

ראוהו בית דין פרק שלישי ראש השנה

(fol.58c) **משנה א:** ראוהו בית דין וכל־ישראל נחקרו העדים ולא הספיקו לומר מקודש עד שחשיכה הרי זה מעובר. ראוהו בית דין בלבד יעמדו שנים ויעידו לפניהם ויאמרו מקודש מקודש. ראוהו שלשה והן בית דין יעמדו שנים וישיבו מתביריהם אצל היחיד ויעידו בפניהן ויאמרו מקודש מקודש שאין היחיד נאמן על ידי עצמו:

Mishnah 1: If the Court and all of Israel saw it, the witnesses were interrogated but they did not manage to say “sanctified” before nightfall, it is prolonged¹. If the Court alone saw it, two of them shall stand and testify before them, and they shall say “sanctified, sanctified”. If three who form a court² saw it, two of them shall stand up, let two of their colleagues sit with the single one, testify before them, so they can say “sanctified, sanctified”, since no single individual is empowered by himself³.

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| 1 | Even though everybody knows that day | day 31 will be the first of the next month. |
| 30 of the preceding month should have been | 2 | Three duly ordained members of the |
| declared as first of the new month, if it is not | | Calendar Court. |
| declared so by the Court empowered to | 3 | Mishnah <i>Sanhedrin</i> 1:2. |
| establish the calendar then automatically | | |

(58c line 33) ראוהו בית דין וכל־ישראל כול. ביני מתניתה. או בית דין או כל־ישראל.
רבי זעורה רבי אימי בשם רבי יהושע בן לוי. מעמזמין על הנראה לעברו. אין מעמזמין
על שלא נראה לקדשו. רבי בא ורבי חייה בשם רבי יהושע בן לוי. מעמזמין על שלא נראה
לקדשו ואין מעמזמין על הנראה לעברו. מתניתה פליגא על רבי זעורה. ראוהו בית דין
וכל־ישראל. נחקרו העדים ולא הספיקו לומר. מקודש. עד שחשיכה. הרי זה מקודש. מפני
שחשיכה. הא אם לא חשיכה לא. הדא אמרה. אין מעמזמין על הנראה לעברו. מתניתה
פליגא על רבי בא. יכול אם היה צריך שני ימים נותנין לו שני ימים. תלמוד לומר אותו. אין
לו אלא יום אחד בלבד. הדא אמרה. אין מעמזמין על שלא נראה לקדשו. מתניתה פליגא
על רבי בא. יכול קשם שמעברין את השנה מפני הצורך כך קדשו את החודש מפני הצורך.
תלמוד לומר החודש. אחר החודש הו הולכין. הדא אמרה. אין מעמזמין על שלא נראה
לקדשו. מתניתה פליגא על רבי בא. יכול אם לא נראתה הלכנה לשני ימים. כך קדשו את
החודש לשני ימים. תלמוד לומר אותם אלא הם. אין אלא מועדי. מפני שלא נראתה. הא

אם נראתה לא. הדיא אָמרה. אין מעמעמין על שלא נראה לקדשו. הוון בעיי מימר ולא פליגיין. מה דאמר רבי זעורה בשאר כל-החדשים. מה דאמר רבי בא על ניסן ועל תשרי.

“If the Court and all of Israel saw it,” etc. So is the Mishnah: Either the court or all of Israel⁴.

Rebbi Ze'ira, Rebbi Immi in the name of Rebbi Joshua ben Levi: One entangles one who was seen to prolong it; one does entangle one who was not seen to sanctify it⁵. Rebbi Abba and Rebbi Hiyya in the name of Rebbi Joshua ben Levi: One entangles one who was not seen to sanctify it, one does not entangle one who was seen to prolong it⁶. The Mishnah disagrees with Rebbi Ze'ira: “If the Court and all of Israel saw it, the witnesses were interrogated but they did not manage to say “sanctified” before nightfall, it is sanctified⁷.” Because of nightfall. Therefore not if there was no nightfall. This implies that one does not entangle one who was seen to prolong it⁸. A *baraita* disagrees with Rebbi Abba: “I could think that if two days were needed, one adds two days. The verse says, *it*. There is authorization only for one day⁹.” This implies that one does not entangle one who was not seen to sanctify it. A *baraita* disagrees with Rebbi Abba: “I could think that just as one intercalates a year according to necessity so one would sanctify the month according to necessity. The verse says, *the new moon*, one follows the new moon.¹⁰” This implies that one does not entangle one which was not seen to sanctify it. A *baraita* disagrees with Rebbi Abba: “I could think that if the moon was not seen for two days, they should sanctify the next month for two days. The verse says, *they, there are*, those would not be My festive seasons¹¹”. Because it was not seen; therefore not if it had been seen¹². This implies that one does not entangle one who was not seen to sanctify it. They wanted to say that they do not disagree. What Rebbi Ze'ira said, about all other months; what Rebbi Abba said, about Nisan and Tishre¹³.

4 The statement that the day is not consecrated as New Moon unless the authorized Court pronounces it sanctified applies to all cases, whether there are outside witnesses or not.

5 Babli 20a. “Entangle” in this case means that one conducts the

cross-examination of the witnesses in such a way that they get confused and confess that they cannot exactly testify to the appearance of the new moon, leaving the Court without witnesses. In this version, one may confound witnesses about what they saw, but not about what they did not see.

6 In this version one may not interfere with true testimony, but the court always may declare the 30th day as belonging to the next month.

7 As noted at the end of Halakhah 2:6, the 31st day is automatically sanctified at sundown after the 30th.

8 The Mishnah implies that the 31st day becomes consecrated only because of the slowness of the Court; no intentional dragging of feet.

9 *Sifra Emor Pereq* 10(6); The verse referred to should be *Lev. 23:4*, where one

reads אותם. There does not exist a verse referring to the first of a month using the expression אורו.

10 *Sifra Emor Pereq* 10(5). There never can be a month of 28 or 31 days.

11 Tosephta 2:3, the verse referred to in the Tosephta is *Lev 23:34* but here it is *Lev. 23:4*.

12 If it was not seen one could not retroactively declare the month to start from day 30.

13 Babli 20a, minority opinion of Abbai.

58b line 53) רבי אומר. ניסן לא נתעבר מימיו. והא תנינן. אם בא חדש בזמנו. אם בא. לא בא. רב אמר. תשרי לא נתעבר מימיו. והא תנינן. אם היה החדש מעובר. אם היה. לא היה.

¹⁴Rebbi says, Nisan was never lengthened. But did we not state¹⁵: “If the New Moon appeared in time”? If it would appear; it did not appear. Rav said, Tishre was never lengthened. But did we not state¹⁶: “If the month was long”? If it would be; it never was.

וכשקידשו את השנה באושה ביום הראשון עבר רבי ישמעאל בנו של רבי יוחנן בן ברוקה. אומר כדברי רבי יוחנן בן נורי. אמר רבן שמעון בן גמליאל. לא היינו נוהגין בן בנבנה. ביום השני עבר רבי חנינה בנו של רבי יוסי הגלילי ואמר כדברי רבי עקיבה. אמר רבן שמעון בן גמליאל. בן היינו נוהגין בנבנה. והא תני. קידשוהו בראשון ובשני. רבי זעורה בשם רב חסדאי. אותה השנה נתקלקלה. מהו בראשון מהו בשני. רבי בא בשם רב. שנה ראשונה ושנה השנייה. והא תני. ביום הראשון וביום השני.

¹⁷“When they sanctified the year at Usha, on the first day Rabbi Ismael, the son of Rabbi Johanan ben Beroqa, led and recited following the opinion of Rabbi Johanan ben Nuri. Rabban Simeon ben Gamliel said, we did not follow this at Jabneh. On the second day, Rabbi Hananiah, the son of Rabbi Yose the Galilean, led and recited following Rabbi Aqiba. Rabban Simeon ben Gamliel said, this we did follow at Jabneh.” But does this not mean that they sanctified it on the first and the second day? Rabbi Ze’ira in the name of Rav Hisha: That year was disorganized. What is “on the first, on the second”?

Rebbi Abba in the name of Rav: The first year, the second year! But was it not stated: the first day, the second day?

