

LETTERS TO THE EDITOR

The Code of Esther

A CLOSE LOOK AT “The Code of Esther: A Counter-Investigation,” by Dr. Emmanuel Bloch (*Hakirah*, vol. 28, 2020) shows that his investigation contains gaps, contradictions and inaccuracies and in fact does not address the evidence.¹ Here are just a few:

1. The article fails to mention the first and most significant detail: that unlike the rest of the *Megillah*, which is written in regular format, the names of Haman’s sons are written in two columns—one for the names, and the other for the word *v-et*.

This raises three questions:

- Why would such an insignificant detail of the story have such a significant formatting change?
- Why, in the list of names, are they connected with *v-et*? That is not the usual way names are written (cf. *Megillah* 1:10, 1:14).
- Why are the names not simply connected with *v*? Why the extra *et*?

One answer is that we come across a similar format when songs appear in the Torah: *Ha’azinu*; *Shirat Ha-Yam*. In fact, the Talmud calls the list of names a song. Many commentaries on these songs show how

they are prophecies of future events.

2. Next, Bloch tells us that the Talmud speaks about the large *vav* but not about the small letters. He then shows an image of the *Leningrad Codex* to demonstrate that there are no small letters. However:

- a) The *Codex* itself does not show the large *vav* from the Talmud either!
- b) The *Codex* has vowels. This shows that it is not meant to be an accurate text of the *Megillah*.
- c) The *Codex*, as Bloch tells us, does have a masoretic note about the small letters.

Later, Bloch says that the *Leningrad Codex* and others like it do not follow tradition so it is not a valid source for defining our tradition. Why bring a source that he himself renders invalid?

3. He says that there are no ancient texts which speak of small letters. He then goes on to say that:
 - *Midrash D-Rabbi Akiva*, “an ancient text,” contains the first mention of small letters.
 - The *Leningrad Codex*, an ancient text from 1008

C.E., has a masoretic note of the small letters.

- The Northern Europeans received their customs of small letters from “ancient Babylonian traditions.”

Having said there are no ancient texts with small letters, he then shows two examples of ancient texts with small letters and one ancient tradition of small letters.

4. He does not address why there are small letters if they are not mentioned in the Talmud.
5. He mentions that there are at least seven different traditions of small letters which appear in the names of Haman’s sons. He says “for whatever reason” the correct one was standardized out of the seven possibilities. What is that reason? In fact, it is the least likely one to be chosen seeing as it was the most recent, and therefore the least likely to be accurate.
6. The statistical probability of the three small letters, out of all the possible combinations of the 22 letters of the Hebrew alphabet, matching the year of the hanging of the Nazis, is 1 in 10,648. That is not even taking into account that there could have been more or fewer small letters—vastly increasing the statistical improbability.
7. He completely fails to address why the letters appear specifically in this, the relevant part of the text. They could have appeared anywhere. They could have been spread out: one at the beginning, one in the middle, one at the end; but no, they all appear in the names of Haman’s sons “for whatever reason” ...
8. Dating systems are mentioned, saying a millennia designation was seldom used. That means it was used, albeit seldom, and is a valid way of counting. By the 10th century, it was widely used, 1000 years before Nuremberg. It is very simple. There are 6 millennia, the *vav* is 6, the Nuremberg trials happened in that millennium.
9. There were only two letters out of the 22 letters of the Hebrew alphabet that would have worked—the *vav*—6th millennium, or the *hay*, 5, for the year 5707. That makes a 1 in 11 chance that the big letter would fit the picture.
10. He says it is not strange that she asked that they be hanged once they were dead as there are precedents to that in Tanakh. Notwithstanding this, it is still a strange request, as she could have asked for anything: to return to Israel, that Jews never be taxed ... More importantly, he does not even mention that she used the word *mabar*, tomorrow. Why specify? Our Sages teach us that

mabar can mean “in the future.”

