

CHAPTER II.

ORDINANCES ABOUT THE WITNESSES CONCERNING THE NEW MOON, THE HOISTING OF THE FLAGS AND HOW IT WAS CONSECRATED BY THE BETH DIN.

MISHNA: If the witness was unknown another was sent with him to testify to his character. In former times they would receive evidence (about the appearance of the moon) from any one; but when the Boëthusians commenced to corrupt the witnesses the rule was made, that evidence would only be received from those who were known (to be reputable).

GEMARA: What is meant by "another" (in the above Mishna)? Another pair (of witnesses). It seems also to be so from the statement of the Mishna. "If the witness was unknown? Shall we assume that it means one (witness)? Surely the evidence of one was not received, for this transaction was called "judgment" [Psalms, lxxxi.] (and two witnesses are necessary)? What, then, does "the witness" mean? That pair; so also here, "another" means another pair. Is, then, the evidence of one not accepted? Have we not learned in a Boraitha: It once happened that R. Neherai went to Usha on the Sabbath to testify (to the character) of one witness? He knew that there was one witness in Usha, and he went to add his evidence (and thus make two witnesses). If that is so, what does it tell us? One might suppose that, as there was a doubt (that he might not meet the other witness), he ought not to have profaned the Sabbath (by travelling to Usha as a single witness); therefore he comes to teach us (that even in such a case of doubt the Sabbath might be violated).

When Ula came (to Babylon, from Palestine), he said: They have already consecrated the new moon in Palestine. Said R. Kahana: (In such a case) not only Ula, who is a great man, is to be believed, but even an ordinary man. Why so? Because men will not lie about a matter that will become known to every one.

"In former times they would receive evidence from any one, etc." The rabbis taught: How did the Boëthusians corrupt the

witnesses? They once sought to deceive the sages, and they bribed, with four hundred zuz (silver coins), two men, one belonging to their party and one to ours. The former gave his evidence and went out, to the latter they (the Beth Din) said, "Tell us what was the appearance of the moon?" "I went up," replied he, "to Maale Adumim, 1 and I saw it crouching between two rocks. Its head was like a calf, its ears like a goat, its horns like a stag, and its tail was lying across its thigh. I gazed upon it and shuddered, and fell backwards; and if you do not believe me, behold, here I have two hundred zuz bound up in my cloth." "Who induced you to do this?" they asked. "I heard," he replied, "that the Boëthusians wished to deceive the sages; so I said to myself, I will go and inform them, lest some unworthy person may (accept their bribe), and come and deceive

the sages." Then said the sages: "The two hundred zuz may be retained by you as a reward, and he who bribed you shall be taken to the whipping-post (and be punished)." Then and there they ordained that testimony should be received only from those who were known (to be of good character).

MISHNA: Formerly bonfires were lighted (to announce the appearance of the new moon); but when the Cutheans 2 practised their deceit, it was ordained that messengers should be sent out. How were these bonfires lighted? They brought long staves of cedar wood, canes, and branches of the olive tree, and bundles of tow which were tied on top of them with twine; with these they went to the top of a mountain, and lighted them, and kept waving them to and fro, upward and downward, till they could perceive the same repeated by another person on the next mountain, and thus, on the third mountain, etc. Whence did these bonfires commence? From the Mount of Olives to Sartabha, from Sartabha to Grophinah, from Grophinah to Hoveran, from Hoveran to Beth Baltin; they did not cease waving the burning torches at Beth Baltin, to and fro, upward and downward, until the whole country of the captivity appeared like a blazing fire.

