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"NEW YEAR."

CHAPTER I.

THE ORDINANCES ABOUT THE NEW YEARS OF THE JEWISH CALENDAR--THE MESSENGERS THAT WERE SENT OUT FROM JERUSALEM--AND AT WHICH PERIOD OF THE YEAR THE WORLD IS DIVINELY JUDGED.

MISHNA I.: There are four New Year days, viz.: The first of Nissan is New Year for (the ascension of) Kings and for (the regular rotation of) festivals; [1](#) the first of Elul is New Year for the cattle-tithe, [2](#) but according to R. Eliezer and R. Simeon, it is on the first of Tishri. The first of Tishri is New Year's day, for ordinary years, and for sabbatic years [3](#) and jubilees; and also for the planting of trees [4](#) and for herbs. [5](#) On the first day of Shebhat is the New Year for trees, [6](#) according to the school of Shammai; but the school of Hillel says it is on the fifteenth of the same month. [7](#)

GEMARA: "*For kings.*" Why is it necessary to appoint such a day? (Let every king count the day of his ascension to the throne as the beginning of his year.) Said R. Hisda: "On account of documents." So that in the case of mortgages, one may know which is the first and which is the second by means of

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the year of the king's reign mentioned in the documents. The rabbis taught: A king who ascends the throne on the 29th of Adar must be considered to have reigned one year as soon as the first of Nissan comes, but if he ascends the throne on the first of Nissan he is not considered to have reigned one year until the first of Nissan of the following year. From this we infer, that only Nissan is the commencement of years for kings (or the civil New Year); that even a fraction of a year is considered a year; and that if a king ascends the throne on the first of Nissan, he is not considered to have reigned one year until the next first of Nissan, although he may have been elected in Adar. The Boraitha teaches this lest one say that the year should be reckoned from the day of election, and therefore the king would begin his second year (on the first of Nissan following).

The rabbis taught: If a king die in Adar, and his successor ascend the throne in Adar, (documents may be dated either) the (last) year of the (dead) king or the (first) year of the new king. If a king die in Nissan, and his successor ascend the throne in Nissan, the same is the case. But if a king die in Adar, and his successor does not ascend the throne until Nissan, then the year ending with Adar should be referred to as the year of the dead king, and from Nissan it should be referred to as that of his successor. [1](#) Is this not self-evident? The case here mentioned refers to an instance where the new king was a son of the deceased, and, while ascending the

throne in Nissan, had been elected in the month of Adar, and being the king's son, it might be assumed that he was king immediately after his election, and thus the following first of Nissan would inaugurate the second year of his reign. He comes to teach us that such is not the case.

R. Johanan says: Whence do we deduce that we reckon the commencement of years (for the reign) of kings, only from Nissan? Because it is written [I Kings, vi. 1]: "And it came to pass in the four hundred and eightieth year after the going forth of the children of Israel out of the land of Egypt, in the fourth year of the month Ziv, which is the second month of the reign of Solomon over Israel." Thus the Scriptures establish an analogy between "the reign of Solomon" and "the Exodus from Egypt." As the Exodus from Egypt is reckoned from Nissan,

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so also is the reign of Solomon reckoned from Nissan. But how do we know that the Exodus even should be reckoned from Nissan? Perhaps we should reckon it from Tishri. This would be improper, for it is written [Numb. xxxiii. 38]: "And Aaron, the Priest, went up into Mount Hor at the commandment of the Lord, and died there, in the fortieth year after the children of Israel were come out of the land of Egypt, on the first day of the fifth month." And it is written [Deut. i. 3]: "And it came to pass in the fortieth year, in the eleventh month, on the first day of the month, Moses spake," etc. Since he mentions the fifth month, which is certainly Abh, and he speaks of (Aaron's death as happening in) the fortieth year (and not the forty-first year), it is clear that Tishri is not the beginning of years (for kings). This argument would be correct as far as the former (Aaron's) case is concerned, for the text specifically mentions (forty years after) the Exodus; but in the latter (Moses') case, how can we tell that (the fortieth year) means from the Exodus? Perhaps it means (the fortieth year) from the raising of the Tabernacle in the wilderness. From the fact that R. Papa stated further on, that the twentieth year is mentioned twice for the sake of a comparison by analogy, we must assume that the analogy of expression "the fortieth year" (mentioned in connection with both Aaron and Moses) signifies also; 1 as in the former case it means forty years from the time of the Exodus, so also in the latter case. But whence do we know that the incident that took place in Abh (the death of Aaron) happened before (the speech of Moses) which is related as happening in Shebhat? Perhaps the Shebhat incident happened first. It is not reasonable to suppose this, for it is written [Deut. i. 4]: "After he had slain Sihon the king of the Amorites," and when Aaron died Sihon was still living. Thus it is written [Numb. xxi. 1]: "And the Canaanite, the king of Arad, heard." What did he hear? He heard that Aaron was dead, and that the clouds of glory had departed (and he thought that a sign that permission was given from heaven to fight against Israel). 2 How can we make any such comparison? In the one place it speaks of the Canaanite,

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and in the other of Sihon. We have learned in a Buraitha that Sihon, Arad, and the Canaanite are identical. This opinion of R. Johanan is quite correct, for we find that a Boraitha quotes all the verses that he quotes here, and arrives at the same conclusion.

R. Hisda says: The rule of the Mishna--that the year of the kings begins with Nissan--refers to the kings of Israel only, but for the kings of other nations it commences from Tishri. As it is said [Neh. i. 1]: "The words of Nehemiah, the son of Hakhaliah. And it came to pass in the month of Kislev, in the twentieth year," etc. And it is written [ibid. ii. 1]: "And it came to pass in the month Nissan, in the twentieth year of Artaxerxes the king," etc. Since Hanani stood before

Nehemiah in Kislev, and the Bible speaks of it as the twentieth year, and since Nehemiah stood before the king in Nissan, and the Text calls it also the twentieth year, it is clear that the New Year (for the non-Jewish king, Artaxerxes) is not Nissan (or in the latter case he would have spoken of the twenty-first year). This would be correct as far as the latter quotation is concerned, for it specifically mentions Artaxerxes, but in the former verse how do we know that it refers to Artaxerxes? Perhaps it refers to another event altogether. Says R. Papa: Since in the first passage we read "the twentieth year" and in the second we read "the twentieth year," we may deduce by analogy that as in the one case Artaxerxes is meant, so is he meant also in the other. But how do we know that the event, recorded as having occurred in Kislev, and not the Nissan incident, happened first? This we know from a Boraitha, where it reads: The same words which Hanani said to Nehemiah in Kislev, the latter repeated to the king in Nissan, as it is said [Neh. i. 1, 2]: "The words of Nehemiah, son of Hakhaliah. And it came to pass in the month of Kislev, in the twentieth year, as I was in Shushan the capital, that Hanani, one of my brethren came, and certain men of Judah . . . and the gates thereof are burned with fire." And it also said [Neh. ii. 1-6]: "And it came to pass in the month of Nissan, in the twentieth year of Artaxerxes the king, that wine was before him . . . so it pleased the king to send me; and I set him a time."

R. Joseph raised an objection. It is written [Haggai, ii. 10]: "In the twenty-fourth day of the sixth month, in the second year of Darius." And it is also written [ibid. I]: "In the second year, in the seventh month, in the one-and-twentieth

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day of the month." 1 If the rule is that Tishri (the seventh month) is the beginning of years for non-Jewish kings, should not the Text read "in the third year of Darius" instead of the second year? R. Abbahu answered: Cyrus was a most upright king, and the Hebrews reckoned his years as they did those of the kings of Israel (beginning with Nissan). R. Joseph opposed this. First: If that were so, there are texts that would contradict each other, for it is written [Ezra, vi. 15]: "And this house was finished on the third day of the month Adar, which was in the sixth year of the reign of Darius the King." And we have learned in a Boraitha: At the same time in the following year Ezra and the children of the captivity went up from Babylon, and the Bible says about this [Ezra, vii. 8]: "And he came to Jerusalem in the fifth month in the seventh year of the king." But if the rule is (that for Cyrus the year began with Nissan and not Tishri) should not the Text say "the eighth year" (since the first day of Nissan, the beginning of another year, intervenes between the third of Adar and the month of Abh)? Secondly: How can these texts be compared? In the one place it speaks of Cyrus, and in the other of Darius. We have learned in a Boraitha that Darius, Cyrus, and Artaxerxes are all one and the same person.

"*And for festivals.*" Do then the festivals commence on the first of Nissan? Do they not begin on the fifteenth of that month? R. Hisda answered: (The Mishna means that Nissan is) the month that contains that festival which is called the New Year for festivals (viz., Passover).

What difference does it make (in practice)? It makes a difference to one who has made a vow, because through this festival he becomes culpable of breaking the law, "Thou shalt not slack to pay." 2 And this is according to the opinion of R. Simeon, who says: That (before one is guilty of delay) the three festivals must have passed by in their regular order, with Passover as the first (of the three). Thus was also the dictum of R. Simeon ben Jochai, who stated that the law against procrastination

may be violated at times only when five festivals had passed by in their regular order; at other times when four, and again when three festivals had passed; *i.e.*, if the vow was made before the feast of Pentecost he becomes guilty of procrastination only when Pentecost, Tabernacles, Passover, and again Pentecost and Tabernacles had passed by; if the vow was made before Tabernacles then he becomes guilty.

The rabbis taught: As soon as three festivals have passed by and the following duties (or vows) have not been fulfilled one is guilty of procrastination; and these are: The vow of one who says, "I will give the worth of myself (to the sanctuary);" or, "I will give what I am estimated to be worth (in accordance with Lev. xxvii.);" or the vow concerning objects, the use of which one has forsworn, or which one has consecrated (to the sanctuary), or sin-offerings, guilt-offerings, burnt-offerings, peace-offerings, charity, tithes, the firstlings, the paschal offerings, the gleanings of the field, that which is forgotten to be gathered in the field, the produce of the corner of the field. 1 R. Simeon says: The festivals must pass by in their regular order, with Passover as the first. And R. Meir says: As soon as even one festival has elapsed and the vow has not been kept the law is infringed. R. Eliezer ben Jacob says: As soon as two festivals have elapsed the law is infringed, but R. Elazar ben Simeon says: Only the passing of the Feast of Tabernacles causes the infringement of the law (whether or not any other festivals have passed by between the making and the fulfilling of the vow). What is the reason of the first Tana? Since in [Deut. xvi.] the Text has been speaking of the three festivals, why does it repeat, "On the Feast of Unleavened Bread, on the Feast of Weeks, and on the Feast of Tabernacles?" This signifies that when Tabernacles, Passover, Pentecost, and again Tabernacles had passed, but if the vow was made before Passover, then the man becomes guilty if he allows the *three* festivals to pass by in their regular order. Infer from this that the festivals must pass in the order just mentioned before one is guilty of procrastination. R. Simeon says: It was not necessary to repeat "on the Feast of Tabernacles," because the Text was speaking of that festival (when it mentioned the names of the three festivals). Why, then, does it repeat it? To teach us that Tabernacles shall be the last of the three festivals. R. Meir

arrives at his opinion because it is mentioned of each festival "Thou shalt come there (to Jerusalem), and ye shall bring there" (your vows; and this being said of each festival, if one elapses and the vow is not brought, then the law against delay is infringed. The reason of R. Eliezer ben Jacob is, that the passage [Numb. xxix. 39] runs: "These shall ye offer to the Lord on your appointed feasts," and the minimum of the plural word "feasts" is two. On what does R. Elazar b. Simeon base his opinion? We have learned in the following Boraitha: "The Feast of Tabernacles" should not have been mentioned in [Deut. xvi. 16], since the preceding passages (of that chapter) were treating of that feast. Why, then, was it mentioned? To indicate that that particular feast (Tabernacles) is the one that causes the infringement of the law.

