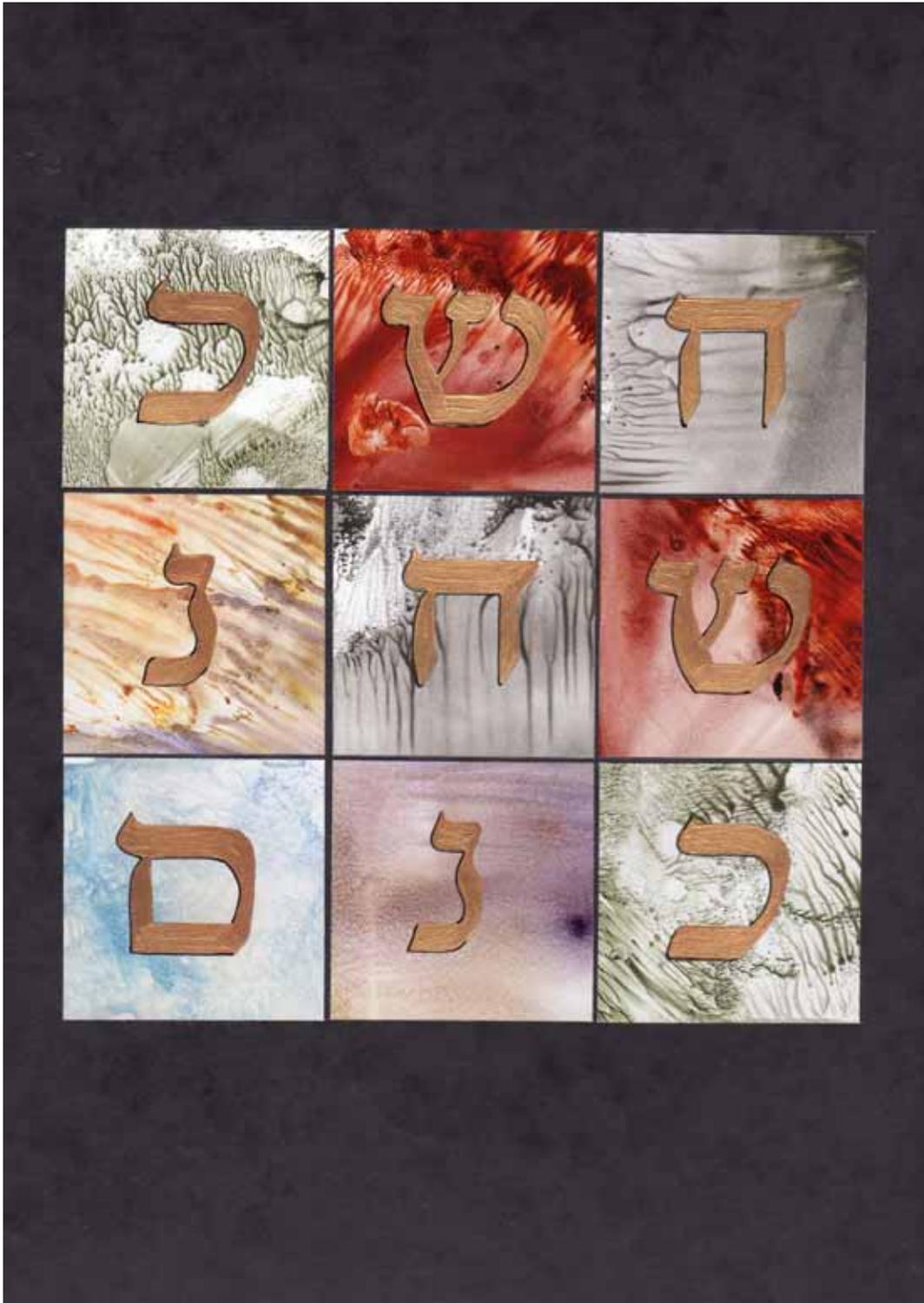


DEGEL

תורה וחכמת ישראל מקהילת עלי ציון
TORAH AND JEWISH STUDIES FROM ALEI TZION

פסח תשע"ג
NISSAN 5773



VOLUME 5 ISSUE 1





HABAYTA Aliyah Promotion Unit World Zionist Organization

We were happy to host our friends from the Alei Tzion Community in the successful Aliyah Pilot Trip to Israel this February, during which they visited various cities and communities, schools and nurseries, met and learned from Anglo-Saxon Olim and had fruitful professional meetings

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הסתדרות הציונית העולמית
World Zionist Organization

חג כשר ושמח

**RABBI DANIEL AND NA'AMAH ROSELAAR
DEVORAH, ELISHEVA, NETANEL AND CHANANYA
TOGETHER WITH KEHILLAT ALEI TZION
WISH THE ENTIRE COMMUNITY A HAPPY AND KOSHER נוס**

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ALEI
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Message from the Rav

There is a discussion in the poskim about the role of the first cup of wine at the Seder. Some suggest that it simply serves as the regular Yom Tov kiddush and is therefore essentially incidental to the main body of the Seder rituals. As such, they maintain that kiddush could in fact be recited before nightfall, provided that the mitsvot of the Seder, such as maggid and matsa are not fulfilled until after dark. But others suggest that even the cup of kiddush has an intrinsic relationship with the rest of the “Seder” of the evening, and as such it too must be delayed until nightfall. Rav Soloveitchik explained that each of the four cups is associated with the mitsva of remembering Yetsiat Mitsrayim (kiddush includes the phrase *zekher ltsiat mitsrayim*) and as such, all four act as points of reference as we observe the rituals of the Seder.



Tov night. But its purpose is quite unique. On this night it serves as a backdrop and an underlying current for everything else that is going to be discussed on this evening. Our redemption from Egypt was based on the presumption that we would be a nation that champions sanctity and excels in kedusha. God redeemed us so that we would be a *Goy Kadosh* – a holy nation. The first cup of wine, and the kiddush that accompanies it, is not incidental to the Seder but a *raison d'être* for everything that is described throughout the course of the Seder. Pesah is not only about the redemption from Egypt. It is also about the redemption that we aspire to experience in the future. If kedusha was a motivating factor in the past then we can assume that the same will be true in the future. Committing ourselves to a sense of kedusha – defined by spiritual integrity, ethical truthfulness and a rejection of coarseness – can only hope to bring the ultimate geula closer to hand.

Together with my family I wish all members and friends of Kehillat Alei Tzion a Hag Kasher Ve'sameah combined with the prayer – לשנה הבאה בירושלים

The motivation for this redemption is that we should be a holy people, and a nation that is defined by sanctity.

RABBI DANIEL ROSELAAR

I think that it is possible to suggest a further explanation of how the recital of kiddush is intrinsic to the Seder, beyond the fact that it makes a brief reference to the Exodus. The theme of kiddush is sanctity – not just the sanctity of the Almighty, but also (and particularly on Yom Tov) the sanctity of the Jewish people. It serves as no mere preamble to the Seder but as the preface or introduction. The Seder and the Hagada are all about the redemption of Am Yisrael. The motivation for this redemption is that we should be a holy people, and a nation that is defined by sanctity. The text of the Kiddush at the Seder is no different to that used on any other Yom

DEGEL

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Notes from the editor

This edition of Degel is the first production from the new editorial team of Judith Arkush, Simon Levy and myself. With thanks to our sponsors and contributors, Degel continues to provide a forum for local authors, Alei Tzion community members and friends to submit relevant, accessible and academically rigorous pieces on topics of Jewish interest.

Rabbi Daniel Roselaar was the catalyst to revitalizing Degel. As ever we are grateful for his leadership of the Alei Tzion community and his ongoing enthusiasm and support. Both the seasonal message he penned and the Shaalei Tzion column which presents a variety of the halakhic questions he has answered during the year provide a good taster of life at Alei Tzion and we welcome you to join us.

The theme of Pesah permeates the edition. We were delighted that the founding editor of Degel, Dr Ben Elton has been able to maintain his links with Degel, and has included a piece exploring the nuances of the matza requirements at Seder. Continuing the Pesah theme, Martin Glasser has written a thought provoking examination of the different types of “remembering” associated with Seder night, Samantha Reuben, a member of Golders Green Synagogue has provided a timely analysis of the history of the Hagadda and Adam Ross’s contribution provides a deeper insight into Shabbat HaGadol.

Moving beyond Pesah, Dr Cohn sets out the mathematical and astronomical intrigue behind the Jewish calendar and our historical pieces by Ben Vos and Josh Freedman concern early Zionism and anti-Semitism respectively.

The Torah outlines the formation that the Jewish people travelled and encamped in during their sojourn in the desert as *עַל-דִּגְלוֹ וְאִישׁ עַל-מִקְנֵהוּ וְאִישׁ עַל-דִּגְלוֹ* (Bamidbar 1:52), normally translated along the lines of “every tribe with its own flag”. However, in Biblical Hebrew the meaning of the word degel is contested. Commentators variously ascribe the meaning of “division”, “unit”, “flagpole” and “insignia” to the word whereas Modern Hebrew typically uses degel as “flag”. Regardless of the semantic meaning, the association is that of a tool to reinforce and enhance identity. Pesah is the festival where the Jewish people collectively refresh our connection with our national history and look forward to our collective future. We hope that Degel highlights some new aspects of Pesah for our readership and serves to enhance appreciation of the depth of our identity.

I want to close by expressing a personal thanks to all the authors, our sponsors and the editorial team - this was wholeheartedly a group production. I’d like to underscore Simon Levy’s contribution, not only as a valued member of the editorial team but also for taking the lead in securing sponsorship and undertaking the technically challenging yet ultimately rewarding task of formatting Degel.

We welcome feedback and future submissions. Please contact us at degelinbox@gmail.co.uk

With best wishes for a wonderful, uplifting and inspiring Yom Tov.

ELANA CHESLER

Wishing Alei
Tzion much
success

חַג כְּשֵׁר וְשָׂמֵחַ

Rosalie, Victor,
Alex, Yvette and
Miri Jaffe

Lehem Mishneh and the Matsot of the Seder

BEN ELTON

Three Matsot or Two?

There is a disagreement among the Rishonim regarding the number of matsot used at the Seder.¹ The Talmudic source is Berakhot 39b:

R. Pappa said that on Seder night all authorities agree that one places a broken piece of matsa with a whole one, and then breaks up the matsa. What is the reason? Because it says ‘lehem oni’ (Devarim 16:3).

אמר רב פפא הכל מודים
בפסח שמנייה פרוסה בתוך
שלמה ובוצע מאי טעמא
להם עוני כתיב

The Gemara on Pesahim 115b-116a gives several suggestions why the name ‘lehem oni’ is used for matsa, including:

Lehem oni refers to a poor person [ani]. Just as a poor person breaks up his food into pieces, so do we.

להם עוני עני כתיב מה עני
שדרכו בפרוסה אף כאן
בפרוסה

In a straightforward interpretation of these Gemarot, the Rif, the Rambam and the Rashba rule that we use two matsot at the Seder.² One is broken and half put aside for the Afikoman (Yahats), the remaining one and a half are used for Motsi Matsa and Korekh. As the Rambam writes:

One takes two loaves, breaks one and places one half piece with the whole, and makes hamotsi lehem min ha’arets

ולוקח שני רקיקין, חולק אחד מהן ומנייה פרוס לתוך שלם, ומברך המוציא להם מן הארץ

Ashkenazi Rishonim disagree. Rashi concurs that ‘al akhilat matsa’ should be made on one and a half matsot, in order to fulfil the concept of ‘lehem oni’.³ However, he has another concern. There is a requirement of lehem mishneh (two complete loaves) on Yom Tov. While even the Rif, Rambam and Rashba think that there must be two matsot on the table at some point at the Seder, (although interestingly the Gemara does not say that explicitly) Rashi goes further and thinks that hamotsi must be made on two and a half matsot. Tosafot and the Rosh agree with Rashi and rule that we must start the Seder with three

whole matsot, so we can make hamotsi on two complete matsot, plus the half broken from the third matsa.⁴ That view was codified by the Shulhan Arukh and has become standard practice, although the Vilna Gaon held like the Rambam.⁵ The Baal Halakhot Gedolot (Behag) reports the interesting intermediate position, held by the Geonim, to use two matsot at a regular Seder, but three when Seder night falls on Shabbat.⁶

Why do we not make the berakha on two loaves as on other festivals? Because it says ‘lehem oni’; just as a poor person breaks their bread into pieces, so do we.

I will concentrate on the approach of the Rambam, and an apparent contradiction in his Mishneh Torah. He rules that two whole loaves are required for a regular Yom Tov meal.⁷ Why make a distinction for Seder night? The Rambam confronts this question by quoting the Gemara on ‘lehem oni’:⁸

Why do we not make the berakha on two loaves as on other festivals? Because it says ‘lehem oni’; just as a poor person breaks their bread into pieces, so do we.

מה אינו מברך על שתי ככרות כשאר ימים טובים משום שנאמר להם עוני מה דרכו של עני בפרוסה אף כאן בפרוסה

On the basis of this explanation, the conceptual disagreement between the Ashkenazi Rishonim and the Rambam seems clear. Rashi, Tosafot and the Rosh all hold that ‘lehem oni’ applies to the mitsva of eating matsa. This is the mitsva over which one says ‘al akhilat matsa’, and for which one holds one and a half kikarot (loaves). However, that has nothing to do with the entirely separate mitsva of having lehem mishneh at a Yom Tov meal, which is defined by the moment at which you make hamotsi. For this latter mitsva two complete kikarot are needed, and we therefore add an entire kikar, and hold two and a half for hamotsi. The Rambam disagrees. He understands that all mitsvot concerning matsa at the Seder are affected by the requirement for lehem oni. Or, to put it more strongly, lehem oni obliterates lehem mishneh.

Lehem mishneh would normally require the presence of two complete kikarot when hamotsi is made, but at the Seder, according to the Rambam, we only use one and a half.

The Behag suggests that the concept of lehem oni transforms the half kikar into the conceptual equivalent of a full kikar, but this is a strained explanation. We may find a different understanding of the Rambam's position by looking at the source of the mitzva of lehem mishneh.

Lehem Mishneh on Shabbat

In Shemot chapter 16 verses 4-5 and 22-23 we learn about the *man* which fell for the Benei Yisrael in the desert:

Then the Lord said to Moses, "I will rain down bread from heaven for you. The people are to go out each day and gather enough for that day. In this way I will test them and see whether they will follow my instructions. On the sixth day they are to prepare what they bring in, and that is to be twice as much as they gather on the other days."

On the sixth day, they gathered twice as much, two omer measurements for each person, and the leaders of the community came and reported this to Moses. He said to them, "This is what the Lord commanded: 'Tomorrow is to be a day of Shabbat rest, a holy Shabbat to the Lord. So bake what you want to bake and boil what you want to boil. Save whatever is left and keep it until morning.'"

This is the origin of the phrase and the concept of lehem mishneh: it refers to the double portion of man, the two omrim, which fell on a Friday so that there was enough food for both Friday and Shabbat. The Mehilta explains how this worked in practice: each omer measurement produced two loaves, making four in total. One would be eaten on Friday morning, the second on Friday night, the third for Shabbat lunch and the fourth for seuda shlishit.⁹ By that logic, one would cut into one loaf at each Shabbat meal, but when the Gemara comes to discuss the appropriate practice, this is far from clear. An identical discussion appears on Shabbat 117b and Berakhot 39b:

R. Abba said: on Shabbat

ויאמר ה' אל משה, הנני ממטיר לכם לחם מן השמים; ויצא העם ולקטו דבר יום ביומו, למען אנסנו הילך בתורתך אם לא. והיה ביום הששי, והכינו את אשר יביאו; והיה משנה, על אשר ילקטו יום יום.

ויהי ביום הששי, לקטו לחם משנה שני העמר, לאחד; ויבאו כל נשיאי העדה, ויגידו למשה. ויאמר אלהם, הוא אשר דבר ה' שבתון שבת קדש לה', מחר את אשר תאפו אפו, ואת אשר תבשלו בשלו, ואת כל העדף, הניחו לכם למשמרת עד הבקר.

אמר ר' אבא בשבת חייב אדם

one should cut over two loaves.¹⁰ What is the reason? The Torah says 'double bread'.

R. Ashi said: I saw R. Kahana take two and cut one, since the verse says 'they gathered'.

R. Zera used to cut into everything before him.¹¹

Ravina asked R. Ashi: Does not this look greedy? He replied: Since every other day he does not do so, but today he does so, it does not look greedy.

A simple reading of this Gemara suggests a three way mahloket. R. Abba used to make hamotsi over two loaves, and cut both, since the verse says 'double bread'. R. Kahana would *hold* two loaves, since the verse says the Benei Yisrael *gathered* double bread, but he would only cut into one, presumably because the Benei Yisrael never ate two loaves at one meal. R. Zeira would cut up all the loaves he had in front of him. Elements of this understanding can be found in the Shita Mikubetset and the Rashba.¹² The Rif and Rashi both disagree with this reading of the Gemara. In Shabbat, the Rif quotes all three opinions, implying that he rules like all three and therefore believes they are not in conflict. Furthermore, in his text, both R. Abba and R. Kahana base themselves on the words 'gathered double bread'.¹³ In Berakhot, he omits both a textual support for R. Kahana, and the opinion of R. Zeira altogether.¹⁴

Rashi explains how he believes all three opinions are in agreement. He understands the phrase לבצוע על שתי ככרות, cut *over* two loaves, to mean that hamotsi is made over two loaves. R. Kahana then comes to clarify that only one loaf is actually cut. Rashi understands R. Zeira to hold that one must cut a big piece of bread, enough to have a full meal 'likhvod Shabbat' – in honour of Shabbat.¹⁵ Presumably Rashi and the Rif choose to read the Gemara this way because of the redundancy of the word על and the model of the way the Benei Yisrael ate in the desert, i.e. one loaf per meal. In addition the Rif has identical Scriptural citations, which implies an identical ruling shared by R. Abba and R. Kahana.

The rationale of lehem mishneh is that there should be שנים משאר ימות החול, a doubling of weekday practice.

לבצוע על שתי ככרות דכתיב לחם משנה

אמר רב אשי חזינא ליה לרב כהנא דנקט תרתי ובצע חדא אמר לקטו כתיב

רבי זירא הוה בצע אכולה שירותיה

אמר ליה רבינא לרב אשי והא מיחזי כרעבתנותא אמר ליה כיון דכל יומא לא עביד והאידינא הוא דקעביד לא מיחזי כרעבתנותא

The Rashba raised two objections to Rashi's interpretation of the Gemara.¹⁶ First, why would R. Zeira be discussing the size of piece cut? This is a sugya about the number of loaves on the table. Second, if R. Zeira simply cut a piece big enough to last the whole meal, why would Ravina think he was greedy? Surely he did that at every meal. In his teshuvot, the Rashba explains how he understands R. Zeira. The Rashba quotes R. Shimon who says that lehem mishneh applies to the number of loaves cut as well as the number on the table. The rationale of lehem mishneh is that there should be שנים משאר ימות ההחול, a doubling of weekday practice. He brings a proof from the Tanhuma, which describes how everything on Shabbat is a double or pair, for example the two lambs of the Sabbath sacrificial service, the terms 'shamor' and 'zakhor' and the custom of lighting two Shabbat candles. Therefore, two loaves should not only be on the table; two loaves should be cut. Rashba does not actually rule that we cut both loaves on Shabbat, but follows R. Kahana and states that we should cut only one.

Re-enactment or Commemoration?

A conceptual difference between the opinion that we should cut one loaf and the opinion we should cut two loaves at each Shabbat meal has been suggested. Cutting one loaf per meal *re-enacts* lehem mishneh, cutting two loaves *commemorates* the lehem mishneh. That is, if we want to re-enact the way the Benei Yisrael ate in the desert as a result of lehem mishneh falling for them, we would cut just one loaf at each meal, because that is what they did. However, if we want to commemorate the falling of a double portion of man, we might actually eat two loaves. The Ritva implies that we are dealing with commemoration rather than re-enactment of the lehem mishneh when he comments on Shabbat 117b:

'Each person is obliged to cut over two complete loaves because it says 'they gathered double bread': That is to say in commemoration of the *man* which fell in a double portion.

חייב אדם לבצוע על שתי ככרות שלימות בשבת שנאמר לקטו לחם משנה: כלומר זכר למן שהיה כפול

There are numerous other proofs that lehem mishneh is about commemoration, not re-enactment. If we were really concerned with re-enacting lehem mishneh we would insist on have one full loaf, no more no less, at seuda shlishit because at that meal the Benei Yisrael had only one loaf left. However, the Shulhan Arukh rules that ideally we should have two loaves at seuda shlishit. As the Gemara states, בשבת חייב אדם לבצוע על שתי ככרות, a person must have two loaves at all Shabbat meals. There is no suggestion this refers to the first two meals only. This din applies to every meal, because every meal is an opportunity to commemorate the falling of the double man. That is why the Abudraham, quoted by the Rema, rules that we should have two loaves at each and every meal we have on Shabbat, even if we have more than

three.¹⁷ The Vilna Gaon seems to hold that lehem mishneh is a matter of commemoration, because he endorses the opinion brought by the Rashba (although this is not the Rashba's own ruling) that two loaves should not only be present, but should be cut.¹⁸

Counter-intuitively, we can also derive that the purpose of contemporary lehem mishneh is commemoration rather than re-enactment from the fact that there is no compulsion to have seuda shlishit at all, certainly not to the same degree as the first two meals of Shabbat. If you are overfull, you can miss seuda shlishit and even if you eat a third meal, it need not be with bread, but could be made up of cake, meat, fish or fruit.¹⁹ That being the case, the re-enactment is left incomplete. I would argue that if the halakha was aimed at a real re-enactment, we would be obliged to have three loaves on Friday night, two at Shabbat lunch and one at seuda shlishit, imitating exactly what took place in the desert, but this practice is nowhere suggested.

It seems we are left with the idea of a commemoration of lehem mishneh, rather than a re-enactment, but that is also difficult. The practice of the Vilna Gaon (Gra) was recorded in Maaseh Rav, which confirms that the Gra used to cut into both loaves at every meal.²⁰ On one occasion, however, he had many loaves in front of him, and he cut into all of them. This is very problematic. Once we have more than two loaves on the table, the commemoration of lehem mishneh disappears. Assuming that the Gra did not do anything casually, it seems unlikely that he really believed he was commemorating lehem mishneh.

If the rationale for Lehem Mishneh today is the lehem mishneh of the desert, why should it apply to Yom Tov?

Another conceptual challenge to the link between our lehem mishneh and the *man* that fell in the desert comes from the requirement to have two loaves at a Yom Tov meal. The source is probably the fact that on Berkhof 39b, the discussion of lehem mishneh comes immediately after R. Pappa's ruling on the matsa of the Seder, implying that lehem mishneh is also relevant to Yom Tov.²¹ The Rambam rules that we use שתי ככרות, two loaves at Yom Tov meals.²² If the rationale for lehem mishneh today is the lehem mishneh of the desert, why should it apply to Yom Tov? Rashi, the Rif, Rosh and Behag are all adamant, based on the Mehilta, that lehem mishneh fell on erev Yom Tov as on erev Shabbat.²³ This is essential for their claim that lehem mishneh is connected to the *man* and applies equally to Shabbat and Yom Tov. But why would lehem mishneh fall on erev Yom Tov? One is allowed to prepare food on Yom Tov – 'okhel nefesh'. Tosafot is therefore uneasy about the Mehilta's

suggestion, and brings contradictory midrashim, some of which suggest lehem mishneh did not fall on erev Yom Tov. Tosafot remained unconvinced.²⁴

Kavod Shabbat veYom Tov

Both the ideas of re-enactment and of commemoration are therefore problematic, and we are left without a satisfactory way to understand lehem mishneh. A solution to this difficulty may come from a complete reconsideration of the source of the mitsva of two loaves at each Shabbat and Yom Tov meal. The primary source in the Rambam for two loaves on Shabbat and Yom Tov is found in Hilkhhot Shabbat 30:9:

Each person is obliged to eat three meals on Shabbat. One in the evening, one in the morning and one in the afternoon, and one must be careful to eat these three meals, not to diminish from them whatsoever. Even a poor person who is sustained by charity must have three meals. If one is ill from overeating or one is in discomfort, one is not obliged in three meals. It is necessary to drink wine at all three meals and to cut over two loaves, and so too on Yom Tov.

חייב אדם לאכול שלוש סעודות בשבת אחת ערבית, ואחת שחרית, ואחת במנחה. וצריך להיזהר בשלוש סעודות אלו, שלא יפחות מהן כלל; ואפילו עני המתפרנס מן הצדקה, סועד שלוש סעודות. ואם היה חולה מרוב האכילה, או שהיה מתענה פטור משלוש סעודות. וצריך לקבוע כל סעודה משלושתן על היין, ולבצוע על שתי כיכרות. וכן, בימים טובים.

