

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 שמעטרפין 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).

NOTES

This testimony will be valid even when given by you – **עדות זו תהא כְּשֶׁרָה בְּכֶם** – Although the primary understanding is that the verse is referring to judges, it is also possible to derive from here the *halakha* pertaining to witnesses. Judges who are related may not judge a case together. However, they may do so for declaration of the New Moon. By inference, witnesses who are related are also fit for that purpose (*Turei Even*).

LANGUAGE

Kubbiyya – **קוביא**: From the Greek *κυβεία*, *kubeya*, a game of chance played with dice or anything similar.

BACKGROUND

One who plays with dice – **הַמְשַׁחֵק בְּקוּבִיָּא**:



Roman sketch of people playing with dice



Pair of dice from the Roman era

גמ' אָמַר רַבִּי לֵוִי: מֵאֵי טַעְמָא דְרַבִּי שְׁמַעוֹן? דְּכִתְבִּיב: "וַיֹּאמֶר ה' אֶל מֹשֶׁה וְאֶל אַהֲרֹן בְּאֶרֶץ מִצְרַיִם לֵאמֹר. הִזְהָה לְכֶם" – עֵדוּת זוֹ תִּהְיֶה בְּשִׁרָה בְּכֶם.

וּרְבִנָּן: עֵדוּת זוֹ תִּהְיֶה מִסּוּרָה לְכֶם.

"אָמַר רַבִּי יוֹסֵי: מִעֲשֶׂה בְּטוּבִיָּה הֲרֹפֵא" כּו'. אָמַר רַב חֲנַן בְּרַבִּי רַבָּא: הֲלִכְתָּא כְּרַבִּי שְׁמַעוֹן. אָמַר לֵיהּ רַב הוּנָא לְרַב חֲנַן בְּרַבָּא: רַבִּי יוֹסֵי, וּמַעֲשֶׂה, וְאֵת אֲמַרְתָּ הֲלִכְתָּא כְּרַבִּי שְׁמַעוֹן!

אָמַר לוֹ: וְהָא זְמַנֵּן סְגִיאוֹן אֲמַרְתָּ קַמִּיהּ דְּרַב הֲלִכְתָּא כְּרַבִּי שְׁמַעוֹן, וְלֹא אָמַר לִי וְלֹא מִיַּדִּי? אָמַר לֵיהּ: הֵיכִי תִּנְתִּי? אָמַר לֵיהּ: אֲפֹכָא. אָמַר לֵיהּ: מִשּׁוּם הֵכִי לֹא אָמַר לְךָ וְלֹא מִיַּדִּי. אָמַר טַבִּי בְּרִיָּה דְמַרִּי טַבִּי, אָמַר מַר עוֹקְבָא אָמַר שְׁמוּאֵל: הֲלִכְתָּא כְּרַבִּי שְׁמַעוֹן.

מתני' אֵלוֹ הֵן הַפְּסוּלוֹן: הַמְשַׁחֵק בְּקוּבִיָּא, וּמְלוֹי בְּרִבִּית, וּמְפָרִיחֵי יוֹנִים, וְסוֹחְרֵי שְׁבִיעִית, וְעֹבְדִים. זֶה הַכֹּל: כֹּל עֵדוּת שֶׁאִין הָאִשָּׁה כְּשִׁירָה לָהּ אִף הֵן אִינָן כְּשִׁירִין לָהּ.

GEMARA Rabbi Levi said: What is the reason for Rabbi Shimon's opinion permitting relatives to jointly testify about the new moon, despite the fact that relatives are generally disqualified from testifying together? It is as it is written: **"And the Lord spoke to Moses and Aaron in the land of Egypt, saying: This month shall be to you the beginning of months; it shall be the first month of the year to you"** (Exodus 12:1–2). The words "to you" come to teach that **this testimony concerning the new moon will be valid even when it is given by you^N two**, i.e., Moses and Aaron, who are brothers and could not ordinarily testify together.

The Gemara asks: **And with regard to the Rabbis**, who disagree with Rabbi Shimon and prohibit relatives from testifying together about the new moon, how do they understand this verse? The Gemara answers: They interpret the verse as follows: **This testimony is given over to you and others like you**. That is to say, the months are to be established by the most outstanding authorities of each generation.

S The mishna taught: **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. **Rav Hanan bar Rava said: The halakha is in accordance with the opinion of Rabbi Shimon**. Relatives are permitted to testify together about the new moon. **Rav Huna said to Rav Hanan bar Rava: But Rabbi Yosei**, whose position is usually accepted over those of his colleagues, ruled otherwise, **and also, there was an incident in which the court actually ruled against Rabbi Shimon, and yet you say that the halakha is in accordance with the opinion of Rabbi Shimon?**

Rav Hanan bar Rava said to him: But many times I said before Rav that the halakha is in accordance with the opinion of Rabbi Shimon on this matter, and never did he say anything to me to indicate that he disagreed. **Rav Huna said to him: How did you teach the mishna?** **Rav Hanan bar Rava said to him: With the opposite attributions**, that is say, the position that is attributed in the mishna to Rabbi Yosei, I would teach in the name of Rabbi Shimon. **Rav Huna said to him: Due to that reason, he never said anything to you**, for according to your version you ruled correctly. **Tavi, son of Mari Tavi, said that Mar Ukva said that Shmuel said: The halakha is in accordance with the opinion of Rabbi Shimon**.

