

## LETTERS TO THE EDITOR

***The Limits of Orthodox Theology***

*Marc B. Shapiro writes:*

WHEN A LEARNED READER writes a deeply scholarly essay of over forty pages analyzing a book one has written, especially a book almost twenty years old, one can only feel great satisfaction. I say this about Betzalel Sochaczewski's article on my *Limits of Orthodox Theology* that appeared in *Hakirah* 31 (Winter 2022).

Sochaczewski's article is not about looking for errors in particular citations, but is much broader in that he critiques my general approach in a few different areas. When it comes to these types of disagreements, it is not a matter of proving another wrong but of presenting an argument and then letting the readers decide which approach seems more convincing. In fact, quite apart from my book, Sochaczewski's article focuses on a number of important issues in the scholarship on Maimonides, and he offers valuable insights. I only wish to make a few comments in response to Sochaczewski.

Much of his article is focused on my claim that there are a few points in Maimonides' Thirteen Principles that Maimonides himself did not truly believe. Readers should be aware that this concept is not some

new idea invented by me, although the specific direction in which I apply this approach might be novel. There are any number of medieval scholars and commentators on Maimonides who had this same position, and it is held by many modern scholars as well. To give just one example, let me cite Moshe Halbertal, whose scholarship is widely respected. In his book, *Maimonides: Life and Thought*, pp. 146, 148, he writes:

The suggestion that Maimonides may not have believed in one of the principles of faith that he himself established compels us to reconsider his understanding of what is meant by "principles of faith." ... Whether a belief should be classified as true or as necessary is a fundamental difficulty in Maimonides' thought. At this stage, before we examine the question in depth, we can say that several of the principles listed in the introduction to *Pereq Heleq* are formulated in a manner consistent with their being necessary beliefs [but not true beliefs].

There is no need to elaborate on Halbertal's own approach, and Sochaczewski would also find a good deal to criticize in what Halbertal writes. I only mention it to show that my general approach is

not revisionist, but follows in the footsteps of many scholars of the last thousand years. This is recognized by Sochaczewski, but perhaps not by all readers which is why I mention it here. Sochaczewski also does not reject out of hand the notion that Maimonides wrote things that he did not really believe. Yet he distinguishes between writings of a private nature or those written for a specific purpose, such as the *Letter on Martyrdom* (p. 16), and writings that must be regarded as “official and public teachings” (p. 14 n. 26), which would include the *Commentary on the Mishnah*, the source of the Thirteen Principles.

One problem with my approach, Sochaczewski argues, is that “it has Maimonides inventing a new, permanent category of heresy with vast practical consequences, none of which could be justified through *migdar milta*” (p. 5 n. 7). Yet this would only be the case if we assume that categories of heresy with practical consequences are to be derived from the *Commentary on the Mishnah*. Yet the matters I point to are not codified in the *Mishneh Torah* as matters of heresy. In contrast to Sochaczewski, I would argue that for Maimonides it is what appears in the *Mishneh Torah* that halakhically determines what is and what is not to be regarded as heresy, and if one sees that in the *Mishneh Torah* he does not adopt the definition found in the Introduction to *Helek* (where

the Thirteen Principles appear), this is something that one needs to pay close attention to.

In dealing with the issue of creation, let me again lay out the problem. In *Guide* 2:25 Maimonides states that there is no religious objection to believing that the world was created through pre-existent matter. In the Fourth Principle, Maimonides records as dogma that one must believe in creation *ex nihilo*. (This is not in the first version of the Principle but was later added by Maimonides.)<sup>1</sup> We thus have a direct contradiction that needs to be explained, and the attempted solution mentioned by Sochaczewski (pp. 26–27), that so long as the theory of creation from eternal matter has not been proven normative belief is in accord with the doctrine of creation *ex nihilo*, does not solve anything. This is indeed Maimonides’ opinion in the *Guide*. However, in the Fourth Principle he turns creation *ex nihilo* into a dogma, which means that it is an eternal truth, not something we affirm on a provisional basis while recognizing that further evidence could move us in a different direction. Unless you say that Maimonides changed his mind and that the addition of creation *ex nihilo* in the Fourth Principle represents his final position and is a rejection of what he says in the *Guide*, you must conclude that one of the two positions he puts forth does not represent his authentic view.

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<sup>1</sup> As I note in the book, and is mentioned also by Sochaczewski, there is another contradiction in the *Guide* it-

self, for in *Guide* 2:13 Maimonides describes creation from eternal matter as theologically unacceptable.

P. 16. Sochaczewski has not characterized my position correctly. I do not say that when it comes to the principle of the eternity of mitzvot that Maimonides held this belief to be “necessary,” but not “true.” This is the position of Yaakov Levinger, and on p. 131 of my book I specifically reject Levinger, and state that Maimonides indeed believed that the mitzvot are eternal. However, what about the view that the mitzvot might be abolished at some time in the future, a position that is found in rabbinic sources? The notion that this position is to be regarded as heresy—as indicated in the Ninth Principle—is what I suggested is a “necessary belief.”

P. 17. Here Sochaczewski refers to something that appears in my *Studies in Maimonides and His Interpreters*, as well as in a more recent article. I mentioned that Haym Soloveitchik has argued that Maimonides’ *Letter on Martyrdom* is a work of rhetoric that does not reflect Maimonides’ true view. I then cited R. Shimon b. Zemaḥ Duran who says something very similar:

דילמא הרב ז"ל הפריז על מדותיו בזה  
מלאכת שמים לחזק ידי הנאחזים  
במצודה רעה להינצל מפה מוקשם  
ואל תעצרם אהבת בנים ובנות

Sochaczewski replies that Soloveitchik and Duran are quite different, as Soloveitchik claims that Maimonides’ words in the *Letter on Martyrdom* are more lenient than his true view, while Duran proposes that Maimonides presented a

position that is stricter than what the halakhah requires. All this is well and good, but my point remains that both of them suggest that Maimonides expressed himself in a way that is not halakhically exact. And I would add now, that both of them suggest that Maimonides did so for important communal reasons. The fact that Soloveitchik and Duran come at this from different perspectives as to Maimonides’ motivation is not relevant to my point. In fact, the connection I drew between Soloveitchik and Duran, as well as my point about the statement in the *Letter on Martyrdom* that angels have free will, is also mentioned by R. Moshe Maimon in his recent edition of the *Commentary of R. Abraham Maimonides: Bereshit*, p. 248 (which is actually referred to by Sochaczewski, p. 17 n. 34):

ויצוין שכבר העיר התשב"ץ (א:סג)  
שגם במילי דהלכתא נקט הרמב"ם  
באגרתו זאת דברים שלא דבר לדינא  
(ועוד האריך בזה פרופ' ח'  
סולובייצ'יק במאמר מיוחד, ראה  
קובץ מאמריו (באנגלית) ח"ב עמ'  
288 ואילך), ואין פלא אפוא אם  
במילי דאגדתא הרצה דברים ע"פ  
מדרשים שלא כפי הפשט. במק"א  
כתבתי שכך יש להבין דבריו בענין  
גערת ה' בשטן על שהשטין ולימד  
חובה על יהושע הכהן הגדול (מהד'  
ר"י שילת עמ' לו), מה שנוגד לכאורה  
דעתו בשלילת בחירה למלאכים ...  
בשעת כתיבת הדברים לא חתר  
הרמב"ם להעמיד את אמיתת הבנת  
דברי המדרש – שאינם כפשוטם לפי  
דעתו – אלא עיקר רצונו שיובן ממנו  
הלקח העיקרי שהוא עד כמה חמור

ענין לימוד קטגוריה על ישראל.

Pp. 19–20. In listing various heretics, Maimonides, *Hilkebot Teshuvah* 3:7, states

וכן האומר שאינו לבדו ראשון וצור  
לכל.

In *Limits*, p. 75, I translated: “He alone is the First Cause and Rock of the Universe.” Sochaczewski questions my translation of ראשון as “First Cause” and suggests that a better translation is “First Existent.” (In *Limits*, p. 75, I translated מצוי ראשון in *Hilkebot Yesodei ba-Torah* 1:1 as “First Existent.”) This is not an issue that I have a vested interest in, and it does appear that Sochaczewski’s translation is better. I would only note, however, that “First Cause” is how the word is translated in the Glazer and Hyamson translations, and that is probably what influenced me. The problem we must confront is that Sochaczewski, following many others, understands *Hilkebot Teshuvah* 3:7 to be stating that belief in eternal matter is a heresy. Yet as we have seen, this is contradicted by Maimonides’ statement in the *Guide* that such a notion is not a violation of basic Jewish belief. I also reject Sochaczewski’s claim (p. 20 n. 44) that *Hilkebot Yesodei ba-Torah* 1:1 is teaching creation *ex nihilo*.

P. 25. “While the esoteric strand of

Maimonidean interpretation makes for important study of intellectual history, if we are indeed serious about determining Maimonides’ true intentions, the admitted biases of its proponents must be forefront in our minds.” The fact is that all interpreters have biases that they bring to their interpretations (and very few of these biases are ever “admitted”). As R. Joseph Kafih wrote, Maimonides is like a mirror: “Anyone who stands in front of it sees his own reflection.”<sup>2</sup> This means that we must examine arguments presented, rather than try to attribute positions to biases.

P. 33. I do not know why Sochaczewski denies that R. Joseph Ibn Migash assumed the non-Mosaic origin of the final eight verses of the Torah. *Bava Batra* 15a states that when the Torah is read in the synagogue one person reads the last eight verses. The *Gemara* offers two different reasons for this, either that the last eight verses were written by Joshua or that Moses wrote them with tears, so they are different than the rest of the Torah. In his final comment on this passage, summing up, as it were, Ibn Migash cites the view that Joshua wrote the last eight verses. I do not know why Sochaczewski assumes that I never saw the complete words of Ibn Migash when I indeed cite a recent edition of his commentary to *Bava Batra*. Furthermore, his crucial

<sup>2</sup> See his letter in *Moreh Nevukhim*, trans. Michael Schwartz (Tel Aviv, 2002), vol. 2, p. 752. See also *Mishneh*

*Torah*, ed. Kafih, *Sefer Hafla’ah*, p. 444.

words are also found in the *Shittab Mekubbezet*, *Bava Batra* 15a. Here is what Ibn Migash says:

**שמונה פסוקים שבתורה יחיד קורא אותם:** כלומר: הקורא פסוקים שלפניהם אינו רשאי לגמור עד סוף התורה משום שנמצא קורא מה שכתב משה עם מה שכתב יהושע, אלא מפסיק ועולה אחר וקורא פסוקים אלו בפני עצמם כדי שיהא ניכר שלא כתבן משה אלא יהושע. פירוש אחר: יחיד קורא אותם כלומר: ואינו רשאי להפסיק בהם כדי שלא יהא ניכר שיהושע הוא כתבן.

