

APPENDIX

When Was *Mishneh Torah* Written

Rambam's choice in Chapter 9 of year 4930 to demonstrate the application of his calculation methodology is at the center of a dispute as to when *Mishneh Torah* was written. Twice in the body of this work Rambam demonstrates the application of a halacha he is discussing by giving an example from the specific year in which he was writing the halacha, i.e.

שמיטה ויובל י:ו ולפי חשבון זה, **שנה זו** שהיא שנת אלף ומאה ושבע לחורבן, שהיא שנת שבע ושמונים ואלף וארבע מאות למניין שטרות, שהיא שנת שש ושלושים ותשע מאות וארבעת אלפים ליצירה—היא שנת שמיטה... ז אבל כל הגאונים אמרו שמסורת היא בידיהם איש מפי איש... ח... ולפי חשבון זה תהי שנה זו, שהיא שנת שבע ומאה ואלף לחורבן, מוצאי שביעית. ועל זה אנו סומכין...

קידוש החודש יא:טז... לפיכך עשינו העיקר שממנו מתחילין לעולם לחשבון זה, מתחילת ליל חמישי שיומו יום שלישי לחודש ניסן **משנה זו**—שהיא שנת שבע עשרה ממחזור ר"ס, שהיא שנת שמונה ושלושים ותשע מאות וארבעת אלפים ליצירה, שהיא שנת תשע ושמונים וארבע מאות ואלף לשטרות, וזו השנה היא שאנו קוראים אותה, שנת העיקר בחשבון זה.

From this we know that at least parts of *Shmitah V'Yovel*, which is sequentially later in *Mishneh Torah* than *Kiddush Hachodesh*, were written chronologically two years earlier than parts of the latter, i.e. 4936 and 4938 respectively. In one other place Rambam uses the property of the year in which he was writing as an example but does not specifically mention what the year was, i.e.

קידוש החודש ח:ט כיצד: הרי שרצינו לידע סידור חודשי **שנה זו**, והיה ראש השנה בחמישי והיא פשוטה, וראש השנה שלאחריה בשני בשבת; נמצא ביניהן שלושה ימים, ידענו ששנה זו חודשיה כסדרן...

The first day of Rosh Hashanah for years 4926 through 4940 are:

<u>AM</u>	<u>CE</u>	<u>Rosh Hashanah on</u>
4926	1165	Thursday
4927	1166	Monday
4928	1167	Shabbos
4929	1168	Thursday
4930	1169	Tuesday
4931	1170	Shabbos
4932	1171	Thursday
4933	1172	Thursday
4934	1173	Monday
4935	1174	Thursday
4936	1175	Thursday
4937	1176	Monday
4938	1177	Shabbos
4939	1178	Thursday
4940	1179	Monday

The sequence of *Rosh Hashanah* starting in successive years on Thursday and Monday for this time period, occurred only four times for this time period. Thus, KH 8:9 could only have been written in:

- 4926,
- 4933,
- 4936,
- 4939

We begin by eliminating 4939 because it is intuitively unlikely that the more elementary 8th chapter was written a year after the more complicated 11th chapter. This leaves us with 3 possible choices for when 8:9 was written. In the 9th chapter where Rambam gives his example using the year 4930, he does not introduce it with the words “משנה זו” thus implying it was not written in 4930, i.e.

הלכות קידוש החודש פרק ט:ה כיצד: הרי שרצינו לידע תקופת ניסן של שנת שלושים ותשע מאות וארבעת אלפים ליצירה—...נמצאת תקופת ניסן, בליל חמישי שש שעות בלילה...ט אם תרצה לידע בכמה יום בחודש תהיה תקופת ניסן של שנה זו...י כיצד: הרי שרצינו לידע בכמה בחודש **תהיה** תקופת ניסן של שנת שלושים ותשע מאות, שהיא שנה תשיעית ממחזור ר"ס—... נמצאת תקופת ניסן בשנה זו, ביום שמיני מחודש ניסן. ועל הדרך הזאת תעשה, בכל שנה ושנה.

Assuming chapters 8 and 9 were written in chronological sequence (they deal with highly related topics) and most probably in the same year, based on choice of the future word *תהיה* in 9:8 (highlighted in the text above) Obermann (Introduction to “The Code of Maimonides Book Three Treatise Eight Sanctification of the New Moon” Yale Judaica Series, Volume XI, 1956) deduces that 8:9 was written in¹ 4926.

