

אם אינן מכירים אותו פרק שני ראש השנה

(fol.57c) **משנה א:** אם אינן מכירין אותו משלחין עמו אחר להעידו. בראשונה היו מקבלין עדות החדש מכל-האדם. משקילקלו המינין התקינו שלא יהו מקבלין אלא מן המכירין: בראשונה היו משיאין משואות. משקילקלו תבותים התקינו שיהו שלוחין יוצאין:

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.

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| 1 The High Court which decides the calendar. | celebrated on a Sabbath so that the `omer and Pentecost would be on a Sunday. |
| 2 The local rabbinate, to certify the witness to be as qualified rabbinic Jew. | 4 To quickly announce from Jerusalem to Nahardea in Babylonia that the New Moon had been declared. |
| 3 The Boethusian sect of Sadducees who were interested in seeing the 15th of Nisan | |

(57d line 36) אם אינן מכירין אותו כול'. אמר רבי יונה. הכין צורכה מיתני. בראשונה היו מקבלין עדות החדש מכל-אדם. אם אינן מכירין אותו משלחין עמו אחר להעידו. אמר רבי יוסה. אפילו כמתניתין אתנא היא. אם אינן מכירין אותו משלחין אחר עמו להעידו. למה. שבראשונה היו מקבלין עדות החדש מכל-אדם. ועד אחד נאמן. משלף נתנו לה. בדין היה שלא יהו צריכין עדים. והן אמרו שיהו צריכין עדים. והן אמרו עד אחד נאמן.

“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.

(57d line 42) עד אחד מהו שיהא נאמן כשנים. היך עבדה. היו שנים. אחד הכל מכירין אותו ואחד אין אדם מכירו. חבירו מכירו. חבירו מהו שיצטרף עם אחד מן השוק להעיד עליו. רבי זעורה רב חונה בשם רב. אין הוא ואחר מצטרפין על חתימת העד השני. לא צורכה די לא היו שנים. אחד הכל מכירין כתב ידו ואחד אין אדם מכירו. חבירו מכירו. חבירו מהו שיעשה כאחד מן השוק להעיד עליו. אם כן נמצאת כל העדות מתקיימת בעד אחד. אמר רבי יודן. ואות. אילו שנים שיצאו מעיר אחת שרובה גוים. כגון הדא סוסינה. אחד הכל מכירין אותו שהוא ישראל ואחד אין אדם מכירו. חבירו מכירו. חבירו מהו שיעשה כאחד מן השוק להעיד עליו. אם אומר את כן לא נמצאת כל העדות מתקיימת בעד אחד. והכא נמצאת כל העדות מתקיימת בעד אחד.

7 מהו | G מהוא 9 הכא | G והכה

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).

57d line 55) תָּמַן תִּנְיָן. אָמַר לָהֶן הַמְמוֹנָה צָאוּ וְרָאוּ אִם הִגִּיעַ זְמַן הַשְׁחִיטָה. אִם הִגִּיעַ הָרֹאֶה אוֹמֵר בּוֹרְקִי. מָהוּ בּוֹרְקִי. בְּרָקָת. תָּמַן אֶמְרִין. בְּרוּק בּוֹרְקָה. אֲנִיהָר מִנְהָרָא.
2 בורקי | G בורקי | ברק | 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, בְּרוּק בּוֹרְקָה, getting bright, radiant.

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

15 Radiant, from בְּרָק “lightning”.

16 In Babylonia; in the formulation of the Babli *Yoma* 28b בְּרָק בְּרָקָא.

40b line 23) וְעַד אֶחָד נֶאֱמַן. שְׁנֵינָא הִיא הָכָא שְׁאִין אֶת יָכוֹל לַעֲמוֹד עָלָיו. וְחָשׁ לוֹמַר. עַד דְּהוּא עָלִיל וְנִפְק הִיא מִנְהָרָה. חֲכִימָא הִיא מִלְתָּא. אָמַר עַד אֶחָד. נוֹלַד אִישׁ פְּלוּנִי בְּשַׁבָּת. מִלִּין אוֹתוֹ עַל פִּי. חֲשִׁיכָה מוּצָאִי שַׁבָּת. מְטַלְטִין אוֹתוֹ עַל פִּי. רַבִּי אָמִי מְטַלְטֵל עַל פּוּמָה דְּמַלְיָתָא. רַבִּי מִתְנִיָּה מְטַלְטֵל עַל פּוּם אִיבִירִיתָה דְּזִהְרָה. רַבִּי אִימִי מֵל עַל פִּי נָשִׁים. דְּאֶמְרִין. שְׁמִשָּׁא הָוֹת עַל סוּסִיתָה.