GEMARA: The rabbis taught: Bonfires were only lighted to announce the new moon that appeared and was consecrated at the proper time (after twenty-nine days). And when were they lighted? On the evening of the thirtieth day. Does this

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mean to say that for a month of twenty-nine days the bonfires were lighted, but not for a month of thirty days? It should have been done for a month of thirty days, and not at all for a month of twenty-nine days. Said Abayi: That would cause the people a loss of work for two days (because they would wait to see if the bonfires would be lit or not and thus lose a second day). 1

"How were these bonfires lighted? They brought long staves of cedar wood," etc. R. Jehudah says: There are four kinds of cedars: the common cedar, the Qetros, the olive tree, and the cypress. Qetros says Rabh is (in Aramaic) Adara or a species of cedar. Every cedar, said R. Johanan, that was carried away from Jerusalem, God will in future times restore, as it is written [Isa. xli. 19]: "I will plant in the wilderness the cedar tree," and by "wilderness" He means Jerusalem, as it is written [Isa. lxiv. 19]: "Zion is (become) a wilderness." R. Johanan says again: Who studies the law, and teaches it in a place where there is no other scholar, is equal to a myrtle in the desert, which is very dear. The same says again: "Woe to the Romans, for whom there will be no substitution," as it is written [Isa. lx. 17]: "Instead of the copper, I will bring gold, and for iron I will bring silver, and for wood, copper, and for stones, iron." But what can He bring for R. Aqiba and his comrades (who were destroyed by Rome)? Of them it is written [Joel, IV. 21]: "I will avenge (but for) *their* (Aqiba's and his comrades') blood I have not yet avenged."

"And whence did these bonfires commence?" From Beth Baltin. What is Beth Baltin? "Biram," answered Rabh. What (does the Mishna) mean by the captivity? Said R. Joseph, "Pumbeditha." And how was it that the whole country looked like a blazing fire? We learn that each Israelite took a torch in his hand and ascended to the roof of his house.

MISHNA: There was a large court in Jerusalem called Beth

[paragraph continues] Ya'azeq, where all the witnesses met, and where they were examined by the Beth Din. Great feasts were made there for (the witnesses) in order to induce them to come frequently. At first they did not stir from there all day (on the Sabbath), 1 till R. Gamaliel, the elder, ordained that they might go two thousand ells on every side; and not only these (witnesses) but also a midwife, going to perform her professional duties, and those who go to assist others in case of conflagration, or against an attack of robbers, or in case of flood, or (of rescuing people) from the ruins (of a fallen building) are considered (for the time being) as inhabitants of that place, and may go (thence on the Sabbath) two thousand ells on every side. How were the witnesses examined? The first pair were examined first. The elder was introduced first, and they said to him: Tell us in what form thou sawest the moon; was it before or behind the sun? Was it to the north or the south (of the sun)? What was its elevation on the horizon? Towards which side was its inclination? What was the width of its disk? If he answered before the sun, his evidence was worthless. After this they introduced the younger (witness) and he was examined; if their testimony was found to agree, it was accepted as valid; the remaining pairs (of witnesses) were asked leading questions, not because their testimony was necessary, but only to prevent them departing, disappointed, and to induce them to come again often,

GEMARA: Do not the questions (asked by the Mishna), "was it before or behind the sun?" and "was it to the north or to the south?" mean the same thing? Answered Abayi: (The Mishna asks) whether the concave of the crescent was before or behind the sun, and if (the witness said) it was before the sun, his evidence was worthless, for R. Johanan says: What is the meaning of the passage [Job, xxv. 2]: "Dominion and fear are with him; he maketh peace in his high places?" It means that the sun never faces the concave of the crescent or the concave of a rainbow.

"What was its elevation on the horizon? Towards which side was its inclination?" In one Boraitha we have learned: If (the witness) said "towards the north," his evidence was valid, but if he said, "towards the south," it was worthless; in another Boraitha we have learned the reverse. It presents no difficulty;

in the latter case it speaks of the summer, while in the former it refers to the winter.

