

NOTES

Not say... that the sun is shooting arrows – לֹא לִימְרוּ... גִּירֵי קַא מְשַׁדְיֵיא: Some commentaries add that the rainbow pointing away from the earth is a sign of peace, without regard to the issue of the sun as a god (Ramban's Commentary on the Torah; *Otzar HaKavod*).

Either of them may join with another testimony – מְצַטְרְפִין לְעֵדוּת אַחֶרֶת: The main issue is whether the phrase: Either of them may join, means that these witnesses are not considered false witnesses at all, despite the clear contradiction between them, and consequently they may join with any other witness. Or perhaps the concern remains that one of them is a false witness, which means that if one joins with another witness the testimony of his former partner is automatically void, as he is considered the one who testified falsely (see Rashi, *Tosafot*, and *Turei Even*).

Half of it in the water, etc. – חֲצִי בַּמַּיִם וְכוּ': This cannot mean that they saw only half of a new moon. Rather, they did not see the entire form of the new moon all at once. First they saw one half in the water and when that half was covered they saw the other half in the sky (Rambam).

HALAKHA

One says two...and one says three – אֶחָד אוֹמֵר שְׁנַיִם וְאַחַד אוֹמֵר שְׁלוֹשָׁה: If one witness says the moon was two stories high and the other witness claims it was three, they can join together to form one testimony, as the difference between their testimonies is only one story in height. If one says three and the other says five, they cannot combine their testimony, as this is too large a discrepancy. However, one of them may join with another witness whose testimony accords with his own (Rambam *Sefer Zemanim, Hilkhot Kiddush HaHodesh* 2:5).

We saw it in the water, etc. – רְאִינוּהוּ בַּמַּיִם וְכוּ': If the witnesses see the moon in the water or behind clouds or through glass, or if they see part of it in the sky and part in the water or clouds, this is not considered a sighting of the moon, and their testimony is insufficient to establish the New Moon (Rambam *Sefer Zemanim, Hilkhot Kiddush HaHodesh* 2:5).

גִּירֵי קַא מְשַׁדְיֵיא.

that the sun is shooting arrows^N at those who deny its divinity, using the rainbow as its bow. The concave side of the rainbow always faces away from the sun, so that it does not look like a bow held by the sun.

§ The mishna taught that the examination of the witnesses included the following questions: **How high** was the moon^B over the horizon, **and in which direction did it tilt?**^B It was taught in one *baraita*: If the witness testifies that he saw the moon to the north of the sun, his statement is valid. However, if he says that he saw it to its south,^B he has not said anything of significance, as this is impossible. The Gemara asks: **Isn't the opposite taught** in a different *baraita*: If he testifies that he saw the moon to the south of the sun, his statement is valid. However, if he says he saw it to its north, he has not said anything.

”כַּמָּה הָיָה גְבוּהָ וְלֵאמֹר הִיא נוֹטָה” כּוּ'. תַּנּוּ חֲדָא: לְצַפוֹנָה – דְּבָרֵי קַיְמִין; לְדָרוֹמָה – לֹא אָמַר כְּלוּם. וְהִתְנַיֵּא אִיפְכָא: לְדָרוֹמָה – דְּבָרֵי קַיְמִין, לְצַפוֹנָה – לֹא אָמַר כְּלוּם!

לֹא קִשְׁיָא: כָּאן – בַּיּוֹתָהּ הַחֶמְדָּה, כָּאן בַּיּוֹתָהּ הַגְּשָׁמִים.

The Gemara answers: This is **not difficult**. Here, in the second *baraita* mentioned above, it is referring to the summer, when the moon is to the south of the sun; there, in the first *baraita* mentioned above, it is referring to the rainy season, when the moon is to the north of the sun.

תַּנּוּ רַבְנֵי: אֶחָד אוֹמֵר ”גְבוּהָ שְׁתֵּי מִרְדְּעוֹת” וְאַחַד אוֹמֵר ”שְׁלוֹשָׁה” – עֵדוּתוֹ קַיְמִתָּ. אֶחָד אוֹמֵר ”שְׁלוֹשָׁה” וְאַחַד אוֹמֵר ”חֲמִשָּׁה” – עֵדוּתוֹ בְּטִילָה, אֲבָל מְצַטְרְפִין לְעֵדוּת אַחֶרֶת.

The Sages taught in a *baraita*: If one witness says that he saw the moon two plow handles high above the horizon, and the other one says it was three^H plow handles high, their testimony is valid, as a small discrepancy of this kind is reasonable. However, if one says that he saw the moon three plow handles above the horizon, and the other one says it was five plow handles high, their testimony is void, as that discrepancy is unacceptable. However, this does not mean that the witnesses themselves are disqualified, as either of them may join with another testimony,^N i.e., he may combine his account with that of another witness who testifies likewise.

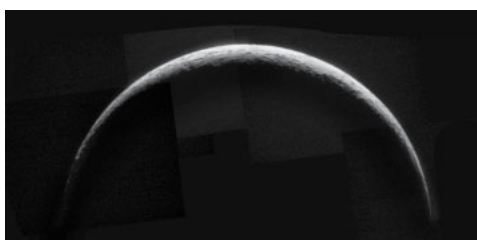
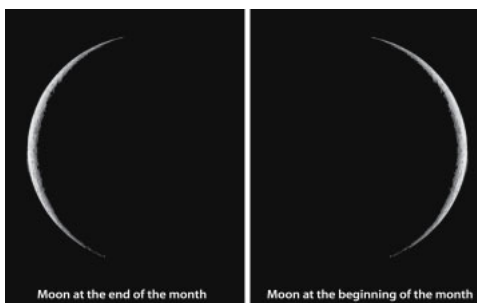
תַּנּוּ רַבְנֵי: רְאִינוּהוּ בַּמַּיִם, רְאִינוּהוּ בַּעֲשָׂשִׁית, רְאִינוּהוּ בְּעֵבֶם – אֵין מְעִידִין עָלָיו. חֲצִי בַּמַּיִם, חֲצִי בְּעֵבֶם, חֲצִי בַּעֲשָׂשִׁית – אֵין מְעִידִין עָלָיו.