1 שנייא | G שניה | הכא | G הכה | 2 עליל | G עלל | חכימא | G חכימא | מילתא | G מלתא | 3 אותו | G -
4 דמלויאתא | G דמלויאתה | מתנייה | G מתנייה | איביריתה | G אביריתה

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 מֵלָה “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 אִבְרִיתָא 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) מְכִירוֹ מִכְרֵיו מְחוֹ לְחַלֵּל עֲלֵיהֶן אֶת הַשַּׁבָּת. נִשְׁמָעִינָה מִן הָדָא. אָמַר [רבִּי] נוֹהַרֵי בָּאוּ שְׁנֵייהָ. מַעֲשֶׂה שְׁמִידָתִי לְהַעֲדֵד עַל יַד אֶחָד בְּאוֹשָׁא. וְלֹא הָיוּ צְרִיכִין לִי אֶלָּא עֵילָה בִּיקְשָׁתִי לְהַקְבִּיל פְּנֵי חֲבִירִי.

1 מכירו | G מכירי מהו | G מהוא הדא | G הדא [רבִּי] | G - 2 כאן | G בר באושה | G באושה ביקשתי | G בקשתי 3 חבירי | G חבירי

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 Synhedrion 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 קילקול הנה תמן. שהיו אומרים. עצרת לאחר השבת. והיו יוצאים עליו מבוער בחזקת שנתקדש. מעתה על ניסן לא יקבלינו. על שאר ירחייה יקבלינו. אמר רבי יוסי בירבי בון. עיקר קלקלתהון מן אדר הוות. מעתה כד היא דכותהון יקבלינו. אין לית הוא דכותהון לא יקבלינו. זו מפני זו. מעשה ששכרו בייחוסין שני עידי שקר להעיד על החודש שנתקדש. ובא אחד והעיד עדותו והלך לו. ובא אחר ואמר. עולה הייתי במעלה אדומים וראיתי רבוי בין שני סלעים ראשו דומה לעגל אדום דומות לגדי. וראיתי ונבהלתי ונתעתי לאחוריי. והרי מאתים זה קשורים באפונדתי. אמרו לו. הרי מאתים זה נתנין לך במתנה. ושלוחיך יבואו וילקו. אתה למה הכנסתה עצמך למספק. אמר להן. ראיתי אותם מבקשין לתטעות את חכמים. אמרתי. מוטב שאלף אני ונדיע לחכמים.

2 מעתה - G | ירחי | G ירחייה | 3 יוסי | G יוסה | היא | G דהא | 4 בייחוסין | G בית סין | 5 עדותו | G עידותו ואמר | G ונר | 7 | G לו חכמים | הרי מאתים | G המתאים | 8 ושלוחיך | G ושלוחיך למספק | G למספק הזה | 9 ונדיע | G ונדע

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. Is 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.

(58a line 3) ומה קילקול הנה תמן. דהוון אילין מסבין יום דין ואילין מסבין למחר. והי סבורין שנמלכו בית דין לעברו והו מתקלקלן. מי ביטל את המשואות. רבי ביטל את המשואות. והתיר רוצח. והתיר עד מפי עד. והתיר שיהו יוצאין עליו מבגרב בחזקת שנתקדש. אמר רבי אבהו. אף על גב דאמר את בטלו את המשואות לא בטלו מים טיבריה. רבי זעורא בעא קומי רבי אבהו. אילין דחמין צפת מהו דיסבון. אמר ליה. רבי ביטל את המשואות. צפת למה מסבה. אלא בגין מודעא דאינון קדעין. אין משיאין לילי זמנו אלא לילי עיבורו. לילי זמנו אין משיאין מפני יום טוב. אבל משיאין לילי עיבורו. אין משיאין אלא על החדשים המיושבים בזמן. מפני יום טוב שחל להיות בערב שבת. לילי זמנו אין משיאין מפני יום טוב. לילי עיבורו אין משיאין מפני כבוד שבת. שאם אומר את. משיאין בין על החדשים המיושבים בזמן [בין על החדשים שאינן מיושבים בזמן]. אם אומר את כן אף הן סבורין שמה נמלכו בית דין לעברו והו מתקלקלן.

1 אילין | G אלן | 2 והן | G והם המשואות | G המשואות | 3 המשואות | G המשואות | 4 אבהו | G אבהו
דאמר את | G דתמר את המשואות | G המשואות | טיבריה | G טיבריה | 5 זעורא | G זעורה | בעא | G בעה
אבהו | G אבהו | 7 משיאין | G משיאין | 8 החדשים | G החדשין | 10 החדשים | G החדשין (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? Rebbi 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. Rebbi Abbahu said, even though you are saying that the beacons were disestablished, they were not disestablished from the Sea of Galilee⁴³. Rebbi Ze'ira asked before Rebbi Abbahu, should those who see Safed light a beacon? He said to him, Rebbi 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 Rebbi'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. Tosephta 1:17, Babli 22b, *Pesahim* 2b.