11. He says that the parallel is not amazing as 24 Nazis were on trial, not 10. That makes it EVEN MORE amazing: that even though 24 were on trial, and 12 were sentenced, only 10 were actually hanged. That makes it a 1 in 24 chance of getting the right number.
 12. He is confused about Hoshana Rabbah. Rosh Hashanah is when the sentences are passed for wicked nations, but the carrying out of the sentences is not until Hoshana Rabbah. ²
 13. He says Hitler committed suicide a year earlier whereas Haman was hanged just before his sons. That is just not true. Haman was hanged almost a year before his sons.
 14. He says that it is not surprising Streicher shouted “Purim Fest”—he knew about Purim and the revenge of the Jews. Nonetheless, it is still remarkable that a Nazi shouted those words while being led to his death, as if admitting defeat.
- Why the formatting change for the names, which are insignificant?
 - Why *v-et* between the names?
 - Why she asked that they be hanged instead of something more meaningful?
 - Why she said *mabar*?
 - Why only 10 out of 24 Nazis were hanged?
 - Why there are small letters at all in the *Megillah*?
 - How they all appear in the relevant place?
 - How and why out of at least 10,648 possibilities of three small letters combinations and out of the seven traditions passed down, the one that was eventually standardized over 600 years ago was the one with the exact right letters in the exact right order. The statistical probability of such a thing is staggeringly, astronomically tiny—basically 0.
 - How this whole story took place in the 6th millennium and the names have a big *vav*.

Overall, apart from the inconsistencies, errors and omissions, Bloch has missed the whole point of the argument. Even if each individual fact has an explanation (which it does not), the statistical probability of all those facts coming together and working as they do is zero.

He has failed to explain:

Bloch’s proposition is that “for some reason” small letters have appeared in the *Megillah* since at least the 11th century. That those small letters “for some reason/by chance” appear all together, for some reason/by chance in exactly the relevant part of the text. For “whatever reason” the accepted

version just happened to include only three small letters, out of the tens of thousands of possible letter combinations of the 22 letters of the Hebrew alphabet, which got there “by error” and “by chance” in the right order that, coincidentally, happens to be the exact year. That exactly the same number of people (only 10 out of the 24 on trial were actually hanged) were punished in exactly the same way for exactly the same reason.

That is like saying that someone by chance rolled more than seven double sixes in a row.

One can look at events and try to say it is all just a coincidence (against the facts and statistics) or one can see the guiding hand of G-d making everything “for some reason” work out exactly to plan.

Dov Ber Cohen
Jerusalem, Israel

I WANT TO POINT OUT an error in “The Code of Esther: A Counter-Investigation” by Dr. Emmanuel Bloch (*Hakirah*, vol. 28, 2020). He claims that 10 sons of Haman were killed soon after their father. That is not accurate. Haman was killed in Nissan and his children almost a year later.

Michael Rosen

Emmanuel Bloch responds:

I would like to thank both Rabbi Dov Ber Cohen and Michael Rosen for reading my 2020 *Hakirah* article.

While I cannot agree with any of Rabbi Cohen’s criticisms, as will become apparent in the following paragraphs, I am sincerely grateful for his interest, as well as for the opportunity to re-open the fascinating discussion on the small letters (“Code of Esther”) in *Megillat Esther*.³

Hazal famously remarked that Torah scholars, just like iron, sharpen one another.⁴ While I cannot claim to be a *talmid hakham*, I believe that such correspondence in the open-ended pursuit of truth leaves us enriched with a deeper appreciation of the vastness of Torah.

I answer Rabbi Cohen’s points in the same order he raised them, with the exception of the statistical arguments which are tackled as a group at the end of this response.

1. Rabbi Cohen argues that I should have discussed the unusual format (in two columns) of the names of Haman’s sons (point 1).

I find this point rather puzzling, as this textual oddity is already abundantly discussed in Bavli,⁵ in Yerushalmi⁶ and in tractate *Soferim*.⁷ All these sources answer the first question raised by Rabbi Cohen (“*Why the formatting change?*”): The names of the *b’nei* Haman are written in the form of “*a half-brick over a half-brick and a brick over a brick*” (אריה ע"ג אריה ולבינה ע"ג לבינה) to signal that these individuals will

never rise from their downfall.

Rabbi Cohen's other questions are equally perplexing. It is in fact quite usual, and entirely grammatically correct, for the Torah to list different names by repeating the word "תִּשְׁרֹף". For illustrations, see the groups of names in *Bereishit* 10:13–14; 22:20–24, and 25:1–3. This list is clearly not exhaustive.