קידשוהו קודם לזמנו או לאחר עיבורו יום אחד יכול זה מקודש. תלמוד לומר אותם. אותם אלא הם [מועדי]. אין אלה מועדי. לפני זמנו עשרים ותשעה יום. לאחר עיבורו שלשים ושנים יום. ומניין שמעבירין את השנה על הגליות שעלו ואדיין לא הגיעו. תלמוד לומר בני ישראל מועדי. עשה את המועדות שיעשו אותן כל ישראל. אמר רבי שמואל בר נחמן. והו' שהגיעו לנהר פרת.

“If they sanctified it before its time or after its lengthening, should I assume it was lengthened? The verse says, *them, them*; not *these are My holidays*? Before its time, the 29th day; after its lengthening, the 32nd day.”¹⁸ From where that one intercalates for the year because of the diaspora¹⁹ who set out but did not yet arrive? The verse says, *the Children of Israel*. Make the holidays so they can be observed by all of Israel. Rebbi Samuel bar Nahman said, only if they had reached the river Euphrates.

14 This and the following paragraphs also are found in *Ševi'it* 10:2 (Notes 41-55) and *Sanhedrin* 1:2 (Notes 213-215).

15 Mishnah *Šeqalim* 4:5.

16 Mishnah *Ševi'it* 10:2.

17 Tosephta *Roš Haššanah* 3:11, *Sifra Emor Parashah* 11(5); Babli 32a.

18 *Sifra Emor Parashah* 9(3). *Lev.* 23:2

prescribes publication of the dates of festivals. The masoretic text has אַתֶּם “them” as if it were אַתֶּם “you”, empowering the High Court to determine the times even in disagreement with the astronomical data.

19 The Babylonians who come to Jerusalem in caravans to celebrate Passover.

רבי יעקב בר אבא רבי אימי בשם רבי יהודה בר פזי. קידשוהו ואחר כך נמצאו העדים זוממין. הרי זה מקודש. קם רבי יוסה עם רבי יהודה בר פזי. אמר ליה. אתה שמעתי מן אבנך הודא מילתא. אמר ליה. כן אמר אבא בשם רבי יוחנן. אין מדקדקין בעדות החודש.

²⁰Rebbi Jacob bar Aha, Rebbi Immi in the name of Rebbi Jehudah bar Pazi: “If they sanctified it and after this the witnesses were found perjured, it remains sanctified²¹.” Rebbi Yose met Rebbi Jehudah bar Pazi. He asked him, did you hear this from your father? He answered him, so said my father in the name of Rebbi Johanan, one is not fussy with testimony of the new moon.

20 *Ševi'it* 10:2, Note 56.

21 Tosephta 2:1, *Sifra Emor Pereq* 10(2).

58c line 73) בֵּית דִּין שָׁרְאוּ אֶת הַהוֹרֵג. אָמְרוּ. אִם רוֹאִין אָנוּ אוֹתוֹ אִין אָנוּ מְכִירִין אוֹתוֹ. לֹא הָיוּ עוֹרְפִין. דְּכָתִיב וְעֵינֵינוּ לֹא רָאוּ. מִכָּל־מְקוֹם. וְהָרִי רָאוּ. וּבֵית דִּין שָׁרְאוּ אֶת הַהוֹרֵג. אֵית תִּנְיִי תִנְי. יַעֲמִדוּ שְׁנַיִם וְעִידוּ לִפְנֵיהֶן. אֵית תִּנְיִי תִנְי. יַעֲמִדוּ כּוֹלָן וְעִידוּ בְּמִקּוֹם אֶחָד. רַבִּי יוֹדֵה בַּר פִּזִּי בְּשֵׁם רַבִּי זְעוּרָה. כְּשֵׁם שֶׁהוּא חֲלוּקִים כָּאֵן כֶּף חֲלוּקִין בְּעֵדוּת הַחוּדָשׁ. וִיקוּם חֵד וְיִתִּיב חֵד. וִיקוּם חֵד וְיִתִּיב חֵד. שְׁנֵימָה הֵיא שְׁאִין הָעֵד נַעֲשֶׂה דִין. כִּהְדָּא רַב הוּנָא הָהּ יָדַע שְׁהָדוּ לְחֵד בַּר נֶשׁ. אֲזַל בְּעֵי מִידוֹן קוּמִיָּה וְכָפַר בִּיה. אָמַר לִיה רַבִּי שְׁמוּאֵל בַּר רַב יִצְחָק. בְּגִין דְּאֵתָּה יָדַע דְּרַב הוּנָא בַּר נֶשׁא רַבָּה אֵת כָּפַר בִּיה. מָה אֵילוּ יִיזִיל וְיִשְׁהַד עֲלֶיךָ קוּמִי בֵּית דִּין חוּרָן. אָמַר לִיה רַב חוּנָה. וְעָבְדִין כֵּן. אָמַר לִיה. אִין. וְשָׂרָא רַב הוּנָא גְרַמִּיָּה מִן הַהוּא דִּינָא. וְאֲזַל וְאִשְׁהַד עֲלֵי קוּמִי בֵּית דִּין חוּרָן.

²²If the Court saw the killer; even if they said, if we saw him we would not recognize him, they would not break the neck, for it is written, *our eyes did not see*²³ in any way, and they did see. And if the court saw the killer, some Tanna'im state: two of them become witnesses and testify before the rest of them. There are Tanna'im who state that they all are witnesses and have to go and testify before another place²⁴. Rabbi Jehudah ben Pazi in the name of Rabbi Ze'ira: As they differ here, so they differ about testimony for the New Moon²⁵.

Why cannot always one stand up and one sit down²⁶? There is a difference because a witness cannot be a judge²⁷. Rav Huna knew testimony for somebody. He²⁸ came and wanted to have the suit judged before Rav Huna, and denied all. Rabbi Samuel ben Rav Isaac told him, because you know that Rav Huna is an important person²⁹ you deny everything. What if Rav Huna went and testified against you in another court? Rav Huna asked him, does one do that? He answered, yes. Rav Huna recused himself from that suit, went, and testified before another court³⁰.

22 The text here is closely parallel to one in *Sotah* 9:1 (Notes 18-19), and a reformulation in *Sanhedrin* 1:1, Notes 127-138.

The first sentence deals with the ceremony of breaking the neck of a calf to atone for an unsolved murder (*Deut.* 21:1-9), whose rules are in *Sotah* 9:1.

23 *Deut.* 21:7.

24 They hold that a witness is automatically disqualified as a judge since he has an opinion about the case before the start of the proceedings.

25 Whether members of the Synhedrion who saw the New Moon may act as witnesses before their colleagues.

26 This now refers to the Mishnah here which prescribes that if three members of the Court saw the New Moon, one of them

may sit with two others as a court and the other two who saw the New Moon appear as witnesses before them. The question arises, why does one have to call two others; would one not be sufficient if alternately one stands up as a witness and one sits down as a judge.

27 Even if one does not hold that a potential witness be automatically disqualified as a judge, he must hold that once a person acted as a witness he is disqualified as a judge.

28 Rav Huna knew testimony for a creditor. The debtor required that the suit be heard in Rav Huna's court. He knew that

Rav Huna, as judge, could not act as witness and was prevented from using his knowledge in his judgment. He thought it was safe to deny any debt.

29 As Rav's successor, he was Chief Judge of all courts under the jurisdiction of the Academy of Sura. The debtor assumed that a Chief Judge could not appear in a lower court.

30 This decides practice. A judge who knows of the case has to disqualify himself and appear as a witness in another court not under his jurisdiction. The Babli agrees, *Roš Haššanah* 25b, *Bava qamma* 90b.

58d line 9) קרא עָרַר עַל חֲתִימַת יְדֵי הָעֵדִים. עַל חֲתִימַת יְדֵי הַדִּיּוּקִין. רַבִּי בָּא בְּשֵׁם רַב יְהוּדָה. רָצָא לְקַיֵּם בְּכֹתֵב יְדֵי הָעֵדִים מְקַיֵּם. בְּכֹתֵב יְדֵי הַדִּיּוּקִים מְקַיֵּם. וְאֵי אֹמֵר. אֶפְּלֹ בְּעֵד אֶחָד. אֶפְּלֹ בְּדִין אֶחָד מְקַיֵּם. בְּיוֹמוֹ דְּרַבִּי אֲבָהוּ אָתוֹן בְּעֵי מִימַר גּוֹאֲלֵינוּ וְאֶמְרוּן גּוֹאֲלֵינוּ וְקִבְּלוּן. בְּיוֹמוֹ דְּרַבִּי בְּרַכְיָה אִישׁתִּתְקוּן. אֶמַר לוֹן. שְׁמַעְתּוֹן דְּאִתְקַדַּשׁ יְרֵחָא. וְאֶרְכִּינוּ בְּרִאשֵׁיהוֹן וְקִבְּלוּן.

