

## CHAPTER III.

REGULATIONS CONCERNING THE INTERCALATING OF THE MONTH--THE CORNET, AND OF WHAT IT IS TO BE MADE--AND THE PRAYERS OF THE NEW YEAR'S DAY.

MISHNA: If the Beth Din and all Israel saw (the moon on the night of the thirtieth day), or if the witness had been examined, but there was no time to proclaim "It is consecrated" before it had become dark, the month is intercalary. If the Beth Din alone saw it, two of its members should stand up and give testimony before the others, who shall then say "It is consecrated; it is consecrated." When three who formed a Beth Din saw it, two should stand up and conjoining some of their learned friends with the remaining one, give their testimony before these, who are then to proclaim "It is consecrated; it is consecrated," for one (member of a Beth Din) has not this right by himself alone.

GEMARA: "*If the Beth Din alone saw it,*" etc. Why so? Surely hearsay evidence is not better than the testimony of an eye-witness! Said R. Zera: "It refers to a case where they saw it at night (and on the next day they could not consecrate the new moon until they had heard the evidence of two witnesses)."

"*When three who formed a Beth Din, saw it, two should stand up and conjoining some of their learned friends with the remaining one,*" etc. Why so? Here also we may say, surely hearsay evidence is not better than the testimony of an eye-witness! And if you would say that this also means where they saw it at night, is this not, then, the same case? The case is the same, but the above statement is required because of the concluding words, "one (member of a Beth Din) has not the right by himself alone;" for it might be assumed, since in civil cases three (are required to constitute a Beth Din), but where he is well known (as a learned authority) one judge may act alone, so here we may consecrate (the new moon) on the authority of one judge; therefore, he teaches us (that three are required). Perhaps I should, nevertheless, say here (that one learned authority

is sufficient)? Nay, for there is no greater authority than Moses, our master, yet God said to him that Aaron should act with him, as it is written [Ex. xii. 1, 2]: "And the Lord spake unto Moses and Aaron, in the land of Egypt, saying: This month shall be unto *you* the beginning of months."

Does this mean to say that a witness may act as judge? And shall we assume that the above Mishna is not according to R. Aqiba, as on following Boraitha: If the members of the Sanhedrin saw a man commit murder, part of them may act as witnesses and part as judges, according to R. Tarphon; but according to R. Aqiba all of them are witnesses, and no witness (of a crime) may act as judge. It may be said that the Mishna is even according to R. Aqiba. In the latter instance

R. Aqiba only refers to capital cases, for it is written [Numb. xxxv. 24, 25]: "Then the congregation shall judge . . . and the congregation shall deliver," and since they saw him commit murder, they will not be able to urge any plea in his favor; but here (concerning the new moon) even R. Aqiba assents (that a witness may act as judge).

MISHNA: Every kind of cornet may be used (on New Year's Day) except those made of cow-horn, because they are called "horn" (*qeren*), and not "cornet" (*shophar*). R. Jose said: Are not all cornets called "horn?" for it is said [Josh. vi. 5]: "And it came to pass that when they made a long blast with the horn of the Jobhel."

GEMARA: How comes it that the word Jobhel means ram? A Boraitha teaches: R. Aqiba says: When I went to Arabia I found they called a ram "Yubla."

The rabbis did not know the meaning of the word *Salseleho* in the passage [Prov. iv. 8]: "Salseleho and she shall exalt thee." One day they heard Rabbi's maidservant say to a certain man who was (conceitedly) playing with his hair, "How long wilt thou *mesalsel* (hold up) thy hair?" The rabbis did not know the meaning of the word *yehabhekha* in the passage [Ps. iv. 23]: "Cast yehabhekha (thy burden) upon the Lord." Said Rabba bar Bar Hana: "One day I went with a certain Arabian caravan merchant, and I was carrying a burden. Said he to me: 'Take down *yehabhekha* (thy burden) and put it on my camel.'"

MISHNA: The cornet used on the New Year was a straight horn of a wild goat; the mouth-piece was covered with gold. The two trumpets were stationed one on each side. The sound

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of the cornet was prolonged, while that of the trumpet was short, because the special duty of the day was the sounding of the cornet. On the fast days two crooked ram's horns were used, their mouth-pieces being covered with silver, and the two trumpets were stationed in the middle between them. The sound of the cornet was shortened, while that of the trumpet was prolonged, because the special duty of the day was the sounding of the trumpets. The jubilee and New Year's Day were alike in respect to the sounding (of the cornet) and the benedictions, but R. Jehudah says: "On the New Year we blow (a cornet) made of ram's horn, and on the jubilee one made of the horn of a wild goat."

