi, 1986).

The first Jewish agricultural settlements were established at the end of the 1870s and the beginning of the 1880s. Some were started by Ashkenazi Jews from Jerusalem and Safed, with a view toward expanding the Jewish sources of income and subsistence and providing substance for the ideological aspiration for productivization. Hitherto, Jews in Ashkenazi communities in Jerusalem and the Galilee subsisted on contributions from their brethren who had remained abroad and engaged for most of the day in Torah study. For the Jewish community in Palestine this created dependency on Jews residing abroad, which influenced all spheres of life. During the 1870s, the Jewish community was expected to manage its own affairs without outside interference and to concern itself with, among other things, earning its own way. This was the background of the decision of the Jerusalem and Galilee Jewry to turn toward agricultural work. But there was an additional reason for the vocational penchant of Jerusalem's Jews for agricultural work and it was connected directly with our topic. They were inspired by the religious aspiration of fulfilling the commandments connected with the Land of Israel. These could be observed and religious completion was obtainable only if one worked the soil of the Land. Among other things, these commandments included the law obligating a person to leave part of the crop in the field for the poor, and another requiring to set aside or destroy a percentage of the crop before it would be permissible to eat the remainder (at the time of the Temple, this quantity was given over to the Priests, the Levites and the poor). Similarly, another commandment proclaimed that one had to abstain from working the land one year out of seven.¹¹

Another segment of Jewish agricultural settlement was established by Zionist immigrants who began arriving in the country at the start of the 1880s. The backdrop of their arrival was the pogroms against the Eastern European Jews and the concomitant awakening of national Zionism. These immigrants, who were also strictly Orthodox, aspired to establish agricultural settlements and engage in farming, thus fulfilling the Zionist

11 Mordechai Eliav, *The Land of Israel and Its Settlement in the Nineteenth Century, 1777–1917* [Hebrew] (Jerusalem: Keter, 1978), 92–139, 167–178; Haim Yair Peles, “The Attitude of the ‘Old Yishuv’ to Agricultural Settlement in Eretz-Israel in Nineteenth Century” [Hebrew], *Zion* 41, nos. 3–4 (1976): 148–162; Israel Bartal, “Settlement Plans from the Second Voyage of Montefiore to the Land of Israel (1839)” [Hebrew], *Shalem* 2 (1976): 231–296; Yehoshua Kaniel, “The Controversy between Petach Tiqva and Rishon LeZion concerning Primacy of Settlement and Its Historical Significance” [Hebrew], *Cathedra* 9 (1978): 42–45.

ideology of returning to the Land and changing the Jewish occupational structure from trade and finance to agriculture.

Settlements were established near the city of Jaffa, south of Haifa and in the Upper Galilee. In the period under discussion, each settlement (*moshavah*, plural: *moshavot*) comprised some dozens of families and was conducted by an elected moshavah committee that also dealt with public matters. The settlements received extensive aid from Baron Rothschild, who enlisted himself to assist them after they had fallen into a severe economic crisis shortly following their establishment—a crisis that jeopardized their very existence. Toward the end of the nineteenth century and at the beginning of the twentieth century, a non-religious population began to penetrate the settlements, which, of course, influenced the lifestyle and character of the settlements.¹²

Jewish Law and the construction of the Jewish neighborhoods in Jerusalem

Jewish Law found expression in a number of spheres both in the construction and the organization of the neighborhood. First, there were the public facilities designed to service communal requirements prescribed by Jewish Law: a synagogue and a ritual bath. The ritual bath primarily served women who had completed their menstrual cycle. According to Jewish Law, every married woman must immerse herself in the ritual bath a week after the conclusion of her menstrual cycle; otherwise, she cannot have sexual relations with her husband.¹³ Additionally, the ritual bath served as a place of immersion for men. Although, according to Jewish Law, since the destruction of the Temple men are not obligated to immerse themselves in the bath, Jewish custom calls for immersing and purifying oneself at least before Sabbaths and festivals. Many religious Jews were accustomed to do this every day.

