

אם אינן מכירין אותו פרק שני ראש השנה

(fol.57c) **משנה א** אם אינן מכירין אותו משליחין עמו אחר ליהדות. בראשונה היה מקבלין עדות חדש מצל-האדים. משיקללו המנין התקינו שלא יהו מקבלין אלא מן המכירין: בראשונה היה משיאין משואות. משיקללו הכותים התקינו שירשו שליחין יוצאי:

Mishnah 1: If they¹ do not know him, one sends² another one with him to testify about him. Originally one accepted testimony about the new moon from anybody. After the sectarians³ spoiled they instituted that one would accept only from known persons. Originally they were lighting beacons⁴. After the Samaritans spoiled they instituted that messengers went out.

1 The High Court which decides the calendar.

2 The local rabbinate, to certify the witness to be as qualified rabbinic Jew.

3 The Boethusian sect of Sadducees who were interested in seeing the 15th of Nisan

celebrated on a Sabbath so that the 'omer and Pentecost would be on a Sunday.

4 To quickly announce from Jerusalem to Nahardea in Babylonia that the New Moon had been declared.

(57d line 36) **אם אינן מכירין אותו כל'**. אמר רבי יונה. הכו צורכה מיתני. בראשונה היה מקבלין עדות חדש מצל-האדים. אם אינן מכירין אותו קי משליחין עמו אחר ליהדות. אמר רבי יוסה. אפילו כמתניינו אתיה היא. אם אינן מכירין אותו משליחין אחר עמו ליהדות. לכן. שבראשונה היה מקבלין עדות חדש מצל-האדים. ועוד אחד נאמנו. משלך נתנו לך. בדיו הנה שלא יהו ארכין עדים. והן אמרו שעדיין ארכין עדים. וזה אמרו עד אחד נאמנו.

"If they do not know him," etc. Rabbi Jonah said, so should the Mishnah be stated: Originally one accepted testimony about the new moon from everybody⁵. If they do not know him, one sends another one with him to testify about him. Rabbi Yose said, even as in the Mishnah it is acceptable: If they do not know him, one sends another one with him to testify about him. Why? Because originally one accepted testimony about the new moon from anybody⁵. May a single witness be believed⁶? They gave you from your own. It should be logical that no witnesses should be needed⁷. But they⁸ said that witnesses were needed, and they said that a single witness may be believed.

5 It is presumed that the quote of this sentence includes the next one about the spoiling by the sectarians.

6 It was stated in the previous Chapter (Halakhah 9, after Note 309) that the qualifications for a witness of the new moon are those of witnesses in criminal cases and

as a consequence single witnesses are barred by biblical decree (*Deut.* 17:6).

7 Since the appearance of the new moon is a natural phenomenon observable by the Court as well as by any other person.

8 The entire set-up is rabbinic; there can be no objections from biblical standards.

עד אחד מהו שקיין נאמן כשנים. היה עבידה. אחד הכל מפיעין אותו ואחד אין אדים מפירים. בבירו מהו שיצטרף עם אחד מן השוק להיעיד עליו. רבי זעירה רב חונה בשם רב. אין הוא ואחר מצטרפין על חתימת העד השיעי. לא צרכה די לא היה שנים. אחד הכל מפיעין כתוב זו ואחד אין אדים מפירים. בבירו מפירים. צרכה די שיעיש מהו שיעיש באחד מן השוק להיעיד עליו. אם כן נמצאת כל-העדות מתקיימת بعد אחד. אמר רבי יירון ואות. אילו שנים שיצאו מעיר אחת שרוות גוים. כמוון ה'א סוסיטה. אחד הכל מפיעין אותו שהוא ישראל ואחד אין אדים מפירים. בבירו מהו שיעיש באחד מן השוק להיעיד עליו. אם אומר אתה כן לא נמצאת כל-העדות מתקיימת بعد אחד. וה'א נמצאת כל-העדות מתקיימת بعد אחד.

7 מהו 9 ה'א ווהיכן G | G

Could one witness be believed as two⁹? How is this? If there were two, one whom everybody knows and one whom nobody knows, except that his partner knows him. May his partner team up with one from the street to testify about him¹⁰? ¹¹Rebbi Ze'ira, Rav Huna in the name of Rav: he¹² and another cannot team up about the signature of the second witness. This is needed in case there were two, one whose signature everybody knows and one whom nobody knows, except that his partner knows him. May his partner be like anybody from the street to testify about him? In that case the entire testimony is confirmed by one witness. Rebbi Yudan said, this is correct. For example, two who came from a town most of whose inhabitants are Gentiles, like Hippos. One of whom everybody knows that he is Jewish and one whom nobody knows¹³, except that his partner knows him. May his partner be like one from the street to testify about him? If you are saying yes, the entire testimony is confirmed by one witness. Also here the entire testimony is confirmed by one witness.

9 The testimony of two witnesses is as good as the testimony of 100. If the

testimony of two witnesses is contradicted by the testimony of 100, neither testimony is

acceptable. But the testimony of a single witness is nothing if contradicted by two witnesses. In the case here, where one witness is accepted as two in a case purely rabbinical, does this also eliminate the biblical rule that the testimony of a single witness is nothing if contradicted by two witnesses?

10 That he is a qualified witness.

11 The following is essentially from *Ketubot* 2:4, Notes 77-83. The problem is the certification of signatures to prove that a document of indebtedness is genuine and may be used for foreclosure. In that case

certainly two independent witnesses are required.

12 One of the witnesses signed on the document.

13 Whether he is Jewish or Gentile. While in general the assertion by a person that he is Jewish is believed, if this is questioned it needs two witnesses since it involves Torah prohibitions. A document signed by a Jew and a Gentile cannot be enforced in a Jewish court.

Here starts a new Genizah fragment (G).

הבראה אומר בורקן: מיהו בורקן: ברקן. תמיון אמרין. ברוק בורקה. אונקר מונרא. (57d line 55c) תקו פגין. אמר לך הטעינה צאו וראו אם הגיע זמו השחיטה. אם הגיע

ברוך G ברקי G ברקי G ברק

There, we stated¹⁴: "The overseer said to them, go and see whether the time of slaughter has arrived. When it arrived, the lookout says, it is radiant." What means *borqi*? *Barqat*¹⁵. There¹⁶, they are saying, בָּרָק בָּרְקָה, getting bright, radiant.

14 *Yoma* 3:1. This paragraph and the next are from *Yoma* 3:1, Notes 5-13.

15 Radiant, from בָּקָר “lightning”.

16 In Babylonia; in the formulation of the
Babli *Yoma* 28b פְּרָקִיד

שניא היא הכא שאין אתה יכול לעמוד עליו. וחש לומר. עד דהו עיל ונקד הוא מנהgra. חכימה היא מילתא. אמר עד אחד. נולד איש פלוי בשbeta. מלון אותו על פי. חסיכה מזאי שbeta. מטלטlein אותו על פי. רב אמי מטלטעל על פומה דמליאגא. רב מפניהם מטלטעל על פום איבירינה זאגרא. רב אימני מל על פי נשים. זאגרא. שמשה ברות על סוסיתא.

May one witness be believed¹⁷? It is different here since one cannot control him; should we not worry and say, by the time somebody climbs up and goes out it will shine¹⁸? The matter can be verified. If one witness says,

this male was born on a Sabbath, one circumcises him on his word¹⁹. It is dark at the end of the Sabbath, one carries (him) on his word²⁰. Rabbi Immi was carrying on the result of elapsed time²¹. Rabbi Mattaniah was carrying on the saying of the moon shining^{21*}. Rabbi Immi was circumcising on the saying of women, the sun was over Hippos²².

17 The Babli holds in general that a single witness can be believed in matters of prohibitions; the biblical requirement of two witnesses is binding only in criminal cases and matters that may have implications in criminal law. From the present paragraph it seems that the Yerushalmi does not accept this in general but that in cases where one witness is sufficient there is no difference between male or female witnesses.

18 While the time indicated must be approximately correct, since one asks only at the end of the night, and by the time somebody climbs up to check it clearly will be dawn, this does not prove that at the time of the assertion dawn was really visible. The text cannot be amended and the “not” deleted since it is confirmed by both sources.

19 Even though circumcising on the Sabbath a child not born on the Sabbath is a deadly sin.

20 This is a new item. One may believe a single witness that it is no longer Sabbath

and all Sabbath prohibitions are no longer relevant. The word in parentheses has to be disregarded with G.

21 Arabic **مِلْلَة** “interval of time”. He computed the end of the Sabbath astronomically, for a smooth terrestrial globe; a severe restriction for Tiberias situated on a steep Eastern slope.

21* The translation of **אַבְרִיאתָא** is conjectural. The direction of the shining part of the moon indicates the position of the sun, from which its position below the horizon (of a smooth terrestrial globe) can be inferred without complicated computations.

22 Since circumcision has to be performed during daytime, R. Immi is consistently restrictive; in this case he does not rely on astronomical computations of sunrise but on the much later observation of the sun appearing over the mountains to the East since Hippos was on a mountain over the Eastern shore of the Lake of Galilee.