GEMARA: R. Levi said: It is a duty on New Year's Day and the Day of Atonement to use a bent cornet, but during the rest of the year a straight one. But have we not learned that the cornet used on the New Year must be the "*straight* horn of a wild goat?" He (R. Levi) said as R. Jehudah of the following Boraitha: On New Year's Day they used to blow (a cornet) made of a straight ram's horn, and on the Jubilees one made of wild goat's horn. What is their point of variance? R. Jehudah holds that on New Year's the more bent in spirit a man is, and on the Day of Atonement the more upright he is (in his confessions) the better; but R. Levi holds the more upright a man is on New Year's Day and the more bowed in spirit on the Fast Days, the better.

"*The mouth-piece was covered with gold.*" Does not a Boraitha teach, however, that if one covers the place to which the mouth was put the cornet may not be used; but if (he covers) another place it may be used? Answered Abayi: "Our Mishna also means a place to which the mouth was not put."

"*The two trumpets were stationed one on each side.*" Could the two sounds be easily distinguished? Nay; and therefore the sound of the cornet was prolonged, to indicate that the special duty of the day was the sounding of the cornet.

"*On the Fast-Days two crooked ram's horns were used, their mouth-pieces being covered with silver.*" Why was the cornet used in the one case covered with gold and in the other with silver? All (signals for) assemblies were blown on horns made with silver, as it is written [Numb. X. 2]: "Make unto thee two trumpets of silver . . . that thou mayest use them for the calling of the assembly," etc. R. Papa bar Samuel was about to follow the practice prescribed by the Mishna. Said Rabha to

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him: "That was only customary so long as the Temple was in existence." A Boraitha also teaches that this applies only to the Temple; but in the country (outside of Jerusalem) in a place where they use the trumpet, they do not use the cornet, and *vice versa*. Such was the wont of R. Halaphta in Sepphoris and also of R. Hanina b. Teradion in Si'hni. When the matter was brought to the attention of the sages they said: "That was the custom only at the eastern gates or the Temple Mount." Rabha, according to others R. Jehoshua ben Levi, asked: "From which passage is this deduced?" From the passage [Psalms xcvi. 6]: "With trumpets and sound of cornet, make a joyful noise before the Lord, the King;" *i.e.*, before the Lord, the King (in the Temple) we need both the trumpets and the cornet, but not elsewhere.

"*The Jubilee, and the New Year were alike in respect to the sounding (of the cornet), and the benediction.*" R. Samuel bar Itz'hak said: According to whom do we nowadays pray: "This day celebrates the beginning of thy work, a memorial of the first day?" According to R. Eliezer, who says: The world was created at Tishri. R. Ina objected. Did we not learn in our Mishna that the Jubilee and New Year are alike in respect to the sounding (of the cornet), and the benedictions, and now how can that be so if we say "This day celebrates the beginning of thy work, a memorial of the first day," which is said on New Year, but not on the Jubilee? (That which we have learned in our Mishna that they are alike means) in every other respect but this.

MISHNA: It is unlawful to use a cornet that has been split and afterwards joined together; or one made of several pieces joined together. If a cornet had a hole that had been stopped up, and prevented (the production) of the proper sound, it must not be used; but if it does not affect the proper sound it may be used. If one should blow the cornet inside a pit, a cistern or a vat, and the sound of the cornet was (plainly) heard (by one listening to it) he will have done his duty (to hear the cornet on the New Year), but not if he heard only an indistinct sound. Thus also, if one should happen to pass by a synagogue, or live close by it, and should hear the cornet (on the New Year) or the reading of the Book of Esther (on the Feast of Esther), he will have complied with the requirements of the law, if he listened with proper attention, but not otherwise; and although the one heard it as well as the other, yet the difference (on which everything

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depends) is that the one listened with proper attention and the other did not.

GEMARA: The rabbis taught: If a cornet was long and was shortened, it is valid; if one scraped it and reduced it to its due size it is valid; if one covered it on the inside with gold it is invalid; if on the outside and it changed the tone from what it originally was, it is invalid, but if not it is. If a cornet had a hole in it and it was closed up, and thereby prevented (the production) of the proper sound, it is invalid, but if not it is valid; if one placed one cornet inside another and the sound heard (by a listener) was produced from the inner one, he has fulfilled his duty, but if from the outer one, he has not.

*"Or one made of several pieces joined together."* The rabbis taught "If one added to a cornet ever so small a piece, whether it be of the same kind of horn or not, it is invalid. If a cornet had a hole, whether one stopped it up with a piece of the same kind (of horn) or not, it is invalid. R. Nathan, however, said (only when repaired with material) not of the same kind it is invalid, but otherwise if of the same kind it is valid. (To which) R. Jehudah added: "That is, if the greater part of a cornet was broken." From this we can infer that if repaired with material of the same kind, although the greater part was broken, it is, nevertheless, valid.