Jewish Law was embodied not only in the physical construction of the building requisite for the provision of these neighborhood religious functions. It found expression even in building details such as the location

12 Kaniel, "The Controversy between Petach Tiqva and Rishon LeZion"; Ran Aaronsohn, "Stages in the Development of the Settlements of the First Aliyah," in *The First Aliyah* [Hebrew], vol. 1, ed. Mordechai Eliav (Jerusalem: Yad Izhak Ben-Zvi and the Ministry of Defense, 1981), 25–84.

13 *Shulchan Arukh* (Code of Jewish Law), Yoreh Deah 183–201.

of the houses and their plans and environmental issues. For example, the setting of a synagogue in a neighborhood was determined by the Jewish law that stipulates that “one may build a synagogue only at the summit of a city.”¹⁴ The concept “summit of a city” is not clearly defined in the original, and one is left with ambiguity as to whether Jewish Law intended that a synagogue be built in the highest place in the city or that it should be the highest structure in the city. Most of the commentators accept neither of these possible explanations and interpret the “summit of the city” as the central location in the city from a functional standpoint. In other words, the synagogue should be located in the functional, rather than the physical, center of the city neighborhood or community.¹⁵ This was justified not only by the symbolic aspect but by the functional aspect as well. It vindicated the implicit assumption that a synagogue would most conveniently serve the maximum number of residents if it were situated in the functional center. Indeed, the application of this law can be discerned in neighborhood construction, for the synagogues were built in the functional center (and not in the highest place), and they were not even the tallest structures in the neighborhood. This center encompassed the three primary public functions of the neighborhood: the ritual bath, the adjoining stove and water cistern, and the synagogue. The public baths were connected to the ritual bath, for the houses were not furnished with indoor plumbing and washing facilities. The water cistern, where rainwater was gathered, served as the neighborhood’s source of both drinking and bathing water. The residents drew water directly from the water pits. The baking stove was also central to them all because household stoves were uncommon.¹⁶

Another religious law that found expression in the planning of a house was that forbidding the installation of a window in one of the walls of the house if a member of the household could gaze through it directly into the house of a neighbor, or even into his courtyard. One was allowed to install

14 *Shulchan Arukh*, Orach Chaim 150:2; Maimonides, *Mishneh Torah*, Laws of Prayer 11:2.

15 Zeev Gotthold, “Halakha and Religious Customs in Building and Planning Synagogues in Israel,” in *I Shall Dwell in Them* [Hebrew], ed. David Cassuto (Jerusalem: Ministry of Education and Culture, 1968), 20; Yosseph Shilhav, “Principles for the Location of Synagogues: Symbolism and Functionalism in a Spatial Context,” *The Professional Geographer* 35, no. 3 (1983): 324–329.

16 Yossi Katz, “Principles in the Construction of Jewish Neighborhoods outside the Old City of Jerusalem in the Years 1875–1914,” in *Historical-Geographical Studies in the Settlement of Eretz Israel* [Hebrew], ed. Yossi Katz, Yehoshua Ben-Arieh, and Yehoshua Kaniel, vol. 2 (Jerusalem: Yad Izhak Ben-Zvi, 1991), 108–132.

a window only if it did not face the neighbor's private property. Likewise, if there was an intervening public domain (for example, a street) between two private domains, one could place a window even if he could look out from it onto his neighbor's courtyard or house. These halakhic rules stem from another, fundamental rule that deals with the concept of "visual damage," that is, damage in every sense of the word, which one is therefore enjoined from causing. Such damage is incurred when a person can gaze into the house or courtyard of another;¹⁷ it does not express itself solely as an infringement upon privacy, but also as the possibility that it effectively reduces the areas of the affected house. The owner must presumably concentrate his activities, or at least some of them, in that portion of the house that escapes scrutiny from his neighbor's house. If in any case one can gaze into a private domain from the public domain, then the neighbor is allowed to install a window facing that same private domain, since this does not cause additional harm and is therefore not considered visual damage.¹⁸ It emerges that these halakhic rules were also fully implemented in the construction of the neighborhoods, and windows were simply not built in a way that would enable one to look out from one private domain onto another, but only facing the public domain.¹⁹