If a doubt was raised about the signature of the witnesses, about the signature of the judges. Rabbi Abba in the name of Rav Jehudah: If he wants to confirm by handwriting of the witnesses he may so confirm, by the handwriting of the judges he may so confirm³¹; but I am saying, he may confirm even by one witness, even by one judge³². In the days of Rabbi Abbahu they intended to say גּוֹאֲלֵינוּ but said גּוֹאֲלֵינוּ, and he accepted them³³. In the days of Rabbi Berekhiah they became paralyzed. He asked them, did you hear that the New Moon was sanctified? They bowed their heads and he accepted them³⁴.

31 If it was claimed that a document or a judgment was falsified because the signatures on the documents were fake, it is not necessary to have the signatures verified by two witnesses each but one may present uncontested documents to the court from

which by comparison the genuineness of the signatures may be inferred.

32 Since this is not new testimony, but affirmation of a prior one, a single witness may be believed.

33 It is not clear what happened there; in

any case it referred to testimony about the consecration of a New Moon and the usual standards of cross examination were waved.

34 As testimony that the Patriarch's Court had declared a New Moon. Since R. Berekhiah is slightly younger than R. Yose who published the rules of calendar

computation, it shows that with the publication of the rules the prior way of consecrating the day of the New Moon did not cease; that only happened when the Patriarchate was abolished by the Byzantine government.

משנה ב: כל־השופרות כְּשִׁירִין חוּץ מִשָּׁל פָּרָה מִפְּנֵי שֶׁהוּא קָרֵן. אָמַר רַבִּי יוֹסִי וְהָלֹא כָל־השופרות נִקְרְאוּ קָרֵן שֶׁנֶּאֱמַר בַּמִּשְׁוֹד בְּקָרָן הַיּוֹבֵל בְּשִׁמְעֶכֶם אֶת־קוֹל הַשּׁוֹפָר: שׁוֹפָר שֶׁל רֹאשׁ הַשָּׁנָה שֶׁל יַעֲלֶה פְּשׁוּט וּפְיוֹ מְצֻפֶּה וְהֵב וּשְׁתִּי חֲצֹצְרוֹת מִן הַצְּדִידִין. שׁוֹפָר מֵאֲרִיז וְחֲצֹצְרוֹת מִקְצֵרוֹת שְׁמֻצּוֹת הַיּוֹם בְּשׁוֹפָר:

Mishnah 2: All *shofarot*³⁵ are qualified except from bovines because this is a horn. Rabbi Yose said, are not all *shofarot* called horn, as it is said³⁶, *when the ram's horn sounds, when you hear the sound of the shofar*. The *shofar* of New Year's Day³⁷ is a straight one from a mountain goat, around its mouthpiece covered with gold, and two trumpets by its sides. The *shofar* is long and the trumpets short³⁸ because the obligation of the day is by the *shofar*.

35 In rabbinic terminology all horns of animal origin are called *shofar*, even though etymologically the word means "ram's horn."

36 Jos. 6:5.

37 In the Temple; at all other places the

shofar has no mouthpiece and is not accompanied by trumpets.

38 The trumpets give a short introductory sound, followed by the full sequence of the prescribed *shofar* sounds.

(58d line 15) **הלכה ב:** הוּוֹן בְּעֵי מִימַר. וְלֹא פְּלִיגִין. אֲשַׁכַּחַת תִּנִּי. רַבִּי יוֹסֶה מִכְּשִׁיר בְּשִׁלְפָּרָה וְחֲכָמִים פּוֹסְלִין. מֵה (טַעֲמוֹ דְּרַבָּנִין) [טַעֲמִיהָ דְּרַבִּי יוֹסִי] וְהָלֵה בַּמִּשְׁוֹד בְּקָרָן הַיּוֹבֵל. מֵה טַעֲמָא (דְּרַבִּי יוֹסֶה) [דְּרַבָּנִין]. וְהִיטֵב לִי מִשְׁוֹר פֶּר מִקְרִין מִפְּרִיס: מִקְרִין כְּתִיב. וְרַבָּנִין. כָּל־השופרות נִקְרְאוּ קָרֵן וְנִקְרְאוּ שׁוֹפָר חוּץ מִשָּׁל פָּרָה שֶׁנֶּאֱמַר קָרֵן וְלֹא נִקְרָא שׁוֹפָר. הַתִּיבּוֹן. הָרִי שֶׁל יַעֲלֶה הָרִי אֵינוֹ קָרִי לֹא קָרֵן וְלֹא שׁוֹפָר. מֵאִי כְּדוֹן. כֹּהִי אָמַר רַבִּי לִי. שְׁנִיִּיא הִיא. שְׁאִין קְטִיגוֹר נֶעֱשֶׂה סִיגוֹר.

Halakhah 2: They wanted to say that they do not disagree³⁹. It was found stated, Rabbi Yose qualifies one from cattle but the Sages disqualify. What is the reason (of the rabbis) [of Rabbi Yose]⁴⁰? *It will be when the ram's horn sounds*. What is the reason (of Rabbi Yose) [of the rabbis]? *Better than a cattle bull, sporting a horn, split-hoofed*⁴¹. It is written “of horn”⁴². And the rabbis? All *shofarot* are called horn and are called *shofar* except from cattle which is called horn but is not called *shofar*. They objected, there is that from mountain goat which is called neither horn nor *shofar*⁴³! What about it? Following what Rabbi Levi said, there is a difference because no accuser becomes a defense attorney⁴⁴.

39 That the rabbis and R. Yose disagree about the meaning of the word but not about practice. This is shown to be false.

40 The text in (parentheses) is the scribe's, the one in [brackets] the corrector's. The corrector's text should be deleted since the scribe's text is supported by the Babli, 26a. The rabbis note that in the verse from *Jos.* the ram's horn explicitly is called *shofar*.

41 *Ps.* 69:32. In the Babli, R. Yose argues that the pleonasm “cattle bull” שור פר contains the letters of שפר.

42 In the masoretic text, the word is written defectively, with the y of *hiph'il* missing; so it should be read as noun,

<made> of horn. The *plene* spelled word מקרין (wrongly spelled in this way in the quote), could be read as “radiating”.

43 The argument that in Scripture cattle horns are never called *shofar* does not prove anything since horns from mountain goats likewise are never mentioned but used in the Temple service.

44 For the Greek words cf. Chapter 1, Notes 241,242. Babli 26a. The meaning is that since the Golden Calf had the shape of a bovine, it is inappropriate to use any bovine part in connection with prayers for the remission of sins.

הלכה ג: אָמַר רַבִּי יוֹנָה. כְּדֵי שְׂיִפְשְׁטוּ לָבָם בְּתַשׁוּבָה. (58d line 22)

⁴⁵**Halakhah 3:** Rabbi Jonah said, so they should straighten out their thoughts in repentance⁴⁶.

פִּיּו מִצּוּפָה זָהָב. צִיפָהּ זָהָב מִבְּנִינִים פָּסוּל. מִבְּחוּץ כֶּשֶׁר. צִיפָהּ מְקוֹם הַנִּחָת פִּי אוֹ שְׁהִיָּה קוֹלוֹ עֲבָה מִחֻמַּת הַצִּיפִּי פָּסוּל.

“Around its mouthpiece covered with gold.” If it was gilded inside it is disqualified, outside it is qualified. If he gilded it at the mouthpiece or if its sound became heavy because of the gilding it is disqualified⁴⁷.

45 Discussion of the second half of Mishnah 2 which in the separate Mishnah mss. is a separate Mishnah or is combined as one with the following Mishnah 3.