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

משנה ב: כיצד היה משיאין משואות, מביאין כלונסות של ארז ארזינן וקנים ועצי שמן ונעורת של פשתן וכורד במשיחה ועולה לראש ההר ומצית בהן את האור ומוליד ומביא ומעלה ומוריד עד שהוא רואה את חברו שהוא עושה כן בראש ההר השני, וכן בראש ההר השלישי: (fol. 57c)

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 היו משיאין משואות מהר המושחה לסרטבא ומסרטבא לגריפינא ומגריפינא לחורן ומחורן לבית בלתין ומבית בלתין לא וזו אלא מוליך ומביא מעלה ומוריד עד שהוא רואה כל-הגולה לפניו במדורת האש:

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 (Jebel 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 עצי שמן. דדנין. אמר רבי יונה. כהדיון מקצנה.

1 מהו G | מהו דדנין G | דדנין

Halakhah 2: What is oil wood? דדנין⁵⁴: Rabbi Jonah said, like *maqazna*⁵⁵.

אמר רבי זעורה. דלא יהוין סבירין דהוא כוכב. אמר רבי יוסה. חמינן כוכב סלק ונחית. חמינן כוכב אזיל ואתי.

2 אזיל G | אזיל

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 מכונור וגדור. אמר רב חונה. כד סלקינן להקא סלקינן לראש בית בלתין ויהוין חמינן [דקליא ד] בבבל פאילין חגיגא.

1 בהרי G | בהדי רב G | להא G | להכה בלתין G | בילתין 2 חמיין G | חמי דקליא G | דקלייה חגיגה G | חגייה

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 δαδiov "pine torch".

55 An unidentified tree.

56 They moved a torch rather than starting

a stationary bonfire so it should be recognized as human signal.

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 Huna.

59 Corrector's addition confirmed by G.

משנה ד: (fol. 57c) הָצַר גְּדוּלָּה הָיְתָה בִּירוּשָׁלַם וּבֵית יַעֲזֵק הָיְתָה נִקְרָאת וּלְשָׁם כָּל־הָעֲדִים מֵתַבְּנִסִּין וּבֵית דִּין בּוֹדֵקִין אוֹתָם שָׁם. וּסְעוּדוֹת גְּדוּלוֹת הָיוּ עוֹשִׂין לָהֶן בַּשָּׁבִיל שֶׁיָּהוּ רַגְלִין לָבוֹא.

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.

הלכה ג: (58a line 21) הָצַר גְּדוּלָּה הָיְתָה בִּירוּשָׁלַם וּבֵית יַעֲזֵק הָיְתָה נִקְרָאת. מָהוּ בֵּית יַעֲזֵק. לְשָׁם הָיוּ עוֹזְקִין אֶת הַהֶלֶכָה. כְּמָה דָּאֵת אֲמַר וַיַּעֲזְקוּהוּ וַיִּסְקְלוּהוּ.

1 מהו G | מהו

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*.

משנה ה: (fol. 57c) בְּרֵאשׁוֹנָה לֹא הָיוּ זִוְיִן מִשָּׁם כָּל־חַיִּים. הִתְקִין רַבֵּן גַּמְלִיאֵל הַזֶּקֶן שֶׁיָּהוּ מְהַלְכִין אֶלְפִיִּים אִמָּה לְכַל־רוֹת. וְלֹא אֵילּוּ בִלְבַד אֶלָּא אַף חֲכָמָה תַּבָּאָה לְיִלֵּד וְתַבָּא לְהַצִּיל מִן הַדְּלִיקָה וּמִן הַגֵּיִים מִיד הַמַּפּוֹלֶת הָרִי אֵילּוּ כְּאַנְשֵׁי הָעִיר וְיֵשׁ לָהֶן אֶלְפִיִּים אִמָּה לְכַל־רוֹת:

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 זזין משם כל-היום. חזרו ועשו אותם ככלי שבת חוץ לתחום משחשיכה שמוותר לטלטלו בתוך ארבע אמות. חזרו ועשו אותם ככלים ששבתו בחצר שמוותר לטלטלו בחצר. עד שבא רבן גמליאל הזקן והתקין שיהיו מהלכין אלפיים אמה לכל-דירת. תני. אף בא למול את הקטן כן. מתניתה דרבי ליעזר. דתנינן תמן. עוד אמר רבי ליעזר. כוורתין עצים לעשות פיתמין 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 iron⁷³.”

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 Sabbath domain and carry his surgical circumciser to come from outside the instruments with him.