The rabbis taught: If one (witness) said its elevation appeared about as high as two ox-goats and another said about as high as three, their testimony was invalid, but either might be taken in conjunction with a subsequent witness (who offered similar testimony). The rabbis taught (If the witnesses say): "We have seen the reflection (of the moon) in the water, or through a metal mirror, or in the clouds," their testimony is not to be accepted; or (if they say we have seen) "half of it in the water, and half of it in the heavens, or half of it in the clouds," their evidence carries no weight. Must they then see the new moon again (before their testimony can be accepted)? Said Abayi: "By this is meant that if the witnesses testify that they saw the moon accidentally, and they then returned purposely and looked for it, but they saw it not, their evidence is worthless." Why so? Because one might say they saw a patch of white clouds (and they thought it was the moon).

MISHNA: The chief of the Beth Din then said: "It (the new moon) is consecrated," and all the

people repeated after him: "It is consecrated; it is consecrated." Whether the new moon was seen at its proper time (after twenty-nine days) or not, they used to consecrate it. R. Elazar b. Zadok said: If it had not been seen at its proper time it was not consecrated, because it had already been consecrated in heaven (*i.e.*, of itself).

GEMARA: Whence do we deduce this? Said R. Hyya b. Gamda quoting Rabbi, in the name of R. Jose b. Saul: It is written [Lev. xxiii. 44]: "Moses declared unto the children of Israel the feasts of the Lord," from which we deduce that (as Moses, who was the chief in Israel, declared the feasts to Israel, so also) the chief of the Beth Din should announce the words, "It is consecrated."

"All the people repeated after him: It is consecrated; it is consecrated." Whence do we deduce this? Said R. Papa: It is written [Lev. xxiii. 2]: "Shall proclaim." "Othom" (them). Do not read "Othom," but Athem (ye)--*i.e.*, which ye, all the people, shall proclaim. R. Na'hman b. Itz'hak, however, said: We know it from the words [ibid.]: "*These* are my feasts," *i.e.*, (*these people*) shall announce my feasts. Why are the words "It is consecrated" repeated? Because in the scriptural verse just quoted we find it written "holy convocations"

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(*literally*, announcements, and the minimum of the plural expression is two).

"R. Elazar b. Zadok said: If it had not been seen at its proper time it was not consecrated," etc. We have learned in a Boraitha, Pelimo 1 said: If the new moon appear at its proper time it was not customary to consecrate it, but if it appeared out of its proper time they used to consecrate it. R. Eliezer, however, said: In neither case would they consecrate it, for it is written [Lev. xxv. 10]: "And ye shall consecrate the fiftieth year;" *years* should be consecrated, but not *months*. Said R. Jehudah in the name of Samuel: "The halakha prevails according to R. Elazer b. Zadok. Said Abayi: There can be a support to this from the following Mishna, viz.: "If the Beth Din and all Israel saw the new moon (on the thirtieth day) and if the examination of the witnesses had already taken place, and it had become dark before they had time to announce 'It is consecrated,' the month (just passing) is intercalary." That (the month) is intercalary is mentioned (by the Mishna), but not that they said "It is consecrated." It is not clear that this is a support for Abayi's argument, for it was necessary to say that it was intercalary, or we would not have known that the next day was the intercalary day. One might have thought that, since the Beth Din and all Israel saw the new moon, it was apparent to all, and that the month does not become intercalary; therefore he teaches us that (nevertheless the month becomes intercalary).

MISHNA: R. Gamaliel had on a tablet, and on a wall of his upper room, illustrations of the various phases of the moon, which he used to show to the common people, saying: "Did you see the moon like this figure or like this?"

GEMARA: Is this permitted? Have we not learned in a Boraitha that the words "Ye shall not make anything with me" [Ex. xx. 20] mean, ye shall not make pictures of my ministers that minister before me, such as the sun, moon, stars or planets? It was different with R. Gamaliel, for others made it for him. But others made one for R. Jehudah, yet Samuel said to him: "Thou, sagacious one, destroy that figure!" 2 In the latter case the figure was embossed, and he was afraid that one might suspect the owner (of using it as an idol). Need one be

afraid of such suspicion? Did not that synagogue in Shephithibh of Neherdai have a statue (of the king), yet Rabb, Samuel and Samuel's father and Levi went there to pray and were not afraid of being suspected (of idolatry)? It is a different case where there are many. Yet R. Gamaliel was only one. Yea, but he was a prince, and there were always many with him; And if you wish you may say that he had them made for the purpose of instruction, and that which is written [Deut. xviii. 9], "thou shalt not learn to do," means but thou mayest learn, in order to understand and to teach.