(57d line 63) **מִכִּירוֹ מִפְּקִיריוֹ מַהוּ לְחַלֵּל עַלְיָהוּ אֶת הַשַּׁבָּת. נִשְׁמַעְיָה מִן הַזָּא. אָמָר [רַבִּי נוֹהָרִי] כְּאֵנו שְׁנִינִיה. מַעֲשָׂה שְׁזִירְתִּי לְהַעֲדֵד עַל עַד אֶחָד בָּאִישָׁא. וְלֹא הָיו צְרִיכִין לִי אֶלָּא עַלְיהָ בִּיקְשָׁתִי לְהַקְבִּיל פִּי חֲבִירִי.**

1 **מִכִּירוֹ G | מִפְּקִיריוֹ G | מַהוּ G | מַהְוָה G | הַדָּה [רַבִּי] G | - 2 כְּאֵן G | בָּר G | בָּאוֹשָׁא G | בָּאוֹשָׁה G | בִּיקְשָׁתִי G | 3 חֲבִירִי G | חֲבִירִי G**

May people who know those who know him desecrate the Sabbath for him²³? Let us hear from the following²⁴: “[Rebbi]²⁵ Noharai (here) <ben>²⁶

Shanai said, it happened that I descended to Usha²⁷ to testify for one witness²⁸. They did not need me but I looked for a pretext to see my colleagues."

23 The translation and the reading of G follows Liebermann's correction of Ginzberg's text (*Tosephta kiFshutahMo'ed* p. 1028). There is nobody known to the Court who knows the witness personally, but there is one known to the court who knows a reliable person who can testify that the witness is not a Boethusian. If the new moon is seen on a Sabbath, may the person known to the court go with this acquaintance to certify the witness?

24 Tosephta 1:16; Babli 22b.

25 Corrector's addition from the Tosephta, not in G.

26 The <Genizah text> is to be accepted.

27 The place where the successor to the Synhedron was constituted in the aftermath of the Bar Kochba uprising.

28 The witness not of seeing the new moon but the reliability of the witness for the new moon.

(57b line 66) ומה קיליקול בונה תמן. שעיר לאחר השבת. והוא יוצאי עלי מבערב בחיקת שנטקדש. מעיטה על ניסו לא יקבלינו. על שאר ירחייא יקבלינו. אמר רבי יוסי בירבי בון. עיקר קלקלתהון מן אחר הוות. מעיטה כד היא דכוןתהון יקבלינו. אין לית היא דכוןתהון לא יקבלינו. זו מפני זו. מעשה ששיבורו בימינו שניעדי שקר להעיד על החוזך שנטקדש. ובא אחיך והuid עדותנו והליך לו. ובא אחר ואמר. עליה הייתי במעלה אדומים וראיתי רבו זין בין שני סלעים ראשו דומה לעגל איזנו דומות לגד. וראיתי ורביה פוי ונורף עמי לאחורי. ותני מאננים וזה קשותם באנונדי. אמרו לו. קני מאננים וזה נתני לך במתנה. ושלוחך בזאו וילק. אתה למה ההנבסה עצמה למספק. אמר להו. ראייתי אותך מבקשין לסתות את חכמים. אמרתgi. מוטב שאלאך אני ונודע לך כממים.

2 מענה | G - יורה | G וריהיה 3 יוסי | G יוסה האן | G דהאן 4 בימונין | G בית סין 5 עדותנו | G עדותנו וامر | G ומר 7 לו | G לו חכמים הרימות | G המתאים 8 ושלוחך | G ושלוחך למספק | G למספק זהה 9 ונודע | G ונודע

What spoiling was there²⁹? Because they³⁰ were saying, Pentecost is after the Sabbath; one always was going out in the evening on the presumption that it would be sanctified³¹. Then for Nisan they should not accept³², for the other months they should accept. Rabbi Yose ben Rabbi Abun said, the main spoiling was in Adar³³. Then if it conforms with ours they should accept, if it does not conform with ours they should not accept. One because of the other.³⁴ It happened that the Boethusian hired two false witnesses to testify on the new moon that it be sanctified. The first came, delivered his testimony, and left. The other one said, I was climbing Maaleh Adumim³⁵ when I saw it lying

down between two rocks, its head resembling a calf, its ears resembling a kid goat. It saw it, was taken aback, and stepped backward, and there were 200 denar tied in my money belt. They told him, the 200 denar are given to you as a gift³⁶, but those who sent you should come and be flogged. Why did you put yourself in this questionable situation? He said to them, I saw them trying to trip up the Sages. I said, it is better that I should go and inform the Sages."

29 This refers to the sectarians mentioned first in the Mishnah.

30 In G correctly: the Boethusians.

31 While in theory the day of the New Moon was determined only by observation, most months followed a regular pattern alternation between 29 and 30 days. Since the Sanctification of the Month as judicial act could be done only during daytime, one nevertheless could be reasonably assured on the preceding evening that the day would be one of the New Moon.

32 Since this was the only one of importance for the Boethusians. The majority of the people supported the

Pharisees, so the other sects had no chance of seeing their adherents gaining control of the Temple.

33 If one wants credibly to manipulate the date of the 1st of Nisan, one has to make sure that the 1st of Adar is 29 days before the desired date of Nisan.

34 Tosephta 1:15, Babli 22b.

35 Jos. 15:7.

36 Since it is forbidden to take bribes for false testimony, the witness could not legally have acquired the money given to him as bribe; he needed a court decision to keep it.

(3) 58a line 5 מה קילקול תקופה מטענו. דבָּרוּן אַילְיוֹן מִסְבֵּן יוֹם דָּיוֹן וְאַילְיוֹן מִסְבֵּן לְמַחְרָה. וְהַזְּהָבָרְיוֹן שְׁנָמְלָכוּ בֵּית דָּיוֹן לְעַבְרוֹ וְהַן מַתְקַלְקָלִין. מֵי בִּיטְלָה אֶת הַמְשׁוֹאוֹת. רַבִּי בִּיטְלָה אֶת הַמְשׁוֹאוֹת. וְהַתִּיר רֹצֶחֶת. וְהַתִּיר עַד מִפְּעֵי. אָמַר רַבִּי אַבְהָגָה. אָף עַל גַּב ذְּאָמָר אֶת בִּטְלָה אֶת הַמְשׁוֹאוֹת לֹא בִּטְלָה מִים טִיבְרִיה. רַבִּי זַעֲקָא בֵּעָא קֹזְמִי רַבִּי אַבְהָגָה. אַילְיוֹן דְּחַמְּין צַפְתָּה מְהוֹן דִּיסְבָּוֹן. אָמַר לְיהָה. רַבִּי בִּיטְלָה אֶת הַמְשׁוֹאוֹת. צַפְתָּה לְמַהְמַשְׁבָּה. אֶלָּא בְּגִין מַזְעָא דְּאַיְנָה קְדֻעָה. אַיְוֹן מִשְׁיאָן לִילִי זַמְנוֹ אֶלָּא לִילִי עַיְבָּרוֹ. לִילִי זַמְנוֹ אַיְוֹן מִשְׁיאָן מִפְּנֵי יוֹם טּוֹב. אֶבֶל מִשְׁיאָן לִילִי עַיְבָּרוֹ. אַיְוֹן מִשְׁיאָן אֶלָּא עַל הַחֲדָשִׁים הַמִּישְׁבָּין בְּזַמָּנוֹ. מִפְּנֵי יוֹם טּוֹב שָׁחַל לְהַיּוֹת בְּעַרְבָּ שְׁבָתָה. לִילִי זַמְנוֹ אַיְוֹן מִשְׁיאָן מִפְּנֵי יוֹם טּוֹב. לִילִי עַיְבָּרוֹ אַיְוֹן מִשְׁיאָן מִפְּנֵי קְבּוֹד שְׁבָתָה. שָׁאָם אָוֹמֵר אֲתָּה. מִשְׁיאָן בָּוּן עַל הַחֲדָשִׁים הַמִּישְׁבָּין בְּזַמָּנוֹ [בְּגִין עַל הַחֲדָשִׁים שָׁאָם מִיְשְׁבָּין בְּזַמָּנוֹ]. אַם אָוֹמֵר אֲתָּה כֵּן אֶרְחָן סְבָרוֹן שְׁפָא נִמְלָכוּ בֵּית דָּיוֹן לְעַבְרוֹ וְהַן מַתְקַלְקָלִין.

1 אַילְיוֹן G | אַילְיוֹן 2 וְהַן G וְהַם הַמְשׁוֹאוֹת | G 3 הַמְשׁוֹאוֹת | G 4 אָבְהָה | G אָבְהָה
דָּמָר אֲת | G דָּמָר אֶת הַמְשׁוֹאוֹת | G טִיבְרִיה | G 5 עַזְוָרָה | G זַעֲרָה בֵּעָא | G בֵּעָא
אָבְהָה | G אָבְהָה 7 מִשְׁיאָן | G 8 מִשְׁיאָן | G 10 הַחֲדָשִׁין | G הַחֲדָשִׁין (2)

And what spoiling was there³⁷? These were kindling this day and those were kindling the next day; they were thinking that the Court was reconsidering and were spoiled³⁸. Who disestablished the beacons? Rabbi disestablished the beacons³⁹, and permitted the murderer⁴⁰, and permitted hearsay⁴¹, and permitted that one was departing in the evening trusting that it would be sanctified⁴². Rabbi Abbahu said, even though you are saying that the beacons were disestablished, they were not disestablished from the Sea of Galilee⁴³. Rabbi Ze`ira asked before Rabbi Abbahu, should those who see Safed light a beacon? He said to him, Rabbi disestablished the beacons. Why would Safed light a beacon? To communicate that they know⁴⁴. One does not light a beacon in the night of its regular time, but in the night of its extension⁴⁵. In the night of its regular time one cannot kindle because of the holiday, but one kindles in the night of its extension⁴⁶. One kindles only for months settled on time⁴⁷ because of a holiday which might fall on a Friday⁴⁸. In the night of its regular time one cannot kindle because of the holiday, in the night of its extension one cannot kindle because of the honor of the Sabbath⁴⁹. For if you are saying, one kindles both for months settled on time [and for months not settled on time]⁵⁰; if you are saying this, they will say that maybe the Court was reconsidering and would be spoiled⁵¹.