The Sages taught in another *baraita* that if the witnesses say: We did not actually see the moon, but we saw it reflected in the water,^H or we saw it reflected in a glass lantern, or we saw it through thin clouds, they may not testify about it, as only a direct sighting of the moon is acceptable. If they say: We saw half of the moon's reflection in the water,^N or we saw half of it through the clouds, or we saw half of it in a lantern, they still may not testify about it.

BACKGROUND

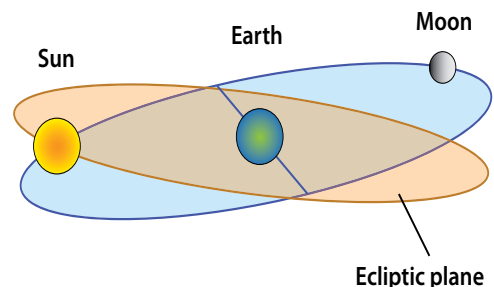
How high was the moon – כַּמָּה הָיָה גְבוּהָ: The deviation of the orbit of the moon from the ecliptic plane by about 5° 9' causes variations in its visible height above the horizon every month. The moon is usually relatively high in the winter and lower in the summer.

In which direction did it tilt – לֵאמֹר הִיא נוֹטָה: This image depicts the forms of the moon at the beginning and the end of the month in the latitude of Eretz Yisrael. In locations closer to the equator the curve of the moon becomes more horizontal, as depicted in the second image. One who does not pay close attention might imagine impossible formations of the moon, with regard to both the direction in which the ends of the moon are pointing as well as its height and position in the sky.



Top: Moon at the end and the beginning of the month
Bottom: Moon as seen from a point close to the equator

To the north or to its south – לְצַפוֹנָה אוּ לְדָרוֹמָה: Due to the deviation of the moon from the ecliptic plane, it does not shine in the same place as the sun, but changes its position from time to time, either north or south of the sun. The moon is north of the sun half the year, and to its south the other half. However, even this deviation is not constant, as there is a cyclical deviation, the saros cycle, causing the relative positions of sun and moon to move over the course of a nineteen-year cycle.



Above: Orbit of the moon

We saw the new moon but we did not see it again – ראינוהו ושוב לא ראינוהו: If the witnesses say they happened to see the moon without having looked for it, and afterward they looked for it for the purpose of testifying and did not see it again, this is not valid testimony for the new moon. The *halakha* is in accordance with the opinion of Abaye (Rambam *Sefer Zemanim*, *Hilkhot Kiddush HaHodesh* 2:6).

Sanctifying the New Moon – קדוש החדש: Once the testimony of the new moon has been accepted, the head of the court says: It is sanctified, and all the people answer after him: It is sanctified, it is sanctified (Rambam *Sefer Zemanim*, *Hilkhot Kiddush HaHodesh* 2:8).

They sanctify only in its time – אין מקדשין אלא בזמנו: The court sanctifies the New Moon only when the moon is seen at its proper time, i.e., on the night of the thirtieth. However, if it was not seen until the end of the thirtieth day, the court does not sanctify it, in accordance with the opinion of Rabbi Elazar, son of Rabbi Tzadok (Rambam *Sefer Zemanim*, *Hilkhot Kiddush HaHodesh* 2:8).

NOTES

If it was not seen at its time the court does not sanctify the New Moon – אין מקדשין אלא בזמנו: Some commentaries explain that there is no inherent requirement to sanctify the month. However, as it was necessary to inform the public that the month was sanctified at its proper time, the Sages instituted this ceremony of sanctification (Rabbi Ovadya Bartenura). See the Rambam, whose opinion puzzles the other commentaries; see also the *ge'onim*, who explain that this matter depends on the textual variants of the *baraita* in the Gemara.

As Heaven has already sanctified it – שכבר קידשוהו: Some state that it is automatically a new month, as no month lasts more than thirty days (*Meiri*). In the Jerusalem Talmud it is explained that although the court in Heaven sanctifies the New Moon, they wait for the court below. If the earthly court fails to sanctify the New Moon in its proper time, they sanctify it above.

השתא בולו – אמרת לא, חציו מבעיא?!
אלא הכי קאמר: חציו במים חציו
ברקיע, חציו בעבים חציו ברקיע, חציו
בעשית חציו ברקיע – אין מעדין.

תנו רבנן: ראינוהו ושוב לא ראינוהו –
אין מעדין עליו. כל הכי חזו לה ואולי?!

אמר אביי, הכי קאמר: ראינוהו מאלינו
ושבנו לראותו מדעתנו, ולא ראינוהו –
אין מעדין עליו. מאי טעמא? אימור
בוביתא דעיבא בעלמא הוא דחזו.

מתני' ראש בית דין אומר "מקודש"
וכל העם עונים אחריו "מקודש מקודש".
בין שראוהו בזמנו בין שלא נראה בזמנו
מקדשין אותו.

רבי אלעזר ברבי צדוק אומר: אם לא
נראה בזמנו – אין מקדשין אותו, שכבר
קידשוהו שמים.

גמ' "ראש בית דין" וכו'. מנהגי מילי?
אמר רבי חייא בר גמדיא אמר רבי יוסי בן
שואל אמר רבי: אמר קרא: "וידבר משה
את מועדי ה'" – מכאן שראש בית דין
אומר "מקודש".