Finally, I fail to see any connection to the topic at hand, viz. the "Code of Esther."

2. Rabbi Cohen argues that the *Leningrad Codex* cannot be a valid *Megillah* because it has vowels (point 2).

This argument misunderstands the nature and functions of a codex. Very succinctly, the codex is the historical ancestor of the modern book (the main difference being that codices were made with sheets of vellum or papyrus, whereas modern books are made with sheets of paper). Because of its many advantages, the codex quickly replaced the scroll, in both non-Jewish and Jewish societies, as a medium for literature.⁸

No Jewish codex was ever meant to be used in the synagogue as a *Megillah* or *Sefer Torah*; a codex was a repository of knowledge, not a ritual object. To put this idea in somewhat simplistic terms, the *Leningrad Codex* was the medieval equivalent of the computer software used to check the accuracy of our modern Torah scrolls.

In this role, there is little doubt that the *Leningrad Codex* was "valid." In fact, its remarkable accurateness was stressed by all the specialists in

the field (Mordekhai Breuer, Menahem Cohen...). I am unaware of any scholar who disagrees with this conclusion.

Interested readers can also consult the *Aleppo Codex*, which similarly has the vowels and masoretic notes in the margins.⁹ No one ever claimed that this codex was therefore somehow worthless. On the contrary, according to almost all scholars, this was the codex consulted by Rambam to codify the *Hilkebot Sefer Torah* in the *Yad ha-Hazakah*.

(Rabbi Cohen's remark on the absence of a long *vav* in the *Leningrad Codex* is answered in the original article, p. 139, note 37.)

3. Rabbi Cohen believes that the *Midrash of Rabbi Akiva on small and large letters*, which I discuss in the original article (pp. 133–134), contradicts my claim that no "ancient" text speaks of small letters (point 3).

I certainly could have been more precise when using the word "ancient" in the original article. But the argument is still straightforward: in the entire ספרות הז"ל, there is not one single source that discusses the small letters in the names of *b'nei Haman*. This includes Bavli, Yerushalmi, Tractate *Soferim*, the midrashic literature, and so forth.

The *Midrash of Rabbi Akiva* is a pseudonymous medieval text; it was not written by the famous Tanna Rabbi Akiva, but several centuries later by an unknown author. It belongs to a body of semi-obscure writings that left almost no traces in the classical corpuses, only to be re-

discovered several centuries later in the Cairo Genizah and eventually published.

Scholars have variously estimated the date of composition of this late midrash. Yet they agree, at any rate, that it was written several centuries after the closing of the Talmud. That is still “ancient,” but in no way refutes my claim that the small letters represent a later addition in the *Megillah*.

The other sources, viz. the masoretic notes and the texts from Northern European communities, similarly support my previous conclusions, as they all date from the 11th to the 14th centuries.

4. Rabbi Cohen claims that I fail to discuss why there are small letters in our current *Megillah* when the Talmud ignored their existence (point 4).

I must respectfully disagree: this point is addressed—as much as possible, at least—in the original article (pp. 134–135). Professor Menahem Cohen, arguably the greatest scholar alive on all questions pertaining to the accuracy of the Biblical text, has noted that the phenomenon is much wider than the three letters of the “Code of Esther”: the small and large letters noted by the Masorah are never reflected in the texts of the oldest manuscripts in our possession.¹⁰

Global challenges require global solutions: according to Cohen, the first lists of small and big letters appeared toward the very end of the masoretic period of activity. Yet, in the eyes of the medieval scribes, these lists remained unauthoritative,

and it took several additional centuries for the unusually sized letters to worm their way into the Biblical text.

This insight dovetails quite precisely with our textual observations regarding *Esther*, chapter 9: It took approximately three centuries for the small letters reflected in the masoretic notes to be reflected in the medieval manuscripts of the *Megillah*.¹¹

5. Rabbi Cohen then suggests that I failed to explain the standardization of the “Code of Esther” (point 5).

Here I would like to respectfully suggest that my contradictor read again pp. 137–138 in the original article. In my efforts to understand how the early fourteenth-century version of the *Orḥot Ḥayyim* became predominant, I have distinguished between two stages.

