And they would sound the *shofar* on Shabbat! with the court. Rav Huna's brief statement is obscure, and therefore the Gemara asks: What is the meaning of the phrase: *With the court?* It means: In the presence of the court, i.e., in the place where the court convenes. This comes to exclude any place that is not in the presence of the court, as the *shofar* is not sounded there.

Rava raised an objection from the mishna: And Jerusalem had this additional superiority over Yavne. What is the meaning of the phrase: *And this additional?* If we say that it is referring only to that which it teaches in the mishna, it should have simply said: *This,* without mentioning that it is an additional superiority. Rather, it indicates that in Jerusalem even private individuals sound the *shofar* on Shabbat, whereas in Yavne individuals do not sound it, but only agents of the court.

And this too is difficult: Don't individuals sound the *shofar* in Yavne? But when Rav Yitzḥak bar Yosef came from Eretz Yisrael to Babylonia, he said: When the prayer leader completed the sounding of the *shofar* in Yavne, nobody could hear the sound of his own voice in his ears due to the noise of the sounding of individuals. After the leader of the congregation finished sounding on behalf of the entire community, many individuals would take out their *shofars* and blast them, which created a loud noise. This indicates that individuals would sound the *shofar* on Shabbat even in Yavne.

Sounding the *shofar* on Shabbat – *תְּקִיָּה עַל בֵּית מָקוֹם*.

The Gemara here concludes that this prohibition is due to Rabba's decree. In the Jerusalem Talmud it is indicated that the main prohibition is derived from the verses, as by Torah law the *shofar* should not be sounded outside the Temple on Shabbat, in accordance with the opinion of Rabbi Levi. It is further stated in the name of Rabbi Shim'on bar Yohai that there is support for this opinion from the verse: "And you shall bring an offering made by fire to the Lord" (Leviticus 23:24), which appears after the mention of the *shofar*. It can be inferred from here that the sounding of the *shofar* is obligatory only in the place where offerings are sacrificed. It is further suggested in the Jerusalem Talmud that the *shofar* is sounded only when it is clearly "in the seventh month, on the first day of the month" (Leviticus 23:24), and this applies solely in the location of the Great Sanhedrin, which determines the calendar.

A temporary court – *תְּקִיָּה עַל בֵּית מָקוֹם*.

The commentaries dispute the definition of a temporary court in this context. Some maintain that everyone agrees that the *shofar* is sounded only in the Great Sanhedrin. However, according to the first tanna, even if the Great Sanhedrin moved to a temporary location they may still sound the *shofar* there (Ritva). Others explain that in any important court, even if it is not the Great Sanhedrin or even a court of twenty-three, they sound the *shofar*. This is apparently the opinion of the Rif, as they sounded the *shofar* in his court on Shabbat (see Ran).
Rather, is it not the case that in Jerusalem they sound the shofar both when the court was in session, and when the court was not in session. And by contrast, in Yavne, when the court was in session, yes, they would sound the shofar, whereas when the court was not in session, no, they would not sound it. If so, this indicates that when the court was in session they would in any case sound the shofar in Yavne, even though this was not in the presence of the court. This contradicts Rav Huna’s opinion that in Yavne they would sound the shofar only in the presence of the court.

The Gemara rejects this argument. No, the term additional can be explained to mean that whereas in Jerusalem they would sound the shofar on Shabbat both in the presence of the court and not in the presence of the court, with regard to Yavne, in the presence of the court, yes, they would indeed sound it, but if it was not in the presence of the court, no, they would not sound the shofar.

Some teach this statement of Rav Huna not with regard to this mishna, but rather with regard to this baraita that deals with the Jubilee Year. As it is written: “On Yom Kippur you shall proclaim with the shofar throughout all your land” (Leviticus 25:9). This teaches that each and every individual is obligated to sound the shofar. In this connection Rav Huna said: And they sound it with the court. The Gemara asks: What is the meaning of the phrase: With the court? The Gemara explains: When the court is in session. This serves to exclude a case when the court is not in session, that the shofar is not sounded.