37 Referring to the Samaritans mentioned later in the Mishnah.

38 Since the people in Babylonia had no way of determining the origin of the signals, they kept the Day of Atonement on the 11th of Tishre according to the rabbinic calendar.

39 This cannot refer to the beacons described in Mishnah 3, since these start from Jerusalem, and Rabbi's beacons must have started in lower Galilee, according to Tosephta 1:17 on Mount Tabor. One has to conclude that the beacons were in use all during Temple times and were in some kind re-established by Rabban Simeon ben Gamliel. If the interference of the Samaritans had been dated before the

destruction of the Temple, it would be reasonable to infer that they started their beacon near Sartaba. In the scenario described here, the origin must have been in Samaritan communities in Galilee, of which we otherwise have no knowledge.

40 A person known to be a murderer but for whose deed there are no proofs which would hold in court, is admitted as witness.

41 Testimony otherwise not admissible in court permitted for testimony about a New Moon (since anyhow this testimony can be controlled by astronomical computation.)

42 If a month was not started on day 30 of the preceding month, it certainly started on day 31. Therefore the messengers for the

New Moon may safely depart after the end of day 30.

43 Where local bonfires were lit to keep the remembrance of the prior custom alive.

44 As answer to the bonfires below which were visible from Safed.

45 If beacons are lit, they are lit in the night of day 31 of the preceding month.

46 The problem in all this is New Year's Day which is both a holiday and a New Moon. One cannot light the beacon in the night of the 30th day because this is part of the holiday where starting a fire is forbidden (and anyhow it would show that the fixation of the new moon by observation was a pretense.) The next night is no longer a holiday and beacons can be lit without restriction.

47 Months which need a declaration by the court. If day 30 of a month is not declared the first of the next month then automatically day 31 will be the start of the next month. Beacons are lit after the end of

day 30 to signal that this day was declared the first of the new month. If no beacon was lit it is a sign that the court did not act and therefore day 31 must be the first of the new month.

48 Which the Court should avoid since it places the day of Atonement on a Sunday and on the preceding day, a Sabbath, one could not cook.

49 One could light the beacon only in the night of Sunday, which would give a wrong information in every case. Since one does not light beacons for an extended month, even if on New Year's Day the beacons are lit a day late nothing can go wrong since the beacon itself is proof that Elul was only 29 days.

50 Corrector's addition supported by G. Tosephtha 1:17, Babli 22b, *Pesahim* 2b.

51 Since the beacon cannot be used to distinguish between months of 29 and 30 days.

(fol. 57c) **משנה ב' ביצד היה מישיאין מישאות, מביאין קליפות וקנים וניצ'**
שנון ונערת של פשתן וכורך בקמיה ועולה לראש החר ומיצית ביהן את האור ומוליך
ומביא ומעליה ומזריך עד שהא רואת את חבריו שהוא עוזה בין בראש החר השני ובין
בראש החר השלישי:

Mishnah 2: How were they lighting the beacons? One brings long logs of cedar, and reed, and oil wood, and linen tow, and ties them with rope. He climbs to the top of the mountain, kindles the fire, moves forward and backward, up and down, until he sees his colleague on the second mountain doing the same, and so on top of the third mountain.

משנה ג: ומניין ח' משיאין מושאות מורה המשינה לסרטבא ומסרטבא לגrippina
ומג'ריפינה לחרון ומחרון לבית בלטין ומבית בלטין לא זו אלא מוליך ומבייא מעלה ומוריד
עד שתהא רואה רואת כל-הרגלים לכאן כי מדוזרת הארץ:

Mishnah 3: Where did one light beacons? From the Mount of Olives to Sartaba, and from Sartaba to Grippina, and from Grippina to Hauran, and from Hauran to Bet Biltin⁵². From Bet Biltin they did not move but he moves up and down until he sees the Diaspora like one fire place⁵³.

52 Of these mountain tops only Sartaba, overlooking the Jordan valley East of Nablus, and Hauran (Djebel Drouz) are identified. Since the distance from Hauran to Nahardea and Pumbedita on the lower Euphrates (known as “Diaspora”) is about

500 km, some intermediate stations between Hauran in Syria and Bet Biltin in Mesopotamia must have been omitted.

53 As the Babli reports, 23b, the people of Pumbedita climbed on the flat roofs of their houses and waved their torches in reply.

(58a line 17) הלכה ב: מהו עצים שמן. דברי יונה אמר רבי יונה. קהדיין מקונה.

1 מהו | G דברי | G דבון | G דבון

Halakhah 2: What is oil wood? ⁵⁴Rebbi Jonah said, like *maqazna*⁵⁵.

אמר רבי יונתן. דלא יתוו סברין זה הוא כוכב. אמר רבי יוסה. פמינו כוכב סלק וחותמת.

פמינו כוכב איזיל ואטמי.

2 אל | G אל

Rebbi Ze`ura said, that they should not think it was a star⁵⁶. Rebbi Yose said, did we see a star going up and down? Did we see a star going to and fro⁵⁷?

תני. בהרי מכוור וגזר. אמר רב חונה. פד סלקינו להכא סלקינו לראש בית בלטין
ונבויינו פמינו [דקלייא ז' בבל פאיילן חגייא].

1 בהרי | G בהדי רב | G ר' להכא | G להכא בלטין | G בילטין 2 חמיין | G חמוי דקליא | G דקליה
חגייא | G חגייא

It was stated: The mountains of Machaerus and Gadara⁵⁸. Rav Huna^{58*} said, when we ascended here, we climbed to the top of Bet Biltin and saw the [date palms of]⁵⁹ Babylonia like thistles.

54 Krauss conjectures that this is δαδίον a stationary bonfire so it should be “pine torch”. recognized as human signal.

55 An unidentified tree.

56 They moved a torch rather than starting

57 While one may see fast moving meteors in the sky, they do not reverse course. The

retrograde motion of planets takes months or years to observe.

58 It is not totally clear whether these are intermediate stations between Sartaba and Hauran or stations to pick up the signal

originating in Galilee (cf. Note 39). Most probably they served in both functions.

58* Read: Rabbi Hun.

59 Corrector's addition confirmed by G.

(fol. 57c) **משנה ז:** חצר גודלה הייתה בירושלם ובית ייעזק היה נקראת ולשם כל-ההרים מתרגשין ובית דין בדקין אותם שם. וסעודות גודלות היה עישן להן בשבייל שוויה רג'ילן לוביא.

Mishnah 4: A large courtyard was in Jerusalem called *Bet Ya'zeq*; there all witnesses assembled and there the Court examined them. A big meal one prepared for them⁶⁰ so they should get used to come.

(58a line 21) **הלכה ג:** חצר גודלה היה נקראת בירושלים ובית ייעזק היה נקראת. מהו בית ייעזק. שם היה עזקינו את חחלה. כמה זאת אמר ויעזקינו ייסקלה. 1 מהו | G

Halakhah 3: “A large courtyard was in Jerusalem called *Bet Ya'zeq*.” What is *Bet Ya'zeq*? There practice was hoed, as you say⁶¹, *he hoed it and removed its stones*.

60 For witnesses who came on a Sabbath. 61 *Is. 5:2*. Cf. Babli 23b.

(fol. 57c) **משנה ח:** בראשונה לא היה זיין ממשם כל-הרים. התקין רבן גמליאל התקין שزاد מנהלכין אל-פאים אמה לכבירות. לא אילו בלבך אלא אף חכמה תבאה לילד ותבא להצעיל מון תדליך ומון תנאים מיד המפולת הרי אילוiganesh היר ויש להן אל-פאים אמה לכבירות:

Mishnah 5: Originally they did not move from there the entire day⁶². The Elder Rabban Gamliel⁶³ instituted that they could walk 2'000 cubits in every direction⁶⁴. Not only these but also the midwife who comes to assist in a birth⁶⁵, and one who comes to save from a fire, and from the army⁶⁶, and from a collapse⁶⁸, are like the people of the town and have 2'000 cubits in every direction.

62 If they came from outside the Sabbath boundary. Since they left their own Sabbath domain, according to the later authorities Rabban Gamliel (the younger) and R. Eleazar ben Azariah they may move in the courtyard which they entered with permission or according to R. Joshua and R. Aqiba only within 4 cubits. Mishnah *Eruvin* 4:1.

