

תְּרֵי יָרְחֵי חֲסִירֵי קָלָא אֵית לָהּ.

לְוִי אֶקְלַע לְבַבְלָא בְּחֻדְסָא בְּתַשְׁרֵי. אָמַר:
בְּסִים תְּבַשְׂיָלָא דְבַבְלָא בְּיוֹמָא רַבָּה
דְּמַעְרָבָא. אָמְרֵי לֵיהּ: אֶסְהִיד! אָמַר לָהּ:
לֹא שְׂמַעְתִּי מִפִּי בֵּית דִּין "מְקוּדָשׁ".

מְכַרְזוּ רַבֵּי יוֹחָנָן: כָּל הֵיכָא דְמָטוּ שְׁלוּחֵי
נִסָּן וְלֹא מָטוּ שְׁלוּחֵי תַשְׁרֵי – לֵיעֲבָדוּ
תְּרֵי יוֹמֵי, גְּזִירָה נִסָּן אִטּוּ תַשְׁרֵי.

רַבֵּי אֵיבּוֹ בַר נַגְרִי וְרַבֵּי חֵיָא בַר אַבָּא
אֶיקְלְעוּ לְהַהוּא אֶתְרָא דְהָוָה מָטוּ
שְׁלוּחֵי נִסָּן וְלֹא מָטוּ שְׁלוּחֵי תַשְׁרֵי,
וְעָבְדֵי חַד יוֹמָא, וְלֹא אָמְרוּ לָהּ וְלֹא
מִיָּדִי. שָׁמַע רַבֵּי יוֹחָנָן וְאֵיקְפַד. אָמַר לָהּ:
לֹא אָמְרֵי לָכֵן: הֵיכָא דְמָטוּ שְׁלוּחֵי נִסָּן
וְלֹא מָטוּ שְׁלוּחֵי תַשְׁרֵי – לֵיעֲבָדוּ תְּרֵי
יוֹמֵי, גְּזִירָה נִסָּן אִטּוּ תַשְׁרֵי.

The Gemara answers: It is a rare occurrence that **two consecutive months are made short**, and this would generate publicity, so that everyone would know about it.

It was related that Levi^p once arrivedⁿ in Babylonia on what was observed there as the eleventh of Tishrei. He said: **How tasty is the dish of the Babylonians on the great day of Yom Kippur**, as they are observing Yom Kippur in the West, Eretz Yisrael. The month of Elul had been declared full in Eretz Yisrael, and according to the calendar there, it was only the tenth of Tishrei. **They said to him: Testifyⁿ** that today is Yom Kippur and we shall observe it. **He said to them: I myself did not hear the court proclaim: It is sanctified.** Although I know that the month had been declared full, since I did not personally hear the proclamation, I cannot offer direct testimony such that you should change your calculations.

It was further related that Rabbi Yoḥanan used to **proclaim: Anywhere that can be reached by the messengers who go out in Nisan in time to inform the people when to observe Passover, but cannot be reached by the messengers sent out in Tishrei, let them also observe the festival of Passover for two days.**^h The messengers did not travel on Rosh HaShana or Yom Kippur, and therefore they could travel three days further in Nisan than in Tishrei. The Sages instituted that two days must be observed in Nisan as a rabbinic decree due to Tishrei, for if they observe Passover for only one day, they will come to observe *Sukkot* for one day as well, and this they are not permitted to do.

It was reported that Rabbi Aivu bar Naggarei and Rabbi Ḥiyya bar Abba, two disciples of Rabbi Yoḥanan, once arrived in a certain place that could be reached by the messengers who go out in Nisan, but could not be reached by the messengers who go out in Tishrei. And they saw that the locals observed only one day of Passover. **They said nothing to them to correct their practice.** Rabbi Yoḥanan heard this and he became angry with Rabbi Aivu and Rabbi Ḥiyya, for they had failed to rebuke the people who were acting contrary to Rabbi Yoḥanan's explicit ruling. **He said to them: Did I not say to you that anywhere that can be reached by the messengers sent out in Nisan but not by those sent out in Tishrei must observe two days of Passover, for the Sages instituted a rabbinic decree in Nisan due to Tishrei?**

HALAKHA

שְׁלוּחֵי נִסָּן – מַסְגֵּרֵי תַשְׁרֵי Messengers of Nisan and messengers of Tishrei: With regard to any place that the messengers who went out in Nisan could reach, but the messengers who went out in Tishrei could not reach, the Sages decreed that the residents should observe two days on every Festival, including *Shavuot* (Rambam *Sefer Zemanim Hilkhot, Kiddush HaHodesh* 3:12).

This *halakha* is the source of a fundamental practical halakhic problem concerning which places must observe two Festival days. There are two main opinions: According to the Rambam, since there is a set calendar nowadays, whether or not the residents of a place must observe two Festival days depends on the practice there at the time when there were messengers. In any place where the messengers reached, they observe one day.