First stage: the publication of the second edition of the *Mikraot Gedolot* in 1524–1526. In this context, I used the words “for whatever reason” to imply two points: 1) we do not know why Jacob ben Ḥayyim chose the version of the *Orḥot Ḥayyim* as the basis for the Biblical text. It would be a fascinating topic for further research: when encountering disagreements between older authorities, did he always prioritize the same source(s)? I am unaware of any published scholarship on this question. But this is hardly significant for our purposes, because 2) Jacob ben Ḥayyim made sure to carefully note the existence of other versions in the critical apparatus

printed in the margins. In other words, it is quite possible that all versions were equally valid in his eyes, yet practical necessities dictated that one version be printed at the center—for whatever reason, indeed.

Second stage: later printed editions of the Tanakh simply omitted the critical apparatus printed in the margins of Jacob ben Hayyim's original edition, thus sanctifying the *Orhot Hayyim's* version over its competitors.

This represents the best way to account for our textual findings; in the final analysis, the remaining area of uncertainty is rather modest.

6. Rabbi Cohen asserts that it is “very simple” that the *vav* refers to the sixth millennium (point 8).

This is simply erroneous. As noted on p. 140 of the original article, whenever a reference to the current millennium is needed, it is *always* the *heb* that is used, and never the *vav*. I have provided several examples from various sources, and additional illustrations are relatively easy to find.¹² On the flipside, I do not know of a single case where the *vav* represents the sixth millennium.

Is it possible to find explanations *ex post facto*? Certainly, but these explanations are not worth much. Think about it. If we had a long *tsady* (צ) in *Megillat Esther*, the defenders of the Code could claim that its numerical value in the Atbash system is worth 5, which is arguably a reference to the years 5,001–6,000. If we had a long *peb*

(פ), they could claim that its numerical value in the Atbash system is worth 6, which is (again) a reference to the sixth millennium. And so forth. Such explanations לאהר המעשה are easy enough. Given sufficient time and ingenuity, one can always come up with something.

The only criterion that makes sense consists in the hallowed practice of rabbinic authorities and laypeople across the ages; and, as far as I know, there is no Jewish way to measure the time that ever used the *vav* in the fashion suggested by Rabbi Cohen.

7. Rabbi Cohen believes that the request to hang the sons of Haman “tomorrow” is strange (point 10).

I sincerely apologize but do not understand this point. As I have demonstrated at length (pp. 140–142), the public display of corpses made perfect sense in the sociocultural context of the time. Esther's request is therefore easily understandable: she was asking the king to perform an act of deterrence that would act as a signal to the enemies of the Jews.

Yes, *Hazal* teach us that the word *mahar* can mean “in the future.” But they also teach us that the plain meaning of a verse can never be nullified (אין מקרא יוצא מידי פשוטו).¹³ In this instance, I do believe that we must interpret Esther's request according to the *pshat* and simply forgo the more convoluted and less convincing explanations.

8. Rabbi Cohen thinks that the parallelism between the ten Nazi dignitaries and the ten sons of Haman is still remarkable—perhaps even more so (points 11 and 13).

However, to reach this conclusion, Rabbi Cohen was forced to adopt a double standard: he focused

heavily on the similarities between the Nuremberg trials and the story of Purim while completely ignoring their dissimilarities.¹⁴

Let me present the full information in a synoptic table and perhaps my esteemed contradictor will come to share my perspective.

Names of the Nazi leaders	Sentence and Fate	Parallels in the Story of Purim?
Hans Fritzsche, Franz von Papen, Hjalmar Schacht	Acquitted	No parallel
Gustav Krupp, Robert Ley	No decision	No parallel
Karl Dönitz, Walther Funk, Rudolf Hess, Konstantin von Neurath, Erich Raeder, Baldur von Schirach, Albert Speer	Prison	No parallel
Martin Bormann	Death (<i>in absentia</i>) Unclear if he committed suicide or was killed while trying to flee Berlin	No parallel
Hermann Göring	Sentenced to death by hanging but committed suicide	No parallel in the verses of the <i>Megillah</i> . Somewhat reminiscent of the agadic story of Haman's daughter (Bavli <i>Megillah</i> 16a). But important differences exist in terms of gender (male/female); scenario (Göring never disparaged Hitler, Haman's daughter was never sentenced); timing (Göring died after Hitler, the daughter before Haman); and, generally speaking, the wording of the Gemara seems to indicate that Haman's daughter died by accident and not by suicide.
Hans Frank, Wilhelm Frick, Alfred Jodl, Ernst Kaltenbrunner, Wilhelm Keitel, Joachim von Ribentrop,	Death by hanging	Reminiscent of the hanging of the ten sons of Haman. But the sons of Haman died by the sword (<i>Esther</i> 9:5) and were