63 The grandfather of Rabban Gamliel of Jabneh (the younger). Since the *eruv* restrictions are rabbinic, they can be

modified by rabbinic decree. (The biblical Sabbath domain has a diameter of 12 *mil*; *Eruvin* Chapter 3, Notes 134-136.)

64 Which means that they can move in the entire city which is counted as 4 cubits, and outside another 1996 cubits.

65 And she leaves her Sabbath domain to help.

66 A unit of the Roman army, used to steal anything not hidden away.

68 A building collapse.

(58a line 24) **הלכה ד**: בראשונה לא היו זיון מושם כל-היום. חזרו ועשו אותם בכללי שבעה חוץ לתחום משוחשיכה שMOVEDר לטלטלו בתוך ארבע אמות. חזרו ועשו אותם בכללים ששבתו בחרץ שMOVEDר לטלטלן בחוץ. עד שבעה רבבו גמליאל הזקן והתקינו שיזהו מהלכין אלפינים אמה לקלרונות. וזאת אף בא למול את הקפן כן. מוגנייתה זרבוי לעזר. דתניין תמן. עוד אמר רבבי לעזר. כורתיין עצים לעשות פיקמוני ולעשות ברזל.

Halakhah 4: “Originally they did not move from there the entire day.”

They changed⁶⁹ and made them like a vessel which was brought from outside the Sabbath domain after nightfall which one is permitted to move within four cubits. They changed and made them like vessels which started Sabbath in a courtyard which one is permitted to move within the courtyard⁷⁰, until the elder Rabban Gamliel came and instituted that they could walk 2'000 cubits in every direction. It was stated, this also applies to one who comes to circumcise a baby⁷¹. The *baraita* follows Rabbi Eliezer, since we have stated there⁷², “in addition, Rabbi Eliezer said, one cuts down trees to make charcoal to make iron”⁷³.

69 This implies that at the very beginning of the Second Temple witnesses who came on a Sabbath could not move at all after testifying.

70 And without an *eruv* cannot be taken out of the courtyard.

71 If nobody at the place is able to perform the circumcision and the baby has to be

circumcised on the Sabbath by biblical decree, the circumciser comes from outside the Sabbath domain with permission and therefore is included in Rabban Gamliel’s decree.

72 Mishnah *Šabbat* 19:1.

73 Since R. Eliezer permits all preparation to be made on the Sabbath, including

manufacturing the knife, he must permit the circumciser to come from outside the Sabbath domain and carry his surgical instruments with him.

(fol. 57c) **Mishnah 5:** בִּזְכָּר בְּזָקָנִין אֶת הַעֲדִים. וְגַם אֶת רָאשׁוֹן בְּזָקָנִין אֶת רָאשׁוֹן. וּמְכַנִּיסִין
אֶת הַגָּדוֹל שְׁבַחַן וְאֹמְרִים לוֹ אָמָר בִּזְכָּר רָאשָׁת אֶת הַלְּבָנָה לְפִנֵּי הַחַמֶּה אָז? לְאַחֲרַ הַחַמֶּה
לְאַפְונָה אָז? לְדָרוֹתָה בְּמִזְרָחָה תְּהִיא גְּבוּשָׁה וְלְאַיִלָּן תְּהִיא נְזָתָה בְּמִזְרָחָה תְּהִיא רְתָבָה. אָם אָמָר לְפִנֵּי הַחַמֶּה
לֹא אָמָר כְּלָם.

Mishnah 6: How does one check the witnesses? The couple who comes first one checks first. One brings the more senior in and tells him to say, how did you see the moon? Before the sun or behind the sun? To its North or its South? How high was it, to where did it point, and how wide was it? If he said, before the sun, he did not say anything⁷⁴.

(fol. 57d) **Mishnah 5:** הַיְיָ מְכַנִּיסִים אֶת הַשְׁנִי וּבְזָקָנִין אֶת רָאשָׁת. נְמַצֵּא וּבְרִיחָה מְכַנִּיסִין עַדְתָּן
קִיּוּמָת. וְשַׁאֲרַ בְּלַהֲאָנוֹת שָׁוֹאָלָין אָנוֹן רָאשֵׁי דְּבָרִים לֹא שְׁחָן אַרְבִּיכָּן לֹא אַלְאָ כְּדִי שְׁלָא
יָצָא בְּפָחָי נְפָשָׁ בְּשִׁבְיָל שִׁיחָוּ רְגִילִים לְבָאָ:

Mishnah 7: One brings the second one in and examines him. If their words are found coherent, their testimony holds up. All other couples one asks main points, not that one needs them but that they should not leave dissatisfied so they would come in the future.

74 As explained in the Halakhah, this refers to the concavity of the visible moon, which must point away from the sun.

(58a line 30) **Halacha 5:** אָמָר רַבִּי יוֹחָנָן. אֲפִילוֹ טֹועַה שְׁבָטוּעַ אֵינוֹ טֹועַה בְּזֶבֶר הַזָּהָה. לְפִנֵּי
הַחַמֶּה לְאַמְרָה הַחַמֶּה. לֹא צְוָאָה דַי לְאָמַר פִּיְמַתָּה לְפִנֵּי הַחַמֶּה פִּיְמַתָּה לְאַמְרָה הַחַמֶּה. פִּיְ בָּר
שְׁפָרָא תְּרַתְּפָא. לְפִנֵּי הַחַמֶּה לְאַחֲרַ הַחַמֶּה. פִּיְמַתָּה לְפִנֵּי הַחַמֶּה פִּיְמַתָּה לְאַמְרָה הַחַמֶּה. אָמָר
רַבִּי יוֹחָנָן. כְּתוּב הַמְשֻׁלָּע וְפָרָה עַלְוָה עֹשֶׂה שְׁלָוָם בְּמִזְרָחָיו: מִקְיָה שְׁלָמָה לֹא רָאשָׁה פִּגְמַתָּה
שְׁלָלְבָנָה.

Halakhah 5: Rabbi Johanan said, even the most error-prone person would not err in this matter, before the sun, after the sun⁷⁵? It only is needed for its concavity; the concavity towards the sun, or the concavity away from the sun⁷⁴? Bar Qappara stated both: Before the sun or behind the sun, the

concavity towards the sun or the concavity away from the sun? Rabbi Johanan said, it is written⁷⁶: *Rule and fear are with Him, Who makes peace in His heights*. During the existence of the sun it never saw the defect of the moon.

75 Whether the moon was seen closer to the earth than the sun or farther away.

76 *Job 25:2. Babli 23b. Deut. rabba 5(12).*

(58a line 35) **תני רבי שמעון בנו יוחי.** **לפי שהרקייע של מים והכוכבים של אש והוא זרים זה עם זה ואין מזקין זה את זה.** **לפייך עוזה שלם במרומיי.** אמר רבי אבון. **הפלאך עצמו חציו מים וחציו אש ואית ביה חמש גפן.** וגונינו בתריש וטויו כמראאה ברק ועיניו בפלידי אש וגוי. אמר רבי לוי. **לעולם לית מצל חמי מה דקומו.** אלא כויהון סלקין באילין דסלקינו בסולמא היפה. **שלש מאות ושמים וחמש פלונות ברא קדוש ברוך הוא שישתמש ביהן העולם.** מאה ושמונים ושמים במורה ומאה ושמונים ושמים במערב ואחת באמצעו שלركיע שמנהנו נצא מתחילה מוץעה בראשית. מה שבחמה מהלכת שלשים יום הלבנה מהלכת לשני ימים ומחצאה. מה שבחמה מהלכת בשני חמשים הלבנה מהלכת ל חמשה ימים. מה שבחמה חמישים מהלכת לשלהה חמישים הלבנה מהלכת לשבעה ימים ומחצאה. מה שבחמה מהלכת לששה חמישים הלבנה מהלכת לחמשה עשר יום. מה שבחמה מהלכת לשבעים עשר חודש הלבנה מהלכת ושלשים. אמר רבי יונה. **לית קאן שעירא אלא אפיילו פרא מכו.**

⁷⁷Rebbi Simeon ben Yohai stated: Since the sky is made of water and the stars of fire and they dwell one with the other without damaging one another, therefore *He makes peace in His heights*. Rabbi Abun said, the angel himself is half water and half fire and composed of five kinds: *His body is like chrysolite, and his face like the looks of lightning, and his eyes like torches of fire*⁷⁸, etc. Rabbi Levi said, a constellation⁷⁹ never sees what precedes it; but all of them rise like those who rise on an inverted ladder. The Holy One, praise to Him, created 365 windows for use in the world⁸⁰, 182 in the East, 182 in the West, and one in the middle of the sky from where it appeared first at the creation. What the sun covers in thirty days, the moon covers in two and a half days⁸¹. What the sun covers in two months, the moon covers in five days. What the sun covers in three months, the moon covers in seven and a half days. What the sun covers in six months, the moon covers in fifteen days. What the sun covers in twelve months, the moon covers in thirty. Rabbi Jonah said, this is not the measure; it could be less⁸² than this⁸³.

77 Cf. *Num. rabba* 12(10), *Deut. rabba* 5(12).

78 *Dan.* 10:6. The verse continues: *and his arms and legs like shining brass, and the sound of his voice like the sound of a multitude.*

79 Of the Zodiac.

80 For the sun to use during the year.

81 This is the approximate difference between the sidereal (or nodal) and synodic

months.