MISHNA The following are unfit to give testimony,^N as they are considered thieves and robbers: **One who plays with dice [kubbiyya]^{LB} or other games of chance for money; and those who lend money with interest; and those who race pigeons^N and place wagers on the outcome; and merchants who deal in produce of the Sabbatical Year,^N which may be eaten, but may not be an object of commerce; and slaves.^N This is the principle: Any testimony for which a woman is unfit, these too are unfit**. Although in certain cases a woman's testimony is accepted, e.g., to testify to the death of someone's husband, in the majority of cases her testimony is not valid.

NOTES

The following are unfit to give testimony – אֵלוֹ הֵן הַפְּסוּלוֹן – This entire mishna is cited from tractate *Sanhedrin*, which, based on content and style, seems to be its proper place. It is brought here because Rabbi Shimon deems relatives fit for testimony, and therefore it is necessary to explain that although he permits relatives to testify together, they must be qualified as witnesses (*Tosafot*; Ritva). According to all opinions, this is a list of those deemed unfit by rabbinic decree. Those who are suspect with regard to monetary issues are also unfit with regard to testimony, even testimony for the New Moon (see Rambam).

One who plays with dice...and those who race pigeons, etc. – **הַמְשַׁחֵק בְּקוּבִיָּא...וּמְפָרִיחֵי יוֹנִים וכו'** – In tractate *Sanhedrin*, it is explained that these individuals are unfit only when they have no other trade, for they are not involved in productive activities and they are not concerned about their money. Also, their winnings are not given willingly by the losers, so that there

is a degree of theft in them, at least by rabbinic law. When the mishna speaks of one who lends with interest, it is also referring to one who lends with rabbinically prohibited interest.

The early authorities discussed Rashi's explanation that these people are unfit only rabbinically because they are not violent criminals. According to the halakhic conclusion, if they took interest, which is prohibited by Torah law, even if they are not truly thieves, nevertheless they are unfit to serve as witnesses. Some explain that since the interest is given voluntarily by the borrower, the lender thinks that he is not sinning (see Rashba, Rosh, and *Sefat Emet*).

Merchants who deal in produce of the Sabbatical Year – **סוֹחְרֵי שְׁבִיעִית**: *Tosafot* explain that this category is referring only to those who deal in produce of the Sabbatical Year nowadays, when it is prohibited by rabbinic law. Others write that it is even referring to a time when observance of the Sabbatical Year is by Torah law, but since there is no explicit prohibition in the Torah

against dealing in such produce, people do not know that it is prohibited by Torah law. Consequently, those who engage in this practice are not unfit to testify by Torah law (*Meiri*). The Rid and the Ritva write that the prohibition against dealing in produce of the Sabbatical Year is a transgression of the positive mitzva to eat the produce and not deal in it. Passively neglecting a positive mitzva is not as serious as actively transgressing a prohibition, and therefore these people are not unfit from testifying by Torah law.

Slaves – עֲבָדִים: In several versions of this passage, slaves are not listed, for the mishna is speaking only about those who are unfit by rabbinic law. However, most commentaries include the word slaves in their text. If so, women are also unfit, for they have equal status with slaves with regard to testimony. Women are not mentioned explicitly in the mishna because in this regard they have the same halakhic status as slaves (Rashba; Ritva).

גמ' היא אשה כשירה לה – אף הן כשירין לה. אמר רב אשי: זאת אומרת גולן דדבריהם כשירין לעדות אשה.

GEMARA This implies that any testimony for which a woman is fit, these too are fit.

Rav Ashi said: That is to say, one who is regarded as a robber by rabbinic law, i.e., one who illegally came into possession of money but did not actually steal it from another, is like those mentioned in the mishna. Although they are generally unfit to give testimony, they are fit to give testimony to enable a woman to remarry.^H

מתני' מי שראה את החדש ואינו יכול להלך – מוליכים אותו על החמור, אפילו במטה. ואם צודה להם – לוקחין בגין מקלות.

MISHNA With regard to one who saw the new moon but is unable to go to Jerusalem by foot because he is sick or has difficulty walking, others may bring him on a donkey or even in a bed,^N even on Shabbat if necessary. And if the witnesses are concerned that bandits may be lying in wait for them^N along the road, they may take clubs or other weapons in their hands, even on Shabbat.^H

ואם היתה דרך רחוקה – לוקחין בידם מזונות. שעל מהלך לילה ויום מחללין את השבת ויוצאין לעדות החדש, שנאמר: "אלה מועדי ה'... אשר תקראו אותם במועדם".

And if it was a long journey to Jerusalem, they may take sustenance with them, although it is ordinarily prohibited to carry on Shabbat, since for a distance of a night and a day, the witnesses may desecrate Shabbat and go out to give testimony to determine the start of the month. This is as it is stated: "These are the Festivals of the Lord, sacred gatherings, which you shall declare in their seasons" (Leviticus 23:4). This teaches that, in all cases, the Festivals must be fixed at their proper times, even if it entails the transgression of Torah prohibitions.