My understanding, that Ibn Migash accepted the view that Joshua wrote the last eight verses, is also stated by R. Hayyim Pardes, *Halakhab ki-Feshutab*, p. 97, R. Yoel Berkovitz, *Minbat Nedavah: Menahot*, p. 297, as well as by Abraham Joshua Heschel, *Torah min ha-Shamayim be-Aspaklaryah shel ha-Dorot*, vol. 2, p. 387. Here is also a good place to respond to the claim made by some—but not by Sochaczewski—that “the halakhah” is in accord with the view “codified” by Maimonides, that the entire Torah was written by Moses with nothing added by Joshua. To this I would only say that R. Israel Meir ha-Kohen was unaware of such a “halakhah,” as he writes as follows in *Mishnah Berurah* 428:21:

**אין מפסיקין בהם:** לחלקן לשני קראים והטעם דיש בהן שינוי משאר ס”ת דיהושע כתבן ואפילו למ”ד דמשה כתבן בדמע הואיל שיש שינוי בהן שנכתבו בדמע נשתנו שלא לחלקן כשאר ס”ת.

P. 42 n. 98:

Shapiro’s (p. 131), excessively subtle reading of the language in *Hil. Teshuvah* seems incomprehensible. If Maimonides leaves the door open for the possible abrogation of the Torah *in the future*, how could the assertion of that abrogation *in the past* be considered heretical? In other words: after the unspecified future point in time when the “admissible” lapsing of the Torah occurs, this repeal will be history. How, then, can any claim that the Law has already been repealed be heretical—perhaps we have indeed passed its “future” abrogation?

To begin with, I never stated that Maimonides leaves the door open for the possible future abrogation of the Torah. As mentioned already, I actually stated the exact opposite. However, I also stated that despite Maimonides’ belief that there will never be an abolishment of mitzvot, because there are classic rabbinic sources that offer a different perspective, there is reason to suggest that Maimonides’ positing of this idea as an authoritative dogma, as opposed to a correct notion, is a “necessary belief.” I also called attention to the fact that in the *Mishneh Torah*, which is where Maimonides’ halakhic rulings about dogmas are to be found, he defines a heretic as one who says that mitzvot have *already* been abolished (*Hilkebot Teshuvah* 3:8), and he does

not say—as we find in the Fourth Principle—that it is heretical to believe that they will be abolished in the future.

As for Sochaczewski’s question, it makes no sense to me. Leaving aside Maimonides, there are other authorities who accept the possibility that in the future there will be an abolishment of at least some mitzvot, and they still believe that it is heretical to assume that today these mitzvot are no longer binding. There is no logical problem here, and the answer to Sochaczewski’s question is clear. If the Messiah has not come, or if God has not revealed himself prophetically in a public manner, then obviously there can be no abrogation of mitzvot. When these events occur, then some believe that certain mitzvot will no longer be binding. But lacking this, any claim that mitzvot have been abrogated is indeed heretical, and no one can claim that “perhaps we have indeed passed its ‘future’ abrogation.”<sup>3</sup>

*Betzalel Sochaczewski responds:*

My thanks to Dr. Shapiro for his gracious reception of my critique of his *The Limits of Orthodox Theology* and for penning the above response. The following are my thoughts about these newest comments, in the order he presented them.

1. Shapiro emphasizes that his approach of attributing disingenuousness to Maimonides vis-à-vis parts of the Thirteen Principles is not novel, but “follows in the footsteps of many scholars of the last thousand years.” Presumably, he refers to those mentioned on p. 77 of his book, regarding creation *ex nihilo*. I wonder why he feels the need to reiterate this, as I discuss all these sources on pp. 129–132 of my essay. I elaborate there on the Straussian orientation of this thinking, which prompts Shapiro (further in his comments) to observe “that all interpreters have biases that they bring to their interpretations ... This means that we must examine arguments presented, rather than try to attribute positions to biases.” While objective assessment of argumentation is indeed important, I

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<sup>3</sup> Sochaczewski, p. 42, writes of the “extra-halakhic ‘divine’ repeal of the mitzvot through a prophet, such as was claimed by the Church Fathers and the Koran.” This sentence is mistaken in a couple of different ways. First, the Christian claim does not refer to divine repeal through a prophet, but through

God Himself, in His human incarnation. This claim is already found in the New Testament (e.g., Galatians 3:24–25). Furthermore, the notion that the mitzvot were divinely repealed is not found in the Koran and is not an Islamic position.

maintain that awareness of the general mindset of an idea's proponent is still of great value. When interpreting Maimonides' theological agenda, is it irrelevant that certain theorists subscribed to an approach that would assume him to be a closet atheist?

To these sources, Shapiro now adds Moshe Halbertal. Indeed, Halbertal's approach to Maimonides is hewn from the same Straussian bedrock, citing *Guide* 3:28 as the basis for Maimonides' endorsement of "necessary beliefs"—a reading which is disproven in my essay (pp. 117–118) and to which Shapiro declined to respond.

2. In my essay (p. 110, n. 7), I argued that there is no established precedent for Shapiro's claim that Maimonides fabricated dogma. In response to those instances in which halakhists are known to have been disingenuous, I detailed a number of crucial distinctions between them and what Shapiro attributes to Maimonides. One of these is that in some of these cases, the fabrications were of no practical import, whereas in Maimonides' case, labeling a non-heretic a heretic has vast practical import. Shapiro responded to this that only the determinations of heresy codified in the *Mishneh Torah* (*MT*) are of practical relevance and that the three items he casts aspersions on are absent there, appearing only in Maimonides' Thirteen Principles.

I would reply that this last assertion is contingent on Shapiro's personal reading of those passages in

the *MT* and does not reflect their straightforward reading:

Regarding the first, creation *ex nihilo*—on pp. 125–126 of my essay I demonstrate how *Teshuvah* 3:7 should be read in a manner which *does* codify its belief—a reading which Shapiro, later in his response, acknowledges as possibly superior. (Strangely, Shapiro there writes that he has no vested interest in this matter. Yet, it was he who advanced his own reading of this source to bolster his position. He also fails to explain why he rejects my reading—and that of the editors of the Frankel edition—of *Yesodei ha-Torah* 1:1.)

Regarding the second, the Eighth Principle—on p. 138, I completely accept Shapiro's observation that *MT* does not codify belief in the infallibility of the scriptural text. Our disagreement is whether this is Maimonides' intent in the Thirteen Principles as well.

Regarding the third, the Torah's immutability—I have already argued (p. 148, n. 48) that Shapiro's reading of *Teshuvah* 3:8 is incorrect. (See 7 below for my rejoinder to his response on this point.)

Thus, Shapiro's defense from my above criticism demands unsubstantiated readings of the two relevant passages of *MT*. More important, though, than how one reads these passages, is that one cannot simply ignore the halakhic import of the passage in the *Peirush ha-Mishnah*, as Shapiro would have us do. Maimonides concludes his detailing of the Thirteen Principles with the following (ed. Kafih, v. 2,

pp. 144–145; trans. from Sefaria):

וכאשר יהיו קיימים לאדם כל היסודות הללו ואמונתו בהם אמיתית, הרי הוא נכנס בכלל ישראל, וחובה לאהבו ולחמול עליו וכל מה שצוה ה' אותנו זה על זה מן האהבה והאחווה, ואפילו עשה מה שיכול להיות מן העבירות מחמת תאותו והתגברות יצרו הרע, הרי הוא נענש לפי גודל מריו ויש לו חלק, והוא מפושעי ישראל. וכאשר יפקפק אדם ביסוד מאלו היסודות הרי זה יצא מן הכלל וכפר בעיקר ונקרא מין ואפיקורוס וקוצץ בנטיעות, וחובה לשנותו ולהשמידו ועליו הוא אומר הלא משנאיך ה' אשנא וכו'.

And when a person believes in all of these principles and his faith in them is clarified, he enters into the category of Israel; and it is [then] a commandment to love him and to have mercy upon him and to act with him according to everything which God, may He be blessed, commanded about the man towards his fellow, regarding love and brotherhood. And even if he does what is in his ability from the sins, because of desire and the overpowering of his base nature, he is punished according to his sins, but he [still] has a share in the World to Come, and is [only considered to be] from the sinners of Israel. But if one of these principles becomes compromised for a person, behold, he exits the category of Israel and denies a fundamental [dogma] and is called an apostate, a heretic and

‘someone who cuts the plantings.’ And it is a commandment to hate him and to destroy him, and about him it is stated (Psalms 139:21), “Do I not hate those that You hate, O Lord.”

While it is true that the *Mishneh Torah* is a code and the *Peirush ha-Mishnah* is primarily a commentary, there is no question that even the latter was formulated to reflect practical halakhah, particularly when the language indicates as such. The above passage leaves no doubt that the Thirteen Principles are one such instance.

3. Regarding Maimonides’ true position on creation *ex nihilo*/the Platonist model, Shapiro is fully entitled to find my proposed resolution to this difficult area of Maimonides’ thought unsatisfactory. I would object, however, to his continued mischaracterization of the issues. Maimonides does not state in *Guide* 2:24 that “there is no religious objection” to the Platonic position. Rather, he says that it is not inherently contradictory to the principles of reward and punishment, miracles, or other indisputable dogma of Judaism, and that it could, *potentially*, be read into the Creation narrative. This does not mean that, as things stand at the moment, Platonism is without objection. Conversely, in 2:13, creation *ex nihilo* is not merely Maimonides’ “opinion.” It is “השקפת כל המאמין בתורת משה רבנו” “יסוד תורת משה רבינו ע”ה and ע”ה” בלי ספק, והיא שניה ליסוד היחוד, ואל



"יעלה בלבך זולת זה". It is incomprehensible that a mere number of pages after so strongly expressing his stance on an issue of such gravity, Maimonides would either a) change his mind on the matter, or b) put forward an inauthentic expression of his position.