MISHNA: It happened once that two witnesses came and said: We saw the moon in the eastern part of the heavens in the morning, and in the western part in the evening. R. Jo'hanan b. Nouri declared them to be false witnesses; but when they came to Yamnia, Rabbon Gamaliel received their evidence as valid. (On another occasion) two other witnesses came and said: We saw the moon on its proper day, but could not see it on the next evening of the intercalary day. R. Gamaliel accepted their testimony, but R. Dosa b. Harkhenas said: They are false witnesses; for how can they testify of a woman being delivered (on a certain day) when on the next day she appears to be pregnant? Then R. Jehoshua said unto him: I approve your opinion. Upon this R. Gamaliel sent him (R. Jehoshua) word, saying: "I order thee to appear before me on the Day of Atonement, according to *your* computation, with your staff and with money." R. Aqiba went to him (R. Jehoshua) and found him grieving. He then said to him: I can prove that all which R. Gamaliel has done is proper, for it is said: "These are the feasts of the Lord, holy convocations which ye shall proclaim," either at their proper time, or not at their proper time, only *their* convocations are to be considered as holy festivals. When he (R. Jehoshua) came to R. Dosa b. Harkhenas, the latter told him: "If we are to reinvestigate the decisions of the Beth Din of R. Gamaliel, we must also reinvestigate the decisions of all the tribunals of justice which have existed from the time of Moses till the present day; for it is said [Ex. xxiv. 9] Moses, Aaron, Nadab, Abihu, and seventy elders went up (to the Mount)." Why were not the names of the elders also specified? To teach us that every three men in Israel that form a Beth Din are to be respected in an equal degree with the Beth Din of Moses. Then did R. Jehoshua take his staff and money in his hand, and went to Yamnia, to

R. Gamaliel, on the very day on which the Day of Atonement would have been according to his computation, when R. Gamaliel arose and kissed him on the forehead, saying: "Enter in peace, my master and disciple! My master--in knowledge; my disciple--since thou didst obey my injunction."

GEMARA: We have learned in a Boraita that R. Gamaliel said to the sages: "Thus it has been handed down to me from the house of my grandfather (Zamalill the elder) that sometimes the new moon appears elongated and sometimes diminished. R. Hyya saw the old moon yet on the morning of the twenty-ninth day, and threw clods of earth at it, saying: 'We should consecrate thee in the evening, and thou art seen now? Go, hide thyself!'"

Said Rabbi to R. Hyya: "Go to Entob and consecrate the month and send back to me as a password 1 'David, the King of Israel, still lives.'"

The rabbis taught: Once it happened that the heavens were thick with clouds and the form of the moon was seen on the twenty-ninth of the month (of Elul), so that the people thought that New Year's Day should be then proclaimed, and they (the Beth Din) were about to consecrate it. Said R. Gamaliel to them: Thus it has been handed down to me by tradition, from the house of my grandfather, the consecration of the moon cannot take place at a period less than twenty-nine and a half days, two-thirds and .0052 (*i.e.*, seventy-three 'Halaqim), of an hour. On that self-same day the mother of Ben Zaza died and R. Gamaliel delivered a great funeral oration, 2 not because she specially deserved it, but in order that the people might know that the new moon had not yet been consecrated by the Beth Din.

