

The Beginning of the Jewish Calendar: Addenda et Corrigenda.

In the last issue of *Hakirah* (Summer 2009), Bernard Dickman wrote a paper about the beginning of the Jewish calendar. I would like to address several issues that he touches on in his paper.

1. Maimonides and the Talmudic chronology.

On p. 224 Dickman quotes the Introduction to the *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 the 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 of Avot*, wrote that Rabbi Johanan wrote the Talmud of Jerusalem on five orders of the Mishna 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 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?

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

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 it is perhaps an copyist error.

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 calendar to the time of Abaye and Rava. A careful reading of H.K.H. V:3 shows that the observation-based calendar extended though the time of Abaye and Rava.³ This is confirmed by Hilkhot Yom Tov VI: 11-14 where Maimonides ruled that the dictum of Rava in B. Beitsah 17a: אמר רבא, מניח אדם עירובי תבשילין מיום טוב לחבירו ומתנה..... belonged to the period of the observation-based calendar.

4. The Status of Abaye and Rava according to other Rishonim

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 about 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 the following:

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 on 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

³ See צלה Beitsah 4b

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

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

observation-based calendar according to the details prescribed in B. Rosh Hashanah and the fixed calendar that we are using 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 using a fixed calendar as 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' Hananel⁷ 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 application details. For example, it is clear from B. Rosh Hashanah that the rules of the observation-based calendar evolved over time⁸. 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 an *Halakha le-Moshe mi-Sinai*.

We have thus two possible interpretations which are finally very similar. B. 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, Hilkhoh 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 בהשבוך בזמן שאין סנהדרין...
Thus the *halakha le-Moshe mi-Sinai* refers to both cases but it concerns only the principles and not the details of application.

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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, 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 *Hilkhoh Kiddush ha-Hodesh* X : 6.