46 Aggadic explanation why the *shofar* has to be straight. Babli 26b.

47 Babli 27a.

58d line 25) אָמַר רַבִּי יוֹסֵה. הָדָא אֲמַרְה. פְּשׁוּטָה שְׁשִׁמַּע מִקְצָתָהּ מִן הַמִּתְעַסֵּק [לֹא] יָצָא. וְהֵי דָא אֲמַרְה דָּא. תִּקְעַה בְּרָאשׁוֹנָה וּמִשְׁדָּךְ בְּשִׁנְיָה כְּשִׁתִּים אֵין בִּידּוֹ אֶלָּא אַחֲתָּה. רַבִּי אֲבָא בְּרַם זְמִינָא בְּשֵׁם רַבִּי זְעוּרָה. אֶפְּלִי אַחֲתָּה אֵין בִּידּוֹ. לָמָּה. רֵאשֻׁה גְּבִי סוּפָה מִצְטָרֵף וְסוּפָה גְּבִי רֵאשֻׁה מִצְטָרֵף. לֹא רֵאשֻׁה אֵית לָהּ סוּף וְלֹא סוּפָה אֵית לָהּ רֵאשׁ.

Rebbi Yose said, this implies that one who heard part of a straight sound from one who was practicing did [not]⁴⁸ fulfill his obligation⁴⁹. And where is this said? “If he blew straight for the first set and continued a double length for the second he has only one in his hand.”⁵⁰ Rebbi Abba bar Zamina in the name of Rebbi Ze’ira: Not even one is in his hand. Why? The beginning combines with the end and the end combines with the beginning. The first part has no end and the second part has no beginning⁵¹.

48 Corrector’s addition, to be deleted.

49 It is stated in Mishnah 4:10 that one who heard the *shofar* from a person practicing, i. e., not intending to blow in fulfillment of a biblical command either for himself or for others, did not fulfill his obligation. Now the Mishnah does not say that in the Temple the trumpets blow alone to alert people to listen to the coming *shofar* sounds, but they blow a short sound, implying that the person who blows the *shofar* started with them and then continues alone. By necessity what he blows is the straight sound with which any *shofar* sequence starts, and the sound which is mixed with the sound of trumpets cannot be counted as fulfilling the commandment to listen to the *shofar* on New Year’s Day. Since it is clear that no commandment could have been satisfied if the trumpets had sounded all the time the straight *shofar*

sound was produced, the sound produced during the trumpet blowing may well be compared to a sound produced by a person practicing his shofar blowing.

50 Mishnah 4:11. The minimum prescribed sounds are three sets of first a straight sound, then a modulated sound, followed by a straight sound, of approximately equal durations. If there is no interruption between the final straight sound of one set and the starting one of the next, there is only one straight sound. The double duration does not make it two sounds. Instead of having two sets: monotone, modulated, monotone; monotone, modulated, monotone, one has monotone, modulated, monotone, modulated, monotone, which does not correspond to any prescribed sequence.

51 When Mishnah 4:11 states that “he has only one in his hand,” this means one

monotone sound; it does not imply one set of the required sequence.

(fol. 58c) **משנה ג:** בתעניות בשל זכרים כפופין ופיו מצופה כסף ושתי הצוצרות באמצע. שופר מקצר והצוצרות מאריכות שמצות היום בהצוצרות:

Mishnah 3: On fast days⁵² it was from bent ram's horns, around the mouthpiece covered with silver, and two trumpets in the middle⁵³. The *shofar* is short and the trumpets drawn out because the obligation of the day is by the trumpets⁵⁴.

52 Either because of a drought or a public calamity. *shofarot*.

54 Num. 10:9.

53 This implies that there were two

(58d line 30) **הלכה ד:** אמר רבי יונה. כדי שיכופו את לבם בתפילה.

קומי רבי יהושע בן לוי תקעין בתעניתא. רבי יוסה בעי. ויתקעון קומי בהצוצרתא. ולא שמיע דתני. הצוצרות במקדש. אין הצוצרות בגבולין. ויתפללו לפניו עשרין וארבע. כהדא. רבי יוחנן מתפלל בתשעה באב עשרים וארבע ומפקד לתלמידיו. לא תילפון מיני הדין עובדא. דצריכה ליה. אכל הוא. תענית ציבור הוא. רבי יוסה בשם רבי יהושע בן לוי. אינו תענית ציבור. רבי יונה רבי יצחק בר נחמן בשם רבי יהושע בן לוי. אכל הוא. אינו תענית ציבור. אמר רבי זעורה. מילתיה דרבי יוחנן אקרה. יחיד בתשעה באב מתפלל ארבע. לא אמר אלא ארבע. הא עשרים וארבע לא.

Halakhah 4: Rabbi Jonah said, so they should bend their thoughts in prayer⁵⁵.

They were blowing before Rabbi Joshua ben Levi on a fast day⁵⁶. Rabbi Yose asked, should they not blow before him with trumpets? He had not heard what was stated, trumpets in the Temple, no trumpets in the countryside⁵⁷. Should they not pray 24⁵⁸ before him? As the following, Rabbi Johanan on the Ninth of Av was praying 24 but ordered his students, do not learn this action from me; because it was a problem for him whether it was mourning or a public fast day⁵⁹. Rabbi Yose in the name of Rabbi Joshua ben Levi: It is not a public fast day. Rabbi Jonah, Rabbi Isaac bar Nahman in the name of Rabbi Joshua ben Levi: It is mourning, it is not a public fast day.

Rebbi Ze'ira said, the case of Rebbi Joḥanan implies that a person prays four [times] of the Ninth of Av⁶⁰. He only said four, but not 24.

55 Same argument as Note 46, applied to fast days.

56 As the sequel shows, these are not the days of fasting for rain discussed in Tractate *Ta'anit*, but the historical fast days connected with the destruction of the Temple, such as the 17th of Tammuz and the 9th of Av, for which obviously there is no Temple precedent.

57 Since trumpets are prescribed for the Temple service (Note 54), they are prohibited for religious observances outside. Babli 27a.

58 The 24 parts of the *Amidah* prayer on fast days for rain, as described in Mishnah *Ta'anit* 2:2.

59 While in the Babli *Ta'anit* 12b it is

stated that the 9th of Av is a public fast day, the meaning of the statement is the same as the statement here that it is not a public fast day. The Babli states that it is like a public fast day in that it includes the preceding night in the fast, unlike the other historical fast days, the Yerushalmi states that it is not a public fast day in that all the rituals spelled out in *Ta'anit* Chapters 2,3 do not apply. Both statements are true in actual practice.

60 He prescribes prayers in the evening, morning, afternoon (*Minḥah*), and shortly before the end of the fast (*ne'ilah*.) This is prescribed for public fasts in Mishnah *Ta'anit* 4:1 and contradicts the statement of R. Joshua ben Levi which is accepted practice.

מִשְׁנָה ד': שָׁנָה הַיּוֹבֵל לְרֹאשׁ הַשָּׁנָה לְתַקְיָעָה וְלִכְרֹכוֹת. רַבִּי יְהוּדָה אָמַר אוֹמֵר בְּרֹאשׁ הַשָּׁנָה תִּקְעוּן בִּשְׁלֹשׁ זָכָרִים וּבַיּוֹבֵל בִּשְׁלֹשׁ יְעָלִים: (fol. 58c)

Mishnah 4: The Jubilee⁶¹ is equal to New Year's Day in blowing and prayer⁶². Rebbi Jehudah says, on New Year's Day one blows from rams, on the Jubilee from mountain goats.

61 The Day of Atonement in the Jubilee year when blowing the *shofar* sets Hebrew slaves free and returns land to its hereditary owners (*Lev.* 25:9).

62 On the Day of Atonement of the Jubilee

year also the *musaf* prayer is supposed to consist of 9 benedictions and after each of the three middle ones one blows the *shofar* (Mishnah 4:6-7).

הַלֵּכָה ה': אֲנִי יְיָ אֱלֹהֵיכֶם. אֵילֹו הַמִּלְכִּיּוֹת. זָכָרְוֹן תִּרְוָעָה אֵילֹו הַזְּכָרוֹנוֹת. שׁוֹפָר תִּרְוָעָה. אֵילֹו הַשּׁוֹפָרוֹת. עַד קְדוֹן רֹאשׁ הַשָּׁנָה. יוֹבֵל. וְהַעֲבַרְתָּ שׁוֹפָר תִּרְוָעָה בְּחוֹדֶשׁ הַשְּׁבִיעִי בְּעָשׂוֹר לַחֹדֶשׁ בַּיּוֹם הַכְּפוּרִים. שְׁאִין תִּלְמֹוד לומר בְּחוֹדֶשׁ הַשְּׁבִיעִי. מֵה תִלְמֹוד לומר בְּחוֹדֶשׁ

השביעי. אלא כל-מה שאת עושה בראש השנה הוי עושה בעשור לחודש. מה כאן מלכיות זכרונות ושופרות אף כאן מלכיות זכרונות ושופרות.