Environmental subjects that are addressed in Jewish Law also found their expression in the building process. For example, it was prohibited to make noise even in one's own house, if it was unusual noise that could bother the neighbors.²⁰ Likewise, it was prohibited to cause smoke emission in any manner that could harm other residents. One could not open up a barn in a house or courtyard because of the foreseeable environmental damage. The positioning of building materials in the public domain was prohibited as it was considered a potential public nuisance. These matters are explicitly dealt with by Jewish Law, which determines that even if the closest neighbors had consented to this environmental blight, it was in no

17 *Shulchan Arukh*, Choshen Mishpat 154:3.

18 *Ibid.*

19 Katz, "Principles in the Construction"; *Code for Meah Shearim Neighborhood* [Hebrew] (Jerusalem, 1889), chapter 5, paragraph 3. The Meah Shearim neighborhood was the fifth to be built outside the walls of the Old City, and its founders worked up detailed codes to govern ways of life in the neighborhood and its management. These codes, which were copied by other neighborhoods, are based in their totality on sources of Jewish Law.

20 *Code for Meah Shearim*, chapter 4, paragraph 1.

way permitted.²¹ Together with the aforesaid, it was specifically determined in the neighborhood bylaws that noise caused by the study of Torah, whether it emanated from a school or from a private house, could not be deemed a disturbance.²²

The residents were obligated to maintain not only the cleanliness of their own house, but also the cleanliness of the part of the public domain adjacent to their house, as well as that of the public facilities.²³ These matters were based on the injunction of the Torah, “and your camp shall be holy.”²⁴ Another environmental issue was the planning of gardens within the center of the neighborhood. Not only does Jewish Law not mandate the planting of gardens in a place of residence, but with regard to Jerusalem there is an explicit halakhic rule that prohibits the planting of gardens in the city because of its holiness. The founders of the new Jerusalem neighborhoods and those heading them were aware of this law and of the problematic situation it created. The prospects for planting gardens in the neighborhood, thus enhancing the quality of life in it while creating conditions opposite to those that existed within the walls of the Old City, seemed to be at risk. In the end, the community leaders relied on a different religious law that determined that the prohibition on planting, as well as that on raising chickens, for reasons of holiness, had been valid only when the Temple existed.²⁵

Regarding matters of organization, Jewish Law is expressed in various ways. First, each neighborhood had a committee that dealt with all public affairs and enjoyed broad authority and sweeping powers. Among other things, the committee could evict people who did not meet the payments for the construction of their houses or those who entered disputes with their neighbors. It should be emphasized that it was possible to evict people even if they had already made some of the payments.²⁶ The authority was also derived from Jewish Law, a fact one can deduce from the compendia of neighborhood bylaws, which, among other things, determined the rules of behavior in the neighborhood and governed relations between the residents. With regard to the source of the

21 Ibid., paragraphs 1, 3.

22 Ibid., paragraph 4.

23 Ibid., chapter 6, paragraphs 2–4.

24 Deuteronomy 23:15.

25 *Code for Meah Shearim*, chapter 1, paragraph 3, note 2.