In any place the messengers did not reach, they observe two days. According to him, the matter is not solely dependent on distance. There are relatively close places that the messengers never reached, e.g., Egypt. In these places, one is obligated to observe two Festival days. Similarly, residents of new settlements that were built in places where, historically, Jews had never lived must observe two days, even if they are in parts of Eretz Yisrael that were formerly uninhabitable.

According to the Ritva, observance of one day versus two days depends only on the distinction between Eretz Yisrael, where only one day is observed, and the Diaspora, where the Sages decreed two days must be observed (see Jerusalem Talmud, *Eiruv* 3:9; Rambam *Sefer Zemanim, Hilkhot Kiddush HaHodesh* 5:12–13).

PERSONALITIES

Levi – לְוִי: This is Levi ben Sisi, one of the Sages in Eretz Yisrael in the transitional generation between the *tanna'im* and the *amora'im*. He was the preeminent disciple of Rabbi Yehuda HaNasi, redactor of the Mishna, and would sit before him and engage in the study of *halakha* with the rest of Rabbi Yehuda HaNasi's prominent disciples.

Rabbi Yehuda HaNasi held him in high regard and sent him to Simonias to serve as a judge and teacher. He described him as: A man like me. There are several sources that relate that he began limping while attempting to demonstrate before Rabbi Yehuda HaNasi how the High Priest would bow. The Gemara also relates that this was a punishment for speaking impertinently before God. Levi edited anthologies of *baraitot*. They are introduced with the phrase: They taught in the school of Levi.

Levi moved to Babylonia late in life. He renewed his acquaintance there with Rav, with whom he had studied before studying with Rabbi Yehuda HaNasi, and he became a close friend of Abba bar Abba, Shmuel's father. Shmuel became a disciple-colleague of his.

The Rambam ruled in accordance with the opinion of Levi even in disputes with Rav and Shmuel, as he considered Levi greater than they were. It is not clear whether he had children or not. Some hold that bar Livai mentioned in the Gemara is his son. Others hold that Rabbi Yehoshua ben Levi was his son, but there is no clear evidence for that conclusion.

NOTES

Levi arrived, etc. – לְוִי אֶקְלַע וְכוּ: According to Rashi and *Tosafot*, Levi left Eretz Yisrael on the thirtieth day of Elul, when the court had not yet sanctified the New Moon. Therefore, he did not hear the court utter the formula: It is sanctified. Rabbi Zerahya HaLevi questioned their explanation: If it was clear that the thirty-first day would be sanctified, it makes no difference whether he actually heard the court or not. Therefore, he explained that Levi left earlier in the month of Elul, but he knew that this year the court was planning to add an extra day to Elul.

The Rambam and Rabbeinu Ḥananel had a different version of the text. Accordingly, they explained that this incident occurred when the court in Eretz Yisrael declared a leap year, and perhaps they were forced to do this in Elul. However, due to the persecutory decrees they could not make it known. Therefore, the residents of Babylonia thought that it was a month later, Marheshvan. Although Levi was certain about the facts, he could not testify about the exact day of the sanctification of the month.

They said to him: Testify – אָמְרֵי לֵיהּ אֶסְהִיד: *Tosafot* ask: How did Levi allow them to transgress a prohibition punishable by *karet*? They explain that the calendar fixed by the court of Babylonia is acceptable after the fact. The Sages said that the Festivals follow the declaration of the court, and even if a court makes an error their calendar is still valid. Therefore, the ruling of the court in Babylonia permits them to observe the Festivals according to their calendar (see *Tosafot Yeshanim* and *Rashba*). The Ritva explains that the court in Babylonia would not consider the matter unless messengers or witnesses would come and testify. Therefore, even if Levi would have come before the fast, they would not have had to accept his opinion.

Rava would regularly sit in observance of the fast – רבא הוה רגיל דההוה יתיב בתעניתא דההוה יתיב: There was never a custom to fast two days of Yom Kippur; all Jewish communities fast for only one day. However, there were individuals in every generation who fasted for two days. The opinions are divided between the early authorities and the later authorities whether to see this as a praiseworthy act, a pious act, or one having no benefit at all, and even a possible prohibition. Early and later authorities were involved in a halakhic clarification about the details of the customs to fast two days (*Shulhan Arukh, Oraḥ Hayyim* 624:5, and in the comment of Rema).

The season of Tevet will extend – משכה תקופת טבת: If the spring equinox occurs, according to the calculation, on the sixteenth of Nisan or later, the court decrees a leap year, and they need no other sign or reasons for doing so. This ruling is in accordance with what the Gemara states here (Rambam *Sefer Zemanim, Hilkhot Kiddush HaHodesh* 4:2).