The Rambam does not believe the reason for two loaves is the lehem mishneh of the desert at all. Rather, the reason is purely kavod Shabbat and kavod Yom Tov.

It is striking that the Rambam rolls the requirement to have two loaves at Shabbat meals into a series of other regulations about the number of meals, the food to be eaten at those meals, the time they should be eaten and the exceptions to the requirement to eat them. Furthermore, this halakha appears in a chapter that the Rambam declares at its very beginning to be concerned with kavod (honour) and oneg (enjoyment) of Shabbat. Illness through overeating, for example, releases one from the obligation of three meals, because it makes for less oneg Shabbat. Furthermore, the Rambam who so often quotes a verse to support a halakha nowhere mentions the lehem mishneh in the desert; indeed he does not use the term lehem mishneh at all. He only uses the phrase שתי ככרות, two loaves. This may be because the Rambam does not believe the reason for two loaves is the lehem mishneh of

the desert at all. Rather, the reason is purely kavod Shabbat and kavod Yom Tov.

This is confirmed by the Rambam's opinion on the relationship between the halakhot of Shabbat and Yom Tov.²⁵

Just as there is a mitsva to honour and enjoy Shabbat, so too on Yom Tov. Just as Shabbat is called (Yeshayahu 58:13) 'holy to God, honoured' so too Yom Tov are 'called holy'; (Vayikra 23:7-36), as we explained regarding honouring and enjoying in Hilkhhot Shabbat.

כשם שמצוה לכבד שבת ולענגה, כך כל ימים טובים שנאמר "לקדוש ה' מכובד" (ישעיהו נח, יג), וכל ימים טובים נאמר בהן "מקרא קודש" (ויקרא כג, ז-לו); וכבר ביארנו הכיבוד והעינוג בהלכות שבת.

The Rambam here makes two claims. First, that a whole series of mitsvot on Shabbat, including two loaves at Shabbat meals, derive from kavod and oneg, and secondly, that the same applies to Yom Tov, to which the concept of kavod is also relevant. This is why, for example, the Rambam holds that we should also eat seuda shlishit on Yom Tov.

We now have three different conceptions of the origin of two loaves: First, re-enacting lehem mishneh (e.g. Rashi); secondly, commemorating lehem mishneh (e.g. Abudraham); and now, thirdly, kavod Shabbat veYom Tov (Rambam). Perhaps we can even see this in some other sources we have already examined. The Rashba quoted R. Shimon as arguing that the rationale of two loaves is that, there should be ימות החול, double the number on a weekday. The emphasis here seems not to be on the number two in and of itself, but on the elevation of Shabbat above a normal weekday, i.e. kavod Shabbat. The list of doubles brought in the Tanhuma is similarly concerned with the elevated honour of Shabbat. We surely would not suggest that 'shamor' and 'zakhor' are a reflexion of the lehem mishneh in the desert. Rather they are a sign of the extra honour due to Shabbat.

We can now detect a three way conceptual mahloket in the sugya of שתי ככרות. R. Abba who rules that we take two loaves and cut two and quotes the words 'lehem mishneh', believes in commemoration. R. Kahana, who rules that we take two loaves and cut one, and quotes 'לקטו' – 'gathered' – believes we re-enact lehem mishneh. R. Zeira, who quotes no pasuk whatsoever, and gives no indication that we only have two loaves, but states merely that we cut into everything before us, is motivated by kavod Shabbat.

This may be the reading of the Vilna Gaon, who cut both loaves at each Shabbat meal, and sometimes had more than two loaves and cut into all of them. In his biur on

Shulhan Arukh 273:4 the Gra is primarily concerned with the opinion of R. Zeira. I suggest that the Gra was uninterested in either re-enacting or commemorating lehem mishneh. He thought the reason for two (or more) loaves and for cutting into all of them was kavod Shabbat and Yom Tov, as I am suggesting R. Zeira held. One cannot make quite the same case for the Rambam, because he rules like R. Kahana, that we only cut into one loaf.²⁶ I propose the Rambam understood the entire sugya to be dealing with kavod Shabbat and Yom Tov, and the verses quoted as merely being *asmakhtot*, useful hooks on which to hang the halakha, which, as we have seen, the Rambam does not quote himself.²⁷ This reading is not as elegant as the one I am attributing to the Gra, but it is compelling in its own right, and consistent with my general argument.

We can now return to our opening question. Why does the Rambam believe that the concept of lehem oni can reduce the number of kikarot we make hamotsi over at the Seder from two to one and a half? I was dissatisfied with the argument that lehem oni can somehow turn one and a half loaves conceptually into two loaves, but we now have an alternative understanding. For the Rambam there is no mitsva of lehem mishneh, there is only a mitsva of kavod Shabbat veYom Tov. That usually manifests itself as two loaves at Yom Tov meals, however, on Seder night, we fulfil the mitsva of kavod Yom Tov not through two kikarot but through one and a half. This is because kavod Yom Tov means to affirm the essence of the Yom Tov. On a regular Yom Tov that means living on a grander scale than normally, but on Seder night it means imitating a poor person. In the context of the Seder, making hamotsi over one and a half kikarot is the fulfilment of the mitsva of kavod Yom Tov. That is why the Rambam, unlike other Rishonim and unlike our practice, holds that the second matsa is broken just before hamotsi, rather than before Maggid. Just as Rashi held that the mitsva of lehem mishneh depends on the number of loaves at the time of hamotsi, I suggest that the Rambam believed that moment of hamotsi is when the mitsva of kavod Shabbat or Yom Tov is realised through using two loaves. By breaking one matsa on Seder night just before hamotsi we stress that on this occasion kavod Yom Tov is expressed not through two loaves, but one and a half, expressing not luxury, but poverty.

Further Proofs for Kavod Shabbat veYom Tov as the Rationale for שתי ככרות

Looking again at other opinions about the number of matsot we have at the Seder lends support to the view of the Rambam that two loaves is a *din* in kavod Shabbat veYom Tov, and is not connected to the lehem mishneh of the desert. Rashi and the Ashkenazi Rishonim argue that we should have three matsot at the start of the Seder and should make hamotsi over two and a half. However, there can be no doubt that lehem mishneh is two kikarot; it is not two and a half. Merely adding an extra whole

matsa to the one and a half would not fulfil the requirement for lehem mishneh, either in the sense of re-enacting or commemorating what took place in the desert. Rashi's solution therefore seems unsatisfactory in terms of his own rationale. Other Ashkenazi Rishonim seem to have been sensitive to this, which is why they develop alternative reasons for the three matsot of the Seder. For example, the Rosh, the Manhig and the Maharil point to the Korbán Toda, the Thanksgiving Offering, which included three types of matsa. The delivery from slavery in Egypt was surely worthy of a Korbán Todah, and the three matsot of the Seder represent the three kinds of matsa included that korbán.²⁸ That is a beautiful homiletical explanation, although not entirely smooth, because the Korbán Toda did not include three matsot but thirty. It is therefore clear that it is just that, homiletical. Nevertheless, it is more compelling than the difficult argument that through using three, reducing to two and a half matsot, we are somehow upholding the concept of lehem mishneh.

The delivery from slavery in Egypt was surely worthy of a Korbán Toda, and the three matsot of the Seder represent the three kinds of matsa included that korbán.

We can also use our new understanding to decipher the confusing minhag of the Geonim, as reported by the Behag. This was to have two matsot at a weekday Seder, but three matsot when Seder night fell on Shabbat. The Behag goes to great pains to prove that lehem mishneh fell on erev Yom Tov just as it fell on erev Shabbat, and therefore lehem mishneh applies absolutely equally to Shabbat and Yom Tov. He then writes the perplexing line:²⁹

And so when [the first day of] Pesah falls on Shabbat, one cuts on two and a half [matsot]	והכיא דמיקלע פסחא בשבתא בוצע על תרתי ופרוסה
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If we are equally obliged in lehem mishneh on Shabbat and Yom Tov, why should the night on which the Seder falls make any difference to whether we have one and a half or two and a half matsot? We can answer that the custom of the Geonim was not based on lehem mishneh, as the Behag understood, but, like the Rambam, on the idea of kavod Shabbat and Yom Tov. At a regular Seder, the concept of lehem oni means that kavod Yom Tov expresses itself as one and a half kikarot, because that represents the essence of the Yom Tov. However, lehem oni is irrelevant to and can have no impact on kavod Shabbat. Kavod Shabbat will always require two whole kikarot, to which we add half a matsa as an indication of lehem oni. That is why the Geonim would use one and a

half matsot at a regular Seder and two and a half when it fell on a Friday night.

Conclusions and Implications

We saw a disagreement about the number of matsot one should have at the Seder: three falling to two and a half by the time hamotsi and al akhilat matsa is made (Rashi and the Ashkenazi Rishonim, codified by the Shulhan Arukh) or two falling to one and a half (Rambam and the Vilna Gaon). We include a broken piece of matsa to uphold the concept of lehem oni – a poor person’s bread, which comes in broken pieces. It was unclear how this interacted with the requirement for lehem mishneh, which we understood initially as either a re-enactment or a commemoration of the double *man* which fell for the Benei Yisrael in the desert. However, it became clear that using either re-enactment or commemoration as an explanation of the two loaves we have on the table on Shabbat and Yom Tov was problematic. We suggested an alternative rationale for the two loaves: kavod Shabbat veYom Tov. That concept provides a new understanding of the sugya and a happier explanation of the view of the Rambam, the Vilna Gaon and even the Geonim of the number of matsot we use at the Seder.

We concluded that, according to the Rambam, kavod Yom Tov usually expresses itself as two loaves, but on Seder night the concept of lehem oni means that kavod Yom Tov is properly represented by a just one and a half matsot. This has important implications. When we say at the beginning of the Seder ‘this is the bread of affliction (lahma anya/lehem oni) which our forefathers ate in the Land of Egypt. All who are hungry, let them come and eat, all who are needy let them come and celebrate Pesah with us’, we are not just declaring the meaning of lehem oni, we are fulfilling the mitsva of kavod Yom Tov. We do not fulfil a mitsva merely by having a particular number of matsot at the Seder, no more than we do so by having two loaves on our Shabbat or Yom Tov table. Our aim is to fulfil kavod Shabbat veYom Tov, as it happens, that normally expresses itself through having two loaves. However, that is not the essence of the mitsva. At the Seder in particular, on the night of lehem oni, the concept of kavod Yom Tov reaches beyond the physical matsa, to those we invite to share it.

Ben Elton was the founding editor of Degel. He is now a second year semikha student at Yeshivat Chovevei Torah in New York and is working on a religious history of the Jews of Britain as a Visiting Scholar at New York University. He is also the rabbinic intern at the Washington Heights Congregation in Manhattan, and Ohev Sholom – The National Synagogue in Washington DC.

¹ I am grateful for the comments and suggestions of R. Daniel Roselaar, R. Ysoscher Katz, R. Daniel Lauchheimer, Roy Feldman and Yakov Meir.

- ² Dappei HaRif Pesahim 25b; Mishneh Torah Hamets UMatsa 8:6; Hiddushei HaRashba on Pesahim 116a
- ³ Rashi on Pesahim 116a
- ⁴ Tosafot on Pesahim 116a; Rosh, Pesahim 10:30
- ⁵ Shulhan Arukh Orah Hayim 473:4 and Biur HaGra loc cit.
- ⁶ Halakhot Gedolot, ed. R. Esriel Hildesheimer (Jerusalem 1972), 292-293
- ⁷ Shabbat 30:9
- ⁸ Hamets UMatsa 8:6
- ⁹ Mekhilta, Beshalah 4
- ¹⁰ The translation is left deliberately vague.
- ¹¹ This translation follows the Rashba (Teshuvot HaRashba 7:530), which is disputed, as we will see.
- ¹² Teshuvot HaRashba 7:530
- ¹³ Dappei HaRif Shabbat 43b
- ¹⁴ Dappei HaRif Berakhot 28a
- ¹⁵ This is the ruling of the Shulhan Arukh 274:1-2
- ¹⁶ Hiddushei HaRashba ad loc.
- ¹⁷ Shulhan Arukh 291:4
- ¹⁸ Biur HaGra on Shulhan Arukh 273:4
- ¹⁹ Shulhan Arukh 291:1, 5
- ²⁰ Maaseh Rav 123
- ²¹ See Rashi, Rashbam and Tosafot on Pesahim 116a
- ²² Berakhot 7:4, Shabbat 30:9, Hamets UMatsa 8:6
- ²³ Mekhilta Shemot 16:26; Rashi al haTorah Shemot 16:26; Dappei HaRif Pesahim 25b; Rosh Pesahim 10:30; Halakhot Gedolot, ed. R. Esriel Hildesheimer (Jerusalem 1972), 292-293
- ²⁴ Beitsa 2b
- ²⁵ Shevitat Yom Tov 6:16
- ²⁶ Berakhot 7:4
- ²⁷ We should note that while the Taz (678:2) and the Arukh HaShulhan (274:1) understand that the requirement to have two loaves is Biblical in origin, the Magen Avraham (254:23, and 618:10) thought it was only rabbinic, which makes the case for asmakhta even stronger.
- ²⁸ Rosh quoted in Tur 475; Sefer HaManhig Hilkhhot Pesah 69; Sefer HaMaharil Minhagim Hilkhhot HaHagada 4
- ²⁹ Halakhot Gedolot, ed. R. Esriel Hildesheimer (Jerusalem 1972), 293

Hagada Thoughts – Medieval Illuminated Manuscripts

SAMANTHA REUBEN

I was drawn to medieval illustrated manuscripts as both an enthusiast for the history of art, and a keen bibliophile. These rare and precious objects are beautiful, but also reveal much about their historical context and those who would commission them. The Hagada in particular is of interest because, perhaps in common with the Siddur and the Christian Book of Hours, it is intended to be used by the individual, and, more specifically to the Hagada, in the privacy of one's own home and only as infrequently as twice a year. This means that, while the text is controlled by necessity of purpose, the illustrations most definitely are not. I will consider what Hagada illustrations may reveal about Jewish observance of the time, and explore the relationship between Christian art and its Jewish counterpart. I will explore a little of the history, development and codification of the modern Hagada.

The Ancient Hebrews, in Egypt, enjoyed a springtime religious festival, involving a meal. This festival developed into the Pesah remembrance ritual after the Exodus. The early Hebrews kept the Pesah rite, as unfamiliar to the modern experience as it must have been, according to the writings, and orally transmitted memories, they possessed at the time.

So how did the hagada develop, and where did it come from? The hagada as we know it clearly has biblical origins, however the text was not crystallised until the second century,¹ and finalised in ninth century Babylonia. We have a clear progression reflecting the relationship between the turbulent history of the Jews and the function of Jewish written heritage. A written and definitive guide to Pesah practice, based on early writings, emerged only when the Temple was destroyed in A.D. 70. This loss of religious authority necessitated an authoritative text to ensure the survival and transmission of religion and culture in a dispersed and scattered diaspora². Furthermore, it was only in the secure environment of later establishment in Babylonia that the text was finalised and enforced.

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The Pesah rite itself has much in common with a Greek symposium where food and drink acted as a stimulus for discussion. Certainly, the requirement to lean to display freedom would support this. The hagada was designed to sustain the homogeneity of religion within a developing Jewish culture, which continuously reacted and interacted with the dominant cultures around it.

The editing of the text was not without difficulty. The Geonim, the accepted religious authority, were rejected by the Karaite sect who would 'exalt Moses to the eminence of sole authority'. In response to this possible heresy, practically all explicit mention of Moses was edited out of the text³.

The production of illuminated Hagadot has an interesting relationship to the developing medieval book trade, of which it forms a part. The adoption of the codex format⁴ in the eighth century and the expansion of the general book trade in the thirteenth century, dependant upon the emergent universities and the later secular trade in the new urban centres of Medieval Europe, produced the necessary infrastructure for hagada production. However, the historical assertion of the interdependence of hagada production and general book production is problematic. Jews were excluded from those Universities and Guilds that advanced the book trade. Publishers, book producers and illustrators would either have been from within the Christian, and later, secular trades, producing commissions for the Jewish market, or Jewish artisans working on the peripheries of this trade. Jewish illustrators, having been excluded from both University and Guild, would have been outside the infrastructure of the trade, working purely on personal merit and recommendation.

The likelihood of using non-Jewish illustrators results in some interesting illustrative interpretations in relation to the second commandment, “You shall not make for yourself a graven image, nor any manner of likeness of anything^{5,6}”. A secular or Christian illustrator may have a different interpretation of this commandment or disregard it completely. Christian art did not shy away from depicting Jesus, as we shall see later. A Christian illustrator would produce any manner of illustration requested by a Jewish patron, who is outside the control of the Church. This would allow huge scope for the funding parties to influence and even control the visual contents of the resulting Hagada. Illustrated manuscripts were expensive and only seen by a tiny number of people, not being a public, but a private object, and so illustrations could be anything the conscience, and purse, of the purchaser would allow. Jewish patrons could dictate the manner of these illustrations with complete impunity, away from Jewish admonition, and ignored by Christian sensibilities.

It seems that Jewish culture has always been influenced by external cultural forces, while simultaneously being rejected by the societies which produce that culture. In Medieval Illuminated Hagadot, we have a book production dependant upon the dominant Christian culture, but displaying great individuality, and Jewish identity, while interspersed with the styles of that European cultural identity.

The question seems to be, is there a Jewish style at all, or are Jewish manuscript illustrations wholly unidentifiable within the dominant Christian style? There are defining differences between the illuminations found in Hagadot produced by Ashkenazi or Sephardi communities. There are differences in content and arrangement within the text, however, the illuminations of Medieval Hebrew manuscripts generally are invariably produced in the artistic style of their region of origin. However, I suggest that there is, in fact, a Jewish style, identifiable by studying the subject matter of the imagery, and the solutions to the problem of illustrating God, angels, and indeed the human form. There are various Jewish responses to the prohibition against depictions of the human form in this period, and I suggest that evidence of this struggle with the prohibition against graven images, is what unifies these texts into an identifiable Jewish style.

The question seems to be, is there a Jewish style at all?

Ashkenazi illustrations are usually marginal or incidental images used to demonstrate the meaning of the text, or to form puns or jokes around it. In the Bird’s Head Hagada, a thirteenth century German example, we have images of matza baking amongst biblical scenes and images relating to the Seder. The images are always directly related to

the text they accompany. Other examples include the husband leading the Seder and pointing to his wife. This might be interpretable as romantic, if the image did not accompany the text regarding the bitter herb!



Bird’s Head Hagada 13th Century⁷

Sephardi illustrations very often, and perhaps due to the political and financial success of communities in Spain before the expulsion of 1492, form lavish introductory booklets depicting biblical narratives not directly related to the Hagaddah, combined with excellent and luxurious images throughout the text itself. The most famous of these is of course the Golden Hagada. This is in the southern French style and was produced near Barcelona in around 1320. In the examples provided below we can see a page from the introductory image booklet. There are four images per page, surrounded by blue (and elsewhere, red) bordering. We have images from the Tanach including the naming of the animals, Adam and Eve, and Cain and Abel. We can also see a depiction of Pharaoh and the Midwives. Even in reproduction we can appreciate the glowing liberal use of real gold, and the sensitive artistic rendering of human emotion. The figures are clothed in the medieval style, while Pharaoh sits majestically in a small fourteenth century castle. There are other examples of this kind of loose illustrative interpretation to be found in Medieval Hagadot.

As we have learned, the subject matter of the illustrations, and perhaps their interpretation of the image prohibition was dependant upon the wishes of the commissioning person. We must remember that these images were only intended to be seen by a handful of people and so are extraordinary examples of the commissioning person’s struggle between the prohibition against graven images and the desire to enjoy the artistic ideas of the time. If a person is willing to spend huge amounts of money on a book that no-one outside of his family will see, it depends only upon his personal piety, as to how far he is willing to push the boundaries of the second commandment. In The Bird’s Head Hagada, the problem has been solved by replacing human heads with those of birds, and elsewhere in the book, helmets, blank faces and even large noses are used. However, the Golden Hagada has no need for such devices. Human form is clearly depicted, and even the

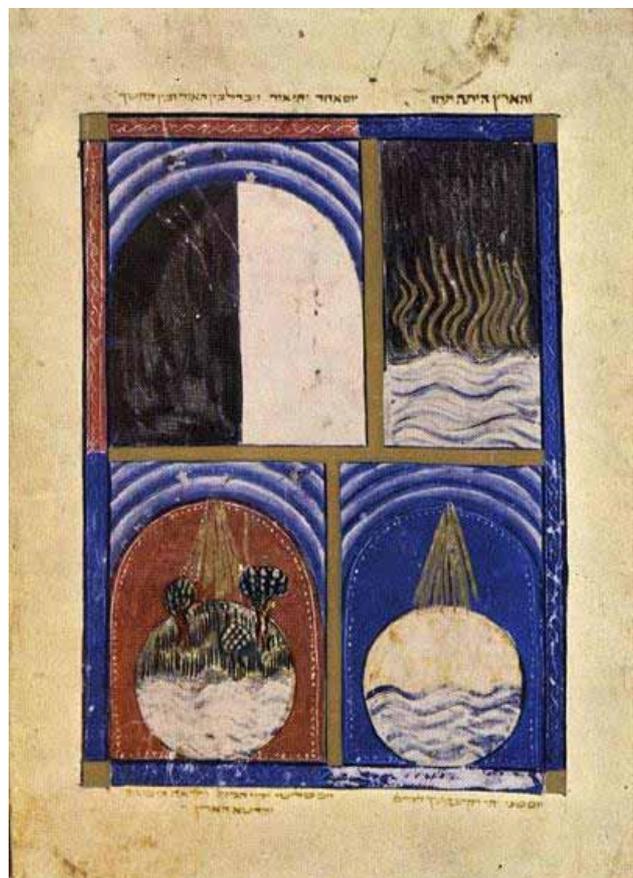
form of an angel appears from the heavens, complete with Christianised robes and wings. The Sarajevo Hagada, created in fourteenth century Catalonia, (and later transported to Sarajevo, from where it takes its name) depicts God as golden beams of light, moving across the face of the deep. Our elusive 'Jewish style' would appear to rest upon the depiction, or more accurately, the omission, of God himself. However, not all Jewish texts stop short of depicting God. An image of The Binding of Isaac from a hagada made in Castile in 1300 shows a depiction of a Divine Hand quite clearly.



Golden Hagada⁸

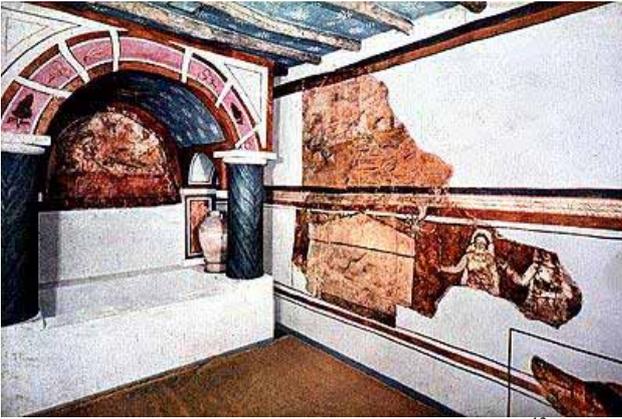
There seems to be no specifically Jewish-religious style of illustration or illustrative subject matter. We can say that Jewish texts share an attempt to obey the graven images prohibition, but they vary enough in this attempt to deny any dominant style. However, perhaps evidence of this struggle is enough to identify a Jewish illustrative style. There are no depictions of the face of an anthropomorphic God in Jewish art or literature. If we contrast this to comparable imagery in Christian or secular texts, the difference is shocking. We have a depiction of the Trinity from a fourteenth century copy of the secular romance poem 'Romance of the Rose'⁹. The similarities in style between this and the Golden Hagada are striking. We have the same blue and pink/red bordering, lavish use of gold, and very similar rendering of the human form, however, this blatant illustration of a physical manifestation of God, or aspects thereof, is absent from Jewish sources. I have argued that imagery intended for private viewing could be more permissive

than that intended for public view. Perhaps this applies to the clearly secular poetic work, Romance of the Rose? If Romance of the Rose was intended for a private library and the enjoyment of just one family, perhaps this allows for a more blatant depiction of a physical God? This idea does not work at all for non-Jewish examples. We are all aware of the ubiquitous images of the Virgin and Child and the Crucifixion in both paintings and sculptures. Even our Trinity example is directly paralleled in public religious texts, as we see in the illuminated initial taken from a monumental Choir Book of around 1500¹⁰. I suggest that visible attempts to obey the graven images commandment, and the absence of depictions of an anthropomorphic God, is evidence of an identifiable Jewish illustrative style which is not found in Christian art.