82 Greek παρά, cf. E. Guggenheimer, H. Guggenheimer, *Notes on the Talmudic vocabulary*, 12-15. Leshonenu 39 (1975), 62-69. (Hebrew).

83 Since the (average) difference between sidereal and synodic months is only 2 d 5 h, and even between nodal and synodic months it only is 2d 7h.

(58a line 50) לתני. נראה באנשל ובפעמים אין מועדין עלי. אמר רבי חייה בר בא. ראו אותו יוצא מענן זה ונכנס לתוך ענן אחר מועדין עלי. מהذا רבי חננה יצא לעין טב למינמן והוה אומר מעהן. אמר קדשו אמרין. מה ניטיל אוירא זהה שבא. והקדים לו הקדוש ברוך הוא בכברה ונראה מותזקה. רבי חייה רבבה חילך לאזרו שלישן ארבעת מיל. רבי אבון משדי עלי אזרין ואמר לה. לא תבהת במי מרים. ברמשא אנו בעינו תיתחמי מיכא ואחת מיתחמי מיכא. מיד איתבלע מון קומז.

It was stated: If it was seen in a glass or in the water one may not testify about it⁸⁴. Rabbi Ḥiyya bar Abba said, if one saw it exiting from one cloud and entering another cloud one testifies about it⁸⁵. As the following. Rabbi Hanina went to Eintab⁸⁶ to be counted⁸⁷ and the air was cloudy. He said, now they will say, how bad is the air for this elder. The Holy, praise to Him, drilled for him⁸⁸ like a sieve and it was seen through it. The elder Rabbi Ḥiyya went by the light of the old one four *mil*⁸⁹. Rabbi Abun threw pebbles on it and told it, do not frighten your master's children; in the evening we need that you be seen on that side and you are seen from this side⁹⁰. Immediately it disappeared from before him.

84 Only direct observation of the new moon can be counted. *Babli* 24a, *Tosephta* 1:17.

85 There is no minimum time when it must be visible.

86 The place where one declared the new moon.

87 For the first time after he was appointed to the calendar panel.

88 Through the clouds.

89 On the day one expected to see the new moon.

90 Since the new month starts at the moment the moon as seen from the earth is behind the sun it is clear that the new moon must be seen on the other side from that where the old moon was seen.

58a line 57) לאפונה לדרומה. אית תני תני. לאפונה דברי קיימין. אית תני תני. לדרומה דברי קיימין. מאן דאמר לאפונה דברי קיימין. מון טבת ועד טמא. מאן דאמר לדרומה דברי קיימין. מון טפאו ועד טבת.

“To its North or its South?” There are Tannaim who state, “to its North” his words are accepted. There are Tannaim who state, “to its South” his words are accepted. He who said, “to its North” his words are accepted, from Tevet to Tamuz; he who said, “to its South” his words are accepted, from Tamuz to Tevet⁹¹.

91 The Babli 24a makes the changeover at the equinoxes, not the solstices. Ptolemy's solar and lunar tables make such general statements unnecessary.

(58 a line 60) בפה קיה גבורה. זה אוומר. מלא מרדע אחד. זה אוומר. מלא שמי מרדעים. אית תני תני. דברי יהו קיימין. ואית תני תני. אין דברי יהו קיימין. מאן דאמר דברי יהו קיימין. ביהיו זבוחון קיימין מוד מלעיל ועד מלרע. מאן דאמר אין דברי יהו קיימין. ביהיו זבוחון קיימין שוי.

בפה קיה רchap. פשעורה יותר מפשעורה.

אם אמר לפני הטעמה לא אמר כלום.

“How high was it?” One says, one ox goad, but the other says, two ox⁹² goads. There are Tannaim who state, their statements are coherent, and there are Tannaim who state, their statements are incoherent. He who says, their statements are coherent, if one was standing above and one was standing below. But he who says, their statements are incoherent, if they were standing on equal elevations.

“How wide was it? A barley corn's width or less than a barley corn?

“If he said, before the sun, he did not say anything⁷⁴.

92 Babli 24a, Babli version also in Tosephta 1:17.

(fol. 57d) משנה ח: ראש בית דין אומר מקדש ובלחנים עוגין אחריו מקדש מקדש. בין שנראה בזמננו בין שלא נראה בזמננו מקדשין אותן. רבוי אלעיר כי רבוי צדוק אומר אם לא נראה בזמננו אין מקדשין אותן שבעבר קידשו שמים:

Mishnah 8: The president of the Court says, sanctified⁹³, and all people repeat after him, sanctified, sanctified. One sanctifies it whether it was seen in its time or not seen in its time⁹⁴. Rabbi Eleazar ben Rabbi Sadoq says, if it was not seen in its time one does not sanctify it⁹⁵ since Heaven already sanctified it.

93 To declare the day as Day of New Moon.

94 “In its time” is the night of day 30 of the preceding month. If the new moon is not seen in that night and the Court does not declare day 30 as New Moon of the next

month, the next day automatically is the Day of New Moon since no month is longer than 30 days.

95 In every case the discussion about when to declare a New Moon can only be held on day 30.

(58a line 65) **הלהה ו:** פנוי. רבי שמיעון בנו יוחי אומר. וקדושים אט שעת החמשים שנה. שניים מקדושים. וויאין מקדשוין חדים. והוא פנוי. ראש בית דין אומר. מקודש. מהו מקודש. מקוימים. פנוי. לקידוש החודש מתחילה מן הגדול. אמר רבי חייה בר אבא. מתניתא אמרה כן. ראש בית דין אומר. מקודש. פנוי. לעיבור החודש מתחילה מן הצד. אמר רבי חייה בנה. והן בינייא דלרא לא נהגין גו. ולא שמעץ דאמר רבי חייה בר מרייא רבי יונה רבי בא רבי חייה בשם רבי יוחנן. לקידוש החודש מתחילה מן הגדול. לעיבור השנה מתחילה מן הצד. וכבר נכנס רבי יוחנן וויה מקטנו שבר. אמרו לו. אמרו. הרי השנה מקודשת בעיבורה. אמר רבי יוחנן וויה מקטנו שבר. אמר רבי יוחנן. ראה לשונו שלימדנו גו הפחה. אילו אמר. בעיבורה. חייתי אומר. אילו אחד עשר יום שהחמה עזקה על הלבנה בכל-שנה. אלא בעיבור. שהוזקפו לה חכמים שלשים יום [ועירובון]. רבי יעקב בר אחא רבי יוסא בשם רבי יוחנן. לעיבור הולכין אחר הפניה. לבית הוניע הולכין אחר תרגיל. והוא שיהא כל-אחד ואחד מדבר במקומו. בגון רבי חייא פתח. רבי יוחנן ורבי שמיעון בנו לקיש תחתמי. רבי בא בר זבדא פתח. רבי חייא ורבי יוסא ורבי אמי תחתמי. רבי מגי פתח. רבי יונה ורבי יסא תחתמי. בנהא אימני קדמי מוו רבי יעקב בר אחא. אעל רבי יעקב בר אחא קדמי מניה לעיבורא. אמר. הכהן מורה דשומעתא לא מקיים לה.

⁹⁶Rebbi Simeon ben Yohai stated: *You shall sanctify the Fiftieth Year*⁹⁷. You shall sanctify years, [but] one does not sanctify months. But did we not state: “The president of the court says: sanctified”? What means sanctified? Confirmed. It was stated: For sanctifying months one starts⁹⁸ with the most senior person. Rebbi Hiyya bar Ada said, the Mishnah says this: “The president of the Court says: sanctified.” It was stated, for intercalation of the year one starts from the side. Rebbi Zebida said, but this lower house do not

proceed in this way, for they did not hear what Rabbi Hiyya bar Marius and Rabbi Jonah, Rabbi Abba, Rabbi Hiyya said in the name of Rabbi Johanan: For lengthening the month one starts with the most senior person, for intercalating the year one starts from the side. When Rabbi Johanan was participating as the most junior person, they told him, say: "this year is sanctified in its intercalation." He said, "this year is sanctified in intercalation." Rabbi Jonathan said, look at the language which the smith's son taught us. If he had said, "in its intercalation," I would have said that this refers to the eleven days by which the solar year exceeds the lunar one, but "in intercalation", that the Sages added thirty days to it [and intercalated it.]⁹⁹ Rabbi Jacob bar Aha, Rabbi Yasa in the name of Rabbi Johanan: For intercalation one follows the date of ordination. In the Academy one follows usage; each one gives his opinion at his place and sums up. For example, Rabbi Hanina started, Rabbi Johanan and Rabbi Simeon ben Laqisch summed up. Rabbi Abba bar Zavda started, Rabbi Hiyya, Rabbi Yasa and Rabbi Immi summed up. Rabbi Haggai started, Rabbi Jonah and Rabbi Yose summed up. Rabbi Cahana was ordained before Rabbi Jacob bar Aha, but Rabbi Jacob bar Aha participated in intercalation before Rabbi Cahana was invited. He said, the person who formulated the tradition does not respect it for himself.

96 The entire Halakhah was copied in *Sanhedrin* 1:2, completely explained there in Notes 138-171.

97 *Lev.* 25:10. Babli 8b, *Sanhedrin* 10b.