Halakhah 5: *I am the Eternal, your God, these are Malkhiot. Remembrance of trumpet sounds, these are Zikhronot. The shofar of trumpet sound, these are Shofarot. So far New Year's Day*⁶². "The Jubilee? *You shall convey the shofar of sounds in the seventh month, on the tenth of the month, on the Day of Atonement. The verse did not have to say, in the seventh month. Why did the verse say, in the seventh month? Only that everything you are doing on New Year's Day do on the Tenth of the Month. Since here there are Malkhiot, Zikhronot, and Shofarot, also there are Malkhiot, Zikhronot, and Shofarot.*⁶³"

62 This text seems slightly inconsistent; it is best to explain it following the parallel in *Sifra Emor Parashah* 11(1) (Babli 32a). The problem is to explain that the three sets of blowing the *shofar* should not be done in isolation but that the first should follow a celebration of God as King (*Malkhiot*), the second after a text which declares that on that day all creatures are remembered and their fate decreed for the next year (*Zikhronot*), the last one after celebration of the *shofar* as the sound associated with the proclamation of the Ten Commandments (*Shofarot*). As detailed in the next Chapter, the core of each of these celebrations has to be the recitation of at least 10 relevant biblical verses. In *Sifra*, R. Aqiba is reported to explain the verse (*Lev. 23:24*) describing New Year's day as *remembrance of trumpet sounds*, that "remembrance" refers to *Zikhronot*, "trumpet sounds" to *Shofarot*, declared as

holy requires a declaration of the holiness of the day (the fourth benediction in the *musaf* prayer) combined with the celebration of God as King because the sentence *I am the Eternal, your God* (*Lev. 23:23*) immediately precedes the mention of the Seventh Month. In the text, the reference adduced for *Shofarot* is *Lev. 25:9*, referring to the day of Atonement of the Jubilee year.

63 *Sifra Behar Parashah* 2(3), even though there the rules for the Day of Atonement of the Jubilee are taken for granted and those for New Year's Day are derived. The argument is that the determination of the date in *Lev. 25:9* is unnecessarily complicated since everybody knows that the day of Atonement is the 10th of the 7th month. Therefore it is implied that the 7th month only is mentioned to indicate that the rules for all *shofar* blowings in the 7th month must be equal.

(58d line 46) מניין שהיא פשוטה לפניך. תלמוד לומר והעברת שופר. ומניין שהיא פשוטה לאחריה. תלמוד לומר תעבירו שופר. עד כדון יובל. ראש השנה. והעברת שופר תרוצה

בַּחוֹדֶשׁ הַשְּׁבִיעִי בְּעֶשְׂרֵי לַחוֹדֶשׁ בְּיוֹם הַכַּפּוּרִים. שְׁאִין תִּלְמֹד לומר בַּחוֹדֶשׁ הַשְּׁבִיעִי. מִה
תִּלְמֹד לומר בַּחוֹדֶשׁ הַשְּׁבִיעִי. אֲלֵא כֹל־מָה שֶׁאֵת עוֹשֶׂה בַּחוֹדֶשׁ הַשְּׁבִיעִי כְּעֶשְׂרֵי לַחוֹדֶשׁ. מִה
כָּאן תּוֹקֵעַ וּמְרִיעַ וְתוֹקֵעַ אַף כָּאן תּוֹקֵעַ וּמְרִיעַ וְתוֹקֵעַ.

⁶⁴“From where that there is a single sound preceding? The verse says, *you shall convey the shofar*. And from where that there is a single sound afterwards, the verse says, *you shall convey the shofar*⁶⁵. So far the Jubilee, New Year’s day? *You shall convey the shofar of sounds in the seventh month, on the tenth of the month, on the Day of Atonement*. The verse did not have to say, *in the seventh month*. Why did the verse say, *in the seventh month*? Only that everything you are doing in the Seventh Month do as on the Tenth of the Month. Since here he blows, modulates, and blows, so also there he blows, modulates, and blows.”

64 *Sifra Emor Parashah 11(7), Behar the tenth of the month; on the Day of Parashah 2(4); Babli 33b/34a. Atonement you shall convey the shofar in all*

65 *Lev. 25:9 reads: You shall convey the of your land. It seems that they interpret shofar of sounds in the seventh month, on “convey” as conveying a single sound.*

(58d line 50) מְנִיין שֶׁהוּא שֶׁלֹשׁ שְׁלֹשְׁלֹשׁ שָׁלֹשׁ. תִּלְמֹד לומר יוֹם תְּרוּעָה. זָכְרוֹן תְּרוּעָה. שׁוֹפָר
תְּרוּעָה. עַד דָּוֶן כְּרָבִי עֲקִיבָה. כְּרָבִי שְׁמַעֲלֵה. תִּנִּי רָבִי שְׁמַעֲלֵה. וְתִקְעֶתֶם תְּרוּעָה. וְתִקְעֶתֶם
תְּרוּעָה שְׁנִית. תְּרוּעָה וְתִקְעוּ לְמִסְעֵיהֶם: אִין תִּימֵר. הִיא תִקְיעָה הִיא תְּרוּעָה. וְהִכְתִּיב
וּבְהִקְהִיל אֶת־הַקָּהָל תִּתְקַעוּ וְלֹא תִרְעוּ:

⁶⁶“From where that there are three sets of three sounds each? The verse says, *a day of sound*⁶⁷, *a remembrance of sound*⁶⁸, *shofar of sound*⁶⁹.” So far following Rabbi Aqiba. Following Rabbi Ismael? ⁷⁰“*You shall blow sounding*⁷¹; and you shall blow sounding a second time⁷²; sounding you shall blow for your travels⁷³. If you would say that blowing is sounding, is it not written, *to assemble the people you shall blow but not sound*⁷³.”

66 *Sifra Emor Parashah 11(9), Sifry Num.*

70 *Sifry Num. 73.*

73.

71 *Num. 10:5.*

67 *Num. 29:1*

72 *Num. 10:6.*

68 *Lev. 23:24.*

73 *Num. 10:7.*

69 *Lev. 25:9.*

(58d line 57) יובל [היא]. אף על פי שלא השמיטו. אף על פי שלא תקעו בשופר. או יכול אף על פי שלא שילחו עבדים. תלמוד לומר היא. דברי רבי יודה. רבי יוסה אומר. יובל. אף על פי שלא השמיטו. אף על פי שלא שילחו עבדים. או יכול אף על פי שלא תקעו בשופר. תלמוד לומר היא. אמר רבי יוסה. מאחר שהכתוב תולה אותה לענין תקיעת שופר. וכתוב אחר תולה אותה לענין שילוח עבדים. מפני מה אני אומר. יובל שלא בשילוח עבדים. (שאי) [שאיפשו] ליובל בלא שילוח עבדים אבל [אי] איפשו ליובל שלא בתקיעת שופר. דבר אחר. תקיעת שופר תלויה בבית דין ושילוח עבדים תלוי בכל אדם. ואתייא כהיא דאמר רבי שמואל בר רב יצחק. וידבר יי אל משה ואליהרן ויצו אל בני ישראל. על מה ציום. על פרשת שילוח עבדים. ואתייא כהיא דאמר רבי אילא. לא נאנשו ישראל אלא על פרשת שילוח עבדים. הדין הוא דכתיב מקץ שבע שנים תשלו אויש את אחיו העברי וגו'. תני בשם רבי נחמיה. היתה כפונות סוחר ממרחק תביא לחמה. דברי תורה עניים במקומו וגשירים במקום אחר. אמר רבי יוחנן. זו דברי רבי יודה ורבי יוסה. אבל דברי חכמים. קידוש בית דין ותקיעת שופר והשמת כספים משמיטין. נחא קידוש בית דין ותקיעת שופר. השמת כספים לא בסוף הן משמיטין. רבי זעורה שמע לה מן הדין. ונאמר אלי אל תירא דנאל כי מן היום הראשון אשר נתת את לבך להבין ולהתענות לפני אלהיך נשמעו דבריך. כבר נשמעו דבריך.