הדרן עלך ארבעה ראשי שנים

כשירין – פטורים ליתן עדות אשה: All those deemed unfit to give testimony by rabbinic law, i.e., women, slaves, maidservants, and relatives, are fit to testify about the death of a man, in order to allow his wife to remarry (*Shulḥan Arukh, Even HaEzer 17:3*).

Desecrating Shabbat in order to testify about the new moon – חלול שבת לעדות החדש: If the witness who saw the new moon on Shabbat eve is sick, others may put him on a donkey or carry him in a bed. If there is a danger of bandits lying in wait on the road, they may take weapons with them. If the journey is long, they may take food with them. Anyone who sees the new moon and is less than a day and a night's journey from the court has a mitzva to come and testify, even if it involves desecrating Shabbat (*Rambam Sefer Zemanim, Hilkhot Kiddush HaHodesh 3:2*).

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Even in a bed – אפילו במטה: It was necessary to say this because riding a donkey on Shabbat is prohibited by rabbinic law, and although there is a Torah prohibition against making use of an animal, one is not liable to receive *karet* or capital punishment for this action. Therefore, the mishna added that it is permitted even to carry the witness in a bed, which involves a Torah prohibition against carrying (*Rid*). The commentaries explain that this case is speaking of a sick person who cannot move and is therefore similar to one who is tied up. Consequently, the principle that a living being carries itself does not apply.

If they are concerned that bandits may be lying in wait [*tzodeh*] for them – אם צודה להם: With regard to the phrase *tzodeh*, it is noted in the Jerusalem Talmud that the mishna's use of this word indicates that the Torah speaks in every language. The Rashba, in his Responsa (1:523), explains this, although he explicitly says he is not satisfied with this interpretation: The Torah uses words that have more than one connotation, despite the fact that this may create ambiguity, and therefore the Sages also allowed themselves to use such language. In the case of the word *tzodeh*, the word is commonly used to describe hunting, but the Gemara here is using it to describe lying in wait. Perhaps the Jerusalem Talmud can be interpreted as saying that although the Mishna generally uses its own terminology, it sometimes borrows biblical words or phrases that are not normally part of the Mishna.

מתני' אם אינן מכירין אותו משלחין עמו אחר להעידו. בראשונה היו מקבלין עדות החדש מכל אדם. משקלקלו הבייתוסים – התקינו שלא יהו מקבלין אלא מן המכירין.

MISHNA If the members of the Great Sanhedrin in Jerusalem are not familiar with that one^N who saw the new moon, i.e., that he is a valid witness, the members of his local court of twenty-three send another with him to testify about him.^{NH} The mishna adds: **Initially**, the court would accept testimony to determine the start of the month from any person, as all are presumed to be qualified witnesses, absent any disqualifying factors. However, **when the Boethusians**, a sect whose members had their own opinions with regard to the establishment of the Festivals, corrupted the process by sending false witnesses to testify about the new moon, the Sages instituted that they would accept this testimony only from those men familiar to the Sanhedrin as valid witnesses.

GEMARA The Gemara asks: **What is the meaning of the statement in the mishna that another would be sent along to testify with regard to the qualification of the witness to the new moon? If it means that one other individual would be sent,**

HALAKHA

עדי הראיה ועדיהם – The eyewitnesses and their witnesses – Initially, the court was not careful about witnesses to the new moon, and they would accept testimony from anyone. However, when the Boethusians began to hire people to testify falsely, the Sages instituted that they would accept testimony only from

witnesses recognized by the court. If the court was not familiar with the witnesses, they would send additional witnesses from their city to corroborate that the eyewitnesses were qualified and trustworthy (Rambam *Sefer Zemanim*, *Hilkhot Kiddush HaHodesh* 2:2–3).

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אם אינן מכירין – If they are not familiar with that one – **איתו**: Some commentaries maintain that all the members of the Great Sanhedrin must know the witness (*Sefat Emet*). Their proof is that if this were not the case, in the incident below in which Rabbi Nehorai was a corroborating witness, there would have been no need for a second witness at all; the court could simply have added Rabbi Nehorai as a judge, seeing that he knew the witness. The fact that they did not do so proves that all of the judges must be familiar with him.

משלחין – Send another with him to testify about him – **עמו אחר להעידו**: The commentaries question the need for this first sentence, as it is obvious that the court would not accept a witness unless they knew him to be reliable (*Turei Even*). He explains that this sentence teaches that the witnesses who testify about the eyewitness are considered an integral part of the testimony concerning the new moon. Consequently, like the witness himself, they may desecrate Shabbat to come and testify.

וחד מי מהימן? והתנא: מעשה שבא הוא ועדיו עמו להעיד עליו! אמר רב פפא: מאי "אחר"? זוג אחר.

but is one witness deemed credible?^N Isn't it taught in a *baraita*: There was an incident in which one potential witness came to testify, and his witnesses were with him, as they came to testify about him? The use of the plural indicates that two witnesses are required to establish someone as a valid eyewitness. **Rav Pappa said: What is the meaning of the term: Another? It means another pair of witnesses.**

הכי נמי מסתברא, דאי לא תימא הכי – "אם אינן מכירין אותו", מאי "אותו"? אי לימא אותו חד – וחד מי מהימן? "משפט" פתיב ביה! אלא מאי "אותו" – אותו הזוג, הכי נמי מאי "אחר" – זוג אחר.

