

LETTERS TO THE EDITOR

Modern Scholarship

THANK YOU for sending me the latest *Hakirah*. As with previous volumes, volume 8 was most informative and interesting. I continue to admire the scholarly articles written by the various volunteer scholars.

The article by Heshey Zelcer, *Modern Scholarship and Yirat Shamayim*, brought back memories of my own encounter with modern biblical scholarship. Having received *semicha*, and being determined to obtain a rabbinic position, I felt it would be helpful to have a university degree. Registering at the University of Toronto, I figured to capitalize on my knowledge of Hebrew and Bible, and so I enrolled in Oriental Studies. To my dismay I soon learned that my professors were all devoted followers of the documentary hypothesis. As a yeshiva boy who had never been exposed to this, I was quite distressed until one day I met someone in the college library, a Hebrew instructor who preceded me in the program, who said to me, "There are people with opposing theories who disagree with the documentary hypothesis and who have written good books to counter their theories."

Permit me to relate how I subsequently dealt with this issue. I began with the strong belief and conviction that the universe could

not have been the result of an accident or a natural development. It is so vast that we don't even have a word to describe its size; it had to be the creation of a powerful indescribable Divine force. For me, as for a multitude of people, there is no other way to explain the existence of this extraordinary universe with its billions of stars and satellites functioning with extreme accuracy. Once I accept this, the next step is to also believe that this Divine and omnipotent creator, whom we call G-d, could not have abandoned this earth to generations of idol worshipers. G-d would then necessarily reveal himself, in some fashion or manner, and impart to mankind a set of rules and principles of behavior. This extraordinary revelation took place at Har Sinai. The Al-mighty, through Moshe, had His own unique or peculiar way of giving over this message. The fundamental lesson is stated in the first sentence "*Bereishis bara, Elokim,*" in the beginning G-d created heaven and earth.

These unique approaches include the concept of "*ein mukdom u-menchar baTorah.*" For this reason, I was never seriously bothered by the presence of two versions of the story of creation. In the first version we have a general statement of all the periods of creation. And in the second chapter it is man who is the key person. For that

reason a different order is given. In the same way we have the last paragraph in the Torah describing the death of Moshe, again, not in the order of happenings, another example of “*ein mukdom u-meubar baTorah.*”

The Torah generally uses approaches that may appear strange to us. But that is for good reasons. A good example is the story of the encounter of Eliezer and Rivka. It is given a lot of space and repeated. Rashi comments that so many laws were based upon single sentences and he says, “*yafa sichason*” because that story represents the ultimate in “*v’ahavta l’reyacha kamocho.*” Eliezer had every reason to wish for his mission to fail. Yet when it succeeded, it says he became filled with awe and was speechless. Similarly, the *perek* dealing with the gifts brought by the *n’siim* is repeated twelve times. Very often it is the repetition of an important event that marks its peculiar and unique value.

In any event the theories of the Bible critics and the documentary theory did not and should not cause any weakening of our strongly held belief in the unity and oneness of the Torah.

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CHAZAK U'BARUCH on another great issue of *Hakirah*. I just wanted to offer a very small bibliographic correction to Heshey Zelter's excellent review essay:

Footnote 12 makes it seem that

Shalem Press was the first to publish an English translation of Prof. Cassuto's lectures. In fact, Magnes Press published an English translation by Israel Abrahams in 1961 under the title “The Documentary Hypothesis: Eight Lectures.” I myself have a copy of the 1972 reprint.

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Beginning of the Jewish Calendar

IN THE LAST ISSUE of *Hakirah* (Summer 2009), Bernard Dickman wrote about the beginning of the Jewish calendar. I would like to address several issues that he touches upon in his paper.

1. Maimonides and the Talmudic chronology.

On p. 224 Dickman quotes the introduction to *Mishneh Torah* where Rambam asserts that Rabbi Johanan composed Talmud Yerushalmi about 300 years after the destruction of the Temple. He notes that this chronology is at odds with the generally accepted view that R' Johanan lived about 200 years after the destruction of the Temple and that the last Palestinian *amoraim* lived about 300 years after the destruction of the Temple.