"If one covered a cornet on the inside with gold it is invalid; if on the outside, and it changed the tone from what it originally was, it is not valid, but if not it is." If a cornet had been split lengthwise it is invalid, but if crosswise, yet enough remained with which to produce the sound, it is valid, but if not it is invalid. (And how much is that? R. Simeon b. Gamaliel explains it to be as much as we may hold in our closed hand, and yet on either side a portion is visible). <sup>1</sup> If its tone was thin, or heavy, or harsh, it is valid, for all tones were considered proper in a cornet. The schoolmen sent a message to the father of Samuel: ("One has fulfilled his duty if he bored a hole in a horn and blew it. That is self-evident! for in every cornet a hole must surely be bored." Said R. Ashi: "If one bored a hole through the bony substance inside the horn (which ought to be removed), are we to suppose that one substance causes an

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interposition with another of the same nature (and that therefore it must not be used)?" Therefore they sent to say that this is no objection.

*"If one should blow the cornet inside a pit or a cistern,"* etc. R. Huna said: They taught this only in the case of those who stood at the pit's mouth, but those who were in the pit itself fulfill their duty. If one heard a part of (the required number of) the sounds of the cornet in the pit, and the rest at the pit's mouth, he has done his duty; but if he heard a part before the dawn of day, and the rest after the dawn, he has not. Said Abayi to him: Why in the latter case (should he not have done his duty, because he did not hear the whole of the sounds at the time when the duty should be performed), yet in the former case (he is considered to have done his duty) under similar circumstances? How can these cases be compared? In the latter case, *the night is not* the time of performing the obligation at all, while in the former case, *a pit* is a place where the duty may be performed for those who are in it! Shall we say that Rabba held: If one heard the end of the sounding (of the cornet) without having heard the beginning he did his duty, and from these words we must understand that if he heard the beginning without the end he has also done his duty? Come and hear. If one blew the first sound (Tekia) and prolonged the second (Tekia) as long as two, it is only reckoned as one; and (if Rabba's opinion is correct) why should he reckon it as two? (This is no question)! If he heard half the sounds he has done his duty, but when one blows one sound on the cornet we cannot consider it two halves.

Rabha says: One who vows to receive no benefit from his neighbor may nevertheless blow for him the obligatory sounds (of the cornet); one who vows refusal of any benefit from a cornet may blow on it the obligatory sounds. Furthermore, said Rabha: "One who vows to refuse any benefit from his neighbor may sprinkle on him the waters of a sin-offering in the winter, but not in the summer. One who vows to receive no benefit from a spring may take in it a legal bath in the winter, but not in the summer.

The schoolmen sent a message to the father of Samuel: "If one had been compelled to eat unleavened bread (on the first night of Passover, *i.e.*, he had not done so of his own accord) he has also done his duty." Who compelled him? Said R. Ashi: "Persians." Rabha remarked: From this statement we

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can prove that if one plays a song on a cornet he does his duty. Is this not self-evident? The cases are similar. One might suppose that in the former case the law commanded him to *eat* (unleavened bread) and he *ate* it, but in the latter case the Torah speaks of "a *remembrance* of blowing the cornet" [Lev. xxiii. 24], and (when he plays a song he does not *remember* his duty for) he is engaged in a worldly occupation. Therefore he teaches us that even under such circumstances he *does* his duty.

To this an objection was raised. We have learned: If one who listened (to the sounds of the cornet) paid the proper attention, but he that blew the cornet did not, or *vice versa*, they have not done their duty until both blower and listener pay proper attention. This would be correct in the case where the blower, but not the listener, pays the proper attention, for it is possible that the listener imagines he hears the noise of an animal; but how can it happen that the listener should pay due attention, and the one who blows (the cornet) should not, except he was only playing a song (by which he does not do his duty)? (It is possible) if he only produced a dull sound (*i.e.*, and not, for example, a Tekia).

Said Abayi to him: "But now, according to thy conclusion (that a duty performed without due attention is the same as if performed with due attention) wilt thou say that he who sleeps in a tabernacle on the eighth day of the Feast of the Tabernacles shall receive stripes (because he had no right to observe the law for more than seven days)?" Answered Rabha: "I say that one cannot infringe a command except at the time when it should be performed." R. Shamen b. Abba raised an objection: Whence do we know that a priest who ascended the platform (to pronounce the priestly benediction) must not say: Since the Torah has given me the right to bless Israel, I will supplement (the benedictions, Numb. vi. 24-26) by one of my own, as, for example [Deut. i. ii]: "May the Lord God of your fathers make you a thousand times so many more as ye are?" From the Torah which says [Deut. iv. 2]: "Ye shall not *add* unto the word." And in this case as soon as he has finished the benedictions the time for performing that duty has gone by; still if he add a blessing of his own he is guilty of infringing the law, which says, "Ye shall not add." This refers to a case of where the priest had not yet finished the scriptural benediction. We have learned, however, that he had finished the scriptural benediction. The Boraitha means to say that he