The Gemara comments: **This too stands to reason, for if you do not say so**, then the opening statement of the mishna: **If the members of the Great Sanhedrin are not familiar with that one**, is problematic. **What is the meaning of the term: That one? If we say it is referring to that one witness, is one witness deemed credible?** The word: **Judgment, is written with regard to the establishment of the New Moon and Rosh HaShana**: "For it is a statute for Israel, a judgment of the God of Israel" (Psalms 81:5), and judgments require two witnesses. **Rather, what is the meaning of the term: That one? That pair of witnesses. So too here, what is the meaning of the term: Another? Another pair of witnesses.**^H

HALAKHA

עדות על מהימנות – Testimony about the credibility of witnesses – If the Great Sanhedrin was not familiar with the eyewitnesses who testified about the new moon, other witnesses who could vouch for them to the court would accompany them, and they too would be permitted to desecrate Shabbat for this purpose.

Even if there was only one individual who knew the eyewitness, he would go and thereby desecrate Shabbat, despite the uncertainty of his usefulness, as perhaps there would be another witness at the court who could join his testimony (Rambam *Sefer Zemanim*, *Hilkhot Kiddush HaHodesh* 3:2–3).

NOTES

וחד מי מהימן – But is one deemed credible – The principle is that two witnesses must testify concerning the validity of this eyewitness. Some authorities explicitly state that it is necessary to have two witnesses to vouch for every eyewitness to the New Moon (Rabbeinu Hananel). However, it is stated in the Jerusalem Talmud that one witness is enough to vouch for the eyewitness, as this requirement applies by rabbinic law and one witness is sufficient in a case involving a rabbinic decree. Some commentaries cite a version of the Babylonian Talmud that indicates a similar conclusion (Rashba).

BACKGROUND

Usha – אושא: After the bar Kokheva revolt, 132–135 CE, when the Jewish community in Eretz Yisrael was almost completely destroyed, the Sages who survived the revolt assembled in the city of Usha in the Galilee, the place of residence of the Nasi of the Sanhedrin, Rabban Shimon ben Gamliel II. The surviving students of Rabbi Akiva gathered around him. Although the major Torah scholars of the time were scattered throughout the Galilee, they recognized Usha as the center of Torah study and it became the seat of the Sanhedrin. In Usha, the Sages of that generation instituted many important enactments, known as the rabbinical ordinances instituted in Usha. From there, the Sanhedrin moved to Shefaram for a brief period.

Boethusians – בנייתוסין: The Sadducees and the Boethusians were separatist groups, which, according to the Sages, originated from two students of Antigonus of Sokho: Tzadok and Baitus (Avot 1:3). Although little is written about the Boethusians, the sources indicate that this group accepted the Oral Torah to a greater extent than the Sadducees, although its leaders, like the Karaites of later generations, expounded the Torah differently than those who followed the accepted rabbinical method. One of their famous early disputes concerned their opinion that Shavuot must always occur on a Sunday.

NOTES

If so what is the purpose of stating – אי הכי מאי למימרא: Some commentaries explain that this difficulty is referring to not only Rav Ashi's explanation, but also the first answer (Tosafot; see Rashba and Ritva). With regard to the Gemara's explanation that one should desecrate Shabbat despite the uncertainty whether the other witness will be present, the commentaries note that it is appropriate for one to rely on the chance of the availability of the other witness and travel to the court, as witnesses sometimes err and are disqualified, and therefore additional witnesses might in any case be necessary (Rosh). In the Jerusalem Talmud it is stated that Rabbi Nehorai said that he came to Usha primarily to visit the Sages, and he provided inessential testimony as a pretext to do so.

Even an ordinary person – אפילו איניש דעלמא: Some commentaries conclude from here that not only is an ordinary individual fit to testify, but even witnesses disqualified by rabbinic law are valid in this case (Ritva). However, most commentaries do not explain the passage in this manner (see Rambam).

The corruption of the Boethusians – קלקול הביתוסים: The Boethusians held that Shavuot must always occur on Sunday, because they interpreted the verse: "From the morrow after the day of rest" (Leviticus 23:15) as referring to Shabbat, not Passover. Therefore, they used many tactics to try to align the New Moon so that Shavuot will occur on that day of the week. It is asked in the Jerusalem Talmud: If this was the aim of the Boethusians, the Sages should have been concerned about only one or two months during the year. Furthermore, if the testimony of certain unrecognized witnesses would mean that the New Moon would not occur on the date the Boethusians wished, why shouldn't the court accept this testimony? The answer given there is that once the Sages issued a decree, they did not distinguish between different months or the specific content of the testimony.