Rava raised an objection from a baraita: The sounding of the shofar on Rosh HaShana and on Yom Kippur of the Jubilee Year overrides the prohibitions of Shabbat even in the outlying areas outside the Temple, every man and his house. The Gemara asks: What is the meaning of the phrase: Every man and his house? If we say that it means, as usual: Every man and his wife, is a woman obligated to sound the shofar? Isn’t sounding the shofar a positive, time-bound mitzva, i.e., one that can be performed only at a certain time of the day, or during the day rather than during the night, or only on certain days of the year? And the principle is that with regard to any positive, time-bound mitzva, women are exempt.

Rather, is it not the case that this phrase means: Every man in his house, and even at a time when the court is not in session? This presents a difficulty for the opinion of Rav Huna. The Gemara rejects this interpretation: No; actually it means that every man may sound the shofar in his house, but only at a time when the court is in session.

Rav Sheshet raised an objection from another baraita: Yom Kippur of the Jubilee Year is the same as Rosh HaShana with regard to both the shofar sounding and the additional blessings recited in the Amida prayer. However, the difference is that on Yom Kippur of the Jubilee Year they sound the shofar both in the court where they sanctified the month and in a court where they did not sanctify the month, and each and every individual is obligated to sound the shofar. Conversely, on Rosh HaShana they sound the shofar only in the court where they sanctified the month, and each and every individual is not obligated to sound it.

The Gemara asks: What is the meaning of the clause: Each and every individual is not obligated to sound it? If we say that on Yom Kippur of the Jubilee Year individuals sound the shofar, whereas on Rosh HaShana individuals do not sound it at all, this is difficult: But when Rav Yitzhak bar Yosef came from Eretz Yisrael to Babylonia, he said: When the prayer leader completed the sounding of the shofar in Yavne, nobody could hear the sound of his own voice in his ears due to the noise of the sounding of individuals. This indicates that individuals would sound the shofar even on Rosh HaShana.
The Gemara rejects this argument. No actually they sound the shofar only when the court was in session, and this is what the baraita is teaching: On Yom Kippur of the Jubilee Year, when the court was in session they sound the shofar both in the presence of the court and not in the presence of the court; however, on Rosh HaShana they sound it only when the court was in session, and even then only in the presence of the court. It was also stated that Rabbi Hiyya bar Gamda said that Rabbi Yosei ben Shaul said that Rabbi Yehuda HaNasi said: They sound the shofar only throughout the period when the court is sitting, in session, and only in its presence.

Rabbi Zeira raised a dilemma: If the members of the court stirred themselves to rise at the end of the session, but there was some delay and they did not actually rise, what is the halakha? Do we require that the court be seated, and that is the case here, as the judges are still sitting? Or perhaps we require that the shofar must be sounded when the court is in session, and that is not the case, as they have stirred to rise. No relevant sources were found in this regard, and therefore the Gemara states that the question shall stand unresolved.

§ The mishna stated: And Jerusalem had this additional superiority over Yavne. Any city that could see Jerusalem and hear the sound of the shofar there, and was near, and people could come from there, they would sound the shofar there as well. The Gemara clarifies these requirements: The clause that the city had to be able to see Jerusalem comes to exclude a city that sits in a deep valley, from which one can hear but cannot see Jerusalem from afar.

When the mishna states that the city must be able to hear, this serves to exclude a city sitting on a mountaintop, from where one can see Jerusalem but cannot hear sounds from it. As for the requirement that the city must be near, this comes to exclude a place sitting beyond the Shabbat limit of Jerusalem, even if one can see and hear from that place. And with regard to the statement that one can come, this serves to exclude a city that is separated from Jerusalem by a river, which renders it impossible for people to come to the city, even if it is close by.

**MISHNA**

After the previous mishna mentioned Rabban Yohanan ben Zakkaï’s ordinance that applies to the soundings of the shofar, this mishna records other ordinances instituted by the same Sage. At first, during the Temple era, the lulav was taken in the Temple all seven days of Sukkot, and in the rest of the country outside the Temple, it was taken only one day, on the first day of the Festival. After the Temple was destroyed, Rabban Yohanan ben Zakkaï instituted that the lulav should be taken even in the rest of the country all seven days, in commemoration of the Temple.