If I may take the opportunity to elaborate on my suggested resolution of Maimonides' rejection of Platonism. I had proposed that while it is possible to read the Genesis 1 narrative in a manner which accommodates Platonism, so long as there are no compelling reasons to do so, the natural reading, which reflects creation *ex nihilo*, is the accepted one and deviation from it is deviation from one of the fundamental ideas of Judaism. I would add that a parallel to this approach is found in *Emunot ve-Dei'ot* (Jozefow, 1896, pp. 169–170 and Rosenblatt, pp. 423–426 [based on the version used by Ibn Tibbon in 7:5]; ed. Kafih, pp. 223–224, and Rosenblatt, pp. 271–273 [based on what is presumed a later version]) regarding the nature of the scripturally promised Resurrection of the Dead. Saadiah entertained the possibility that its many scriptural references could be interpreted not as a literal resurrection of the dead, but as foretelling the national revival of the Jewish people after their long exile, providing parallel sources where the relevant expressions are indeed intended as such. He rejects this, however, by laying down a principle that Scripture is always to be read in its implied sense (כפשוטם),

Kafih), unless one of four compelling reasons renders such a reading impossible and we have no choice but to reinterpret the passage. As Saadiah explains at length, if this would be incorrect and we would have license to creatively read Scripture as we wish, then all of the legal and historical narratives of the Torah could be reinterpreted in fashions which would leave us with a Judaism that bears no resemblance to the one we know. Being that none of these four factors militate against a literal reading of Resurrection, it is accepted as part of Scripture, and, as is implicit in Saadiah's extensive discussion of the topic, is elevated to being one of the hallmarks of Judaism.

More importantly for our purposes is that Maimonides (*Iggeret Tehiat ha-Meitim*, Sheilat, *Igrot ha-Rambam*, p. 367) espouses this very train of thought regarding Resurrection:

ואנחנו כבר בארנו שבאו פסוקים,  
ואם הם מעטים, יורו על שוב המתים.  
ואם יאמר האומר: אנחנו נפרש  
הפסוקים ההם, כמו שפרשנו זולתם –  
נאמר לו ... ולזה תהיה גם כן תחית  
המתים אפשרית. וכל אפשר,  
כשתבוא בו הגדת נביא – נאמין בו,  
ולא נצטרך לפרשו, ולא נוציאהו  
מפשוטו ... ולא לו השרשים האמנו  
תחית המתים על פשוטה, ושמנוה  
מפנות התורה, ואמרנו שאין ראוי  
לפרש שני הפסוקים הנגלים המורים  
עליה הוראה ברורה אשר לא תסבול  
פרוש.

We see here that Maimonides

was of the position that although a scriptural passage is not inambiguous, so long as there is no compelling reason to avoid it, we opt for the *peshat*, the straightforward reading, *to the point that its ideas can become fundamentals of Judaism.*

I argue that Maimonides adopted the same approach in regard to Creation. Although he acknowledges in *Guide* 2:24 that an alternative reading of Genesis 1 is possible and that he would utilize it were Platonism to be demonstrated (as it would activate one of Saadiah's four aforementioned rules, namely Reason), so long as that has not occurred, creation *ex nihilo* remains its default reading, to the point that Maimonides could state with confidence that this doctrine is יסוד תורת משה רבינו ע"ה בלי ספק.

4. On the matter of the eternity of the mitzvot, Shapiro has mischaracterized my characterization of his position. In the passage, he cites from p. 122, I do not claim that Shapiro has Maimonides personally denying this principle, and I explicitly write as much at the top of p. 144.

5. Regarding the use of rhetoric in the *Iggeret ha-Shemad* (p. 123), my observation of the distinction between the understandings of Duran and Soloveitchik is a brief aside (prefaced with "I assume that Shapiro was aware..."), intended to highlight that they are not identical. Indeed, as Shapiro reiterates, one may attempt to adduce evidence to his position from either source. It is

these points that I examined at great length in my essay, and to which Shapiro declines to respond. (In the quotation from Maimon, his understanding of Maimonides' loose use of midrashim for a specific goal is identical to my understanding in the given reference, not Shapiro's, leaving me to wonder why he makes mention of it in his response.)

6. Regarding ibn Migash on *Baba Batra* (p. 139), I concede that my critique as it appeared in my essay was slightly inaccurate—yet valid, nonetheless. In my essay, I pointed out that the passage of ibn Migash that Shapiro references is but a fragment of a lengthier explication of the *BB* passage. Indeed, that fragment—which Shapiro reproduced in his response—is all that appears in the *Shittah Mekubbezet*. I had mistakenly thought that this was what solely appeared in all previous editions of *Hiddushei ha-Ri Mi-Gash al Baba Batra* as well until the appearance of the newest edition (Politensky & DeHan, n.p., 2015, pp. 60–61) which contains much new material from manuscript. In reality, all previous editions of this work contained the following:

שמונה פסוקים שבתורה יהושע כתב, דכתיב וימת שם משה. אפשר משה חי וכתיב וימת שם משה, אלא עד כאן כתב משה מכאן ואילך כתב יהושע, דברי רבי יהודה. אמר לו רבי שמעון בן יוחי אפשר ס"ת חסר אות אחת וכתיב לקוח את ספר התורה הזה. אלא מדאמר ליה רחמנא למשה לקוח וגו' מכלל שס"ת כולו נשלם

בימי משה ומשה כתבו כולו. אלא עד כאן הקב"ה אומר ומשה כותב בדמע כמו שהיה כותב ברוך מפי ירמיה, שנאמר ויאמר אליו ברוך וגו'. כמאן אזלא הא דא"ר יהושע בר אבין אמר רב גידל אמר רב: שמונה פסוקים שבתורה יחיד קורא אותן. לימא דלא כר' שמעון, דאי ר' שמעון אמאי קורא אותם יחיד בפירוד, והרי משה כתבן כמו התורה כולה. אפילו תימא ר' שמעון בן יוחי הואיל ואישתני אישתני. כלומר הואיל ואישתנו פסוקים אלו ונכתבו בדמע, אשתנו נמי לקרותם בפירוד. שמונה פסוקים שבתורה יחיד קורא אותם, כלומר הקורא פסוקים שלפניהם אינו רשאי לגמור עד סוף התורה משום שנמצא קורא מה שכתב משה עם מה שכתב יהושע. אלא מפסיק ועולה אחר וקורא פסוקים אלו בפני עצמם כדי שיהא ניכר שלא כתבן משה אלא יהושע. פירוש אחר: יחיד קורא אותם, כלומר ואינו רשאי להפסיק בהם כדי שלא יהא ניכר שיהושע הוא כותבן.

According to this version, ibn Migash first explains the give and take of the passage and concludes with two explanations of the halakhah in question. As Shapiro clarified to me in a private correspondence, he took note of ibn Migash's use of the opinion of R. Yehudah in the concluding paragraph, when either opinion, that of R. Yehudah or R. Shimon, could have been used. This is evidence, claims Shapiro, that ibn Migash's personal ruling was like that of R. Yehudah that Joshua, in fact, wrote the final eight verses.

Besides for the weakness of this inference, the difficulty with this

version of the text is that the concluding paragraph is out of place in the sequence of the talmudic passage that it is explaining. Indeed, in the newest edition of *Ri Mi-Gash* (above) based upon the manuscripts, the final paragraph appears between the second and third paragraphs—precisely where it ought to be. Accordingly, the references to Joshua writing the eight verses reflect the *hava amina* (assumption) of the *Gemara*, as it states immediately thereafter שמעון כר' לימא דלא כר' שמעון. The *Gemara* continues by deflecting this assumption: the halakhah in question is compatible with R. Shimon's position that the eight verses were written by Moses. According to this version, ibn Migash is merely providing commentary to this passage without taken a position on its subject, just as Rashi did. Thus, as I originally wrote, the conflict that Shapiro creates between Maimonides and Migash is without basis.

7. Regarding Shapiro's final point, on the abrogation of the Torah, his response to my critique (p. 148, n. 98) mixes apples with oranges. Indeed, other authorities who allow, in theory, for the lapsing of mitzvot through revelation would maintain that the historical claims to such are fallacious and irrelevant—but not because the very notion is heretical, rather because they did not fulfill the standards it demands. Hence Christianity's and Islam's position on supersessionism is heretical, but in the same way that any arbitrary denial of the mitzvot is. To draw a

parallel: The possibility that rabbinic enactments could be overturned under certain circumstances is a legitimate part of the halakhic system. Yet if someone would insist that a particular *halakhab* should be disregarded on the basis of specious reasoning, it is no more than garden variety heresy.

With Maimonides, though, it is clear that he views the very suggestion of abrogation as heretical.

שלשה הן הכופרים בתורה: ...  
והאומר שהבורא החליף מצוה זו  
במצוה אחרת וכבר בטלה תורה זו  
אע"פ שהיא היתה מעם ה' וכו' (הל'  
תשובה פ"ג ה"ח).

He indicates no qualification that this is only when certain criteria have not been met. As the *Kesef Mishnah* explains, שהרי זה מכחיש, כמה כתובים המורים שהתורה נצחית, the very claim that abrogation of the Torah is even *possible* is a denial of the Torah's own assertion that it is eternal. This is so under all circumstances. This is clearly Albo's (*Ikkarim* 3:13–20) understanding of Maimonides' position throughout his discussion of the topic, as well.

Indeed, this understanding is apparent from this matter's very mention as a separate subcategory of denial of the Torah. For if all Maimonides meant was as Shapiro takes him to mean, מאי קא משמע לן? Implicit in the belief in the divinity of the Torah is that its instructions are binding—do I need to single out that discarding without good reason is heresy?