HALAKHA

Testimony that the month was sanctified – עדות שנתקדש: Testimony that the month was sanctified by the Great Sanhedrin may be delivered even by one man. Furthermore, his statement is valid even if he is simply recounting events without intending to deliver testimony. This is due to the principle that even one witness is deemed credible in the case of a matter that is likely to be revealed (Rambam Sefer Zemanim, Hilkhoh Kiddush HaHodesh 3:14).

וְחָד לֹא מְהִימֵן? וְהִתְנִיף: מַעֲשֵׂה בְרַבִּי נְהוֹרַי שֶׁהֵלֵךְ אֶצְל הָעֵד לְהַעֲיֵד עִלּוּ בְּשַׁבַּת בְּאוּשָׁא!

אָמְרֵי: רַבִּי נְהוֹרַי סָהֵדָא אַחֲרֵינָא הָיָה בְּהַדְיָה. וְהָא דְלָא חֲשִׁיב לֵיהּ – מִשּׁוּם כְּבוֹדוֹ שֶׁל רַבִּי נְהוֹרַי. רַב אֲשִׁי אָמַר: רַבִּי נְהוֹרַי, סָהֵדָא אַחֲרֵינָא הָיָה בְּאוּשָׁא, וְאִזְל רַבִּי נְהוֹרַי לְאַצְטְרוּפִי בְּהַדְיָה.

אִי הָכִי מַאי לְמִימְרָא? מַהוּ דְתִימָא: מִסְפִּיקָא לָא מְחַלְלִינן שַׁבַּתָּא. קָא מְשַׁמְעֵ לָן.

כִּי אֲתָא עוּלָא, אָמַר: קְדֻשָׁה לְיִרְחָא בְּמַעֲרָבָא. אָמַר רַב כְּהָנָא: לֹא מִיבְעִינָא עוּלָא דְגַבְרָא רַבָּה הוּא, דְמַהִימֵן, אֶלְא אֶפְיֵלוּ אִינִישׁ דְעֵלְמָא – נְמִי מְהִימֵן. מַאי טַעְמָא? כָּל מִלְתָּא דְעֵבִידָא לְאִגְלוּיָא – לֹא מְשַׁקְרִי בְּהּ אִינִישִׁי. תְּנֵינָא נְמִי הָכִי: בְּאִ אַחַד בְּסוּף הָעוֹלָם וְאָמַר "קְדֻשׁוֹ בֵּית דִּין אֶת הַחֹדֶשׁ" – נֶאֱמַן.

“בְּרֵאשׁוֹנָה הָיוּ מְקַבְּלִין עֵדוּת הַחֹדֶשׁ מִכָּל אָדָם” וכו'. וְתַנּוּ רַבְנֵי: מַה קְלָקוּל קְלָקוּל הַבְּיִיתוּסִין? פַּעַם אַחַת בְּקִשּׁוֹ בְּיִיתוּסִין לְהַטְעוֹת אֶת חֻכְמֵי. שְׂכָרוֹ שָׁנִי בְּנֵי אָדָם בְּאַרְבַּע מֵאוֹת זוּז, אַחַד מְשַׁלְּנוּ וְאַחַד מְשַׁלְּהֶם.

The Gemara asks: And is one witness not deemed credible to testify about the eyewitness who saw the new moon? Isn't it taught in a baraita: There was an incident involving Rabbi Nehorai,^p who went with the witness to testify about him on Shabbat in Usha?^b Apparently, Rabbi Nehorai offered his testimony alone.

The Sages say in explanation of this incident: In fact, two witnesses are necessary, and in the case of Rabbi Nehorai there was another witness with him. And the fact that he was not mentioned is due to the honor of Rabbi Nehorai, so as not to indicate that the other was his equal. Rav Ashi said: In the incident involving Rabbi Nehorai, there was already another witness waiting in Usha and Rabbi Nehorai went to join him.

The Gemara asks: If so, what is the purpose of statingⁿ this incident at all? The Gemara answers: Lest you say that in a case of uncertainty one does not desecrate Shabbat, i.e., perhaps the witness in Usha would not be present that day, which would mean that Rabbi Nehorai desecrated Shabbat for no reason. Therefore, the Tosefta teaches us that for the important purpose of the New Moon, Shabbat may be desecrated even in a doubtful case.

§ When Ulla^p came from Eretz Yisrael to Babylonia, he said: They sanctified the New Moon on a certain date in the West, Eretz Yisrael. Although Ulla was the only witness, his testimony was accepted. Rav Kahana said: It is not necessary to say that Ulla, who is a great man, is deemed credible with regard to such testimony. Rather, even an ordinary personⁿ is deemed credible in this case, and there is no need for two witnesses. What is the reason for this? With regard to any matter that is likely to be revealed, people do not lie about it. The Gemara comments that this is also taught in a baraita: If one person comes from the other end of the world and says: The court sanctified the new month, he is deemed credible. There is no need for two witnesses.^h

The mishna taught: Initially, they would accept testimony to determine the start of the month from any person, and this continued until the Boethusians began to corrupt the process. The Sages taught a baraita that describes the decisive incident: What was the manner of the corruption in which the Boethusians^b engaged?ⁿ Once, the Boethusians tried to mislead the Sages with regard to the day of the new moon. They hired two people for four hundred dinars to testify falsely that they had seen the new moon on the thirtieth day of the month. One of them was from our own, i.e., a member of the Pharisees and the Sages of Israel, and the other was one of theirs.

