

# **HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY**

## **105 - ARCHEOLOGY - PART 1** **OU ISRAEL CENTER - FALL 2018**

### **A] ARCHEOLOGY - THE DEVELOPMENT OF A MODERN SCIENCE**

Archaeology originated in 15th and 16th century Europe as a combination of the popularity of collecting art and humanistic rational philosophy that held art in high esteem. Renaissance leaders collected antiquities from ancient Greece and Rome, leading to sponsored excavations and the development of the science of archaeology. The excavations of Herculaneum and Pompeii, preserved by the eruption of Mount Vesuvius in 79CE, were started in the mid 18C and Napoleon's 1798 invasion of Egypt started a new era in archaeology. Napoleon brought with him a think-tank of 175 scholars with its own traveling library, scientific tools and measuring equipment. By 1822, Jean-François Champollion had deciphered the Rosetta Stone, unveiling the secrets of ancient Egypt's hieroglyphics to the world.

Scientific archaeology developed in the 19th Century with advances in the studies of geology and biology. Charles Lyell developed the modern geologic system of uniformitarian stratigraphy, which gave archaeologists a reliable timescale on which to date items. The 20th Century saw finds like the 1922 discovery of King Tutankhamen's tomb and the 1926 unearthing of the Royal Tombs at Ur, which brought the entire forgotten Sumerian civilization to life.

Archeology now uses many scientific<sup>1</sup> tools and disciplines to assist in identifying and dating finds, including Carbon 14 dating, philography<sup>2</sup>, geology, epigraphy<sup>3</sup>, numismatics<sup>4</sup>, philology<sup>5</sup>.

### **B] ARCHEOLOGY IN ERETZ YISRAEL**

Archeology in Eretz Yisrael has always been pursued with a clear background agenda!

- It began in earnest in the mid 19th Century with the work of Edward Robinson (1794-1863) and Charles Warren (1840-1927) whose focus was to gain a deeper familiarity with the world of the Bible and find actual traces of the biblical narratives.
- Later, at the start of the 20th Century, Christian scholars such as William Albright (1891-1971) came to demonstrate the accuracy of the biblical narrative with a view to disproving the documentary hypothesis which was then gaining traction and which argued strongly against the historicity of the Tanach.
- Jewish archeology in the mid 20th Century, headed by Yigael Yadin (1917-1984) was focused much more on rooting the Zionist endeavor in the history of the Land and showing the deep connection between Eretz Yisrael and the Jewish people.
- Towards the end of the 20th Century there arose a school of 'New Archeology' which sought to disconnect from the narrative of the Tanach and approach the archeology independently without any assumptions gleaned from the Biblical text.
- This led to what became known as the 'minimalist approach' where some archeologists, in particular Zev Herzog<sup>6</sup>, took the view that large parts of the Tanach are not historical and even a 'nihilist approach' which completely rejects the Tanach as a historical document.
- There is also a growing school of biblical archeologists<sup>7</sup> who view Tanach as a key tool in the analysis and interpretation of the data.<sup>8</sup>

1. But see below as to the significant limitations of archeology as a definitive science.

2. The study of all forms and styles of writing.

3. The study of ancient inscriptions.

4. The study of coins, tokens, medals and money.

5. The study of the structure, historical development, and relationships of a language or languages.

6. Who wrote a famous article in Ha'Aretz in October 1999 denying the historical record of Tanach. This was translated into English and published in Biblical Archeology Review and is available at <http://www.freerepublic.com/focus/news/704190/posts>, together with a response by Hershel Shanks.

7. Note the ongoing excavations of Ir David by Eilat Mazar and many others.

8. An interesting contemporary archeologist in the field is Dr Yonatan Adler of Ariel University - see

<https://www.ariel.ac.il/Projects/tzmm/Uploads/TRPUserImages/86023211480.pdf> and <https://ariel.academia.edu/YonatanAdler> for over 50 of his articles.

## C] ARCHEOLOGY AS A CHALLENGE TO OR SUPPORT FOR THE AUTHENTICITY OF TANACH

One of the key hashkafic questions concerning archeology is the extent to which modern archeological findings present a challenge to or a support for the historical, chronological and cultural information presented in the Tanach<sup>9</sup>.