What do R. Meir and R. Eliezer ben Jacob deduce from the superfluous passage "on the Feast of Unleavened Bread, on the Feast of Weeks, and on the Feast of Tabernacles"? They use this verse, according to R. Elazar, who says in the name of R. Oshiya, who said: Whence do we know that the law of compensation 1 applies to the Feast of Weeks (although the feast is only one day)? For this very reason the Bible repeats the three festivals, and he institutes a comparison between Pentecost and Passover; and as the law of compensation applies to

Passover for seven days, so also does it apply to Pentecost for seven days. Why, then, do the Scriptures find it necessary to repeat the words, "In the Feast of Tabernacles"? To compare it with the Feast of Passover, as during Passover it was obligatory to stay over night (in Jerusalem), so was it also necessary during the Feast of Tabernacles. But how do we know that it was obligatory during the Feast of Unleavened Bread? It is written [Deut. xvi. 7]: "Thou shalt turn in the morning (after staying over night), and go unto thy tents." Whence do we deduce this? The rabbis taught: It is written [Deut. xxiii. 22]: "When thou shalt vow a vow unto the Lord thy God, thou shalt not delay to pay it." Perhaps these words only apply to a vow. How do we know that they may also be applied to a voluntary offering? In the passage just quoted we read "vow," and in another place [Lev. vii. 16] we find "but if the sacrifice of his offering be a vow or a voluntary offering";

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as in the latter instance the "voluntary offering" is included, so is also the former; "unto the Lord thy God," *i.e.*, offerings expressed by "I will give the value of myself," etc., and other objects mentioned above; "thou shalt not slack to pay it"; *i.e.*, the object promised must be given and not anything in exchange for it; 1 "for he will surely require it," *i.e.*, the sin, guilt, burnt, and peace-offerings; "the Lord thy God," these words refer to offerings of charity, tithes, and firstlings; "of thee," this refers to the gleanings, that which is forgotten in the field and the produce of the corner of the field; "and it would be sin in thee," *i.e.*, in thee and not in thy sacrifice (which is not thereby invalidated).

The rabbis taught: It is written [Deut. xxiii. 24]: "What is gone out of thy lips," this refers to the positive commandments (of the Law); "thou shalt keep," refers to the negative commandments; "and perform," is a warning to the Beth Din (that they should enforce the laws); "according as thou hast vowed," refers to vows; "to the Lord thy God," refers to sin, guilt, burnt, and peace-offerings; "voluntarily," means just what it is; "which thou hast spoken," refers to the sanctified objects devoted to the Temple for repairs, etc.; "with thy mouth," refers to charity. Says Rabha: One is culpable if he does not give forthwith that which he has vowed for charity. Why so? Because there are always poor people (needing immediate help). Is this not self-evident? One might suppose that, since the law prohibiting delay is found in connection with the duty of giving charity and also of bringing the various voluntary offerings, it would apply to both, and it would not be infringed until the three festivals had elapsed, he comes to teach us (that charity and sacrifices are different); in the latter case the infringement of the law depends on the festivals, but in the case of charity it must be given immediately, for the poor are always to be found. And Rabha said again: As soon as three festivals have passed (and one has not brought his offering), he daily transgresses the law against delay. An objection was raised. As soon as a year, containing three festivals or not, has passed (he that does not bring his offering), be it a firstling or any of the holy offerings, transgresses daily the law against delay. It is quite possible that the three festivals may elapse and yet a year may not go by (*i.e.*, from Passover till Tabernacles is only

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seven months), but how can it happen that a year may pass and the three festivals should not occur (in that time)? It may happen according to those who say (that the three festivals must elapse) in their regular order, but according to those who do not say (that the three festivals must go by) in their regular order, how can such a case occur? This would be correct according to

Rabbi (who holds that the intercalary month 1 is not a part of the year), and it occurs in a leap year, when one consecrates anything (to the Temple) after the Feast of Passover; for when the end of the second Adar has arrived, a year (of twelve months) has elapsed, yet the three festivals have not passed by in their regular order. But how can such a case occur according to the rabbis? It can happen as R. Shemaiah teaches: Pentecost falls on the fifth, sixth, or seventh of Sivan. How is this possible? In a year when the months of Nissan and Iyar have thirty days each, Pentecost falls on the fifth of Sivan; when they each have twenty-nine days, Pentecost falls on the seventh of Sivan; but when the one has twenty-nine days and the other has thirty days, Pentecost falls on the sixth of Sivan.

R. Zera asked: How does the law against delay affect an heir? Shall we argue that the Law says [Deut. xxiii. 22]: "When *thou* shalt vow" (*i.e.*, the testator has vowed), but the heir has not vowed (consequently the law does not apply to him), or shall we infer from the passage [Deut. xii. 5, 6]: "And thither shalt thou come . . . and ye shall bring," that the heir (who is obliged to come) is also in duty bound to bring with him (the objects vowed by the testator)? Come and hear. R. Hyya taught: It is written in this connection [Deut. xxiii. 22]: "Of thee" (*i.e.*, from the one who vowed) and this excludes the heir. But did we not say above that these words refer to the gleanings, etc.? The Text uses the word Me'immokh ("of thee"), which we can explain to mean both the successor and the gleanings, etc. (*i.e.*, all that comes "of thee").

R. Zera also asked: How does the law against delay affect a woman? Shall I say that since she is not obligated to appear (in Jerusalem) the law does not apply to her? or perhaps it is her duty to go there because she is included in the law "to rejoice"? "Certainly," answered Abayi, "she is bound by this law because it is her duty to rejoice."

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The schoolmen asked: From when do we count the beginning of the year for a firstling? Answered Abayi: From the moment it is born; but R. Aha b. Jacob said: From the moment it is acceptable as an offering (*i.e.*, when it is eight days old, Lev. xxii. 27). They do not differ, for the former Rabbi refers to an unblemished animal and the latter to one with a blemish. May, then, a blemished animal be eaten (on the day of its birth)? Yes, if we are sure it was born after the full period of gestation.

The rabbis taught: The first of Nissan is the new year for (arranging the) months, for (appointing) leap years, for giving the half shekels, and, some say, also for the rental of houses. Whence do we know (that it is the new year) for months? From the passage [Ex. xii. 2] where it is written: "This month shall be unto you the beginning of months; it shall be the first month of the year to you." It is also written [Deut. xvi. 1]: "Observe the month of Abib" (early stage of ripening). In which month is grain in the early stage of ripening? I can say only Nissan, and the Law calls it the first. Could I not say Adar (when the grain begins to shoot up)? Nay, for the grain must be ripening during the major portion of the month (and in Adar it is not). Is it then written that the grain must be ripening the major portion of the month? Therefore, says Rabhina, the sages do not find (the rule of calling Nissan the first month) in the Pentateuch, but in the Book of Esther, where it is clearly stated [Esther, iii. 7], "In the first month, that is, the month Nissan."

"For leap years." Do we, then, count leap years from Nissan? Does not a Boraitha teach us that Adar only is the intercalary month? Answered R. Na'hman b. Itz'hak: The words "FOR LEAP

YEARS" mean here the termination of leap years, 1 and our Tana speaks of the beginning of the leap year and not the end.

"For giving the half shekels." Whence do we deduce this? Said R. Yoshiah: In Numb. xxviii. 14: "This is the burnt-offering of the new moon throughout the months of the year." The Scriptures say "*proclaim it a new month*," and also bring a sacrifice from the new products. We make a comparison between the words "year" used in this passage and in Ex. xii. 2,

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[paragraph continues] "it shall be the first month of the year to you," and deduce that they both refer to Nissan.

R. Jehudah says in the name of Samuel: It is required that the congregational sacrifices 1 brought on the first of Nissan should be purchased with the shekels collected for the new year; but if the sacrifice was bought with the funds obtained from the former year's funds, it is acceptable, yet the law was but imperfectly complied with. We have also learned the same in a Boraitha with the addition that, if an individual offers from his own property (proper objects for the congregational sacrifices), they are acceptable, but he must first present them to the congregation. Is this not self-evident? Nay, it may be feared that one will not give them to the congregation with a free will, and this, he teaches us, is not worthy of consideration. And the reason that our Tana does not mention that Nissan is a new year for the giving of shekels also, is because it is said above that if one has brought an offering (from the old funds) he has done his duty, therefore he could not make Nissan absolutely binding as a new year for the sacrifices.

It is said above: "And some say also for the rental of houses." The rabbis taught: He who lets a house to another for a year, should count (the year) as twelve months from day to day; but if the lessee says (I rent this house) "for this year," even if the transaction takes place on the first of Adar, as soon as the first of Nissan arrives, the year (of rental) has expired. Can you not say Tishri (is the beginning of the year for such transactions)? Nay, it is generally understood that if a man rents a house in the autumn he rents it for the whole of the rainy season (winter). And the Tana of the first part of the above Boraitha (who does not fix Nissan as the month for rentals), and also our Tana both are of the opinion that in Nissan, too, bad weather sometimes prevails (and therefore Nissan and Tishri are alike in this respect).

"On the first of Elul is the new year for the cattle-tithes." According to whose opinion is this? Says R. Joseph: It is according to Rabbi's own opinion which he formed in accordance with the opinions of different Tana'im. With regard to the festivals he holds with R. Simeon and with regard to the cattle-tithe he holds to the opinion of R. Meir. If that is so, are there not

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five beginnings of years instead of four? Rabha answered that the Mishna mentioned only the four, which are not disputed by any one. According to R. Meir there are four, if that "for the festivals" be excluded, and according to R. Simeon there are four, if that "for the cattle-tithes" be excluded. R. Na'hman bar Itz'hak, however, says: (No such explanation is needed); the Mishna means that there are four (months) in which there are (or may be) many beginnings of years.