Names of the Nazi leaders	Sentence and Fate	Parallels in the Story of Purim?
Alfred Rosenberg, Fritz Sauckel, Arthur Seyss-Inquart, Julius Streicher		exposed publicly one day later; the Nazis, on the other hand were killed by hanging, then incinerated on the same day.
Adolf Hitler	Committed suicide / shot himself	No parallel. (Haman did not commit suicide but was hanged.)

Moreover, according to the Talmud,¹⁵ Haman had a much larger progeniture: 30 sons according to Rav (10 who died in childhood, 10 who were hanged and 10 who became beggars); 90 sons according to Rabanan; and 208 sons according to Rami bar Abba. Clearly, reconciling these large numbers of children with the historical account of the Nuremberg trials is an impossible task.

Now, I do not insist that such aggadic statements be taken as historical truths; but intellectual honesty certainly requires our approach toward Aggadah to be consistent. Either it “counts” or it does not. If aggadic concepts are not considered, then Haman had no daughter, the word *מחר* means “tomorrow,” etc. If they are, then Haman had significantly more than 10 sons. Either way, in my humble opinion, the dissimilarities largely outweigh the similarities.

As can be seen, the parallelism between the story of Purim and the Nuremberg trials is only an illusory artifact that does not withstand critical scrutiny.

9. Rabbi Cohen claims that I am confused about Hoshana Rabbah

(point 12).

For once, I must agree: Hoshana Rabbah is a mysterious day. In fact, there is so much material that a separate essay would be needed to do justice to the complexities raised by Hoshana Rabbah as a day of judgment.

Given the space limitations, I will keep the argumentation relatively simple. There exists a basic distinction between *nigleh* and *nistar*. In non-Kabbalistic sources, I was not able to find anywhere the concept that the divine sentences are not carried out until the last day of Sukkot. As noted by the Gemara, the *zadikim gemurim* as well as the *resha'im gemurim* are judged and sealed immediately (*לאחר*) on Rosh Hashanah.¹⁶ That is all. There is no indication that Hoshana Rabbah plays a role in these yearly dynamics of judgment and retribution.¹⁷

The situation is much more complex in Kabbalistic sources. Already in the *Zohar*, one finds that Hoshana Rabbah is considered a day of judgment¹⁸: on the seventh day of Sukkot (viz. Hoshana Rabbah), the verdict is sealed with an additional seal, and the paper (*pitka*) containing the verdict is given over

into account the basic reality that certain letters are more frequent than others in Hebrew (or in the *Megillah*), which signifies that the probability of each individual letter cannot simply be understood to be 1/22. Etc.

Fourth, and from a wider perspective, there is simply no agreement between my contradictor and myself on the phenomenon to be measured. Most of the observations that R. Cohen considers to be significant, I strongly believe, are entirely trivial or easily explained (the formatting change for the names, the word “תָּוֶ” between the names, the word *māhar*, and much more). Do we really need to calculate the probability that the sun shines in the middle of the day?

Fifth, probabilities are not supposed to be calculated *a posteriori*, but rather *a priori*. An anecdote will best illustrate this point. It is reported that Einstein would teach his students: “*Life is finite. Time is infinite. The probability that I am alive today is zero. In spite of this, I am now alive. Now how is that?*” Typically, none of the students would have an answer. After a pause, Einstein would say, “*Well, after the fact, one should not ask for probabilities.*”²²

In conclusion of this point, I believe Rabbi Cohen’s probabilities are computed by methods contrary to the accepted laws of probability and used in situations where it is essentially impossible to assign meaningful probabilities. Moreover, I strongly believe that this argument should be submitted to the judgment of those professionals whose

job it is to evaluate mathematical arguments.

At the conclusion of this response, let us recapitulate. How many of the claims advanced in our original article has Rabbi Cohen successfully refuted?