Sarajevo Hagada¹¹

Notwithstanding the similarities and connections between Medieval Hagada illustrations and other illustrative styles of that period, and despite the correlation and interdependency of Jewish book production and that of the non-Jewish market, it may be possible to identify an historical Jewish artistic heritage, and one that could even pre-date Christian art completely. There are examples of Jewish imagery and Jewish art dating back to antiquity, pre-dating Christian art.



Dura Europos. House/Church (reconstruction)¹²

The synagogue at Dura Europos, a small provincial garrison town of the second century Roman Empire, rediscovered in 1932 in what is now Syria, is covered in biblical images from floor to ceiling. These images are a stylistic hybrid of Greco-Roman, Mesopotamian, Parthian and Sassanian styles and are remarkably similar in style to images found in the places of worship of other religions of the same period and location. As similar as these buildings seem to be, it is the illustrative subject matter which, while surprising to the modern eye, identifies them as Jewish and possibly related to our much later Hagadot. Evidence of the struggle between artistic achievement and the second commandment, and the absence of God's face, defines this art as absolutely Jewish, and a precursor to our Medieval Hagadot.

As we can see from the photographs of the interior of the Dura Europos synagogue, the scale of wall paintings in the synagogue and the church of Dura Europos were comparable, however the synagogue is of a much higher artistic standard. It seems likely that the synagogue was nothing unusual compared to other synagogues of its time. This town was small and provincial, and would not have been home to an unusually beautiful or lavish Jewish place of worship, more likely, Dura Europos was a standard, unassuming synagogue of its day, and that the neighbouring pre-Constantine Church was using established, normal and accepted Jewish imagery as a template for its own decoration. Indeed, a mere hundred years earlier, Christian art was still in its infancy and consisted of not much more than crosses, fish and anchors engraved upon stone.

If the wall paintings of the Dura Europos synagogue were not unusual, it seems that the strict interpretation of the second commandment that is familiar to modern eyes, and often struggled with in our medieval examples, was not shared by second century Jews of the Roman Empire. We can see the Egyptian Princess removing Moses from the Nile¹³ and The Crossing of the Red Sea. Not only do we have remarkably similar imagery to our Medieval Hagadot, notwithstanding the difference in style, we even have the use of startlingly similar bordering between images, even using the same twisted patterning. In the

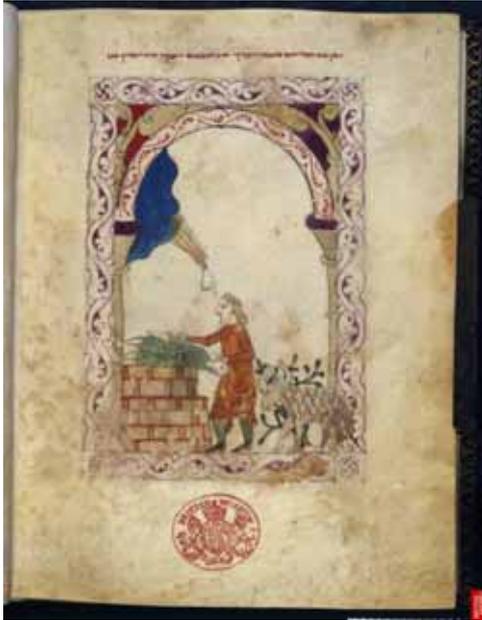
wall paintings we have the image of God's hands parting the waters, the obviously Roman styled human forms of Moses and Aaron, Egyptians drowning, surprisingly well armed Israelites, and some rather cute fish. However, there is, again, no imagery reflecting the anthropomorphic face of God, in stark contrast to depictions of the Deities of other contemporary religions such as Apollo or Jupiter. It would seem that, in this time, before the Babylonian Talmud, when the diaspora was in its infancy a mere century after the destruction of A.D.70, Jews were happy to publicly display what would seem to modern eyes a blasphemous disregard of the second commandment, but was perfectly acceptable to Jews of that time. It appears that as the diaspora strengthened over time, so the interpretation of mitsvot became more and more strict and evidence of the struggle to depict or not depict the human form emerged. We are able to connect our Medieval Hagada imagery to that of Dura Europos as these are the only examples to never depict their Deity in contrast to other religions of each era, be they pagan or Christian.

The Hagadot of Medieval Europe reflect the Jewish community's, and the individual's, struggle between piety, and artistic expression.

We can trace a history of Jewish art from the second century wall paintings through to our Medieval illuminated Hagadot. While there was a Jewish artistic tradition that pre-dates the Christian art that was to dominate medieval Europe, the style of this Jewish thread always influenced, and was influenced by, the cultures surrounding it, which would in time, eclipse it completely. To recognise a Jewish artistic identity, we must look to the subject matter of religious imagery and the struggles to achieve an artistic and religious equilibrium. This struggle becomes more pronounced and is restricted to the privacy of one's own library as time goes on and religious uniformity is needed to control a scattered diaspora. The Hagadot of Medieval Europe reflect the Jewish community's, and the individual's, struggle between piety, and artistic expression in a time of precarious political status.

ADDITIONAL FIGURES APPEAR BELOW

Samantha Reuben qualified as a professional librarian and archivist in 2001 and has since worked in the financial and legal sectors, and in charities, as researcher, information manager and archivist. Samantha has a special interest in the history of manuscripts, incunabula and early printing. She lives in Golders Green with her husband David and their three very naughty children.



Hispano-Moresque Hagada, Castile, Spain, c. 1300



Dura Europos. (Church) The healing of the paralytic



Dura Europos. Room View



Dura Europos. Splitting and crossing of the Red Sea

¹ Raphael, C. (1972) *A Feast of History: The Drama of Passover Through The Ages*. Weidenfeld and Nicolson, London, p129

² Kaplan, A. (1976) *Jerusalem: Eye of the Universe* NCSY, New York

³ Narkiss, B. 'Medieval Illuminated Hagada' *Ariel* xiv 1966 p.37.

⁴ Reif, S.C. 'Codicological Aspects of Jewish Liturgical History' *John Rylands Library Bulletin* 75, 1993, 117-132

⁵ Shemot; 20,3

⁶ For a Halakhic discussion of the parameters of this mitsva, see for example Avoda Zara 43b, Yorea De'a 151:4, Igrot Moshe Orah Haim 5:9

⁷ <http://www.library.yale.edu/judaica/site/exhibits/children/image16.html>

⁸ http://www.bl.uk/onlinegallery/sacredtexts/golden_lg.html

⁹ Roman de la Rose Trinity image, 14th century <http://www.llgc.org.uk/index.php?id=5316>

¹⁰ Monumental Choir book, 1500. <http://www.lesenluminures.com/im01.php?cat=miniature&req=S7QytqoutrKwUkrNyymNT04sUbJOTDKyqs60MrAutjI0sFLKzczLTCwpLUotVrLOtDIEiVop2SpZ1xZbWUK1JRYIZyDpg2CsKguKUSvwqawFAA&id=130>

¹¹ <http://cja.huji.ac.il/Activities/Exhibitions.html>

¹² <http://www.sacred-destinations.com/syria/dura-europos-photos/slides/house-church>

¹³ <http://www.sacred-destinations.com/syria/dura-europos-pictures/slides/synagogue-fresco-moses-rescued-c-becklectic.htm>

Yetsiat Mitsrayim: The dichotomy between sippur and zekhira and how this impacts on women's obligation in each

MARTIN GLASSER

In this article I hope to analyse the difference between the mitzva of sippur yetsiat mitsrayim, recounting the exodus from Egypt on Seder night and the mitzva of zekhirat yetsiat Mitsrayim, remember the exodus from Egypt every single day¹. I will explore whether women are obligated in either or both mitzvot, and use this analysis to help explain why the Rambam includes sippur yetsiat Mitsrayim, but not zekhirat yetsiat Mitsrayim in his enumeration of the 613 mitzvot.

The Shesh Zekhirot

There exists a concept of the shesh zekhirot, the six remembrances, which some people say every day after Shaharit. Some of these are well known, for example zahor et yom Hashabbat, remember Shabbat and zahor et asher asa lekha Amalek; remember what Amalek did to you. Others are less well known, such as zahor et asher asa God Eloheinu l'Miriam remember what God did to Miriam. One of these remembrances is zekhirat yetsiat Mitsrayim; remembrance of the Exodus from Egypt. However, when you look at the Sefer Hamitsvot, the list that Rambam made of the 613 mitzvot, you will find no mention of this mitzva, nor is it included in other enumerations of the mitzvot by the Rishonim such as the Sma"g and the Beha"g. Why is this mitzva, which is supposedly so central to Judaism that it is included in the list of six daily remembrances, omitted by the great medieval commentators?

A number of Aharonim try to answer this question by looking at the language of the zekhira. In the Torah verses where we are commanded to observe four of the six remembrances, the language is a very simple command. זָכוֹר אֶת יוֹם הַשַּׁבָּת for Shabbat² and זָכוֹר אֶת הַיּוֹם הַזֶּה אֲשֶׁר יָצֵאתָ מִמִּצְרָיִם with regards to Miriam³. The fifth, the remembrance of the giving of the Torah at Har Sinai, is less straightforward:

רַק הִשְׁמַר לְךָ וְשָׁמַר נְפִשְׁךָ מְאֹד פֶּן תִּשְׁכַּח אֶת הַדְּבָרִים - Only beware and really guard yourself in case you forget these things⁴.

Even if it is “don't forget”, rather than “do remember”, this is still written in a command form.

However, if we look at the passuk for zekhirat yetsiat Mitsrayim, it is different.

לִמְעַן תִּזְכֹּר אֶת יוֹם צֵאתְךָ מֵאֶרֶץ מִצְרַיִם כָּל יְמֵי חַיֶּיךָ - In order that you may remember the Exodus from Egypt all the days of your life⁵

Why is this mitzva, which is supposedly so central to Judaism that it is included in the list of six things daily remembrances, omitted by the great medieval commentators?

This passuk is not a direct command. The Noda BeYehuda (as well as the Ohr Sameah and the Minhat Chinukh) suggest that because it isn't stated as a direct commandment in the Torah, Rambam holds that is not a Torah mitzva, but merely a rabbinic mitzva. As such he doesn't include it as one of the 613 mitzvot. However, there is a passuk that uses a direct command:

זָכוֹר אֶת הַיּוֹם הַזֶּה אֲשֶׁר יָצֵאתָ מִמִּצְרָיִם - remember this day that you left Egypt⁶.

The simple answer to this refutation may be that Rambam held that the phrase הַיּוֹם הַזֶּה - “this day” made this commandment specific to 15th Nissan and indeed, if you look in his Mishneh Torah, you will find that he brings this passuk as the source for the mitzva of sippur yetsiat Mitsrayim, of recounting the Exodus specifically on Seder night⁷.

In order to verify that this is correct, we need to demonstrate that other mitsvot that are not given in command form, are also not included in the Rambam's 613. Many rishonim don't count belief in God as one of their 613 mitsvot, perhaps because it is assumed to be a supra-mitsva – one which is a necessary pre-requisite for all other mitsvot. The passuk in the 10 Commandments simply says:

אֲנֹכִי ה' אֱלֹהֶיךָ - I am the Lord your God⁸

This is a statement of fact, not a direct commandment. However despite the fact that no command is used, Rambam includes it in his enumeration⁹, and so it seems that the lack of a direct command does not disqualify a mitsva from inclusion in the 613, which is incompatible with the Noda BeYehuda's answer to our question.

Thus our question remains: why do the major commentators not count this as a mitsva?

In general, women do not have an obligation to perform positive mitsvot that are time-bound

Women's obligation in mitsvot

This distinction between whether the mitsva of zekhirat yetsiat Mitsrayim is a Torah obligation, or merely rabbinic may play a role in determining whether women are obligated in its observance.

In general, women do not have an obligation to perform positive mitsvot that are time-bound¹⁰ (that is not to say that it is not meritorious for them to perform the action, just that there is no requirement for them to do so.) In order to determine whether women have an obligation of zekhirat yetsiat Mitsrayim we therefore need to determine whether zekhirat yetsiat Mitsrayim, which is certainly a positive mitsva, also has a time attached to its observance.

What defines a time-bound observance?

Those positive mitsvot that women do not have an obligation to perform all have a time when they are not relevant – tefillin and tsitsit at night, lulav and sukka when it's not Sukkot etc. We know that Elazar ben Azarya in the Hagada says that we remember yetsiat Mitsrayim at the day and in night, based on Ben Zoma, who interprets the passuk we quoted earlier:

למען תזכור את יום צאתך מארץ מצרים כל ימי חיך - in order that you remember the day that you left Egypt all the days of your life

as implying that there is a twice daily requirement to remember the Exodus. He explains:

ימי חיך הימים כל ימי חיך הלילות - The days of your life means the days, all the days of your life includes the nights as well¹¹.

The Magen Avraham¹² therefore says that women are obligated in zekhirat yetsiat Mitsrayim because there is no time when the mitsva does not apply. The Ra'a disagrees, saying that only the daytime remembrance is a Torah obligation, and that the *כל ימי חיך* link to night-time remembrance is only confers a rabbinic obligation and is not a direct Torah command¹³. Therefore since the Torah mitsva does not apply at night, it is a time-bound mitsva and women are exempt from it.

Most authorities however, hold that both remembrances are Torah obligations, but the Sha'agat Aryeh disagrees with the Magen Avraham, claiming that it is still a time-bound mitsva. He says that there is an on-going series of time-bound mitsvot, and that although there is never a time when one of these is not relevant, each individual mitsva can only be done at its given time. So if you forget to do Thursday's daytime zekhira, you cannot make up for it on Thursday night, or even on Friday during the day.

The Magen Avraham and Sha'agat Aryeh have a similar argument about kariat shema. The Mishna in Masekhet Brakhot says that if the time for saying Shema has passed and you have not yet said shema, you should still say it¹⁴. The Gemara adds that you should say not only kariat Shema but also its brakhot. This second statement is difficult to understand – we know that there is a principle of safek d'orayta l'humra – in the case of doubt about a biblical commandment we are stringent and so even though we might be too late to say the Shema as biblically commanded, we say it just in case. However, we also have a principle of safek brakha lehakel, which states that so great is the prohibition of making an unnecessary brakha that if we are in doubt about whether to make a brakha, we do not say it. For example, in Chuts La'arets, we have 2 days of Shemini Atseret because we are not sure which the biblically ordained one is. If the second day, Simhat Torah, is the real Shemini Atseret, then the first day of Yom Tov (Shemini Atseret in our parlance) is really Hoshana Rabba. As such, the Gemara and most halakhic decisors require us to eat in the Sukka on that day. However, as we do not want to risk making a brakha l'vatala, we do not say leshev basukka. Our situation would appear to be analogous to this. We have a doubt about whether we can still fulfil the biblical obligation of Kariat Shema so we rule stringently and say it, but we should not say the brakhot.

The answer must be that birkhot Kariat Shema have a function of tefilla in their own right, as well as being brakhot for the mitsva. In keeping with this answer, the

Geonim say you only have an extra hour after the end of the time period of the Shema to say the brakhot. This extra hour would take us to the end of the time period of tefilla. Rambam however says you can say the brakhot at any point in the day¹⁵. The Cese Mishna explains that just as we learn that the time for kariat Shema at night min hatorah is u'veshokhbekha, while you are lying down: that is all night long, albeit that the rabbis restricted that to before midnight, so too the time for daytime shema, u'vekumekha, is not just restricted to the time you get up, but it applies all the time that you are awake, i.e. all day¹⁶. The time restrictions are rabbinic stringencies. The Magen Avraham finds this answer problematic as we rule that women are not obligated in Kriat Shema because it is a time bound positive mitsva. If it applies all day and all night, it is not time bound, so women ought to have an obligation of kariat shema. As before, the Sha'agat Aryeh disagrees. There is a set time for the daytime kariat Shema and a set time for the night-time kariat shema, so it is still time bound.

As has been previously stated, most halakhic decisors hold that zekhirat yetsiat Mitsrayim is a time bound positive mitsva. Therefore, for women to be obligated in the mitsva, it would have to be an exception to the general rule that women have no obligation.

Women's obligation in some time-bound positive mitsvot

The Gemara does bring some exceptions to the general rule that women are exempt from performing time bound positive mitsvot. These can be classified into two groups, each with its own distinct reason for being excluded from the rule.

The first reason for exclusion is kol sheyeshno. This group consists of kiddush on Shabbat and matsa on Pesah. Women's obligation in these mitsvot derives from a direct link between a negative commandment in which women are obligated and the positive commandment. So for Shabbat we know that in Parshat Yitro and Parshat Va'ethanan there are two different versions of the mitsva of Shabbat; zahor and shamor, remember and guard. As we say in lekha dodi – shamor vezahor b'dibbur ehad – guard Shabbat and remember Shabbat were said simultaneously at Har Sinai, so the negative and positive mitsvot are inextricably linked. Therefore, we learn kol sheyeshno b'shmira yeshno b'zkhira; just as women are obligated in the mitsvat lo ta'aseh of Shabbat, so too they are obligated in the mitsvat aseh of kiddush.

Likewise matsa. In Parshat Bo we read:

מִצְוֹת יֵאָכְלֵךְ אֶת שִׁבְעַת הַיָּמִים וְלֹא יֵרָאֶה לָּךְ חֶמֶץ - Matsot shall be eaten for seven days, no chamets shall be seen¹⁷.

Just as women are obligated in the negative mitsva of hametz, so too are they obligated in the linked positive mitsva of matsa.

The second group mentioned by the Gemara consists of Hanuka candles, Megilla on Purim and the four cups of wine on Seder night. The reason given for women's obligation is אִף הֵן הָיוּ בְּאוֹתוֹ הַנֶּס - women were also involved in the miracle¹⁸.

Zekhirat Yetsiat Mitsrayim

The Magen Giborim says that surely אִף הֵן הָיוּ בְּאוֹתוֹ הַנֶּס applies to zekhirat yetsiat mitsrayim as women were involved. However Tosafot in Pesahim point out that the three examples that the Gemara gives for אִף הֵן הָיוּ בְּאוֹתוֹ הַנֶּס - Hanuka, Purim and the four cups are all rabbinic mitsvot and they are not sure whether אִף הֵן הָיוּ בְּאוֹתוֹ הַנֶּס would apply to Torah mitsvot.

However, in Masekhet Megilla, Tosafot give two different answers to the same question. The first is that אִף הֵן הָיוּ בְּאוֹתוֹ הַנֶּס would work, but it would only confer a rabbinic obligation on women. The second is that אִף הֵן הָיוּ בְּאוֹתוֹ הַנֶּס would confer a Torah obligation, but that is cancelled out by the comparison with Sukkot. Sukkot and Pesah are linked by the use of the term "the fifteenth". The Torah uses the phrase בְּחִמְשָׁה עָשָׂר to describe both hagim. Both have a mitsva, matsa and sukka, which must be fulfilled on the first day of the festival, and which can be fulfilled on subsequent days, but doesn't have to be. You can eat only meat and vegetables for the rest of Pesah and therefore avoid matsa and likewise, if you eat only fruit and vegetables on Sukkot, you do not have to eat them in a sukka. We have a Gemara that explicitly states that women are not obligated in Sukka. Rabeinu Yosef Ish Yerushalayim (Ri) is quoted in Tosafot as saying that we therefore have conflicting explanations – אִף הֵן הָיוּ בְּאוֹתוֹ הַנֶּס, which would imply that women would have a Torah obligation of akhilat matsa and the connection of the 15th with Sukkot, which implies that they do not have an obligation. We therefore need a third source of kol sheyeshno to resolve the dispute.

There is an argument among the Ba'alei Tosafot as to whether אִף הֵן הָיוּ בְּאוֹתוֹ הַנֶּס confers an obligation of zekhirat yetsiat Mitsrayim on women

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obligation is a Torah or rabbinic one is a matter of further dispute.

Sippur Yetsiat Mitsrayim

The Gemara does not mention the case of women's obligation of sippur yetsiat Mitsrayim on Seder night, but the Rema says that women are obligated¹⁹, as does the Sefer Hahinukh²⁰. Tosafot never say so explicitly, but it would seem that they agree. In Masekhet Sukka, when the Gemara mentions that women are not obligated in Hallel, Tosafot qualifies that by saying that they do have an obligation to recite Hallel on Seder night. They infer this from the fact that women are obligated in the rabbinic mitsva of the four cups because of אף הן היו באותו הנס. However, surely the four cups and Hallel are different mitsvot, one rabbinic and the other Torah and we don't know if אף הן היו באותו הנס applies to Torah mitsvot. The ruling of Tosafot is that the four cups are not an independent mitsva, but they are a detail in the Seder process. Just as we could make Kiddush on Shabbat with merely a verbal declaration sanctifying the day, but the Rabbis instituted that it should be done over a cup of wine, so too they instituted that at the Seder we should say Kiddush, Maggid, Birkhat Hamazon and Hallel over wine. They proclaimed that women were obligated in these four cups, but they wouldn't have made women obligated in the cup of Hallel if they weren't already obligated in the Torah commandment to recite Hallel. The same logic would apply to the cup of Maggid and the Torah mitsva of sippur yetsiat Mitsrayim.

This doesn't explain the reason for women's obligation. It could be אף הן היו באותו הנס, but we know that Tosafot are undecided on whether this applies to Torah mitsvot, and if so whether it confers a rabbinic or a Torah obligation on women. Tosafot must derive the obligation from another source.

Sippur Yetsiat Mitsrayim as part of the whole

In our Hagada, we read that

רָבֵן גַּמְלִיאֵל הָיָה אוֹמֵר: כָּל שֶׁלֹּא אָמַר שְׁלֹשָׁה דְבָרִים אֵלּוּ בְּפֶסַח, לֹא יֵצֵא יְדֵי חוֹבָתוֹ, וְאֵלּוּ הֵן: פֶּסַח, מַצָּה, וְמַרּוֹר - Rabban Gamliel used to say that anyone who didn't mention three things on Seder night has not fulfilled his obligation, "pesah, matsa umaror.

Likewise Shmuel explains that lehem oni means not the bread of our affliction, but lehem sh'onim alav d'varim, bread over which the words are explained²¹. Rabenu Hananel understands this to mean that sippur yetsiat Mitsrayim is a necessary part of the mitsva of matsa and not an independent mitsva in its own right. Therefore, women, whom we know to be obligated in matsa, have to be obligated in sippur yetsiat Mitsrayim, because without it they are not able to properly fulfil the mitsva of matsa.

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Reb Hayim's first answer to the original question

The Rav records that his grandfather, Reb Hayim Brisker offered two explanations to our earlier question as to how Rambam could omit zekhirat yetsiat Mitsrayim from his enumeration in Sefer Hamitsvot. The first answer is very similar to Rabbenu Hananel's explanation of sippur yetsiat Mitsrayim above and also helps us understand women's obligation in zekhirat yetsiat Mitsrayim. Reb Hayim explained that zekhirat yetsiat Mitsrayim is part of kaballat ol malhut shamayim, acceptance of the yoke of heaven, which we fulfil in kriot Shema morning and night. Each of the three paragraphs of the Shema expands our acceptance of the kingship of God. The first paragraph is a very basic declaration that we believe in God, the second states that we accept his Torah. The third paragraph expounds that we, the Jewish people, have a special relationship with God because He brought us out of Egypt. Similarly in the Ten Commandments it is written אֲנֹכִי ה' אֱלֹהֶיךָ אֲשֶׁר הוֹצֵאתִיךָ מֵאֶרֶץ מִצְרַיִם – not just “I am the Lord your God”, but “I am the Lord your God who brought you out of the land of Egypt.” Accepting God's yoke and remembering yetsiat Mitsrayim seem to be inextricably linked and thus Rambam holds that zekhirat Yetsiat Mitsrayim is part of kriot Shema and is not its own independent mitsva. Reb Hayim's explanation is supported by the fact that Rambam, in his Mishneh Torah, codifies zekhirat yetsiat Mitsrayim in Hilkhot Kriot Shema. As has been stated previously, most authorities hold that kriot Shema is a time bound positive mitsva in which women have no Torah obligation. Thus it follows that women have no Torah obligation of zekhirat yetsiat Mitsrayim.

Reb Hayim's second answer

The second explanation is based on the passage in the Hagada that we have already discussed and from which the mitsva of zekhirat yetsiat Mitsrayim is derived. The passuk says כל ימי חיך ה' ימי חיך ה' ימי חיך ה' Ben Zoma and the Hahamim disagree as to how to interpret this. As we have already said, Ben Zoma says ימי חיך ה' ה' ימי חיך ה' the days of your life means the days, all the days of your life includes the nights as well. The Hahamim on the other hand say ימי חיך העולם הזה כל ימי חיך להביא לימות המשיח - the days of your life is this world, all the days of your life includes the time of the Mashiah. We know that we say all three verses of the Shema both morning and evening, therefore we must follow Ben Zoma, and we reject the Hahamim's opinion that we will remember

yetsiat Mitsrayim in the time of the Mashiah. Therefore, Reb Hayim explains that the Rambam cannot include it as one of the 613 Mitsvot, because he has very strict criteria as to what he includes in his enumeration and one of those criteria is that the mitsva has to be eternal. The Rambam holds that zekhirat yetsiat Mitsrayim is a mitsva, but he cannot include it as one of the 613, because we won't say it in the time of Mashiah.