"According to R. Eliezer and R. Simeon it is on the first of Tishri." R. Johanan says: Both of them deduce their opinion by (various interpretations of) the same scriptural passage. It is written [Psalms, lxxv. 14]: "The meadows are clothed with flocks; the valleys also are covered with corn; men shout for joy, they also sing." R. Meir thinks (this is the interpretation) of these words: When are the meadows clothed with flocks? At the season when the valleys are covered with corn. And when are the valleys covered with corn? About (the time of) Adar. The flocks conceive in Adar and produce their young in Abh; consequently the beginning of the year (for the cattle-tithe) is Elul. R. Eliezer and R. Simeon, however, say: When are the meadows clothed with flocks? At the season when they shout and sing. When do the ears of corn (seem to) send up a hymn of praise? In Nissan. Now, the sheep conceive in Nissan and produce in Elul, consequently the beginning of the year (for their tithe) is Tishri. But Rabha says: All agree that only Adar is the time when the meadows are clothed with flocks, and the valleys are covered with corn. But they differ about this passage [Deut. xiv. 22]: "Thou shalt truly tithe" (*literally*, "Thou shalt tithe in tithing"), and we see that the text here speaks of two tithes--viz., of cattle and of grain. R. Meir thinks that the following comparison may be instituted between the two: just as the tithe of grain must be given in the month nearest to the time it is reaped, so that of cattle must be given in the month nearest to the one in which they are born (Elul). R. Eliezer and R. Simeon, however, are of the opinion that another comparison may be instituted between these tithes--viz., just as the beginning of the year for giving the tithe of grain is Tishri, so also is Tishri for that of cattle.

"The first of Tishri is the New Year's Day for ordinary years." For what purpose is this rule? Answers R. Zera, to determine the equinoxes (and solstices); and this agrees with the opinion of R. Eliezer, who says that the world was created

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in Tishri; but R. Na'hman says (it is the new year) for divine judgment, as it is written [Deut. xi. 12]: "From the beginning of the year till the end of the year," *i.e.*, at the beginning of the year it is determined what shall be at the end of the year. But whence do we know that this means Tishri? It is written [Psalms, lxxxii. 3]: "Blow on the new moon the cornet at the time when it (the new moon) is hidden 1 on our solemn feast day." What feast is it on which the moon is hidden? We can only say Rosh Hashana (New Year's Day), and of this day it is written [ibid. v. 4]: "For it is a statute unto Israel, a judgment (day) for the God of Jacob."

The rabbis taught: "It is a statute unto Israel," whence we infer that the Heavenly Court of judgment does not enter into judgment until the Beth Din on earth proclaims the new moon. Another Boraitha states: It is written: "It is a statute unto Israel." From this it appears that (New Year's Day is a day of judgment) only for Israel. Whence do we know it is so also for other nations? Therefore it is written: "It is the day of judgment of the God of Jacob" (the Universal God). Why, then, is "Israel" mentioned? To inform us that Israel comes in for judgment first. This is in accordance with the saying of R. Hisda: If a king and a congregation have a law suit, the king enters first, as it is said [I Kings, viii. 59]: "The cause of his servant (King Solomon) and the cause of his people." Why so? Because it is not customary to let a king wait outside.

"For the computation of sabbatic years." On what scriptural passage is this based? On Lev. xxv. 4, which reads: "But in the seventh year there shall be a sabbath of rest unto the land," and he deduces (that it means Tishri) by analogy from the word "year" in this passage and in the following: "From the beginning of the year" [Deut. xi. 12], which surely refers to Tishri.

"*And jubilees.*" Do, then, jubilees begin on the first of Tishri? Do they not begin on the tenth, as it is written [Lev. xxv. 9]: "On the Day of Atonement shall ye make the cornet sound throughout all your land"? Our Mishna is in accordance with R. Ishmael the son of R. Johanan ben Berokah of the following Boraitha: It is written [Lev. xxv. 10]: "Ye shall sanctify the year, the fiftieth year." Why was it necessary to repeat the word "year"? Because in the same connection it

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is said [ibid. 9]: "On the Day of Atonement shall ye make the cornet sound," and one might suppose that the jubilee is sanctified only from the Day of Atonement (and not before). Therefore the word "year" is repeated to teach us that by the words "ye shall sanctify the fiftieth year" is meant, that from the very beginning of the year the jubilee commences to be consecrated. From this R. Ishmael the son of R. Johanan b. Berokah says: From New Year's Day until the Day of Atonement slaves were not wont to return to their (own) homes, neither did they serve their masters, but they ate and drank and rejoiced with the crown of freedom on their heads. As soon as the Day of Atonement arrived the Beth Din ordered the cornet to be blown and the slaves returned to their own homes, and estates reverted to their (original) owners.

We have learned in another Boraitha: "It is a jubilee" (*Jobhel hi*). What is meant by (these superfluous words)? Since it is said [Lev. xxv. 10]: "And ye shall sanctify the fiftieth year," one might think that, as at the beginning of the year the jubilee commences to be sanctified, the sanctification should be extended to the (Day of Atonement) after the end of the year; and be not surprised at such a teaching, since it is customary to add from the non-sanctified to the sanctified. Hence the necessity of the words in the passage (next to that quoted above) [Lev. xxv. 11]: "A jubilee shall that fiftieth year be unto you"; *i.e.*, the fiftieth year shall be hallowed, and not the fifty-first. But the rabbis, whence do they derive the regulation that the fifty-first year is not sanctified? Because it is plainly written the fiftieth year and not the fifty-first. This excludes the opinion of R. Jehudah who holds that the jubilee year is added at the beginning and end. 1 The rabbis taught "*Jobhel hi* (it is a jubilee)," even if the people have not relinquished (their debts), even if the cornet is not sounded; shall we also say even if slaves are not released? Hence the word "*hi*" is used (to indicate that only when the slaves are released it is a jubilee), so says R. Jehudah. R. Jose says: "It is a jubilee," even if debts are not relinquished and slaves are not released; shall we also say even if the cornet is not sounded? Hence the word "*hi*" is used (and means the sounding of the cornet). Since one passage includes (all that is prescribed) and the other

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passage exempts (certain regulations), why should we say it is a jubilee even if they have not released slaves, but that it is not a jubilee if they failed to sound the cornet? Because it is possible that sometimes (a jubilee may occur) and yet there are no (Hebrew) slaves to release, but a jubilee can never occur without the sounding of the cornet (for a cornet can always be found). Another explanation is, that (the sounding of the cornet) is the duty of the Beth Din (and it will never fail to perform it), while (the releasing of slaves) is the duty of the individual, and we cannot be sure that he will perform it. (Is not the first explanation satisfactory) that he gives this additional explanation? (It may not be satisfactory to some who might say) that it is impossible that not one (Hebrew) slave should be found somewhere to be released. Therefore (the Boraitha adds) that the blowing of the cornet is the duty of the Beth Din (and they will not

fail to perform it).

R. Hyya b. Abba, however, said in the name of R. Johanan: The foregoing are the words of R. Jehudah and R. Jose; but the masters hold that all three conditions may prevent the fulfilment (of the law), because they hold that the word "hi" [Lev. xxv. 10] should be explained as to the subjects mentioned in the passage in which it occurs, and in the preceding and the following passages also, (and in the passage immediately following the "hi" is said, "fields reverted to their original owners." This, then, also constitutes one of the three conditions). But is it not written, "a jubilee," which certainly means to add something not mentioned previously? This additional word refers to the lands outside of Palestine, where the jubilee must also be enforced. If so, what then is the intent of the words "throughout the land"? (They lead us to infer) that at the time when (under a Jewish government) liberty is proclaimed throughout the land (Palestine) it should be proclaimed outside the land; but if it is not proclaimed in the land, it need not be proclaimed outside the land.

"*And also for the planting of trees.*" Whence do we deduce this? From Lev. xix. 23, where it is written: "Three years shall it be as uncircumcised," and also [ibid. 24]: "But in the fourth year." We compare the term "year" used here with that of Deut. xi. 12, "from the beginning of the 'year,'" and deduce by analogy that they both mean Tishri.

The rabbis taught: For one who plants, slips or grafts (trees) in the sixth year (the year before the sabbatic year), thirty days

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before the New Year's day (as soon as the first of Tishri arrives), a year is considered to have passed, and he is permitted to use, during the sabbatic year (the fruits they may produce), but less than thirty days are not to be considered a year, and the fruits may not be used, but are prohibited until the fifteenth of Shebhat, whether it be because they come under the category of "uncircumcised" or under the category of "fourth year planting" [Lev. xix. 23, 24]. Whence do we deduce this? R. Hyya bar Abba said in the name of R. Johanan or R. Janai: The verse says [Lev. xix. 24, 25]: "And in the fourth year. . . . And in the fifth year," *i.e.*, it may happen that in the fourth year (from the planting, the fruit) is prohibited because it is still "uncircumcised," and in the fifth year (from the planting) because it is still the product of the fourth year.

We have learned R. Eliezer says: In Tishri the world was created, the patriarchs Abraham and Jacob were born and died; Isaac was born on the Passover; on New Year's Day Sarah, Rachel, and Hannah were visited with the blessing of children, Joseph was released from prison, and the bondage of our fathers in Egypt ceased; in Nissan our ancestors were redeemed from Egypt, and in Tishri we shall again be redeemed. R. Jehoshua, says: In Nissan the world was created, and in the same month the patriarchs were born, and in Nissan they also died; Isaac was born on the Passover; on New Year's Day Sarah, Rachel, and Hannah were visited, Joseph was released from prison, and the bondage of our fathers in Egypt ceased. In Nissan our ancestors were redeemed from Egypt, and in the same month we shall again be redeemed.

We have learned in a Boraitha R. Eliezer says: Whence do we know that the world was created in Tishri? From the scriptural verse, in which it is written [Gen. i. 11]: "And God said, 'Let the earth bring forth grass, the herb yielding seed, and the fruit tree,'" etc. In what month does the

earth bring forth grass, and at the same time the trees are *full* of fruit? Let us say Tishri, and that time of the year (mentioned in Genesis) was the autumn; the rain descended and the fruits flourished, as it is written [Gen. ii. 6]: "But there went up a mist from the earth," etc. R. Jehoshua says: Whence do we know that the world was created in Nissan? From the scriptural verse, in which it is written [Gen. i. 12]: "And the earth brought forth grass, and herb yielding seed, and the tree yielding fruit," etc. In which month is the earth covered with grass (and at the same

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time) the trees bring forth fruit? Let us say Nissan, and at that time animals, domestic and wild, and birds mate, as it is said [Psalms, lxxv. 14]: "The meadows are clothed with flocks," etc. Further says R. Eliezer: Whence do we know that the patriarchs were born in Tishri? From the passage [I Kings, viii. 2]: "And all the men of Israel assembled themselves unto King Solomon at the feast, in the month Ethanim" (strong), which is the seventh month; *i.e.*, the month in which Ethanim, the strong ones of the earth (the patriarchs), were born. How do we know that the expression *ethan* means strength? It is written [Numb. xxiv. 21] *ethan moshabhekha*, "strong is thy dwelling-place," and it is also written [Micah, vi. 2]: "Hear ye, O mountains, the Lord's controversy, and (*ve-haëthanim*) ye strong foundations," etc.