Maimonides, as well as other rabbis of his time, had the chronological information about the dates of the decease of Rabbi Johanan in

279, of Abaye in 338 and of Rava in 352 from the Epistle of R' Sherira Gaon, and there is no evidence of anyone suggesting that R' Sherira's chronology is wrong. For example, R' Abraham ibn Daud (1110–1180), a contemporary of Rambam, in his *Seder ha-Kabalah* writes that the Yerushalmi was written about 200 years after the destruction of the Temple.¹ Rambam's "variant" chronology was noted and addressed almost immediately by the rabbis who followed him. For example, R' Moses of Coucy (13th century) in the introduction to his *Sefer Mitsvot Gadol*, a rabbinical composition highly influenced by the *Mishneh Torah*, changed Rambam's wording slightly to:

"R' Johanan *and his succeeding disciples* wrote the Talmud of Jerusalem close to 300 years after the destruction of the Temple."

R' Menahem ben Solomon Meiri (1249–1316) in his introduction to his *Commentary on Avot*, wrote that Rabbi Johanan wrote the Talmud of Jerusalem on five orders of the Mishnah 180 years after the destruction of the Temple and added that the "great author" (Maimonides) wrote that it was 300 years after the destruction of the Temple. From both of these citations it seems certain that this problematic quotation is ancient

¹ But he was certainly not aware of the *Mishneh Torah*.

and not a copyist's error.² If, as Dickman suggests, Rambam's 12th century chronology in fact rejects R' Sherira's mid 10th century chronology, what is the source of his chronology?

2. Talmudic evidence that Abaye and Rava knew the fixing of the Month.

On p. 223 Dickman writes that Maimonides dated the introduction of the fixed calendar to the time of the Babylonian *amoraim* Abaye and Rava. With respect to another matter in footnote 4, Dickman cites my article "Rav Safra and the second festival day: Lessons about the evolution of the Jewish Calendar." I would note that in this article I present numerous proofs that the transition from the observation-based calendar to the fixed calendar did not take place abruptly and immediately in 358/359 but was done progressively over a long period of time and started at the beginning of the reign of Abaye in 325.

3. The Status of Abaye and Rava according to Maimonides.

Dickman writes that Rambam dated the introduction of the fixed

² R' Hayyim Joseph David Azulai in his *Shem ha-Gedolim* (Section II: the books; entry: Yerushalmi) raised the issue and wrote that the statement of Maimonides that Rabbi Johanan wrote the Talmud of Jerusalem 300 years after the destruction of the Temple is not correct and is perhaps a copyist error.

calendar to the time of Abaye and Rava. A careful reading of *H.K.H.* 5:3 shows that the observation-based calendar extended though the time of Abaye and Rava.³ This is confirmed by *Hilkhot Yom Tov* 6:11–14 where Maimonides ruled that the dictum of Rava in *B. Beitsab* 17a

אמר רבא, מניה אדם עירובי
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belonged to the period of the observation-based calendar.

4. The Status of Abaye and Rava according to other *risbonim*.

Most rabbinical authorities including R' Hananel, Rif, Ramban, Rosh, Rashba and Meiri differ from Maimonides and consider that Abaye and Rava knew the fixing of the month⁴ and kept two festival days because of the rabbinical enactment sent from Palestine by Rabbi Jose.⁵

5. Maimonides and the *Halakha le-Moshe mi-Sinai* of the Calendar.

On p. 227 Dickman writes: “although Rambam’s language in *H.K.H.* 5:2 seems to say that the fixed calendar we use today is a *halakha le-Moshe mi-Sinai*, *Hazon Ish* says that this was not Rambam’s

intention. The translation of *H.K.H.* 5:2 is as follows:

And this is a *halakha le-Moshe mi-Sinai*, that when there is a Sanhedrin they determine the fixing of the month on the basis of the observation of the new moon, while in times when there is no Sanhedrin we fix the calendar on the basis of these calculations that we are using today and we pay no attention to the observation of the new moon.

This halakha could be understood three different ways:

- The *halakha le-Moshe mi-Sinai* concerns both parts of the sentence, the observation-based calendar and the fixed calendar, both in all their details, i.e., the observation-based calendar according to the details prescribed in *B. Rosh Hashanah* and the fixed calendar that we use today.
- The *halakha le-Moshe mi-Sinai* concerns both parts of the sentence, the observation-based calendar and the fixed calendar, but both in their general principle but not in their details of application.
- The *halakha le-Moshe mi-Sinai* concerns the first part of the sentence, the observation-based calendar. When there is no Sanhedrin then insofar as it is now forbidden to use an observation-based calendar, we have no other solution than

³ See *Beitsab* 4b.