NOTES

Sit in observance of the fast for two days – יתיב בתעניתא תרי יומי: The rest of the Jewish people did not fast for two days because it would pose a health risk (see Jerusalem Talmud). In any case of potential danger to life, one can rely on the fact that Elul has only twenty-nine days in the majority of years (see *Meiri* and *Penei Yehoshua*). With regard to the custom to fast two days, there are differing opinions. Some see this custom as a pious act; others prohibit it, particularly if it requires praying Yom Kippur prayers on the second day (*Tashbetz*). This reflects a dispute between *amora'im* in the Jerusalem Talmud: Rabbi Yehoshua ben Levi viewed observing Yom Kippur on two days as a praiseworthy custom, and Rav Hisda thought one should not do this. Rav Hai Gaon explains in a responsum that Yom Kippur was fixed as only one day, and there was never a custom to fast two days. According to him, Rava fasted two days for the fast of Tisha B'Av.

Blood will be his end – דם תהא אחריתו: It seems that Rav Nahman said this about himself, not as a curse but as an expression of pain. He spoke about himself in third person.

To the sixteenth of Nisan – עד שיתסר בניסן: Rabbeinu Tam's opinion, which appears in *Tosafot*, maintains that this phrase means up to and including the sixteenth. Most commentaries agree (Ritva; Rosh; Ran).

רבא הוה רגיל דההוה יתיב בתעניתא תרי יומי זימנא חדא אשתכח בנותיה.

רב נחמן יתיב בתעניתא כוליה יומי דכיפורי. לאורתא אתא ההוא גברא. אמר ליה: למחר יומא רבה במערבא.

אמר ליה: מהיכא את? אמר ליה: מדמיהריא. אמר ליה: דם תהא אחריתו, קרי עליה "קלים היו ורפנינו".

שלח ליה רב הונא בר אבין לרבא: כד חזית דמשכה תקופת טבת עד שיתסר בניסן עברה לההיא שתא, ולא תחוש לה. דכתבי: "שמור את חודש האביב" – שמור אביב של תקופה שיהא בחדש ניסן.

אמר להו רב נחמן להנהו נחותי ימא: אתון דלא ידעיתו בקביעא דירחא, כי חזיתו סיהרא דמשלים ליומא – בעירו חמירא.

אימת משלים? בחמיסר. והא אנן מארביסר מבעינן! לדידהו דמגלו להו עלמא – מארביסר משלים.

The Gemara relates that Rava would regularly sit in observance of the fast^h of Yom Kippur for two days,ⁿ in case Elul had been declared a thirty-day month and Yom Kippur should be observed on what was observed in Babylonia as the eleventh of Tishrei. It once happened in accordance with his opinion. Elul had been declared a thirty-day month, and he was the only one who observed Yom Kippur on the correct day.

It was related that Rav Nahman had once fasted the entire day of Yom Kippur as usual. In the evening, toward the end of his fast, a certain man came and said to him: Tomorrow is the great day, Yom Kippur, in the West, Eretz Yisrael, and it is therefore necessary to fast tomorrow.

Rav Nahman said to him: From where do you come? He said to him: From a place called Damihareya. He said to him, playing on the name of his place: Blood will be his end,ⁿ meaning Rav Nahman's own end. Due to this information, Rav Nahman would have to fast two successive days, and thereby suffer greatly, as if his blood were being shed. He read the verse about him: "Our pursuers were swifter than vultures in the sky" (Lamentations 4:19), for had this messenger arrived just a little bit later, they would have eaten and drunk in the meantime.

Rav Huna bar Avin sent this instruction to Rava: When you see that, according to your calculations, the season of Tevet, i.e., winter, will extend^h to the sixteenth of Nisan,ⁿ and the spring equinox will occur after the sixteenth of Nisan, add an extra month to that year, making it a leap year. And do not worry about finding an additional reason to justify making it a leap year, as it is written: "Observe the month of spring" (Deuteronomy 16:1). That is to say, see to it that the spring of the season, i.e., the spring equinox, is in the new part of Nisan, i.e., the first half, before Passover.

It was related that Rav Nahman said to those setting out to sea before Nisan: Since you will not know the determination of the first day of the new month, this is what you should do: When you see that the moon sets at daybreak,^b i.e., that it is visible all night from sundown to sunrise, know that it is the middle of the month of Nisan and burn your leaven.

The Gemara asks: When does the moon set at daybreak? On the fifteenth of the month. But on the fourteenth of Nisan we burn leaven. The Gemara answers: For those out at sea, to whom the world is revealed, to whom the horizon is wide open and clearly visible, the moon completes its course at sunrise already on the fourteenth of the month. They can therefore rely on this sign to establish the date of Passover and the time for burning leaven.

BACKGROUND

The moon sets at daybreak – סיהרא דמשלים ליומא: The times of moonrise change on different days of the month. In the first half of the month, the moon rises in the afternoon hours and sets by midnight. In the latter half of the month, it rises at midnight and sets in the morning. At the time of the full moon, which is the middle of the month, the moon rises exactly at sundown and sets at sunrise. This is

the meaning of the phrase: The moon sets at daybreak. The heavenly bodies appear in the sky after their true rising due to the refraction of the sun's rays in the earth's atmosphere. At sea, where vision is much better, when the true birth of the moon will be in the morning hours, almost certainly the moon will appear to set at sunrise on the fourteenth of the month.