Reb Hayim Soloveitchik

The reason zekhirat yetsiat Mitsrayim will not be necessary in the times of Mashiah is expounded in Masekhet Brakhot, where the argument quoted above between Ben Zoma and the Hahamim is a Mishna. The Gemara on that Mishna gives a parable, which I have updated as follows: Imagine someone is in a car crash; his car is a complete write off, but he walks away unscathed. He may well go around telling people how lucky he was. A few years later he is on a plane. Suddenly its engines blow and the plane crashes into the sea below. Miraculously, the plane lands in just the right way; it remains intact and everyone survives. The man will still tell people how he cheated death, but he will be using the story of the plane crash and not his road traffic accident. Likewise, when Mashiah comes, we will have more recent and even greater miracles to be recalling every day than yetsiat Mitsrayim, so the commandment will be superseded.

This leaves one final question, which is asked by the Maharil. Why does Rambam include Sippur Yetsiat

Mitsrayim, recounting the Exodus on Seder night in his 613 mitsvot? Surely it too will be superseded by more recent, greater miracles in the time of the Mashiah. Rav Hutner in Pahad Yitshak gives an answer that will also solve our initial question. In the Hagada, before we recite Hallel, we read a Mishna from Pesachim:

בכל דור ודור חייב אדם לראות את עצמו כאילו הוא יצא ממצרים - In every generation it is one's duty to consider himself as if he left Egypt.

שנאמר (שמות יג) והגדת לבנך ביום ההוא לאמר בעבור זה עשה ה' לי בצאתי ממצרים - as it says in the Torah "and you shall tell your child **on that day**", saying it was because of this that God did to **me when I left Egypt**".

When Mashiah comes, we will have more recent and even greater miracles to be recalling every day than yetsiat Mitsrayim.

The phrase **ביום ההוא** – **on that day**, refers to the Seder night. On Seder night we do not remember the Exodus, but rather we re-live it by actually leaving Egypt. We have lived through the ten plagues and the splitting of the Red Sea. The most recent and greatest miracles to have happened to us are the ones we recount in the Seder²².

Martin Glasser is a gabbai of the Alei Tzion Hashkama Minyan. An alumnus of yeshivot in Glasgow and Israel, he works as a chest physician and is currently studying for a PhD at Imperial College, London. Most importantly of all, he is the husband of Lucinda and the daddy of Azriella and Tsofia.

¹ This shiur is based on shiurim of the Rav, Rabbi Yosef Dov Soloveitchik, whose 20th Yahrzeit is on 2nd day Hol Hamoed Pesach. I hope my feeble attempt to convey some of his Torah will be an aliya to his neshama. The primary source for what I am going to say is shiurim of the Rav, particularly Shiurim Lezecher Avi Mori, the yahrzeit shiurim that he gave for his father, but also other shiurim given in Boston and YU and recorded in print by his talmidim. I have also been privileged to learn under talmidim of the Rav and some of what I will say will be based on shiurim which I have heard online from Rav Yehonasan Sacks of YU and in person from Rav Binyamin Tabory of Yeshivat Har Etzion

² Shemot 20; 8

³ Devarim 24; 9

⁴ Devarim 4; 9

⁵ Devarim 16; 3

⁶ Shemot 13; 3

⁷ Mishne Torah, Hilkhos Chamets u-Matsa, chapter 7

⁸ Shemot 20; 2

⁹ Rambam, Positive Mitsva 1

¹⁰ Mishna Kiddushin, 1; 7

¹¹ Mishna Brakhot 1; 5

¹² Siman 70, 1

¹³ Commentary to Brakhot, chapter 2

¹⁴ Mishna Brakhot, 1; 2

¹⁵ Hilkhhot Kriat Shema; 1; 13

¹⁶ ibid

¹⁷ Shemot 13; 7

¹⁸ Massekhet Megilla; 4a and Pesahim 108b

¹⁹ Arukh Hayim, 473; 6

²⁰ Mitsva 21

²¹ Massekhet Pesahim, 36a

²² This answer solves another problem in the text of the hagada. At the Seder in the final paragraph of Maggid we say *שִׁירָה הַדְּשֵׁה לְפָנָיו לְפָנָיו לְפָנָיו* – “let us recite before him a new song”. We then proceed to recite Hallel: The same Hallel that we say every Yom Tov and Rosh Hodesh, as well as on Hanuka and on two Seder nights every year of our lives. How can we proclaim that we will now recite a shira hadasha - a new song? The Hafetz Hayim was so troubled by this that he decided that we must have the wrong text. The early editions of his magnum opus of Halaha, the Mishna B’rura, were not vowelized. However in the section on the Halaha of the Seder, this section is vowelized and his version says that we should say *וְנִאֲמַר לְפָנָיו לְפָנָיו לְפָנָיו*. By using the same letters, but different vowels, he has changed the meaning to “and it was said before him a new song.” The problem with this solution, aside from the fact that it contradicts thousands of years of practice, is that it is grammatically incorrect; shira hadasha is feminine and so the text ought to read *וְנִאֲמַרָה לְפָנָיו לְפָנָיו לְפָנָיו*. Thus referring to Hallel as a shira hadasha, a new song, is problematic, unless we understand that on Seder night we should feel as if we ourselves have just left Egypt and therefore we have never recited Hallel before. It is indeed a *שִׁירָה הַדְּשֵׁה*.

What's so great about Shabbat HaGadol?

ADAM ROSS

The Shabbat preceding the Exodus from Egypt was accorded the title 'Shabbat HaGadol', but what was so great about that particular day? Why was this Shabbat accorded the accolade of being entitled the 'Great Shabbat' over all the other Shabbatot that we have during the year?

The Role of the Miracles for the Egyptians

The understanding of the Exodus story from the Egyptian perspective is one which is encouraged by many Torah commentators. This approach becomes particularly prominent when exploring the relationship between God and Pharaoh.

In the midst of the ten plague sequence, the Torah states that God hardened Pharaoh's heart¹. The Rambam in his introduction to Perek Helek² explains that God punished Pharaoh by taking away his free choice in order that he would not liberate the Jewish People at that point, thus allowing the entirety of the Exodus drama to unfold. This positioned Egypt as a platform for God's show of might.³ Rambam's approach has broad ideological implications and a number of the commentators provide alternative explanations to elucidate this text. Sforno argues that the miracles were actually intended to reach out to the Egyptians and influence them.

"I will strike them with all my wonders in such a way that it will be a wonder for *anyone* who hears about them and many of them will see and will fear and maybe even some of them will do teshuva."⁴

Sforno suggests that the miracles and plagues were intended to facilitate rather than prevent Pharaoh's Teshuva.

Sforno suggests that the miracles and plagues were intended to facilitate rather than prevent Pharaoh's Teshuva. He explains, "Had God not hardened Pharaoh's heart the plagues would have been too much for him and he would have simply given in under duress, not because he truly wanted to follow God's command. By hardening

Pharaoh's heart God gave him the opportunity to return to Him through his own volition."⁵

Sforno understands that Egypt's repentance was always the subtext to the story of the Exodus from Egypt, and that God's signs and wonders, as well as redeeming the Jewish People, were actually intended as a catalyst for the Egyptians to connect to God; an opportunity that remained latent and unrecognized.

Egyptian recognition of God's Power

According to the Mishna Berura⁶, Shabbat HaGadol gained its name because of the miracle that took place on that day. The Tur in Orah Hayim, cites the Midrash Rabba on Shemot:

"On the 10 Nissan which was a Shabbat, God commanded Benei Yisrael to take the sheep, the most revered Egyptian god, and take it into their homes and tie it to their bed posts in preparation for the Korban Pesah which would be sacrificed and eaten four days later. The Egyptian firstborn saw what was happening and asked their Hebrew slaves what they were doing. The Israelites replied, "We are taking this sheep into our homes because we are going to slaughter it to our God in a few days." The Egyptians froze, completely dumbstruck and didn't say a word."⁷

According to a simple reading, the silence of the Egyptian firstborn at the sight of their sheep being tied up was the miracle of Shabbat HaGadol – for it was in this moment that the Egyptians finally realized that the God of the Israelites was true and their own gods were powerless.

When we spill wine for the Egyptians who drowned in the sea and refrain from a full Hallel on the day of Pesah corresponding to the day that the Red Sea split, perhaps we are not only marking the loss of Egyptian life but also the lost opportunity for Egypt to repent and proclaim God's name over the world.

Love vs Fear

The Gemara in Shabbat 113b states “If the Jewish People kept two shabbatot we would be redeemed.” The Netivot Shalom⁸ suggests the two shabbatot in question are Shabbat Shuva and Shabbat HaGadol. He explains that Shabbat Shuva represents our relationship with God through fear, with the onset of Yom Kippur a few days away, and Shabbat HaGadol represents our drawing closer to God through love, as this is the time when God reached out to rescue us. Through the intense experience of Pesah we rekindle our love for God as we relive His rescuing and redeeming us from slavery in Egypt.

The Netivot Shalom frames the questions ‘If the shabbatot before Pesah and Yom Kippur are both important, why does the Shabbat before Pesah alone receive the title ‘Gadol’?’ He answers beautifully that love is greater than fear. Shabbat HaGadol should be the springboard into the entire Pesah experience; drawing us closer to God and accessing the messages that the signs and wonders were intended to deliver to all mankind.

Adam Ross originally from Reading, UK lives in Jerusalem with his wife and two sons. He studies at the Sulam Yaakov Yeshiva and works as a Jewish educator and public relations consultant.

¹ Shemot 7:3

² Sanhedrin, chapter 10

³ Rambam, Commentary to Chapter 10 of Sanhedrin

⁴ Shemot 3: 20

⁵ Shemot 4:21

⁶ Orah Hayim, Hilkhos Pesach, 430, 1

⁷ See Tosafot, Masekhet Shabbat 54b

⁸ Netivot Shalom, Rabbi Shalom Noah Barzovsky

Shaalei Tzion (II) - Questions and Answers from Alei Tzion

RABBI DANIEL ROSELAAR

Alei Tzion is a halakhically-orientated community and I receive a steady flow of halakhic she'elot covering a wide spectrum of issues. The questions are not only presented to me in person but also by email and text. What follows is a selection of some of the questions that I have responded to since the last edition of Degel.

Is there a time-limit after which Bircat HaGomel may not be recited?

The Bet Yosef (OH 219) cites the view of the Ramban that Bircat HaGomel must be recited within three days of the occurrence which mandated the brakha, as well as the view of the Rashba that it should be said within five days. However the Shulhan Arukh (OH 219:6) rules that there is no limitation regarding when this brakha may be recited. The halaha is in accordance with this view¹ though the Arukh Hashulhan notes that if the circumstances that generated the need for “*bentching gomel*” have been largely forgotten then the brakha can no longer be recited.

I work as a doctor in a busy hospital and sometimes arrive home on Friday evenings after Shabbat has commenced. Someone told me that my husband can light the candles for me and I should say the brakha on the electric lights in the hospital. Is this correct?

It is partially correct. Your husband should certainly light candles (with a brakha) on behalf of both of you. Even though we allow a brakha to be recited over electric lights where circumstances necessitate this², you cannot do this in the hospital since it is not your home in any sense and there is no requirement whatsoever for you to light Shabbat candles there. So that you remain associated with your mitsva of *Hadlakat Haner* I recommend that you set the candles up on Friday morning before you leave for work.

May someone who was unable to lay tefillin on Friday do so after davening Kabbalat Shabbat and Maariv if it is still daytime?

In the first instance this question relates to a significant debate amongst the Rishonim about what happens when a person davens Maariv early, the two possibilities being that it has either actually become the next day in every halahic sense, or that it is still the first day but that certain mitsvot pertaining to the following day have already been fulfilled. Concerning tefillin the Shulhan Arukh (OH 30:5) follows the view of the Terumat Hadeshen that once a person has davened Maariv he can no longer lay tefillin as the two observances would be contradictory – Maariv indicates that it is night whilst tefillin indicate that it is day – and this view is endorsed by several Aharonim including the Magen Avraham and Haye Adam. However the Eliya Rabba maintains that davening Maariv only turns it into the next day in a stringent sense but not in a lenient sense. Since it would be a leniency not to lay tefillin, he maintains that the mitsva should be fulfilled (without reciting a brakha) and the Mishna Berura supports this position.

Further support for this latter view can be adduced from the Taz in connection with the mitsva of shofar on Rosh Hashana (OH 600). He discusses the case of a community whose shofar was stolen on Yom Tov evening and they didn't manage to obtain another one until the very end of the second day which was a Friday and they had already accepted Shabbat and davened Maariv. He maintains that if it was still daytime they should have blown the shofar because i) this was clearly a case of a mistaken acceptance of Shabbat since had they known that a shofar was on the way they would have waited, and ii) the early acceptance of Shabbat (which is rabbinic in nature) cannot exempt them from the fulfillment of a Torah commandment. Accordingly, it would seem correct that in the case under discussion the person concerned should lay tefillin, but without reciting a brakha³.

My mother dropped off flowers at our house for Shabbat but in the Erev Shabbat chaos we forgot to put them in water before Shabbat. My parents are coming to us for lunch – can we put them in water on Shabbat?

The Mishna in Massekhet Sukka (42a) states that on Shabbat a lulav may be returned to the jug of water it has been removed from⁴, on Yom Tov more water may be added to the jug, and on Hol Hamoed the water in the jug may be changed. Based on this the Rama (OH 336:11) rules that branches and foliage may be placed in jugs or vases of water on Shabbat. However, the Mishna Berura introduces two qualifications to this rule – i) the water needs to already be in the vase at the commencement of Shabbat; ii) only branches and reeds may be placed in water on Shabbat, but not flowers that will open and bloom further as a result of being put into the water. On this basis you will need to leave the flowers until Motzaei Shabbat, and hope that your parents will assume that you have used them to decorate the bedroom.

A significant proportion of the Shabbat morning kiddush seems to find its way onto the carpet and by the afternoon the shul looks unfit for tefillah. Can we use a carpet sweeper to clean the carpet in advance of Minha?

There is a dispute amongst Rishonim about whether the *melakha* of *melaben* (laundering) applies only if a liquid is involved or even without a liquid. Tosafot (Shabbat 147a) maintains that though it is not permitted to shake a layer of dew off a coat on Shabbat, dirt may be brushed off (even vigorously), whereas Rashi prohibits both scenarios. The Shulhan Arukh (OH 302:1) rules in accordance with Tosafot whilst the Rama cites the view of Rashi and comments that it is good practice to adopt that position. Various Aharonim note that that several other Rishonim subscribe to Rashi's understanding of the *melakha* and that it should be considered as normative. However, the Rama also notes that it is permitted to remove a stray feather or the like which is on a garment and the reason for this is because it is only lying on the surface and is not absorbed into the fabric.

Regarding the debris from the kiddush, the first question that needs to be resolved is whether the debris is just lying on the surface of the carpet or whether it is trodden into the actual fibre of the carpet. To some degree this will depend on how crowded shul was on any given Shabbat and how many young children spilled their crisps and biscuits on the floor. But even if we conclude that the dirt is only on the surface, the Biur Halakha rules in accordance with the Tiferet Yisrael that normal cleaning implements should not be used because of the concept of *uvdin dehol*, that it seems too much like a normal weekday chore, and this is also the conclusion in Shemirat Shabbat Kehilkhata, that a carpet-sweeper cannot be used on Shabbat.

So, until we have the luxury of a dedicated kiddush hall with a laminated floor that can be easily swept, we will have to continue to daven minha on Shabbat afternoons in the smaller Bet Midrash⁵.

We are moving into a new flat straight after Sukkot. We don't get possession of the property until erev Yom Tov and the place needs a lick of paint. We're very keen not to have the decorators around once we have moved in. Can we arrange for it to be painted during Hol Hamoed?

Hol Hamoed is a halakhically undervalued time of the Jewish year. Since various leniencies do exist that allow people to work there is often an assumption that any prohibitions that are observed are mere stringencies. In reality the opposite is true and Hol Hamoed is far more *moed* than it is *hol* with many Rishonim maintaining that there is a Torah prohibition against work.

As noted, in a certain sense the prohibition against *melakha* on Hol Hamoed is significantly different to the prohibition on Shabbat or Yom Tov in that in some instances the restrictions are waived or relaxed. This will depend on various factors and circumstances, such as whether the work is required for the public benefit, for the sake of Yom Tov or Hol Hamoed, or whether a financial loss will be incurred if the work is not done. It seems that your situation does not conform with any of those requirements so it is prohibited for this work to be carried out on Hol Hamoed, despite the inconvenience that this might cause⁶.

We are travelling to the USA on Asara B'Tevet. Flying westwards means that it will be a long time until it gets dark. When can we break the fast?

This is a question that has only been addressed by the poskim of the last fifty years because such scenarios are a product of the modern world. Rav Moshe Feinstein (Igrot Moshe OH 3:96) maintained that the fast doesn't end until it is dark outside and thus in your case you will need to fast several hours more than if you had remained in the UK. But Rav Vosner (Shevet HaLevi 8:261) and Rav Nahum Rabinovitch (Siach Nachum 37) focus on the rabbinic nature of the fast days and are of the view that Chazal never intended that people should fast for an excessive length of time and that in the case in question you should end the fast at the same time as you would have done if you had not been travelling.

I am still exclusively nursing my baby. Do I need to fast on Shiva Asar B'Tammuz?

The Shulhan Arukh (OH 554:5) rules that pregnant and nursing women are exempt from fasting on the minor fast days. This is because these fasts are rabbinic, as well as somewhat discretionary, in origin. The Rama (OH 550:1) qualifies this somewhat and writes that pregnant and nursing women **who are experiencing significant**

difficulty should not fast, and even if they are not experiencing difficulty they need not fast, though common practice is that in such cases they do fast. The Mishna Berura adds that if they are feeling weak, even though they are not having significant difficulty, they should not be strict and the Arukh Hashulhan indicates that in general pregnant and nursing women do not observe the minor fasts.

Furthermore, it is worth noting that the fact that you are exclusively nursing is not specifically relevant to your question. You are permitted to eat not just because the baby needs you to do so to maintain the milk supply, but also because of your own weaker state and your need for plenty of calories and fluids. Most nursing mothers feel weak if they don't eat so even if you are only giving one or two feeds a day there is no requirement that you should fast. Furthermore, based on a Talmudic principle (Nidda 9a), Rav Ovadia Yosef (Yechave Daat 1:35) maintains that women are considered weak for twenty-four months after giving birth even if they are not nursing and though Ashkenazim do not follow this view as a matter of course, post-partum women who are feeling particularly weak may rely on this ruling.

It should also be noted that these leniencies do not apply on Tisha B'Av or Yom Kippur. On Yom Kippur the fast should not be broken unless there is a potential danger to life. On Tisha B'Av a sick person need not fast, as well as someone who is likely to become sick as a result of fasting. In these instances specific rabbinic and medical advice should be sought.

Can I cut the baby's umbilical cord when my wife gives birth?

Not so many decades ago husbands were routinely banished from the delivery room by the medical and midwifery establishments. As husbands became admitted to what was traditionally a female domain, poskim including Dayan Weiss, Dayan Grossnas, Rav Moshe Feinstein and Rav Yehuda Henkin addressed the halakhic propriety and permissibility of such attendance, as well as whether there are any grounds to allow the husband to provide physical support to his wife whilst in labour.

The practice of making fathers more actively involved in the birth process by allowing them to cut the umbilical cord is a much more recent phenomenon and is not yet discussed in the responsa literature. However, a man may only touch his wife when she is in a state of *nidda* only in cases of medical emergency, which is not the case when a woman gives birth in the presence of experienced medical personnel. Even if one were to argue that cutting the umbilical cord with scissors should be regarded as indirect physical contact, such contact is also not routinely permitted and the presence of trained medical personnel means that there is no need for the husband to assume this task. Obviously if a couple are taken by surprise and a woman gives birth without medical

assistance her husband must do everything required to make sure that the baby is safely delivered.

A question has come up at work which I was hoping you can answer. A Jewish person put some money in trust and has now died and it is left to the trustees to decide how the funds should be distributed. The trustees want to give 30% to charity and the rest to family but someone has objected to say that halakhically 30% is too much to give to charity. I know that the Gemara says not to give more than 20% to charity but does this apply after death?

You are correct that Takkanat Usha appears in the Talmud (Ketubot 67b) that a person should not distribute more than one-fifth of his wealth to charity. However the Talmud itself states that this limitation applies only during a person's lifetime, in case he subsequently becomes needy, but at the time of his death he may direct that more than a fifth is distributed to charitable causes.

There is debate about exactly how much money one is allowed to give away at the end of their life. The Rama (YD 249:1) rules that at that stage of their life a person may give away as much as he wishes – since he will have no further need for money in the afterlife. The Arukh Hashulhan limits the amount to half his assets so that his heirs are not left high-and-dry. He actually suggests that such a division is a fair division between his own needs – an added merit for his soul in the afterlife – and the needs of his heirs. Based on a passage in the Mehilta, Rabbi Akiva Eiger ruled that not more than one-third should be distributed to charity. In any event, your decision to distribute 30% to tzedaka certainly conforms to halakhic guidelines.

We are moving into a new house and the doorframes will be replaced a few days after we move in. What should we do about fixing and removing the mezuzot?

Many people mistakenly believe that they have thirty days within which to affix their mezuzot. This is generally incorrect. Whilst it is true that in *Chuts La'arets* if one is renting a home the mezuzot might not need to be affixed for the first thirty days⁷, if one owns the house they must be put up immediately. In this instance, since the property is your own you need to put up the mezuzot with a brakha immediately upon occupancy. When the decorators come to replace the doorframes you should remove the mezuzot and then re-affix them once the new ones are in place. Since a significant period of time will elapse between the removal and the replacement you should also recite a brakha when you put them up again.

I received the sad news this morning that my non-Jewish grandmother had died. Is there anything from a Jewish perspective that I can or should do?

There is no requirement to sit shiva for non-Jewish family members. Nonetheless, Rav Ovadia Yosef (Yehaveh Daat

6:60) rules that under normal circumstances a convert who wishes to do so may recite kaddish following the death of a gentile parent. He even suggests that this might be good practice and beneficial for the soul of the deceased because even though they didn't play a role in bringing their child towards spiritual eternity in *Olam Haba*, they did play a role in providing them with a chance to enjoy the opportunities provided by *Olam Hazeih*. Alternatively, you might wish to light a *yahrzeit* candle or make a charitable donation, in your grandmother's memory.

Rabbi Daniel Roselaar is the Rav of Alei Tzion and the Rosh Kollel of the Kinloss Community Kollel, having previously served as the Rabbi of Watford and Belmont Synagogues. He learnt at Yeshivat Har Etzion and received semicha from the Israeli Chief Rabbinate and has an MA in Jewish Education from the University of London.

¹ Mishna Berura sk 20 rules that ideally Gomel should be recited within three days, even if this means not reciting it in the context of Keriat Hatorah.

² See Yehaveh Daat 5:24 and Shemirat Shabbat Kehilkhata (43:4) as well as numerous other authorities who allow the use of electric lights as Shabbat "candles".

³ Perhaps in this case he should also make a *tenai* stipulating that if it is not yet Shabbat he is intending to fulfil the mitzva of tefillin, but if it is already Shabbat he is wearing them for ornamental purposes only. This is because the relationship between tefillin and night is different to the relationship between tefillin and Shabbat. In the former case tefillin are not worn at night only because of a rabbinic concern that a person might sleep whilst wearing them. In the latter case, Shabbat is a time when it is improper to wear tefillin.

⁴ This specific halakha no longer applies since we no longer wave the lulav on Shabbat.

⁵ Mishna Berura does write that the lenient view of Tosafot may be incorporated into the discussion and that a gentile may be instructed to remove the dirt which has become absorbed into the fabric.

⁶ Hol Hamoed is similar to Shabbat and Yom Tov in that whatever a Jew may not do, a gentile may not be asked to do it for the Jew.

⁷ Some Aharonim maintain that the thirty-day exemption only applies if the property is being rented for less than thirty days, but if it is being rented for longer than this period of time the mezuzah must be put up at the beginning of the occupancy. Others maintain that though there is no obligation until the end of the first thirty days, mezuzot may be affixed and the brakha recited. Yet others maintain that a brakha should not be recited within the first thirty days (and that if a mezuzah was affixed during this time they must be removed and reaffixed at the end of the thirty days). R' Moshe Feinstein (Igrot Moshe YD 1:179) recommended affixing the mezuzah at the beginning of the rental but not saying the brakha until the end of thirty days.