משנה ו: כיצד בודקין את העדים. זוג שבא ראשון בודקין אותו ראשון. ומכניסין את הגדול שבהן ואומרים לו אמור כיצד ראית את הלבנה לפני החמה או לאחר החמה לצפונה או לדרומה כמה היה גבוה ולאיי היה נוטה וכמה היה רחב. אם אמר לפני החמה לא אמר כלום.

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.

משנה ז: היו מכניסים את השני ובודקין אותו. נמצאו דבריהן מכוננין עדותן קיימת. ושאר כל ההונות שואלין אותן ראשי דברים לא שהן צריכין להן אלא כדי שלא יצאו בפניה נפש בשביל שיהיו רגילים לבא:

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 which must point away from the sun. refers to the concavity of the visible moon,

הלכה ה: אמר רבי יוחנן. אפילו טועה שבטועין אינו טועה בדבר הזה. לפני החמה לאחר החמה. לא צורכא די לא פיגמיתה לפני החמה פיגמיתה לאחר החמה. תני בר קפרא תרתי. לפני החמה לאחר החמה. פיגמיתה לפני החמה פיגמיתה לאחר החמה. אמר רבי יוחנן. כתוב המשל ופחד עמו עושה שלום במרומי: מימיה שלחמה לא ראתה פיגמותה שללבנה.

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 בן יוחי. לפי שהרקיע של מים והכוכבים של אש והן דרים זה עם זה ואינו מואקין זה את זה. לפיכך עושה שלום במרומו. אמר רבי אבון. המלאך עצמו חציו מים וחציו אש ואית ביה חמש גפין. וגו' ותו כתרשיש ופ'ו כמרצה ברק ועינו' כלפידי אש וגו'. אמר רבי לוי. לעולם לית מזל חמי מה דקומי. אלא כולהו סלקין פאילין דסלקין בסולמא הכיף. שלש מאות ושישים וחמש חלונות ברא הקדוש ברוך הוא שישתמש בהן העולם. מאה ושמנים ושתים במזרח ומאה ושמנים ושתים במערב ואחת באמצעו שלרקיע שממנו יצא מתחילת מעשה בראשית. מה שחמה מהלכת לשלשים יום הלבנה מהלכת לשני ימים ומחצה. מה שחמה מהלכת בשני חדשים הלבנה מהלכת לחמשה ימים. מה שחמה מהלכת לשלשה חדשים הלבנה מהלכת לשבעה ימים ומחצה. מה שחמה מהלכת לששה חדשים הלבנה מהלכת לחמשה עשר יום. מה שחמה מהלכת לשנים עשר חודש הלבנה מהלכת לשלשים. אמר רבי יונה. לית כאן שיעורא אלא אפילו פרא מיכן.

⁷⁷Rabbi 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) תַּנִּי. נִרְאָה בְּאֵשׁ וּבַמִּים אֵין מַעֲדִין עָלָיו. אָמַר רַבִּי חִיָּה בַר בָּא. רְאוּ אוֹתוֹ יוֹצֵא מַעַן זֶה וְנִכְנָס לְתוֹךְ עָנָן אַחֵר מַעֲדִין עָלָיו. כִּהְדָּא רַבִּי חֲנַנְיָ אָזַל לַעֲיֵן טַב לְמִימְנָא וְהוּהָ אֲוִירָא מְעוּנָן. אָמַר. כְּדוּן אֲמַרִין. מַה נָּטִיל אֲוִירָא דְהוּן סָבָא. וְהַקְדִּיחַ לוֹ הַקְדוּשׁ בְּרוּךְ הוּא כִּכְבְּרָה וְנִרְאָה מִתּוֹכָהּ. רַבִּי חִיָּה רַבָּה הֵילֵךְ לְאוּרוֹ שְׁלֵשָׁן אַרְבַּעַת מֵיל. רַבִּי אֲבוֹן מִשְׁדֵּי עָלוּי צָרְרִין וְאָמַר לָהּ. לֹא תִבְהִית בְּנֵי מְרִיד. בְּרַמְשָׁא אֲנִן בְּעֵינִן תִּיתְחַמִּי מִיכָא וְאַתָּה מִיתְחַמִּי מִיכָא. מִיָּד אֵיתְבַּלַּע מִן קוֹמוֹי.

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 Ḥanina 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) לַצִּפּוֹנָה לְדָרוֹמָה. אֵית תַּנִּי תַנִּי. לַצִּפּוֹנָה דְּבָרֵי קַיָּמִין. אֵית תַּנִּי תַנִּי. לְדָרוֹמָה דְּבָרֵי קַיָּמִין. מָאן דְּאָמַר לַצִּפּוֹנָה דְּבָרֵי קַיָּמִין. מִן טַבַּת וְעַד תַּמּוּז. מָאן דְּאָמַר לְדָרוֹמָה דְּבָרֵי קַיָּמִין. מִן תַּמּוּז וְעַד טַבַּת.