מתני' על שני חדשים מחללין את השבת: על ניסן ועל תשרי, שבהן שלוחין יוצאין לסוריא, ובהן מתקנין את המועדות, וכשהיה בית המקדש קיים – מחללין אף על כולן, מפני תקנת הקרבן.

גמ' על שני חדשים ותו לא? ורמננה: על ששה חדשים השלוחין יוצאין!

אמר אבין, הכי קאמר: על כולן שלוחין יוצאין מבערב; על ניסן ועל תשרי – עד שישמעו מפי בית דין "מקודש".

תנא נמי הכי: על כולן יוצאין מבערב, על ניסן ועל תשרי – עד שישמעו מפי בית דין "מקודש".

תנו רבנן: מנין שמחללין עליהן את השבת? תלמוד לומר: "אלה מועדי ה'... אשר תקראו אותם במועדם".

יכול בשם שמחללין עד שיתקדשו, כך מחללין עד שיתקיימו – תלמוד לומר: "אשר תקראו אותם" – על קריאתם אתה מחלל, ואי אתה מחלל על קיימן.

MISHNA Only for the sake of two months may witnesses who saw the new moon desecrate Shabbat,^N should that be necessary in order for them to offer testimony before the court: For the month of Nisan and for the month of Tishrei,^N for in these months messengers are sent out to Syria,^{NB} and by them, i.e., these months, the dates of the major Festivals are set: Yom Kippur, Sukkot, Passover, and Shavuot. And when the Temple was standing, the witnesses desecrated Shabbat for the fixing of the New Moon of all the months, due to the imperative of fixing the proper offering of the New Moon at the correct time.

GEMARA The mishna taught that messengers were sent out for two months. The Gemara asks: For only two months and no more? And the Gemara raises a contradiction from the previous mishna, which teaches: For six months of the year messengers go out, not only for two months.^H

Abaye said: This is what the mishna is saying: For all the other months the messengers go out already in the evening, if the new moon was clearly seen and if it is certain that the court will proclaim the day as the New Moon. But for Nisan and for Tishrei the messengers do not go out until they hear from the court^H that the day is declared as the New Moon, by saying: It is sanctified, so that they can offer proper testimony. The court convenes only during the daytime.

This is also taught in a *baraita*: For all the other months the messengers go out already in the evening, but for the month of Nisan and for the month of Tishrei they do not go out until they have heard the court formally proclaim the day as the New Moon, by saying: It is sanctified.

The Sages taught in a *baraita*: From where is it derived that the witnesses who saw the new moon may desecrate Shabbat in order to testify before the court? The verse states: "These are the Festivals of the Lord, sacred gatherings, which you shall declare in their seasons" (Leviticus 23:4), thereby emphasizing that the Festivals must be set at their proper times. To ensure that they occur at the proper times, it is even permitted to desecrate Shabbat.^H

One might have thought that just as Shabbat may be desecrated^N by the witnesses so that the months may be sanctified at the proper time, so too, Shabbat may be desecrated by the messengers who go to inform the people in Eretz Yisrael and the Diaspora which day was sanctified as the New Moon, so that the Festivals may be observed at the proper time. Therefore, the verse states: "Which you shall declare," from which is derived that for the declaration of the New Moon you may desecrate Shabbat, but you may not desecrate Shabbat for the observance of the Festivals in their proper time.

HALAKHA

Desecration of Shabbat by the witnesses who saw the new moon – חלול שבת על ידי עיני המולד: Witnesses who saw the new moon go to the court to testify even on Shabbat, in order that the additional offering for the New Moon be brought on time. After the destruction of the Temple, although for a time the court still sanctified the New Moon based on the testimony of witnesses, those witnesses were not permitted to desecrate Shabbat, except for the New Moon of the months of Nisan and Tishrei. This allowance was to enable the Festivals to be established on the correct dates (Rambam *Sefer Zemanim, Hilkhoh Kiddush HaHodesh* 3:2).

עד שישמעו מפי בית דין – Until they hear the court – The messengers of Nisan and Tishrei go out to inform the communities in the Diaspora of the New Moon only once they have heard the court declare: It is sanctified (Rambam *Sefer Zemanim, Hilkhoh Kiddush HaHodesh* 3:10).

להודיע על החדש – To inform about the month – The messengers who go out from the court to inform the communities about the New Moon may not desecrate Shabbat, Festivals, or Yom Kippur (Rambam *Sefer Zemanim, Hilkhoh Kiddush HaHodesh* 3:8).

NOTES

May desecrate Shabbat – מחללין את השבת: The reason for permitting the desecration of Shabbat in order to set the new months is not very clear from here, since the words of the mishna and the Gemara are not conclusive. Some explain that the witnesses actually desecrate Shabbat for all the New Moons, since it is a mitzva to sanctify by sight, but the Sages limited this permission only to times of need (Ritva; see Rashi).