8. I accept Shapiro's correction of my formulation of Christianity's and Islam's "repeal of the mitzvot through a prophet." This has no bearing, of course, on the point of that sentence: the supersession of the Torah assumed by Christianity and Islam—and rejected by Maimonides—is distinctly different than the lapse of certain mitzvot within the halakhic system.

### ***The Exodus and Historical Truth***

*Nathan Aviezer writes:*

I GREATLY ENJOYED the article, "The Exodus and Historical Truth" (*Hakirah* vol. 31) by Geula Twersky. As a physicist, I was particularly interested in her section: "Numbers in the Exodus Narrative." I would like to add strength to her thesis by commenting on a subject that her article did not discuss.

What I have in mind is the enormous population increase while the Israelites were in Egypt. The Torah states that 603,550 adult males left Egypt and this number does not include the tribe of Levi (Numbers 1:46). It is worth mentioning that when the Torah reports the number of members in a tribe, it includes only the males. One reason may be that the tribe of a child was determined by the tribe of his father, with his mother playing no role in this determination.

Although the Israelites num-

bered only 70 souls when they entered Egypt (Genesis, Chapter 46), when they left Egypt, they numbered over 600,000 adult males (Numbers 1:46). This number requires an explanation because it corresponds to a population growth of nearly 10,000, a population growth that is unprecedented in history.

Nevertheless, it can be shown that the data recorded in the Torah, together with some reasonable assumptions, can explain this vast population growth.

The Israelites were in Egypt for 210 years. (The oft-quoted number of 430 years refers to the period beginning with the birth of Isaac. See Rashi's commentary on Exodus 12:46.) The reported number of Israelites leaving Egypt includes only males over the age of twenty. Thus, we are speaking of a population increase during 190 years.

What is a typical population increase in history during a period of 190 years? For example, between the years 1740 and 1930, the world's population increased by a factor of 3 (from 700 million to about 2 billion). Therefore, the problem is to explain the enormous difference between this increase in the world's population (only a factor of 3) and the enormous population increase recorded in Exodus (a factor of almost 10,000) over the same period of 190 years.

It is not possible to attribute the current slow increase of the world's population to deaths caused by wars. The deadliest war in history was the Second World War, during

which 60 million people died, including the six million Jews who were murdered. However, this death toll had little effect (less than 3%) on the world's population.

The reason for the very slow increase in the world's population in previous times was the lack of knowledge of medicine. Before the modern age, the majority of children died young because of disease and plagues, and this is in addition to natural miscarriages and death during childbirth. Therefore, a large fraction of pregnancies did not produce a healthy child who lived to adulthood and ultimately had children of his or her own. Hence, the population of the world increased very slowly, despite the fact that the average woman became pregnant many times during her period of fertility. The situation is summarized in the famous expression: "*Many pregnancies but small families.*"

In his prize-winning book, *Guns, Germs and Steel*, Professor Jared Diamond, of the University of California at Los Angeles, describes the devastating effect that disease and plagues had on populations in the past. For example, at the time of the Exodus from Egypt, it took *a thousand years* for the world's population to double.

As stated above, the Israelites were in Egypt for 210 years. The fertility of a woman begins approximately at age 15 and continues to age 40–45. Any age between 40 and 45 years is equally reasonable to mark the end of a woman's period of fertility. We shall take the age of 45 years because this value leads to

a result that is close to the population mentioned in Exodus. The length of a generation is taken to be a woman's age at the middle of her period of fertility, that is, 30 years, which lies midway between 15 years and 45 years. Therefore, *the 210 years that the Israelites were in Egypt correspond to seven generations.*

The main challenge is to determine the size of typical Israelite families in Egypt. We shall base our estimate on information given explicitly in the Torah. Jacob had twelve sons, but his family was not typical because he had four wives. Eleven sons of Jacob (not counting Levi) fathered 50 sons between them (Genesis, chapter 46). Some had many sons (Benjamin had 10 sons) whereas some had few sons (Dan had only one son). The average was 4.6 sons per family (50 divided by 11). We shall take this number of sons per family as the basis for our calculation. In addition to 4.6 sons per family, there were probably an equal number of daughters. Thus, we take the average family to consist of 9.2 children. There is nothing unusual about a family with nine children. Today, among *haredi* Jews, having nine or even more children is quite common.

In summary, the sons of Jacob (excluding Levi) sired 50 sons, and this number increased by a factor of 4.6 in every generation.

In the table below, we list the number of sons at the end of each generation (the numbers have been rounded off).

Number of Males	
Beginning	50
End of 1 <sup>st</sup> Generation	240
End of 2 <sup>nd</sup>	1,100
End of 3 <sup>rd</sup>	5,060
End of 4 <sup>th</sup>	23,300
End of 5 <sup>th</sup>	107,000
End of 6 <sup>th</sup>	492,000

The table does not list the sons born in the seventh generation, because at the time of the Exodus from Egypt, they were too young to be included in the census, which numbered only males "*over the age of twenty.*" At the time of the Exodus, the first four generations had already died (120 years had passed). Therefore, we take into account only the fifth generation (107,000 males) and the sixth generation (492,000 males). The adult male population who left Egypt is thus calculated to be 599,000. This number is remarkably close to the figure of 603,550 adult males that appears in the Torah.

It is important to emphasize that it is not claimed that the details of the table describe exactly how many Israelites were living in each generation. Our purpose is to show that by combining the data given in the Torah with a few reasonable assumptions, one can explain the large number of Israelites who left Egypt at the time of the Exodus.

It is written twice in Exodus that the Israelites in Egypt were blessed with a large increase in population, in Exodus 1:7 ("*The Israelites were fruitful and multiplied and they became very numerous, and the land was filled*

with them”) and in Exodus 1:12 (“*The more that the Egyptians oppressed the Israelites, the more they increased in numbers*”). Since a family of nine children is not unusually large, how were these blessings expressed? *The meaning of the blessings is that most pregnancies resulted in children who lived to reach adulthood and to have children of their own.* This was highly unusual in the ancient world, and this was the expression of the divine blessings.

It is not necessary to assume that no Israelite children ever died young. Rather, from all the pregnancies of the average Israelite woman during her 30 years of fertility, nine pregnancies resulted in children who grew up to have children of their own. Thus, the Israelites increased in Egypt from a small tribe of seventy souls into a numerous and mighty nation.

The tribe of Levi requires a separate discussion for two reasons. First, although the increase in the number of the Levites seems impressive (from 3 males to 22,300 males), the tribe of Levi was significantly smaller than all the other tribes (Numbers, chapter 4), whose numbers ranged from 35,400 (tribe of Benjamin) to 74,600 (tribe of Judah). And this resulted in spite of the fact that the recorded population of the other tribes included only males over the age of twenty (“*males from the age of twenty*”), whereas the recorded population of the tribe of Levi included babies (“*every male from the age of one month*”).

There is yet another reason for discussing separately the tribe of Levi. It is possible to carry out the

same calculation for the tribe of Levi that was carried out above for the entire population of Israelites. However, it is not possible to carry out such a calculation for any other tribe because the *calculation requires the number of sons and also the number of grandsons* of Jacob. This information is given in the Torah only for the tribe of Levi. This enables one to calculate the increase of the tribe of Levi at the time of the Exodus.

Moshe and Aaron had special important tasks to fulfill during the Exodus. Therefore, the Torah found it appropriate to give detailed information about the family of Moshe and Aaron, who were members of the tribe of Levi. Regarding the other tribes, there was no reason to present such detailed information in the Torah. Therefore, it is not possible to calculate the expected increase in population of any other tribe.

We will now see that the same calculation that was carried out above for the entire population of the Israelites also explains the more modest increase of the tribe of Levi. God commanded Moshe to take a census of the tribe of Levi (“*Count the Levites ... all males above the age of one month,*” Numbers 3:15).

The population of the tribe of Levi increased from the *three sons of Levi* (Gershon, Kehat, Merari) at the time of entering Egypt to 22,300 Levites at the time of the Exodus from Egypt (Numbers 3:39).

The relatively small number of Levites resulted from the smaller number of children in the Levite

families. The typical size of the Levite family was 2.9 sons, whereas it was 4.6 sons for the other tribes (see previous discussion).

Levi had three sons and eight grandsons. The sons of Gershon were Livni and Shimei, the sons of Korah were Amram, Izhar, Hevron and Uzziel, the sons of Merari were Mahli and Mushi (Exodus 6:17–19). This corresponds to slightly fewer than three sons per family. This datum will serve as the basis of our calculation, that is, 2.9 sons per family, and, of course, an equal number of daughters.

As stated above, the Israelites were in Egypt for 210 years. The fertility of a woman begins approximately at age 15 and continues to age 40–45. Any age between 40 and 45 years is equally reasonable to mark the end of a woman's period of fertility. We shall take the age of 40 years because this value leads to a result that is close to the population of Levites mentioned in Exodus. The length of a generation is taken to be a woman's age at the middle of her period of fertility, that is, 27 years, which lies midway between 15 years and 40 years. Therefore, *the 210 years that the Israelites were in Egypt correspond to eight generations of Levites.*

In summary, three sons of Levi entered Egypt and this number of males increased by a factor of 2.9 in every generation. In the Table below, we list the number of male Levites at the end of each generation (the numbers have been rounded off).

Number of Male Levites	
Beginning	3
End of 1 <sup>st</sup> Generation	8
End of 2 <sup>nd</sup>	23
End of 3 <sup>rd</sup>	70
End of 4 <sup>th</sup>	200
End of 5 <sup>th</sup>	580
End of 6 <sup>th</sup>	1,700
End of 7 <sup>th</sup>	4,900
End of 8 <sup>th</sup>	14,200

At the time of the Exodus, the males of the first four generations of Levites were already dead (over 100 years had passed). Therefore, we include the fifth generation (580 males), the sixth generation (1,700 males), the seventh generation (4,900 males), and the eighth generation (14,200 males). The total number of male Levites at the time of the Exodus is thus calculated to be 21,380. This number is quite close to the number 22,300 males reported in the Torah.