PERSONALITIES

Rabbi Nehorai – רַבִּי נְהוֹרַי: Rabbi Nehorai was a fifth-generation tanna. It is difficult to identify this Sage with certainty; in one place the Gemara says he is Rabbi Meir, based on the similarity of the roots of their names, both of which mean light, but other references in the Talmud suggest that Rabbi Nehorai was a student of Rabbi Yehoshua and a colleague of Rabbi Meir and Rabbi Yosei. Several statements are credited to him in the Mishna and other sources, the majority of which are aggadic in nature.

Ulla – עוּלָא: Ulla bar Yishmael was an amora and one of the most important emissaries from Eretz Yisrael to Babylonia. He was one of Rabbi Yohanan's students who would regularly bring the Torah of Eretz Yisrael to Babylonia. He would then return to Eretz Yisrael and transmit the innovations of the Babylonian Sages.

Ulla journeyed often and traveled from place to place to teach Torah. The Babylonian Sages held him in high regard and treated him with great respect. Rav Hisda referred to him as: Our teacher who comes from Eretz Yisrael, and Rav Yehuda sent his son to Ulla to learn practical halakha. In the Jerusalem Talmud, he is usually referred to as Ulla bar Yishmael or Ulla the descender, as one who leaves Eretz Yisrael for another country is considered to have descended. Many halakhot are cited in his name, and numerous Sages of the succeeding generation were his students. The amora Rabba bar Ulla may have been his son, but nothing is known of his private life. He died during one of his journeys to Babylonia and was brought back to Eretz Yisrael for burial. Ulla was an amora in Eretz Yisrael, and the most important of the emissaries of the Sages.

שָׁלְחָם הַעֵיד עֲדוּתוֹ וַיֵּצֵא. שָׁלְחָנוּ, אָמְרוּ לוֹ: אָמְרוּ בִּיצַד רְאִיתָ אֶת הַלְּבָנָה? אָמַר לָהֶם: עוֹלָה הָיִיתִי בְּמַעְלָה אַדוּמִים, וְרִאִיתִי שֶׁהוּא רְבוּץ בֵּין שְׁנֵי סְלָעִים, רִאֵשׁוֹ דּוּמָה לְעַגְלָה, אָזְנוֹ דּוּמֵן לְגָדִי, קַרְנָיו דּוּמוֹת לְצִבְיָה, וְזַנְבּוֹ מוֹנַחַת לוֹ בֵּין יְרֵכָיו. וְהִצַּעְתִּי בּוֹ, וְנִרְתַּעַתִּי וְנִפְלַתִּי לְאַחֲרָיו. וְאִם אֵין אַתֶּם מֵאֲמִינִים לִי – הֲרֵי מֵאֲתָם זֶה צְרוּרִין לִי בְּסָדִינִי.

אָמְרוּ לוֹ: מִי הִזְקִיקְךָ לַכֵּן? אָמַר לָהֶם: שָׂמַעְתִּי שֶׁבָקְשׁוּ בֵּיתֹסִים לְהַטְעוֹת אֶת חֲכָמִים, אָמַרְתִּי: אֵלֶיךָ אָנִי וְאוֹדִיעַ לָהֶם, שָׂמָא וְבֹאוּ בֵּינִי אֲדָם שְׂאִינָם מְהוֹגְנִין, וַיִּטְעוּ אֶת חֲכָמִים.

אָמְרוּ לוֹ: מֵאֲתָם זֶה נִתְּוֵן לָךְ בְּמַתָּנָה, וְהַשׁוֹכֵרְךָ יִמְתַּח עַל הָעַמּוּד. בְּאוֹתָהּ שְׁעָה הִתְקִינוּ שְׁלֵא יְהוּ מְקַבְּלִין אֶלָּא מִן הַמְּבִירִין.

מתני בְּרֵאשׁוֹנָה הָיוּ מְשִׂיאִין מְשׂוֹאוֹת. מְשַׁקְּלְקְלוּ הַכּוֹתָמִים הַתְּקִינּוּ שְׂיָהוּ שְׁלוּחִין וַיֵּצְאוּ.

בִּיצַד הָיוּ מְשִׂיאִין מְשׂוֹאוֹת? מְבִיאִין בְּלוֹנְסָאוֹת שֶׁל אֲרָז אֲרוּבִין, וְקִנִּים, וְעֵצֵי שִׁמּוֹן, וְנַעֲוֶרֶת שֶׁל פִּשְׁתָּן, וְכוּרְךָ בְּמִשְׁיָחָה, וְעוֹלָה לְרִאֵשׁ הָהָר, וּמִצִּית בְּהֵן אֶת הָאוּר. וּמוֹלִיךְ וּמְבִיא, וּמַעְלָה וּמוֹרִיד, עַד שֶׁהוּא רוֹאֶה אֶת חֲבִירוֹ שֶׁהוּא עוֹשֶׂה כֵן בְּרִאֵשׁ הָהָר וְכֵן בְּרִאֵשׁ הָהָר הַשְּׁלִישִׁי.

