

HACHODESH HAZEH LAKHEM

by Rabbi Yitzchak Etshalom

I

KIDDUSH HACHODESH: AN "ERETZ-YISRA'ELI MITZVAH"

The Gemara in Berakhot relates the following story:

...when Hanina the nephew of R. Yehoshua went to the Golah (Babylonia) he proceeded to fix the calendar and declare the new month in Hutz La'Aretz (outside of the Land of Israel). They sent after him two scholars: R. Yosi b. Kifer and the grandson of Zekhariah b. K'vutal. When he saw them coming, he asked Why do you come here?

They responded: To study Torah have we come.

He [Hanina] declared: These men are the giants of the generation...

[they entered the academy and] Whenever he would aver "Impure", they would claim "Pure", if he would allow, they would prohibit. He then declared: These men are worthless.

They responded: You have already built up [our reputation] , you can no longer tear down...

He said: Why did you constantly contradict me?

They answered: Because you are fixing the calendar and declaring the new month in Hutz la'Aretz.

He responded: Did not Akiva b. Yosef do likewise?

They answered: Leave Akiva be, for he did not leave an equal in Eretz Yisra'el.

He added: So it is with me.

They disagreed: "The kids you left have become goats with strong horns and they sent us after you and commanded us to tell you in their name [to cease fixing the calendar in Hutz La'Aretz]; if you listen, fine. If not, you will be excommunicated. They further commanded us:

Tell our brothers in the Golah; if they listen, fine. If not, let them go up on the mountain; let Ahiyah build an altar, Hananyah play the harp and let them all deny God and declare that they have no portion with the God of Israel.

Everyone immediately cried out: God forbid, of course we have a portion with the God of Israel.

*Why such extreme measures? Because it states (Yeshaya [Isaiah] 2:3): **For out of Tziyon comes Torah, and the Word of YHVH from Yerushalayim** (B.T. Berakhot 63a-b)*

The Rabbis in Eretz Yisra'el were concerned about Hanina's usurpation of Yerushalayim as the worldwide center of Torah and Halakhah. The story begs a question: Why did they react so strongly to Hanina's fixing of the calendar? Were there not other Rabbis making Halakhic decisions outside of the Land at that time? Were there not Batei-Din outside of Eretz Yisra'el which legislated new Halakhot while great scholars resided in the Land? Furthermore, how is R. Akiva's behavior excused with "he left no equal in Eretz Yisra'el"? Akiva's scholastic supremacy does not make Babylonia any more a Tziyyon than does Hanina's more limited scholarship.

II

KIDDUSH HACHODESH A REFLECTION OF MAN'S PARTNERSHIP WITH GOD

The Mitzvah of Kiddush haChodesh (sanctifying the New Moon) is strange and unique. Man is commanded to establish the seasons and to decide the dates of the festivals (except Shabbat). Not only is God willing us to be partners in the sanctification of Holidays, He even accepts our declaration when it proves to be in error; and even if the error was deliberately perpetrated (BT Rosh Hashana 25a; MT Kiddush haChodesh 2:10). Our liturgy reflects this sanctification: The signature of the blessing during the Holidays is **M'kaddesh Yisra'el vехаZemanim** - (Who sanctifies Israel and the Appointed Times); i.e. God sanctifies Israel who sanctify the seasons. (BT Berakhot 49a; BT Betza 17a)

III

THE MANDATE OF THE BEIT-DIN HAGADOL

A Court operates, generally speaking, on one of two levels: social and historic. When the Court deals with an actual situation which has been presented before it, it is concerned with the social ramifications of its deliberations. If the need arises, a municipal ordinance ("Takkana") can be implemented; if necessary, the Court can punish those wrongdoers who have escaped the law on a technicality. (B.T. Sanhedrin 81b) The Court's mandate is the protection of society and the maintenance of sanctity within that society.

Occasionally, the Court operates on a wholly different stratum. When a new reality presents itself to the Court, whether as a result of technological progress or spiritual regress, the Court must respond dynamically with the Torah-true approach. Whether in an issue of pure legalism or in a more spiritually oriented matter, the Court must speak in the name of Torah. The Divine Mandate which

validates the Court accepts no less.

When the Court is protecting and maintaining society, it represents that society. If it is the society of a small community, it represents that community. If the Court operates on behalf of an entire country, it represents that country. The Court which responds historically is, contradistinctively, representative of the Torah and of the entire nation of Israel. It is the Torah's interests which are being adapted to the new situation-that is within the purview of the entire community of Am Yisra'el.

IV

THE HISTORIC MISSION OF THE BEIT-DIN

The Court which sanctifies the New Moon is operating on behalf of the entire nation in the most historic sense possible. This Court is the direct descendant of Mosheh and Aharon's Court which sanctified that Aviv moon in Egypt; that selfsame moon which heralded Israel's deliverance.(see BT Rosh haShanah 22a)

A Court operating on the historic level must be able to lay a claim as an authorized representative of the nation. As such, it must be able to show its spiritual and historic bond with Mosheh's Court.

Mosheh was, first and foremost, the Gadol haDor - the Scholar Supreme of his (and every succeeding) generation. Wherever such a Gadol is, there rests the Historic Court of Mosheh.(see BT Rosh haShanah 25b *Yeruba'al bedoro...*) Beyond Mosheh's supremacy was his centrality in the collective of the nation. That centrality is expressed, from the moment that Yehoshua's Kohanim uprooted their feet from the Jordan (Yeshoshua 4:15-18), in the Land of Israel. Our dream and destiny is to establish our own center in Yerushalayim; it is this vision of Isaiah that has driven us back to Tziyyon. The same centrality which typified Mosheh's Court can only be established in Israel.

The anger which motivated the scholars of Eretz Yisra'el is now understood: Failing an Akiva-like scenario, the only locale which can honestly lay claim to the representative court of Am Yisra'el is Eretz Yisra'el (see Sefer HaMitzvot, M.A. 153). Anyone attempting to disrupt the fulfillment of this Prophetic vision is truly one who can claim no portion with the God of Israel-he serves a personal God while ignoring the national relationship and destiny with our God.

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The author is Mashgiach Ruchani of Shalhevet High School in Los Angeles California.

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