"וכל העם עונים אחריו מקודש מקודש".
מנלן? אמר רב פפא: אמר קרא: "אשר
תקראו אותם" – קרי ביה "אתם". רב
נחמן בר יצחק אמר "אלה הם מועדי" –
הם יאמרו מועדי.

"מקודש מקודש" תרי זמני לפה לי?
דכתיב: "מקראי קודש".

The Gemara analyzes this *baraita*: Now, if when one sees the entire moon in this manner, you said that this is not valid testimony, is it necessary to teach that one may not testify when he sees only half of it? Rather, this is what the *baraita* is saying: If the witnesses saw half of the moon's reflection in water and half of it directly in the sky, or half of it through the clouds and half of it in the sky, or half of it in a lantern and half of it in the sky, although they saw half of the moon directly, they may not testify about it until they see the entire moon in the sky.

The Sages taught in another *baraita* that if the witnesses say: One moment we saw the new moon, but we did not see it again,^h they may not testify about it. The Gemara asks: Must they go on watching it to such an extent, i.e., why should they have to see it for a long period of time?

Abaye said that this is what the *baraita* is saying: If the witnesses say: We saw the moon on our own accord, i.e., by chance, without looking for it, and then we returned to look for it on purpose, to deliver precise testimony about it, but we did not see it again, they may not testify about it. What is the reason? Because one can say that the first time it was merely a small round white cloud that they saw, which they mistook for the moon, and that is why when they looked for it again they could not find it.

MISHNA After the witnesses have been examined and their testimony accepted, the head of the court says: It is sanctified.^h And all the people respond after him: It is sanctified; it is sanctified. Whether the moon was seen at its anticipated time, on the thirtieth day of the previous month, or whether it was not seen at its anticipated time, in which case witnesses are not necessary to establish the following day as the New Moon, the court sanctifies it and formally proclaims the day as the New Moon.

Rabbi Elazar, son of Rabbi Tzadok, says: If the new moon was not seen at its anticipated time, the court does not sanctify the New Moonⁿ on the following day, as the celestial court in Heaven has already sanctified it,ⁿ precluding the need for the additional sanctification by the earthly court.^h

GEMARA The mishna teaches that the head of the court says: It is sanctified. The Gemara asks: From where are these matters, that the court must sanctify the New Moon, derived? Rabbi Hiyya bar Gamda said that Rabbi Yosei ben Shaul said that Rabbi Yehuda HaNasi said that the verse states: "And Moses declared to the children of Israel the appointed seasons of the Lord" (Leviticus 23:44). From here it is derived that the head of the court says: It is sanctified, as it is evident from the verse that Moses, whose status was equivalent to that of the head of the Great Sanhedrin, declared the appointed times of the Festivals and New Moons in a formal manner.

§ The mishna further teaches that after the head of the court says: It is sanctified, all the people respond after him: It is sanctified; it is sanctified. The Gemara asks: From where do we derive this? Rav Pappa said that the verse states: "Which you shall proclaim them [otam] to be sacred convocations" (Leviticus 23:2). Instead of *otam*, read into the verse: You [atem], as though the verse stated: Which you shall proclaim, you. This superfluous word you teaches that the month must be proclaimed not only by the head of the court, but also by you, the people. Rav Nahman bar Yitzhak said that it is derived from the phrase: "These are [hem] My appointed seasons" (Leviticus 23:2). The term *hem* can also mean: They, which indicates that they, the people, should likewise say and announce My appointed seasons.

The Gemara further asks: Why do I need the people to declare: It is sanctified; it is sanctified, twice? The Gemara answers that the reason is that it is written: "Sacred convocations" (Leviticus 23:2) in the plural, which indicates that they must announce it twice.

LANGUAGE

Palaimo – פּלַימוֹ: Apparently from the Greek Παλαίμων, Palaimon, from the root παλαιός, palaios, meaning old in years. Similar names are used in various Jewish ethnicities as a sign for good luck.

PERSONALITIES

Palaimo – פּלַימוֹ: The Sage Palaimo was one of the foremost students of Rabbi Yehuda HaNasi. He is frequently cited as asking Rabbi Yehuda HaNasi sharp questions of halakha. Some of his halakhot are mentioned in baraitot, where he often disagrees with Rabbi Yehuda HaNasi's colleague, Rabbi Eliezer, son of Rabbi Shimon. There are also several stories related about his righteousness.

NOTES

You sanctify years, etc. – שָׁנִים אֶתְּהָ מְקַדְּשׁ וְכוּ': According to this opinion there is no mitzva to sanctify months, as the mitzva of sanctification applies only to the Jubilee year. The reason for this is that the passage of months is readily observable by the cycle of the moon, which is not true of years. In the Jerusalem Talmud it is said that Rabbi Elazar, or Rabbi Shimon as stated there, does not disagree with the ruling of the mishna that the head of the court declares: It is sanctified. Instead, he maintains that this declaration does not constitute the sanctification of the month; rather, it simply means that he declares that month as sanctified automatically.

Which he would show to the laymen – שֶׁבִּהְיוֹן מְרֵאָה אֶת – הַהֲדוּיוֹטוֹת: Some of the questions that the court asks about the appearance of the moon, e.g., its tilt, are not easy to describe, and therefore a visual aid was useful.

HALAKHA

The court and all of the Jewish people saw the new moon – רָאוּהוּ בֵּית דִּין וְכָל יִשְׂרָאֵל: Even if the court and the entire Jewish people saw the moon, if they did not have time to say: It is sanctified, before nightfall of the thirtieth, they do not sanctify the New Moon (Rambam Sefer Zemanim, Hillkhot Kiddush HaHodesh 2:8).