“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 solar and lunar tables make such general the equinoxes, not the solstices. Ptolemy’s statements unnecessary.

(58 a line 60) בַּמָּה הָיָה גְבוּהָ. זֶה אוֹמֵר. מְלֵא מְרִדֵּעַ אֶחָד. וְזֶה אוֹמֵר. מְלֵא שְׁנֵי מְרִדֵּעִים. אֵית תַּנִּי תַנִּי. דְּבָרֵיהֶן קַיָּמִין. וְאֵית תַּנִּי תַנִּי. אֵין דְּבָרֵיהֶן קַיָּמִין. מָאן דְּאָמַר דְּבָרֵיהֶן קַיָּמִין. בְּהֵינּוּ דְּהוּוֹן קַיָּמִין חַד מְלָעִיל וְחַד מְלָרַע. מָאן דְּאָמַר אֵין דְּבָרֵיהֶן קַיָּמִין. בְּהֵינּוּ דְּהוּוֹן קַיָּמִין שְׁוִי. בַּמָּה הָיָה רַחֲב. כְּשַׁעוֹרָה וְיוֹתֵר מִכְּשַׁעוֹרָה. אִם אָמַר לִפְנֵי הַחֲמָה לֹא אָמַר כְּלוּם.

“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 מקודש וכל־העם עוזין אחריו מקודש מקודש. בין שנראה בזמנו בין שלא נראה בזמנו מקדשין אותו. רבי אלעזר בי רבי צדוק אומר אם לא נראה בזמנו אין מקדשין אותו שכבר קידשוהו 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 month, the next day automatically is the Day of New Moon since no month is longer than Moon.

94 "In its time" is the night of day 30 of 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) **הלכה ו:** תני. רבי שמעון בן יוחי אומר. וקדשתם את שנת החמשים שנה. שנים מקדשין. [ו]אין מקדשין חדשים. והא תנינן. ראש בית דין אומר. מקודש. מהו מקודש. מקוים. תני. לקידוש החודש מתחילין מן הגדול. אומר רבי חיה בר אבא. מתניתא אמרה כן. ראש בית דין אומר. מקודש. תני. לעיבור החודש מתחילין מן הצד. אומר רבי זבידא. והו בייטא דלרע לא נהגין כן. ולא שמיע דאמר רבי חיה בר מריא רבי יונה רבי בא רבי חיה בשם רבי יוחנן. לקידוש החודש מתחילין מן הגדול. לעיבור השנה מתחילין מן הצד. וכבר נקנס רבי יוחנן והיה הקטן שבהן. אמרו לו. אמור. הרי השנה מקודשת בעיבורה. אמר. הרי השנה מקודשת בעיבור. אמר רבי יוחנן. ראה לשון שלמדנו בן הנפח. אילו אמר. בעיבורה. הייתי אומר. אילו אחד עשר יום שהחמה עודפת על הלכנה בכל שנה. אלא בעיבור. שהוסיפו לה חכמים שלשים יום [ועיבורה]. רבי יעקב בר אבא רבי יסא בשם רבי יוחנן. לעיבור הולכין אחר המינוי. לבית הוועד הולכין אחר הרגיל. והוא שיהא כל אחד ואחד מדבר במקומו. כגון רבי חנינא פתח. רבי יוחנן ורבי שמעון בן לקיש חתמין. רבי בא בר זבדא פתח. רבי חייא ורבי יסא ורבי אמי חתמין. רבי חגי פתח. רבי יונה ורבי יסא חתמין. כהנא אימני קדמיי מן רבי יעקב בר אבא. אעל רבי יעקב בר אבא קדמיי מניה לעיבורא. אמר. הכין מרה דשמועיתא 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. Rabbi 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. Rabbi Zebida said, but this lower house do not

proceed in this way, for they did not hear what Rabbi Ḥiyya bar Marius and Rabbi Jonah, Rabbi Abba, Rabbi Ḥiyya said in the name of Rabbi Joḥanan: For lengthening the month one starts with the most senior person, for intercalating the year one starts from the side. When Rabbi Joḥanan 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 Aḥa, Rabbi Yasa in the name of Rabbi Joḥanan: 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 Ḥanina started, Rabbi Joḥanan and Rabbi Simeon ben Laqisch summed up. Rabbi Abba bar Zavda started, Rabbi Ḥiyya, Rabbi Yasa and Rabbi Immi summed up. Rabbi Ḥaggai started, Rabbi Jonah and Rabbi Yose summed up. Rabbi Cahana was ordained before Rabbi Jacob bar Aḥa, but Rabbi Jacob bar Aḥa 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.