26 Ibid., chapter 1, paragraphs 5–6.

neighborhood committee's authority, local bylaws referred to the rabbinic decree that rules that if the city residents had accepted upon themselves a group of people to head and lead them, then those people, with a view toward preserving order and a well-regulated city, had the authority even to inflict a monetary loss upon a city's resident.²⁷ An additional bylaw decreed that a dispute or suit by one of the tenants had to be adjudicated before a Jewish court and the tenant or the neighborhood committee was enjoined from turning to a secular court (the Turkish court).²⁸ This bylaw was also rooted in Jewish Law.²⁹

As observant Jews, the founders and leaders of the neighborhoods decided that, in addition to the synagogue and ritual bath, which were mandatory for the observance of basic commandments, other communal institutions that also emanated from a religious lifestyle would be constructed in the neighborhood. These institutions included a Talmud Torah, a school for elementary education that taught exclusively religious subjects; *Biqur Cholim* ("visiting the sick"), an organ whose purpose was to assist the infirm and their families in all that was needed; a free-loan fund for the needy and their families; and houses designated especially for hospitality. The study of the Torah, aiding the sick, and hospitality are commandments to which Judaism attaches special importance, and therefore it was self-evident that the communal institutions associated with them had to be in place from the time the neighborhood was populated.³⁰

Another organizational matter that was determined by Jewish Law dealt with the order of settling in the neighborhood. This was performed in two stages. During the first stage, a lottery was held among all the future tenants for the houses whose construction was to be completed during that year. The winners of the lottery were during that time living in houses they had obtained temporarily until the construction of all the houses in the neighborhood was completed. Once they were ready, an additional lottery was held to determine the permanent allocation of each house to a tenant. Until the second lottery, those living in a housing unit were forbidden to make any alterations or additions to it, whereas these were permitted after

27 *Shulchan Arukh*, Choshen Mishpat 2:1, especially the comments by the Rema (Rabbi Moses Isserles) and the Turei Zahav.

28 *Code for Meah Shearim*, chapter 6, paragraph 8.

29 *Shulchan Arukh*, Choshen Mishpat 26.

30 *Code for Meah Shearim*, chapters 8–12.

the second lottery.³¹ The source of this prohibition is found in the laws of partnership in Jewish Law that determine that, in the event of a partnership, neither partner is permitted to make any change regarding the mutual property without the knowledge of the other partner. This prohibition still applied if one partner did something without the knowledge of his fellow partner, and the latter remained silent when the deed became known, seemingly giving tacit consent to the action after the fact. Even in such a case, the actions of the first partner were null and void and he was obligated to restore the status quo ante.³² According to Jewish Law, the legal status of a person living in a housing unit after the first lottery was that of a partner of all the other people who had not yet received housing units. Therefore, it was prohibited to make any changes or additions to the house. In contradistinction, after the second lottery, the tenant resided in a house that was exclusively his own and could therefore make alterations and additions as he deemed fit.³³

From the 1890s onward, a less observant population began penetrating the neighborhood and the centrality of Jewish Law to neighborhood life diminished. In contradistinction, beginning in the 1960s, we can observe a renewed and accelerated process of the construction of neighborhoods that are populated exclusively by ultra-Orthodox Jews. Some of the subjects raised above, and especially the erection of public and communal institutions required by a Jewish lifestyle, characterize also these neighborhoods, where one can recognize an effort to integrate Jewish Law into daily life (such as prohibiting vehicular movement in the neighborhood on the Sabbath, obligating visitors from outside the neighborhood to dress modestly, and other sundry examples). This topic, however, exceeds the scope of our discussion.

Religion and the observances of Jewish Law in the agricultural settlements

Upon the establishment of the agricultural settlements and in the initial period following their inception, their entire population was, as mentioned, a religious one. Therefore, religion occupied a central place in the life of

31 See Jerusalem Municipal Archives, *Code Book for the Neighborhood Even Yisrael and Mishkenot Yisrael*.

32 *Shulchan Arukh*, Choshen Mishpat 176–182.

33 *Code Book for the Neighborhoods Even Yisrael and Mishkenot Yisrael*.

these settlements. The very mode of agricultural settlement was predicated on nuclear settlements and not upon separate family farms, and this choice was due partially to religious reasons. Many religious laws and services require a community of people living in proximity to each other. Consider, for example, the religious obligation to pray in a synagogue with a quorum of no less than ten men over the age of thirteen, while the prohibition of riding on the Sabbath made it impossible to reach a distant synagogue. This factor, taken together with the fact that we are dealing with the pre-automobile age in Palestine, mitigated against a framework based on separate farms and dictated those based on nuclear settlements, that is, villages. Indeed, in the period of our discussion (and, in fact, afterwards as well), one cannot find any Jewish farms in Palestine, and the isolated attempts to establish farms resulted in failure.