⁴ See their commentaries on *B. Beitsab* 17a. See also *Tor* and *Shulhan Arukh* O.H. 527, 22.

⁵ *Y. Erwin* at the end of chapter III: ר' יוסי מישלח כתב להוון, אע"פ שכתבנו לכם סדרי מועדות אל תשנו מנהג אבותיכם נוהי נפש.

using a fixed calendar like the one we are using today.

The first interpretation, which Dickman reads in Maimonides' words, was certainly favored by R' Sa'adia Gaon⁶ and R' Hananel,⁷ who considered the present Jewish calendar as a *halakha le-Moshe mi-Sinai*. However, this interpretation seems impossible. Indeed in the first part of the sentence, the *halakha le-Moshe mi-Sinai* concerning the observation-based calendar cannot cover all the applicable details. For example, it is clear from *B. Rosh Hashanah* that the rules of the observation-based calendar evolved over time.⁸ This proves that the details of application cannot be part of the *halakha le-Moshe mi-Sinai*. Similarly we cannot imagine that Maimonides considered our calendar as a *halakha Le-Moshe mi-Sinai*. He wrote⁹ that *the Tekufah of Adda is nearer to the truth than the*

Tekufah of Samuel. Thus the length of the mean Jewish year is an approximation and inexact but nearer to the length of the tropical year of the astronomers than the crude value of 365.25 days of Samuel. It is unthinkable that Maimonides could have considered that such a calendar, based on an approximated value and leading to a systematic drift, has the character of *halakha le-Moshe mi-Sinai*.

We thus have two possible interpretations that are very similar. Dickman mentioned the interpretation of Hazon Ish whose reading of the text is very original. However, he was already preceded by R' Jehiel Michal Epstein (1829–1908) in *Arukh ha-Shulhan ha-Atid, Hilkebot Kiddush ha-Hodesh* 96,3 who summarized Maimonides' position in the following sentence:

אמנם זה שכתב שזהו הלכה למשה
מסיני או בראייה בזמן שיש סנהדרין
או בחשבון בזמן שאין סנהדרין...

Thus the *halakha le-Moshe mi-Sinai* refers to both cases but concerns only the principles and not the details of the application.

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Editor's Note

We thank Mr. Ajdler for his comments. His last point, with regard to the general nature of the *halacha Le-Moshe Misinai*, is in fact a strengthening of the viewpoint that, we believe, this article will lead most readers to adopt. Mr. Ajdler's contention, that there is Talmudic evidence that the change

⁶ See *Sefer ha-Ibbur* p. 59 bottom. However R' Jacob Beirav in the very beginning of his *Kuntras ha-Semikha* wrote that the present calendar is a tradition coming from the prophets and the first sages.

⁷ See the commentary of R' Behaya on *Shemot*.

⁸ The *takana* of Rabbi Johanan ben Zakai, mentioned by Ulla, not to place Rosh Hashanah on Wednesday or Friday; the introduction of elements of calculation in the observation-based calendar. See also the laws that were introduced under the leadership of R' Johanan about frightening the witnesses.

⁹ *Hilkebot Kiddush ha-Hodesh* X : 6.

to the fixed calendar as we have it was gradual and started in the days of Abaye and Rava, is also consistent with the thrust of the presentation that *Hakirah* published.

As for Rambam's differing in his chronology from R. Saadia Gaon, since Mr. Ajdler admits that certainly Rambam was aware of R. Saadia's chronology and rejected it nevertheless, we can assume he had strong grounds for doing so. We are not privy to all the sources that were available to Rambam. It was characteristic of him to research each issue on his own and not be bound by traditional positions. (See "Tradition! Tradition?" *Hakirah* 8.)

Representing *Klal Yisrael*

RABBI AUMAN'S VIEW ("Entering a Sanctuary for *Hatzalat Yisrael*: An Exchange," *Hakirah* vol. 8), that

only a small number of well-known "community leaders" are capable of having a positive influence on government and/or general society concerning Israel and the Jewish community, is mistaken. The two examples Rabbi Auman mentions are extremely competent spokespersons for the Jewish community. However, very often behind-the-scenes contacts by lesser-known individuals make an impact beyond what the general public realizes.

The personal relationships developed over time by Jewish community activists, many not known to the public, are at times more important and have a greater impact than many understand.

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