A house in the form of the Sanctuary, etc. – בֵּית תְּבִנַּת: One may not construct a house in the form of the Sanctuary, i.e., with its exact length, width, and height. Nor may one build a portico just like the Entrance Hall of the Temple, nor a courtyard like the courtyard of the Temple, nor a table in the shape of the table in the Temple, nor a candelabrum in the form of the candelabrum that was there (Shulhan Arukh, Yoreh De'a 141:8).

רַבִּי אֶלְעָזָר בְּרַבִּי צְדוֹק אוֹמֵר אִם לֹא נִרְאָה בְּזִמְנֵהּ – אֵין מְקַדְּשִׁין אוֹתוֹ. תַּנְיָא, פְּלַימוֹ אוֹמֵר: בְּזִמְנֵהּ – אֵין מְקַדְּשִׁין אוֹתוֹ, שְׁלֵא בְּזִמְנֵהּ – מְקַדְּשִׁין אוֹתוֹ.

רַבִּי אֶלְעָזָר בְּרַבִּי שִׁמְעוֹן אוֹמֵר: בֵּין כֶּךָ וּבֵין כֶּךָ אֵין מְקַדְּשִׁין אוֹתוֹ, שְׁנַאֲמַר: "וְקִדְּשִׁתֶּם אֶת שְׁנַת הַחֲמִשִּׁים" – שְׁנִים אֶתְּהָ מְקַדְּשׁ, וְאֵי אֶתְּהָ מְקַדְּשׁ חֲדָשִׁים. אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: הַלְכָה כְּרַבִּי אֶלְעָזָר בְּרַבִּי צְדוֹק.

אָמַר אַבְיִי: אִף אֲנִי נִמְי תַּנְיָא: רָאוּהוּ בֵּית דִּין וְכָל יִשְׂרָאֵל, נִחְקְרוּ הַעֵדִים וְלֹא הִסְפִּיקוּ לֵאמֹר "מְקוּדָשׁ" עַד שְׁחֻשִּׁיבָה – הֲרֵי זֶה מְעוּבָר. מְעוּבָר – אֵין, מְקוּדָשׁ – לֹא?!

מְעוּבָר אֵי צִטְרִיכָא לֵיהּ; סְלָקָא דְעֵתָךְ אָמְיָנָא: הוֹאִיל וְרָאוּהוּ בֵּית דִּין וְכָל יִשְׂרָאֵל – אֵי פְרַסְמָא, וְלֹא לֵיעְבְּרוּהּ. קָא מְשַׁמְעֵ לְ.

מִתַּנִּי דְמוֹת צוּרוֹת לְבִנְהָ הֵיוּ לוֹ לְרִבְּנָן גְּמִלְיָאֵל בְּטַבְּלָא וּבְכוּתָל בְּעֵלְיָתוֹ, שֶׁבִּהְיוֹן מְרֵאָה אֶת הַהֲדוּיוֹטוֹת, וְאוֹמֵר: הֲכֹה רָאִיתָ אוֹ כֹּה?

גַּמ' וּמִי שְׂרִי? וְהִכְתִּיב: "לֹא תַעֲשׂוּן אֱתָי" – לֹא תַעֲשׂוּן כְּדְמוֹת שְׁמַשִּׁי!

אָמַר אַבְיִי: לֹא אֶסְרָה תוֹרָה אֶלָּא שְׁמַשִּׁין שְׁאֶפְשֵׁר לַעֲשׂוֹת כְּמוֹתָן. כְּדִתַּנְיָא: לֹא יַעֲשֶׂה אָדָם בֵּית תְּבִנַּת הַיְכָל, אֶכְסְדְרָה תְּבִנַּת אוּלָם, חֲצֵר כְּנֶגֶד עֲזָרָה, שְׁלֶחַן כְּנֶגֶד שְׁלֶחַן, מְנוֹרָה כְּנֶגֶד מְנוֹרָה. אֶבֶל עוֹשֶׂה

The mishna taught that Rabbi Elazar, son of Rabbi Tzadok, says: If the new moon was not seen at its anticipated time, the court does not sanctify the New Moon on the following day. The Gemara cites other opinions in this regard: It is taught in a baraita that the Sage Palaimo^{LP} says: If the new moon was seen at its anticipated time, the court does not sanctify the New Moon, as the new moon appeared as expected and there is no need for any special sanctification. However, if the new moon was seen not at its anticipated time, the court must sanctify the New Moon.

The baraita continues: Rabbi Elazar, son of Rabbi Shimon, says: In either case, the court does not sanctify the New Moon formally, as it is stated: "And you shall sanctify the fiftieth year" (Leviticus 25:10), from which it is derived: You must formally sanctify years^N in court, but you do not have to formally sanctify months, as they are sanctified automatically by Heaven. Rather, it is enough merely to announce to the public that a certain day was established as the New Moon. Rabbi Yehuda said that Shmuel said: The halakha is in accordance with the opinion of Rabbi Elazar, son of Rabbi Tzadok, that if the new moon was seen at its anticipated time, the court sanctifies the new month; however, if it was not seen at its anticipated time, they do not sanctify it.

Abaye said: We, too, learn in a mishna: If the court and all of the Jewish people saw the new moon,^H and the witnesses were interrogated, but the court did not manage to say: Sanctified, before nightfall, the previous month is rendered a full, thirty-day month. This indicates that full, yes; i.e., in this case, it is necessary to extend the previous month. However, sanctified, no; there is no need to formally sanctify the month, as the New Moon does not occur on its anticipated date in this case.