R. Jehoshua, however, says: Whence do we know that the patriarchs were born in Nissan? From I Kings vi. 1, where it says: "In the fourth year, in the month Ziv (glory), which is the second month," etc., which means in that month in which the "glorious ones" of the earth (the patriarchs) were already born. Whether the patriarchs were born in Nissan or Tishri, the day of their death occurred in the same month as that in which they were born; as it is written [Deut. xxxi. 2]: Moses said, 'I am one hundred and twenty years old to-day.' The word "to-day" implies "just this day my days and years are complete," for the Holy One, blessed be He, grants the righteous the fulfilment of the years of their life to the very month and day, as it is said: "The number of thy days will I make full" [Ex. xxiii. 26].

Isaac was born in Nissan. Whence do we know this? It is written [Gen. xviii. 14]: "At the next *festival* I will return to thee, and Sarah will have a son." What festival was it when he said this? Shall I say it was Passover, and he referred to Pentecost? That cannot be, for what woman bears children after fifty days' gestation? If I say it was Pentecost, and he referred to Tishri, a similar objection might be raised, for who bears children after five months' gestation? If I say it was Tabernacles, and he referred to Passover, a similar objection may be made, for who bears children in the sixth month of gestation? This last objection could be answered according to the following Boraitha: We have learnt that that year was a leap year, and Mar Zutra says that although a child born after nine months' gestation is never born during the month (but

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only at the end of the required time), still a seven months' child can be born before the seventh month is complete, as it is said [I Sam. i. 20]: "And it came to pass, *li-tequphath ha-yamim* (when the time was come about)"; the minimum of *tequphoth* 1 is two and of *yamim* is also two (*i.e.*, after six months and two days' gestation, childbirth is possible).

Whence do we know that Sarah, Rachel, and Hannah were visited on New Year's Day? Says R.

Elazar: By comparing the expression "visit" that occurs in one passage with the word "visit" that occurs in another passage, and also by treating the expression "remember" in the same way. It is written concerning Rachel [Gen. xxx. 32]: "And God remembered Rachel," and of Hannah it is written [I Sam. i. 19]: "And God remembered her." He institutes an analogy between the word "remember" used in these passages and in connection with New Year's Day, which is called [Lev. xxiii. 24] "a Sabbath, a memorial (*literally*, a remembrance) of blowing of cornets." It is also written concerning Hannah [I Sam. ii. 21]: "And the Lord visited Hannah," and of Sarah it is written [Gen. xxi. 1]: "And the Lord visited Sarah," and by analogy all these events took place on the same day (New Year's Day).

Whence do we know that Joseph was released from prison on New Year's Day? From Psalm lxxxi., in verses 4, 5, it is written: "Blow on the new moon the cornet at the appointed time on the day of our feast, for this is a statute for Israel." In verse 5 of the same Psalm it is written: "As a testimony in Joseph did he ordain it, when he went out over the land of Egypt." On New Year's Day the bondage of our fathers in Egypt ceased. (Whence do we know this?) It is written [Ex. vi. 6]: "I will bring you out from under the burdens of the Egyptians," and it is written in Psalms, lxxxi. 6: "I removed his shoulder from the burden" (*i.e.*, I relieved Israel from the burden of Egypt on the day spoken of in the Psalm; *viz.*, New Year's Day). In Nissan they were redeemed, as previously proven. In Tishri we shall again be redeemed. This he deduces by analogy from the word "cornet" found in the following passages. In Psalm lxxxi. 4, it is stated: "Blow the cornet on the new moon (*i.e.*, on New Year's Day), and in Isa. xxvii. 13, it is written: And on that day the great cornet shall be

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blown" (and as it means New Year's Day in the one place, so does it also in the other). R. Jehoshua says: "In Nissan they were redeemed, and in that month we shall be redeemed again." Whence do we know this? From Ex. xii. 42, which says: "It is a night of special observance;" *i. e.*, a night specially appointed since the earliest times for the final redemption of Israel.

The rabbis taught: The Jewish sages calculate the time of the flood according to R. Eliezer, and the solstices according to R. Jehoshua, but the sages of other nations calculate the time of the flood also as R. Jehoshua does.

"*And for herbs.*" To this a Boraitha adds "tithes and vows." Let us see. What does he mean by "herbs"? The tithes of herbs. But are not these included with other "tithes"? (Nay, for the tithes of herbs) is a rabbinical institution, while the others are biblical. If so, should he not teach the biblical commandment first? (This is no question), because it was pleasing to him (to have discovered that, although the tithes of herbs is only a rabbinical institution, yet it should have a special New Year to prevent the confusion of tithes from year to year) he, therefore, gives it precedence. And the Tana of our Mishna teaches us the rabbinical institution (*viz.*, the New Year for herbs), leaving us to infer that if that must be observed, so much the more must the biblical law be followed.

The rabbis taught: If one gathers herbs on the eve of New Year's Day before sunset, and gathers others after sunset, he must not give the heave-offering or the tithes from the one for the other, for it is prohibited to give the heave-offering or tithes from the product of the past year for that of the present, of *vice versa*. If the second year from the last sabbatic year was just ending and the third year was just beginning, then for the second year he must give the first and second tithes, 1

and for the third year he must give the first and the poor tithes. Whence do we deduce that (in the third year no second tithe was to be

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given)? R. Jehoshua ben Levi says: In Deut. xxvi. 12, it is written: "When thou hast made an end of the tithe of produce in the third year, which is the year of the tithing," *i.e.*, the year in which only one tithe is to be given." What is to be understood (by one tithe)? The first and poor tithes, and the second tithe shall be omitted. But perhaps it is not so (that the first and poor tithe are one tithe), but that the first tithe shall be also omitted. This cannot be so, for we read [Numb. xviii. 26]: "The tithe which I have given you from them, for your inheritance," etc. (From this we see that) the Scripture compares this tithe to an inheritance, and as an inheritance is the perpetual property of the heir, so also is the first tithe an uninterrupted gift for the Levite.

"*And for vows.*" The rabbis taught: Whoso vows to derive no benefit from his neighbor for a year, must reckon (for the year) twelve months, from day to day; but if he said "for this year," if he made the vow even on the 29th of Elul, as soon as the first of Tishri comes, that year is complete, for he vowed to afflict himself and that purpose (even in so brief a period) has been fulfilled. But perhaps we should say Nissan (should be regarded as the new year in such a case)? Nay, in the matter of vows we follow the common practice among men (who generally regard Tishri as the New Year).

We have learned (Maasroth I., 3): We reckon the year for giving the tithe: "for carob as soon as it begins to grow; for grain and olives as soon as they are one-third ripe." What is meant by "as soon as it begins to grow"? When it blossoms. Whence do we know that we reckon the tithe on grain and olives when they are one-third ripe? Said R. Assi in the name of R. Johanan, and the same was said in the name of R. Jose of Galilee: It is written [Deut. xxxi. 10]: "At the end of every seven years, in the solemnity of the year of release, in the Feast of Tabernacles." What has the year of release to do with Tabernacles; it is already the eighth year (because the Bible says "at the end of every seven years")? It is only to tell us that all grain which was one-third ripe before New Year's Day must be regarded even in the eighth year as the product of the sabbatic year. And for this we find support in the following Boraitha: R. Jonathan b. Joseph says: It is written [Lev. XXV. 21]: "And it shall bring forth fruit for three (*lishlosh*) years." Do not read *lishlosh* "for three," but in this case read *lishlish* "for a third" (*i.e.*, it is considered produce when it is a third ripe). But this

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verse is required for its own particular purpose. There is another verse [ibid. ibid. 22]: "And when ye sow in the eighth year, then shall ye eat of the old harvest; until the ninth year, until its harvest come in, shall ye eat of the old store."

We have learned in a Mishna (Shebeith, II., 7): Rice, millet, poppies, and lentils which have taken root before New Year's Day come under the category of tithes for the past year, and therefore one is permitted to use them during the sabbatic year; but if they have not (taken root), one is forbidden to use them during the sabbatic year, and they come under the category of tithes of the following year. Says Rabha: Let us see. The rabbis say that the year (for giving tithes) begins as follows: "For a tree from the time they blossom, for grain and olives when they are one-third ripe, and for herbs when they are gathered." Now under which head are the above

(rice, etc.) classed? After consideration Rabha remarked: Since these do not all ripen simultaneously, but are gathered little by little, the rabbis are right when they say they are tithable from the time they take root.

We have learned in a Boraitha: R. Jose of Galilee says: It is written [Deut. xvi. 13]: "When thou hast gathered in thy corn and thy wine." We infer that as corn and wine, now being gathered, grow by means of the past year's rains, and are tithed as last year's (before New Year's Day) products, so every fruit that grows by the rain of last year is tithable as the last year's produce; but herbs do not come under this category, for they grow by means of the rains of the new year, and they are tithable in the coming year. R. Aqiba, however, says that the words "when thou hast gathered in thy corn and thy wine" lead us to infer that as corn and grapes grow chiefly by means of rain, and are tithed as last year's products, so all things that grow chiefly by rain are tithed as belonging to the past year; but as herbs grow even by watering, they are tithed as the next year's products. In what case is this difference of opinion applicable? Said R. Abbuha: In the cases of onions and Egyptian beans; for a Mishna says: Onions and Egyptian beans which have not been watered for thirty days before New Year's Day are tithed as last year's products, and are allowed to be used during the sabbatic year, but if they have been watered, then they are prohibited during the sabbatic year and are tithed as next year's products.