⁷⁴“A Jubilee [it is]”⁷⁵, even though they did not observe the Sabbatical, even though they did not blow the *shofar*. Or maybe even though they did not manumit slaves? The verse says *it is*, the words of Rabbi Jehudah⁷⁶. Rabbi Yose says, *a Jubilee*, even though they did not observe the Sabbatical, even though they did not manumit slaves. Or maybe even though they did not blow the *shofar*? The verse says *it is*. Rabbi Yose said, since the verse makes it dependent on blowing the *shofar*, and another verse⁷⁷ makes it dependent on manumitting slaves, why am I saying, Jubilee even though they did not manumit slaves? For it is (impossible) [possible] for a Jubilee without manumitting slaves but (possible) [impossible] for the Jubilee without sounding the *shofar*⁷⁸. Another explanation: The blowing of the *shofar* depends on the Court but manumission of slaves depends on everybody⁷⁹.” And it follows what Rabbi Samuel ben Rav Isaac said, *the Eternal spoke to Moses and Aaron and commanded them to the Children of Israel*⁸⁰. About what did he command them? About the chapter on manumission of slaves⁸¹. This parallels what Rabbi Ila said, Israel was only punished because of the Chapter about manumission of slaves; that is what is written⁸², *at the end of*

seven years everyone has to set free his Hebrew brother, etc. It was stated in the name of Rabbi Nehemiah, *she was like a trading vessel, from far she brings her bread*⁸³. The words of the Torah are poor in their proper place but rich at another place⁸⁴. Rabbi Johanan said, these are the words of Rabbi Jehudah and Rabbi Yose, but the words of the Sages are, consecration by the High Court, and blowing the *shofar*, and remission of debts cause it to be Sabbatical. One understands consecration by the High Court, and blowing the *shofar*⁸⁵. But is remission of debts⁸⁶ not at the end? Rabbi Ze'ira understood it from the following⁸⁷: *He said to me, do not fear, Daniel, since your words were heard from the first day when you concentrated to understand and fast before your God. Your words already were heard.*

74 *Sifra Behar Pereq 2(4)*; a similar text Babli 9b.

75 Corrector's addition from the Babli; out of place as shown by R. Yose's statement.

76 As Rashi explains in the Babli, in *Lev.* 25:8ff. it first is stated that the calendar authorities have to count 49 years, then organize the blowing of the *shofar* as consecration of the 50th year as Jubilee and return of land to the hereditary owners. Then in vv. 11,12 it is emphasized *it is Jubilee*, meaning that all rules spelled out subsequently do apply whether or not the preliminary actions required in vv. 8-10 have been executed or not.

77 The verse quoted from *Jer.* later on. In *Lev.* the freeing of Hebrew slaves is a law depending on the declaration of the Jubilee, 25:40.

78 The (scribe's text) has to be preferred to the [corrector's]; they more or less mean the same. The scribe's text means that a slave not freed in the Jubilee is held illegally; in law he cannot be considered a slave. Therefore the Jubilee without manumission is a legal impossibility; a disregard of the

duty to manumit is a sin for the individual, and a sin of the Court which does not enforce the law, but has no relevance for whether or not there is a Jubilee. On the other hand, the blowing of the *shofar* is a duty imposed on the Court; it is not intrinsic to the notion of Jubilee.

79 Essentially a succinct reformulation of the previous argument.

80 *Ex.* 6:13.

81 Since at that point the Israelites were not yet freed, no commandments could be given to them. It is asserted that they were told that they would be freed on condition that they would in the future manumit their own Hebrew slaves on the Jubilee.

82 *Jer.* 34:14. The argument is from the preceding verse: *I concluded a covenant with your forefathers, on the day when I took them out of the land of Egypt, as follows:*

83 *Prov.* 31:14. The "valiant woman" is identified with the Torah (*Midrash Mishleḥ* 31[10].)

84 Since in *Ex.* it is not spelled out what was the first commandment given to the

Israelites, but in *Jer.* it is spelled out.

85 As noted in Note 76, these are given in the biblical texts as establishing the Jubilee.

86 While it is not stated explicitly in the Mishnah, it clearly follows from the rules of *Ševi'it* Chapter 10 that debts are cancelled

by the end of the Sabbatical year. Since the Jubilee is a Sabbatical, how can its validity be dependent on what happens after it ends?

87 *Dan.* 10:12. The courts must be ready to enforce the cancellation of debts after the end of the Jubilee.

59a line 3) אָמַר רַבִּי יוֹחָנָן. טַעֲמִיָּה דְרַבִּי יְהוּדָה כְּדִי לִיתֵּן אֶת הַמָּצוֹי עַל הַמָּצוֹי וְאֶת שְׂאֵינוֹ מָצוֹי עַל שְׂאֵינוֹ מָצוֹי.

Rebbi Johanan said, the reason of Rebbi Jehudah: to associate the frequent with the frequent, and the infrequent with the infrequent⁸⁸

88 The *shofar* of New Year's Day, which is a yearly event, is a ram's horn, easily available coming from a domesticated

animal. The one for the Jubilee, used once in 50 years, comes from a wild animal and is rare.

(fol. 58c) מִשְׁנֵה ה': שׁוֹפָר שֶׁנִּסְדָּק וְדִיבְקוֹ פָּסוּל. דִּיבְק שְׂיִבְרִי שׁוֹפְרוֹת פָּסוּל. נִיבָק וּסְתָמוֹ אִם עֵינֵיכָם אֶת הַתְּקִיעָה פָּסוּל. וְאִם לֹא כָשֶׁר:

Mishnah 5: A *shofar* which was split and glued together is disqualified. If one glued together pieces of *shofarot* it is disqualified. If it was pierced and he plugged it, if it obstructs blowing it is disqualified, otherwise it is qualified.

59a line 4) הַלְכָה ו': שׁוֹפָר שֶׁנִּסְדָּק וְדִיבְקוֹ פָּסוּל. לְמִי נִצְרָה. לְרַבִּי נֶתָן. דִּיבְק שְׂיִבְרִי שׁוֹפְרוֹת פָּסוּל. עוֹד הֵיא דְרַבִּי נֶתָן. נִיבָק וּסְתָמוֹ. רַבִּי חִיָּה בָּשֵׁם רַבִּי יוֹחָנָן. דְּרַבִּי נֶתָן הֵיא. דְּתַנִּי. נִיבָק וּסְתָמוֹ בֵּין בְּמִינוֹ בֵּין שְׁלֹא בְּמִינוֹ. אִם הֵיא מַעֲכָב אֶת הַתְּקִיעָה פָּסוּל. וְאִם לֹא כָשֶׁר. רַבִּי נֶתָן אָמַר. בְּמִינוֹ כָשֶׁר. שְׁלֹא בְּמִינוֹ פָּסוּל. רַבִּי חִיָּה בָּשֵׁם רַבִּי יוֹחָנָן. כִּינִי מִתְּנִיתָא. אִם הֵיא מַעֲכָב אֶת הַתְּקִיעָה פָּסוּל. וְאִם לֹא כָשֶׁר. רַבִּי אֲבָא בַר זְמִנָּה בָּשֵׁם רַבִּי זְעוּרָה. וְהוּ שְׁסִתְמוֹ. אֲבָל אִם לֹא סְתָמוֹ כָשֶׁר. שְׁכַל־הַקּוֹלֹת כְּשִׁירִין בְּשׁוֹפָר.

רַבִּי יַעֲקֹב בַּר אֲחָא אָמַר. אֲבָא בַר בָּא שְׂאֵל לְרַבִּי. שׁוֹפָר קְדוּחַ מַהוּ. אָמַר לֵיה. כְּזֶה [תּוֹקְעִין בְּיָבֵנָה. רַבִּי בָא בְּעֵי קוֹמֵי רַב. שׁוֹפָר קְדוּחַ מַהוּ. אָמַר לֵיה. כְּזֶה] תּוֹקְעִין בְּעֵינֵי טַב.

Halakhah 6: “A *shofar* which was split and glued together is disqualified.” For whom is this needed? For Rebbi Nathan⁸⁹. “If one glued together pieces of *shofarot* it is disqualified.” This also is Rebbi Nathan’s. “If it was pierced and he plugged it,” Rebbi Hiyya in the name of Rebbi

Johanan, it is Rabbi Nathan's, as it was stated⁹⁰, if it was pierced and then repaired, whether with its own kind or another kind, if it obstructs blowing it is disqualified, otherwise it is qualified; Rabbi Nathan says, with its own kind⁹¹ it is qualified, not with its own kind it is disqualified. Rabbi Ḥiyya in the name of Rabbi Johanan: so is the Mishnah: "if it was obstructing blowing it is disqualified⁹², otherwise it is qualified." Rabbi Abba bar Zemina in the name of Rabbi Ze'ira: Only if he plugged it. But if he did not plug it it is qualified since all sounds of a *shofar* are qualified.