רבי חייה בר אבא הוה קאים מצלי. אצל רבי כהנא וקם ליה מצלי מן אחורויי. מן דחסל רבי חייה בר אבא מן צלותיה ותיב ליה דלא מיעבור קומוי. [רב כהנא מאריך בצלותיה.] מן דחסל רבי כהנא אמר ליה. הכן אתון נהיגין [גביכון] מצערין רברביכון. אמר ליה. רבי. אנא מדיבית עלי. ותיב על דבית עלי. אסיתפכר עין בית עלי בגב וּבְמִנְחָה עֲדֵעֻלָּם. גִּבְחָ וּבְמִנְחָה אֵין מִתְכַּפֵּר לוֹ. [אבל] מִתְכַּפֵּר לוֹ בְּתַפִּילָּה. וְצִלִי עָלֵי וְזָכָה לְמִסֵּב עַד דְּאִיתְעַבְדֹן טַפְרֵי טוּמְקִין כְּהֵדָּא דְקָהָה.

Rebbi Ḥiyya bar Abba was standing praying. Rabbi Cahana came and stood behind him in prayer. When Rabbi Ḥiyya 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 101 *IS*. 3:14. Babli 18a. additions are from *Sanhedrin*.

58b line 17) רבי שמעון בן לקיש אקדמון ליה חד סב לעיבדא ואעלוניה מן ההוא תרעא דלהל. אמר. כן יהא בשכרן. ולא שמיע דאמר רבי קריספא בשם רבי יוחנן. מעשה שעברו השנה שלשה רועי בקר. חד מינון אמר. בכיר לקיש באדר מינץ. וחורנה אמר. קדום באדר פוח לוחיך ופוק לקובליה. וחורנה אמר. תור באדר בערייה ימות ובטל תינתא משפיה ישלח. ואנן חמיין הדין שתא דלית חד מינהון. ועיברו את השנה על פיהם. אמר רבי חלב. והסכים בית דין עמהן. לא כן אמר רבי זעורה. והו שיהי כולם מורין מטעם אחד. מכין דאילין מודיי לאילין ואילין מודיי לאילין כמי שכולן מורין מטעם אחד.

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 Ze'ira 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.

58b line 27) ורבי שמעון בן לקיש מקפד על הדא מילתא. חשש להיא דאמר רבי לעזר. דאמר רבי לעזר. והיתה גדי על הנביאים החוזים שוא והקוסמים כזב בסוד עמי לא יהיו. זה סוד העיבור. ובכתב בית ישראל לא יכתבו. זה המינוי. ואל-אדמת ישראל לא יבואו. זו ארץ ישראל. ואמר רבי לעזר. כד סלקית להכא אמרית. הא גבי חדא. כד מנוני אמרית הא גבי תרתיי. כד עלית לעיבדא אמרית. הא תלתיהון גבי.

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 council*¹⁰⁴ *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.

104 Identifying biblical סוד “council” with

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

rabbinic סוד “secret”.

רבי בא בר זבדא בשם רב. טעמא דרבי לעזר בירבי צדוק. כיון שפית דין שלמעלן רואין שאין בית דין שלמטון שמקדשין אותו הן מקדשין אותו.

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

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

משנה ט: דמות צורות לבנה היו לו לרבן גמליאל בעלייתו פטבלא ובכותל שבהן מראה את ההדימות ואמר הכזה ראית או כזה. מעשה שבאו שנים ואמרו ראינוהו שחרית במזרח וערבית בפערב. אמר רבי יוחנן עדי שקר הם. כשבאו ללבנה קבלו רבן 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: ועוד באו שנים ואמרו ראינוהו בזמנו ובליילה ובעיבורו לא נראה וקבלו רבן גמליאל. אמר רבי דוסא בן הרבנים עדי שקר הן היאך מעידין על האשה שילדה ולמחר בקריסה בין שניה. אמר לו רבי יהושע רואה אני את דבריך:

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 ἰδιώτης.

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 in 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) **הלכה ז:** אמר רבי שמלאי. טעמיה דרבי יוחנן בן נורי. כל-חודש שנוולד קודם לישש שעות אין כח בעין לראות את הלשן. ותני כן. נראה לשון בשחרית לא נראה חדש בין הערבים. נראה חדש בין הערבים לא נראה לשון בשחרית. אמר רבי חייה בר בא. ולמה קיבלו רבן גמליאל. שכן מסורת בגדי מאבותי. פעמים מהלך בקצרה. פעמים מהלך בארוכה.

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 Hiyya 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.

from the mean month may be up to ± 12

111 Babli 25a. The deviation of the actual

hours.