Wishing our
friends at Alei
Tzion much
success

חַג שְׂמֵחַ

The Hebrew Calendar

J.H.E. COHN

Whilst the Hebrew calendar is a subject of interest to the layman, to whom even some of the elementary facts might seem rather esoteric, it also provides material for the specialist. Accordingly, in this article the earlier sections explain the Hebrew calendar in factual terms, whilst the later ones deal with some of the more difficult open problems. Specifically the contents are as follows:-

1. Introduction

What a Hebrew calendar must achieve.

2. How to fix a calendar

Why and how the fixed calendar arose; assumptions made in its construction.

3. The current calendar

Details of the present calendar; how to determine the character of any given year.

4. Before the fixed calendar

Despite a degree of uncertainty, a surprisingly large amount of information can be deduced from calendar information in ancient sources. Examples discuss the destruction of the Temples, the Exodus and the Flood.

5. Astronomical variations

Some rather difficult points are raised. Does the fixed calendar require that פסח must necessarily occur after the vernal equinox? Do long term changes in the astronomical periods provide a solution?

6. התקופה

What in any case *is* the vernal equinox? What is the real connection between a requirement that פסח occur after the equinox and a similar one for סכות, and are they really equivalent, or even consistent?

1. Introduction

We use the symbols Y, M, and D to denote respectively the average length of the solar year, the lunar month and the day¹. The whole problem of constructing a calendar which attempts to follow these astronomical phenomena is that none of the ratios Y/M, M/D and Y/D is an exact integer. Accordingly, if for example the "year" is supposed to be a solar year and the "day" a solar day, then the year cannot contain a constant number of days. Different calendar systems treat this problem in different ways.

The current civil system, known as the Gregorian calendar, ignores the lunar month entirely, so that there is no correlation between the beginning of the "month" of January and the phases of the moon. Even so, since Y/D lies between 365 and 366, the year cannot contain the same number of days in every year, otherwise any given season would not remain at the same date of the calendar. The solution, as is well known, is to have most years with 365 days and some, known as leap years, with 366. Even ignoring the lunar month, the solution to this remaining problem is not entirely trivial, and the first attempt, of having every fourth year a leap year, known as the Julian calendar, was insufficiently accurate.

The Hebrew calendar is of necessity more complicated, since it must keep in step with both the solar and the lunar cycles.

The Mohammedan calendar does require each month to occur at or near the New Moon, but it ignores the solar year entirely. Thus for example the fasting month of Ramadan starts approximately eleven days earlier each year. Even so, the months themselves cannot have the same number of days each month, since M/D lies between 29 and 30, and so some months have 29 and others 30 days.

The Hebrew calendar is of necessity more complicated, since it must keep in step with both the solar² and the lunar cycles³. There are two possible methods of reconciling these requirements. Each has been used at different times, possibly with some degree of combination with the other, and each has its own advantages and disadvantages. The simplest method, known as

מקדשין על פי ראייה altogether. Delegates of the סנהדרין made *ad hoc* decisions regarding the number of days in the month each month and the number of months in the year each year. This was done according to observations, subject to certain constraints. Thus, a month would have 30 days, or be מלא, unless witnesses testifying that they had seen the New Moon arrived sufficiently early, in which case the month would be חסר, and have only 29 days. Since M/D only slightly exceeds 29.5, there were nearly as many 29 day months as 30 day months. Similarly, since Y/M is approximately 12.37, a year would have 12 months unless a deliberate decision was made to add an extra month to create a שנה מעוברת. This was done when required to ensure that פסח did not fall steadily earlier in the solar year, but was only needed roughly once in three years. The great advantage of this method is that it is self correcting in that no long term errors accumulate due to inaccuracies in the ratios mentioned above. The main disadvantage is that it is impossible to know very far in advance exactly when a given event will occur. Imagine not knowing in early March not only on what day, but even in which month פסח would occur!

A year would have 12 months unless a deliberate decision was made to add an extra month to create a שנה מעוברת

Theoretically, to operate מקדשין על פי ראייה, no empirical knowledge of the values of Y, M, D or even of their ratios is required. However M/D was known extremely accurately⁴, and at least at one period, the testimony of witnesses who claimed to have seen the New Moon was verified against its earliest theoretical visibility⁵. Even then, it occasionally happened that the סנהדרין arranged for a month to become מלא despite the existence of witnesses claiming to have seen the New Moon early enough to have required it to have been חסר. This is explicitly mentioned in the משנה⁶. It must have occurred on other occasions too, as indicated by a משנה limiting the total number of months in a year which could be of one type or the other⁷, and by a גמרא stating that when an extra month was added to the year it could be predetermined whether this extra month was to be מלא or חסר⁸. A further passage asserting that for hundreds of years אלול was חסר⁹ is also very difficult to understand otherwise.

2. How to fix a calendar

When circumstances arose in which the above procedures could no longer be operated satisfactorily¹⁰, the סנהדרין instituted a fixed calendar¹¹, to remain in place until a new סנהדרין decides otherwise. Because this used a

שנה קדוש החודש and חשבון עבור, the fixed calendar is known as מקדשין על פי חשבון.

In order for the system to remain valid for a long period of time, the three quantities M, Y and a rational approximation to Y/M have to be found with considerable accuracy. Furthermore, this rational approximation, which will determine the cycle of years having an extra month, ought to have as small a denominator as possible, to ensure that the cycle be of manageable length. A little thought will reveal that these requirements are mutually inconsistent; if Y and M are known very accurately, their ratio is most unlikely to have a good rational approximation with small denominator. If it is desired to have a calendar in which the cycle of leap years recurs over a short period of years, it becomes necessary to accept a slightly less accurate value for one of Y and M. A little further thought will reveal that of Y and M, it is M which needs the greater accuracy. Thus for example over the past 1,600 years, an error of 1 minute in Y would have produced a cumulative error of just over 1 day. Whilst regrettable to a perfectionist, in practice, this would hardly matter especially if the estimate were on the high side, for it would then simply imply that some three times in a century פסח would fall a month later than strictly necessary. On the other hand, the same error in M would by now have produced an error of nearly 14 days, and would predict a New Moon at almost the time that the moon was full! Therefore to construct a calendar, it is necessary *firstly* to find a very good approximation to M, *secondly* to find a good rational approximation to Y/M and *finally* to calculate the resulting approximation to Y from these two figures. It is moreover desirable to arrange if possible that the calculated Y exceeds the true value, rather than the reverse; in other words, the approximation to Y/M should also exceed the true value. Mathematically, this means that the approximation should be an odd convergent to the continued fraction expansion of Y/M.

Modern observations yield $Y = 365\text{d. } 5\text{h. } 48\text{m. } 46\text{s.}$ and $M = 29\text{d. } 12\text{h. } 44\text{m. } 2.84\text{s.}$ and so $Y/M = 12.368267$ with continued fraction expansion $[12, 2, 1, 2, 1, 1, 17, \dots]$. The fortuitous fact that $235/19 = [12, 2, 1, 2, 1, 1]$, the fifth convergent, is followed by the large partial quotient 17 ensures that this approximation is exceptionally appropriate. At 12.368421, it is slightly more than the true value, but the difference is only 0.000154. It is this value which is taken as the basis for our fixed calendar, so that in 19 years there are 235 months, i.e., 12 years each with 12 months and 7 with 13. It may be of interest that the next better approximation would have given a cycle length of several centuries.

The assumed value for M is 29d. 12h. 44m. 3.33s., quoted already as a family tradition by רבן גמליאל¹², which differs from the modern value by less than half a second. This difference over a period of 1600 years would have created a cumulative discrepancy of under 2¼ hours hardly noticeable in view of the considerable fluctuation

in the lunation. As is pointed out in section 5, the actual difference is less than half this.

The resulting $Y = 235M/19 = 365d. 5h. 55m. 25s.$, a value associated in the **גמרא** with **רב אדא**. This differs from the present value by over $6\frac{1}{2}$ minutes, and would have resulted by now in making **פסח** on average 7 days later than it need be, which would be of no great practical importance. However, the "earliest" **פסח**, which occurs in the 16th. year of the 19 year cycle, in 2013 it will be on March 26th., does not fall as much as 7 days after the vernal equinox. See section 5 for a further discussion of this point.

3. The fixed calendar¹³

In the current calendar, every cycle of 19 years has seven **עבור** years, that is years with an extra **אדר**, viz., the 3rd., 6th., 8th., 11th., 14th., 17th. and 19th. in the cycle. All that is required to determine which year of the cycle any particular year occurs, is to find the remainder of the Hebrew year on division by 19. Thus for 5773, the remainder is 16, and so this year has twelve months, with the next one having thirteen. Since 5700 is exactly divisible by 19, *during the present century* the arithmetic can be simplified by using just the last two digits of the number, in this case 73.

Each month has a **מולד**, that is the theoretical instant when the Moon is new, although the figure given is an average one known as the **מולד אמצעי**, not an astronomically correct one, the **מולד אמתי**. In the Hebrew system the hour is subdivided into 1080 **חלקים**, each **חלק** being 3.33 seconds. In this system $M = 29d. 12h. 793\text{ח}$. The assumption is made in accordance with the **מדרש** that **אדם הראשון** was created at the instant of the **מולד**, on Friday, at 8 a.m. on **ראש השנה**. This is described as **מולד ו'יד**, i.e., day 6, hour 14 reckoning from 6 p.m. as the start of the day. Perhaps surprisingly, it was year 2 in our enumeration, the first five days of creation constituting year 1¹⁴. The current **מולד**, as printed in the timetables, is calculated from this starting point by multiplying the lunation given in the **משנה** by the number of months since creation.

*In the current calendar, every cycle of 19 years has seven **עבור** years, that is years with an extra **אדר***

The next step in determining the character of a year is to find its **מולד תשרי**. The literature has various short cuts for doing this, but as such calculations are now likely to be performed by computer, they appear to be redundant. The simplest method is to calculate how many months would have elapsed since **תשרי** of the year 2, if the fixed calendar had operated throughout, multiply by M as given above, add 6d. 14h. corresponding to **מולד תשרי** of the

year 2, and then remove multiples of a week to arrive at the **מולד תשרי** of the year in question. For the year 5772, **מולד תשרי** was on Tuesday afternoon 27 September at 5.8.14 ח p.m. Thus **ראש השנה** should have been on Tuesday, whereas it was actually on Thursday. The reason for this is that **ראש השנה** is on the day of the **מולד תשרי**, except that is postponed by a day or two for the following reasons, known as **דחיות**:-

a. **לא אד' ראש**. On fixing the calendar **חז"ל** arranged that **יום כפור** should never again fall on a day next to **שבת**, and that **הושענה רבא** should not fall on **שבת**. Thus **ראש השנה** must not fall on Sunday, to avoid **הושענה רבא** on **שבת**, nor on Wednesday to prevent **יום כפור** on Friday, nor on Friday to avoid **יום כפור** on Sunday. Before the calendar was fixed this did not always apply, although efforts were made to avoid **יום כפור** falling next to **שבת**¹⁵.

b. **מולד זקן**. If the **מולד תשרי** occurs at midday or later. Thus if **מולד תשרי** occurred at 1 p.m. on Monday, then **ראש השנה** would be on Tuesday, whilst **מולד תשרי**, occurring on Tuesday afternoon, as it did in 5772, will postpone **ראש השנה** to Wednesday, and then to Thursday, in view of **לא אד' ראש**. A reason suggested for this **דחיה** is that the New Moon would not have been visible under such circumstances until the following night, but this runs against the fact that this rule applies *only* to **תשרי**, and that other months do very occasionally have their **מולד** after noon on **ראש חודש**¹⁶.

c. If the **מולד תשרי** falls on Tuesday at 9h. 204 ח (i.e., 3 a.m.) or later at the start of a 12 month year, then **ראש השנה** of that year is postponed by a day, to ensure that the year does not have less than five, the minimum number, of 29 day months, and then by another day in view of a. above.

d. If the **מולד תשרי** at the end of a 13 month year falls on Monday at 15h. 589 ח . (i.e., 9 a.m.) or later, then **ראש השנה** of the second year is postponed to Tuesday, to ensure that the first year does not have more than seven, the maximum number, of 29 day months¹⁷.

These **דחיות** are stated in order of decreasing frequency, and occur on average roughly once in 2.3, 4, 30 and 185 years respectively.

The length of the year is then determined from the number of days between this **ראש השנה** and the next, and it transpires that every 12 month year has 353, 354 or 355 days, whereas every 13 month year has 383, 384 or

385. The rules for determining the number of days in each of the months to achieve this are:-

- a. אדר ראשון, if it occurs, always has 30 days;
- b. ignoring אדר ראשון in a 13 month year, תשרי has 30 days and the remaining months alternately 29 and 30, *except* that
- c. in a year with 353 or 383 days, כסלו has only 29 days, and in a year with 355 or 385 days, מרחשון has 30.

In this way, the complete לוח for any year can be determined. Since 5773 has 12 months, and 355 days, it follows that in this year three consecutive months, תשרי, מרחשון and כסלו all had 30 days, 5771 had 13 months and 385 days and so again these three months had 30 days, whereas 5772 had 12 months and 354 days, so that the months had alternately 30 and 29 days. There are in fact only 14 different types of year, i.e., of possible combinations of number of days and starting day of the week¹⁸; these completely determine the days of the week on which all the festivals fall, and the סדרה-הפטרה combinations which occur. Of course in some years there are differences between ארץ ישראל and ארץ לארץ in the last respect, due to the last day of יום טוב falling on שבת outside ארץ ישראל as happened in 5772¹⁹.

4. Before the fixed calendar

The above rules apply only to the fixed calendar, and as has been mentioned, before this the דחירה did not always operate in the manner stated above. Whereas under the fixed system the number of days in a 12 month year must lie in the range 353 to 355, before this the limits were 352 and 356²⁰. Furthermore, the rules laid down in the גמרא²¹ for intercalating an extra month appear to preclude any fixed cycle of years with the extra month. It follows therefore that it is impossible to determine the civil date corresponding to an event known to have occurred on a given Hebrew date before the introduction of the fixed calendar. There are far too many uncertainties.

It is impossible to determine the civil date corresponding to an event known to have occurred on a given Hebrew date before the introduction of the fixed calendar.

As a consequence, it is commonly supposed that nothing at all can be gleaned from calendar information relating to the period before the introduction of the fixed calendar. This however is not necessarily the case. Changing the calendar does not affect the phases of the moon, and so we can work out exactly when a mean מולד occurred, even if we do not know to *exactly* which Hebrew month it

related, and even if there still remains *some* uncertainty about which day was ראש חודש. As an illustration of this point, we consider the date of the חורבן הבית, where even the information given in the גמרא is somewhat ambiguous. We find in ערכין דף יא: and slightly differently in תענית דף כט.:-

כשחרב הבית בראשונה, אותו היום תשעה באב היה, ומוצאי שבת היה, ומוצאי שביעית היתה... וכן בשניה

The simple meaning of מוצאי שביעית is the year *after* שביעית; thus תענית רש"י explains שביעית as שמינית. However, it is not entirely impossible that it refers to שביעית itself, being described as מוצאי שביעית because שביעית was about to end. Although this suggestion seems far-fetched at first sight, it is precisely the view of the רמב"ם at least in relation to בית שני, as he makes clear²². Maybe this is why רש"י goes to the trouble of explicitly dismissing the suggestion. Theoretically, the same possibility might apply to the expression מוצאי שבת, although רש"י dismisses this too.

Three possibilities are commonly canvassed for the year of the חורבן בית שני, 68, 69 and 70 C.E. corresponding to 3828, 3829 and 3830. We can eliminate the year 3828 because we can show that in that year תשעה באב could not have fallen on either שבת or Sunday. The reason for this is as follows. *Had the fixed calendar been in operation*, תשעה באב would have fallen on Tuesday 26 July according to the Julian calendar. The corresponding מולד was just before 10 a.m. on Monday, and so it is impossible for the ninth of that month or even of the following one (whose מולד was on Tuesday evening) to have been on either שבת or Sunday. The ninth of the previous month could indeed have so fallen, but the previous month could not have been אב, since that would have implied that the previous פסח would have fallen at the very beginning of March, which is impossible since it must fall after the vernal equinox.

Neither of the years 3829 nor 3830 can be eliminated in the same way. According to the fixed calendar, in 3829 תשעה באב would have fallen on Sunday, and in the following year on שבת; obviously על פי ראיה it could easily have been a day later. So either year is possible on calendar grounds. If we recall that the חורבן בית ראשון was 490 years earlier, we are then led to consider the years 3339 and 3340²³. For the former we find that the fixed calendar would have given תשעה באב on Sunday, but that the latter is impossible in the same way that 3828 is.

We are therefore led to the conclusion that the

unlike the short term ones which cancel out in the mean, they are all in the same direction and accumulate. Some of the effects are very unintuitive, and I trust that the non-specialist reader will accept that when a satellite loses angular momentum, its angular velocity actually increases, so that the period of the orbit decreases. It follows that if the earth is losing angular velocity, then the absolute value of Y will decrease somewhat. As this effect is minimal, it can be ignored.

Although the *absolute* length of the year is thus taken to be constant, it does not mean that the *apparent* length of the year is constant, as will be seen. The gravitational pull of the sun and the moon on the waters in the sea causes the phenomenon of the tides. At New Moon and Full Moon, the moon, sun and earth are almost collinear and therefore the gravitational pull of the sun and the moon combine to produce the highest tides, and the opposite at the quarters. This explains why tides are not constant throughout the month. The result of this is that over time the moon gains angular momentum whilst the earth spins less rapidly around its axis. It follows that both M and D increase. However, the ratio M/D decreases over time, with the paradoxical result that whereas the lunation increases in absolute terms, it appears to decrease in terms of terrestrial time.

The rate of increase of M has been estimated at approximately 36 milliseconds per century. However, D increases by about 2.4 milliseconds per century, a lengthening over 29½ days of approximately 71 milliseconds per century. Thus the value of M/D appears to decrease by about 35 milliseconds per century, or about 0.56 seconds over the 1,600 years or so since the calendar was fixed. As mentioned above, a modern value for M/D is 29d. 12h. 44m. 2.84s. and would give 29d. 12h. 44m. 3.4s. for the time at which the calendar was fixed, a value extra-ordinarily close to that given by גמליאל³⁵. It would imply that by now the mean מולד according to the לוח would have advanced by only 66 minutes, not the 2¾ hours mentioned above.

The second problem concerns the 6m. 39s. or so by which the assumed Y/D exceeds the modern value. As mentioned above, this should by now have had the effect of postponing the average date of פסח by over 7d. 9h., whereas in the 16th. year of the cycle when פסח falls as early as possible, it does not usually fall as much as this after the equinox. This does not matter in itself, but it raises the serious problem that 1,600 years ago, if the present fixed calendar was already in operation as is generally supposed, it would have happened that פסח would have fallen before the equinox.

Although Y can be taken to be almost constant in absolute terms, the ratio Y/D will have appeared to have decreased because of the lengthened D. This reduces the problem, but the effect is insufficient to solve it. Over the 1,600 years in question, the difference in the apparent Y is only 14 seconds and the cumulative effect only just over 3 hours; so the problem remains. It follows that the first day

of פסח was before March 21st., and so certainly before the equinox on seven occasions in the fifth, sixth and seventh centuries of the common era, the last of which was in 4424, i.e. 664 C.E., and indeed in one year, 4253 i.e., 493 C.E. it even fell on March 19th. The civil dates given here are in the Gregorian system, which although of course not in operation until a millennium later is given here to enable the reader to judge the date of the equinox more easily; it usually falls on March 21st. As the Gregorian calendar assumes a value of Y in excess of the true value by approximately 26 seconds, this means that the equinox 1,600 years ago would have occurred approximately 11½ hours later than it does at present, aggravating the problem.

The רמב"ם asserts that our present calendar was fixed in the time of רבא and אביי

As has been mentioned, the רמב"ם asserts that our present calendar was fixed in the time of אביי and רבא³⁶, and both רמב"ן³⁷ and ריטב"א³⁸ agree with רב האי גאון in ascribing it to הלל השני, who did indeed live at that time, and that it was done in the year 670 of מנין שטרות, corresponding to 359 C.E. This would imply that the פסח in the very next year 360 C.E. fell on March 19th. If these statements are literally correct, then the implication would be that when the calendar was fixed, the requirement for פסח to fall in the spring did not go so far as to require that the first day (or even the second ?) had to fall at least in part after the תקופה. This is truly remarkable, since on the face of it, this contradicts another statement of the רמב"ם³⁹ who maintains, contrary to the רמ"ה that this was a *sine qua non* even before the fixing of the calendar⁴⁰.

6. התקופה

The above begs the question of what the term תקופה denotes. At one level it simply means "season"; thus תבנת תקופת טבת just means "winter", the period between the winter solstice when the tilt of the earth's axis away from the sun in the northern hemisphere is at its greatest and the vernal equinox at which time spring or תקופת ניסן starts, and so on. A second meaning is the *average* length of such a season, i.e., one quarter of the length of the year. The third, and probably main, meaning is the actual instant of the astronomical phenomenon, solstice or equinox. The times printed in many לוחות for the תקופות, of significance for only two minor purposes⁴¹, are intended to approximate these; they are by now at considerable variance with the observed phenomena, due to being based on the תקופה of שמואל, or on a year of 365¼ days.

The actual determination of the תקופה in ancient times must have presented considerable problems. The solstices which are the days on which the maximum and minimum solar elevations occur would appear to us to require quite sophisticated optical equipment; nevertheless, it appears that in a given place they could be observed without such by the very elementary method of arranging large fixed objects and observing and recording the minimum or maximum shadow length over several seasons; it is thought that monuments such as Stonehenge operated on such principles. Determination of the equinoxes might seem to us to require rather accurate timing equipment, which we imagine not to have been available in ancient times.

The actual determination of the תקופה in ancient times must have presented considerable problems

In any case, the very definition of the term "equinox" is open to question. To a modern astronomer it means the instant at which the sun lies on the equatorial plane. This however is not what the term itself indicates, i.e., equal day and night, the day being measured from sunrise to sunset. Here again we encounter definition difficulties. By sunrise, an astronomer might mean when the sun's elevation is zero, but more a more likely definition is when the sun's elevation *appears to be* zero, which means roughly that it is -35' to take account of atmospheric refraction, or even the instant when the upper rim of the sun appears over the horizon, i.e., roughly that the sun's elevation is -50', taking into account both the atmospheric refraction and the sun's radius. Whether the atmospheric refraction was appreciated in ancient times is doubtful.

It seems reasonable to suggest that the term vernal equinox was understood to mean the day on which the period from apparent sunrise to apparent sunset in one of the latter two senses equalled exactly half the day; if so the "vernal equinox" would have occurred several days *before* what a modern astronomer would call the equinox⁴² and the question raised in section 5 above disappears.

Unfortunately, this suggestion would only compound another difficulty. It is also necessary for at least part of סכורה⁴³ to fall after the autumnal equinox. These requirements would be equivalent⁴⁴ if it were true that the interval between the vernal and autumnal equinoxes were exactly half a year. Surprisingly enough, this is not even approximately the case. Because the sun is at perihelion, i.e., at its minimum distance from the earth in early January, and at aphelion in early July, it transpires that the interval between the vernal equinox at about March 21st., and the autumnal equinox at about September 23rd., is nearly 186d. 10h., and exceeds half a year by an appreciable amount. Our suggestion above, which would make the vernal equinox even earlier, and the autumnal one even later, would create an even bigger discrepancy.

Since the problem exists in any case, I beg to make the following suggestion for its resolution, viz., that the apparent vernal equinox, i.e., approximately March 17th., is to be taken as the basis for the all astronomical considerations connected with the calendar, and that the other תקופות are to be calculated from this using a nominal תקופה of one quarter of a solar year; in this way we may speak of a תקופה אמצעית, in the same way as the מולד used in all the calculations is the מולד אמצעי, not the actual conjunction. Certainly, there is ample evidence that in other calendar systems it was the vernal equinox which was used in preference to the solstices or the autumnal equinox, being known as the first point of Aries. It is so known even today, although due to the precession of the equinoxes it does not even fall in Aries!

J.H.E. Cohn is a retired professor of Mathematics at London University. He is married with children, one of whom is Rabbi Cohn of North Hendon Adath, and a son in law is Rabbi David Lister of Edgware United.

¹ These quantities are not constant; hence the use of the term "average". For more detailed information *v.i.* §5.

² For פסח must fall both in the spring (דברים ט"ז א) and on the fifteenth day of the first month (ויקרא כ"ג ו'). There is a similar requirement regarding סוכה, *v.i.* §6.

³ Each month must start with the appearance of the New Moon (שמות י"ב ב).

⁴ גמרא ראש השנה דף כ"ה. For a discussion of the accuracy of this value, *v.i.* §§ 2, 5.