"*R. Aqiba went to him, and found him grieving.*" The schoolmen propounded a question: "Who found whom grieving?" Come and hear. We have learned in a Boraitha: "R. Aqiba went to R. Jehoshua and found him grieving, so he asked him: 'Rabbi, why art thou grieving?' And he answered: 'Aqiba, I would rather lie sick for twelve months than to have this order issued for my appearance.' Rejoined R. Aqiba: 'Rabbi, permit me to say one thing in thy presence which thou thyself hast taught me.' R. Jehoshua granted him permission,

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and R. Aqiba proceeded: 'It is written [Lev. xxiii. 2, 4 and 37]: Three times 'shall proclaim Othom (them), which should, however, not be read Othom (them), but Athem (ye), which would make the verse read, "Ye shall proclaim." Now the threefold "ye" signifies that even if ye were deceived by false pretences and changed the day of the festivals, or even if ye did it purposely, or even if ye were held to be in error by others--once the dates had been established they must so remain.' With the following words R. Jehoshua answered R. Aqiba: Aqiba, thou hast comforted me; Aqiba, thou hast comforted me.'"

"*When he (Rabbi Jehoshua) came to R. Dosa b. Harkhenas,*" etc. The rabbis taught: The reason that the names of those elders are not mentioned, is, in order that one should not say: Is So-and-so like Moses and Aaron? Is So-and-so like Nadabh and Abihu? Is So-and-so like Eldad and Medad? (And how do we know that one should not ask thus?) Because, it is written [i Sam. xii. 6]: "And Samuel said unto the people the Lord that appointed Moses and Aaron "and in the same connection it is written [ibid. 11]: "And the Lord sent Jerubaal and Bedan and Jephtha and Samuel." [Jerubaal is Gideon; and why is he named Jerubaal? Because he strove against Baal. Bedan is Sampson; and why is he named Bedan? Because he came from Dan. Jephtha means just what it is (*i.e.*, he had no surname or attribute).] And it is also written [Ps. xcix. 6]: "Moses and Aaron among his priests, and Samuel among those who called upon his name." The sacred text regards the three common people equal with the three noblest, to teach us that Jerubaal was in his generation like Moses in his; Bedan in his generation was like Aaron in his; Jephtha in his generation was like Samuel in his generation. From all this one must learn that if even the commonest of the commoners is appointed leader by a community, he must be considered as the noblest of the nobility, for it is said [Deut. xvii. 9]: "And thou shalt come unto the priests, the Levites, and unto the judge that shall be in his days." (Why does the passage say "in those days"?) Can you imagine that one could go to a judge who was not in his days? (Surely not! But by these words Scripture teaches us that a judge is to be held "in his days" equal in authority with the greatest of his predecessors.) We find a similar teaching in Eccles. vii. 10: "Say not thou that the former days were better than these!"

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"*He took his staff,*" etc. The rabbis taught: (R. Gamaliel said to R. Jehoshua): Happy is the generation in which the leaders listen to their followers, and through this the followers consider it so much the more their duty (to heed the teachings of the leaders).

Footnotes

[42:1](#) The name of a place between Jerusalem and Jericho.

[42:2](#) Samaritans.

[43:1](#) The thirtieth day from the last New Moon was always New Moon, but in intercalary months the thirty-first day was also New Moon (second day). In the latter case the thirtieth day (first day of New Moon) belonged to the passing month, and the second day of New Moon was the first day of the new month. Bonfires were always lighted on the night of the thirtieth day, *i. e.*, on the night after New Moon; and if no bonfires were lighted then there were two days New Moon. In the case of the month of Elul they would, after twenty-nine days, observe New Year's Day. Now, if that month happened to be intercalary (*i. e.*, have thirty days) and bonfires would have been lighted, the next day would have had to be observed as New Year's Day again, and the people would consequently have lost a second day.--*Rasht*.

[44:1](#) For if they had already traveled two thousand ells, they were prohibited from journeying more than four cubits more.

[46:1](#) The name of a Tana, a contemporary of Rabbi.

[46:2](#) Literally "put out the eyes of that figure!"

[48:1](#) This device was resorted to, because in the days of Rabbi, the Romans had prohibited the Jews, under penalty of death, to consecrate the moon.

[48:2](#) No funerals or funeral orations were or are permitted on the holidays.

[Next: Chapter III.](#)