Our goal here is to show that it is possible to explain the numbers mentioned in the Torah, even those that seem to be exaggerated. Therefore, one should not assume that the numbers mentioned in the Torah are imaginary. The examples dealt with here are the extensive population increase of Israelites in general and the tribe of Levi in particular. Our explanation is based on the data recorded in the Torah, combined with a few quite reasonable assumptions.



*Judab Landa writes:*

Thank you for another great issue of *Hakirah*. Your encouragement of study and research into Torah and Judaism is commendable, most productive and much appreciated.

I am, however, animated to respond to Geula Twersky's article "The Exodus and Historical Truth" which appeared in volume 31 of *Hakirah* (pp. 151–187) as a "refutation" of the main themes of Joshua Berman's book *Ani Maamin*. The article sets grandiose goals for itself at the outset, then claims to have achieved them. Unfortunately, it falls demonstrably short of delivering on any of them. While the article makes some valid points and is well-written and well-intentioned, even impassioned in places, the numerous misstatements of fact, exaggerated descriptive appellations, wholesale ignoring of pertinent data and skewed analytical methodology, all contribute to the sense of disappointment experienced by the reader.

Twersky begins with the question of where (in what century) to look for evidence of the historicity of the exodus. After all, looking in the wrong place is bound to lead to failure. Berman is wrong to place the exodus in the 13<sup>th</sup> century BCE, claims Twersky, and this is why he and other scholars encounter "a sustained lack of evidence" for the exodus. The biblical chronology places the exodus in the 15<sup>th</sup> century BCE, asserts Twersky (p. 152), and that is where our search for evidence of it must be directed. The

biblical text (I Kings 6:1) assigns 480 years "from the exodus" to the beginning of King Solomon's construction of the Temple, an event universally attributed by scholars and historians to ca. 966 BCE. Adding 480 to 966 yields ca. 1446 BCE for the exodus, just about the middle of the 15<sup>th</sup> century BCE. This reasoning is standard fare in the Evangelical Christian community and I shall return to it later.

Twersky then goes looking for evidence in "the right place" and finds it in the form of Bryant Wood's archaeological assessment of artifacts and pottery excavated in the ruins (collapsed walls) of Jericho, which Wood dates to late in the 15<sup>th</sup> century BCE (the low 1400s). Since the exodus occurred before Jericho's destruction—a fundamental feature of the biblical chronology—this evidence, concludes Twersky, proves that Berman's Late Date Exodus in the 13<sup>th</sup> century BCE is wrong (pp. 161–2).

Wood's view is, however, a minority one, and goes against the assessment of Kathleen Kenyon, a widely respected and experienced archaeologist who actually excavated at Jericho (unlike Wood), who places Jericho's destruction in the 16<sup>th</sup> century BCE. Even more importantly than this cherry picking of disputed archaeological assessments, which Twersky goes on to repeatedly do regarding other surveyed or excavated sites in Canaan/Israel (many of which are also enmeshed in uncertainties as to which ancient city/place they repre-

sent), Twersky entirely ignores multiple sources of evidence from the hard physical sciences (as opposed to the soft, subjective, and underdeveloped field of archaeology whose conclusions at times contradict well-established history). The carbon dating and earthquake record evidence indisputably nail down Jericho's destruction to the mid-16<sup>th</sup> century BCE, in agreement with Kenyon's archaeological assessment, as I reported at length in my article in volume 14 of *Hakirah* (p. 187–235) titled “The Exodus: Convergence of Science, History and Jewish Tradition” (with follow-up material in the Letters section of volume 15). A more expansive version of that article can be accessed by all on my website [www.biblical-misconceptions.com](http://www.biblical-misconceptions.com).

The “Convergence” article cited above concludes that the best date for the exodus, the one that best fits all the scientific **and** historical evidence **and** the biblical chronology, is ca. 1600 BCE, certainly not at any point in the 1400s BCE. This conclusion also best fits the destruction of Sodom 400 years before the exodus, the plain reading of the account in the Book of Judges, in which almost all the judges are presented successively, with decades between them and no overlap (contra Twersky's attempts at muddying the water on this), and Judge Jephthah's stated 300 years from Israel's taking the territories east of the Jordan River (40 years after the exodus) to his own time (Jud 11:26), a statement made in the context of his diplomatic overture to the Ammonite

king in a serious effort to avoid war.

Having promised to present the case “for the historicity of the exodus based on the evidence” and that “in fact the record lends rich support to the biblical narrative [of the exodus] as we shall see” (p. 152), and finding no such evidence in the 15<sup>th</sup> century BCE—the place to look for it as Twersky sees it—Twersky diverts our attention to a comparison of the biblical and historical depictions of the chaotic conditions in Canaan/Israel during the Late Bronze Age (1550–1200 BCE). These do generally agree with, and nicely complement, each other. But, alas, this constitutes no proof of, nor evidence for, the historicity of the exodus. Twersky is thus reduced to making the rather anemic claim that “if the evidence can be shown to work in concert with the larger biblical record, then the evidence can cautiously be understood to corroborate the biblical story.” In other words, if one can be persuaded as to the historicity of one biblical narrative, one ought to be receptive of same regarding any other biblical narrative, such as the exodus. This is known as “special pleading.” Needless to say, it does not work quite this way, not in the cynical world we live in these days.

What about the 480 years of I Kings 6:1? Are not ca. 1600 and 966 BCE separated by more than 480 years? The solution to this is to be found in reading the biblical text closely and carefully (as should always be done). As I elaborate in the expanded “Convergence” article (accessible on the website cited

above), the text in I Kings does not refer to 480 years from “the exodus,” that is, from that singular event we label “the exodus,” when the Israelites crossed the threshold out of the city of Raamses. Instead, the text there refers to 480 years from [the completion of] the process of the Israelites’ going forth from the land of Egypt. The Hebrew wording in I Kings is quite identical to that employed by Moses in speaking to the Israelites about an event that occurred **40 years after** the exodus. Moses describes that event as happening “when you were going forth from Egypt” (Deut 23:5). Apparently, the Israelites were on their way out of Egypt for quite some time, at least 40 years and perhaps longer, probably until they were settled securely in a land all their own and were in a position to build the Temple, which they were commanded to do. At that point they were no longer going away from their past and had arrived at the new stage of going into their future, which was to be represented by the Temple. I Kings 6:1 informs us that the Israelites were **480 years late** in commencing to perform their pivotal obligation of constructing the Temple. Otherwise, why would the Bible single out this particular event in all of Israel’s history (post conquest) to date it, and only it, with respect to their emergence from Egypt?

Turning then to the matter of the size of the Israelite population, Twersky criticizes Berman’s assertion (admittedly contra the plain meaning of multiple biblical texts)

that it was very small, about “enough people to fill a stadium,” small enough for their departure from Egypt to have gone unnoticed by the Egyptians (thus the absence of evidence for the exodus in the Egyptian record). Berman derives support for his claim from the biblical text in which God describes the Israelites’ upcoming conquest of the Promised Land (Ex 23:27–30). “I will not drive them (the indigenous inhabitants of the land) out before (in front of) you in a single year, lest the land become desolate and the wild beasts multiply against you. Little by little will I drive them out before (in front of) you, until you will have increased and [can] possess the land.” To Berman this demonstrates that the Torah itself recognizes that the Israelite population was very small at the time, too small to safely possess the land on their own.

In the attempt to refute Berman’s analysis, Twersky argues that “these verses refer not to the **effects** of the Israelite conquest, but rather to events that gradually **preceded** it” (p. 174). Twersky goes on to suggest that it was the (well-known) Egyptian military incursions into Canaan that unwittingly performed God’s driving out of the local population **before** the Israelites entered the land. The *tzirah* of Ex 23:28 is to be translated as ‘hornet’ and the hornet was the ancient, long-standing symbol used by Egypt for itself. All this is then summarized by Twersky in the following tellingly head-scratching declaration: “The land’s emptying out

over time **prior** to the Israelite conquest prevented the formation of a void and the infiltration of wild animals” (p. 174).

This is all so utterly untenable, even risible, as to render it difficult to know where to begin. Let us start with the fact that at the time these verses were uttered (by God to Moses to be conveyed to the people) the Israelites were on the cusp of embarking directly into the Promised Land (a few months later they actually begin to do so, when the affair of the spies intervenes). There is therefore **no time** for an extended, multi-year process (per v. 29) of the gradual diminution of the indigenous population, while that of the Israelites gradually increases (per v. 30), **before** the Israelites enter the land and the conquest begins. Secondly, whether such a process happens quickly (in one year, per v. 29) or gradually (little by little, per v. 30), if it happens **before** the Israelites enter the land, the Israelites will encounter a desolate land and be greeted by wild beasts.

Thirdly, the whole point of these verses is for one population (the indigenous Canaanites) to decrease gradually and do so **concurrently** with the other population’s (the Israelites) gradual increase, **while both are in the same land**. This keeps the total population stable, prevents desolation of the land and the proliferation of wild beasts. The decrease is thus hitched to the increase; they must proceed apace of each other. Since the increase in the Israelites’ population proceeds gradually, so **must** the decrease in

the Canaanites’ population. This is what the Torah is telling us in Ex 23:27–30 and these verses must therefore refer to the time **after** the entry of the Israelites into the land (contra Twersky).

Forty years later the Israelites are once again on the cusp of entering the Promised Land, their population is about the same as it was 40 years earlier (Num 1:46 and 26:51), and Moses reviews the same principles. “The Lord your God will dislodge these nations before you little by little; **you cannot destroy them** quickly lest the wild beasts multiply against you” (Deut 7:22). Clearly, this refers to the conquest process, with the Israelites already in the land and the pace of **their** destruction of their enemies (not by the Egyptians) is the topic being addressed.

Twersky next turns to the issue of the 22,273 firstborn males (Num 3:43) which Berman describes as a “surprisingly small number” for a population of upwards of 2 million people. (This is actually more than surprising since it is statistically a near impossibility—barring a miracle—as it necessitates a huge number of babies—about 54 by my calculations—per Israelite mother.) Twersky’s solution is that the number 22,273 obtained via the census (as presented in the biblical text) represents only the firstborn males **after** the exodus (those born during the about one year between the exodus and the census), not the total number of firstborn males in the general population of Israelites. Although this is not at all stated or

even hinted at in the census text, it is facilitated by associating the census of the firstborn males (Num 3:43) with the commandment to sanctify them (Ex 13:2, 11–12). That commandment, claims Twersky, applied “only to those male children born **after** the exodus” (p. 177), according to R. Yoḥanan in the Talmud (BT *Beḥobot* 4b). It follows then that the census of firstborn males was likewise limited to those born after the exodus.