"On the first of Shebhat is the New Year for trees." Why

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so? Said R. Elazar, in the name of R. Oshyia, because at that date the greater part of the early rains have fallen, although the greater part of the Tequpha is yet to come. The rabbis taught: It once happened that R. Aqiba picked the fruit of a citron tree on the first of Shebhat, and gave two tithes of them, one according to the school of Shammai and one in accordance with the school of Hillel. Says R. Jose b. Jehudah: Nay, Aqiba did not do this because of the school of Shammai or the school of Hillel, but because R. Gamaliel 1 and R. Eliezer were accustomed to do so. Did he not follow the practice of Beth Shammai because it was the first of Shebhat? Said R. Hanina, and some say R. Hanania: The case here cited was one of a citron tree, the fruit of which was formed before the fifteenth of last Shebhat, and he should have given the tithe of it even before the present first of Shebhat, but the case happened to be as cited. But Rabhina said: Put the foregoing together and read the (words of R. Jose) as follows: It did not happen on the first of Shebhat, but on the fifteenth, and he did not follow the regulations of the school of Hillel or the school of Shammai, but the custom of R. Gamaliel and R. Eliezer. Rabba bar Huna said: Although R. Gamaliel holds that a citron tree is tithable from the time it is picked, as is the case with "herbs," nevertheless the new year for tithing it is in Shebhat. R. Johanan asked R. Janai: "When is the beginning of a year for (the tithe on) citrons?" And he said, "Shebhat." "Dost thou mean," said he, "the month Shebhat as fixed by the lunar year or by the solar year (from the winter solstice)?" "By the lunar year," he replied. Rabha asked R. Na'hman, according to another version R. Johanan asked R. Janai: "How is it in leap years (when there are thirteen lunar months)?" And he said: "Shebhat, as in the majority of years." It was taught: R. Johanan and Resh Lakish both say that a citron that has grown in the sixth year and is unpicked at the entrance of the sabbatic year is always considered the product of the sixth year. When Rabhin came (from Palestine) he said, in the name of R. Johanan: A citron that was as small as an olive in the sixth year, but grew to the size of a (small) loaf of bread during the sabbatic year, if one used it without separating the tithe he is culpable because of *Tebhel*. 2

The rabbis taught: A tree whose fruits formed before the fifteenth of Shebhat must be tithed as the product of the past year, but if they formed after that, they are tithed during the coming year. Said R. Nehemiah: This applies to a tree that looks as if it bore two crops; *i.e.*, whose fruits do not ripen all at once, but at two times. But in the case of a tree that produces but one crop, as, for example, the palm, olive, or carob, although their fruits may have formed before the fifteenth of Shebhat, they are tithed as the products of the coming year. R. Johanan remarked that in the case of the carob people follow the opinion of R. Nehemiah. Resh Lakish objected to R. Johanan: Since white figs take three years to grow fully ripe, must not the second year after the sabbatic year be regarded as the sabbatic year for them? R. Johanan was silent. R. Abba the priest said to R. Jose the priest: I am surprised that R. Johanan should have accepted this query of Resh Lakish without comment.

MISHNA: At four periods in each year the world is judged: on Passover, in respect to the growth of grain; on Pentecost, in respect to the fruit of trees; on New Year's Day all human beings pass before Him (God) as sheep before a shepherd, as it is written [Psalms, xxx. 9]: "He who hath fashioned all their hearts understandeth all their works"; 1 and on Tabernacles judgment is given in regard to water (rain).

GEMARA: What grain (does the divine judgment affect on the Passover)? Does it mean the grain now standing in the field (about to be reaped)? At what time, then, were all the accidents that have happened to it until that time destined (by divine will)? It does not mean standing grain, but that just sown. Shall we say that only one judgment is passed upon it? Have we learned in a Boraitha: If an accident or injury befall grain before Passover it was decreed on the last Passover, but if it happen (to the same grain) after Passover, it was decreed on the immediately preceding Passover; if an accident or misfortune befall a man before the Day of Atonement, it was decreed on the previous Day of Atonement, but if it happened after the Day of Atonement it was decreed on the preceding Day of Atonement? Answered Rabha: Learn from this that judgment is passed twice (in one year, before the sowing and before the reaping). Therefore said Abayi: When a man sees that the

grain which ripens slowly is thriving, he should as soon as possible sow such grain as ripens quickly, in order that before the time of the next judgment it may already have begun to grow.

With whose opinion does our Mishna agree? Not with that of R. Meir, nor with that of R. Jehudah, nor with that of R. Jose, nor with that of R. Nathann, nor with the teaching of the following Boraitha: All are judged on New Year's Day, and the sentence is fixed on the Day of Atonement. So says R. Meir. R. Jehudah says all are judged on New Year's Day, but the sentence of each is confirmed each at its special time--at Passover for grain, at Pentecost for the fruit of trees, at Tabernacles for rain, and man is judged on New Year's Day, and his sentence is confirmed on the Day of Atonement. R. Jose says man is judged every day, as it is written [Job, vii. 18]: "Thou rememberest him every morning"; and R. Nathan holds man is judged at all times, as it is written [ibid.]: "Thou triest him every moment." And if you should say that the Mishna agrees with the opinion of R. Jehudah, and that by the expression "judgment" it means the "confirmation of the decree," then there would be a difficulty about man. Said Rabha: The Tana of our Mishna is in accordance with the school of R. Ishmael of the following Boraitha: At

four periods is the world judged: at Passover, in respect to grain; on Pentecost, in regard to the fruit of trees; on Tabernacles, in respect to rain, and on New Year's Day man is judged, but the sentence passed upon him is confirmed on the Day of Atonement, and our Mishna speaks of the opening of judgment only (and not the final verdict).

R. Hisda asked: "Why does not R. Jose quote the same passage as R. Nathan in support of his opinion?" Because "trying" is not judging. But does not "remembering" also convey the same idea? Therefore said R. Hisda: R. Jose bases his opinion on another passage; viz. [I Kings viii. 59]: "That God may maintain the cause of His servant and the cause of His people Israel *every day*. Said R. Joseph: According to whom do we pray nowadays for the sick and for faint (scholars) every day? According to R. Jose (who maintains that man is judged every day).

We have learned in a Boraitha: R. Jehudah taught in the name of R. Aqiba. Why does the Torah command [Lev. xxiii. 10] a sheaf of the first fruits to be brought on the Passover? Because Passover is the period of judgment in respect to grain, and the Holy One, blessed be He, said: "Offer before Me the

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first sheaf of produce on Passover, so that the standing grain may be blessed unto you." And why the two loaves [Lev. xxiii. 17] on the Pentecost? Because that is the time when judgment is passed on the fruit of trees, and the Holy One, blessed be He, said: "Bring before Me two loaves on the Pentecost, so that I may bless the fruits of the tree." Why was the ceremony of "the outpouring of water" (on the altar) performed on the Feast of Tabernacles? Because He said: "Perform the rite of 'the outpouring of waters,' that the rains shall fall in due season." And He also said: "Recite before Me on New Year's Day the Malkhioth, Zikhronoth, and Shophroth; 1 the Malkhioth, that you proclaim Me King; the Zikhronoth, that your remembrance for good may come before Me." And how (shall this be done)? By the sounding of the cornet.

R. Abbahu said: "Why is the cornet made a ram's horn?" The Holy One, blessed be He, said: "Sound before Me on a cornet made of a ram's horn, that I may remember, for your sake, the offering of Isaac, the son of Abraham [*vide* Gen. xxii. 13], and I shall consider even *you* as worthy, as if ye had shown an equal readiness to sacrifice yourselves to Me."

R. Itz'hak said: A man is judged only according to his deeds at the time of sentence, as it is written [Gen. xxi. 17]: "God heard the voice of the lad, as he *then* was," and the same rabbi also remarked: Three circumstances cause a man to remember his sins; viz., when he passes by an insecure wall, when he thinks deeply of the significance of his prayer, and when he invokes divine judgment on his neighbor, for R. Abhin says: Whoso calls down divine judgment on his neighbor is punished first, as we find in the case of Sarah, who said [Gen. xvi. 5] to Abraham: "I suffer wrong through thee, may the Lord judge between me and thee." And shortly after we read (that she died): "And Abraham came to mourn for Sarah and to weep for her" [Gen. xxiii. 2]. (Naturally this only applies to cases where appeal could have been made to a civil court, and the invocation of divine judgment was not necessary. 2) R. Itz'hak

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preached: Four things avert the evil decree passed (by God) on man--viz.: charity, prayer,

change of name, and improvement.

Charity," as it is written [Prov. x. 2]: "Charity delivereth from death. Prayer," in accordance with [Psalms, cvii. 19]: "They cry unto the Lord when they are in distress, and He saveth them out of their afflictions." "Change of name," as it is written [Gen. xvii. 15]: "As for Sarai, thy wife, thou shalt not call her name Sarai, but Sarah shall her name be," and the text continues by saying [ibid. 16]: "Then will I bless her, and give thee a son also of her." "Improvement," we deduce from Jonah, iii. 10: "And God saw their works that they had turned from their evil ways," and immediately adds: "And God bethought Himself of the evil He had said He would do unto them, and He did it not." Some add to these four a fifth, change of location, as it is written [Gen. xii. 1 and 2]: "And God said to Abraham, get thee out from thy land" (and afterwards), "I will make of thee a great nation."

R. Kruspedai said in the name of R. Johanan: Three books are opened on New Year's Day: one for the utterly wicked, one for the wholly good, and one for the average class of people. The wholly righteous are at once inscribed, and life is decreed for them; the entirely wicked are at once inscribed, and destruction destined for them; the average class are held in the balance from New Year's Day till the Day of Atonement; if they prove themselves worthy they are inscribed for life, if not they are inscribed for destruction. Said R. Abhin: Whence this teaching? From the passage [Psalms, lxxix. 29]: "Let them be blotted out of the book of the living, and they shall not be written down with the righteous."

We have learned in a Boraitha: The school of Shammai said: There are three divisions of mankind at the Resurrection: the wholly righteous, the utterly wicked, and the average class. The wholly righteous are at once inscribed, and life is decreed for them; the utterly wicked are at once inscribed, and destined for Gehenna, as we read [Dan. xii. 2]: "And many of them that sleep in the dust shall awake, some to everlasting life, and some to shame and everlasting contempt." The third class, the men between the former two, descend to Gehenna, but they weep and come up again, in accordance with the passage [Zech. xiii. 9]: "And I will bring the third part through the fire, and I will refine them as silver is refined, and will try them as gold is tried; and he shall call on My name, and I will answer him."

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[paragraph continues] Concerning this last class of men Hannah says [I Sam. ii. 6]: "The Lord causeth to die and maketh alive, He bringeth down to the grave and bringeth up again." The school of Hillel says: The Merciful One inclines (the scale of justice) to the side of mercy, and of this third class of men David says [Psalms, cxvi. 1]: "It is lovely to me that the Lord heareth my voice"; in fact, David applies to them the Psalm mentioned down to the words, "Thou hast delivered my soul from death" [ibid. 8].

Transgressors of Jewish birth and also of non-Jewish birth, who sin with their body descend to Gehenna, and are judged there for twelve months; after that time their bodies are destroyed and burnt, and the winds scatter their ashes under the soles of the feet of the righteous, as we read [Mal. iii. 23]: "And ye shall tread down the wicked, for they shall be as ashes under the soles of your feet"; but as for Minim, informers and disbelievers, who deny the Torah, or Resurrection, or separate themselves from the congregation, or who inspire their fellowmen with dread of them, or who sin and cause others to sin, as did Jeroboam the son of Nebat and his followers, they all descend to Gehenna, and are judged there from generation to generation, as it is said

[Isa. lxvi. 24]: "And they shall go forth and look upon the carcasses of the men who have transgressed against Me; for their worm shall not die, neither shall their fire be quenched." Even when Gehenna will be destroyed, they will not be consumed, as it is written [Psalms, xlix. 15]: "And their forms wasteth away in the nether world," which the sages comment upon to mean that their forms shall endure even when the grave is no more. Concerning them Hannah says [I Sam. ii. 10]: "The adversaries of the Lord shall be broken to pieces." R. Itz'hac b. Abhin says: "Their faces are black like the sides of a caldron"; while Rabha remarked: "Those who are now the handsomest of the people of Me'huzza will yet be called the children of Gehenna."