Unlike other areas of scientific research where there are limited implications beyond the immediate field, biblical archeology can have an enormous religious and political impact in the region and beyond.<sup>10</sup> There is also a clear link between the different interpretations of archeology and parallel political agendas.<sup>11</sup>

The key issues<sup>12</sup> relate to the archeological evidence for or against the historicity of the biblical period prior to the 9C BCE<sup>13</sup>, in particular, the historical accuracy of the period of the Avot, the exile and redemption from Egypt, the conquest of the Land by Yehoshua, the period of the Shoftim and the United Kingdom under David and Shlomo.

Some of the key issues include:

- A long-standing argument as to when the camel was domesticated and how this impacts on the authenticity of the biblical narrative.
- The location of certain biblical cities, such as Ai.<sup>14</sup>
- What archeological evidence has been found or should be expected to be found for the Exodus.

Some recent developments include:

- The discovery of Khirbet Qeiyafa in 2007 and subsequent excavation, which provides critical new evidence of Jewish settlement in the time of King David.
- References to 'Beit David'<sup>15</sup> in the Tel Dan Stele.
- A 3,000 year old seal from the King David era found in 2015 in the Temple Mount Sifting Project.<sup>16</sup>
- A 2,700 year old seal found in 2015 apparently belonging to the Court of King Chizkiyahu.
- A 2,700 year old seal released in 2018 which belonged to an individual called Isaiah and may contain reference to the prophet.<sup>17</sup>

Some key issues highlighted by Rav Amnon Bazak in his essays include:

- The importance of stripping away the agendas and consequent intellectual dishonesty of some archeologists.
- The failure of many archeologists to accurately read and understand the biblical text, as opposed to simply reciting the 'orthodoxies' of what they understand the Tanach to say (or what they would prefer that it said)<sup>18</sup>.
- The importance of reading the Tanach itself with more subtlety and to recognize when it is indeed NOT presenting historical information, and developing advanced tools in understanding 'pshat' and 'drash'<sup>19</sup>.



**The Isaiah Seal**

9. See <https://www.jpost.com/Israel-News/Israeli-archaeological-finds-that-uncover-500000-years-of-Jewish-history-567649> for some recent fascinating finds.
10. Archeological proof of deep Jewish connection with Eretz Yisrael can impact strongly on (i) the religious-secular debate and status quo within Israel; (ii) Religious Zionist pride and activism and the effect this has on coalition left-right politics; (iii) the Israeli-Palestinian debate and respective historical narratives of the players; (iv) the American Evangelical right and the impact they have on voting patterns in the US.
11. With the minimalist and nihilist schools in archeology clearly tracking the post-Zionist revisionist historians such as Tom Segev and Benny Morris.
12. For further background on this see *Reason to Believe*, R. Chaim Jachter pp99-114. For 9 English essays on this by Rav Amnon Bazak see <https://www.etzion.org.il/en/topics/fundamental-issues-study-tanakh-from-shiur-#6a-to-#6i>. (Other fascinating issues dealt with in this section of the Yeshivat Har Etzion website include Biblical Criticism (Higher and Lower), Pshat and Drash and Comparative Ancient Near Eastern Literature. All of these topics are discussed and updated in Rav Bazak's recent Hebrew sefer *Ad HaYom Hazeh*.)
13. There is general agreement that the biblical narrative from Beit Omri and onwards is backed up by the archeological evidence.
14. Rav Bazak deals with all of these issues and many more in his articles ob cit.
15. Attempts by the 'nihilist' school to minimize the significance of the finding are summarized by Z. Talshir (quoted by Rav Bazak in [https://www.etzion.org.il/en/shiur-6b-tanakh-and-archaeology#\\_ftnref12](https://www.etzion.org.il/en/shiur-6b-tanakh-and-archaeology#_ftnref12) as follows: 'The appearance of the House of David as a consolidated political concept represented a real problem for deniers of Ancient Israel. They went to great lengths to try to rid themselves of this most inconvenient evidence. Davis proposed impossible alternative readings, which no self-respecting scholar would dare to mention; Lemke, despairing of any other solution, decided that the inscription was a forgery. No other scholar in the academic world has cast the slightest doubt on the reliability of the inscription, the circumstances of its discovery, or its epigraphic identity. There is nothing problematic about this inscription, other than the fact that it deals a mortal blow to a priori claims against the history of the House of David.'
16. <https://www.jpost.com/Israel-News/Rare-3000-year-old-King-David-era-seal-discovered-by-Temple-Mount-Sifting-Project-419024>
17. <https://www.youtube.com/watch?v=H0k31CTxQqI> <https://news.nationalgeographic.com/2018/02/prophet-isaiah-jerusalem-seal-archaeology-bible/> <https://www.timesofisrael.com/in-find-of-biblical-proportions-proof-of-prophet-isaiah-believed-unearthed/>
18. One example brought by Rav Bazak is that Beer Sheva is NOT presented in Sefer Bereishit as a town, but a location. Thus archeologists are incorrect when they claim that references to the town of Beer Sheva in Bereishit is anachronistic.
19. Including the ability to distinguish between 'pshat' ie how the text is intended to be read and 'what happened historically', which may or may not be the same thing.