Rebbi Jacob bar Aḥa said, Abba bar Abba⁹³ asked Rebbi, what are the rules for a drilled *shofar*? He said, with one of this kind [one blows at Jabneh. Rebbi Abba asked before Rav, what are the rules for a drilled *shofar*? He said, with one of this kind]⁹⁴ one blows at Eintab⁹⁵.

89 The entire Mishnah must follow R. Nathan since in the *baraita* quoted in the Halakhah the opponents of R. Nathan disqualify even a repaired hole.

90 Babli 27b.

91 He considers a horn repaired using only material from similar horns as the natural product and qualified.

92 If the *shofar* was unusable when not

repaired, it remains unusable when repaired.

93 He is the father of Samuel.

94 Corrector's addition, correctly deleted in Krotoschin ed., even though endorsed by R. Joseph Karo (*Bet Yosef Oraḥ Ḥayyim* §586.)

95 The place chosen for determining the calendar.

משנה ו: התקוע לתוך תבור או לתוך הדות או לתוך הפיפוס אם קול שופר שמע יצא. ואם קול חברה שמע לא יצא. וכן מי שהיה עובר אחורי בית הכנסת או שהיה ביתו סמוך לבית הכנסת ושמע קול שופר או קול מגילה אם כוון לבו יצא. ואם לאו לא יצא. אף על פי שהיה שמע וזה שמע זה כוון לבו וזה לא כוון לבו:

Mishnah 6: If somebody blows into a cistern, or into a cellar, or into a barrel⁹⁶, if he heard the sound of the *shofar* he fulfilled his obligation, if he heard the sound of the echo he did not fulfill his obligation. Similarly⁹⁷, if somebody was passing by a synagogue or his house was near the synagogue and he heard the sound of the *shofar* or the reading of the Esther scroll, if he listened purposefully he fulfilled his obligation, otherwise he did not fulfill his

obligation. Even though both heard, one listened purposefully, but the other did not listen purposefully.

96 Greek $\pi\iota\theta\omicron\varsigma$.

echo. In the second case both hear the same

97 The two cases are not quite comparable.

sound, but one intended to fulfill his

In the first case, two people hear similar sounds, one the original and the other the

religious obligation and the other did not.

(59a line 13) **הלכה ז:** אמר רבי יוסי בן חנינה. לא אמר אלא וכן מי שהיה עובר. הא אם עמד חזקה ביוני. נתן שופר בתוך שופר (נאמר) [ותקע]. אם קול הפנימי שמע יצא. אם קול חיצון שמע לא יצא. רבי אבינא בעי. הפכו מהו. נישמענה מן הדא. גרדו מבפנים פסול. מבחוץ כשר. לא אמר אלא גרדו. הא אם הפכו פסול. מה בין זה לזה. זה ביטל חללו וזה לא ביטל חללו.

Halakhah 7: Rabbi Yose ben Ḥanina said, it only said “somebody was passing by.” Therefore if he stood still, the presumption is that he listened purposefully⁹⁸. ⁹⁹“If he put one *shofar* inside another *shofar* (we shall say) [and blew]¹⁰⁰, if one heard the sound of the inner one, he has fulfilled his obligation, if one heard the sound of the outer one, he has not fulfilled his obligation.” Rabbi Abinna asked, what if he turned it inside out? Let us hear from the following¹⁰¹: “If he scratched it inside it is disqualified, outside it is qualified.” He only said, he scratched; therefore if he turned it inside out it is disqualified. What is the difference between the two? One eliminated the inner space, the other did not eliminate the inner space.

98 The Babli, 29a, has a problem whether the person who blew the *shofar* intended to benefit also the casual listener.

101 In the Babli sources (Note 99) the reading is: “inside or outside it is qualified.” The Yerushalmi text should not be adapted to the Babli since roughing the surface inside changed the sound chamber.

99 Babli 27b, Tosephta 2:4.

100 The corrector’s text in brackets follows the Babli and the Tosephta.

(fol. 58c) **משנה א:** והיה כהן אשר ידים משה ידו ונבר ישראל וגו'. וכי ידיו של משה עושות מלחמה או שזכרות מלחמה. אלא כל זמן שהיו ישראל מסתבלין בלפני למעלן ומבוקנין לבן לאביהן שבשמים היו מתנגרין. ואם לאו היו נופלין.

Mishnah 7: *It was when Moses lifted his hands then Israel had the upper hand*¹⁰², etc. Do Moses's hands conduct war or break war? But any time that Israel looked up high and directed their thoughts¹⁰³ to their Father in Heaven they were dominating, otherwise they were falling.

102 Ex. 17:11.

connecting this Mishnah to the preceding.

103 The insistence on intent is the theme

59a line 19) **הלכה ח:** רבי יהושע בן לוי אמר. עמלק כושקן היה. מה היה עושה. היה מעמיד בני אדם ביום גניסיה שלו. לומר. לא במהרה אדם נופל ביום גניסיה שלו. מה עשה משה. ערבב את המזלות. הלא הוא דכתיב שמש נרח עמד זבולה וגו'. וכתיב נתן תהום קולו רום גדיהו נשא. מ רום גדיהו נשא נתן תהום קולו. שמואל אמר. וצבא תינתן על-התמיד בפשע. כפשעה שלתורה. ותשלך אמת ארצה. אימתי שישאל משליכין דברי תורה לארץ המלכות הרשעה הזאת גוזרת ומצלחת. מה טעם. ותשלך אמת ארצה ועשתה והצלחה: ואין אמת אלא תורה. היך מה דאת אמר אמת קנה ואל-תמכור חכמה ומוסר ובינה. אמר רבי יודה בר פזי. גנח ישראל טוב אויב ירדפו: ואין טוב אלא תורה. היך מה דאת אמר כי לקח טוב נתתי לכם תורתי אל תעזבו:

Halakhah 8: Rabbi Joshua ben Levi said, Amaleq was a sorcerer. What did he do? He put people up on their birthday, implying that no man easily falls on his birthday¹⁰⁴. What did Moses do? He mixed planets¹⁰⁵. That is what is written¹⁰⁶, *sun, moon stood in the sky*, etc. And it is written¹⁰⁷, *the abyss sounded, the elevated lifted his hands*. Since *the elevated lifted his hands, the abyss sounded*. Samuel said, *and the host will be given against the daily sacrifice by vice*¹⁰⁸, the vice of the Torah¹⁰⁹. *And truth will be thrown to the ground*; anytime that Israel throws the words of the Torah to the ground, this evil government decides and succeeds. What is the reason? *It threw truth to the ground, did, and succeeded*. And there is no truth like Torah, as you are saying¹¹⁰, *buy truth and do not sell, wisdom, ethics, and insight*. Rabbi Jehudah bar Pazi said, *Israel has neglected the good, an enemy will pursue it*¹¹¹, and there is no good but the Torah, as you are saying, *for a good acquisition I gave to you, do not abandon my Torah*¹¹².

104 On the theory that warriors are less vulnerable on their birthday, γενέσθω, because the stars of his birth will protect him (and astrology is legitimate for

Gentiles.)

105 He assured Joshua's victory by deviating the stars from their regular course (agreeing that the stars did for Moses what

they did for Joshua, *Yalqut Joshua* 22).

106 *Hab.* 3:11.

107 *Hab.* 3:10.

108 *Dan.* 8:12.

109 The vice of neglecting the Torah.

110 *Prov.* 23:23.

111 *Hos.* 8:3.

112 *Prov.* 4:2.

(fol. 58c) **משנה ח:** כִּי־צָא בּוֹ וַיֹּאמֶר ה' אֶל־מֹשֶׁה עֲשֵׂה לָךְ שֵׁרֶף וְשִׂים אוֹתוֹ עַל־גֵּם וְגו'. וְכִי נָחַשׁ מִמִּית וּמִחַיָּה. כִּלְזִמֹּן שִׂישְׁרָאֵל מִסֶּתֶרֶלִין בְּלַפִּי לְמַעַל וּמִשְׁעָרֵינִי אֶת לִבִּי לְאַבְיָהֶן שְׂבָשְׁמִים, הִי מִתְרַפֵּאִין וְאִם לֹא הִי נִמוּקִין.