(fol. 57d) **משנה יא:** שלח לו רבן גמליאל גוזר אני עליך שתבוא אצלי במקלך ובמעוטיך ביום שחל יום הכפורים להיות בקדשבוך. הלך ומצאו רבי עקיבה מוצר אמר לו ויש לי ללמוד

שְׂכֵל־מָה שֶׁעָשָׂה רַבֵּן גַּמְלִיאֵל עָשָׂי שֶׁנֶּאֱמַר אֵלֶּה מוֹעֲדֵי י" מִקְרָאֵי קֹדֶשׁ אֲשֶׁר תִּקְרָא אֹתָם בֵּין בְּזִמְנָן בֵּין שָׁלָא בְּזִמְנָן אֵין לִי מוֹעֲדוֹת אֵלֶּא אֵילָן.

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:** אָצֵל מִי שִׁילַח. מִן מַה דְּתִנִּי. אָמַר רַבִּי יְהוֹשֻעַ. נוֹחַ הָיָה לִי מוֹטָל עַל הַמִּיטָה וְלֹא שִׁלַּח רַבֵּן גַּמְלִיאֵל הַדָּבָר הַזֶּה. הָדָא אָמְרָה. אָצֵל רַבִּי יְהוֹשֻעַ שִׁילַח. בְּיָד מִי שִׁילַח. מִן מַה דְּתִנִּי. כְּלָשׁוֹן זֶה אָמַר לוֹ. יִחְמַתִּנִי עֲקִיבָה. הָדָא אָמְרָה. בְּיָד רַבִּי עֲקִיבָה שִׁילַח. מַה הָיָה לוֹ לְלַמֵּד. אָמַר רַבִּי יוֹסֵה. יוֹדְעִין הָיִינוּ שֶׁאִם קִידְשׁוּהוּ שָׁלָא בְּעֵדִים שְׁהוּא מְקוּדָשׁ. וְמַה בָּא לְהַעֲדִי. שֶׁאִם קִידְשׁוּהוּ וְאַחֲרֵי כֵן נִמְצְאוּ הָעֵדִים זִמְמִין הָרִי זֶה מְקוּדָשׁ. וְהָא תִּנִּינָן. מַעֲשֵׂה שְׁעָבְרֵי יוֹתֵר מֵאַרְבָּעִים זִיג וְעִיפָבֹן רַבִּי עֲקִיבָה בְּלִיד. עַל דִּי שְׁהִי אַרְבָּעִים זִיג. אָבָל אִם הָיָה זִיג אֶחָד לֹא הָיָה מְעַבְּבֵי.

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 Tosephta 2:1. **זמם** 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 Tosephta

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.

משנה יב: בא לו אצל רבי דוסא בן ארכיננס. אמר לו אם באים אנו לדון אחר בית דינו של רבן גמליאל צריכין אנו לדון אחר כל-בית דין ובית דין שעמד מימות משה ועד עכשיו, שנאמר ויעל משה ואהרן נדב ואביהוא ושבעים מזקני ישראל. ולמה לא נתפרשו שמוותן של זקנים אלא ללמד שקל-שלשה ושלשה שעמדו בית דין על ישראל הרי הוא כבית דינו של משה. נטל מקלו ומעוהו בידו והלך ליבנה אצל רבן גמליאל ביום שחל יום כפורים להזות בקשבונו. עמד רבן גמליאל ונשקו על ראשו אמר לו בוא בשלום רבי ותלמידי. רבי בהכמה ותלמידי שקבלת עליך 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.

הלכה ט: כתוב יי אשך עשה את-משה ואת-אהרן ואשך העלה וגו'. וישלח יי את-ירובעל ואת-בדן ואת-יפתח ואת-שמואל. ירובעל גדעון. בדן שמשון. יפתח זה יפתח

הַגִּלְעָדִי. הַקִּישׁ שְׁלֹשָׁה קָלִי עוֹלָם לְשִׁלְשָׁה אַבְיָרֵי עוֹלָם. לְלַמֶּדֶךָ שְׁבִית דִּינוֹ שְׁלֹגְדֵעוֹן וְשְׁלִיפְתָח וְשְׁלֹשְׁמִשׁוֹן שְׁקוּלִים כְּנֶגֶד מֹשֶׁה וְאַהֲרֹן וְשִׁמְשׁוֹן. וְלֹא עוֹד אֶלָּא שְׁסֻמָּךְ הַגְּדוֹלִים מִיָּכֹן וּמִיָּכֹן וְהַקְטָנִים בְּאִמְצָע.

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.

123 The name Bedan appears again in *I Chr.* 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

125 *Babli* 25a.