Well, the association of the census with the commandment to sanctify the firstborn males is eminently reasonable, since the point of the census was to transfer the sanctification of the affected firstborn males, from them to an equal number of Levites (Num 3:45). But Twersky altogether misunderstands the pertinent Talmudic discussion. R. Yoḥanan and Resh Lakish do disagree as to whether firstborn males after the exodus were included in the commandment to be sanctified, with R. Yoḥanan saying ‘yes’ and Resh Lakish saying ‘no.’ But all agree that all Israelite firstborn males coming out of Egypt (older than one month) were included in the commandment to be sanctified. It thus follows that they all must therefore have been included in the census (based on the association described above). So the matter cannot be resolved in this manner. Neither of the Talmudic Sages would support Twersky on this.

How then is this matter to be resolved? Well, the intertwined,

complex, multiple conundrums posed by the biblical numbers, for the general Israelite population and for its various subgroups, are treated thoroughly in my article titled “The Exodus: How Many?” This can be accessed by all interested parties at my website [www.biblical-misconceptions.com](http://www.biblical-misconceptions.com). I highly recommend this article and the “Convergence” article cited above to both Berman and Twersky, as neither of them got it right in my view. Not even close.

Much more remains to critique in Twersky’s essay, but this is a letter, not an article. Instead, I will close with a final thought regarding the big enchilada of the exodus not being reflected in the Egyptian historical record (inscriptions on tomb and temple walls and on papyri or other writing surfaces). It has been said, the best defense is a good offense. To the critics who demand to know, “How come the exodus appears nowhere in the Egyptian record?” and use this as the basis for asserting that the exodus did not happen, we may respond (with love and respect, of course), for starters, with the following question: “How come the horrific fate of two major ancient Egyptian cities, Heracleion and Canopus (not their Egyptian names), is likewise not reflected in the Egyptian record?” Those two bustling coastal cities through which the bulk of Egypt’s foreign trade passed, inhabited as they were for many centuries by thousands of people—large cities with temples, statues, palaces and homes of high officials and tradesmen—sank and

disappeared into the abyss of the Mediterranean Sea around the close of the 2<sup>nd</sup> century BCE, with nary a word in the Egyptian record. Were it not for the ancient Greek historians who wrote about these cities, and the modern day archaeologists who dive deep down to the bottom of the sea to uncover their mysteries, we would know nothing—dependent as we would then be on the Egyptian record—about the existence of these cities, their singularly calamitous fate and the disastrous impact their rather sudden demise had on the Egyptian economy, not to mention the many lives lost.

And while we are at it, we could also counter the critics with, “How come the century-long takeover of most of Egypt by foreigners (the oppressor Hyksos) is barely mentioned in the Egyptian record?” But for an obscure, unofficial mention found in a tomb, and artefactual discoveries later made by modern archaeologists, we would today know nothing of this monumental development in Egypt’s history.

Obviously, the Egyptian historical record is grossly incomplete. This is so not only because many inscriptions have not survived the ravages of time across the millennia (they certainly have not), and not only because the Egyptian authorities preferred to avoid and hide unpleasant developments (they certainly did). This is so primarily because the absence of an event in the record, to the ancient Egyptian mind, rendered the event non-existent; the event then just did not happen. Such an event became, on

some level, a non-entity. By deliberately omitting or erasing undesirable developments from the record, the ancient Egyptians also eliminated them from ever having happened. This is the basis for the ancient Egyptian practices surrounding the execration texts, their defacement of statues and their insistence on inscribing everything desirable in as permanent a format as possible.

Who knows what other important developments in the history of ancient Egypt we are utterly unaware of, due to the above described cultural proclivities? Had we not been thankfully blessed by our possession of the biblical record, God forbid, the exodus would have become another story lost to the ashbin of history. But that record *is* in our possession, and we are what we became as a result of it.

*Geula Twersky responds:*

I would like to express my gratitude to Professor Natan Aviezer for his kind words. It means so much coming from someone of his stature. His discussion of the topic is a welcome contribution to its elucidation. I would also like to acknowledge Dr. Landa’s insightful discussion pertaining to the Egyptian practice of failing to record significant events in their historical records.

Regarding the balance of Dr. Landa’s letter, I hesitate to reply for a number of reasons. First, because of the letter’s gratuitous disparaging

tone, which is most unbecoming. Secondly, due to the fact that so many of its critiques have already been dealt with in my article. It is pointless for me to rehash all that has been missed or ignored. Thirdly, as correctly stated in his letter, this is a letters column. Addressing each of the points properly would bring my response beyond the limited scope of this forum. Finally, and perhaps most importantly, Dr. Landa's main complaint seems to be that I do not adopt his approach. Since that issue is irrelevant to my article, this is not the appropriate place to discuss it.

Nonetheless, I would like to take the opportunity to briefly note a few important points. To begin with, Dr. Landa's letter misrepresents my article, as "a 'refutation' of the main themes of Joshua Berman's book *Ani Maamin*." This distorts the very topic of my article (and is the first of a long list of misrepresentations). As I clearly state in the opening of my article, my critique is aimed specifically at Berman's extended discussion pertaining to the Exodus.

I also wish to address the accusation of "cherry-picking." When I choose to adopt one opinion over another, despite it being a minority point of view, I consistently adduce compelling reasons for doing so. I

must add that I find this complaint to be especially ironic as it is lodged against my article by someone whose approaches are not in line with even a minority of scholars.

I would like to focus briefly on one issue, as it is enormously critical to my position and to the study of archaeology in general. Dr. Landa states: "Twersky entirely ignores multiple sources of evidence from the hard physical sciences...The carbon dating and earthquake record evidence indisputably nail down Jericho's destruction to the mid-16th century BCE."

Properly addressing the questions raised by the carbon dates from Jericho requires that we delve into some of the details. The carbonized burnt grain and wood samples from Jericho's destruction layer that were initially dug up by Kathleen Kenyon in the 1950s were indeed found to support an 18<sup>th</sup>–16<sup>th</sup> cent. BCE destruction.<sup>4</sup> However, (re-evaluated) samples studied by the British Museum Laboratory, were calibrated to approximately 1883–1324 BCE,<sup>5</sup> casting a shadow on our ability to settle the debate via carbon samples alone. More recently, samples procured by an Italian excavation team in 2000, were found to calibrate Jericho's destruction to 1347 BC +/-85 and 1597 BC

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<sup>4</sup> Hendrik J. Bruins and Johannes Van Der Plicht, "Tell es-Sultan (Jericho): Radiocarbon results of short-lived cereal and multiyear charcoal samples from the end of the Middle Bronze Age," *Radiocarbon* 37 (1995), 213–220.

<sup>5</sup> S.G.E. Bowman, J.C. Ambers, and M.N. Leese, "Re-Evaluation of British Museum Radiocarbon Dates Issued Between 1980 and 1984," *Radiocarbon* 32 (1990), 59–79, 74.

+/-91.<sup>6</sup> An honest evaluation of the combined carbon data points to anywhere between 1883–1262 BCE, a 600 year window! So much for the “evidence from the hard physical sciences.” Indeed, the very use of the term “hard sciences” to characterize carbon 14 evaluations is nothing short of a misnomer. Additionally, the characterization of dating by means of artifacts as less empirical than by means of carbon dating is profoundly misleading. The presence of a scarab collection containing the names of an array of 18<sup>th</sup> Dynasty pharaohs, as presented in my article, is objective testimony that Jericho’s destruction could not have preceded that era.

A further illustration of the limits of carbon dating is the case of the eruption of Thera and the subsequent destruction of the ancient Minoan civilization. Carbon dates for these events have yielded a 17<sup>th</sup> cent. BCE date.<sup>7</sup> However, the rich archaeological record from ancient Egypt and the Aegean Islands unequivocally place the Thera eruption 150 years later.<sup>8</sup> Manfred Bietak,

who has devoted his life’s work to researching the mysterious Hyksos civilization in Ancient Egypt, cautions that relying on radiocarbon alone is far more problematic than generally acknowledged.<sup>9</sup>

### ***R. Meir Simḥah of Dvinsk***

*Elie Bashevkin writes:*

Thank you for sharing your enlightening article about the great Rav Meir Simḥah and his attitudes towards Zionism, especially as culled from his works like the *Mesbekeh Hokhmah*. At times, I believe Rav Meir Simḥah commented on important political developments—especially regarding Zionism—using veiled language. For example, *Mesbekeh Hokhmah* comments at the end of *Sefer Bereshit* (50:24) on Yosef’s promise that Hashem would redeem the Jewish people and return them to Eretz Yisrael. He first quotes the *Gemara* about the “three oaths” and refers to the

<sup>6</sup> Nicolo Marchetti and Lorenzo Nigro, *Excavations at Jericho, 1998: Preliminary Reports on the Second Season of Archaeological Excavations and Surveys at Tell es-Sultan, Palestine*. (Quaderni di Gerico 2; Rome: Universita di Roma, 2000), 206–207, 330, 332.

<sup>7</sup> W.L. Friedrich, Kromer, M. Friedrich, J. Heinemeier, T. Pfeiffer, S. Talamo, “Santorini Eruption Radiocarbon Dated to 1627–1600 B.C.” *Science* 312 (2006), p. 548.

<sup>8</sup> Manfred Bietak, “Antagonisms in

Historical and Radiocarbon Chronology,” pp. 78–110 in Andrew J Shortland and C. Bronk Ramsey eds., *Radiocarbon and the Chronologies of Ancient Egypt* (Oxford: Oxbow, 2013).