98 Polling the judges' opinions.

99 Corrector's (unnecessary) addition.

(58b line 10) רַבִּי חִיָּה בֶּן בָּא תְּהִוָּה קָאִים מִצְלִי. אַעֲלֵל רַבִּי בָּהָנָא וְקָם לֵיהּ מִצְלִי מִן אַחֲרוֹן. מִן דְּחַסֵּל רַבִּי חִיָּה בֶּן בָּא מִן אַלְוֹתִיהָ וַיַּגְבֵּב לֵיהּ ذְּלָא מִיעַבָּר קְזָמָוִי. [רַב בָּהָנָא מַעֲרִיךְ בְּצַלְוֹתִיהָ] מִן דְּחַסֵּל רַבִּי בָּהָנָא אָמַר לֵיהּ. כְּכֹן אָתוּנוּ נְהִיגָּיִן [גְּבִיכָוּן] מִצְעָרִין וּרְרַבִּיכָוּן. אָמַר לֵיהּ. רַבִּי אָנָא מִקְבִּיתָ עַלִי. וְקִתְבֵּב עַל ذְּבִיתָ עַלִי. אַסְיַתְכָּר עַזּוֹן בֵּית-עַלִי בְּזָבֵחַ וּבְמַנְחָה עַד-עוֹלָם: בְּזָבֵחַ וּבְמַנְחָה אֵין מַתְפֵפֶר לֹא. [אָבָל] מַתְפֵפֶר לֹא בְּתִפְפִילָה. וְאַלְיָ עַלִי וְזָהָה לְמַיסֵּב עַד דָּאַיְקָעַבְדוֹן טִפְרֹוי סְמִקְוֹן בְּהַזָּא דְקָקָה.

Rebbi Hiyya bar Abba was standing praying. Rebbi Cahana came and stood behind him in prayer. When Rebbi Hiyya had finished, he sat down in order not to walk by him. [Rav Cahana spent a long time praying.]¹⁰⁰ After he finished, he told him, is that your way to make your superiors suffer? He

told him, I am a descendant of the House of Eli, of whom it is written¹⁰¹: *if the sin of the House of Eli would forever be atoned for by sacrifice and offering*. By sacrifice and offering it cannot be atoned for, [but] it can be atoned for by prayer. He prayed for him, he reached old age while his fingernails remained red like those of a small child.

100 In this paragraph, the corrector's additions are from *Sanhedrin*.

(17) רַבִּי שְׁמַעוֹן בָּנוֹ לְקִישׁ אַקְדָּמוֹן לֵיהּ מַד סַב לְעִבּוּרָא וְאַעֲלוֹנִיהָ מִן הַהוּא תְּרִיעָא דָלְחָל אָמֵר. כְּנָהָא בְּשָׁכְרָוּ. וְלֹא שְׁמַעַי דָאָמֵר רַבִּי קְרִיסְפָּא בְּשָׁם רַבִּי יוֹחָנָן מַעֲשָׂה שְׁעִירָבוֹ הַשְׁנִיה שֶׁלְשָׁה רֹאשׁ בָּקָר. מַד מִינּוּ אָמֵר. בָּכִיר לְקִישׁ בְּאַדָּר מִינּוּ. וְחוֹרְנָה אָמֵר. קְדוּם בְּאַדָּר פָּהוּ לְחִיךְ וּפּוֹקֵךְ לְקוּבְּלִיהָ. וְחוֹרְנָה אָמֵר. תּוֹר בְּאַדָּר בְּעַרְיָה יְמֹתָה וּבְטַל תְּמִינָה מְשִׁפְכָּה יְשַׁלְתָּה. וְאָנוּ פְּמִינוּ הַדִּין מִזְמָרָה. וְעִירָבוּ אֶת הַשָּׁנָה עַל פִּיהםּ. אָמֵר רַבִּי חַלְבָּוּ. וְהַסְּפִים בֵּית דָין עַמְּהָוּ. לֹא כְּנָה אָמֵר וּרְבִי זְעָרָה. וְהוּא שִׁיחָו כְּולֵם מָוֹרָן מְפַעַם אָחֵד. מִפְּנֵן דָּאַילָּוּ מָזְדִּי לְאַילָּוּ וְאַילָּוּ מָזְדִּי לְאַילָּוּ בְּמַיִּשְׁפּוֹלָן מָוֹרָן מְפַעַם אָחֵד.

They preferred an old man to Rabbi Simeon ben Laqish for intercalation but had to remove him by the other door. He said, this be their reward. He did not hear what Rabbi Crispus said in the name of Rabbi Johanan: It happened that the year was intercalated by three cow hands¹⁰². One said, in Adar, early and late grain sprout together. Another one said, if in Adar the East wind blows, open your jaws and go towards it. Another one said, in Adar the ox will die naked and try to strip off his hide under the fig tree. And we see that this year nothing of these applies. They intercalated the year on their word. Rabbi Helbo said, because the Court agreed with them. Did not Rabbi Zeira say, but they all have to agree to the same reason? But since they all agree with one another it was that they all agreed as to the reason.

(27) וְרַבִּי שְׁמַעוֹן בָּנוֹ לְקִישׁ מִקְפֵּד עַל הַדָּא מִילְתָּא. חַשְׁשׁ לְהִיא זָאמֵר רַבִּי לְעֹזָר. דָאָמֵר רַבִּי לְעֹזָר. וְהִיְתָה נָּוִי עַל הַגְּבִיְיָם חַזּוּזִים שְׁוָא וְהַקְּזָבִים כָּבֵב בְּסֻזּוֹד עַפְיָי לְאַיְהָ. זָה סָוד הַעֲבוּרָה. וּבְכַתְבָּב בֵּית־יִשְׂרָאֵל לְאַיְתָבָה. זָה הַפְּנִימִיּוֹ. וְאֶל־אַדְמָת יִשְׂרָאֵל לְאַיְזָבָוֹא. זָה אָרֶץ יִשְׂרָאֵל. וְאָמֵר רַבִּי לְעֹזָר. בְּדַסְלִיקִית לְהִכָּא אָמְרִית. הָא גַּבְיָה הַדָּא. בְּדַמְנוּנִי אָמְרִית הָא גַּבְיָתָרִתִי. בְּדַעַלְתִּי לְעִיבּוּרָא אָמְרִית. הָא תְּלִימִיהָוּ גַּבְיָ.

Why was Rabbi Simeon ben Laqish offended by this? He was worried about what Rabbi Eleazar said, since Rabbi Eleazar said¹⁰³: *My hand will be against the prophets who see vain things and who conjure lies, in my people's council¹⁰⁴ they shall not be*; that is the secret of intercalation; *in the documents of the House of Israel they will not be inscribed*; that is ordination; *and to the earth of Israel they shall not come*; that is the Land of Israel. Rabbi Eleazar said, when I came here, I said, I have one. When they ordained me, I said, I have two. When I was asked to participate in the intercalation, I said, I have all three with me.

102 Babli *Sanhedrin* 18b.

103 *Ez.* 13:9. Babli *Ketubot* 112a.

104 Identifying biblical סוד “council” with rabbinic סוד “secret”.

(58b line 33) רַבִּי בָּא בֶּן זְבָדָא בָּשָׂמָךְ רַבִּי לְעֵגֶל בְּרִיבִי אֲדוֹק. כִּיּוֹן שְׁבִיתֵּין דַי
שְׁלָמָעַלְוָן רְזָאַיְן שְׁאַיְן בֵּית דַי שְׁלָמָטוֹ שְׁמַקְדְּשָׁיִן אַוְתוֹן הַן מַקְדְּשָׁיִן אַוְתוֹן.

Rebbi Abba bar Zavda in the name of Rav: The reason of Rabbi Eleazar ben Rebbi Shadoq: When the Heavenly Court sees that the earthly Court did not sanctify it, they sanctify it¹⁰⁵.

105 When the Heavenly Court sees that the earthly Court did not sanctify the 30th day, they automatically sanctify the 31st day.

(fol. 57d) משנה ט: דמות צורות לבנה כי לו? רבנן גמליאל בערלינו בטבל'א ובכוטל שבוחן
מראה את החריות ואומר הכהה ראתה או כוות. מעשה שבאו שנים ואמרו ראיינה
שחרית פמורה וערבית פמערב. אמר רבבי יוחנן עדי שקר הם. בשבאו ליכנה קפלו רבנן
גמליאל.

Mishnah 9: Rabban Gamliel had pictures of the moon phases on a tablet¹⁰⁶ and on the wall on his upper floor which he showed to the common people¹⁰⁷ and asked, did you see it like this or like that? It happened that two came and said, we saw it in the morning in the East and in the evening in the West¹⁰⁸. Rabbi Johanan {ben Nuri} said, they are false witnesses. Rabban Gamliel accepted them when they came to Jabneh.