As was the case with urban neighborhoods, the settlements were established and managed according to a set of ordinances legislated by those who initiated their founding. One of the first and most fundamental of the ordinances determined that the settlements had to be conducted according to the commandments of the Torah, which the farmers were required to observe in their day-to-day life.³⁴ Indeed, this ordinance determined that a rabbi should be appointed for the settlement who would handle all religious affairs.³⁵ This ordinance was indeed observed. It emerges, however, that even in subsequent periods, when the population of the settlement was no longer entirely Orthodox, the post of settlement rabbi remained. Generally, the rabbi served as the ritual slaughterer too, as well as the circumciser, and this was his *raison d'être* in the moshavah even in periods subsequent to the era of our discussion, when the settlements had already experienced processes of secularization. In the settlements, the requisite religious institutions were established, such as the synagogue and ritual bath, communal functions that a religious lifestyle mandated.

34 See, for example, *Codes of Jewish Law for the Settlement of Rishon LeZion*, in *The First Aliyah* [Hebrew], vol. 2, ed. Mordechai Eliav (Jerusalem: Yad Izhak Ben-Zvi and the Ministry of Defense, 1981), 35–38.

35 Yehoshua Kaniel, “The Old Community and the New Settlement,” in *The First Aliyah* [Hebrew], vol. 1, ed. Mordechai Eliav (Jerusalem: Yad Izhak Ben-Zvi and the Ministry of Defense, 1981), 269–288; Yosef Salmon, “The Bilu Movement,” in *The First Aliyah* [Hebrew], vol. 1, ed. Mordechai Eliav (Jerusalem: Yad Izhak Ben-Zvi and the Ministry of Defense, 1981), 136–137. See, for example, *Code for Rishon LeZion*, in Aharon Freiman, *Jubilee Book for the History of Rishon LeZion* [Hebrew] (Jerusalem, 1907), 3–9, and especially bylaw 37.

In addition, a religious school for children and a hospitality house were erected, among other things, and, according to the ordinances, settlers were permitted to sue fellow Jews only before a religious Jewish court and not in a civil court.³⁶

Like neighborhoods, settlements were managed by a committee that derived its power and authority from Jewish Law. By virtue of this authority, as in the case of the neighborhood committees, this committee too could evict a resident from the settlement if he defied the ordinances. Eviction procedures could be carried out even in the event that they would inflict severe economic damage on the resident.³⁷ For example, one could be evicted due to land use that constituted an environmental blight for the moshavah in its entirety or to the adjacent neighborhoods. This ordinance, too, was based on Jewish Law.³⁸

The observance of commandments dependent on the land in the moshavot: the problem of the sabbatical year

It is possible to discern a great deal of similarity between the place occupied by Jewish Law in the construction of urban neighborhoods and the analogous place it had in the establishment and development of the rural settlements. One topic, however, was unique to the agricultural moshavot and should be dealt with in detail. It concerns the observances of religious commandments connected with agriculture, which are termed in halakhic literature “commandments dependent on the land.” These were mandatory primarily within the boundaries of the Land of Israel. The desire to observe the commandments dependent on the land and to achieve religious completion was, as we have seen, one of the actual reasons for the shift toward agricultural settlement. In the settlement ordinances, it was specifically noted that “the members of the settlement were obligated to observe all the commandments dependent on the land.”³⁹

36 *Code for Rishon LeZion*, 3–9, and especially bylaw 37.

37 *Ibid.*, bylaw 44.

38 *Ibid.*, bylaw 33.

39 *Ibid.*, bylaw 36.

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