<sup>9</sup> Manfred Bietak, “Radiocarbon and the date of the Thera Eruption,” *Antiquity* 88 (2014), 277–282; cf. Paolo Cherubini *et al.*, who concur that “caution should be applied to the dating offered by Friedrich *et al.*,” idem, “Bronze Age Catastrophe and Modern Controversy: Dating the Santorini Eruption,” *Antiquity* 88 (2014), pp. 267–291, 271.



disastrous results of the premature *aliyah* of the tribe of Ephraim. Then, apparently unrelated to the *pasuk* in *Bereshit*, Rav Meir Simḥah raises the issue of a *navi* who plans to bring the Jewish people up to another land and quickly labels him a *navi ha-sheker* because the Jewish people will always return to the land of Avraham, Yitzchak, and Yaakov.

Since the issue of going to another land other than Eretz Yisrael was nowhere in the *pasuk*, I can only imagine that Rav Meir Simḥah is commenting unfavorably on the Uganda Plan of the Sixth Zionist Congress of 1903 in veiled language.

*Jonah Steinmetz responds:*

Thank you for your feedback and input. I too mentioned this example of R. Meir Simḥah's commentary on contemporary Zionism in my article (on p. 28), though I appreciate your more detailed presentation of his point. I hope the article and our conversation encourage others to read *Meshekh Hokhmah* with an eye towards his implicit messages.

## **Women's Hair Covering**

*Jacob Sasson writes:*

In his "Untangling the Mystery of Women's Hair Covering in Talmudic Passages" (*Hakirah*, Volume 31), Ari Storch surveys some of the Talmudic and Rabbinic literature dealing with the custom of women to cover their hair and, in so doing, attempts to highlight some nuance in the Talmudic discussion. For that, he is to be commended. Nonetheless, in failing to review all of the relevant Tannaitic literature, and in failing to contextualize the Talmudic discussions, the review fails to answer some of the questions it attempts to elucidate and creates just as much confusion as it seeks to clarify.

Storch's review of the Tannaitic literature begins with the Mishnah in *Ketubot*. There is, however, a parallel text in the Tosefta which, when compared to the Mishnah, helps put the development of the Mishnaic text into perspective and sets the stage for understanding the subsequent Yerushalmi and Bavli.

(Editor's Note: Sources 1, 2, 3, and 4 referenced by Jacob Sasson appear as an addendum at the end of the *Letters* Section.)

**Source 1, Tosefta Ketubot**<sup>1</sup> (See also the similar text in *Sotah*): Note the differences between the Mishnah and the Tosefta. For one, the Tosefta's descriptions of grounds for divorce are grouped as violative of *Dat Moshe ve-Yisrael* [sic], and not

as two separate categories. Second, the “gender parity” coupled with clearly permitted actions illustrates the (im)propriety of the alleged violations, not actual *issurim*. Third, the Tosefta encourages the husband to “fix” the “sins” of the wife vis-à-vis ḥallah.

Framing the Mishnah’s categorization of *Dat Moshe* and *Yehudit* (itself very odd terminology if we are speaking of prohibitions) as it is conventionally understood set the Mishnah in opposition to the Tosefta. This issue will repeat itself with the Yerushalmi and the Bavli. Viewing head covering as technically permitted but non-customary frames the sources as complementary and evolving with time.

**Source 2, Mishnah Ketubot:** <sup>2</sup>

First, we must note the context of the discussion at hand. Prohibitions in Talmudic Law are never implied or embedded in a discussion of a different context. That makes context important. The context for this discussion is Contract Law and the husband’s right vis-à-vis his wife’s *ketubah*. Here, the Mishnah creates two categories of breach of contract: *Dat Moshe* and *Dat Yehudit*. It creates a cause of action, a right (though certainly no obligation!) of the husband to void the contract. It does not create an obligation to cover hair. Both Rambam and the SA codify a separate law with respect to covering hair. (More on that later.) Nothing in this *sugya* prohibits the rights of the parties to waive representations and covenants.

Let us proceed to the Talmuds.

**Source 3, Yerushalmi**<sup>3</sup> contains a clear societal factor in its analysis. יש תצור שהוא כמבוי ויש מבוי שהוא בקצור.

(While this letter limits itself to Talmudic sources, I note that the Rif, in summarizing the *sugya* in the Bavli, includes this phrase from the Yerushalmi, presumably to highlight the societal component.)

**Source 4, Bavli:**<sup>4</sup> Here we have a further development and clarification of the Tannaitic corpus. The Bavli changes every early example of the Mishnah into a case of deception, consistent with the ḥallah example of the Tosefta. In other words, the *actus reus* is not the Mishnaic example per se but deceiving of the husband. Moreover, in its question of the *Dat Yehudit* category, the Bavli does NOT use the terminology of “*Dat Moshe*,” itself a unique paradigm. Nor does it claim uncovered hair is a *d’oraita* prohibition. How could it be? The Bavli just finished evolving the *Dat Moshe* examples into cases of deception.

How best to understand these categories according to the Bavli? I propose the development of the Tannaitic material from the Tosefta/Mishnah, Yerushalmi, and finally the Bavli into two categories of breach of contract: (i) *Dat Moshe*, Breach of Contract for Fraud Acts of deception or fraud which constitute breach of contract between man and wife; and (ii) *Dat Yehudit*, Breach of Implied Covenant. In the

days in which the *ketubah* was a negotiated instrument, the parties to the contract negotiated key business terms and could rely on the other party to be “normal” and acceding to societal norms, thereby reducing the need to negotiate every form of behavior.

What about the Talmud’s question:

פְּרוּעַ רֵאשָׁה פְּרוּעַ דְּאוֹרְיֵיתָא הִיא דְּכַתִּיב  
וּפְרַע אֶת רֵאשׁ הָאִשָּׁה וְתָנָא דְּבֵי רַבִּי  
יִשְׁמַעְיָאל אֲזַנְהָרָה לְבָנוֹת יִשְׂרָאֵל שְׁלֵא יֵצְאוּ  
בְּפְרוּעַ רֵאשׁ דְּאוֹרְיֵיתָא

First, not all manuscripts contain the second reference to *d'oraita*. Second, the terminology employed points to an *asmakhta* and, indeed, Rambam (*Issurei Biab* 21:17) and *SA* (*EH* 21:2) codify this in their respective codes as *Lo.....*, which in contrast to אִין or אָסוּר is *lashon azharah*, not prohibition. Contextually, this *azharah* or *humrah* is placed far away from the laws of *ketubot*. This was the Jewish practice of ALL women, single, married, and divorced but it was not law. To view this as anything other than sociologically determined is to get lost in confusion as to why single women need not cover their hair or divorced women need to continue covering their hair.

While an analysis of the treatment of women’s hair covering in Sephardic lands is beyond the purview of this letter, this theme seems to underscore the lenient positions of the Ben Ish Hai, Messas, Kassin,

and the rabbis of Aleppo, Damascus, Egypt, Morocco, Turkey, and the wider Sephardic world.

*Ari Storch responds:*

Jacob Sasson contends that the Tosefta differs from the conventional understanding of the Mishnah because the Tosefta conflates the categories of *Das Moshe* and *Das Yehudis* into “*Das Moshe veYisrael*”; whereas, the Mishnah describes two separate categories: (a) *Das Moshe*, and (b) *Das Yehudis*. (It seems clear that the synonymous words *Yisrael* and *Yehudis* are used interchangeably by these sources.) However, the Mishnah similarly conflates these two categories when introducing the topic when it states, “...one who transgresses *Das Moshe veYehudis* ....” (*Kesubos* 72a). These two categories are initially conflated by both Tosefta and Mishnah because violation of either results in the same loss of *kesubah*, which is the focus of both Mishnah and Tosefta as recorded in *Masechet Kesubos*. For the purposes of the subject at hand, the two categories are the same, which is why the Tosefta does not need to elucidate. The Mishnah’s subsequent classification of *Das Moshe* and *Das Yehudis* is a more specific way of listing each case, but has no bearings on the focal subject, *kesubos*. Accordingly, there is no evidence to presume a difference of opinion exists between the conventional understanding of the Mishnah and the Tosefta. The Mishnah chose to list its cases in a way that

also demonstrates the differences between *Das Moshe* and *Das Yehudis*, which, as will be further discussed below, has bearings on prohibitions, but the Tosefta unsurprisingly chose not to separate the categories because it is inconsequential for the contractual matters of *kesubos*. The lack of any evidence of a *machlokes* between these sources demonstrates that the Tosefta and the conventional understanding of the Mishnah are not at odds.

Sasson assumes that the Talmudic texts viewed women's head covering as a *chumrah* adopted by the populace, but not actual law; meaning, there is no actual Talmudic prohibition for a woman to enter the public arena with her head uncovered. To further this point, Sasson states, "Prohibitions in Talmudic Law are never implied or embedded in a discussion of a different context." Because of this viewpoint, Sasson finds it impossible to derive prohibitions from a Talmudic discussion of *kesubos*. However, no source for this maxim is provided. Further, this maxim directly conflicts with the *Bavli's* assertion that the Mishnah's classification of *Das Moshe* and *Das Yehudis* hinges on whether the prohibition is biblical or rabbinic (*ibid.* 72a–b). Sasson contends that is not the correct understanding of the *Bavli* as seen in some alternative texts, which omit the second reference to the word *d'oraisa*. While these alternative texts are certainly of interest, our text contains the second reference to *d'oraisa*. Further, even those alternative texts contain *d'oraisa* in its first

reference. Moreover, Rashi explicitly states that matters of *Das Moshe* are biblical prohibitions (*Rashi Kesubos 72a s.v. d'oraisa*), which demonstrates he felt the Talmudic text is discussing a prohibition. It seems odd that a Talmudic scholar of Rashi's erudition would be unaware that prohibitions are never implied or embedded in a discussion of a different context. It is therefore difficult to assert that one cannot derive prohibitions regarding head covering from this Talmudic passage considering the *Bavli* understands that actual prohibitions are discussed in the Mishnah.