**D] USING ARCHEOLOGY TO DECIDE HALACHA - PRECEDENTS****D1] THE TZITZIT OF THE METEI MIDBAR**

1. ואמר רבה בר בר חנה: זימנא חדא הוה קא אזלינן במדברא ואיתלוי בהדן ההוא טייעא ... אמר לי: תא אחוי לך מתי מדבר. אזלי, חזיתיהו ... פסקי חדא קרנא דתכלתא דחד מינייהו, ולא הוה מסתגי לן. אמר לי: דלמא שקלת מידי מינייהו? אהדריה - דגמירי דמאן דשקיל מידי מינייהו לא מסתגי ליה. אזלי אהדרתיה, והדר מסתגי לן. כי אתאי לקמיה דרבנן, אמרו לי: ... וכל בר בר חנה - סיכסא! למאי הלכתא עבדת הכי? למידע אי כבית שמאי אי כבית הלל? איבעי לך למימני חוטיך ולמימני חוליות.

בבא בתרא עג:

2. שקלי קרנא - כנף הטלית להצילו לפני חכמים ללמוד ממנו דין לילית אי כב"ש אי כב"ה ...

רשב"ם שם

*The Gemara relates that Rabba Bar Bar Chana was shown the bodies of Bnei Yisrael who died in the desert. He tried to remove some of their tzitzit to check whether the halacha followed Beit Hillel (who rules that there should be 4 strings in the tzitzit) or Beit Shamai (who rules that there should be 3). He failed to remove the tzitzit but the Rabbis later told him that he should have simply examined them in situ and could have worked out the halacha from there!*

• Does this Gemara indicate that we should look positively or negatively on empirical or archeological evidence when deciding halacha?

- Rav Herschel Schachter understands<sup>20</sup> this Gemara as a source that archeology IS relevant in deciding halacha.

- Rav Chaim Kanievsky<sup>21</sup> and Rav Shlomo Aviner<sup>22</sup> argue that Rabba bar bar Chana's failure to obtain the information indicates that Divine Providence<sup>23</sup> did not want the information to be revealed.

3. ומה שבאמת מנעו ממנו מן השמים לקחת משם הקרן לברר ההלכה וגם סיבבו מן השמים שלא יעלה בדעתו למנות החוטיך שלכאורה זה דבר פשוט, נראה מזה שאין רצון הקב"ה לברר הלכה ע"פ דרך זה לחטט בדברים עתיקים וכו', רק ע"י התורה עצמה צריך לברר ההלכה

ר' חיים קניבסקי, טעמא דקרא - פרשת שלח

• To what extent is this highly midrashic source a valid indication of the halachic position on archeology?<sup>24</sup>

• Does the historical reality on a specific halachic issue have any actual bearing on the halachic psak in the present? Is halacha based on a 'reality' of what was ruled, or on the present 'din' in what should be ruled?<sup>25</sup>

**D2] RASHI AND RABBEINU TAM TEFILLIN**

It is well known that there is a dispute between Rashi and (his grandson) Rabbeinu Tam on the correct halachic order of the tefillin.