משנה י: זען בָּא שָׁנִים וְאָמָרִי רַאֲנָהוּ בְּזָמָנוֹ וּבְלִילָה וּבְעַיְפָרוֹ לֹא נָרְאָה וּכְפָלָן רְבָן גַּמְלַיאֵל. אָמָר רַבִּי דּוֹסָא בֶּן הַרְכָּנִים עָדִי שָׁקָר הוּא הַיָּה מַעֲידָן עַל הָאֲשָׁה שְׁילָה וּלְמַהְרָה בְּרִיסָה בֵּין שְׁנָתָה. אָמָר לוּ רַבִּי יְהוֹשָׁעַ רְוֹאָה אָנִי אֶת דְּבָרֵיךְ:

Mishnah 10: Another time two came and said, we saw it on time, and in the night of the addition¹⁰⁹ it was not seen, but Rabban Gamliel accepted them. Rabbi Dosa ben Hyrkanos said, they are false witnesses. How can one testify about a woman that she gave birth and the next day she is in labor pains? Rabbi Joshua said to him, I am agreeing with your words.

106 Latin *tabula*.

107 Who are not trained in astronomy but come to testify. Greek ἀδιώτης.

108 Since the new moon appears from behind the sun, the entire period near a new moon it must be close to the sun, in the East in the morning and the West in the evening.

R. Johanan ben Nuri does not dispute this fact but he holds that the time elapsed between the disappearance of the old moon in the East and the appearance of the new moon in the West must be more than 12 hours.

109 The night of the 31st of the old month.

(58b line 35) **חֲלָכָה :** אָמָר רַבִּי שְׁמַלְאֵי. טָעַמְתָּה דָּרְבֵי יְהוּדָה וּנוּרִי. כְּלַחְזָקָשׁ שְׁנוּלָד קְוָדָם לְשָׁשׁ שְׁעוֹת אֵין פְּמַכְּעָיו לְרֹאֹת אֶת קְיָשָׁו. וְתַיְיָ כֹּו. נָרָא יְשָׁו בְּשִׁתְרִית לֹא נָרָא קְדָשׁ בֵּין הַעֲרָבִים. נָרָא קְדָשׁ בֵּין הַעֲרָבִים לֹא נָרָא יְשָׁו בְּשִׁתְרִית. אָמָר רַבִּי חִיָּה בֶּן בָּא. וְלֹמַה קִבְּלָן רְבָבָן גַּמְלַיאֵל. שְׁכַנְוּ מִסְתּוֹת בְּגִדְעֹן כְּפָלָן בְּאַרְבָּה.

Halakhah 7: Rabbi Simlai said, the reason of Rabbi Johanan ben Nuri is that for any month which starts before noontime the eye is not able to see the old moon. And it was stated thus: If the old moon was seen in the morning, the new moon is not seen in the evening¹¹⁰. If the new moon was seen in the evening the old moon was not seen in the morning. Rabbi Hyya bar Abba said, why did Rabban Gamliel accept them? Because he had a tradition from his forefathers that sometimes it moves in a shortcut, sometimes it moves on an extended path¹¹¹.

110 Cf. Babli 20b.

111 Babli 25a. The deviation of the actual

from the mean month may be up to ±12 hours.

(fol. 57d) **משנה יא:** שְׁלָחֵ לֹא רְבָבָן גַּמְלַיאֵל גַּזָּר אֲנִי אַלְיָקָ שְׁתָבָ� אֲצָלָי בְּמַקְלָד וּבְמַעֲוָתִיךְ בְּיּוֹם שְׁלָל יוֹם הַכְּפָרִים לְהִיוֹת בְּחַשְׁבּוֹנָה. חֲלָק וּמְצָאוֹ רַבִּי עֲקִיבָה מִיאָר אָמָר לוּ וְשָׁלַׁחְ לְלַפְנָיו

שְׁלָמָה שְׁעִישָׁה רְבָן גַּמְלִיאֵל עַשְׁיָּה שְׁנָאָמֵר אֶלְהָ מָוֹעֵד י' מִקְרָאֵי קֹדֶשׁ אֲשֶׁר תִּקְרֹא אַתֶּם
בֵּין בָּמְנָן בֵּין שְׁלָא בָּמְנָן אֵין לִי מָוֹעֵדָת אֶלְאָ אַיִלָּה

Mishnah 11: Rabban Gamliel sent to him, I am decreeing about you that you shall come to me with your staff and your money purse on the day when the Day of Atonement¹¹² should be according to your computation. Rabbi Aqiba went and found him afflicted. He said to him, I have to infer that all which Rabban Gamliel does is valid, as it is said¹¹³, *these are the festive times of the Eternal which you have to proclaim*. Whether on the correct time or not the correct time, I only have these as festive times¹¹⁴.

112 When it is forbidden to carry in the public domain since all the rules of the Sabbath are applicable to the Day of Atonement. As the sequel shows, the disagreement must have been about the

determination of Elul.

113 Lev. 23:2.

114 Those which are proclaimed by the court entrusted with the regulation of the calendar.

(58b line 40) **הלכה ח:** אֶל מֵשִׁילָתָה. מִן מָה דְתַנִּי. אָמֵר רַבִּי יְהוֹשָׁעַ נָתַת חֵיתָה לִי מָוֹטֵל עַל
הַמִּיטָּה וְלֹא שְׁלַח רְבָן גַּמְלִיאֵל תְּקַרְבָּתָה. הַזָּא אָמְרָה. אֶל מֵשִׁילָתָה. בְּזַד מֵשִׁילָתָה.
מִן מָה דְתַנִּי. כְּלִשּׁוֹן זֶה אָמַר לוֹ. נִימְמַתְנִי עֲקִיבָה. הַזָּא אָמְרָה. בְּזַד רַבִּי עֲקִיבָה שִׁילָתָה. מִה
הֵיתָה לוֹ לְלִפְנֵי. אָמֵר רַבִּי יוֹסֵה. יוֹצִיאוּ הַיּוֹנוֹ שֶׁאָמַם קִידְשָׁוֹתָו שֶׁלָּא בְּעָדִים שֶׁשְׁהָוָה מְקוֹדֵשׁ. וְהֵא תַנִּינָו. מְעַשָּׂה
בָּא לְהָעֵד. שֶׁאָמַם קִידְשָׁוֹתָו וְאַחֲרֵי כֵּד נִמְצָאוּ הָעָדִים זָמְמִין תְּהִי זֶה מְקוֹדֵשׁ. וְהֵא תַנִּינָו. מְעַשָּׂה
שְׁעַרְבּוֹ יוֹתֵר מְאַרְבָּעִים זֹוג וְעַיְכָבָן רַבִּי עֲקִיבָה בָּלָוד. עַל יְדֵי שְׁהִי אַרְבָּעִים זֹוג. אֶבֶל אַם הֵיתָה
זֹוג אֶחָד לֹא הֵיתָה מְעַכְבָּבוֹ.

Halakhah 8: To whom did he send? Since it was stated¹¹⁴, Rabbi Joshua said, it would have been better for me would I be sick in bed and Rabban Gamliel had not sent this, it implies that he sent to Rabbi Joshua. Through whom did he send? Since it was stated¹¹⁴, in the following expression he said to him, Aqiba, you consoled me, it implies that he sent through Rabbi Aqiba. What should he have inferred? Rabbi Yose said, we know that if they sanctified it without witnesses it is sanctified. For what does he testify? “For if they sanctified it and then the witnesses were found perjured, it is sanctified.¹¹⁵” But did we not state¹¹⁶, “it happened that more than 40 couples passed by and Rabbi Aqiba held them back in Lydda”? Because they are 40 couples. But if it had been a single couple he would not have held them back.

114 Babli 25a.

115 Tosephtha 2:1. זומם is not testimony that is simply false but one that is impossible, in that the witnesses were proven not to have been at a place where they could have seen the matter to be testified about. Since the testimony was not simply false but the witnesses were no witnesses, the Tosephtha

proves that declaration of the new month without any supporting testimony is valid.

116 Chapter 1:6, Note 278. The Mishnah is no proof that witnesses are not really needed; he held the witnesses back since he considered their group travel an abuse of the permission granted to travel on the Sabbath.

(fol. 57d) **משנה יב:** בא ל' אצל רבי דוסא בן ארכינוס. אמר לו אם באים אנו לדורן אחר בית דין של רבנן גמליאל צרכינו אנו לדורן אחר בלבית דין ובית דין שעמיד מינוות משה ועד עבשוי, שנאמר ויעל משה ואהרן נדב ואביהו ושביעים מזקני ישראל. וילפה לא נטהרשו שמותן של איקנאים לא? לא? לא? שבל' שלשה שעמידו בית דין על ישראל תרי הוא בבית דין של משה. נטול מוקלו ומעוטתי בידך תלה? ליבנה אצל רבנן גמליאל ביום של יום כפורים ליהוות בבחשבונו. עמד רבנן גמליאל ונש�� על ראשו אמר לו בוא בשלום רבי ותלמיין. רבי בבחכמה ותלמיין שקבלת עלייך את דברי.

Mishnah 12: He came to Rabbi Dosa ben Hyrkanos, who said to him, if we came to investigate the Court of Rabban Gamliel, we would have to investigate every single Court¹¹⁷ which was formed since the times of our teacher Moses up to today, as it is said¹¹⁸, *Moses and Aaron, Adav and Avihu, and seventy of the Elders of Israel ascended*. Why were the names of the seventy Elders not given? To teach that any three who formed a Court for Israel are equivalent to the Court of Moses. He¹¹⁹ took his staff and his money in his hands and went to Rabban Gamliel at Jabneh on the day that was the day of Atonement according to his computation. Rabban Gamliel rose, kissed him on his head, and said to him, come in peace, my teacher and my student. My teacher in wisdom, and my student since you accepted my words.