⁵ משנה ראש השנה פ"ב מ"ו ומ"ח ובגמרא שם דף כ:.

⁶ ראש השנה פ"ב מ"ז.

⁷ ערכין פ"ב מ"ב. This also seems to imply that the סנהדרין had the power to make a month חסר without any evidence from witnesses.

⁸ סנהדרין דף יא.

⁹ ראש השנה דף יא: Assuming that the two types of month occurred with equal frequency, the chances of a particular month, say אלול, being of the same type throughout even one century as a result of chance would be less than

$1:10^{30}$. Even with the observation in §5 that in the autumn the lunation is shorter and averages only about 29¼ days,

the chances are still under $1:3 \times 10^{12}$. The way in which I suggest that it was "arranged" for אלול to have been חסר

was to have refrained from taking evidence from witnesses in previous month(s). In this way, one could ensure a high probability of אלול being חסר. Certainty

could not be guaranteed; hence ראש השנה פ"ד מ"ד.

¹⁰ This is the almost universally accepted opinion, that

מקדשין על פי ראייה was the original method, in force at

least from מתן תורה. This is stated explicitly by היי גאון

and the remainder of this article follows this opinion;

for details see רמב"ם ה' קידוש החודש פ"ה ה"ג.

There is however a famous variant opinion due to רב סעדיה גאון

which is supported by רבינו הנאל. See רבינו בחיי on

שמות י"ב ב'. According to that opinion, at all times the was the main factor, and the original method was מקדשין על פי ראייה. A form of was instituted later, and for only a period of some 500 years. Whilst a question raised by the חזקוני against the commentary by רש"י on the chronology of the מבול seems to take for granted that the fixed cycle of years with an extra month was in operation at that time, this does not necessarily imply a view between the two above opinions as maybe even רב היי גאון will concur that prior to מתן תורה the fixed cycle was in operation. See the end of §4 for a further discussion of this point.

¹¹This is associated with the name of הלל השני a great grandson of רבי, and tenth in direct line from הבבלי, and is said to date from 359C.E.

¹²ראש השנה דף כה.

¹³For the details of this section, see

רמב"ם ה' קדוש החודש פ"ו וכו'. A good alternative treatment, is to be found in a work of the תפארת ישראל known as סדר מועד which is printed at the beginning of שבילי דרקייע in many editions of the משניות.

¹⁴This is explicitly stated in רמב"ם ה' שמיטה ויובל פ"ה ה"ב, as well as in תוספות ר"ה ח"י. However, the סדר עולם gives the number of years after the creation of אדם and so it is necessary to add 2 to any figure mentioned in the עולם סדר to convert it to our enumeration. This point causes great confusion as many authors seem to be unaware of it. See also footnote 30.

¹⁵See for example גמרא ר"ה כה"י ורש"י שם.

¹⁶For example in 5836, ראש חודש שבט is on Monday 6 January 2076, despite the מולד being at 12: 52:17 p.m. on that day.

¹⁷This happened in 5766, and will not occur again for 247 years.

¹⁸Although the pattern of years with an extra month has period 19, the type of year in the above sense is not periodic. However, 13 cycles of 19 years last 90215d. 23h. 175m. which is only some 50 minutes less than a whole number of weeks. As a result, the pattern of years in 247 years, is almost periodic. But it is not exactly periodic; for example

Year	מולד תשרי	ראש השנה
5601	18h. 11m. 5s	Monday
5848	17h. 21m. 0s	שבת

¹⁹In 5755, when the eighth day of פסח fell on שבת, this occurred. It is often asked why the discrepancy was not corrected immediately, by reading אחרי מות-קדושים together בחוץ לארץ the following week, but was left in place for over three months until מטות-מסעי. The question seems to be based on the assumption that something has to be done בחוץ לארץ to return to the cycle in ארץ ישראל. The annual cycle was established for בכל, and indeed was not adopted in ארץ ישראל until well after the crusades. So, if anything, it is necessary to arrange that

something be done in ארץ ישראל to return to the cycle of חוץ לארץ. In that year, only מטות-מסעי were together בחוץ לארץ. This however does not seem to be the complete answer. The eighth day of פסח fell on שבת again in 5772, but in that year unlike the other, there was only one אדר. In that year the discrepancy was removed not by separating תזריע-מצורע which occurred two weeks later, or even אחרי מות-קדושים the following week, but בהר-בחוקתי. It appears that there is an *a priori* reason for preferring some combinations of סדרות to others, possibly based on the similarity of their subject matter. Incidentally, I have heard, although not at first hand, that there are places where instead of חקת-בלק, the combination קרח-חקת is employed.

²⁰ערכין פ"ב מ"ב

²¹סנהדרין דף י"א:

²²ה' שמיטה ויובל פ"ה ה"ד

²³These differ considerably from the year 586 B.C.E. often quoted in the non-Jewish sources. But that year cannot be reconciled with the Jewish sources for many reasons, mainly because of the chronology; as a matter of fact in that year too, תשעה באב could not have fallen on either שבת or Sunday.

²⁴See his comments in ערכין and תענית on the one hand and עבודה זרה on the other. Just possibly a reconciliation might be possible on the lines that in the first two רש"י uses our system of dates, whereas in latter he means those used by the עולם סדר

²⁵Cf. יורה דעה שלא with חושן משפט ס"ז. This discrepancy is noted by the ב"ח who suggests an emendation, which is not entirely satisfactory either as is mentioned by בית יוסף. It is actually very difficult indeed, for without the reconciliation suggested in the previous note, it would seem to imply that not only was the בית שני in 3828, but the חורבן בית ראשון would have had to have been in 3337, also a year in which תשעה באב could not have been on either שבת or Sunday.

²⁶שבת פ"ז:

²⁷Nor in 2448. Even in 2447, it would only have been due to the operation of the דחיה of ראש אדר, and it is extremely difficult to imagine that the objection to falling on a day adjacent to שבת should have applied prior to מתן תורה.

²⁸However the statement in סדר עולם that in the following year the first of ניסן and therefore also the first day of פסח fell on Sunday does not fit in with the calendar, as has been mentioned by Rabbi M.Y. Weinstock in his notes to the סדר עולם, called זמנים. There seems to be no way out of this difficulty, for it could have occurred only if 2451 had had only 12 months, and that would have caused פסח to have fallen long before the equinox. Indeed the problem is even worse than this, for according to the סדר עולם the Exodus took place on Friday, not Thursday. See also גמרא שבת פ"ז:

²⁹It is true that according to the fixed calendar, ראש השנה of 1657 would also have been on שבת, but in that year the

מולד was on Thursday, and the only reason why the fixed calendar would have yielded שבת is because of the operation of *לו* of the דהיות mentioned above, and these did not operate in the same way prior to the fixed calendar. Indeed year 2, the day on which אדם הראשון was created had its ראש השנה on Friday.

³⁰ See his comments on בראשית ה'ד

³¹ Indeed the fixed calendar works beautifully for רש"י in that 1658 was indeed a twelve month year in which the months alternated, and this without the operation of any of the דהיות for either this year or the following one.

³² A comment in קול אליהו to the effect that it is midway between sunrise and 12 o'clock was presumably written at a time when sundials were still in common use.

³³ See F. Richard Stephenson & Liu Baolin, "On the length of the Synodic month", *The Observatory*, 111 (1991) pp 21—22.

³⁴ The Chinese calendar, of which I have unfortunately no detailed knowledge, is a solar-lunar calendar which is said to follow the phases of the moon rather more closely.

³⁵ The accuracy of this average figure is remarkable, given the huge variations from the average.

³⁶ ה' קידוש החודש פ' ה'ג

³⁷ על רמב"ם ספר המצוות עשה קנ"ג

³⁸ על סוכה דף מג

³⁹ ה' קידוש החודש פ'ד ה' ט"ז

⁴⁰ See כסף משנה and also the next section, for a fuller discussion of the point.

⁴¹ קידוש החמה and the commencement of the saying of ארץ ישראל outside טל ומטר

⁴² On about March 17th. taking 50' solar depression, or March 18th or 19th taking 35'.

⁴³ שמות ל"ד כ"ב

⁴⁴ As indeed it is stated in גמרא סנהדרין דף יג. that they are.

Declaration Opposing the Declaration Against Zionism

RABBI DR. ISAAK RÜLF, TRANSLATED FROM GERMAN BY JOSHUA FREEDMAN

Rabbi Dr Isaak Rülff (1831-1902) is widely seen as one of the earliest religious supporters of Zionism. He was born in Rauischholzhausen, Germany, and ordained a rabbi in 1857. He was awarded a PhD from the University of Rostock in 1865, a year in which took on the clerical position he is most famous for as the Rabbi of Memel (now Klaipėda) in modern-day Lithuania. He cared deeply for the financial and religious plight of the Eastern European Jews and made frequent trips to the region, involving himself in relief projects for Russian and Lithuanian Jews. This earned him the moniker "Doktor Huelf" (Dr Help).

He appreciated the writings of both Leon Pinsker, who published the Zionist pamphlet "Auto-Emancipation" in 1882, and Theodor Herzl, to whom R. Rülff wrote in June 1896 to congratulate him on his book of the same year, *Der Judenstaat* ("The Jewish State"). In 1883 R. Rülff discussed his solutions to the Jewish plight in his tome *Arukhat Bat-Ami*, published in German, citing a Hebrew-speaking Jewish state in the Land of Israel as his solution. He later joined *Hibat Tzion* and was one of the few Western European rabbis publicly to oppose the so-called *Protestrabbiner*, who spoke out against the Zionist movement.

Two such figures were liberal rabbis Siegmund Maybaum of Berlin and Heinemann Vogelstein of Stettin, whose brief "declaration" against Zionism in 1897 is published in translation below. It was originally printed in the *Allgemeine Zeitung des Judenthums*, a newspaper founded and edited by another liberal rabbi, Ludwig Philippon. Following it is a rendering of Rülff's lengthier response, published in the Zionist newspaper *Die Welt* later that month. It demonstrates his longing for the Land of Israel, his devotion to the welfare of Jews and his delicate approach to the balance between German and Jewish national identity. He quotes *Tehilim* 83 and the first chapter of *Isaiah* to rebuke those who he believes are denying their national heritage. He dismisses the rabbis' claims that the Jewish "emergency" does not exist and that there is little hope of any support for Zionism across Europe. And, finally, he underlines that the debate over Zionism can take place in German, not just Hebrew, and urges the *Protestrabbiner* to enter the discussion.

Against Zionism, By Dr S. Maybaum and Dr H. Vogelstein¹

Well this is a fine mess, is it not. Virtually on the eve of the festival that reminds us more than any other that Israel was by its nature destined to be a "kingdom of priests"², we received from Vienna the new newspaper of the "Zionists", called *Die Welt*, in which they drum up support for the congress of Jewish nationalists called for 4 June [1897] this year in Munich.

The newspaper is a great misfortune that we must reject. When the Zionists wrote in Hebrew, they were not so dangerous. But now that they write in German, we ought to counter them. Not to disprove them, for what should one say to such people: on the one hand they are obsessed with a national Judaism, on the other they complain that the Austrian government asks applicants for clerical positions in Bukovina for proof that they have been baptised. Indeed, any Austrian Jews who endorse the Zionist cause cannot legitimately complain of being treated as outsiders by the government and cut off by the state authorities.

When the Zionists wrote in Hebrew, they were not so dangerous. But now that they write in German, we ought to counter them.

Only because we can say to our fellow countrymen with complete conviction that we only form a distinct community in a religious sense but in a national respect feel totally allied to our German compatriots, and strive towards the intellectual and moral goals of the fatherland with equal enthusiasm, can we call for full realisation of equal rights, and perceive any stunting of this as an injury to our most sacred feelings.

What more can one say when the gentlemen are so naive to believe that the Jews of western Europe will give their money towards displacing the Turks of Palestine and creating a Jewish organisation that turns the entire path of Jewish history on its head? History made its decision

about national Judaism 1,800 years ago through the dissolution of the Jewish state and the burning of the Temple to ashes. It is one of the greatest achievements of the recent 'science of Judaism' that it has managed get this point widely known among Jews in developed countries.³

But we must also take issue with the affront the Zionists offer us by talking of a "Jewish emergency" from which they supposedly need liberation.

The Zionists want to create a "home secured by international law" for Jews who "cannot assimilate where they currently live, but want to"⁴. Where, then, are these Jews who do not want to assimilate?

If it is that they are *unable* to assimilate, then it is our duty to work together with the best and most noble figures in each religious group to fight for the removal of emergency laws against Jews. We protest most decisively against such treatment. But we must also take issue with the affront the Zionists offer us by talking of a "Jewish emergency"⁵ from which they supposedly need liberation. We know we stand in agreement with all Jewish communities of the German fatherland.

But we ask the Zionists: in whose name and under whose instruction do you speak? Who gave you a mandate to announce a congress in Munich that you would find hard enough getting support for in Przemysl, Grodno or Iași?

We deplore the fact that the conveners, who have not one Jewish community supporting them, will be giving the keynote speeches in the name of all Jews, and we are convinced that no rabbi or leader of a German Jewish community will attend the congress. This will demonstrate in front of the entire world that the Jews of Germany do not at all share the Zionist idea.



Photograph of Rülff taken shortly before his death in 1902, from the Viennese journal *Die Welt*.

Declaration against the declaration, by Rabbi Dr I. Rülff⁶

In issue 24 of the *Allgemeine Zeitung des Judenthums*, my colleagues Dr S. Maybaum of Berlin and Dr H. Vogelstein of Stettin published a treatise again Zionism and against the recently founded Zionist newspaper, *Die Welt*.

"The newspaper is a great misfortune that we must reject," they shout to all and sundry.⁷

To the contrary - the newspaper is not the misfortune; these Rabbis are the misfortune. They are leaders who lead in error, carry out worse anti-Semitism than the most severe anti-Semite and wish to rid Judaism of its nationhood and strike it off from the list of nations.

They are those to whom Psalm 83 applies: "God, do not fall silent, do not hold your piece, be not still, O God."⁸ They conspire against your people and take counsel against the ones you shelter."⁹

They say: "Come, let us cut them off from being a nation; the name Israel shall no longer be remembered."¹⁰

It is they, chiefly, who discredit our people among the world. They deny their lineage. They forge a community that, through its own impertunity, rebuffs this ancestry and arrogantly lays claim to a "nationality" to which they are not entitled.

The reason we Jews have always suffered condemnation is that we had never previously understood the importance of self respect. Rather, we have abandoned our nationhood and flirted with the children of gentiles.

We are hated and have been always been hated. That is not so bad. "The more danger, the more honour," as they say.

Being condemned is bad enough; worse is that we contribute to this by putting ourselves up for condemnation, because, despicably, we have lost and denied all national identity and pride.

According to their declaration: "Only because we can say to our fellow countrymen with complete conviction that we only form a distinct community in a religious sense but in a national respect feel totally allied to our German compatriots [...] can we call for full realisation of equal rights, and perceive any stunting of this as an injury to our most sacred feelings."¹¹

So many words, so many untruths.

You talk of unity in a "religious" respect. And where does your religion come from? And in a "national" respect - from where does your nationality come?

What it has to do with your religion is not fundamentally

relevant. That is an internal and intimate matter for each individual. But to deny and betray one's birth, lineage, membership of a people and the holy traditions of our forebears - we cannot silently let that pass by.

Because you deny your own nationality and arrogate a different one that you are not entitled to, because you ignore the root you are from; for this reason you believe you can “urge full realisation of equal rights, and perceive any stunting of this as an injury to our most sacred feelings?”

Indeed, were one to respond to you, one would tend not to be concerned with people who fraudulently grant themselves rights through the denial of their people and their nationality. To me, people who wish to see their heritage forgotten and to draw a veil over their ancestry, their past, are something despicable. I would disagree with you any day. It is infinitely commendable and more effective for the attainment, preservation and defence of equality and all civic rights not to deny one's honourable lineage, which is totally synonymous with nationality.

I am here, this is my country, here is my passport. I demand recognition as a fully-fledged citizen of this state with all due rights and responsibilities. Yet I feel I have no need for people who try to influence me but whose connection to their nation is not as strong as mine, or those who have national pride but do not know who they are and where they are from.

The same attitude as mine will be held by a German who has become a full citizen of a foreign state, possibly even one who has reached a high position of honour, say for example a Senator Carl Schurz in America, a Pascha in Turkey such as von der Goltz, not to mention all the thousands and hundreds of thousands in Asia, Japan, Africa and Australia and the many millions of Germans who were citizens of foreign countries from birth. Would a German too want to deny his nationality, his language, his country of birth? Of course not. Such perfidy - I know no gentler word - only the so-called modern Jew is capable of.

To me, people who wish to see their heritage forgotten and to draw a veil over their ancestry, their past, are something despicable.

The current disputes between different national groups in Austrian states are deeply deplorable because of the passionate yet reckless methods they use.¹² However, the staunch and devoted attitude that makes a feature of nationality is most commendable.

As the scripture says: “Israel does not know; My people do not understand.”¹³

If what my colleagues are saying is that they strive towards the dear fatherland's intellectual and moral objectives together with their fellow countrymen, with equal enthusiasm, one can only agree with this. However, that does not have to be accompanied by the spineless denial of one's membership of one's own people. God, who knows our inner thoughts, knows that I am lovingly and faithfully devoted to the state and the fatherland, that I and my family - five valiant sons - are always willing to give heart and soul for the fatherland. What we will not allow to be stolen or tarnished is our Jewish national sentiment. We are good Germans, but we are not Teutons.

Everything my two colleagues go on to say about the decline of national Judaism through the dissolution of the Jewish state eighteen hundred years ago, about the recent science of Judaism that propagated this view, is a falsehood, if not something worse. Indeed, the decline of the Jewish state proves that this people is the “am olam”, the eternal people, which even such a dreadful catastrophe could not harm. The science of Judaism has remained a national science right up to the present day, or should we say, in recent times it has gone back to being a national one. Just ask the two recent heroes of this discipline, Zunz and Graetz.

Yet - and this is the worst bit - my colleagues speak of an affront that the Zionists have supposedly offered them by talking of Jewish “misery” that the powers want to free them from. The gentlemen know nothing of this Jewish “misery” and do not want to know anything about it. They have their lofty rabbinic al headquarters in the centre of the major cities with an income comparable to a minister's salary and do not care much for the miserable situation of their comrades. I, however, have viewed the plight of my brethren. I have experienced how they have been persecuted, robbed, mistreated, how their wives and daughters have been defiled and how they have been driven out of their homes in the thousands and hundreds of thousands. We are not speaking of any Jewish “misery” other than this one.

“Over there in Russia!” you say. No, here too in Prussia. In 1885, I had a community of around 1,300 souls. Now there are barely 800. They have been expelled without a substantive reason and without knowing where they would end up. 22 families, or 104 people, are currently subject to expulsion orders, without any prospect of accommodation elsewhere. Through decades living abroad, they have long since forfeited Russia as their home country. That is what I call Jewish misery, irrespective of the vilification, curtailment of legal rights, persecution and affronts that we all have to deal with.

In 1883, when, in despair, I brought into the world my work “Arukhbat Bat-Ami” (The Healing of Israel) following the terrible Jew-hatred in southern Russia, I was following my unforgettable late friend Dr Pinsker in Odessa in my wholehearted expression of nationalist thoughts. I believe through it I contributed to the spread

of national feelings and the nationalist movement among Jews. In contrast to my friend Dr Pinsker, I made reference to Palestine as the only destination that would provide adequate protection for our fellow nationals, who had been scattered and instilled with hatred towards others. Today, with a new pair of eyes, I see much of this in the same way as before and need not reiterate everything I said back then. But upon the Holy Land my eyes are turned today as they were in those days, for the following words have not yet been erased from my “Lecha Dodi”: “O holy sanctuary, royal capital, arise! Get up from your perversion. You have tarried in the valley of tears long enough. He will embrace you in pity.” And: “Do not be ashamed, do not fret; why do you squirm, why do you groan? Those of My people in misery will find protection in you, and the city shall be rebuilt on its hill.”

They follow their heart, their irresistible empathy with their suffering brethren, the pressing desire to advise and help them, the inextinguishable love of the Holy Land, the native soil of the forefathers and the powerful Jewish national identity.

Nations and rulers, and all who profess the belief in one God, look over in love and yearning towards the city, the land, with an eagerly expectant gaze. We, as the legitimate heirs and original owners, should distance ourselves from the assimilationist Rabbis’ proclamations, which are a mere anomaly, albeit a shameful one of an unparalleled form.

Finally the aforementioned rabbis play their trump card: “But we ask the Zionists: in whose name and under whose instruction do you speak? Who gave you a mandate to announce a congress in Munich that you would find hard enough getting support for in Przemysl, Grodno or Iași?”¹⁴

In Munich, you ask. If we could just pose the opposite question: What business do you have in Berlin? You belong in Przemysl or Bečkerek - what business do you have in Vienna? You belong in Trzciel or Babimost.¹⁵

Now, do not squeal. I do not mean it wickedly. Everyone lives where fate or his own free will takes him. But you too have no right to ask us such questions.

Who gave the Zionists this mandate? Certainly not you! In truth, no one did. They merely follow their conviction, their heart, their irresistible empathy with their suffering brethren, the pressing desire to advise and help them, the inextinguishable love of the Holy Land, the native soil of the forefathers and the powerful Jewish national identity,

which simply will not be suppressed.

Just remain quiet: we do not want to disturb you. Stay where you are, sluggish and backward. But us you should leave in peace. Do not behave as though you are the true guardians of Zion. This you are not; neither do you want to be. A little bit more concern for the real Jewish cause that we represent would not go amiss. The Christian world shows a thousand times more understanding for our strivings than you do, and in truth they do so not to the detriment of the Jews’ rights and privileges.

You have absolutely no need to fear that we will sacrifice even the smallest granule of what we say for civil and political equality. We are not assimilationists; we neither grovel nor fear. That is why we demand categorically that you leave us alone.

We need not correspond only in Hebrew in future - your treatise allowed us that. Rather, we should write even more fervently and assiduously than before, but still in German. Write in German, talk in German - with you!

Joshua Freedman studied German and Linguistics at St Peter’s College, Oxford. He is a journalist for a legal trade magazine.

¹ S. Maybaum and H. Vogelstein, “Gegen den Zionismus” (Against Zionism), *Allgemeine Zeitung des Judenthums*, 11 June 1897

² Shemot 19:6

³ ‘Wissenschaft des Judentum’, the ‘science of Judaism’, emerged in Germany in the 19th century and was the study of Judaism through modern research methods

⁴ Editorial, *Die Welt*, 4 June 1897

⁵ Josef Feldmann, “Ein Nothschrei” (A cry for help), *Die Welt*, 4 June 1897

⁶ Rabbi Dr I. Rülff, “Erklärung gegen Erklärung” (Declaration against the declaration), *Die Welt*, 25 June 1897

⁷ Maybaum and Vogelstein, *ibid.*

⁸ Tehilim 83:1

⁹ *ibid.* 83:3

¹⁰ *ibid.* 83:4

¹¹ Maybaum and Vogelstein, *ibid.*

¹² Count Kasimir Felix Badeni’s ordinance of 5 April 1897 instituted Czech and German as the official languages of government matters in the Austro-Hungarian regions of Bohemia and Moravia. This resulted in a negative reaction amongst some German speakers who refused to learn Czech, leading to numerous riots

¹³ Isaiah 1:3

¹⁴ Maybaum and Vogelstein, *ibid.*

¹⁵ Przemysl, Trzciel and Babimost are towns in modern-day Poland. Bečkerek (Zrenjanin) is in Serbia. This comment is presumably a reference to Jews who had migrated from Eastern Europe to German-speaking countries in the 19th century

Poland and Polish Jews in World War Two: the case in favour

BEN VOS

*The Eastern Jew...fails to see the goodness of the Slav people, whose coarseness remains more decent than the house-trained animality of the Western European, his secretive perversions, his cringing before the law, with his well-bred hat in his apprehensive hand.*¹

Introduction

This article seeks to describe the positive actions of the Polish government and people – who never surrendered to the German invader - with regard to the Allied military campaign and to Polish Jews, during WWII. While not purely 'apologetic', this article aims to defend Polish conduct through supplying some historical context of Polish-Jewish relations and the ferocity of the German occupation. A glossary appears at the end of the article.

Separated as we are from historical Polish Jewry – not to mention Polish Jews' fiendishly-intertwined political and cultural relationships with myriad neighbours – it is often easy for us to ascribe historical Jewish disasters to a vague sense of general east European ghastliness. Even ignoring the pragmatic sense in improving relations between Jews and our erstwhile east European neighbours, we must resist the temptation to simplify and dismiss 'the other side', for the sake of simple intellectual honesty if for nothing else. In the case of Poland, unless we clarify causes and facts, we also risk looking ignorant² given that Jews were explicitly invited into Polish lands³ and enjoyed a millennium of considerable cultural and material success before succumbing to deadly pressures not entirely internally generated and very often imposed or caused by the Scylla and Charybdis of central Europe: successive incarnations of Germany and Russia.