4. א סדר הנחתן בבתיים: לרש"י והרמב"ם קדש (שמות יג:א-ז) משמאל המניח בבית החיצון. ואחריו כי יבאך (שמות יג:א-ז) בבית שני, ושמע (דברים ו:ד-ט) בבית השלישי והיה אם שמוע (דברים יא:יג-כא) בבית הרביעי שהוא בית החיצון לימנו. ולר"ת בבית השלישי והיה אם שמוע ובבית הרביעי שהוא החיצון שמע. ומנהג העולם כרש"י והרמב"ם.  
ב ירא שמים יצא ידי שניהם, ויעשה שתי זוגות תפילין ויניח שניהם ...

שולחן ערוך אורח חיים הלכות תפילין סימן לד סעיף א-ב

*Rashi and the Rambam rules that the order of the parshiot in the tefillin is in exact order of their appearance in the Chumash - 1,2,3,4. Rabbeinu Tam rules that it is 1,2,4,3. The Shulchan Aruch rules in accordance with Rashi/Rambam but recommends that a pious individual should wear<sup>26</sup> both sets in order to fulfil both opinions.*

What if we could dig up ancient tefillin to discover what people REALLY wore in the ancient world? Would that resolve the halacha?

20. Nefesh HaRav p53 footnote 26.

21. Ta'ama D'kra Parshat Shelach.

22. Iturei Yerushalayim 174:34.

23. Is Divine Providence a relevant factor in the halachic process? There is a principle of 'lo bashamayim hi' - that the Torah is not in Heaven and this may prevent the ruling of specific halachic issues based on heavenly intervention. But does it mean that Divine Providence cannot be taken into account in the general unfolding of the halachic process? Is this not to some degree inevitable given the *hashgacha* which determines which sefarim and manuscripts have survived the vicissitudes of Jewish history. Also, even the specific ruling of halacha based on Divine assistance may be permitted in certain circumstances, such as with Shu't Min HaShamayim, produced by 13C Tosafist R. Yaakov of Marvege. (See Shu't Yosef Ometz of the Chida # 82, where he justifies following the psak of Shu't Min HaShamayim on the basis that we can follow such heavenly guidance when it decides between established opinions in halacha.)

24. Raising the broader question of the use of midrashim to decide halacha - iy'H this will be a separate shiur.

25. For instance, where there is a debate between poskim on what was ruled by a previous authority, would it assist halachically if we had a time machine to go back and ask the original authority what they intended? Would their 'historic' view be relevant to the contemporary debate?

26. In fact already from the time of Tosafot the poskim were recommending wearing both sets - if possible at the same time, or one after the other.

5. בנהרדעא ובירושלם מצאו ב' זוגים - אחת כרש"י ואחת כר"ת

פסקי תוספות מנחות צב

*The Piskei Tosafot<sup>27</sup> relates that old sets of Tefillin were found in Bavel and Yerushalayim which reflect both positions - of Rashi and Rabbeinu Tam - indicating that the machloket is much older<sup>28</sup>.*

Many sets of tefillin<sup>29</sup> were also found with the Dead Sea Scrolls - some like Rashi and some like Rabbeinu Tam!<sup>30</sup>

6. מכל מקום נהגו בארץ אדום ובארץ ישמעאל כדברי רבינו שלמה וכדברי רבינו משה. וגם שלחו כתב מארץ ישראל שנפלה בימה שעל קבר יחזקאל ומצאו שם תפילין ישנים מאוד כסדר רבינו משה ורש"י ז"ל

ספר מצוות גדול עשין סימן כב

*The Smag (13C Tosafist) writes that an ancient set of tefillin was found by the grave of Yechezkel<sup>31</sup> - it was Rashi tefillin!*

7. ושמעתי משם מורי דאין לסתור סדר ר"ת ממה שמלאו תפילין בקבר יחזקאל כדברי רש"י. שאדרכה לר"ת מזי למימר שפסולין היו כיון שכתבן צלותו הסדר ולכן נקצרו בקצרו כדין ספרים פסולין שנקצרו ונטמנו בקצרו של לדיק.

דרישה אורח חיים סימן לד

*The Drisha (16C Poland) however rejects this outright! He quotes from his teacher (possibly the Rema or Maharshal) that the proponents of R. Tam could argue that the tefillin buried in Yechezkel's grave may have been placed there precisely because they were pasul!!*

### D3] THE WEIGHT OF THE SHEKEL

A number of mitzvot - in particular Pidyon Haben - depend on the weight of the shekel. There is a halachic dispute on this, with Rashi ruling that the shekel is one sixth lighter than the psak of the Rif.