עֲמַד רַבֵּן גְּמִלְיָאֵל וְנִשְׁקוּ עַל רֹאשׁוֹ אָמַר לוֹ בֹּא בְּשָׁלוֹם רַבִּי וְתִלְמִידִי. רַבִּי בְּחֻקָּה וְתִלְמִידִי בִּירְאָת חֵט. רַבִּי בְּחֻקָּה וְתִלְמִידִי שְׁכַל־מָה שְׁאַנִּי גּוֹזֵר עָלָיו הוּא מְקַיֵּים. כְּתוּב אֱלוֹפִינוּ מְסוּבִּלִים. רַבִּי יוֹחָנָן וְרַבִּי שְׁמַעוֹן בֶּן לֵקִישׁ. רַבִּי יוֹחָנָן אָמַר. [אֱלוֹפִינוּ מְסוּבִּלִים אֵין כְּתִיב כֹּאן אֶלָּא] אֱלוֹפִינוּ מְסוּבִּלִים. בְּשַׁעָה שֶׁהַגְּדוֹלִים סוּבְּלִים אֶת הַקְטָנִים אֵין פֶּרֶץ וְאֵין יוֹצֵאת וְאֵין צְוֹחָה בְּרַחוּבוֹתֵינוּ. רַבִּי שְׁמַעוֹן בֶּן לֵקִישׁ מְסַרֵּס קִרְיָא. (אֱלוֹפִינוּ) [אֱלוֹפִים] מְסוּבִּלִים אֵין כְּתִיב כֹּאן אֶלָּא אֱלוֹפִינוּ מְסוּבִּלִים. בְּשַׁעָה שֶׁקְטָנִים סוּבְּלִים אֶת הַגְּדוֹלִים אֵין פֶּרֶץ וְאֵין יוֹצֵאת וְאֵין צְוֹחָה בְּרַחוּבוֹתֵינוּ.

"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.

רַבִּי שִׁילָא דְּכָפַר תְּמִרְתָּהּ בְּשֵׁם רַבִּי יוֹחָנָן. עָשָׂה יָרַח לְמוֹעֲדִים לְשֹׁמֵשׁ יָדַע מְבוֹאוֹ; מִשְׁמֵשׁ יָדַע מְבוֹאוֹ עָשָׂה יָרַח לְמוֹעֲדִים. אָמַר רַבִּי בְּרַכְיָה. כְּתוּב וַיִּסְעוּ מִרַעְמֶסֶס בְּחֹדֶשׁ הָרִאשׁוֹן וְגו'. כִּד יִטְמַע בְּלִילִי מוֹעֵדָא אַרְבַּע עָשָׂרָה מִטְמִיעִין אֵית בֵּה. הָרִי מְשָׁקִיעַת הַחֲמָה אֲתָּ מוֹנָה לְלִבָּנָה. אָמַר רַבִּי סִימּוֹן. וְהָיוּ. עַל יְדֵי זֶה וְעַל יְדֵי זֶה. אָמַר רַבִּי יוֹחָנָן. וַיְהִי־עֶרֶב וַיְהִי־בֹקֶר יוֹם אֶחָד. רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ אָמַר. הַחֹדֶשׁ. עַד שֶׁיִּהְיֶה כּוֹלּוֹ מִן הַחֹדֶשׁ. אֲשֶׁר־חָתַת אָמַר. מֶה דָּאֲמַר רַבִּי יוֹחָנָן צָרִיכָה לְרַבִּי שְׁמַעוֹן בֶּן לָקִישׁ. וַיֵּמָּה דָּאֲמַר רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ צָרִיכָה לְרַבִּי יוֹחָנָן. אֵילוּ אָמַר רַבִּי יוֹחָנָן וְלֹא אָמַר רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ הוּיָן אֲמַרִין. לֹא אָמַר אֶלָּא אֶפִּילוֹ כּוֹלּוֹ מִן הַחֹדֶשׁ. הוּי צוֹרְכָה דָּאֲמַר רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ. אוֹ אֵילוּ אָמַר רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ וְלֹא אָמַר רַבִּי יוֹחָנָן הוּיָן אֲמַרִין. לֹא אָמַר אֶלָּא יוֹם. הָא לִילָה לֹא. הָא צוֹרְכָה לֵהֵיא דָּאֲמַר רַבִּי יוֹחָנָן וְצוֹרְכָה לֵהֵיא דָּאֲמַר רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ.

¹²⁹Rebbi Shila from Kefar Tamarta in the name of Rabbi 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. Rabbi 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. Rabbi Simon said, *they shall be*¹³⁴, by both of them. Rabbi Johanan said, *it was evening, it was morning, one day*¹³⁵. Rabbi Simeon ben Laqish said, *the month*¹³⁶, until it be totally from the new one. You are finding to say, what Rabbi Johanan said requires the statement of Rabbi Simeon ben Laqish, and what Rabbi Simeon ben Laqish said requires the statement of Rabbi Johanan. If Rabbi Johanan had stated his but Rabbi

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 Cahana Haḥodesh*, *Pesiqta rabbati* 15 (*Haḥodesh*).

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.