This article does not attempt to deal with the Soviet occupation of eastern Poland (1939-1941), nor with post-1945 Polish pogroms. Poland was by 1945 a broken country, overflowing with Soviet troops and riven with NKVD⁴ agents, and there is not space here to argue about 'pure' banditry born of desperation or Soviet and native anti-Semitism, against that changed background. Please note also that where Polish language sources are given, I have had to rely on secondary sources for their meaning.

Gentile Poles are referred to as 'Poles', and Jewish Poles as 'Jews', with no political implications.

The Jews in Poland: a tradition of pre-modern tolerance

The medieval Crusaders who ravaged the Jews of Ashkenaz⁵ inadvertently gave rise to the substantiation of Polish Jewry. Christian violence instigated a sustained large-scale Jewish shift eastward to Poland. Polish political isolation from hostile neighbours necessitated a tolerance for numerous ethno-religious sects to maintain national unity, so for much of the medieval and early modern period, Polish Jews were afforded a unique degree of autonomy under royal protection. Through the *Va'ad Arba Aratzot* (Council of Four Lands), Polish law⁶, the establishment of Hebrew as an official language and the commercially-vital role of Jews at all levels of society in town and country, pre-modern Jews in Poland (and in the Polish-Lithuanian Commonwealth 1569–1795) formed a "nation within a nation"⁷, un-ghettoised (apart from in the ex-Teutonic north), free from sumptuary distinctions, and generally physically secure.

Polish political isolation from hostile neighbours necessitated a tolerance for numerous ethno-religious sects to maintain national unity.

Deadly foes of Polish Jews included nascent commercial competitors, nobles seeking to curtail royal finances, and various Lithuanian and Church parties whose interests competed with those of a strong Polish crown. Most infamous in Polish history is Bogdan Khelmnitsky (c.1595–1657), chief of the (largely Russian Orthodox by religion) Zaporozhian Cossacks of south-eastern Poland, much of which is now Ukraine. Khelmnitsky's Ruthenian rebellion in 1648 against (Roman Catholic) Polish-Lithuanian rule took place on Polish soil but the slaughter of Polish overlords and their Jewish agents was not a deed of the Polish crown or people.

Khelmnitsky is relevant to this article because the many thousands of Jewish deaths he brought about, as well as the part the slaughter played in the subsequent early-modern European Jewish disillusionment,⁸ should be separated from 'Poland' in terms of population or government. Popular historical understanding today does not always acknowledge such distinctions.

Modern Poland: a breach in the tradition?

Modern Poland was reborn in 1918, one of the European states cobbled together from the jumbled *Mitteleuropian* wreckage of the Austro-Hungarian Empire after the Great War of 1914-1918. In the case of Poland, it was necessary to amalgamate everything from railways to the new Polish Land Forces from Russian, Austrian and German constituent parts; the detritus of multiple, diverse occupations. Unlike Czechoslovakia and Romania, the 'new' Poland had existed before, albeit not since 1795, when Prussia (the militarist core of Bismarck's unified Germany), Habsburg Austria and Romanov Russia had eviscerated a Poland weakened by centuries of unfavourable economic developments, ethnic strife and political infighting.

Post-1918 Poland was a struggling modern state, whose politicians displayed varying degrees of impatience with pre-modern multi-ethnic accommodations and the modern nationalism of non-ethnically Polish citizens.⁹ There existed a constant state of contingency and economic hardship, while unfriendly neighbours waited, it seemed, for opportunities to pounce.¹⁰ Wars were won against newly-Communist Russia and Lithuanian and Ukrainian separatist movements; Belarusians in Poland were also restive. German agitation and territorial disputes in the west, Soviet espionage in the south-east and wavering French governmental support all contributed to general Polish unease.

No explicitly anti-Semitic laws were suggested by the virtual founder of modern Poland, Pilsudski.

In the midst of this turbulent scene, almost 3 million Polish Jews remained a community - including 800,000 Russian Jews living in territory seized back from Russia in 1921 - set apart by language¹¹ and having disparate but Jewishly-distinct religious and political beliefs. Widely and wildly varying Jewish support (there was no nationwide 'Jewish' view on anything) for Zionism, for German incorporation of Posen, or for Lithuanian control of Vilna in 1919,¹² for the Bund - an international-socialist Jewish political party - and for Communism, helped bolster suspicions that Polish Jews would never be 'truly Polish' at a time when Poland needed as many patriotic Poles as it could muster. Amidst the effects of the Depression, longstanding low-level rural hostility to

Jews¹³ and likely 'new' Church incitement against Jews as liberal, Masonic or Communist influences on the nation,¹⁴ pogroms were perpetrated in Galicia by Polish troops in the aftermath of the Polish-Ukrainian War (1918-19).



Celebration for 30th anniversary of the Bund

Nevertheless (with specific reference to Warsaw), "[Catholic-Jewish] tensions should not be exaggerated. It is important not to read history backwards and not to interpret the pre-war scene in the light of subsequent developments."¹⁵ No explicitly anti-Semitic laws were suggested by the virtual founder of modern Poland, Pilsudski, or by his authoritarian *Sanajca* ('Healing') successors (Pilsudski died in 1935) and though legislative bills with anti-Semitic intent (e.g. demographically-based restrictions on shechitah) were tabled by the anti-Pilsudski *Endecja* ('National Democracy') faction, these were not passed, with the exception of a 1938 law withdrawing citizenship from Poles resident abroad for five years. This law was clumsily aimed at Polish Jews in Austria who wished to escape the *Anschluss* and prompted refusal of entry to 5,000 of the 17,000 Polish Jews expelled from Germany in October 1938. The law was only repealed by the *Rząd* in November 1941.¹⁶ Though thousands of Polish Jews had left Poland in previous decades for the USA and more recently for Palestine, it is likely that the dire economic situation was as influential as political considerations: by 1939, one million Polish Jews were reliant on charity from the USA.¹⁷ Besides, the electoral success of anti-Zionist, non-Communist Jewish political parties (particularly the Bund and less so, the *Yiddisher Folkspartei*), indicate an explicit desire by the rump of Polish Jewry to engage with Polish politics and with Poles, in vocal opposition to those who were increasingly strident and even violently anti-Semitic. This perseverance could not be ignored: perhaps as a result, the 1935 Constitution made discrimination on grounds of nationality and religion illegal: a home in Poland for Jews was not necessarily a lost cause.

One sad indication of the sputtering endurance of the integrative tendency was found at the Katyn forest, where the Soviet NKVD murdered Polish officers in April and May 1940: among the estimated 22,000 dead¹⁸ were around 2,000 Jews, proportionate to the number of Jews

in Kresy (eastern Poland) where Communist Russia ensnared them.¹⁹ Among the dead was Rabbi Major Baruch Steinberg, chief non-Roman Catholic chaplain and Chief Rabbi to the pre-war Polish Army. Similarly, Major General Mieczyslaw Norwid-Neugebauer, a Jew with long and extensive experience in the Polish Land Forces, headed the Polish Military Mission to London on the outbreak of WWII; at a more junior level, 60,000 Jewish soldiers were among those captured during the German invasion.²⁰ Further, 200,000 Jews served in the various Polish forces during WWII,²¹ consequently, Polish Jewish graves are prominent at the military cemeteries outside Arnhem in the Netherlands and at Monte Cassino in Italy.

In hindsight it seems a moment of great pathos that in spring 1943, members of the ZZW raised two symbols above the tallest remaining building in the ghetto during the doomed uprising of Jewish Warsawians against the final deportations from Warsaw: their own blue and white banner, and the red and white Polish national flag.

German Invasion and Occupation: 1939-1944

It is worth mentioning certain elements of the illegal behaviour perpetrated on Poles by Germans to establish a point of principle: the Germans (and the Soviets, after they invaded sixteen days after the Nazis) were in control of Poland; the Poles were not.

As a prominent historian of Poland has written, “Western Europeans remember the winter of 1939-40 as ‘the Phoney War’. But there was nothing phoney about the war in the East, where Hitler and Stalin were both actively pursuing their conquests... The consequences for the First Ally [Poland] were unspeakable. Its territory was devoured, its population enslaved, its Government separated from its people.”²²

The first shots of WWII in Europe, at Gdansk on 1st September 1939, were followed a week later by the first German murders of prisoners.²³ The following day, German 'pacification' methods were demonstrated at Żłoczew, where 200 men, women and children were shot dead.²⁴ By 26th October 1939 the Germans had burned 531 towns and villages and murdered thousands of POWs.²⁵ (Consider the Limousin village of Oradour-sur-Glane, whose destruction in June 1944, still horrifyingly visible today, was one of a handful in France.) Around 50,000 Poles were shot during the first days of the invasion,²⁶ some of them as part of the *Intelligenzaktionen* which, along with 30,000 arrests of academics, professionals, nobles and clerics in mid-1940, aimed at decapitating Polish society.²⁷ By 1943, “Warsaw was transformed into a jungle... One could go out to buy a bottle of milk and not return, then be found on the list of hostages... to be shot [as] ‘enemies of German reconstruction’.”²⁸

Western Poland, “... was directly incorporated into the Reich, from which all ‘racial undesirables’, mainly Slavs and Jews, were to be expelled.”²⁹ Polish farmers were to be replaced by German colonists; in preparation, hundreds of thousands of Polish³⁰ and Jewish “undesirables” were pushed east to the illegally-established ‘*Generalgouvernement*’ portion of eastern Poland, a lawless, enslaved “laboratory of Nazi racial ideology”³¹ administered by the SS. Governor Hans Frank ordered in October 1939 that a death sentence could be imposed on Poles who did anything that might appear to be against the interests of Germany or Germans.³²

All Polish universities, technical colleges and secondary schools were closed; all museums, galleries, libraries, theatres, cinemas, concert halls and theatres were taken over for the sole use of German administrators, military personnel and colonists. All state enterprises, major private companies, factories, professional firms and all medium to large landed estates were sequestered by Germans (e.g. Oskar Schindler) without compensation.³³ Violence enforced everything.

Poland-wide, around 200,000 racially-redeemable Polish children were kidnapped for potential Germanisation, or death if various tests were failed. “[T]he records of Auschwitz show the arrival of 39 boys from Zamość in February 1943, all of whom were immediately killed by phenol injections to the heart.”³⁴

A death sentence could be imposed on Poles who did anything that might appear to be against the interests of Germany or Germans.

German policy fluctuated in its severity, in part because of a political turf war mounted by the Eastern Ministry, the RSHA (part of the SS), the Gestapo and the Wehrmacht. Ultimately though, Poland was intended to disappear: plans first formulated at the Wannsee Conference in January 1942 encompassed not only the eradication of European Jewry but also the eventual eradication of 80% of Poles,³⁵ by starvation, overwork and murder.

By January 1944, 1.7 million Poles had been brought as slaves to the Third Reich.³⁶ These unfortunates were routinely harvested by the infamous *Japanka* round-ups, violent and arbitrary presses on Polish streets. Those not deported were often publically shot or for a time at least, imprisoned, often at the main Pawiak prison in Warsaw, which alone saw around 37,000 deaths.³⁷

During WWII, 5.6-5.8 million Poles were killed, or roughly 16% of the pre-war Polish population.³⁸ Another 5 million Poles were scattered abroad.³⁹ In comparison, Britain lost 450,000 lives, or less than 1% of her

population.⁴⁰ Furthermore, the UK remained at liberty in 1945, while Poland, the 'First Ally', became a Soviet vassal and remained so until 1990.

Against the charge that 'Poland did nothing'

Quite apart from the intelligence contributions (e.g. the first Enigma machine, almost half of all reports emanating from occupied Europe throughout the war⁴¹ and information stolen by Polish slaves from the V1 and V2 testing centre at Peenemünde), Poland contributed a surprisingly large contingent, hugely against the odds, towards total Allied strength. Following the bloody 1939 defeat of the Polish Land Forces, Polish military activity took several notable forms which are outlined here:

- i. under *Rzqd* control, the AK, whose ultimate role was to rise against German occupation in advance of a Russian takeover; the AK launched the grossly-undersupplied⁴² Warsaw Uprising in August 1943; the rising ended with defeat in October. Approximately 10,000 insurgents and 200,000 civilians were killed; 700,000 people were expelled from the city, including 55,000 sent to concentration camps including Auschwitz.⁴³ (Compare again the total of 450,000 British war-dead);
- ii. under British command, Polish I Corps consisting of:
 - a. Polish 1st Division which closed the Falaise Pocket at Normandy (August 1944), directly facilitating 60,000 German casualties; and
 - b. 1st (Polish) Independent Parachute Brigade whose intended role was to pre-empt a Soviet capture of Poland but who were sacrificed during Operation Market Garden, September 1944;
- iii. under British command, Polish II Corps ("Anders' Army"), consisting of two (later three) divisions and other units amounting to 75,000 men (including Menachem Begin);
 - a. Anders' Army were the cream of 200,000 military and 700,000 civilian Poles deported from Kresy by the USSR. Following many months of slave labour, the survivors trained in Palestine. The USSR arbitrarily 'turned' various Polish minorities into Soviet citizens in December 1941 and refused to allow Kresy Jews to leave with Anders' Army;
 - i. Still, 838 Jewish officers and men fought in Italy with II Corps;
 - ii. Another 3,000 Jews were 'allowed' to desert and join the Haganah and Irgun in Palestine;
 - b. II Corps went on to capture the monastery at Monte Cassino in May 1944;

- iv. under British command, the Polish Air Forces which among other achievements, contributed the top ace and top-killing squadron - 303 Squadron - in the Battle of Britain;
- v. under Soviet Russian command, the Ludowe Wojsko Polskie ("People's Troops of Poland");
 - a. established 1943, consisting of up to ten Soviet divisions (around 180,000 men), the 'LWP' took its part in the Eastern Front, fought to Berlin and became the army of postwar, Communist Poland; and
- vi. under Polish Communist (and indirectly, Russian) command, the Armia Ludowa ("People's Army") an ill-disciplined force of uncertain strength in the low tens of thousands, formed of Russian partisans and Polish Communists. The Armia Ludowa acted in Soviet interests.

Did Polish armed forces, or Polish civilians, collaborate with Germany?

*"The underground Polish government did not recognize the occupying German forces and functioned as if it was the highest authority in Poland. The underground Polish leadership legislated its own laws in defiance of the Germans. The judicial branch conducted trials, and passed sentences on German criminals and Polish collaborators."*⁴⁴

Anecdotes abound of Poles blackmailing, betraying or even killing Jews, but Poles who perpetrated such acts were a minority.⁴⁵ The chronicler of the Warsaw Ghetto, Emanuel Ringelblum, said that most denunciations originated with *Volksdeutsch* ethnic Germans.⁴⁶

Alone amongst significant German conquests, Poland did not produce a division of the Waffen SS or even a battalion for the Wehrmacht.

Not that there was any popular desire on the part of Poles to the contrary, but there was no policy or significant reality of Polish service in the armed forces of the Third Reich.⁴⁷ A unique distinction for Poland is that alone amongst significant German conquests, Poland did not produce a division of the Waffen SS or even a battalion for the Wehrmacht.⁴⁸

Even on the barest logistical level, any co-operation with the occupier might lead to a death sentence imposed by the *Sady Specjalne* ('Special Courts') run secretly according to Polish law under the authority of the *Rzqd*. Even the deputy mayor of Warsaw had to seek the permission of the Delegate General (the *Rzqd*'s leader 'on the ground') before working alongside the occupier in any

capacity.⁴⁹ Where this penalty was implausible - as with the auxiliary 'Blue Police' force, who worked under German threat of death for non-cooperation with the occupier, the AK riddled the organisation with spies.

The Blue Police did, latterly, move from their initial 'police' function into assisting with *lapankas*, and killing of Jews.⁵⁰ Poles were not however on the staff, military or civilian, at any concentration or extermination camps, whether in occupied Poland or elsewhere.⁵¹ Ukrainians, Balts and certain Soviet POWs served under German and Austrian officers at the camps, but no Poles did so. It is theoretically possible that an individual Polish soldier imprisoned by the USSR in 1939 then 'liberated' by the Germans in 1941 might have found his way via Trawniki - a camp near Lublin where non-Germans were 'trained' for work in the industry of extermination - to working in a camp, but I have seen no examples.

The notion that the existence of Polish '*kapo*' overseers in the camps constitute collaboration, is *glib*. Jewish *kapos* also existed and in any case the morally-inverted universe created by the SS⁵² renders any easy judgment of 'prisoner-staff' unwise.

At this point it is pertinent to cautiously point out that the delegation of logistics and terror was a universally-applied background characteristic of German occupation. It was never Poles and not always Germans, but more often the *Judenräte* ('Jewish Councils') and the *Jüdische Ghetto-Polizei* who organised and corralled Jews for deportation from Warsaw, Łódź and Lvov. Directly-employed Jewish agents of the SS are an even more difficult issue but do seem to have existed: Jan Brzozowski, a Pole aged 16, was one of fourteen people who some weeks before his death had rendered help to an agent of the Germans who pretended to be a Jewish fugitive; Brzozowski was shot on 24 February 1943 while digging ditches at Sokolow Podalski.⁵³

Ghettos and deportations

Despite the despoliation of Polish assets; despite the targeting of the Polish elites; despite the arbitrary destruction of lives and theft of material; despite the Jewish population being 'a visible minority,' mostly town-dwellers obvious to the invaders⁵⁴ with identifiable language⁵⁵ and often dress; and despite Poland being the only country under German occupation where the punishment for aiding Jews "in any way", even "giving them a lift in a vehicle", was death⁵⁶ (encompassing the rescuer's entire family including children⁵⁷), the distant *Rzqd* mounted significant efforts through the Delegate General, its official-but-secret representative in Poland, to assist Polish Jews in their hour of greatest need. Failures, betrayals and conflicts of interest between Poles and Jews did occur,⁵⁸ but the moral and practical achievements remain if anything more remarkable for these difficulties.

As if to repudiate pre-war tensions, the National Council of the *Rzqd*, which served as a type of cabinet to the President and Prime Ministers in London, included two prominent and independent-minded Jewish politicians: the Bundist Szmul Zygielbojm (1895-1943) and Ignacy Schwartzbard (1888-1961), a Zionist. One of the *Rzqd* vice-presidents and briefly Minister of Justice was Herman Lieberman, another Jew.⁵⁹

Poland (was) the only country under German occupation where the punishment for aiding Jews "in any way", even "giving them a lift in a vehicle", was death.

Agents of the *Rzqd* included Jan Karski who reported on Bełzec to UK Foreign Minister Anthony Eden, President Roosevelt and to an unbelieving Justice Felix Frankfurter; Stefan Korboński, a prominent politician representing the peasantry, who brought news of deportations from the Warsaw Ghetto; Witold Pilecki, who spent a year voluntarily in Auschwitz, sending information to the AK before escaping to spread word in person; and Jan Nowak, who related news of the Warsaw Ghetto Revolt to the Allies. Here, Roosevelt, Eden, Reform Jewish leader Stephen Wise and other western leaders, including Jewish leaders - must be blamed for disbelieving or not caring to act on well-supported Polish claims, and for not considering suggestions which might, perhaps, have saved some lives.⁶⁰



Generalgouvernement poster, Czeszochowa, prescribing the death penalty for Poles sheltering, assisting or feeding Jews, 1942

Internationally, it was the *Rzqd* which addressed a very detailed statement to the nascent United Nations entitled 'The Mass Extermination of Jews in German Occupied Poland', which spoke of the intended "total extermination of the Jewish population of Poland".⁶¹ The Manchester Guardian considered this single action immensely important, though that newspaper sadly misunderstood western ability and willingness to help Polish Jewry: "The

accumulation of evidence concerning the massacres that have already taken place and the proof of German intentions for the future of European Jewry which is now available have convinced the representatives of the Great Powers of the need for immediate action.”⁶²

Practical assistance towards survival

Żegota ('The Council for the Rescue of Jews') was created between September and December 1942, after agents of the AK discovered the destination of Jews transported from the Warsaw Ghetto. "The emphasis was on protecting Jewish children, providing false papers, hiding them in safe houses, and passing them on to Church networks...thanks in large part to *Żegota*...more Jews were rescued in Poland than anywhere else. The figure is usually put at around 100,000.”⁶³ One estimate of Jews hidden by Poles (not only through *Żegota*) but who did not survive to see freedom, goes as high as 450,000.⁶⁴

In another sense though, the number of survivors is tragically irrelevant when assessing the activities of would-be saviours: "...it was the degree of German control over Poland, not anti-Semitism, which was the decisive factor in influencing the number of Jews who survived the war. The Netherlands, which had few Jews and less anti-Semitism than Poland, experienced about the same percentage of Jewish losses as Poland [because the Dutch were also under direct German control]. On the other hand, [unoccupied German ally] Romania, which had an anti-Semitic history, had a relatively low rate of Jewish losses.”⁶⁵

Żegota provided aid in many forms, including the provision of false 'gentile' I.D. papers; the provision of baptismal certificates (for which 33 priests were murdered by the Germans⁶⁶); and the supply of food, money and clothing to Jews in camps and in hiding. Hiding Polish Jews, it must be remembered, was not straightforward. One Jewish woman's Polish was so bad that *Żegota* had to create an identity for her as a White Russian, something which obviously couldn't be done for everyone.⁶⁷ *Żegota* also provided bribes such as the 1 million zlotys supplied to guards at the Kraków-Płaszów camp to release 200 Jewish children.⁶⁸ These efforts were 90% funded by *Rzqd* money airdropped at great risk to aircrew and aircraft, with only a 56% success rate.⁶⁹ Throughout 1943, *Żegota* distributed leaflets in Poland with messages from General Sikorski (Prime Minister) and Stanislaw Jankowski (Delegate General) urging Poles to help Jews. Through a fictitious German resistance movement, *Żegota* vicariously threatened to punish Germans for their crimes against Jews.⁷⁰

Notably, *Żegota* was co-chaired by Zofia Kossak-Szczucka of the Catholic and nationalist party 'Front for a Reborn Poland' (alongside a socialist democrat); Kossak-Szczucka serves as an excellent example of thinking in a manner peculiar to time and place. Possibly even anti-

Semitic by current sentiments, but no collaborator and certainly no murderer, she said:

*"We do not want to be Pilates. We are filled with sympathy, indignation and horror. Our Christian conscience bids us to protest. Whoever does not join in this protest – is not a Catholic."*⁷¹

Perhaps in a similar vein, up to two-thirds of Polish Catholic orders - monasteries and nunneries, often with the advantage of distance from the urban-centred Gestapo - may have had a role in the concealment of Jews.⁷²

More widely-known perhaps, but often celebrated as an individualistic heroine though she was head of the Children's Section of *Żegota*, was Polish nurse Irena Sendlerowa, rescuer of around 2,500 Jewish children from the Warsaw Ghetto. Other *Żegota* operatives and by extension the *Rzqd*, facilitated Sendlerowa's work.

In the Spring of 1944, the *Rzqd* established a council to overcome anti-Polish sentiment in the western Jewish press in order to raise aid funds for *Żegota*; but the Warsaw Uprising erupted in August and by October all organised life in that city had ceased with its virtual destruction; this effectively concluded any chance of organised assistance to any remaining large-scale urban concentration of Polish Jews.⁷³ Throughout the war, the *Rzqd* sought to gain protective foreign passports for Polish Jews elsewhere in Europe; Hungary provided some passports for Polish Jews in that country, but the western Allies provided no such assistance.⁷⁴

The lack of response to Polish publicity from the rest of the world led Szmul Zygelbojm, Bund representative in London and a member of the Polish National Council, to kill himself in protest (May 1943).

Our Christian conscience bids us to protest. Whoever does not join in this protest – is not a Catholic.

The toll

The number of Poles who died to save Jews is estimated at 2,000–50,000;⁷⁵ the lack of clarity is itself testimony to the chaotic brutality of the occupation. Overlapping with these figures to some degree are the 6,339 Poles currently registered as 'Righteous Among The Nations'.⁷⁶ But "...it does not seem that those who have been officially recognised [as Righteous Among The Nations] represent as many as ten per cent of the deserving cases." So there may well be upwards of 60,000 Poles deserving of this award.⁷⁷

On a more general level, a respectable estimate states that twelve people were involved, through varying degrees of

complicity, in hiding a single Jew.⁷⁸ The AK did not recruit people who were hiding Jews, lest the Jews' lives be endangered by any ensuing German 'attention'.⁷⁹ Arguably "the majority of the Polish population" were similarly passively protective, through merely looking the other way, refusing to turn Jews in, even though in some cases even this passivity could lead to their own death.⁸⁰

Helping Jews fight?