Whether Obermann’s *קריק* is correct or not it still leaves the question as to why Rambam in 9:8, unlike all of the places we cited, did not choose the year in which he was writing to demonstrate his technique? Our feeling is that Obermann is correct that 4926 is the year it was written but for a different reason that will also address this second question. The following is a list of *Tekufas Nisan* based on Shmuel for years 4926 – 4936.

¹ This would apparently mean that Rambam worked on KH for at least 12 years, and is at odds with Rambam’s assertion in Responsa 49 that it took him about 10 years to write the entire *Mishneh Torah*. However, the authenticity of Responsa 49 is a matter of dispute. It is part of a set of alleged correspondences between Rambam and *Chachmei Luniel* that Kappach says are all forgeries. Obermann’s assessment is also at odds with Gandz “Date of the Composition of Maimonides’ Code” in *Proceedings of the American Academy for Jewish Research*, vol. 17, 1947 – 1948, pp. 1-7, who uses Rambam’s choice of 4930 to assert that this was the year in which he began writing *Mishneh Torah*. Kappach claims the writing was done in 2 different periods between 4930 and 4943. As we have shown, from the fact that Rambam does not preface the 4930 example with the words “*משנה זו*” and that 4930 does not satisfy the 2 year sequence given in 8:9 Gandz and Kappach appear to be wrong about the starting date. Gandz also suggests that chapters 11 through 17 of KH are later additions by Rambam to *Mishneh Torah*. Accordingly he does not count 4938 in the years *Mishne Torah* was “written” and says that the remainder of *Mishneh Torah* was written in the sequence in which it appears. If Obermann’s starting date of 4926 is correct, *Mishneh Torah* was completed almost exactly 10 years later in 4936. Lastly, Rambam towards the end of his introduction to *Mishneh Torah* says that he was writing the introduction in 4937. This would mean that the introduction was written last, the year after the body of the work was completed. See also Shilot, “*Igros Harambam*,” *Hotzaas Shilat – Maaleh Adumim*, Jerusalem: 5755.

<u>AM</u>	<u>CE</u>	<u>Tekufas Nissan</u>
4926	1166	22 nd of <i>Nissan</i>
4927	1167	4 th of <i>Nissan</i>
4928	1168	15 th of <i>Nissan</i>
4929	1169	26 th of <i>Adar II</i>
4930	1170	8 th of <i>Nissan</i>
4931	1171	18 th of <i>Nissan</i>
4932	1172	28 th of <i>Adar II</i>
4933	1173	10 th of <i>Nissan</i>
4934	1174	22 th of <i>Nissan</i>
4935	1175	2 nd of <i>Nissan</i>
4936	1176	14 th of <i>Nissan</i>

Of the three candidate years for when this halacha was written, 4933 and 4936 have a *tekufah* before the start of *Pesach* and 4926 has a *tekufah* on the last day of *Pesach* in the Diaspora. If 4926 is indeed the year in which Rambam was writing, it is understandable that he did not want to give an example of a date for *Tekufas Nissan* according to Shmuel which falls after *Pesach* because it would appear as an open contradiction to the requirement that *Pesach* can start no later than the first day of spring (KH 4:2). This is exactly the type of contradiction Ibn Ezra used for year 1158 to discredit Shmuel, and Rambam here is interested in explaining, not discrediting, him. This contradiction does not exist for 4933 or 4936.

To fully understand Rambam's choice of 4930 one final issue must be addressed. Since in every year between 4927 and 4930 *Pesach* began at or after the *tekufah* why did Rambam specifically choose 4930 for his example? Why not 4929 which is the first year in a 28 year cycle, and demonstrates an application of BH described in *Hilchos Berachos*? We have no full answer to this question but note that 4929 is a BH year in which Shmuel's VE falls in *Adar 26*, i.e. before the *molad* of *Nissan*. Since Rambam's time this situation has occurred only once, in 1701. We conjecture that just as a VE after the start of *Pesach* presents a problem, so perhaps does a BH before the conjunction of *Nissan*.² ❧

² See the next to last section in this paper on what BH commemorates.