In the Jerusalem Talmud it is stated that all of these criteria must be met for that city to sound the shofar (see Rashba). According to the Gemara there, the term: Hees, comes to exclude a case where Jerusalem can be seen from another city located at a much lower elevation. The term: See, excludes a case where a mountain divides between the two places.
The ordinance concerning the lulav should be taken and the day of waving – פָּסַח יִשְׂרָאֵל. Some commentaries suggest that these two ordinances of Rabban Yohanan ben Zakkai were instituted at the same time, which is why they are always mentioned together, despite the fact that there is no connection between them (Tosafot in tractate Sukkah). In a homiletic vein, some state that these two ordinances were instituted together as they apparently contradict one another.

The ordinance concerning the lulav expands a mitzva that was formerly exclusive to the Temple to include some state that these two ordinances were instituted

The time of the prohibition of new grain - לְחָדָשׁ. It is prohibited to eat new grain from the five types of grain until the omer is brought, which is on the sixteenth day of Nisan. Nowadays, when there is no omer offering, it is prohibited to eat the new grain for the entire day of the sixteenth. In the Diaspora, due to the uncertainty over the date, it is prohibited to eat the new grain also for the entire seventeenth of Nisan. However, the custom is not to be strict about this second day, although a pious person should be stringent (Shulhan Arukh, Orach Hayyim 489:4; Shulhan Arukh, Yoreh De‘a 293:1; see also Magen Avraham).

The time of permitting the new grain during the time of the Temple - בְּשִׁיתְּסַר. When the Temple was standing it was permitted to eat the new grain immediately after the sacrificing of the omer. Those located far from Jerusalem were permitted to eat it after midday, as the court certainly would not delay offering it beyond that hour (Rambam Sefer Kedusha, Hilkhot Ma‘akhalot Assurot 1:2).

And for similar reasons, Rabban Yohanan ben Zakkai instituted that for the entire day of waving the omer offering, i.e., the sixteenth of Nisan, eating the grain of the new crop is prohibited. By Torah law, when the Temple is standing the new grain may not be eaten until after the omer offering is brought on the sixteenth of Nisan, usually early in the morning. When the Temple is not standing it may be eaten from the time that the eastern horizon is illuminated at daybreak. However, Rabban Yohanan ben Zakkai instituted a prohibition against eating the new grain throughout the entire sixteenth of Nisan, until the seventeenth, to commemorate the Temple.

The Gemara asks: And from where do we derive that one performs actions in commemoration of the Temple? As the verse states: “For I will restore health to you, and I will heal you of your wounds, said the Lord; because they have called you an outcast: She is Zion, there is none who care for her” (Jeremiah 30:17). This verse teaches by inference that Jerusalem requires caring through acts of commemoration.

The mishna taught: Rabban Yohanan ben Zakkai also instituted that for the entire day of waving the omer offering, eating the grain of the new crop is prohibited. The Gemara asks: What is the reason for this ordinance? The reasoning is that soon the Temple will be rebuilt and people will say: Last year, when the Temple was in ruins, didn’t we eat from the new crop as soon as the eastern horizon was illuminated on the morning of the sixteenth of Nisan, as the new crop was permitted immediately? Now too, let us eat the new grain at that time.

And they do not know that last year, when there was no omer, the eastern horizon illuminating, i.e., the morning of the sixteenth of Nisan, served to permit the consumption of the new grain immediately. However, now that the Temple has been rebuilt and there is an omer offering, it is the omer that permits the consumption of the new grain. When the Temple is standing, the new grain is not permitted until the omer offering has been sacrificed.

The Gemara clarifies: In this scenario, when is it that the Temple was built? If we say that it was rebuilt on the sixteenth of Nisan, then the Temple was not standing in the morning and therefore the eastern horizon illuminating indeed rendered eating the new grain permitted, as it was not yet possible to bring the omer offering.