8. וכתב רש"י (לעיל כ"ג) שהשקל משקלו ארבעה זבזים שהוא חצי אוקיה למשקל הישר של קלוניא ... אבל שיער הרב צבזים הנמלאים צדורו וגם צדורו, והם כמשקל חצי האוקיה שהזכיר, ואינו כן! כי מלכי הגוים פחתו הזבזים ...

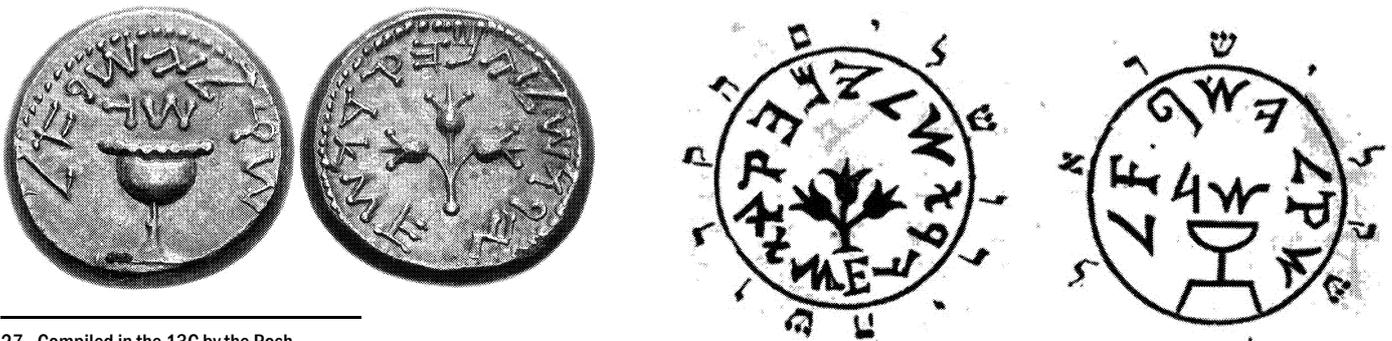
רמב"ן שמות ל"ג

*Ramban brings Rashi's opinion on the weight of the shekel but rejects this opinion on the basis that the coinage of Rashi's time had been reduced in size. In fact, the Ramban originally ruled like the Rif, until he made Aliyah ....*

9. צרכני השם עד כה שזכיתי וצאתי לעכה ומלאתי שם ציד זקני הארץ מטבע כסף מפותח פתוחי חותם, מלדו האחד כעין מקל שקד ומלדו השני כעין ללוחית, וצשני האדדים סביב כתב מפותח צאר היטב. והראו הכתב לכותיים וקראוהו מיד, כי הוא כתב עצרי אשר נשאר לכותיים כמו שמוזכר בסנהדרין, וקראו מן האחד האחד 'שקל השקלים'<sup>32</sup>, ומן האד השני 'ירושלים הקדושה'... ושקלנו אותה צשלאחות ומשקלה עשרה כסף אסטרולינג, והם חצי האוקיה שהזכיר רבינו שלמה. ... והנה נסתייעו דברי רבינו שלמה סיוע גדול!

פי' הרמב"ן על חומש הערה בענין השקל

*Based on the coins that the Ramban found in Israel and weighed and the testimony of the Samaritans as to the writing on the coins, the Ramban changed<sup>33</sup> his psak<sup>34</sup> to rule in line with Rashi.*



27. Compiled in the 13C by the Rosh.

28. Rav Goren writes that this reflects a machloket in minhag from the time of the Tannaim between Bavel and Eretz Yisrael.

29. Some of the texts were identical to our own. Others had the addition of the 10 Commandments.

30. See <http://lawrenceschiffman.com/dead-sea-scroll-tefillin>

31. In Al Kifl, Iraq.

32. The actual inscription reads 'shekel Yisrael', as is pointed out by subsequent meafarshim (see R. Azaria de Rossi in Me'or Eynaim Part III (Imrei Bina) ch. 56 p 451. As for how the Samaritans could have misread the inscription see <https://www1.biu.ac.il/indexE.php?id=19242&pt=1&pid=14406&level=0&cPath=43,14206,14373,14406,19242>. This mistake by the 'experts' itself has a bearing on the issue in discussion in this shiur.