1. The original *Hakirah* article has noted that the first sources that *discuss* small letters date from the 10th–11th centuries, even though we find systematic discussions of Biblical textual oddities in much older sources (Talmud). Rabbi Cohen has not found one single text challenging this point.
2. The original *Hakirah* article has advanced that the first *Megillah* manuscript that *evidences* small letters dates from year 1312 (even though we have much older manuscripts of the *Megillah*). Rabbi Cohen has not indicated a single older manuscript challenging this point.
3. As a result, the conclusion that “*the Megillat Esther was written for many centuries with no difference between the size of the letters in the names of B’nei Haman and the rest of the text*” remains entirely valid.
4. The original *Hakirah* article has observed that no Jew has ever measured the passage of time by referring to the sixth millennium with the letter *vav*. Rabbi Cohen has not produced a single source disputing this claim.
5. The original *Hakirah* article has demonstrated that the public

display of dead enemies was entirely understandable in the context of the times. Rabbi Cohen has indicated that this is “*still a strange request*” but has failed to demonstrate why.

6. The original *Hakirah* article has shown that Purim was regularly quoted in Nazi propaganda as an example of the violence exerted by the Jews against the nations who welcome them. Here too this point remains entirely unchallenged.

Not only did Rabbi Cohen fail, contrary to his claim, to evidence any “inconsistency, error or omission,” but many of the points he views as significant are in fact entirely trivial. What is so surprising in finding the word “וְאֵת” in between names? Why is *Hazal’s* explanation of the formatting change insufficient? Why do we need to interpret the word מוֹהַר independently of its literal meaning? These, and many other questions, remain without satisfying demonstration in Rabbi Cohen’s letter.

Mark Twain once said: “*The glory which is built upon a lie soon becomes a most unpleasant incumbrance ... How easy it is to make people believe a lie, and how hard it is to undo that work again!*”²³ As people say, the amount of energy needed to refute falsehoods is at least an order of magnitude larger than is needed to produce them. And yet, it is my sincerest hope that my esteemed contradictor will use the opportunity of this exchange to give a new, fresh look at the *Code of*

Esther and notice the innumerable difficulties that beset it.

And if, as I truly hope, this correspondence leaves us with a keener appreciation of the complexities of Jewish tradition as it unfolded over time, then perhaps this may also be considered as a form of השגחה פרטית, G-d’s guiding hand as it manifested itself in the vicissitudes of history.

Thank you, Michael Rosen, for your remark. If one follows the chronology presented in the midrash²⁴ then Mr. Rosen’s point is absolutely well-founded. I am very grateful for this clarification. I should have specified, on p. 144 in the original *Hakirah* article, that my approach follows the *psbat* of the verses.

However, this is a minor point that does not affect the conclusions of our inquiry in any way. This aggadic source brings the story of Purim slightly closer to the Nuremberg trial,²⁵ but the dissimilarities between the two events, as noted in the original article and in my response to Rabbi Cohen, remain overwhelming.

Again, I would like to caution against the selective use of aggadic texts. In the midrash, one also finds that Haman had many more than 10 sons, that the corpses remained hanged on the tree for several months, and many other details that have no counterpart whatsoever in the historical account of the Nuremberg trials.

The Origin of the Molad

I WAS UNABLE TO REPRODUCE Eng. J. Jean Ajdler's *molad* calculations in his "A Short History of the Jewish Fixed Calendar: The Origin of the *Molad*" (*Hakirah*, vol. 20, 2015).

On investigation, I discovered that in his *Appendix A* at the top of p. 177 in the above-mentioned article he gives a formula for calculation of the *molad* moment. As written, it would be subject to rounding errors using ordinary floating point arithmetic, albeit not too badly for the ancient and historical *moladot* that he focused on, but aside from that, he gave the number of *halakim* in the *molad* interval as 765443, **which is 10 *halakim* in excess of the correct value.** If he did employ this incorrect value in his *molad* calculations that could explain many of the strange results that he obtained.

The correct total number of parts per *molad* interval = 1080 parts per hour \times (29 days \times 24 hours per day + 12 hours) + 793 parts = 765433 parts, which is easy to remember because it can be written as the descending sequence 765432+1.