The Gemara rejects this argument: There is no proof from here, as it was necessary for the mishna to mention that the month is rendered a full, thirty-day month. The reason is that it might enter your mind to say that since the court and the entire Jewish people saw the new moon, it has become public knowledge and therefore there is no need to render the previous month a full, thirty-day month. Consequently, the mishna teaches us that even in this case the previous month must be extended. Nevertheless, it is still possible that the New Moon must be formally sanctified on the following day.

MISHNA Rabban Gamliel had a diagram of the different forms of the moon drawn on a tablet that hung on the wall of his attic, which he would show to the laymen^N who came to testify about the new moon but were unable to describe adequately what they had seen. And he would say to them: Did you see a form like this or like this?

GEMARA The Gemara asks: And is it permitted to create these types of forms? Isn't it written: "You shall not make with Me gods of silver, or gods of gold" (Exodus 20:19), which is interpreted as teaching: You shall not make images of My attendants, i.e., those celestial bodies that were created to serve God, including the sun and the moon?

Abaye said: The Torah prohibited only the images of those attendants with regard to which it is possible to reproduce an item in their likeness. Since it is impossible for anyone to reproduce the sun and the moon, the prohibition does not apply to these objects. As it is taught in a baraita: A person may not construct a house in the exact form of the Sanctuary,^H nor a portico in the exact form of the Entrance Hall of the Sanctuary, nor a courtyard corresponding to the Temple courtyard, nor a table corresponding to the table in the Temple, nor a candelabrum corresponding to the candelabrum in the Temple. However, one may fashion

שֶׁל חֲמִשָּׁה וְשֶׁל שֵׁשׁ וְשֶׁל שְׁמוֹנֶה. וְשֶׁל שֶׁבַע – לֹא יַעֲשֶׂה, אֲפִילוּ שֶׁל שָׂאֵר מִיְּמֵי מַתְכוֹת. רַבִּי יוֹסֵי בַר יְהוּדָה אָמַר: אִף שֶׁל עֵץ לֹא יַעֲשֶׂה, כְּדָרֶךְ שָׁעֲשׂוּ מַלְכֵי בֵּית חֲשְׁמוֹנָאִי.

אָמְרוּ לוֹ: מִשָּׁם רְאִייהָ?! שְׁפוּדִין שֶׁל בְּרוֹל הֵיוּ, וְחִיפּוֹם בְּבַעֲץ. הֶעֱשִׂירוּ – עֲשָׂאוֹם שֶׁל כֶּסֶף; חֲזוּרוּ הֶעֱשִׂירוּ – עֲשָׂאוֹם שֶׁל זָהָב.

וְשִׁמְשִׁין שֶׁאֵי אֲפֶשֶׁר לַעֲשׂוֹת כְּמוֹתָן מִי שְׂרִי? וְהִתְנַיֵּא: "לֹא תַעֲשׂוּן אֹתֵינוּ" – לֹא תַעֲשׂוּן כְּדַמוֹת שְׁמֵשֵׁי הַמְּשֻׁמְשִׁין לְפָנֵי בְּמִרוֹם! אָמַר אַבְיִי: לֹא אֶסְרֶה תוֹרָה אֲלֵא דְמוֹת אֲרֻבָּעָה פְּנִים בְּהַדֵּי הַדְּרִי.

אֲלֵא מַעֲתָה, פְּרָצוּף אֲדָם לְחֻדְיָה תִּשְׁתַּרְוּ! אֲלֵמָה תִּנְיֵא: כָּל הַפְּרָצוּפוֹת מוֹתְרִין, חוּץ מִפְּרָצוּף אֲדָם! אָמַר רַב הוֹנָא בְּרִיה דְּרַב אִידִי, מִפְּרָקִיָּה דְּאַבְיִי שְׁמִיעָא לֵי: "לֹא תַעֲשׂוּן אֹתֵינוּ" – לֹא תַעֲשׂוּן אוֹתֵי.

a candelabrum of five or of six or of eight lamps. But one may not fashion a candelabrum with seven lamps even if he constructs it from other kinds of metal rather than gold, as in exigent circumstances the candelabrum in the Temple may be fashioned from other metals. Rabbi Yosei bar Yehuda says: Also, one may not fashion a candelabrum of wood, in the manner that the kings of the Hasmonean monarchy fashioned it.^h When they first purified the Temple they had to prepare the candelabrum out of wood, as no other material was available. Since this candelabrum is fit for the Temple, it is prohibited to fashion one of this kind for oneself.

The other Sages said to Rabbi Yosei bar Yehuda: From there you seek to bring a proof? There the branches of the candelabrum were comprised of spits [shippudin]^l of ironⁿ and they covered them with tin.^{nb} Later, when they grew richer and could afford a candelabrum of higher-quality material, they fashioned them from silver. When they grew even richer, they fashioned them from gold. Still, Abaye proves from this baraita that the prohibition against forming an image applies only to items that can be reconstructed in an accurate manner. Since this is not possible in the case of the moon, Rabban Gamliel's forms were permitted.

The Gemara asks: And is it really permitted to form images of those attendants concerning which it is impossible to reproduce their likeness? Isn't it taught in a baraita that the verse: "You shall not make with Me gods of silver" (Exodus 20:19), comes to teach: You shall not make images of My attendants that serve before Me on high. Apparently, this includes the sun and the moon. Abaye said: This does not include the sun and the moon, as the Torah prohibited only the fashioning of an image of all four faces^h of the creatures of the Heavenly Chariot together (see Ezekiel, chapter 1). However, all other images, which are not the likeness of the ministering angels, are permitted.ⁿ

The Gemara raises a difficulty: However, if that is so, let the fashioning of an image of a human face [partzuf]^l alone be permitted. Why, then, is it taught in a baraita: All faces are permitted^h for ornamental purposes, except for the face of a person?^h Rav Huna, son of Rav Idi, said: From a lecture of Abaye I heard that there is a different reason why one may not form an image of a human face, as the verse states: "You shall not make with Me [iti]" (Exodus 20:19). This can be read as: You shall not make Me [oti].ⁿ Since man is created in the image of God, it is prohibited to form an image of a human being.