What is meant by Jews who transgress with their *body*? Says Rabh: The *Qarqaphtha* (frontal bone) on which the phylacteries are not placed. 1 And who are meant by non-Jews who

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transgress with the *body*? Those guilty of the sin (of adultery). Who are those who inspire their fellowmen with dread of them? A leader of a community who causes the people to fear him overmuch without furthering thereby a high purpose. R. Jehudah said in the name of Rabh: No such leader will ever have a learned son, as it is said [Job, xxxvii. 24]: "Men do therefore fear him: he will never see (in his family) any wise of heart."

The school of Hillel said above: He who is full of compassion will incline the scale of justice to the side of mercy. How does He do it? Answered R. Eliezer: He *presses* on (the side containing our virtues), as it is said [Micah, vii. 19]: "He will turn again, he will have compassion upon us, he will suppress our iniquities." R. Jose says: He *lifts off* (the sins), as it is said [ibid. 18]: "He pardoneth iniquity and forgiveth transgression." And it was taught in the school of R. Ishmael that this means that He removes each first sin (so that there is no second), and this is the correct interpretation. "But," Rabha remarked, "the sin itself is not blotted out, so that if one be found in later times with more sins (than virtues), the sin not blotted out will be added to the later ones; whoso treats with indulgence one who has wronged him (forms an exception to this rule), for he will have *all* his sins forgiven, as it is said [Micah, vii. r8]: "He pardoneth iniquity and forgiveth transgression." From whom does He remove iniquity? From him who forgiveth transgression (committed against him by his neighbor).

R. Huna ben R. Jehoshua fell sick, and R. Papa went to visit him. The latter saw that the end was near, and said to those present: "Make ready his provisions (shrouds)." Finally he recovered, and R. Papa was ashamed to see him. "Why did you think him so sick?" said they. "He was so, indeed," he replied, "but the Holy One, blessed be He, said that since he was always indulgent (with every one), he shall be forgiven," as it is written: "He pardoneth iniquity and forgiveth transgression." From whom does He remove iniquity? From him who forgiveth transgression.

R. A'h the son of Hanina said: The phrase "of the remnant of his inheritance" [Micah, vii. 18] is like unto a fat tail (of an Arabian sheep) with a thorn through it (that will stick those that lay hold of it); (for He forgives) the *remnant* of His inheritance, and not all His inheritance. What is meant by

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remnant? Only those who deport themselves like a remnant (*i.e.*, modestly). R. Huna points out

a contradiction in these passages. It is written [Psalms, cxlv. 171: "The Lord is *just* in all his ways," and in the same passage, "and *pious* in all his works." It means, in the beginning He is only *just*, but in the end He is *pious* (when He finds that strict justice is too severe on mankind He tempers justice with piety or mercy). R. Elazar also points out a contradiction. It is written [Psalms, lxii. 12]: "Unto thee, O Lord, belongeth *mercy*;" and again, "thou renderest to every man *according to his work*." This can be explained as the above: In the beginning He rewards every man according to his works, but in the end He is merciful. Ilphi or Ilpha points out a similar contradiction in [Ex. xxxiv. 6], where it is written "abundant in *goodness and truth*," and gives a similar explanation.

It is written [Ex. xxxiv. 6]: "And the Lord passed by before him and proclaimed." R. Johanan said: Had this Passage not been written, it would have been impossible to have said it, for it teaches us that the Holy One, blessed be He, wrapped Himself, as does a minister who recites the prayers for a congregation, and pointing out to Moses the regular order of prayer, said to him: Whenever Israel sins, let him pray to Me, after this manner, and I shall pardon him.

"The Lord, the Lord," (these words mean) I am the same God before a man sins as I am after he sins and does repentance. "God, merciful and gracious." R. Jehudah said (concerning these words): The covenant made through the thirteen attributes [Ex. xxxiv.] will never be made void, as it is said [ibid. 10]: "Behold I make a covenant."

R. Johanan said: Great is repentance, for it averts the (evil) decreed against a man, as it is written [Isa. vi. 10]: "Obdurate will remain the heart of this people. . . . nor hear with their ears, nor understand with their hearts, so that they *repent* and be *healed*." R. Papa asked Abayi: Do not these last words, perhaps, mean before the (evil) decree has been pronounced? It is written, he replied, "be healed." What is that which requires healing? I can only say that against which judgment has been pronounced. An objection was raised from the following Boraitha: He who repents between (New Year's Day and the Day of Atonement) is forgiven, but if he does not repent, even though he offered the choicest sacrifice, he is not pardoned. This presents no difficulty; in the one case it refers to

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(the sins of) an individual, and in the other to (those of) a community. Another objection was raised. Come and hear. It is written [Psalms, cvii. 23-28]: "They that go down to the sea in ships, that do business in great waters; these see the works of the Lord . . . for he commandeth, and raiseth the stormy wind, which lifteth up the waves thereof, they reel to and fro, and stagger like a drunken man, . . . then they cry unto the Lord in their trouble, and he bringeth them out of their afflictions; oh, that men would praise the Lord for his goodness," etc. Signs are given, such as the words "but" and "only" in the Scriptures (which intimate limiting qualifications), to indicate that if they cried before the decree was pronounced, only then would they be answered; but if after, they are not answered. (Would not this be a contradiction to the words "to those of a community"?) Nay, for those on a ship are not a community (but are considered as individuals).

Come and hear. The proselyte Beluria (a woman) asked R. Gamaliel (concerning the following apparent contradiction): It is written in your Law [Deut. 17]: "The Lord who regardeth not persons" (*literally*, who lifteth not up countenances); and it is also written [Numb. vi. 26]: "May the Lord lift up his countenance." R. Jose, the priest, joined her, and said to her: "I will tell thee a parable. To what may this be compared? To one who lent money to his neighbor, and set a

time for its repayment before the king, and (the borrower) swore by the king's life (to repay it on time). The time arrived, and he did not pay, and he came to appease the king. Said the king to him, 'I can forgive you only your offence against me, but I cannot forgive you your offence against your neighbor; go and ask him to forgive you.'" So also here; in the one place it means sins committed by a man against Himself (the Lord), but in the other it means sins committed by one man against another. As to the decree pronounced against an individual, the Tanaim differ, however, as we may see from the following Boraitha: R. Meir used to say, of two who fall sick with the same sickness, and of two who enter a tribunal (for judgment) on similar charges, one may recover and one not, one may be acquitted and one condemned. Why should one recover and one not, and one be acquitted and one condemned? Because the one prayed and was answered, and one prayed and was not answered. Why should one be answered and the other not? The one prayed devoutly and was answered, the other did not pray

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devoutly and therefore was not answered; but R. Elazar said it was not because of prayer, but because the one prayed *before*, and the other *after* the decree was pronounced. R. Itz'hak said: Prayer is helpful for man before or after the decree has been pronounced. Is it then so that the (evil) decree pronounced against a congregation is averted (through the influence of prayer)? Does not one scriptural verse [Jer. iv. 14] say: "Wash thine heart from wickedness," and another states [ibid. ii. 22]: "For though thou wash thee with nitre, and take thee much soap, yet would the stain of thine iniquity remain before me." Shall we not say in the one case it means *before*, and in the other *after* the sentence has been pronounced? Nay, both refer (to a time) after the decree has been pronounced and there is no contradiction, for in one case it refers to a decree issued with an oath, and in the other to a decree pronounced without an oath, as R. Samuel b. Ami said in the name of R. Jonathan: Whence do we know that a decree, pronounced with an oath, cannot be averted? From the passage [I Sam. iii. 14]: "Therefore I have sworn unto the house of Eli, that the iniquity of Eli's house shall not be purged with sacrifice nor meat-offering forever." Rabba, however, said: Even in such a case it is only through *sacrifices* that sin cannot be purged, but by (the study of) the Law it may be; and Abayi said: With sacrifice and offering it cannot be purged, but by (the study of) the Law, and by active benevolence it can. (Abayi based this opinion on his own experience, for) he and (his master) Rabba were both descendants of the house of Eli; Rabba, who only studied the Law, lived forty years, but Abayi, who both studied the Torah and performed acts of benevolence, lived sixty years. The rabbis tell us also: There was a certain family in Jerusalem whose members died at eighteen years of age. They came and informed R. Johanan ben Zakkai of their trouble. Said he: "Perhaps you are descendants of Eli, of whom it is said, 'all the increase of thy house shall die in the flower of their age'" [I Sam. ii. 33]; "Go, then, study the Law, and live." They went and studied, and they lived, and they called that family R. Johanan's after his name. R. Samuel ben Inya says in the name of Rabh: Whence do we know that if the decree against a community is even confirmed, it may nevertheless be averted? From [Deut. iv. 7] where it is written: "As the Lord, our God, in *all* things that we call upon him for;" (but how can you harmonize that with the passage) [Isa. Iv. 6]: "Seek ye the Lord

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while he may be found"? The latter passage refers to an individual, the former to a community. When is that time that He will be found even by an individual? Answered Rabba bar Abbahu: "During the ten days, from New Year's Day till the Day of Atonement."

"On New Year's Day all the inhabitants of the world pass before him, Kibhne Maron (like sheep)." What does the Mishna mean by these last two words? "Like sheep," as they are translated in Aramaic, but Resh Lakish says they mean "as the steps of the Temple" (*i.e.*, narrow, so that people ascended them one by one). R. Jehudah, however, said in the name of Samuel: (They mean) "like the armies of the house of David" (which were numbered one by one). Said Rabba bar Bar Hana in the name of R. Johanan: "Under any circumstances they are mustered at a glance. And R. Na'hman bar Itz'hak said: Thus also we understand the words of our Mishna: "He that fashioned all their hearts alike" [Psalms, xxxiii. 15], *i.e.*, the Creator, sees all their hearts (at a glance) and (at once) understands all their works.