Rather, you must say that it was rebuilt on the fifteenth of Nisan or on some earlier date, in which case the new grain would not become permitted by the illumination of the eastern horizon. In that scenario, from midday onward let it be permitted to eat the new grain, as didn’t we learn in a mishna in tractate Menahot: ‘The people distant from Jerusalem, who are unaware of the precise time when the omer was brought, are permitted to eat the new grain from midday onward,’ because the members of the court are not indolent with regard to the omer offering and would certainly have sacrificed it by midday. If so, now too, it should be permitted to eat the new grain beginning at that time. Why did Rabban Yohanan ben Zakkai prohibit it for the entire day?

The Gemara answers: This ordinance was necessary only in a case where the Temple was rebuilt on the fifteenth adjacent to sunset. Alternatively, in a situation where the Temple was rebuilt at night, on the evening of the sixteenth, and there was no opportunity to cut the omer that night. In either case there is insufficient time to complete all the preparations so that the offering can be sacrificed by noon the next day. If people eat the new grain at midday, they will have retroactively transgressed a prohibition. Therefore, Rabban Yohanan ben Zakkai instituted that the new grain should be prohibited for the entire day of the sixteenth.

Rav Nahman bar Yitzhak said: That is not the reason. Rather, Rabban Yohanan ben Zakkai
The time of permission to eat the new grain — עותק
When the Temple is not standing it is prohibited to eat the new grain throughout sixteenth of Nisan, in accordance with Rav Nahman bar Yitzhak’s explanation of Rabban Yohanan ben Zakka’s opinion (Rambam Sefer Kedusha, Hilkhot Ma’akhalot Assurot 10:2).

Testimony to determine the start of the month — התוקף
At first the court would accept testimony to determine the start of the new month throughout the thirteenth day of the previous month. On one occasion the witnesses were delayed and did not arrive until the evening, and the Temple service was spoiled, as they did not know what to do. The court subsequently instituted that they would accept testimony only until minha time, so that they would manage to sacrifice the additional offerings and the afternoon daily offering with their libations (Rambam Sefer Zemanim, Hilkhot Kiddush Ha’hadash 3:5).

The following is the standard interpretation of the mishna: The early authorities ask why the mishna doesn’t state that the Temple service itself was spoiled, as they did not bring the additional offering for Rosh Ha’Shana (see Tosafot). Indeed, some commentators maintain that the main reason is the ruin of the offerings, and the error with regard to the song is merely an additional reason (Rambam). Others contend that there was no error with regard to the offerings, as they would sacrifice the additional offerings conditionally: If today is Rosh Ha’Shana this is an additional offering, and if not, it is for the completion of the altar, i.e., a burnt-offering sacrificed at times when the altar was idle (Tosafot; Rish). Everyone agrees that they sacrificed the additional offerings after the afternoon daily offering, despite the positive mitzva that the daily offering must complete the day’s offerings, either because the mitzva of the additional offerings overrides that positive mitzva (Tosafot; Rashba), or because that mitzva does not apply in exigent circumstances (Meiri). However, no such solution was available with regard to the song, as they could not offer the libations the next day and recite the song, because the song is recited only for libations offered at the proper time (Rosh).

They instituted that they would accept only, etc. — כל יום
The plain meaning of this statement is that this error occurred on a regular New Moon, and the decree was established for all months of the year. However, it is possible to conclude otherwise from Rashi’s comments. Some write explicitly that this principle was established only for Rosh Ha’Shana, as the same concern does not apply to other months (Meiri; Turei Even; see the difficulties raised by the later authorities).

Notes

The opinion of Rabbi Yehuda — הרבי יהודה
The differences of opinion with regard to this halakha are based on divergent interpretations of the main verse on this topic: “And you shall eat neither bread nor parched corn, nor fresh stalks, until this selfsame [etzem] day,” until you have brought the offering of your God” (Leviticus 23:14). This does not teach that it is permitted to eat the new grain on the morning of the sixteenth when the eastern horizon is illuminated. Rather, it is prohibited until the essence [atzmo] of the day. And he holds that when the verse says: Until that day, it means until and including this date. If so, by Torah law, eating the new grain is permitted only after the conclusion of the sixteenth, unless the omer offering was sacrificed, in which case it is permitted to eat the new grain immediately afterward.