The incorrect coefficient appears 5 times in the article's appendix and 5 times in the supplementary appendix, suggesting that it is not a typing error, whereas the correct coefficient never appears.

Dr. Irv Bromberg
University of Toronto, Canada

Eng. J. Jean Ajdler responds:

Professor Bromberg notes a misprint which occurs 5 times in my paper "A Short History of the Fixed Jewish Calendar" (*Hakirah*, Vol. 20, 2015).

The length of the Jewish lunation is 29 days, 12 hours and 793 *halakim* (1 hour is 1080 *halakim*). When we convert this span of time into *halakim* we have: $29 * 24 * 1080 + 12 * 1080 + 793 = 765,433$ *halakim*.

On p. 177, lines 1, 4 and 5, and on p. 178, lines 11 and 22, this number was misprinted as 765443 instead of 765433.

This misprint had no consequence on the various calculations.

I thank Professor Bromberg for his remarks and take responsibility for this misprint.

May Parents Waive the Requirements of Avelut?

I RECENTLY HAD THE GREAT pleasure and privilege to read Rabbi Shlomo Brody's "May Parents Waive the Requirements of Avelut?" (*Hakirah*, vol. 29, 2021). In it, Rabbi Brody writes, "within Talmudic and post-halakhic literature, there is a discussion about whether the deceased can exempt his relatives to mourn for him, and that furthermore these relatives may be obligated to fulfill this request. The discussion begins with questions of burial and eulogies but extends to *shiv'ah*, *shloshim*, and particularly the extended 12-month period ("yud-bet *bodesh*") observed while mourning

for parents,” and, “What about the extended 12-month period which exclusively marks the passing of one’s mother or father? In this circumstance, Rabbi Weil, in the same passage noted above, asserts that parents may waive this requirement since the extended period of mourning is only done out of a sense of honor for them (*kibbud av va-em*). Accordingly, they may waive this honorary rite... This position is affirmed in *Shakh* YD 344:917 and from there by all subsequent *poskim*...”

I believe that the original responsa that introduced this sweeping leniency are still subject to dispute, and that at the very least Maimonides’ understanding of the sources does not allow for such a dispensation. The entirety of my argument is presented in the Hebrew section of this volume.

Avi Grossman
Kohav Ya’akov, Israel

Shlomo Brody responds:

I thank Rabbi Avi Grossman for taking the time to write his response.

Rabbi Grossman wants to argue, based on sources in Rambam, that mourning for 12 months is a bona fide decree. It is therefore not subject to question of whether this practice was instituted to honor the deceased. As such, it cannot be waived like other matters of *kibbud av va-em* or other burial rituals like eulogies.

Unfortunately, none of the citations from Rambam that he cites make this case. Rambam does not speak too much about *yud-bet hodesh* and so it is hard to know exactly how he understood this practice. But as Rabbi Grossman notes and I discuss in footnote 12 of my article, there are several *aphronim* who think that Rambam believes that all *avelut* (including *shiv’ah* and *shloshim*) are for the honor of the deceased and therefore may be waived. As such, it is far from clear that Rambam thinks this is a bona fide law that cannot be waived.

In terms of the Rama: It is true that Rama does not explicitly state in the *Mapah* that a person may waive *yud-bet hodesh*, as does the Mahari Weil. Instead, he only mentions that one cannot waive *shiv’ah* or *shloshim*. However, Rama does cite the Mahari Weil in full in his *Darkei Moshe*, indicating that he agrees with his full position. This is certainly the conclusion of Shakh, who understands Rama to follow the Mahari Weil and himself rules accordingly.

(Occasionally, Rama will cite a position in *Darkei Moshe* but not in the *Mapah*, just as R. Yosef Karo will sometimes cite a position in the *Bet Yosef* but not record it in the *Shulhan Arukh*. There are no set rules in such cases to determine whether R. Karo or R. Isserles changed their minds. For relevant sources, see R. Yitzhak Yosef, *Ein Yitzhak* Vol 3, p. 544–546 and p. 608.).

As I document in my article, the Mahari Weil and Shakh’s opinion is

universally affirmed by *poskim* throughout the subsequent generations, *halakhah le-ma'aseh*. In fact, it is so accepted that it has even been utilized by some prominent *gedolim* to allow *avelim* to participate in various *smachot* even when their parent did not explicitly waive *avelut*. As such, it is hard to argue that this is anything but a *halakhah pesukah*.

