

LETTERS TO THE EDITOR

The Keys of Jerusalem

REGARDING MY ARTICLE “Why did the Pasha give the keys of Jerusalem to the Chief Rabbi?” *Hakirah* 25, pp. 119–130:

When I submitted the manuscript for this article I neglected to indicate my debt to Dr. Boaz Hutterer. In fact, his article constituted the main foundation of my article.

For the record I want to state how I developed my article. A number of years ago I had come across Pierotti’s description of how in 1861 the keys of Jerusalem were in the possession of the Jews. He added that the Muslims on the city council authorized this because they knew that the Jews were the owners of the city in ancient times. I instinctively felt that there was something wrong with this explanation. Even though this is not my area of expertise, I undertook some preliminary research. One day in 2016 I was sitting in the Efrat Public Library and stumbled on Hutterer’s article in *Catedra* (to which I do not subscribe). What he wrote made great sense to me. I took copious notes of his sources, as listed in his footnotes, and followed up by reading many of these sources from the original or on-line. My notes from these readings are the raw data on which my article was based. I wrote the article because I did not find an-

anything in the English-language literature to correct Pierotti’s explanation and wanted to make the subject, which was discussed extensively in Hebrew, accessible to the English reader.

In a private correspondence Dr. Hutterer pointed out a number of mistakes that I made:

“It is important to comment on some issues that were omitted or are presented in an inaccurate manner.

A. “A central argument I have raised in my article is that, contrary to Nini’s claim, that the connection between the ‘hiring of the area’ and the claim of Jewish ownership of Jerusalem by handing over the keys stemmed only from the lack of understanding of Gentiles in this matter—in fact, even Jews and probably even rabbis attributed this significance to the event, and especially regarding the oil of the *eruv* that was placed in the Ben-Zakkai synagogue, which is described (to this day!) as the oil that will be used by Eliyahu to anoint the Messiah. This is in addition to the fact that the operation of ‘hiring of the area’ for the purpose of *eruv* is a fundamental symbolic expression of Jewish ownership of the territory.

B. “Your claim that the move from a neighborhood *eruv* to an

entire-city *eruv* in Jerusalem stems from the expansion of the Jewish settlement in the city—is incorrect.

“As I have elaborated in several places,¹ this is primarily because the practice of hiring from a representative of the authorities spread outside of Spain only after the 15th century. Until then, it was accepted in most of the Jewish world that it was obligatory to lease the right from every Gentile house owner. Once the procedure was first introduced in Spain, it was convenient to lease the right from the authorities rather than to install ostentatious neighborhood sergeants or to deal with private gentiles living in Jewish neighborhoods. Moreover, it was possible to lease the entire city surrounded by a wall, not just in the Jewish neighborhood itself, so that it would be possible to carry objects all over the city. This reality is proven from around the Jewish world as is evident throughout the Ottoman Empire, Italy, Germany and others.

C. “There were mistakes in your description of the events in 1876:

1. “The fact that the acquisition of the city keys took a large sum of

money for baksheesh refers to the time when Murad V **began to rule** and not to when he was **deposed**. In practice, no handing over of keys was made when Murad V began to rule, and maybe the Jews did not “lease” the city at all.

2. “As I mentioned in my article (p. 93) about what was done **when Sultan Murad V was deposed after ruling for only three months and replaced by Sultan Abd-ul-Hamid II**, Dr. Chaplin noted in 1889: ‘A friend informs me that on the accession of the present Sultan, the Jews applied to the Pasha for the keys and were refused, but that they then succeeded in obtaining them from the military authorities who have them in charge, and that the Pasha, who was very angry when he found out what had occurred, was pacified on its being explained that the custom was merely a religious ceremony.’
3. “A dispute between the Ashkenazi rabbis and the Sephardi rabbis, on the subject, was not at all in 1876 but in 1909. As I mentioned in my article (p. 97) when Sultan Abd-ul-Hamid II

¹ Boaz Hutterer, “The ‘courtyard *eruv*’ in the urban space, its development from the times of the Mishnah and the Talmud to the twentieth century,” PhD dissertation, Bar Ilan University, 2013 [Hebrew], pp. 131-132,

140–142, 160–166, 169–172; Boaz Hutterer, “The Schlagbaum - A Chapter in the History of Eruvin in Western Europe” *JSIJ* 13 (2015) pp. 22–25 [Hebrew].

was deposed,² the representatives of the Ashkenazi community ‘leased’ the city from a Jewish policeman. However, the Sephardi rabbis did not accept this ruling and claimed that the lease must be made from the military governor.”

I accept unconditionally Dr. Huterer’s corrections because he is the expert in this field. I thank him again for his comments, and I apologize once more for my failure to properly acknowledge my great debt to him.

Meir Loewenberg

The Lunar Calendar

“Deconstructing the Lunar Calendar” (Epstein et al.) provides a detailed look at the mathematical and halakhic underpinnings in the Jewish calendar, giving special attention to those months whose length can vary under the calendar, between 29 and 30 days. In the author’s own words, “Rambam offers a rationale for all the rules [of the calendar] except [that Marcheshvan and Kislev are of variable length]. This paper offers a rationale.”

The author’s solution to the problem is based, among other things, on the assertion that “We do not want Asarah B’Teves on Shabbos because the Avudraham says

that unlike other *taanesim*, if Asarah B’Teves would fall on Shabbos it would not be deferred to a later date.” Yet, I would question whether it is a fair determination to argue that the calendar, set up centuries before the Avudraham, was set up in deference to his controversial, and largely discounted minority view.

Mordechai (to Eiruvim 40b) cites the view that the 10th of Tevet can be broken for the sake of “Kavod Shabbat,” and Rambam (Fasts 5:5) is likewise explicit that the 10th of Tevet would be delayed to Sunday if it fell on Shabbat. Beit Yoseif, who cites Avudraham, is quite skeptical about its veracity (end of 550), and Rav Ovadia Yoseif also does not accept it (OC 6:31).

Our option thus is either to assume—as the authors do—that the calendar makers had presupposed the Avudraham to be correct, against all these other authorities; or to argue that there must have been a different reason behind the setting of the calendar, not this one.

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The authors respond:

While Bais Yosef wonders about Avudraham’s source, Avudraham’s assertion has no contemporary halachic relevance since it can never happen. We are arguing not that

² On p. 129 you noted: “[...] when Sultan Abd-ul-Hamid II died in 1909 and was replaced by Sultan Mehmed

V.” Abd-ul-Hamid II was **deposed** in 1909 but **died** only in 1918.

“... the calendar, set up centuries before the Avudraham, was set up in deference to his controversial, and largely discounted minority view,” but rather that the Calendar was the motivation for his assertion. The fact that the calendar designers made the 10th of Tevet the only fast that cannot be on Shabbos but can be on Friday (the end of the B”Y quote) indicated to him that there was something different about this

Fast with respect to Shabbos. This assumption is buttressed by the citations from the Modechai and Rav Ovadia Yoseif who chronicle the halachic difficulties associated with a Friday Fast day. The most logical conclusion is that despite the Friday difficulties, having it fall on Shabbos was an even less desirable choice.