When they went in to testify, **their witness submitted his testimony** that he had seen the new moon, and then he left. When **our witness** came to testify, **they said to him**, in the customary manner: **Say how you saw the moon. He said to them:** I was ascending in Ma'ale Adumim^N and I saw that the new moon was crouched between two rocks. Its head was like that of a calf, its ears were like those of a kid, its horns were like those of a deer, and its tail was lying between its thighs. And I looked at it and was frightened and I fell backward. And if you do not believe me that this is what I saw, there are two hundred dinars wrapped in my cloak that were paid to me to deliver this testimony.

Realizing that the testimony of the first witness was also false, the Sages said to him: **Who persuaded you to act in this manner?** He said to them: **I heard that the Boethusians were seeking to mislead the Sages**, and I said to myself: **I will go and hire myself out to give false testimony, and I will inform the Sages of the truth, lest unworthy people come and mislead the Sages.**

The Sages said to him: **The two hundred dinars that you received from the Boethusians are given to you as a gift.** Although you did not carry out your mission, the court is authorized to declare the money ownerless and award it to you. **And the one who hired you shall be stretched out on the post for flogging. At that time the Sages instituted that they would accept testimony about the new moon only from those men who were familiar to the Great Sanhedrin as qualified witnesses.**

MISHNA Initially, after the court sanctified the new month they would light torches on the mountaintops, from one peak to another, to signal to the community in Babylonia that the month had been sanctified. **After the Samaritans [Kutim] corrupted^N and ruined this method by lighting torches at the wrong times to confuse the Jews, the Sages instituted that messengers should go out to the Diaspora and inform them of the start of the month.**

The mishna asks: **How would they light the torches^N** during that earlier period? **They would bring items that burn well, e.g., long poles of cedar, reeds, pinewood, and beaten flax, and tie them together with a string. And someone would then ascend to the top of the mountain and light the torch on fire with them, and wave it back and forth^N and up and down, until he would see his colleague doing likewise on the top of the second mountain.** In this manner he would know that the next messenger had received the message and passed it on. **And similarly, the second torchbearer would wait for a signal from the one on the top of the third mountain, and so on.** In this manner the message would reach the Diaspora.

NOTES

עוֹלָה הָיִיתִי בְּמַעְלָה אַדוּמִים – I was ascending in Ma'ale Adumim – As this incident is clearly fictional, many commentaries find allegorical meanings in all these seemingly superfluous details. One suggestion is that this is a symbolic explanation of why the Jewish people were enslaved to the nations, as the location Ma'ale Adumim alludes to the nation of Edom, associated with Rome in talmudic literature (*Akeida*). The head of a calf alludes to the sin of the Golden Calf. Its tail being between its thighs is a reference to the weakness of the leaders of the generation or the deterioration of the leadership over the course of the generations (Maharsha). Many commentaries maintain that this man was allegorically depicting the seductiveness of sin in general.

מְשַׁקְּלְקְלוּ הַכּוֹתָמִים – Apparently, the Samaritans were simply attempting to sabotage the actions of the Jewish people, primarily because they did not accept the sanctity of Jerusalem. Some write that the Samaritans had their own method of establishing the New Moon and sought to ensure that everyone would act in accordance with it (*Penei Yehoshua*). Other commentaries cite a tradition that this incident occurred at the end of the month of Elul, to which the Sages added an extra day in that particular year. Due to the actions of the Samaritans, the Jewish people celebrated Rosh HaShana on the wrong day (Rabbeinu Yehonatan; *Meiri*).

בִּיצַד הָיוּ מְשִׂיאִין מְשׂוֹאוֹת – How would they light the torches –

In the Jerusalem Talmud it is reported that even after the ceremony of the torches was canceled, they would continue to light them in several places in memory of the ancient custom and to spread the word within Eretz Yisrael itself.

מוֹלִיךְ וּמְבִיא וְכוּ' – Wave it back and forth, etc. In the Jerusalem Talmud it is explained that these two motions, back and forth as well as up and down, were both required to distinguish the light of the torch from the light from natural phenomena. These included meteors, which fall from above to below, as well as other natural phenomena that streaked up and down and sometimes from side to side, e.g., gases combusting on their own or weak lightning.

NOTES

For a full month one does not perform it – אַמְלֵא לָא – עֲבָדִינָא: The Gemara is apparently asking why they didn't light torches for both a full and a deficient month. Later authorities are puzzled by this suggestion: Why should the court go to trouble for no reason (*Penei Yehoshua; Turei Even*)? Some explain that if torches were also lit for a full month, the Samaritans would be unable to sow confusion, as the appearance of torches two nights in a row would be an obvious sign of attempted deception (*Arukh LaNer; Rashash*).