The Gemara asks: And does Rabban Yohanan ben Zakka hold in accordance with the opinion of Rabbi Yehuda? But he disagrees with him, as we learned in a mishna (Sukka 41a): After the Temple was destroyed, Rabban Yohanan ben Zakka instituted that for the entire day of waving the omer offering, eating the grain of the new crop is prohibited. Rabbi Yehuda said: But isn’t it prohibited by Torah law, as it is written: “Until this selfsame day”? This indicates that Rabbi Yehuda disagrees with Rabban Yohanan ben Zakka.

The Gemara rejects this argument. There, it was Rabbi Yehuda who erred in his understanding. He thought that Rabban Yohanan ben Zakka was saying that eating new grain on the sixteenth of Nisan is prohibited by rabbinic law. But that is not so; he was actually saying that it is prohibited by Torah law.

The Gemara raises a difficulty. But it is taught in the mishna: Instituted. This term is referring to a rabbinic ordinance, not a Torah law. The Gemara explains: What is the meaning of the term instituted? It means that Rabban Yohanan ben Zakka interpreted the verse, and instituted that this is how one should act from now onward. When the Temple was standing there was no need for this halakha, as it was permitted to eat the new grain after the sacrificing of the omer.

MISHNA

Initially, they would accept testimony to determine the start of the month throughout the entire thirtieth day from the beginning of the month of Elul, before Rosh Ha’Shana, and if witnesses arrived from afar and testified that they had sighted the New Moon the previous night, they would declare that day the Festival.

Once, the witnesses tarried coming until the hour was late, and the Levites erred with regard to the song, i.e., the psalm that they were supposed to recite, as they did not know at the time whether it was a Festival or an ordinary weekday. From that point on, the Sages instituted that they would accept testimony to determine the start of the month only until minha time. If witnesses had not arrived by that hour, they would declare Elul a thirty-day month and calculate the dates of the Festivals accordingly.
Witnesses came from mintha time – מִן מִתְחָנָה. If the witnesses arrived before the mintha time on Rosh HaShana, i.e., the thirtieth day after the start of Elul, that day is observed as a Festival and no prohibited labor may be performed. However, the additional offerings are sacrificed the next day, as the court does not sanctify the mintha time (Rambam Hilkhot Kiddush Hashabat 3:6).

The ordinance of Rabban Yohanan ben Zakkai instituted that the court should receive the testimony honestly. When Rabbi Zeira ascended to Eretz Yisrael, he did not recite any psalm at all, as he did not know which psalm should be sung, the one for an ordinary weekday or the special one for the Festival. Rabbi Zeira’s said: Their mistake was that they recited the song of an ordinary weekday with the daily afternoon offering. After the witnesses testified, it became clear that they should have recited the psalm of the Festival.

GEMARA The Gemara asks: What error did the Levites make with regard to the song they were supposed to recite? The Gemara answers: Here, in Babylonia, they interpreted that they did not recite any song at all, as they did not know which psalm should be sung, the one for an ordinary weekday or the special one for the Festival. Rabbi Zeira’s said: Their mistake was that they recited the song of an ordinary weekday with the daily afternoon offering. After the witnesses testified, it became clear that they should have recited the psalm of the Festival.

Rabbi Zeira told his son Ahava: Go out and teach the following baraita to the Sages of Babylonia: They instituted that on Rosh HaShana the court would accept testimony to determine the start of the month only if there was enough time left in the day to sacrifice the daily offerings and the additional offerings of the Festival and their libations, and to recite the appropriate song without a mistake. Granted, if you say that they recited the song of an ordinary weekday, this is a case in which there is a mistake. However, if you say that they did not recite any psalm at all, what mistake is there? The term: Mistake, indicates the performance of an incorrect action.

The Gemara explains: Since they did not recite any psalm at all, you do not have a mistake greater than this. The failure to recite the appropriate psalm disrupts the entire sacrificial service.

And if witnesses came from mintha time onward, although the calculations for the dates of the Festivals would begin from the following day, the people would nevertheless observe that day, on which the witnesses arrived, as sacred, so that in future years they would not treat the entire day as a weekday and engage in labor from the morning on the assumption that the witnesses will arrive only after mintha time. And they would also observe the following day as sacred. On the second day, they observed Rosh HaShana in full, both by sacrificing its offerings as well as by calculating the upcoming Festivals from that date.