Mishnah 8: Similarly, *the Eternal said to Moses, yourself make a poisonous snake and put it on a pole*¹¹³, etc. Does the snake kill or the snake make live? But in times when Israel look upwards and make their thought subservient to their Father in Heaven they were healed, otherwise they were rotting.

113 *Num.* 21:8.

(59a line 31) **הלכה ט:** אָמַר רַבִּי יֵסָא. בְּאַרְבָּעָה מְקוֹמוֹת נֶאֱמַר עֲשֵׂה לָךְ. בְּשִׁלְשָׁה פִּירֵשׁ וְאַחַד לֹא פִּירֵשׁ. עֲשֵׂה לָךְ תֵּבַת עֲצִי־גוֹפֵר. עֲשֵׂה לָךְ שֵׁתִי חֲצוּצְרוֹת לְכֶסֶף. עֲשֵׂה לָךְ חֲרָבוֹת צוּרִים. עֲשֵׂה לָךְ שֵׁרֶף לֹא פִּירֵשׁ. אָמַר מֹשֶׁה. עֵינֶיךָ לֹא נָחַשׁ הוּא. לִפְיֶיךָ וַעֲשֵׂה מֹשֶׁה נָחַשׁ נְחוֹשֶׁת. מֵיכֹן הָיָה רַבִּי מֵאִיר דּוֹרֵשׁ שְׁמוֹת. חַד בַּר נִשׁ הָיָה שְׁמִיָּה כִּידוֹר. אָמַר לוֹן רַבִּי מֵאִיר. הוֹבָא לְכוֹן מֵינִיָּה. בַּר נִשׁ בִּישׁ הוּא. כִּי דוֹר תִּהְיוּכֹת הָלָמָּה.

Halakhah 9:¹¹⁴ Rebbi Yasa said, in four places it is said “make for yourself.” In three it is explicit, one is not explicit. *Make yourself an ark of gopher wood*¹¹⁵. *Make yourself two silver trumpets*¹¹⁶. *Make yourself flintstone knives*¹¹⁷. *Make yourself a poisonous snake*¹¹⁸ He did not make explicit. Moses said, is its root not *nhš*¹¹⁸? Therefore, *Moses made a brass snake*¹¹⁹. From there, Rebbi Meïr interpreted names¹²⁰. There was a man called Kidor. Rebbi Meïr told them, guard yourselves from him, he is a bad person; *for a generation of perverts they are*¹²¹.

114 A somewhat extended version is *Gen. rabba* 31(8).

115 *Gen.* 6:14.

116 *Num.* 10:2.

117 *Jos.* 5:2.

118 The words for “brass” and “snake” both use the root *nhš* whose meaning seems to be unrelated to both.

119 Num. 21:9.

121 Deut. 32:20.

120 Slightly differently Babli Yoma 83b.

(59 line 37) רַבִּי לֵוִי בִּשְׁם רַבִּי חָמָא בַר חֲנִינָה. וְהִנֵּה הִנְשׁוּדִי אֵין כְּתוּב כָּאֵן אֶלָּא כָּל־הִנְשׁוּדִי. אֶפְיָלוּ נְשִׁיכַת כָּלָב. אֶפְיָלוּ נְשִׁיכַת נָחֶשׁ. וְלֹא דִמְיָא. נְשִׁיכַת כָּלָב וְרֹאָה. נְשִׁיכַת נָחֶשׁ וְהִבִּיט. רַבִּי יְהוּדָה גּוֹזְרָא בְּשֵׁם רַבִּי אֲחָא. נְשִׁיכַת כָּלָב שְׂאִינוּ מִמֵּינוּ. וְרֹאָה. נְשִׁיכַת נָחֶשׁ שְׂהוּא מִמֵּינוּ. וְהִבִּיט. וְרִבְנָן אֲמַרִי. נְשִׁיכַת כָּלָב שְׂאִינוּ מִחֻלְחַל. וְרֹאָה. נְשִׁיכַת נָחֶשׁ שְׂהוּא מִחֻלְחַל. וְהִבִּיט.

Rebbi Levi in the name of Rebbi Hama bar Hanina. It is not written, “and one bitten”, but *and anyone bitten*¹¹³, even bitten by a dog, even bitten by a snake. But they do not compare. A dog bite, *and he sees*¹¹³; a snake bite, *and he gazes*^{119,122}. Rebbi Jehudah the circumcizer in the name of Rebbi Aha, A dog bite which is not of its kind, *and he sees*; a snake bite which is of its kind, *and he gazes*. But the rabbis say, A dog bite which does not make tremble, *and he sees*; a snake bite which makes tremble, *and he gazes*.

122 Gazing needs intent, seeing may be unintentional.

(fol. 58c) **משנה ט:** חֲרַשׁ שׁוֹמֵה וְקֹטֵן אֵינוֹ מוֹצִיא אֶת הַרְבִּים יְדֵי חוֹבְתָן. זֶה תִּקְלָל כָּל שְׂאִינוֹ חַיִּיב בְּדָבָר אֵינוֹ מוֹצִיא אֶת הַרְבִּים יְדֵי חוֹבְתָן:

Mishnah 9: A deaf-and-dumb person, an insane person, or a minor, may not free the public from their obligation¹²³. This is the principle: Anybody not obligated for something¹²⁴ may not free the public from their obligation.

123 If anybody hears the *shofar* blown by a person not obligated has not fulfilled his obligation of hearing the sound of the *shofar*. The three categories mentioned here are those of males not under any religious obligation. The deaf-and-dumb because he has no connection with civilization and therefore cannot learn his obligations. Therefore a deaf-and-dumb person trained in

sign language no longer is legally deaf-and-dumb. The insane cannot be responsible for anything. The minor is his parent's obligation, not his own, until he reaches adulthood, fixed at 13 years and 1 day.

124 For example women, who are exempted from all religious obligations tied to a fixed date.

(59a line 42) **הלכה י:** תִּנִּי. אֲבָל אֲמַרִי. אִשָּׁה מְבֻרְכַת לְבַעֲלָהּ. עֶבֶד לִרְבוֹ (בֶּן) [קֶטָן] לְאֲבִיו. [נִיחָא אִשָּׁה מְבֻרְכַת לְבַעֲלָהּ. עֶבֶד לִרְבוֹ. קֶטָן לְאֲבִיו] לֹא כֵן אֲמַר רַבִּי אֲחָא בְּשֵׁם רַבִּי יוֹסִי בֶן

נְהוֹרִי. כָּל-שְׁאֵמְרוּ בְּקֶטֶן כְּדֵי לְחַנּוּכוֹ. תִּיפְתָּר בְּעוֹנָה אַחֲרֵיהֶן (אָמֵן). כִּהִיא דְּתִנְיָן תִּמְנָן. מִי שֶׁהָיָה עֶבֶד אוֹ אִשָּׁה אוֹ קֶטֶן מְקוֹרִים אוֹתוֹ וְעוֹנָה אַחֲרֵיהֶם מִה שֶׁהֵם אוֹמְרִים וְתִהְיֶה לוֹ מְאִירָה. תְּבוֹא מְאִירָה לְבֹן עֲשָׂרִים שְׁצָרִיד לְבֹן עֶשֶׂר.

Halakhah 10: ¹²⁵It is stated: ¹²⁶“In truth, they said a woman may say Grace for her husband, a slave for his master, and a (son) [minor]¹²⁷ for his father. [One understands a woman for her husband, a slave for his master. A minor for his father?]¹²⁸ Did not Rabbi Aḥa say in the name of Rabbi Yose ben Nahorai: All they said about a minor is for the latter's education? Explain it that he recites after him (Amen), as we stated there: “A person to whom a slave, or a woman, or a minor, read for him, repeats after them what they say, and it should be a curse for him.” There should be a curse on the man of twenty years who needs the child of ten.

125 This Halakhah is copied from *Sukkah* 3:11, Notes 110-113. Its origin is *Berakhot* 3:3, Notes 153-157.

126 Babli 38a, *Berakhot* 20b; Tosephta

Berakhot 5:11.

127 Texts of (scribe) and [corrector].

128 Corrector's addition from the parallels.