MISHNA: Messengers were sent out 1 for the following six months: for Nissan, on account of the Passover; for Abh, on account of the fast; for Elul, on account of the New Year; for Tishri, on account of appointing the order of the (remaining) festivals; 2 for Kislev, on account of the Feast of Dedication; for Adar, on account of the Feast of Passover; also for Iyar, when the Temple was in existence, on account of the minor (or second) Passover. 3

GEMARA: Why were they not, also sent out for Tamuz and Tebheth (in which months there are also fasts)? Did not R. Hana bar Bizna say in the name of R. Sin-peon the pious: What is the meaning of the passage [Zach. viii. 19]: "Thus saith the Lord of hosts; the fast of the fourth, and the fast of the fifth, and the fast of the seventh, and the fast of the tenth shall become in the house of Judah joy and gladness," etc., that they are called fasts, and also days of joy and gladness? Are we not to understand that only in the time of peace (cessation of persecution) they shall be for joy and gladness, but in the time when there was not peace they shall be fasts? Said

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[paragraph continues] R. Papa: It means this: When there was peace, these days should be for joy and gladness; in the time of persecution they shall be fasts; in times when there are neither persecution nor peace people may fast or not, as they see fit. If that is so, why then (should messengers have been sent out) on account of the fast of Abh? Said R. Papa: The fast (ninth day) of Abh is different, since many misfortunes occurred on that day, as the master said: "On the ninth of Abh, the first and second Temples were destroyed, Bether was captured, and the city of Jerusalem was razed to the ground."

We have learned in a Boraitha: R. Simeon said: There are four matters that R. Aqiba expounded, but which I interpret differently; "the fast of the fourth" means the ninth of Tamuz, on which the city was broken in, as it is written [Jer. iii. 6, 7]: "In the fourth, in the ninth day of the month . . . the city was broken in." What does he mean by fourth? The fourth of the months. "The fast of the fifth," means the ninth of Abh, on which the Temple of our Lord was burnt; and what does he mean by calling it fifth? The fifth of the months. "The fast of the seventh" means the third of Tishri, the day on which Gedaliah, the son of Ahikam, was slain (and we fast), because the death of the righteous is equal to the loss of the house of our Lord. And what does he mean by calling it the seventh? The seventh of the months. "The fast of the tenth," means the tenth of Tebheth, the day on which the king of Babylon set himself against Jerusalem, as it is written [Ezek. xxiv. 1, 2]: "Again in the ninth year, in the tenth month, in the tenth day of the month the word of the Lord came unto me saying, Son of man, write thee the name of the day, even of this same day; the king of Babylon set himself against Jerusalem." And what does he mean by calling it the tenth? The tenth of the months, and actually this last event should have been placed first (since it

occurred first). And why is it placed here last in order? To mention the months in their regular order. Said R. Simeon: I, however, do not think so, but thus: "The fast of the tenth" means the fifth of TebBeth, on which day the news came to the exiles that the city was smitten, as it is written [Ezek. xxxiii. 21]: "And it came to pass in the twelfth year of our captivity, in the tenth (month), in the fifth day of the month, that one that had escaped out of Jerusalem came to me, saying, The city is smitten," and they held the day on which they received the news equal to the day (on which the

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Temple) was burnt. And it seems to me that my opinion is more satisfactory, for I speak of the first, first, and of the last, last; while he speaks of the last, first, and of the first, last; he mentions them in the order of the months, while I mention them in the order in which the calamities occurred.

It was taught: Rabh and R. Hanina say: The Rolls of Fasts (which contained the names of minor holidays on which it was prohibited to fast) is annulled, but R. Johanan and R. Jehoshua ben Levi say: "It is not." When Rabh and R. Hanina say that it is annulled they mean: In the time of peace the (fast) days are days of joy and gladness, but in the time of persecution they are fast days, and so also with other (days mentioned in the Rolls of Fasts); and when R. Johanan and R. Jehoshua ben Levi say it is not annulled (they mean) that those (four fasts mentioned in Zachariah) the Bible makes dependent on the rebuilding of the Temple; but those (mentioned in the Rolls of Fasts) remain as they are appointed.

R. Tobi b. Matana objected: In the Rolls of Fasts it is said that on the twenty-eighth of (Adar), the good news came to the Jews that they need no longer abstain from studying the Law, for the king (of Syria had earlier) issued a decree, forbidding them to study the Law, or to circumcise their sons, and compelling them to desecrate their Sabbath. What did Jehudah b. Shamma and his friends do? They went and took counsel of a certain matron, whose house the celebrated people of the city frequented. Said she to them, "Go and cry aloud at night." They did as she advised and cried aloud, "Oh, heavens! Are we not all brethren? Are we not all the children of one Father? Are we not All the children of one mother? Why should we be treated differently from other nations, and from all people who speak other languages inasmuch as ye issue such cruel edicts against us?" The decrees were annulled, and the day (on which this happened) they appointed a holiday. Now if it be true that the Rolls of Fasts has been annulled (*i.e.*, the former [feasts] have been all abrogated), may then new ones be added? There is a difference of opinion among Tanaim on this question, as we have learned in the following Boraitha: The days recorded in the Rolls of Fasts, whether during or after the existence of the Temple. are not permitted (to be kept as fasts), so said R. Meir; R. Jose, however, said, so long as the Temple stood it was not permissible (to fast on them) because they were days of joy, but since the Temple fell it is allowed because they are

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days of mourning. One rule says that they are abrogated, but another rule says they are not abrogated. There is a question here caused by one rule contradicting the other. In the latter case it refers to the Feasts of Dedication and Esther (which are never to be abrogated), and in the former case to all other (minor feast) days.

"For Elul on account of New Year's Day, and for Tishri on account of appointing the order of the (remaining) festivals." Since (the messengers) were sent out on account of Elul, why need they go again on account of Tishri? Shall we say because (the Beth Din) desired to proclaim Elul an intercalary month? (That cannot be) for did not R. Hanina bar Kahana say in the name of Rabh: Since the time of Ezra we have not discovered that Elul was an intercalary month? We have not discovered it, because it was not necessary (to make it so). But if it should be necessary, shall we make it an intercalary month? This would disturb the position of New Year's Day. It is better that the position of New Year's Day alone should be disturbed than that all the holidays should be disarranged. And it seems to be so, for the Mishna says that the messengers were sent for Tishri on account of appointing the order of the festivals.

"And for Kislev on account of Hanuka, and for Adar on account of the Feast of Esther." But the Mishna does not say if it be a leap year, that the messengers were sent out in the second Adar on account of Purim. From this we learn that the Mishna is not in accordance with Rabbi of the following Boraitha: Rabbi says: "In a leap year messengers are sent out also in the second Adar on account of the Feast of Esther."

When Ula came (from Palestine) he said: They have made Elul an intercalary month, and he also said: "Do my Babylonian comrades know the benefit we have gained through it?" Because of what is this a benefit?" Because of herbs," [1](#) said Ula. R. A'ha bar Hanina, however, said: "Because of dead bodies." [2](#) What difference is there between them? They

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differ concerning a holiday that falls immediately before or after the Sabbath (on the sixth or first day of the week). According to the one who says "because of herbs" we may add an intercalary day, but (it is not necessary) according to him who says "because of dead bodies," for we can employ non-Jews (to bury the dead for us on the holidays). If this is the case, why is this a benefit only for us (in Babylon); is it not also to the advantage of them (in Palestine)? Our climate is very hot, but theirs is not.

Is this really so? Did not Rabba bar Samuel teach: One might suppose that as we intercalate the year when necessary, so we intercalate the month when necessary? Therefore it is written [Ex. xii. 2]: "This month shall be unto you the first of the months," which means as soon as you see (the new moon) as on this occasion, you must consecrate the month (whether or not it is necessary to intercalate it). (How, then, could they intercalate Elul, which had always only twenty-nine days?) To intercalate it (when necessary) was permitted, but to consecrate it was not permitted, and Rabba's words should read: One might suppose that as it is permitted to intercalate the year and the month when necessary, so we may consecrate the month when necessary. Therefore it is written [Ex. xii. 2]: "This month shall be unto you," etc., which means only when the moon is seen as on this occasion, may you consecrate it.

Samuel said: "I can arrange the calendar for the whole captivity." Abba, the father of R. Simlai, said to him: "Does the master know that which a certain Boraitha teaches concerning the secret of the intercalary day; viz., whether the new moon appears before or after midday?" Answered he, "No." "Then, master," said he, "if thou dost not know this, there may be other things which thou dost not know." When R. Zera went (to Palestine) he sent back word to his comrade (saying): The evening and the morning (following) must both belong to the month (*i.e.*, when

the old moon has still been seen after dark on the twenty-ninth day of the month, the thirtieth evening and following day belong to the closing month). And this is what Abba, the father of R. Simlai, meant: We calculate only the beginning of the new moon; if it began before midday, it is certain that it was seen close upon the setting of the sun, but if it did not begin before midday, it is certain that it did not appear close upon the setting of the sun. What difference does it make (in practice)? Answered R. Ashi, "to refute witnesses."

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R. Zera said in the name of R. Na'hman, in every case of doubt (about the holidays), we post-date, but never ante-date. [1](#) Does this mean to say that (in a case of doubt concerning the exact day on which Tabernacles begins) we observe the fifteenth and sixteenth, but not the fourteenth. Let us keep the fourteenth also. Perhaps Abh and Elul have each only twenty-nine days? Nay, if two consecutive months should each have twenty-nine days, this would be announced.

Levi went to Babylon on the eleventh of Tishri. Said he: "Sweet is the food of Babylon on the great Day (of Atonement now being held) in Palestine." They said to him, "Go and testify." Answered he, "I have not heard from the Beth Din the words, 'It is consecrated' (and therefore I cannot testify)."

R. Johanan proclaimed: In every place that the messengers sent in Nissan reached, but that the messengers sent in Tishri cannot reach, they must observe two days for the holidays; and they make this restriction for Nissan lest people would do in Tishri as in Nissan. [2](#) Rabha used to fast two days for the Day of Atonement. [3](#) Once it happened that he was right (because the Day of Atonement fell one day later in Palestine than in Babylon). R. Na'hman was once fasting on the Day of Atonement, and in the evening a certain man came and said to him, "To-morrow will be the Day of Atonement in Palestine." He angrily quoted, "Swift were our persecutors" [Lam. iv. 19].

R. Na'hman said to certain sailors, "Ye who do not know the calendar take notice that when the moon still shines at dawn (it is full moon, and if it happens to be Nissan) destroy your leaven bread (for it is then the fourteenth day)."

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MISHNA: For the sake of (the new moon) of the two months, Nissan and Tishri, witnesses may profane [1](#) the Sabbath, because in these months the messengers went to Syria, and the order of the festivals was arranged; when, however, the Temple [2](#) was in existence, they might profane the Sabbath in any month, in order to offer the (new moon) sacrifice in its proper time.

GEMARA: For the sake of these two months and not more? This would be a contradiction to the Mishna above, which states: "For the sake of six months messengers were sent out"? Said Abayi: "This is to be explained thus: For all new moons the messengers were sent out while it was still evening, but for Nissan and Tishri they were not sent out until they heard from the lips of the Beth Din the words, 'It (the new moon or month) is consecrated.'"