HALAKHA

From mintha time onward – מִן מִתְחָנָה. The precise time of this mintha is unclear. Some maintain that this refers to mintha ketana, lesser, later mintha, i.e., nine and a half hours after sunrise, not mintha gedola, greater, earlier mintha, which is half an hour after halakhic noon (Turei Even). Rashi in Berachot (4b) and elsewhere indicates that mintha time is the time of the sacrifice of the afternoon daily offering.
The Gemara explains the objection from this baraita: Granted, if you say that anywhere there is a doubt with regard to what to say, one recites the song of an ordinary weekday, this is the meaning of that which the tanna states: One recites the psalm for an ordinary weekday and then repeats it. However, if you say that in a case of doubt no psalm is recited at all, what is the meaning of the clause: One recites it and repeats it?

NOTES

The phrase: He acquired and transferred and was the ruler in His world – אֲלֹהִים וּמְהוּלָל (Otzar HaKavod) is based on the verse: “Maker (koneh) of heaven and earth” (Genesis 14:19), i.e., He is their master and owner. The phrase: And He transferred [hikna], means that he transferred control of the world to mankind, as it says: “But the earth He has given to the children of men” (Psalms 115:16). Finally, the phrase: Ruler in His world, indicates that although He transferred possession of the world to its inhabitants, He nevertheless remains its ultimate ruler (Otzar HaKavod).

The Gemara expands on the topic of the daily psalms recited by the Levites. It is taught in a baraita that Rabbi Yehuda said in the name of Rabbi Akiva: On the first day of the week, Sunday, what psalm would the Levites recite? The psalm beginning with the phrase: “The earth is the Lord’s, and its fullness” (Psalms 24:1), in commemoration of the first day of Creation, because on that day He acquired the world and transferred it to man, and He was the only ruler in His world, as the angels were not created until the second day.

On the second day of the week what psalm would the Levites recite? The psalm that begins: “Great is the Lord, and highly to be praised in the city of our God, His sacred mountain” (Psalms 48:2), is because on the second day of Creation He separated His works, dividing between the upper waters and the lower waters, and ruled over them as King; and this psalm speaks of Jerusalem as “The city of a great King” (Psalms 48:3).

On the third day of the week they would recite the psalm beginning: “God stands in the congregation of God” (Psalms 82:2), because on the third day of Creation He revealed the land in His wisdom and thereby prepared the world for His assembly that could now live on the dry land. On the fourth day of the week they would recite the psalm beginning: “O Lord God, to Whom vengeance belongs” (Psalms 94:1), because on the fourth day of Creation He created the sun and the moon, and in the future He will punish and take vengeance upon those who worship them.

On the fifth day of the week the Levites would recite the psalm beginning: “Sing aloud to God our strength” (Psalms 82:2), because on the fifth day of Creation He created birds and fish to praise His name. On the sixth day of the week they would recite the psalm beginning: “The Lord reigns, He is clothed with majesty” (Psalms 93:1), because on that day He completed His labor and ruled over all of creation in full glory. On the seventh day of the week, Shabbat, they would recite the psalm beginning: “A psalm, a song for the day of Shabbat” (Psalms 92:1), as the future world will be a day that is all Shabbat.

Rabbi Nehemya said: What did the Sages see that led them to distinguish between these chapters, as they interpret the psalms recited on the six weekdays as referring to the past, whereas the psalm recited on Shabbat is referring to the future. Rather, all of the psalms refer to the past. The first six are as explained above: On the first day, the reason is that He acquired the world and transferred it to man, and He was the only ruler in His world; on the second day, the reason is that He separated His works and ruled over them as King; on the third day, the reason is that He revealed the land in His wisdom and thereby prepared the world for His assembly.

HAKHALA

The song of the day – יֵשׁ שֶׁשֶּׁכֶל רַבִּי יְהוּדָה: Every morning the Levites would recite a different song, as explained in the Gemara. Nowadays it is customary to recite these psalms as part of the morning prayers (Rambam Sefer Avoda; Mekhot Temidin 6:9).