וּמֵאַיִן הָיוּ מְשִׂיאִין מִשְׁוֹאוֹת? מִהַר הַמְּשֻׁחָה לְסַרְטָבָא, וּמִסַּרְטָבָא לְהַרְוִפִּינָא, וּמִהַרְוִפִּינָא לְחַוְרָן, וּמִחַוְרָן לְבֵית בַּלְטִין. וּמִבֵּית בַּלְטִין לָא זָוּ מִשָּׁם, אֶלָּא מוֹלִיךְ וּמַבִּיא וּמַעֲלָה וּמוֹרִיד, עַד שֶׁהָיָה רוֹאֶה כָּל הַגּוֹלָה לְפָנָיו בְּמִדְרֵת הָאֵשׁ.

And from which mountains would they light the torches?⁸ They would transmit the message from the Mount of Olives in Jerusalem to Sartava, and from Sartava to Gerofina, and from Gerofina to Havran, and from Havran to Beit Baltin. And from Beit Baltin they would not move to light torches in any other predetermined location. Rather, the one who was appointed for this task would wave the torch back and forth and up and down, until he would see the entire Diaspora before him alight like one large bonfire, as they would light torches to continue transmitting the message from place to place all the way to the farthest reaches of the Diaspora.

גַּמ' מֵאֵי מִשְׁמַע דְּ"מִשִּׂיאִין" לִישְׁנָא דִּיקוּד הוּא? דְּכַתִּיב: "וַיִּשְׂאֵם דָּוִד וְאֲנָשָׁיו" וּמִתְרַגְּמִין: וְאִוְקֵינָא דָּוִד.

GEMARA The mishna taught that they would light torches [*masi'in*]. The Gemara asks: From where may it be inferred that the term *masi'in* is an expression of burning? As it is written: "Vayisa'em David and his men" (II Samuel 5:21), and we translate the verse as: And David and his men burned them.

תְּנוּ רַבְנָנ: אֵין מְשִׂיאִין מִשְׁוֹאוֹת אֶלָּא עַל הַחֹדֶשׁ שֶׁנִּרְאָה בְּזִמְנֵהוּ לְקַדְשׁוֹ. וְאֵימְתִי מְשִׂיאִין לְאוֹר עֵיבוֹרוֹ.

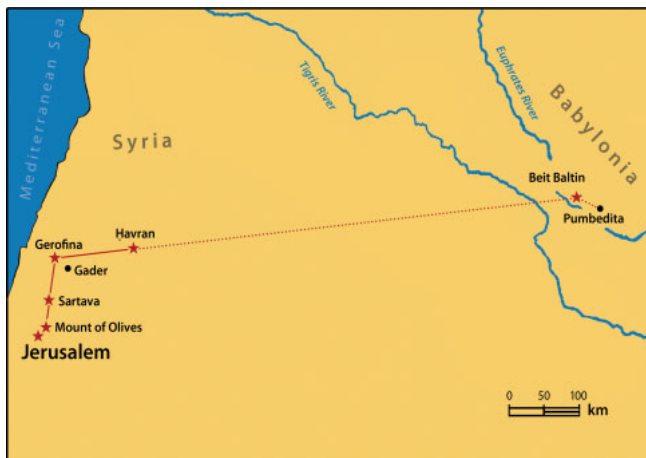
The Sages taught in a *baraita*: Torches were lit only for a new month whose moon was seen at its proper time, i.e., on the thirtieth day of the outgoing month, to sanctify the upcoming New Moon on that date and declare the previous month as containing twenty-nine days. In this case, the thirtieth day would be declared the first day of the following month. And when would they light the torches? It was on the eve of its additional day, the one that would have been added had it been a full, thirty-day month, i.e., on the eve of the thirty-first day of the outgoing month.

לְמִימְרָא דְאַחְסָר – עֲבָדִינָא, אֶמְלֵא – לָא עֲבָדִינָא. מֵאֵי טַעְמָא? אֲמַר רַבִּי זֵירָא: גְּזִירָה מְשׁוּם רֵאשׁ חֹדֶשׁ חָסֵר שְׁחָל לְהִיּוֹת בְּעֶרְבֵי שַׁבָּת. אֵימַת עֲבָדִי בְּאַפּוֹקֵי שַׁבְּתָא. דְּאֵי אֲמַרְתְּ נַעֲבִיד נְמִי אֶמְלֵא – אֵתוּ

The Gemara asks: Is this to say that for the conclusion of a deficient month of twenty-nine days one performs the sequence of lighting torches, but for a full month one does not perform it?⁹ What is the reason for this? Rabbi Zeira said: This is a rabbinic decree that was instituted due to the case of a New Moon following a deficient, twenty-nine-day month that occurs on Shabbat eve. In that case, when do they perform the lighting? At the conclusion of Shabbat, as it is prohibited to light a fire on Friday night. The reason for the decree is that if you say that one performs the lighting of torches for a full, thirty-day month as well, people might come

BACKGROUND

The pathway of the torches – מַסְלֵל הַמְּשִׁאוֹת: Of the places mentioned here, only the location of the Mount of Olives in Jerusalem can be established with certainty. With regard to the other places, various opinions have been offered, some based on relatively solid proofs, e.g., Sartava, while the identification of others is more speculative, such as Havran. As Beit Baltin was in Babylonia, there must have been other torches lit on several points along the way from Havran to Beit Baltin. However, there was apparently no fixed location for these spots.



Above: Path of the torches
Right: Lighting of the torches