117 Duly empowered to treat calendar matters.

118 Ex. 24:9.

119 R. Joshua.

(58b line 49) **הלכה ט:** כתוב יי' אשר עשה את-משה ואת-אהרן ואשר העלה וגוי. וישראל יי' את-ירובעל ואת-בנין ואת-ייפתח ואת-شمואל. ירובעל גזעון. בנין שמשון. יפתח זה יפתח

הגדעדי. הקיש שלשה קלי עולם לשלהה אבורי עולם. למקדש שבית דינו שלגדיון ושליפתח ושלשכמ羞ו שколים בוגד משה ואהרן ושמואל. ולא עוד אלא ששם נגוזלים מיבן ומיבן והקטנים באמצע.

Halakhah 9: It is written¹²⁰, *the Eternal Who made Moses and Aaron and Who brought up* etc. ¹²¹*Then the Eternal sent Yerubbaal, and Bedan, and Yephtah, and Samuel.* Yerubbaal is Gideon¹²². Bedan is Simson¹²³. Yephtah is Yephtah the Gileadite. He combined the three most lightweight of the world¹²⁴ with the three most powerful of the world, to teach you that the Courts of Gideon, and Yephtah, and Simson are of equal consideration as those of Moses, Aaron, and Samuel. Not only this but He mentioned the great ones on both sides and the little ones in the middle¹²⁵.

120 *IS.* 12:6.

the tribe of Dan.

121 *IS.* 12:11.

124 Gideon is suspected of introducing aspects of paganism into Jewish worship with his *ephod*, Simson is depicted as rather dumb, and Yephtah, judged by the standard of rabbinic law, showed his incompetence in the case of his daughter's vow.

122 *Jud.* 6:32.

125 *Babli* 25a.

123 The name Bedan appears again in *1Chr.* 7:17, as name of a Gileadite. Since nothing is otherwise known of this person and he is not mentioned as a Judge, the word is not read as a proper name but as a statement, "in Dan"; referring to Simson, the only Judge of

(58b line 55) עמד רבו גמליאל ונשכו על ראו אמר לו בא בשלום רבוי ותלמידי. רבוי בחקמה ותלמידי ביראת חטא. רבוי בחקמה ותלמידי שבלמה שאני גוזר עליו הוא מקרים. פטווב אלופינו מטובילים. רבוי יוחנן ורבוי נשמעון בון לקיש. רבוי יוחנן אמר. [אלופינו מטובילים אין כתיב כאן אלא] אלופינו מטובילים. בשעה שענוגזולים טובילים את הקטנים אין פרץ ואין יוצאת ואין צורה ברכזובותינו. (אלופינו [אלופים] מטובילים אין כתיב בון לקיש מטובילים. בשעה שענוגזולים טובילים את הגודלים אין פרץ ואין יוצאת ואין צורה ברכזובותינו.

"Rabban Gamliel rose, kissed him on his head, and said to him, come in peace, my teacher and my student." My teacher in wisdom and my student in the fear of sin. My teacher in wisdom and my student since all that I am deciding about him he fulfills. It is written¹²⁶, *our chiefs are patient*. Rabbi Johanan and Rabbi Simeon ben Laqish. Rabbi Johanan said, [it is not written *our bulls are carrying but*]¹²⁷ *our chiefs are patient*. When the great ones

suffer the smaller ones then *there is neither breach, nor tumult, nor crying in our streets*. Rabbi Simeon ben Laqish inverts this verse. It is not written (*our bulls*) [*the bulls*]¹²⁸ *are carrying* but *our chiefs are tolerated*. When the smaller ones tolerate the greater ones then *there is neither breach, nor tumult, nor crying in our streets*.

126 *Ps. 144:14*. The verse can be translated as: *our bulls are carrying, there is neither a breach, nor an escape, nor crying in our streets*.

127 Corrector's addition from R. Simeon ben Laqish's interpretation; unnecessary.

128 Here also the corrector's change of the biblical text is not warranted; without changing the letters of the text the meaning is changed from cattle breeding to politics. Cf. Babli *Berakhot* 17a/b.

(58b line 63) רַבִּי שִׁילָא דַכְפֵר תְּמִרְתָּה בְשָׁם רַבִּי יוֹחָנָן. עֲשֵׂה יְרֵם לְמַזְעָדִים שְׁמַשׁ נָעַמְבָּאָו: מַשְׁמַשׁ נָעַמְבָּאָו עֲשֵׂה יְרֵם לְמַזְעָדִים. אָמַר רַבִּי בְּרַכְיָה. בְּתוּב וַיְשֻׁעַי מְרֻעָמֶסֶת בְּחַזְדָּשׁ הַרְאָשׁוֹן וְגוֹ. כִּד יַטְמֵעַ בְּלִילִי מַזְעָדָא אַרְבָּע עֶשֶׂר מַטְמִיעָן אִיתָּהּ. הַרְיִי מְשִׁקְיָעָת הַמְּפָה אַתָּה מַזְעָה לְלִבְנָה. אָמַר רַבִּי סִימָנוֹ. וְקַיָּה. עַל קַיִּיזְרַיִּזְרָב עַל קַיִּיזְרַיִּזְרָב. וְיַיְמִינְעָרָב וְיַיְמִינְעָרָב לְלִבְנָה. אָמַר רַבִּי יוֹחָנָן אַחֲד. רַבִּי שְׁמַעַנוּ בָּן לְקִישׁ אָמַר. מַה דָּאָמַר רַבִּי יוֹחָנָן אַרְיכָה לְרַבִּי שְׁמַעַנוּ בָּן לְקִישׁ. וּמַה דָּאָמַר רַבִּי שְׁמַעַנוּ בָּן לְקִישׁ אַרְיכָה לְרַבִּי יוֹחָנָן. אַיְלוֹ אָמַר רַבִּי יוֹחָנָן וְלֹא אָמַר רַבִּי שְׁמַעַנוּ בָּן לְקִישׁ הַוִּין אָמְרוֹן. לֹא אָמַר אַפְּלוּ פּוֹלָה מִן הַחֲדָשׁ. הַיּוֹ צָרָכָה דָאָמַר רַבִּי שְׁמַעַנוּ בָּן לְקִישׁ. אַו אַיְלוֹ אָמַר רַבִּי שְׁמַעַנוּ בָּן לְקִישׁ וְלֹא אָמַר רַבִּי יוֹחָנָן הַוִּין אָמְרוֹן. לֹא אָמַר אַלְאָ יָמָם. הַא לִילָה לֹא. הַיּוֹ צָרָכָה לְהִיא דָאָמַר רַבִּי יוֹחָנָן וְצָרָכָה לְהִיא דָאָמַר רַבִּי שְׁמַעַנוּ בָּן לְקִישׁ.

¹²⁹Rebbi Shila from Kefar Tamarta in the name of Rebbi Johanan: *He made the moon for festive times, the sun knows its destination*¹³⁰. Because *the sun knows its destination, He made the moon for festive times*¹³¹. Rebbi Berekhiah said, it is written¹³²: *They travelled from Rameses in the first month*,etc. When {the sun} sets on the nights of the holiday there were fourteen settings preceding it¹³³. This means that one counts for the moon from the setting of the sun. Rebbi Simon said, *they shall be*¹³⁴, by both of them. Rebbi Johanan said, *it was evening, it was morning, one day*¹³⁵. Rebbi Simeon ben Laqish said, *the month*¹³⁶, until it be totally from the new one. You are finding to say, what Rebbi Johanan said requires the statement of Rebbi Simeon ben Laqish, and what Rebbi Simeon ben Laqish said requires the statement of Rebbi Johanan. If Rebbi Johanan had stated his but Rebbi

Simeon ben Laqish had not made his statement, we would have said that he only said that all might be from the new one¹³⁷. Therefore it is necessary that Rabbi Simeon ben Laqish made his statement. Or if Rabbi Simeon ben Laqish had stated his but Rabbi Johanan had not made his statement, we would have said that he stated day, therefore not night¹³⁸. Therefore what Rabbi Johanan said is necessary and what Rabbi Simeon ben Laqish said is necessary.

129 Parallel sources are *Gen. rabba* 6(1), *Pesiqta dRav Kahana Hahodesh*, *Pesiqta rabbati* 15 (*Hahodesh*).

130 *Ps.* 104.19.

131 Since the motion of the sun through the seasons is almost not perceptible, holidays are defined by phases of the moon.

132 *Num.* 33:3. The argument is about the statement in the verse, *on the 15th day of the month*.

133 This implies that the time of sunset on the first of Nisan must already be part of the new month.

134 *Gen.* 1:14. At the creation it is stated that sun and moon together determine the

holidays.

135 *Gen.* 1:5. Without the preceding evening the day is not complete and is not counted.

136 *Ex.* 12:2. Since “month” is written defective, it may be read “new”.

137 The verse in *Gen.* does not indicate any relationship with the declaration of the new moon; therefore the verse in *Ex.* is needed.

138 The verse in *Ex.* does not indicate how a day is defined. Without the verse in *Gen.* we could split a day between two months. Babli 20b.