NOTES

Spits of iron – שְׁפוּדִין שֶׁל בְּרוֹל – Tosafot explain that the branches of a candelabrum were called spits because a candelabrum that is not made of gold does not have the ornamentation of cups, knobs, and flowers, as detailed in the Torah (Exodus 25:31–40). However, it is noted in the Pesikta that they found actual spits of iron in the Temple which were used for the candelabrum.

And they covered them with tin [beva'atz] – וְחִיפּוֹם בְּבַעֲץ: An alternative version of the text reads: They covered them with wood [ba'etz]. However, even that version can be explained as referring to metal. Some say that according to this version the spits themselves were made of iron but that they covered them with wood to avoid the display of iron vessels in the Temple, as the Torah expresses disapproval of that material (Exodus 20:21).

The statements of Abaye in the discussion – דִּבְרֵי אַבְיִי בְּסוּגְיָה: The commentaries explain that Abaye did not change his mind each time. Rather, Abaye clarified the three different baraitot, from which it may be inferred that there are several categories of objects one may not fashion: Replicas of the vessels of the Temple, images of the angels and similar beings, and images of the celestial bodies. All of Abaye's rulings on this matter are accepted as halakha (see Rashba, Ritva, and others).

You shall not make Me – לֹא תַעֲשׂוּן אוֹתֵי: This cannot mean that God has an image, or that He looks like a human being. Rather, it means that as God revealed Himself to the prophets in the form of a human being, e.g., Ezekiel, chapter 1, this image of a human being is more significant than others and contains an element of sanctity (Ritva).

HALAKHA

The structure of a candelabrum – תְּבִיטָה מְנוּרָה: It is prohibited to fashion the form of the candelabrum with seven stems. This applies even if the form has no cups, knobs and flowers, and even if it is not the same size as the candelabrum in the Temple. Furthermore, even if one changes the order of the stems and their shape it is prohibited, due to the uncertainty with regard to the correct form of the candelabrum (see Pithei Teshuva; Shulhan Arukh, Yoreh De'a 141:8).

An image of four faces – דְּמוֹת אֲרֻבָּעָה פְּנִים: It is prohibited even to draw the four faces of the hayyot in the Heavenly Chariot (Shulhan Arukh, Yoreh De'a 141:4).

All faces are permitted – כָּל הַפְּרָצוּפוֹת מוֹתְרִין: One may fashion the forms of animals, birds, and fish, as well as trees and grass, both as pictures and as protruding figures (Shulhan Arukh, Yoreh De'a 141:6).

The face of a person – פְּרָצוּף אֲדָם: It is prohibited to fashion the protruding figure of a person. Some are stringent about even a non-protruding figure, in accordance with the opinion of the Ramban. Others say that this prohibition applies only to a complete form, whereas an incomplete form, e.g., one with missing limbs or a head without a body, is not prohibited. Some authorities claim that the custom is to be lenient in this regard (Rema), whereas others write that one who is stringent in this matter will be blessed (Shenei Luhot HaBerit; Shakh; Shulhan Arukh, Yoreh De'a 141:4, 6).

LANGUAGE

Spits [shippudin] – שְׁפוּדִין: Apparently from the Greek σποδος, spodos, which is an iron spit used for roasting.

Face [partzuf] – פְּרָצוּף: From the Greek προσωπον, prosopon, meaning a portrait or face.

BACKGROUND

Tin [ba'atz] – בְּעֵץ: Although the Aramaic word for tin is ba'atz, it is also possible that ba'atz is tin mixed with another material, e.g., lead, to ease the smelting process.

BACKGROUND

Worm – שלשול: This refers to an earthworm, found all over the world. It lives in the ground and eats rotting plants and organic materials found in the dirt it swallows. The earthworm appears above ground only in moist seasons at night. It grows up to 30 cm. Despite the great benefit it brings to agriculture, this creature is cited here as an example of the lowliest being, which is nevertheless prohibited to be worshipped.

HALAKHA

Images of My attendants – דמות שמיים: It is prohibited to fashion the form of the sun, the moon, or the stars, even in a picture (Shulhan Arukh, Yoreh De'a 141:4).

PERSONALITIES

Rabban Gamliel – רבן גמליאל: Rabban Gamliel was Nasi of the Sanhedrin and one of the most important tanna'im in the period after the destruction of the Second Temple. Rabban Gamliel's father, Rabban Shimon ben Gamliel the Elder, also served as Nasi of the Sanhedrin, and was also one of the leaders of the nation during the rebellion against Rome. Rabban Gamliel was taken to Yavne by Rabban Yohanan ben Zakkai after the destruction of the Temple, where he became known as Rabban Gamliel of Yavne. After the death of Rabban Yohanan ben Zakkai, Rabban Gamliel presided over the Sanhedrin. Under Rabban Gamliel's leadership, Yavne became an important spiritual center, and the greatest of the Sages gathered around him, including Rabbi Eliezer, Rabban Gamliel's brother-in-law; Rabbi Yehoshua; Rabbi Akiva; and Rabbi Elazar ben Azarya.

Rabban Gamliel sought to create a spiritual center for the Jews that would unite the entire people, a role filled by the Temple until its destruction. To this end, he strove to enhance the prominence and central authority of the Sanhedrin and its Nasi. However, his strict and occasionally harsh leadership eventually led his colleagues to remove him from his post for a brief period, when he was replaced by Rabbi Elazar ben Azarya. Nevertheless, as everyone realized that his motives and actions were intended for the good of the people and were not based on personal ambition, they soon restored him to his position.