Rabbeinu Hananel and the Rambam explain that there are two reasons for desecrating Shabbat: It is a mitzva to sanctify based on testimony of witnesses who saw the moon, and the additional offering of the New Moon should be brought at the correct time.

Rabbeinu Hananel and others wrote that the verse: "In their time," which is referring to setting the Festivals at the correct times, applies to the New Moon as well, for it is also called a Festival.

For Nisan and for Tishrei – על ניסן ועל תשרי: The early authorities argued about the explanation of this law. Is it because, for these months, the Sages retained the Torah law (Rashi)? Or did the Sages establish that it is permitted to desecrate Shabbat on these months specifically, due to their importance in setting the Festivals? Or is the reason it is permitted to desecrate Shabbat that in these months messengers go out to Syria, and in order that the messengers go out on time the court must be able to sanctify the month at the earliest opportunity (Rashi; see *Tosafot*)?

According to Rabbi Zerahya HaLevi, there is no connection between these concepts, but the mishna simply lists the special details of the months of Nisan and Tishrei: The witnesses may desecrate Shabbat, the messengers go out, and the messengers go out to Syria. The opinion of the *Meiri* seems to be similar to that of Rabbi Zerahya HaLevi, but according to him, since the main mitzva of sanctifying the month was stated in regard to the month of Nisan, the witnesses may desecrate Shabbat for Nisan. Tishrei was likened to Nisan in every way.

Messengers are sent out to Syria – שלוחין יוצאין לסוריא: The messengers did not go specifically to Syria. Rather, the messengers on their way to Babylonia passed through Syria, and the mishna mentions the first station of their journey upon leaving Eretz Yisrael (*Tosefot Yom Tov*). Some authorities hold that even in the earlier period, when bonfires were lit to inform the residents of Babylonia of the New Moon, messengers were sent to inform the residents of Syria and other places where there was no system of bonfires (*Meiri*).

One might have thought that just as Shabbat may be desecrated, etc. – יכול בשם שמחללים וכו': Rashi explains that the phrase "in their seasons" applies only to fixing the Festivals. Setting the date of the Festivals is the crucial matter. It is not essential that the Festivals are observed at the correct time.

The Rambam has a unique opinion. He holds that it was the messengers going out to Syria in Nisan and Tishrei who were permitted to desecrate Shabbat, rather than the witnesses. Although it is possible to read the Gemara this way, ultimately the Rambam did not rule the *halakha* according to this understanding.

BACKGROUND

Syria – סוריא: The place called Syria in the terminology of the mishna is that which the Bible refers to as "Arameans of Damascus" (II Samuel 8:5) and "Arameans of Zobah" (II Samuel 10:6). Syria had a special halakhic status. First, the land of Syria was adjacent to Eretz Yisrael, and many rabbinic decrees were made to equate Syria with Eretz Yisrael for the purposes of certain *halakhot*. Second, it was conquered for a short period of time by King David. Furthermore, according to many opinions, the northern border of Eretz Yisrael, as stated in the Bible, is much farther north than the well-populated Jewish area, which defined the boundaries of the land for those who returned after the Babylonian exile, in the days of the Second Temple. Additionally, there were large Jewish settlements in parts of Syria, and various rulers there were of Jewish descent, such as the Herod Agrippa II.

Rabban Yoḥanan ben Zakkai said to the Sages, etc. – אָמַר רַבָּנַן יוֹחָנָן בֶּן זַכַּי וְכוּ': According to the opinion that the witnesses may desecrate Shabbat because it is a mitzva to sanctify the New Moon based on testimony of seeing the moon, why did Rabban Yoḥanan ben Zakkai nullify this practice? Perhaps he followed the reason of the verse. Since it is not prohibited to perform labor on the New Moon itself, when the Torah states: "In their seasons," it must be referring to the relevant offering. Once the offering is no longer possible, there is no longer any justification for the witnesses to desecrate Shabbat (Ran).

Fifty gates of understanding – חֲמִשִּׁים שַׁעַרֵי בִינָה: Many commentaries have written at length about the meaning of these words (see Ibn Ezra's commentary on the Torah). The number of gates of understanding is related to the number of days in the *omer* count and the number of years in the Jubilee cycle. Consequently, the fiftieth gate represents the idea of *Shavuot* and the Jubilee Year, which are beyond the realm of human endeavor and knowledge, even to someone as great as Moses. Many have written about the idea that seven times seven is a number that hints at the totality of the physical world, and therefore the number fifty indicates something that transcends our world (see Maharsha and Maharal).