33. The other famous example of where the Ramban he changed his positions following his Aliyah concerns the location of Kever Rachel - to be the subject of a separate shiur iy'H.

34. There is a debate about whether the Ramban actually changed his final psak. After all, he writes that the coins are a 'support' for the position of Rashi.

10. והנה בסוף הודה הרמב"ן ז"ל שהדין עם רש"י בזה, כי אין חכם כבעל הניסיון אחר שבא לידו השקל של ישראל בעינו, בחן וראה האמת כדברי רש"י

ר' יעקב עמדין מגדל-עוז, חלק 'ברכות הורי' פלג ד'

*R' Yaakov Emden sees this as a definite change of halachic position, based on empirical evidence.*

Others were less enthusiastic about the Ramban's change of heart!

- Abarbanel writes<sup>35</sup> that the shekel Ramban found could have lost some of its weight over time<sup>36</sup>.
- The Tashbetz<sup>37</sup> is concerned that the Ramban chose to rely on evidence of the Samaritans since they have no halachic credibility.<sup>38</sup>
- Interestingly, the Shulchan Aruch<sup>39</sup> does NOT rule like Rashi, despite the Ramban's archeological evidence.

#### D4] THE WRITING ON THE TZITZ

11. וְעִשִּׂיתָ צִיץ זָהָב טְהוֹר וּפְתִיחַתָּ עָלָיו פְּתוּחֵי חוֹתָם קֹדֶשׁ לַה'

שמות כח:לו

*One of the 8 special items that were worn by the Cohen Gadol was the tzitz, on which was written - 'kodesh l'Hashem'.*

12. והתניא: ציץ כמין טס של זהב, ורוחב שתי אצבעות, ומוקף מאוזן לאוזן, וכתוב עליו בשתי שיטין: יו"ד ה"א למעלה וקודש למ"ד למטה. ואמר רבי אליעזר ברבי יוסי: אני ראיתיו בעיר רומי וכתוב קדש לה' בשיטה אחת!

שבת סג:

*The Gemara quotes a Beraita that the writing on the tzitz was in two lines - 'yud-heh' on the top and 'kodesh' on the bottom. However, R. Eliezer b. R. Yose disagrees. He claims to have seen the tzitz in Rome<sup>40</sup> and reports that it was written on one line!*

13. כיצד מעשה הציץ? עושה טס של זהב רחב שתי אצבעות ומקיף מאוזן לאוזן וכותב עליו שני שיטין קדש לה' - 'קדש' מלמטה לה' מלמעלה. ואם כתבו בשיטה אחת כשר, ופעמים כתבוהו בשיטה אחת.

רמב"ם הלכות כלי המקדש פרק ט הלכה א

*The Rambam rules like the Tana Kama in the beraita that the tzitz was written on two lines, but also accepts that it can be written on one line, and sometimes was.*

14. ... ומ"ש ואם כתבו בשיטה אחת כשר, נראה דהיינו מדאמר ר"א ברבי יוסי 'אני ראיתיו'. דאע"ג דהלכה כה"ק היינו לכתחילה, אצל דדיעבד מיהא הלכה כרבי אליעזר ברבי יוסי. ומטעם זה כתב ופעמים כתבוהו בשיטה אחת דכיון דעד ראייה הוא ר' אליעזר ברבי יוסי אמרינן דפעמים כתבוהו כן

כסף משנה הלכות כלי המקדש פרק ט הלכה א

*The Kesef Mishna understands that the Rambam rules like the Tana Kama based on the halachic principles of psak. But he also cannot ignore the eye-witness testimony of what the tzitz actually looked like. As such, he accepts the 'one line tzitz' as a bedieved psak.<sup>41</sup>*

#### E] THE LIMITATIONS OF MODERN ARCHEOLOGY

Modern archeology is a developing science and, given the benefits of current technology, is improving and becoming more accurate over time. It also builds on the discoveries of the past, producing an ever-clearer picture. However, there are many inherent limitations to the archeological method which must be taken into consideration when using it to address halachic issues, including:

35. Shemot 30:13-14

36. Although this can now be tested scientifically. It does however raise the important contemporary question of whether the archeological finds that we have are still in the same state as they used to be and how to assess any potential change.