There are not many halakhic rulings explicitly attributed to Rabban Gamliel. Nevertheless, in his time and under his influence, the Sages reached some of the most important decisions in the history of Jewish spiritual life. These include the decision to follow the opinion of Beit Hillel, the rejection of the halakhic system of Rabbi Eliezer, and the establishment of fixed formulas for prayers. Those decisions that are attributed to Rabban Gamliel indicate an uncompromising approach to the halakha; in this regard, he was faithful to his principles. Two of his sons were Sages: Rabban Shimon ben Gamliel, who served as Nasi of the Sanhedrin after him, and Rabbi Hanina ben Gamliel.

ושאר שמשין מי שרי? והא תנא: "לא תעשון אתי" – לא תעשון כדמות שמשיי המשמשין לפני במרום, כגון אופנים ושרפים וחיית הקודש ומלאכי השרת! אמר אבי: לא אסרה תורה אלא שמשין שבמדור העליון.

ושבמדור התחתון מי שרי? והתנא: "אשר בשמים" – לרבות חמה ולבנה בוכבים ומזלות; "ממעל" לרבות מלאכי השרת! כי תנא ההיא – לעבדם.

אי לעבדם – אפילו שלשול קטן נמי! אי הכי נמי, דתנא: "אשר בארץ" – לרבות הרים וגבעות, ימים ונהרות, אפיקים וגאיות. "מתחת" – לרבות שלשול קטן.

ועשייה גרידתא מי שרי? והתנא: "לא תעשון אתי" – לא תעשון כדמות שמשיי המשמשין לפני, כגון חמה ולבנה, בוכבים ומזלות!

שאני רבן גמליאל דאחרים עשו לו. והא רב יהודה, דאחרים עשו לו, ואמר ליה שמואל לרב יהודה: שיננא. סמי עיניה דדין!

The Gemara asks: **And is it permitted to form images of other attendants? Isn't it taught in another baraita that the verse: "You shall not make with Me gods of silver" (Exodus 20:19), teaches that you shall not make images of My attendants that serve before Me on high, for example, ofanim and seraphim and the sacred hayyot and the ministering angels. Abaye said: The Torah prohibited only those attendants that are found in the upper Heaven, i.e., the supreme angels in the highest firmament, but not the celestial bodies, e.g., the sun and the moon, despite the fact that they too are located in heaven.**

The Gemara raises another difficulty: **And is it permitted to form images of those bodies found in the lower heaven? Isn't it taught in a baraita: "You shall not make for yourself any graven image, nor any manner of likeness, of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth" (Exodus 20:3). The phrase "that is in heaven" comes to include the sun, the moon, the stars, and the constellations. The term "above" serves to include the ministering angels. Apparently, it is prohibited to form an image even of the celestial bodies found in the lower Heaven. The Gemara answers: When that baraita is taught, it is in reference to the prohibition against worshipping them. However, there is no prohibition against forming an image in their likeness.**

The Gemara asks: **If that baraita is referring to the prohibition against worshipping them, then even a tiny worm⁸ should also be prohibited. The Gemara answers: Yes, it is indeed so, as it is taught in the same baraita with regard to the continuation of the verse, "in the earth" comes to include mountains and hills, seas and rivers, streams and valleys; "beneath" comes to include a tiny worm. If so, it is indeed possible to explain that the entire baraita is referring to the prohibition against idol worship.**

The Gemara raises yet another objection: **And is the mere fashioning of images of the celestial bodies permitted? Isn't it taught in another baraita: "You shall not make with Me gods of silver" (Exodus 20:19). This verse teaches that you shall not make images of My attendants⁴ that serve before Me, for example the sun, the moon, the stars and the constellations. This is explicit proof that it is prohibited to form images of the sun and the moon; consequently, the solution proposed by Abaye is rejected, leaving the difficulty with Rabban Gamliel's diagram unresolved.**

The Gemara proposes an alternative resolution: **The case of Rabban Gamliel⁹ is different, as others, i.e., gentiles, fashioned those images for him,^N and it is prohibited only for a Jew to fashion such images; there is no prohibition against having them in one's possession. The Gemara raises a difficulty: But there is the case of Rav Yehuda, as others fashioned for him a seal in the form of a human being, and Shmuel said to Rav Yehuda, who was his student: Sharp-witted one, blind this one's eyes,^N i.e., disfigure the image, as it is prohibited even to have the image of a human being in one's possession.**

NOTES

דאחרים עשו לו: The early authorities are puzzled by this leniency, which is due to the fact that others fashioned it for him (see Tosafot). They point out that in general asking a gentile to perform a prohibited action is itself prohibited, even if the prohibition applies by rabbinic law. Most commentaries explain that it is permitted in this particular case because the forms were used for the purpose of the mitzva of sanctifying the New Moon (Tosafot). In tractate Avoda Zara, the Ritva says that if a gentile fashioned it for himself there is no prohibition for a Jew subsequently to use it.

The commentaries ask further why the Gemara arrived at this conclusion only at this late stage of the discussion. It is strange

that the tacit assumption up to this point was that Rabban Gamliel himself fashioned these forms. One suggestion is that as these forms were complicated and precise, it was assumed that no ordinary craftsman could have fashioned them (Penei Yehoshua).

סמי עיניה דדין – Some commentaries claim that this does not refer to the form of a human being but to that of a dragon, which itself was a common form used in idolatry, unlike the image of a human being, which was often used for ornamentation or as a badge of honor (Tosafot, citing Ba'al Halakhot Gedolot). Nevertheless, there is a widespread custom to disfigure even the image of a human being, albeit not necessarily the eyes.