And You have made him a little [*me'at*] less – וְתַחֲסְרוּהוּ מְעַט: *Pardes Rimonim* explains that this is an allusion based the word *me'at*, a little, which is often pronounced as if it were comprised only of the letters *mem* and *tet*, which have the numerical value of forty-nine. About this issue, the Maharal explains that the fiftieth gate is called: A little, because it is small in quantity, although it is great and different in quality. Alternatively, it is called this because it is impossible for us to grasp its fineness, as if it were something too small for us to hold.

And that which was written uprightly [*katuv yosher*] – כָּתוּב יוֹשֵׁר: The Maharsha explained: this verse is referring to the words of Torah. This is based on the verse: "Is not this written in the book of the upright [*sefer hayashar*]?" (Joshua 10:13), which is referring to the Torah.

HALAKHA

The new moon was seen clearly – נִרְאָה בְּעֵלִיל: Even if the new moon is big and clear, and therefore many would see it, it is a mitzva for anyone who sees the new moon and is fit to testify to come to the court and testify. This is the case even if he must desecrate Shabbat to do so (Rambam *Sefer Zemanim, Hilkhot Kiddush HaHodesh* 3:4).

וְכִשְׁהָיָה בֵּית הַמִּקְדָּשׁ קַיָּים מְחַלְלִין אֶף עַל כּוֹלֵן מִפְּנֵי תַקְנַת הַקְּרֹבָן. תִּנּוּ רַבָּנָן: בְּרֵאשׁוֹנָה הָיוּ מְחַלְלִין אֶף עַל כּוֹלֵן. מִשְׁחָרֵב בֵּית הַמִּקְדָּשׁ אָמַר לְהֵן רַבָּן יוֹחָנָן בֶּן זַכַּי: וְכִי יֵשׁ קְרֹבָן? הַתְּקִינוּ שְׁלֹא יִהְיֶה מְחַלְלִין אֶלְיָא עַל נִסּוֹן וְעַל תְּשׁוּבָה בְּלִבָּד.

מִתְנִי' בֵּין שְׁנֵי נְרָאָה בְּעֵלִיל, בֵּין שְׁלֹא נִרְאָה בְּעֵלִיל – מְחַלְלִין עֲלָיו אֶת הַשַּׁבָּת. רַבִּי יוֹסִי אָמַר: אִם נִרְאָה בְּעֵלִיל – אֵין מְחַלְלִין עֲלָיו אֶת הַשַּׁבָּת.

מִעֲשֶׂה שֶׁעָבְרוּ יוֹתֵר מֵאַרְבָּעִים זוג וְעֵינֵיכֶם רַבִּי עֲקֵבָא בְּלוּד. שְׁלַח לוֹ רַבָּן גַּמְלִיאֵל: אִם מִעַכְבֵּב אֶתְּהָ אֶת הַרְבִּים, נִמְצְאוּת מִכְשָׁלִין לְעֵתִיד לְבָא.

גַּמ' מֵאֵי מִשְׁמַע דְּהָאֵי 'עֵלִיל' לִישְׁנָא דְּמִגְלִי הוּא? אָמַר רַבִּי אֲבָהוּ: אָמַר קָרָא: "אֲמָרוֹת ה' אֲמָרוֹת טְהוֹרוֹת כֶּסֶף צָרוּף בְּעֵלִיל לְאַרְצָא מְזוּקָא שְׁבַע־עֵתִים."

רַב וּשְׁמוּאֵל, חַד אָמַר: חֲמִשִּׁים שַׁעַרֵי בִינָה נִבְרָאוּ בְּעוֹלָם, וְכוֹלֵן נִתְּנָה לְמִשְׁהָ חֶסֶר אֶחָד, שְׁנֵי אָמַר: "וְתַחֲסְרוּהוּ מְעַט מִכָּלֵהִים."

"בִּקֵּשׁ קִהְלֵת לְמִצּוֹא דְּבִרֵי חֶפְצִי" – בִּקֵּשׁ קִהְלֵת לְהִיּוֹת כְּמִשְׁהָ. יִצְתָה בֵּת קוֹל וְאָמְרָה לוֹ: "וְכַתּוּב יוֹשֵׁר דְּבִרֵי אֲמָת" וְלֹא קָם נְבִיא עוֹד בְּיִשְׂרָאֵל כְּמִשְׁהָ.

§ It was taught in the mishna: **And when the Temple was standing, the witnesses desecrated Shabbat for the fixing of the New Moon of all the months, due to the imperative of fixing the proper offering of the New Moon at the correct time. The Sages taught in a baraita: At first, they would desecrate Shabbat for all of the months. When the Temple was destroyed, Rabban Yoḥanan ben Zakkai said to the Sages: Is there now some offering due, for which it is necessary to desecrate Shabbat? Consequently, they instituted that the witnesses may desecrate Shabbat only for the months of Nisan and Tishrei.**

MISHNA Whether the new moon was seen clearly [*ba'alil*]^H by everyone or whether it was not clearly seen, one may desecrate Shabbat in order to testify before the court. Rabbi Yosei says: If the moon was clearly seen, they may not desecrate Shabbat for it, since other witnesses, located nearer to the court, will certainly testify. If these distant witnesses go to court to testify, they will desecrate Shabbat unnecessarily.