Sasson maintains that Rambam's and Shulchan Aruch's usage of the word לֹא, instead of אָסוּר or אִין, demonstrates that head covering is only a *chumrah*, not law. Again, no source is provided for this tenet. In the very next chapter in their respective works, Rambam and Shulchan Aruch use the word לֹא when describing a prohibition regarding impermissible seclusion of the sexes. (*Issurei Biyah 22:8; E"H 22:5; see also Beis Yosef E"H 22*, written by the Shulchan Aruch, describing this matter as a prohibition, possibly of biblical origin.) There are many other examples throughout both of these works that are in direct contrast with Sasson's axiom, such as in *Rambam Hilchos Shabbos 19* and *S"A O"C 301*, and some of these examples are biblical prohibitions for which sin offerings must be brought (*e.g., S"A O"C 301:8*). Further, the classical interpreters also seem unfamiliar with this axiom as

they understand Rambam and Shulchan Aruch to be discussing prohibitions when they discuss women's head coverings (e.g., *Terumas HaDesben* 242; *Bach E"H* 21; *Beis Shmuel* 21:5).

I am uncertain of the relevance of Sasson's statement that societal factors play a role in the nature of women's head covering. First, this is addressed at length in my article (pp. 234–238) where I demonstrate that many authorities who maintain head covering is obligatory, not simply a *chumrah*, feel societal factors play a significant role. Second, the example Sasson provides of different requisite levels of head coverings in different locations may simply derive from the amounts of privacy afforded in each respective location, which is what Rashi suggests (*Rashi Kesubos* 72b *s.v. vederech mavoy*). No argument is supplied to suggest why *Rashi's* explanation is lacking or why Sasson's theory is superior. Rather, societal factors play a role even according to those who maintain that head covering is obligatory.

I am also uncertain of the relevance of Sasson's statement that "ALL" women covered their hair in the Talmudic era. I brought significant evidence of such in my article (pp. 228–233), and this supposition may be true even if head covering is a prohibition, not simply a *chumrah*. In fact, after my article was published, I realized there was a compelling proof that unmarried women covered their heads in Talmudic times in a passage in *Maseches Shabbos*. The Mishnah states that

women may not wear *nezamim* (a type of jewelry) in public on *Shabbos*, which the *Gemara* understands is because of a concern they may remove the *nezamim* to show others and inadvertently carry (*Shabbos* 57a). The *Gemara* defines *nezamim* as nose rings (*ibid.* 59b), which Rashi understands specifically excludes earrings from this prohibition. (*Rashi Shabbos* 59b *s.v. nizmei ha'af*). *Tosafos* elucidate that earrings were worn under head coverings, so it would be too difficult for a woman to remove them in public (*Tosafos Shabbos* 59b *s.v. nizmei ha'af*). *Or Zarua* contends that wearing earrings on *Shabbos* is impermissible in regions where women's head coverings do not cover their ears (*Or Zarua* vol. 2, 84:2). The Mishnah's lack of distinction between married and unmarried women is thus peculiar and suggests that *Or Zarua* assumed that unmarried women covered their heads in Talmudic times. Further, the Mishnah avers that young girls who would place wood chips or string in their ears after piercing them, because they were not old enough to have earrings, are permitted to wear such chips or strings on *Shabbos* (*Shabbos* 65a). The *Gemara* distinguishes between non-colored strings, which may be worn because the girls will not take them out to show others, and colored strings, which may not be worn because the girls might take them out to show others (*ibid.*). *Tosafos* question why this differs from earrings, which we presume will not be removed in public because they are under a head covering (*Tosafos Shabbos* 59b

*s.v. nizmei ha'af*). *Tosafos* answer that the strings are more easily removed than earrings (*ibid.*). Considering the passage is focused on young girls, it appears that *Tosafos* presume that young girls would certainly be wearing head coverings in Talmudic times. ❧

## 1 Tosefta Ketubot 7

הדירה שלא להשאיל נפה וכברה רחים ותנור יוציא ויתן כתובה, מפני שמישיאה שם רע בשכינותיה. וכן היא שנדרה שלא להשאיל נפה וכבר' רחים ותנור תצא שלא בכתובה, מפני שמישיתו שם רע בשכונתו

הדירה שלא תלך לבית האבל, או לבית המשתה, יוציא ויתן כתובה, שלמחר תהא מוטלת ואין כל בריא סופנה.

היה ר' מאיר או' מה ת"ל והחי יתן אל לבו, עביד דיעבדון לך, לוי דילוון לך, ספוד דיספדונך, קבור דיקברונך, שני' ללכת אל בית אבל וגוי'. הדירה שתהא מטעמת תבשילה לכל אדם, או שתהא ממלא ומערה לאשפות, ושתאמר לכל אדם דברים שבינו לבינה, יוציא ויתן כתובה, מפני שלא נהג עמה כדת משה וישראל. וכן היא שיוצא' וראשה פרוע, יוצא ובגדיה פרומים, ולבה גס בעבדיה ובשפחותיה, בשכנותיה, יוצא וטווה בשוק, רוחצת ומרחצת במרחץ עם כל אדם, תצא שלא בכתובה, מפני שלא נהגה עמו כדת משה וישראל. ר' מאיר אומ' אם יודע בה שמדירה ואינה מקיימת אל ישנה להדירה. ר' יהודה או' אם היה יודע בה שאינה קוצה לה חלה יוציא ויתקן אחריה.

אי זו היא קולנית, כל שמדברת בביתה ושכיניה שומעין את קולה. כל אילו נשים שעברו על הדת צריכות התראה, ויוצאות שלא בכתובה. לא התרה בהן, יוציא ויתן כתובה. כל אילו שאמרו יוציא ויתן כתובה (אין צריך לומר מאתים לבתולה ומנה לאלמנה, יתר על כן אפי' כתובתה מאה מנה איבדה את הכל, ונוטלת בלאיות שמוצא לפניה).

## 2 Mishnah Ketubot 7

אלו יוצאות שלא בכתובה, העוברת על דת משה ויהודית. ואיזו היא דת משה, מאכילתו שאינו מעשר, ומשמשתו נדה, ולא קוצה לה חלה, ונודרת ואינה מקימת. ואיזוהי דת יהודית, יוצאה וראשה פרוע, וטווה בשוק, ומדברת עם כל אדם. אבא שאול אומר, אף המקללת וילדיו בפניו. רבי טרפון אומר, אף הקולנית. ואיזו היא קולנית, לכשהיא מדברת בתוך ביתה ושכניה שומעין קולה.

## 3 Yerushalmi Ketubot 7

ואילו יוצאות שלא בכתובה כול'. ואי זו היא הקולנית כול'. וכולהון בעדים. פלוני עישר. פלוני ראה כיתמן. פלוני קצה חלתה. פלוני התיר את נדרה. בךקון כולהון ולא אשכחון. מאכילתו שאינו מעושר ומשמשתו גידה ולא קוצה לה חלה ונודרת ואינה מקימת. גיחה כולהון דאית לה בהון. נודרת ואינה מקימת מה אית לה בקדיה. כיל מימר. אי אפשי אשה נדרנית שהיא קוברת את בניה. מני בשם רבי יודן. בעיון נדרים הבנים מתים. דכתיב לשון הפיתי את בניכם.

וראשה פרוע. לחצר אמרו. קל וחומר למבוי. רבי חיה בשם רבי יוחנן. היוצאה בקפלטין שלמה אין בה משום ראשה פרוע. הך דמימר לחצר. אכל למבוי יש בה משום יוצאה וראשה פרוע. יש חצר שהוא כמבוי ויש מבוי שהוא כחצר. חצר שהרבים בוקעין בתוכו הרי הוא כמבוי. ומבוי שאין הרבים בוקעין בתוכו הרי הוא כחצר.

#### 4 *Bavli Ketubot 72a–b*

מאכילתו שאינו מעושר היכי דמי אי דינע נפרוש אי דלא ידע מנא ידע לא צריכא דאמרה  
ליה פלוני פהן תיסקן לי את הכרי ואזיל שיליה ואשתכח שיקרא  
ומשמשתו גדה היכי דמי אי דינע בה נפרוש אי דלא ידע נסמוך עילנה דאמר רב חיננא  
בר כהנא אמר שמואל מנין לנדה שסופרת לעצמה שגאמר וספרה לה שבעת ימים לה לעצמה  
לא צריכא דאמרה ליה פלוני חכם טיהר לי את הדם ואזיל שיליה ואשתכח שיקרא  
ואיבעית אימא פדרב יהודה דאמר רב יהודה הוה חזקה גדה בשכינותיה בעלה לוקה עליה  
משום גדה  
ולא קוצה לה חלה היכי דמי אי דינע נפרוש אי דלא ידע מנא ידע לא צריכא דאמרה ליה  
פלוני גבל תיסקן לי את העיסה ואזיל שיליה ואשתכח שיקרא  
ונודרת ואינה מקיימת דאמר מר בעון נדרים בנים מתים שגאמר אל תתן את פיה לחטאי  
את בשרף וגו' ואיזו הן מעשה ידיו של אדם הוי אומר בניו ובנותיו רב נחמן אמר מהכא  
לשוא הכיתי את בניכם לשוא על עסקי שוא  
תנא הנה רבי מאיר אומר כל היודע באשתו שנודרת ואינה מקיימת יחזור וינדרנה  
ינדרנה במאי מתקן לה אלא יחזור ויקניטנה כדי שתדור בפניו ויפר לה אמרו לו אין אדם דר  
עם נחש בכפיפה  
תנא הנה רבי יהודה אומר כל היודע באשתו שאינה קוצה לו חלה יחזור ויפריש אתריה  
אמרו לו אין אדם דר עם נחש בכפיפה  
מאן דמתני לה אהא כל שכן אהא אכל מאן דמתני אהא אכל הא זימנין דמקרי ואכיל  
ואיזוהי דת יהודית יוצאה וראשה פרוע ראשה פרוע דאורייתא היא דכתיב ופרע את  
ראש האשה ותנא דבי רבי ישמעאל אזהרה לבנות ישראל יצאו בפרוע ראש דאורייתא  
קלמה שפיר דמי דת יהודית אפילו קלמה נמי אסור  
אמר רבי אסי אמר רבי יוחנן קלמה אין בה משום פרוע ראש הוי בה רבי זירא היכא  
אילימא בשוק דת יהודית היא ואלא בחצר אם כן לא הנחת בת לאברהם אבינו שישבת תחת  
בעלה