בולט וְשוקע – A ring with a seal that has a protruding shape of a human being may not be worn; however, it is permitted to seal with it, as the imprint of the seal is sunken. Conversely, while a ring with a sunken seal may be worn, one may not seal with it, as it produces a protruding shape of a human being, which is prohibited (*Shulhan Arukh, Yoreh De'a* 141:5).

רבים – Many – If one did not fashion these objects himself, it is permitted to possess them in a place where many people are found. In these circumstances, there is no suspicion that he is using them for idolatrous purposes, and therefore there is no need to destroy or burn them. Nevertheless, it is a disgraceful practice to maintain these items (*Shakh; Peri Megadim; Shulhan Arukh, Yoreh De'a* 141:4, and in the comment of Rema).

להתלמד – To teach himself – Images are prohibited when fashioned for decoration. However, if they are formed to be used as a learning aid, they are permitted, even if they protrude (*Shulhan Arukh, Yoreh De'a* 141:5).

LANGUAGE

אנדרטא – Statue [*andarta*] – From the Greek ἀνδριάντος, *andriantos*, meaning a statue or an image of a human being.

התם חותמו בולט הוה, ומשום חשדא. כדתניא: טבעת, חותמו בולט – אסור להניחה ומותר לחתום בה. חותמו שוקע – מותר להניחה ואסור לחתום בה.

The Gemara answers: **There**, in the case of Rav Yehuda, **his was a protruding seal**, i.e., the image projected from the ring, and Shmuel prohibited it **due to the potential suspicion** that he had an object of idol worship in his hand. **As it is taught in a baraita:** With regard to a ring, if its seal protrudes it is prohibited to place it on one's finger, due to the suspicion of idol worship, but it is permitted to seal objects with it. In this case, the act of sealing creates an image that is sunken below the surface, which is not prohibited. However, if its seal is sunken,^h it is permitted to place it on one's finger, but it is prohibited to seal objects with it, as that creates a protruding image.

ומי חיישינן לחשדא? והא ההיא בני כנישתא דשף ויתבי בנהרדעא, דהוה ביה אנדרטא, והו עיילי רב ושמואל ואבוה דשמואל ולוי ומעלו התם, ולא חיישי לחשדא! רבים שאני.

The Gemara asks: **And are we concerned about arousing suspicion** in a case of this kind? **But what about that certain synagogue that had been destroyed** in Eretz Yisrael and its stones were relocated and it was rebuilt so that it satⁿ in Neharde'a,^b and there was a statue [*andarta*]^l of the king in it. **And nevertheless Rav and Shmuel and Shmuel's father and Levi would all enter and pray there and they were not concerned about arousing suspicion.** The Gemara answers: When many Jews are present it is different, as a large group is not suspected of having idolatrous intentions. Rather, it is assumed that the statue is there exclusively for purposes of ornamentation.

והא רבן גמליאל יחיד הוא! כיון דנשיא הוא – שכביחי רבים גביה. איבעית אימא: דפרקים הוה.

The Gemara asks: **But isn't Rabban Gamliel an individual?** According to this reasoning, his images of the moon should have been prohibited, as they would have aroused suspicion. The Gemara answers: **Since he is the Nasi**, the head of the Great Sanhedrin, many^h people were always found with him, and therefore there was no room for suspicion. The Gemara suggests an alternative answer: **If you wish, say** that these images were not whole; rather, they were formed from pieces of images that had to be put together. Only complete images are prohibited.

ואיבעית אימא: להתלמד עבד, ובתיב: "לא תלמד לעשות" – אכל אתה למד להבין ולהורות.

The Gemara suggests yet another answer: **If you wish, say:** Rabban Gamliel did this to teach himself,^h which is not prohibited, as it is written: "You shall not learn to do after the abominations of those nations" (Deuteronomy 18:9), which indicates: **However, you may learn to understand and to teach.** In other words, it is permitted to do certain things for the sake of Torah study which would otherwise be prohibited.

מתני' מעשה שבאו שנים; ואמרו: ראינוהו שחרית במזרח

MISHNA There was an incident in which two witnesses came to testify about the new moon, and they said: We saw the waning moon in the morning in the east,

NOTES

דשף ויתבי: This synagogue was famous in Babylonia, as the Sages said that the presence of God resided there. There is an aggadic tradition that it was referred to in this manner because they built it from stones of the ruins of the first Temple, so that it had

fallen [*shaf*] and subsequently sat, i.e., the stones were rebuilt. Another explanation is that this is referring to God's presence, which left [*shaf*] the Temple and then sat, or resided, in this synagogue (see *Arukh* and *ge'onim*).

BACKGROUND

Neharde'a – נהרדעא: Neharde'a, a city on the Euphrates near the Malka River, was one of the oldest Jewish communities in Babylonia. According to tradition, Jews lived in Neharde'a as early as the First Temple period, sixth century BCE, after the exile of King Jehoiachin of Judea. Neharde'a was one of the most significant Jewish communities in Babylonia. It was a center of Torah learning from an early period, and its yeshiva is the oldest in Babylonia.

Many great *tanna'im* visited Neharde'a, including Rabbi

Akiva, who intercalated the calendar there (*Yevamot* 122b). In Rav's time, the first half of the third century CE, the Neharde'a yeshiva was headed by Rav Sheila and then by Shmuel. Since the city lay near the border between the Roman and the Persian Empires, it frequently suffered from the wars between the two; Pappa bar Nazer, Odonathus, king of Tadmor, destroyed it completely in 259 CE. Later, however, Jews resettled there, and many Torah scholars remained in Neharde'a even after its yeshiva moved to Mehoza and Pumbedita.