The rabbis taught: Whence do we know that for them we may profane the Sabbath? From [Lev.

xxiii. 4], which reads: "These are the feasts of the Lord, which ye shall proclaim in their seasons." Might not one suppose that as (witnesses) were permitted to profane the Sabbath until the new moons had been consecrated, so were messengers permitted to profane the Sabbath until (the festivals) were introduced? This the Law says: Therefore it is written: "Which ye shall proclaim," *i.e.*, you may profane the Sabbath in order to proclaim them, but not to introduce them.

"*When, however, the Temple was in existence,*" etc. The rabbis taught: Formerly they profaned the Sabbath for all (new moons), but after the destruction of the Temple, R. Johanan b. Zakkai said to them: "Have we any (new moon) sacrifice to offer? They then instituted that (witnesses) might profane the Sabbath only on account of Nissan and Tishri.

MISHNA: Whether the new moon had appeared clear to all or not (the witnesses) were permitted to profane the Sabbath on its account. R. Jose says: If it appeared clear to every one, [3](#) the Sabbath should not be profaned (by witnesses). It once happened that more than forty pair (of witnesses) were on the highway (to the Beth Din) on the Sabbath, when R. Aqiba

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detained them at Lydda. R. Gamaliel then sent word saying, "If thou thus detainest the people, thou wilt be the cause of their erring in the future" (*i.e.*, they may refuse to come and testify).

GEMARA: The rabbis taught: It is written [Eccles. xii. 10]: Koheleth sought to find out acceptable words," which signifies that Koheleth sought to enforce decrees without the aid of witnesses or warning. A heavenly voice was heard saying [Eccles. xii. 10]: "And that which was written uprightly, even words of truth" (which meant that) as it is written [Deut. xx. 15]: "Upon the evidence of two witnesses, etc., must a case be established," so should words of truth also be established by two witnesses.

"*It once happened that more than forty pair (of witnesses) were on the highway (to Jerusalem) and R. Aqiba detained them,*" etc. We have learned in a Boraita: R. Jehudah said: It would be a sin to say that R. Aqiba should have detained them. It was Shazpar, the superintendent of Gadara, who detained them, and (and when) R. Gamaliel (heard of it, he) sent and dismissed him.

MISHNA: When a father and son have seen the new moon, they must both go to the Beth Din, not that they may act together as witnesses, but in order that, should the evidence of either of them be invalidated, the other may join to give evidence with another witness. R. Simeon says: Father and son, and relatives in any degree may be accepted as competent witnesses to give evidence as to the appearance of the new moon. R. Jose says: It once happened that Tobias, the physician, his son, and his freed slave saw the new moon in Jerusalem (and when they tendered their evidence), the priests accepted his evidence and that of his son, but invalidated that of his freed slave; but when they appeared before the (Beth Din) they received his evidence, and that of his freed slave, but invalidated that of his son.

GEMARA: Said R. Levi: What is the reason for R. Simeon's decree? It is written [Ex. xii. 1]: "And the Lord spake unto Moses and Aaron saying, This month shall be *unto you*," which means, this evidence shall be acceptable from you (although you are brothers). And how do the rabbis interpret it? They explain it as follows: This testimony shall be placed at your disposal (*i.*

e., the Beth Din's). Says Mar Uqba in the name of Samuel, the Halakha prevails according to R. Simeon.

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MISHNA: The following are considered incompetent to be witnesses: gamblers with dice, usurers, pigeon breeders, [1](#) those who deal with the produce of the sabbatic year, and slaves. This is the rule: All evidence that cannot be received from a woman cannot be received from any of the above. One who has seen the new moon, but is unable to go (to give evidence), must be brought (if unable to walk) mounted on an ass, or even in a bed. [2](#) Persons afraid of an attack by robbers may take sticks with them; [2](#) and if they have a long way to go, it will be lawful for them to provide themselves with and carry their food. [2](#) Whenever (witnesses) must be on the road a day and a night, it will be lawful to violate the Sabbath to travel thereon, to give their evidence as to the appearance of the moon. For thus it is written [Lev. xxiii. 4]: "These are the feasts of the Lord, the holy convocations, which ye shall proclaim in *their appointed seasons*."

Footnotes

[1:1](#) This refers to the law concerning vows. If one made a vow it had to be fulfilled before the three festivals elapsed in the order of Passover, Pentecost, and Tabernacles, as will be explained further on.

[1:2](#) A date had to be appointed in order to keep the tithes of animals born and products of the earth, distinct from year to year.

[1:3](#) Vide Lev. xxv. and Deut. xv.

[1:4](#) With regard to the prohibition of eating fruit of newly planted trees [Lev. xix. 23-25].

[1:5](#) So as not to mix the tithes of herbs from year to year.

[1:6](#) With regard to the tithes due on fruit trees.

[1:7](#) The Gemara fully discusses the reasons for these institutions, but we deem it wise to anticipate, for the sake of clearness.

[2:1](#) No reference should be made after the first of Nissan to the reign of the king just deceased. For instance: it was not permitted to speak of the year beginning with Nissan, as the second year after the death of the king.

[3:1](#) The statement of R. Papa is quoted here, because it is a rule of the Talmud that no comparisons by analogy may be cited unless they emanate from a tradition or teaching known to the master making such a comparison, and this rule applies throughout the Talmud.

[3:2](#) Because the life of the righteous is a protection for the whole people.

[5:1](#) The Rabbis of the Talmud must have had a different version of the book of Haggai from that existing at present. In the second passage quoted, namely Haggai ii. 1, the words "in the second year" cannot be found. There is, therefore, a great difficulty in understanding the discussion. Even Rashi is unable to enlighten us on this point.

[5:2](#) This law of "Thou shalt not slack to pay," is known as "BAL TE'AHAR"; *i.e.*, the law against procrastination or delay.

[6:1](#) Lev. xxiii, 22.

[7:1](#) The privilege of bringing on one of the later days of a festival a sacrifice that should have been offered on the first day.

[8:1](#) Lev. xxvii. 32.

[9:1](#) Leap year occurs seven times in a cycle of nineteen years. On such occasions one month, the second Adar, is added to the twelve lunar months.

[10:1](#) As soon as Nissan had been consecrated, there could be no further debate about making the past year intercalary, for once the new month had been called Nissan, it was forbidden to call it by any other name.

[11:1](#) The TAMID or daily offering could not be presented to the Temple by an individual.

[13:1](#) This is the literal translation of the verse in Psalms; the free translation is "at the appointed time," according to Isaac Leeser.

[14:1](#) *i.e.*, the jubilee year is, at the same time, the fiftieth year of the last and the first of the coming series.

[18:1](#) TEQUPHA--Solstice or equinox; hence, the period of three months, which elapses between a solstice and the next equinox, is also called TEQUPHA. Mar Zutra reads the biblical term Tequphoit in the plural.

[19:1](#) Tithes must be given even to-day, according to the Rabbinical law, throughout Palestine and Syria.

It was the duty of the Israelite to give of his produce the following offerings and tithes: (1) THERUMA, a heave-offering, to be given to the priest every year; the measure was not fixed by the Bible; (2) MAÄSER RISHON, or first tithe, to be given every year to the Levite; (3) MAÄSER SHENI, or second tithe, was to be taken in the second year to Jerusalem and eaten

there, or to be converted into money, which was to be spent there; (4) MAÄSER ANI, or the poor tithe, to be given in the third year.

[22:1](#) The opinion of R. Gamaliel is stated a little further on.

[22:2](#) Produce of which the levitical and priestly tithe has not been yet separated, and which must not be used.

[23:1](#) Vide Introduction.

[25:1](#) These are the divisions of the Additional Service for the New Year's Day. The Malkhioth consist of ten scriptural passages in which God is proclaimed King. The Zikhronoth consist of an equal number of scriptural passages in which Divine remembrance is alluded to. The Shophroth are a similar series of selections in which the Shophar (cornet) is referred to. In Chapter IV. of this tract there is a discussion as to the composition of these selections. We retain the Hebrew names, because we feel that no translation or paraphrase will adequately express what they mean.

[25:2](#) This is taken from Tract Baba Kama.

[27:1](#) There were sects at that time who did not wear the phylacteries on the frontal bone, but on other places. The people here referred to are those mentioned in Mishna Megillah III. 5. Those who do not wear phylacteries at all are, under no circumstances, included under the head of these transgressors. (*Vide* Tosaphoth, ad loc.) For fuller information the reader is referred to our "The History of Amulets, Charms, and Talismans" (New York, 1893).

[32:1](#) See Slekalim I. i.

[32:2](#) *e.g.* Tabernacles. This was necessary since the Beth Din might have made the month intercalary.

[32:3](#) *Vide*, Numb. ix. 10, 11.

[35:1](#) By adding an intercalary day to Elul, the holiday (New Year or Atonement Day) was prevented from falling on Friday or Sunday, the intention being to separate the holiday by an intervening day from the Sabbath. Thus, herbs that were to be eaten fresh, and other foods, would not spoil, as they might, if kept from Thursday till after the Sabbath.

[35:2](#) A similar practice was followed with regard to the keeping of a dead body over the Day of Atonement and a Sabbath. Since it was impossible to keep the dead body two days, the Sabbath and the Atonement Day were separated by the means of the intercalated day.

[37:1](#) *i.e.* if there be a doubt about which day is the Passover or the feast of Tabernacles, the festival should be kept for two days; not, however, by *ante-dating* and keeping the *fourteenth* and *fifteenth* (of Nissan or Tishri) but by *post-dating* and keeping the *fifteenth* and *sixteenth* of

either month.

[37:2](#) In Tishri, messengers might be delayed reaching distant places, to which they were sent to announce the date of the festival (Tabernacles), on account of New Year's Day and the Day of Atonement, on which they could not travel more than a short distance. In Nissan, however, they could, without delay, reach those places, and having announced the date of the festival, only one day was hallowed. Fearing that people might do, in regard to the Feast of Tabernacles, what they did with regard to Passover (*i.e.*, keep one day, even when in doubt about the date), the Rabbis instituted that both Tabernacles and Passover should have two days hallowed instead of one.

[37:3](#) He was in doubt whether the Beth Din in Palestine had made Elul intercalary or not, and as the messengers did not arrive until after the Day of Atonement, he fasted two days.

[38:1](#) To travel to Palestine in order to inform the Beth Din might have necessitated walking more than the distance permitted on the Sabbath.

[38:2](#) The Temple in Jerusalem.

[38:3](#) It might then be presumed that every one had seen it, and it was therefore unnecessary for any one to go to Palestine to announce it to the Beth Din.

[40:1](#) Those who breed and train pigeons for racing.

[40:2](#) Even on the Sabbath, when under ordinary circumstances this might not be done.

[Next: Chapter II.](#)