I do agree with Rabbi Grossman that it would have been helpful had

other earlier *risbonim* clarified that *yud-bet hodesh* is a matter of *kibud av va-em* and that it may be waived. It is an interesting question why the issue was not raised earlier. But the Mahari Weil and Shakh filled in this lacuna and this is the established *halakhah*.

Again, thank you to Rabbi Grossman for his thoughtful letter.



NOTES

- ¹ This piece is to show the flaws in the “counter-investigation” and is by no means, G-d forbid, a personal attack on Emmanuel Bloch. I am sure he is a wonderful, kind, well-educated man and I wish him all the best.
- ² *Zohar* (*Vayikra* 31b), “On the 7th day of Sukkot the judgment of the nations of the world is finalized... Judgments are aroused and carried out that day.”
- ³ This correspondence also gives me the chance to repair a prior omission: I should have noted that my original French article has greatly benefited from the help of Dr. Gabriel Wasserman, who was most generous with his time and wide-ranging knowledge in all fields of Torah study. My thanks also go to Mr. Zvi Erenyi, librarian at the Gottesman Library of Yeshiva University, for scanning and sending me many sources which are inaccessible to me due to Covid restrictions.
- ⁴ *Ta’anit* 7a.
- ⁵ *Megillah* 16b.
- ⁶ *Megillah* 3:7.
- ⁷ Chapter 13:3–4.
- ⁸ To my knowledge, the best book on the topic is still Colin H. Roberts and T. C. Skeat, *The Birth of the Codex*, Oxford University Press, 1987. A briefer (but still useful) introduction can be found in Michelle P. Brown, *Understanding Illuminated Manuscripts: A Guide to Technical Terms*, Getty Publications 2018, p. 30.
- ⁹ Online copies can be accessed on several websites. For instance, see this link: <https://people.brandeis.edu/~brettler/online-texts.html>.
- ¹⁰ See his introduction to the Keter edition of the *Mikraot Gedolot*, pp. *47–*49.
- ¹¹ See p. 135 footnote 18 in the original article: to the best of my knowledge, the first recorded instance dates from the year 1312.
- ¹² For instance, one can check the front pages of the *sefarim* published on HebrewBooks.
- ¹³ See for instance Bavli *Shabbat* 63a, and many other places.
- ¹⁴ As noted in the article, p. 144–145, this is a normal cognitive bias that evolution has bequeathed to all human beings.
- ¹⁵ Bavli *Megillah* 15b, commenting on *Esther* 5:11.
- ¹⁶ Bavli *Rosh Hashanah* 16b.
- ¹⁷ This absence is so complete that it raises interesting questions. Thus, if Hoshana Rabbah is a *Yom ha-Din*, how can we explain that the *Hallel* is recited on this day? For a possible answer, see R. Yitzhak Weiss, *Shu”t Siḥ Yitzhak, siman* 315 (reference found in an online article by R. Eliezer Brodt).
- ¹⁸ *Zohar* 1:220a and other sources cited in original article footnote 56.
- ¹⁹ See *Kaf ha-Hayyim* 664:18; Ben Ish Hay, Halakhot 1st year, *Ve-Zot ha-Berakbah*, chapter 2; *Shenei Luhot ha-Brit, Aseret ha-Diberot, Sukkah, Torah Ohr*.
- ²⁰ Zvi Ron, “The Nuremberg Trial in *Megillat Esther*,” *Modern Judaism*, volume 41, Issue 1 (February 2021), pp. 31–46, esp. pp. 34–35.
- ²¹ <http://www.math.caltech.edu/simon/simon.html>
- ²² Cf. Andrew Szanton, *The Recollections of Eugene P. Wigner*, Basic Books, 2003.
- ²³ Quote found on this webpage: <https://www.snopes.com/fact-check/did-mark->

twain-say-its-easier-to-fool-people-than-to-convince-them-that-they-have-been-fooled/. Check also the rhetorical device known as “Gish Gallop.”

²⁴ *Esther Rabbah* 10:4.

²⁵ 11 months between Haman’s death and the hanging of his sons vs. 18 months between Hitler’s death and the hanging of the Nazi leaders.