Armed intervention to help Jews was ordinarily impossible given that, "...one may liken [the position of the ghetto within Warsaw] to a sealed and watertight torture-chamber deep in the hold of a ship that had itself been taken over by pirates."⁸¹ Jewish combat was by 1943 symbolic; Polish combat might yet salvage a nation.

Nevertheless, the German in charge of suppressing the Warsaw Ghetto Revolt recorded having "been repeatedly shot at from outside the Ghetto" as well as finding Polish bandits (nameless and without political description) fighting inside the ghetto alongside Jews, despite the streets around the ghetto being shut down to prevent such help.⁸²

Prior to and during the Warsaw Ghetto Revolt of April-May 1943, members of the AK offered training, precious weapons and a degree of military assistance to fighting Jews. Vitriolic arguments between the Bundist and Betar contingents as to who did what, have been continued by the inheritors of their political traditions.⁸³ These arguments are made less transparent still by decades of partial contributions from Polish, Russian and Israeli contributors whose political motives and trustworthiness are also not always clear.⁸⁴

A question arises: even given the unclear situation in the ghetto, why did the AK not rise alongside the Jews?

The result is that the identity and contributions of the Jewish rebels is not certain, let alone the activities of sympathetic Poles on the other side of the heavily-guarded ghetto walls. Captain Henryk Iwanski of the AK may or may not have lost a son and brother fighting for Jews in the face of the final deportations to Treblinka; Lt. Dawid Moryc Apfelbaum of the Polish Army and the ZZW may not even have existed.⁸⁵

Regardless, on the first day of the Revolt, Captain Pszenny of the AK attempted to breach the ghetto walls to allow civilians to escape, but suffering fatalities, his men had to withdraw. On the 23rd April Lt. Skupiński led an AK attack on the gate at Ulica Pawia and killed several SS and police officers. There were around twenty-six

such assault, evacuation and relief operations mounted by the AK during the Ghetto Revolt.⁸⁶

A question arises: even given the unclear situation in the ghetto, why did the AK not rise alongside the Jews? One answer is that the *Rzqd* and the Polish population at large were aware that Poland had gained liberation from Prussia in 1806, and the province of Poznań (formerly Posen) from Germany in 1918, only through carefully-timed mass-uprisings. In WWII, the Polish strategy involved waiting until Russian forces – they hoped – would eventually pummel the Germans back from Moscow and Stalingrad and eventually into Poland, at which point the Poles would rise, seize their country back and presumably assist the Soviets to victory in Germany itself.

The practical sense of this plan is not in question here. The 'wait then fight' plot is relevant because it was of little use to Polish Jewry who, by 1943, had suffered almost total annihilation. But the AK had to "...preserve Polish society from disintegrating under the pressure of Nazi occupation policies, while preparing for the moment when the Germans could be driven out."⁸⁷ It may remain a matter of bitter dispute quite how much assistance the *Rzqd* and AK could and did provide to Jews who, undernourished, enslaved and isolated, showed understandably little inclination to disbelieve German lies about 'resettlement' until the bulk of Jews had been slaughtered.⁸⁸

In any case, the AK and Jewish escapees from deportation who survived for differing periods in the countryside, had opposing aims: the AK to build military strength, the Jews to survive and in some cases, to fight immediately, from necessity or conviction.

The forests in the *Generalgouvernement* were a morass: Soviet deserters; Jews of various stripes; Polish Communists and Russian partisans; the Germans and their Lithuanian and Ukrainian auxiliaries; all hunted and were hunted. But it is a particular tragedy of the Polish situation that Moscow ordered the *Armia Ludowa* to harass the Germans immediately and as severely as possible, ostensibly to ease the situation for the USSR on the Eastern Front but bringing their agents and the AK into potential and often real conflict. The cataclysmic repercussions of *Armia Ludowa* activity against Germans - reprisal killings carried out by Germans against local Poles sometimes at a rate of 1:100⁸⁹ - were of concern to the AK but of no political interest to Moscow, who had broken off diplomatic relations with the *Rzqd* in April 1943 following the furore after the discovery of the Katyn Massacre.

Consequently, Jews were sometimes killed because of their association, whether borne of conviction or necessity, with the *Armia Ludowa*: in late 1943, Soviet partisans attacked the Polish Kościuszko unit in the Nalibocka forest and the Bielski group was requested by Soviet partisans to send 50 men to help: they did so.⁹⁰ But

there was no rule of hostility: in September 1943, AK unit Orzeł, under a Lieutenant Szymbierski killed 5 Jewish ŻOB (Jewish socialist resistance) fighters near Koniecpol, from motives presumably other than suppression of banditry: he was properly tried and sentenced to death by the AK in Kielce.⁹¹

And lest we be tempted still to read overarching hostility into Polish-Jewish relations, note that during the main Warsaw Uprising, on 5th August 1943,⁹² the Zośka Battalion of the AK attacked KZ Gęsiówka, a fearsome prison, liberating almost 350 Jewish prisoners who joined the battalion in the fight to the death. Though Warsawian Jews were almost all dead by the time of the Uprising, “[t]he AK began...planning to treat all Germans they took prisoner according to the Geneva Convention...But the SS were tried by the underground courts and shot: ‘One SS officer who had murdered Jews in the Ghetto offered a suitcase full of jewellery for his life. It was not accepted.’”⁹³

Conclusion

To generalise, to state without foundation or care for the harm it causes *now*, anything along the lines of “the Poles worked in the camps” or “the Poles were worse than the Germans”, regardless of anecdotal evidence, regardless of family history or even personal experience, is to allow a sense of victimhood to trump sense, fairness and the factual record.

Ben Vos read History at King's College, London; he is a qualified lawyer and is writing a novel on shady goings-on in the East End of London during the 1930s

Glossary

AK: the *Armia Krajowa* ('Home Army') was the 300,000-strong underground army of the *Rząd* on Polish soil; around 100,000 AK soldiers were killed – by Germans and Russians – by 1945.⁹⁴

Rząd: the *Rząd Rzeczypospolitej Polskiej na uchodźstwie* ('Government of the Republic of Poland in exile'); based in France from 1939 and in London from 1940. Not to be confused with the *Krajowa Rada Narodowa*, an illegitimate Polish 'parliament' established in 1943 by the Soviet Union.

SS: *Schutzstaffel*, a paramilitary organisation subordinate to the Nazi Party of Germany; the *Waffen SS* fought alongside the German army (*Wehrmacht*); by 1942 the *Allgemeine-SS* ('general SS') ran and profited from the network of camps in which among others, most of European Jewry was slaughtered.

WWII: World War Two; the European element of which began on 1st September 1939 when Poland was invaded by Nazi Germany; WWII ended on 7th/8th May 1945, by which time Poland was occupied by forces under Soviet control.

ŻOB: *Żydowska Organizacja Bojowa* ('Jewish Combat Organisation') a Jewish armed group formed by Bundists and other non-Communist socialists; only weak links to the AK.

ZZW: *Żydowski Związek Wojskowy* ('Jewish Fighting Organisation') a Jewish armed group mainly in Warsaw based on veterans of the Polish Land Forces; Revisionist-Zionist yet patriotic-Polish in its politics.

¹ Joseph Roth, *The Wandering Jews*, translated by Michael Hoffmann (Granta, 2001; original 1920s), p6

² See Yaffa Eliach, *Eishyshok* (Little, Brown), 1998, a millennium-long chronicle covering the eponymous shtetl on the pre-war Polish-Lithuanian border, in which the author alleges numerous murders were committed by ‘the AK’ and/or ‘White Poles’ (her own coinage, it seems), whom she characterises as constantly seeking and achieving Jewish deaths, including by agreement with the Germans (p629). But evidence for the AK making such agreements is cited by no other historians and Eliach notably does not supply quotes of her revelatory discovery. On the contrary, several examples exist of German overtures being refused. Without disputing that individual Poles murdered Jews towards the end of WWII, Eliach’s picture of the AK doing so repeatedly, over an extended period of time, without legal repercussions, simply does not ring true. I would suggest that some of the murders attributed to the AK were carried out by Germans or their Lithuanian or Belarusian auxiliaries and that those deaths for which Poles may have been responsible, were either explicable in other ways than Eliach provides for; or, if murders they were, were categorically not carried out with the central authority of the AK. Given that Eliach’s book relies for its most damning points on hearsay and inherently-untrustworthy NKVD/Soviet trial documents, and contains numerous spectacular *errata*, I am confident that Eliach is wrong to the point of calumny in at least some of her attributions of murder. On the supposed pogrom of 1944, see Tadeusz Piotrowski, *Poland’s holocaust: ethnic strife, collaboration with occupying forces and genocide in the Second Republic, 1918–1947* (McFarland & Company Inc., 1998), p91–94 and more generally, the excoriating review of her book by John Radzilowski in *Journal of Genocide Research* Vol. 1, no. 2 (City University of New York, June 1999).

³ Specifically by Władysław I Herman (r.1079–1102).

⁴ The NKVD were the secret police of the Soviet Union

⁵ In medieval Jewish geography, this Biblical term applied to the Rhineland and the Palatinate, and to a lesser extent, to the wider German lands

⁶ See the Statute of Kalisz of 1264, through which Boleslaw the Pious (r.1224/27–1279) guaranteed generous, separate Jewish rights.

⁷ See Adam Zamoyski, *Poland: A History* (Harper Press, 2009)

⁸ The economic upheavals caused by crop failure, the discovery of the New World and the 17th century Wars of Religion created conditions arguably conducive for

Shabbetai Zvi and Jakob Frank, false messiahs of the 1660s and 1750s respectively, and may also have contributed to the rise of early Hasidism

⁹ See for instance Polish policy towards the Ukrainian minority in Timothy Snyder, *The Reconstruction Of Nations: Poland, Ukraine, Lithuania, Belarus, 1569-1999* (Yale University Press, 2003), p144

¹⁰ See the 19th century Prussian *Kulturkampf* and the Prussian Settlement Commission, for instance.

¹¹ The 1931 census said that 13% of Jews spoke Polish as their ‘mother tongue’ but in 1921 the proportion had been “twice as high”: Joseph Marcus, *Social and Political History of the Jews in Poland, 1919-1939*, (Walter de Gruyter, Berlin, 1983), p17

¹² Halik Kochanski, *The Eagle Unbowed: Poland and the Poles in the Second World War* (Harvard, 2012), p31

¹³ See Alina Cala, *The Image of the Jew in Polish Folk Culture*, (The Hebrew University Magnes Press, 1995)

¹⁴ See, admittedly concentrating on the following decade, Roland Modras, *The Catholic Church and Antisemitism: Poland 1933-1939* (Routledge, 2000)

¹⁵ Norman Davies, *Rising – The Battle for Warsaw* (Pan, 2003), p77

¹⁶ Dariusz Stola, *In the Shadow of the Facts in Polin: Volume Eight: Jews in Independent Poland 1918-1939*, ed. By Antony Polonsky, Ezra Mendelsohn and Jerzy Tomaszewski (Littman, 1994), p334

¹⁷ Zamoyski, p346

¹⁸ [Polish] Institute of National Remembrance, *Decision to commence investigation into Katyn Massacre*, 30 November 2004

¹⁹ Timothy Snyder, *Bloodlands: Europe Between Hitler And Stalin* (The Bodley Head, 2010), p140

²⁰ Richard K. Lukas, *Forgotten Holocaust: The Poles Under German Occupation 1939-1944* (revised edition; Hippocrene Books, 2010), p103 (“Lukas” in these footnotes)

²¹ Benjamin Meirtchak, *Jews-Officers in the Polish Armed Forces 1939-1945* (Association of Jewish War Veterans of Polish Armies in Israel, 2004)

²² Davies, pp3-33

²³ Steven J. Zaloga, *Poland 1939: The Birth of Blitzkrieg* (Osprey Campaign, 2002), p42

²⁴ Mark Mazower, *Hitler’s Empire* (Allen Lane, 2008), p68

²⁵ Andrew Roberts, *The Storm of War: A New History of the Second World War* (Allen Lane, 2009), p27

²⁶ Mazower, p78

²⁷ Mazower, p90

²⁸ Maria Trzcińska, *Obóz Zagłady w Centrum Warszawy: Konzentrationslager Warschau* (Radom, 2002), p41, quoted in Davies, p94

²⁹ Davies, pp3-33

³⁰ See ‘The Partition of Poland’ in Mazower, particularly p94

³¹ Davies, p86

³² Snyder, p128

³³ Davies, p95

³⁴ Kochanski, p271

³⁵ Kochanski, pp268-269

³⁶ *Forced Labour Under The Third Reich, Part One*, a report by US law firm and damage assessment experts, Nathan Associates Inc. (Washington D.C., 2000), p20

³⁷ See the official museum website for the Pawiak prison: <http://www.muzeum-niepodleglosci.home.pl/pawiak/>

³⁸ Institute of National Remembrance official figure, 2009

³⁹ Kochanski, p532

⁴⁰ *Commonwealth War Graves Commission Annual Report 2009-2010*, p19

⁴¹ Kochanski, pp234-235

⁴² The AK received 350 tons of supplies up to the Uprisings outbreak, whereas the French resistance received 10,000 tons over the course of WWII: Zaloga, p24

⁴³ See <http://www.warsawuprising.com/faq.htm>, part of *Project InPosterum*, a US online non-profit Polish history-focused organisation supported by historians including Norman Davies and John Radzilowski.

⁴⁴ Kenneth K. Koskodan, *No Greater Ally: The Untold Story of Poland’s Forces in World War II* (Osprey 2009), p48

⁴⁵ Gunnar S. Paulsson, *The Rescue of Jews by Non-Jews in Nazi-Occupied Poland*, *Journal of Holocaust Education* Vol.7 Nos.1&2 (Frank Cass, 1998), p43

⁴⁶ Richard K. Lukas, *Forgotten Holocaust: The Poles Under German Occupation 1939-1944* (revised edition; Hippocrene Books, 2010), p117

⁴⁷ Excluding the Volksdeutsch and those Ukrainians, Belarussians and Lithuanians who held Polish citizenship.

⁴⁸ See for comparison 23rd SS Volunteer Panzer Grenadier Division Nederland (Dutch); or 33rd Waffen Grenadier Division of the SS Charlemagne (French).

⁴⁹ Mazower, p446

⁵⁰ Tadeusz Piotrowski, *Poland’s holocaust: ethnic strife, collaboration with occupying forces and genocide in the Second Republic, 1918-1947* (McFarland & Company Inc., 1998), p91-94

⁵¹ See for instance the staff listed at sobibor interviews.nl, collated by the Netherlands Institute for War Documentation

⁵² See Primo Levi, *If This Is A Man*, 1947 (English edition 1959)

⁵³ Lukas, p314

⁵⁴ Marcus, p29

⁵⁵ One Maria Ossowska, later sent to Auschwitz, said: “The tragedy of the children who came out of the ghetto to beg for food was that they could not speak Polish – they were from places deep in eastern Poland and spoke only Yiddish...” from IWM interview 19794 quoted in Lukas, p314.

⁵⁶ Mordecai Paldiel, *Gentile Rescuers of Jews* (KTAV, 1993) p184

⁵⁷ Lukas, p294

⁵⁸ The Germans not only propagandised against Jews to Poles, but also against Poles to Jews, even as the Jews slaved and died in German captivity

⁵⁹ Jewish Telegraphic Agency bulletin, 18 December 1939

⁶⁰ Kochanski, p323-324 and Richard Bolchover, *British Jewry and the Holocaust* (Littman, 2003)

⁶¹ Kochanski, p322

⁶² The Manchester Guardian, 11 December 1942

⁶³ Davies, p97 and p200

⁶⁴ Lukas, *Forgotten*, p149

⁶⁵ *ibid.*, p304

⁶⁶ *ibid.*, p291

⁶⁷ Teresa Prekerowa, *Konspiracyjna Rada Pomocy Zydow w Warszawie 1942-1945* (Warsaw, Panstwowy Instytut Wydawniczy, 1982), p159, quoted in Lukas p292. Teresa Prekerowa was a 'Righteous Among The Nations'.

⁶⁸ Lukas, p291/299

⁶⁹ *ibid.*, p302

⁷⁰ *ibid.*, p298

⁷¹ *Report of the Polish Ministry of Interior*, July 1–December 1, 1942, quoted in Lukas, p288

⁷² *ibid.*, p294

⁷³ *ibid.*, p303

⁷⁴ Kochanski, p243-244

⁷⁵ Lukas, p310

⁷⁶ Yad Vashem:

<http://www1.yadvashem.org/yv/en/righteous/statistics.asp>

⁷⁷ Paulsson p24

⁷⁸ *ibid.*, p40

⁷⁹ Kochanski, p318

⁸⁰ Paulsson, p43

⁸¹ Davies, p97 and p200

⁸² Jurgen Stroop, "The Jewish Quarter of Warsaw is no more!" *aktion* report for 22 April 1943, quoted in Lukas, p310

⁸³ See for instance, Marian Apfelbaum, *Two Flags: Return to the Warsaw Ghetto*, a recent attempt to put the ZZW at the fore of the Warsaw Ghetto Revolt

⁸⁴ See *Deconstructing Memory and History: The Jewish Military Union (ZZW) and the Warsaw Ghetto Uprising*, Dariusz Libionka and Laurence Weinbaum (in *Jewish Political Studies Review*, published by Jerusalem Center for Public Affairs, Spring 2006)

⁸⁵ See Haaretz article "A legendary commander" by Dariusz Libionka and Laurence Weinbaum, 22 June 2007

⁸⁶ Lukas, p179

⁸⁷ Mazower, p473

⁸⁸ Władysława Chomsowa, President of the Lviv branch of Zhegota, said: "...the greatest difficulty was the passivity of the Jews themselves": Richard K. Lukas, *Out of the Inferno: Poles Remember the Holocaust* (University Press of Kentucky, 1993), p15, quoted on Lukas, *Forgotten Holocaust*, p306.

⁸⁹ Lukas, p117

⁹⁰ Kochanski, p367

⁹¹ Piotrowski, p91

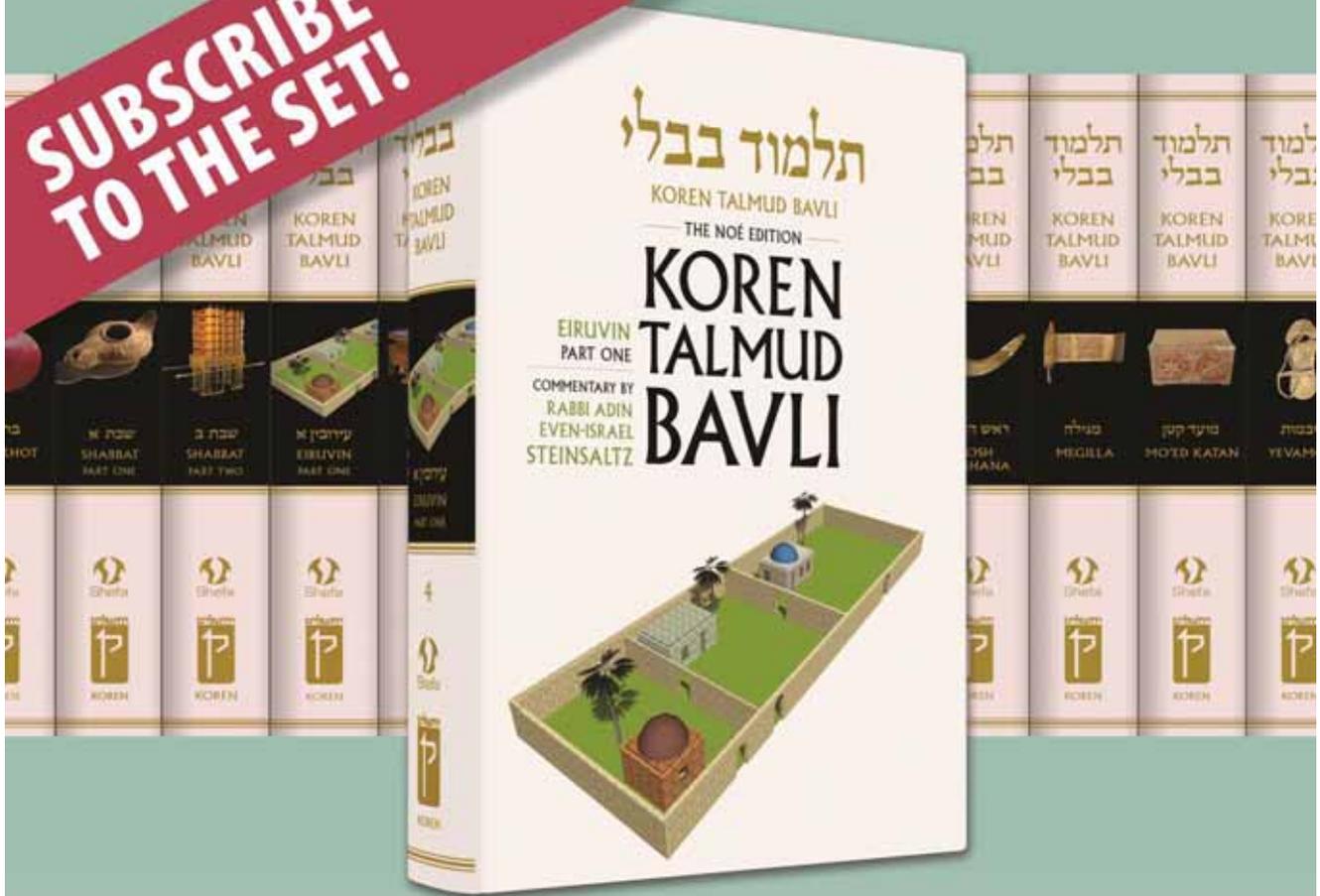
⁹² Nasza Księgarnia, *Pamiętniki żołnierzy baonu Zośka* (Warsaw, 1986)

⁹³ Jan Nowak, *Courier from Warsaw*, p348-9 quoted in Kochanski, p407

⁹⁴ For comparison, the post-war French government recognises 220,000 'members' of the French Resistance;

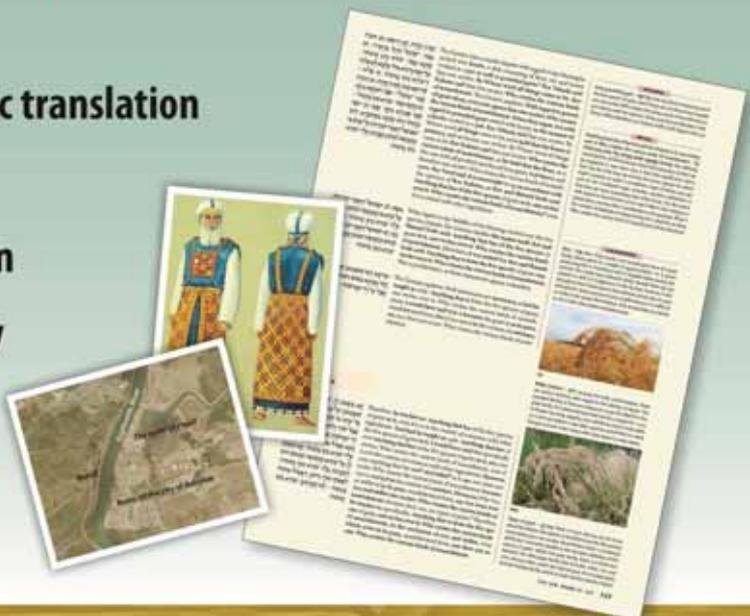
the French population in 1936 being 41.5m, so approximately 1/3 larger than that of Poland.

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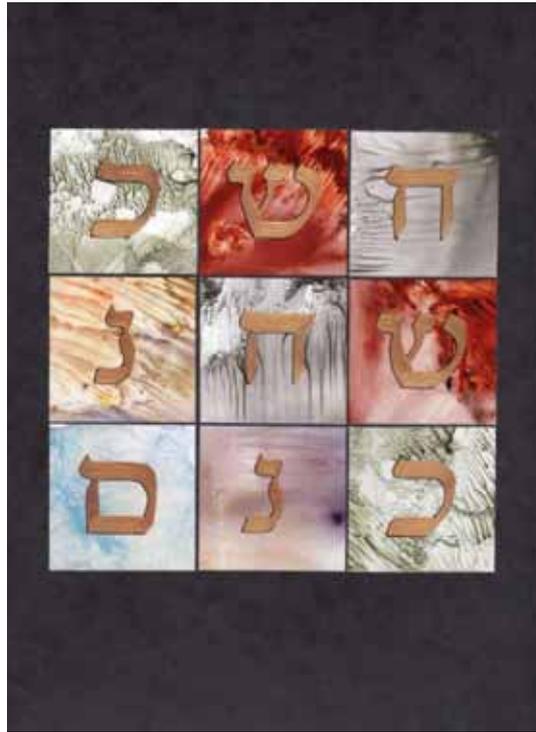
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