37. 3:226

38. This raises a very contemporary question - the halachic credibility of non-Jewish or non-religious Jewish archeologists.

39. Y.D. 305:1

40. Raising the much discussed question as to whether the kelim from the Beit Hamikdash are in fact still being kept in the Vatican. For an interesting article on why it is very unlikely that this is the case, see <http://www.aish.com/jw/s/The-Vatican-and-the-Temple-Vessels.html>

41. Interestingly, the Rambam was not convinced sufficiently by the sighting on one tzitz that EVERY tzitz had to be that way. This is another important contemporary issue - even if we make archeological finds, how sure can we be that they are representative of the majority of such items.

1. Most (probably the vast majority) of the archeological record has not yet been found. As such, any conclusions drawn on the basis of what we have found will often be tentative. One major new find can upset decades of previous assumptions and thinking and show former conclusions to have been mistaken. On the other hand, not all conclusions are equal and, whilst assumptions made on the basis of one find may be shaky, others are unlikely to be overturned. For example, hundreds of stepped mikvaot have been found in Israel and it seems unlikely that a new form of ancient mikveh will be found to be dominant.
2. Even more tentative is any conclusion based on the fact that we have NOT found certain things - לא ראינו אינו ראיה, or 'absence of evidence is not evidence of absence'. As such, prominent headlines that certain biblical events 'did not happen' since archeological evidence for them has not yet been found, are of little intellectual weight.<sup>42</sup>
3. Many key archeological sites are unavailable for excavation for many reasons, including (i) economic limitations; (ii) areas which have been built over or are inhabited; (iii) areas which are politically or practically off-limits for many reasons - eg Temple Mount.
4. Most of the original artifacts are not preserved in the archeological record - eg food, papyrus, skins, wood. We are thus seeing a very limited segment of the true original picture.
5. The items which do survive were not originally created to last forever and represent the period, but rather for use at the time, and thus may not be fully representative.
6. Many items, even of metal or stone, have not survived in their original form.
7. Some buried items may be specifically unrepresentative - eg scrolls which were buried because they were invalid.
8. Ancient records are often ahistorical or exaggerated. Leaders lied shamelessly to boost their image and popularity and ignored anything which was not in their interest to report.
9. Interpretation of archeological finds is often subjective and heavily influenced by the external agendas of the archeologists.

## **F] HALACHIC LIMITATIONS IN THE USE OF ARCHEOLOGY**

1. Even if we are satisfied as to the accuracy of archeological finds, what is the halachic weight of those finds? Do they generate a *safek*? Can they undermine existing halachic presumptions - such as a *rov* or *chazaka*? Eg human bones, walled cities.
2. Is there any precedent from other areas of halacha where secular experts are consulted and relied upon - eg doctors?
3. Can archeology substitute for a *mesorah* which is lacking? Eg techelet.
4. If we have a halachic *mesorah* from Chazal on a specific issue, can the archeological record challenge that halachically?
5. How halachically relevant is the testimony of non-Jewish or non-religious Jewish archeologists? What are the parameters of מסירה לפי תומכו - someone giving an unbiased opinion within context.

## **G] HALACHIC AREAS WHICH COULD BE IMPACTED BY THE USE OF ARCHEOLOGY**

- Techelet
- The position of the mezuzah
- Mikveh construction
- Purim and which cities read on 15th Adar
- Identification of human remains, whether these are Jewish and whether they can be moved eg for new homes or a new hospital.
- The correct writing of certain letters eg *tzadi*

In Part 2 we will *iy'H* look at these specific issues and also the general approach of recent poskim on the question of archeology - in particular Rav Kook and the Chazon Ish. We will also link this to the question of how to assess the discovery of new Torah manuscripts and the impact these could have on the contemporary halachic process.

We will need to address the central meta-halachic question concerning whether/to what extent the halachic process is rooted in or connected to a 'historic reality', or is an independent construct with its own rules and systems as to how to define 'halachic reality'.

42. See an interest analysis of archeology and the Exodus at <http://individual.utoronto.ca/mfkolarcik/ancient-israel-in-egypt-and-the-exodus.pdf>. See also <http://www.daat.ac.il/daat/vl/alatar/alatar27.pdf> by Rav Yoel Bin Nun on archeology and the biblical narrative in Bereishit.