There was once an incident where more than forty pairs of witnesses were passing through on their way to Jerusalem to testify about the new moon, and Rabbi Akiva detained them in Lod,^B telling them that there was no need for them to desecrate Shabbat for this purpose. Rabban Gamliel sent a message to him: **If you detain the many people who wish to testify about the new moon, you will cause them to stumble in the future.** They will say: Why should we go, seeing that our testimony is unnecessary? At some point they will be needed, and no witnesses will come to the court.

GEMARA From where may it be inferred that the term *alil* denotes that the new moon is clearly revealed? Rabbi Abbahu said: **The verse states: "The words of the Lord are pure words; silver refined in the clear sight [*ba'alil*] of the earth, purified seven times" (Psalms 12:7).**

The aforementioned verse states: "The words of the Lord are pure words... purified seven times [*shivatayim*]." Rav and Shmuel disagreed about a matter relating to this verse: **One of them said: Fifty gates of understanding^N were created in the world, and all of them were given to Moses, except for one gate, for it is stated: "The words of the Lord are purified *shivatayim*," which he understands to mean seven times seven, i.e., forty-nine, and it is stated: "And You have made him a little less^N than God" (Psalms 8:6).** God created fifty gates of understanding, but He made man a little lower than God, giving him only forty-nine of them.

"Kohelet sought to find out words of delight" (Ecclesiastes 12:10), which indicates that he sought to find the fiftieth gate but failed to do so. Kohelet, King Solomon, **sought to be like Moses, but a Divine Voice issued forth and said to him: "And that which was written uprightly,^N even words of truth" (Ecclesiastes 12:10).** This is referring to the words of the Torah; and what is written there? **"And there has not arisen a prophet since in Israel like Moses, whom the Lord knew face-to-face" (Deuteronomy 34:10).**

BACKGROUND

Lod – לוֹד: This was one of the oldest towns in Judea. Lod grew in significance toward the end of the Second Temple period and served as an important cultural center for many generations after the destruction of the Temple. Some of the greatest *tanna'im* lived there, among them Rabbi Eliezer ben Hyrcanus the Great, Rabbi Tarfon, and others. Several significant ordinances were instituted in the upper cham-

ber of the house of Nitza, in Lod. After the bar Kokheva revolt, the town remained an important place of Torah, becoming the center for scholars in the south of Eretz Yisrael. Among the great *amora'im* who lived there were Rabbi Yehoshua ben Levi, Rabbi Simlai, Rabbi Yitzhak bar Nahmani, Rabbi Aḥa, Rabbi Shimon ben Pazi, and his son, Rabbi Yehuda.

Among the kings one did arise – במלכים קם: The Maharal wrote that the greatness of sovereignty has a power and an essence of its own, as the verse states: “And Solomon sat on the throne of God to be king” (1 Chronicles 29:23). This allows for the possibility that Solomon achieved more than is normally humanly possible. *Iyyun Ya'akov* wrote that Moses had both an aspect of prophecy and an aspect of sovereignty over the Jewish people. Although Solomon was not equal to Moses in prophecy, he did have Moses' aspect of kingship.

Words of delight – דברי חפץ: “Words of delight” means that Solomon wanted to be able to judge things according to his own delight, based on the understanding of his heart (Maharsha). There are also many other concepts alluded to by this phrase. However, it seems that the Gemara learned this from Solomon's trial of the two women, where he discovered the truth not through witnesses but through intuition (Rabbi Tzvi Hirsch Chajes). The Sages learn from there that he wanted to be able to judge by his understanding and intuition in every case.

Heaven forbid that Rabbi Akiva detained them – חס ושלום: In the Jerusalem Talmud, there is an addition to Rabban Gamliel's statement. There, he is also quoted as saying that anyone who prevents the public from performing a mitzva is liable to be excommunicated. For this reason, Rabbi Yehuda said: Heaven forbid that Rabbi Akiva did something that would incur excommunication; rather, it must have been someone else.

A father and his son, etc. – אב ובנו וכו': Generally, two individuals who witnessed an event and came to testify are considered one group, such that if the testimony of one is invalid, the testimony of the entire group is invalid. However, in this case a father and his son do not come to testify together but to combine their testimony with other testimonies. Further, it is possible the *halakha* disqualifying relatives from testifying together applies only to capital cases (*Meiri*).

And disqualified his slave – ופקדו את עבדו: Some explain that this freed slave had some other disqualification. Perhaps he was a slave who had been set free due to losing a tooth or an eye but had not yet received his bill of freedom, or perhaps he saw the new moon before he had been set free. This explains the reason for the ruling of the priests (see *Meiri*).

Zefer the head of Geder – זפר ראשה של גדר: Geder was an important city in Gilead, which overlooks the Sea of Galilee. The city was a great Jewish center, but already early on there were many Greeks living there, so much so that it was a center of Greek learning and culture. It is possible that Zefer is also a shortening of the Greek name Zephuros, which means west wind.

The priests accepted – קבלו הכהנים: From several sources it is apparent that, in addition to the main Sanhedrin, there were several other courts within the Temple. These served as central courts, though they were subordinate to the Great Sanhedrin. The court of priests is mentioned in several sources, and it seems that its members, being priests, gave greater importance to lineage than did other courts.

וחד אמר: בנביאים – לא קם, במלכים – קם. אלא מה אני מקיים: “בקש קהלת למצוא דברי חפץ?” “Kohelet sought to find words of delight?”^N Kohelet, King Solomon, sought to issue judgments of the heart, based solely on his intuition, without witnesses and without warning. But a Divine Voice issued forth and said to him: “And that which was written uprightly, even words of truth.” Which words is this referring to? “At the mouth of two witnesses, or three witnesses, shall he that is worthy of death be put to death; but at the mouth of one witness he shall not be put to death” (Deuteronomy 17:6). Punishment can be administered only based on the testimony of two witnesses.

And the other one said: Among the prophets there has not arisen one like Moses, but among the kings, one did arise,^N Solomon, who was as wise as Moses. How do I uphold the words “Kohelet sought to find words of delight?”^N Kohelet, King Solomon, sought to issue judgments of the heart, based solely on his intuition, without witnesses and without warning. But a Divine Voice issued forth and said to him: “And that which was written uprightly, even words of truth.” Which words is this referring to? “At the mouth of two witnesses, or three witnesses, shall he that is worthy of death be put to death; but at the mouth of one witness he shall not be put to death” (Deuteronomy 17:6). Punishment can be administered only based on the testimony of two witnesses.

Perek I

Daf 22 Amud a

“מעשה שעברו יותר מארבעים זוג ועיבדו רבי עקיבא” כו'. תנא: אמר רבי יהודה: חס ושלום שרבי עקיבא עיבדו, אלא שזפר – ראשה של גדר – עיבדו, ושלח רבן גמליאל והורידוהו מגדולתו.

It was taught in the mishna: There was once an incident where more than forty pairs of witnesses were passing through on their way to Jerusalem to testify about the new moon, and Rabbi Akiva detained them in Lod, telling them that there was no need for them to desecrate Shabbat for this purpose. It is taught in a *baraita*: Rabbi Yehuda said: Heaven forbid that Rabbi Akiva detained them,^N for he would certainly not have made such an error. Rather, it was that Zefer, the head of the city of Geder,^B detained them. And Rabban Gamliel sent and they removed him from his high office because he had acted inappropriately.

מתני' אב ובנו שראו את החדש – ילכו. לא שמצטרפין זה עם זה, אלא שאם יפסל אחד מהן – יצטרף השני עם אחר. רבי שמעון אומר: אב ובנו וכל הקרובין – כשרין לעדות החדש.

MISHNA If a father and his son^N saw the new moon,^H they should both go to the court in Jerusalem. It is not that they can join together to give testimony, for close relatives are disqualified from testifying together, but they both go so that if one of them is disqualified, the second may join together with another witness to testify about the new moon. Rabbi Shimon says: A father and his son and all their relatives are fit to combine together as witnesses for testimony to determine the start of the month.^H

אמר רבי יוסי: מעשה בטוביה הרופא שראה את החדש בירושלים. הוא ובנו ועבדו משוחרר, וקבלו הכהנים אותו ואת בנו ופקדו את עבדו. וכשבאו לפני בית דין – קבלו אותו ואת עבדו, ופקדו את בנו.

Rabbi Yosei said: There was an incident with Toviyya the doctor. When he saw the new moon in Jerusalem, he and his son and his freed slave all went to testify. The priests accepted^B him and his son as witnesses and disqualified his slave,^{NH} for they ruled stringently that the month may be sanctified only on the basis of the testimony of those of Jewish lineage. And when they came before the court, they accepted him and his slave as witnesses and disqualified his son, due to the familial relationship.

HALAKHA

אב ובנו שראו – אב ובנו שראו את החדש: A father and his son who both saw the new moon should both go to the court to testify. If the testimony of one is deemed unfit, the other can join with another witness and testify (Rambam *Sefer Zemanim*, *Hilkhot Kiddush HaHodesh* 2:1).

הפסולים לעדות – Relatives testifying about the new month: In the case of those who play with dice or other games of luck,

pigeon racers, those who race other animals, and merchants who deal in fruit of the Sabbatical Year, if these individuals have no other trade, they are unfit to testify by rabbinic law. Similarly, those who lend money with interest, even if the interest is prohibited only by rabbinic law, are prohibited from testifying (*Shulhan Arukh*, *Hoshen Mishpat* 34:10, 16).

Slaves – עבדים: Slaves who have not been set free are unfit to give testimony (*Shulhan Arukh*, *Hoshen Mishpat* 34:19).