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had finished only one of the (three) benedictions. We have learned in another Boraitha, however, that even if he had completed all three benedictions, and then supplemented one of his

own, he is also guilty of a transgression. In this case it is different, for it might be that the priest would come to another assembly where prayer was held and be called upon to again pronounce the benedictions. Hence it must be assumed that there is no specified time for the priest to pronounce his benedictions, but all day can be considered as the proper time, and thus the priest, by supplementing a benediction of his own, becomes guilty.

R. Shamen bar Abha, however, does not admit that the whole day is the proper time, because the priest is not in duty bound to pronounce the benediction in another assembly. Nevertheless he *is* guilty if he should supplement an additional benediction of his own; whence we see that even if the proper time has passed, guilt is nevertheless incurred, and this is contradictory to Rabha's dictum. Therefore, said Rabha: (I mean), To fulfill the requirements of the law one need not pay attention; to transgress the law against supplementing, at the time prescribed for performing it, also does not require one's special attention; but to transgress the law against supplementing, at the time not prescribed for performance, needs one's special attention. Hence the priest, after completing the scriptural benediction, who says: "Because the law gives me authority I shall supplement a benediction of my own, demonstrates thereby that he does this with special attention, and consequently incurs guilt, even if the prescribed time had passed.

R. Zera said to his attendant: "Pay attention, and sound (the cornet) for me. Do we not thus see that he holds that to fulfill the requirements of the law the act is not enough, and one must pay attention? This is a disputed question among the Tana'im, for we have learned in a Boraitha: One who hears (the blowing of the cornet) must himself listen in order to perform his duty, and he who blows (the cornet) blows after his usual manner. R. Jose said: "These words are said only in the case of the minister for a congregation; but an individual does not do his duty unless both he that hears and he that blows pay proper attention."

MISHNA: (It is written in Ex. xvii. 11 that) "When Moses held up his hand, Israel prevailed," etc. Could then the hands of Moses cause war to be waged or to cease? (Nay); but

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it means that as long as Israel looked to heaven for aid, and directed their hearts devoutly to their Father in heaven, they prevailed; but when they ceased to do so they failed. We find a similar instance also in [Numb. xxi. 8]: "Make unto thee a fiery serpent and set it on a pole, and every one that is bitten, when he looketh upon it shall live." Could, then, the serpent kill or bring to life? (Surely not.) But it means when the Israelites looked (upward) to heaven for aid and subjected their will to that of their Father in heaven they were healed, but when they did not they perished. A deaf mute, an idiot, or a child cannot act in behalf of the assembled congregation. This is the general rule: "Whosoever is not obliged to perform a duty cannot act in behalf of the assembled congregation" (for that duty).

GEMARA: The rabbis taught: All are obliged to hear the sounding of the cornet, priests, Levites and Israelites, proselytes, freed slaves, a hermaphrodite, and one who is half slave and half free. A sexless person cannot act in behalf of those like or unlike itself, but a hermaphrodite can act in behalf of those of the same class, but not of any other.

The Master said: It is said, All are obliged to hear the sounding of the cornet, priests, Levites and Israelites. This is self-evident, for if these are not obliged, who are? It was necessary to

mention priests here, for one might have supposed that since we have learnt "the jubilee and New Year's Day are alike with regard to the sounding of the cornet and the benedictions," that only those who are included under the rule of jubilee are included in the duties of New Year's Day; and as the priests are not included in the rule of jubilee (for they have no lands to lie fallow, etc.), might we not, therefore, say that they are not bound by the duties of New Year's Day? Therefore he comes to teach us (that they must hear the sounding of the cornet).

A'hbha, the son of R. Zera, teaches: "With regard to all the benedictions, although one has already done his duty he may nevertheless act for others, with the exception of the blessings over bread and wine; concerning which, if he has not yet done his duty, he may act for others, but if he has done his duty he must not act for others."

Rabha asked: What is the rule in the case of the benediction of the unleavened bread, and the wine used at the sanctification of a festival? Since these are special duties, may one act for

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others, or perhaps the (duty is only the eating of the unleavened bread and the drinking of the sanctification wine); but the benediction is not a duty, and therefore he cannot act for others? Come 'and hear. R. Ashi says: When we were at the home of R. Papa, he said the blessing of sanctification for us, and when his field laborer came from work later he said the blessing for him also.

The rabbis taught: One must not say the benediction over bread for guests, unless he eats with them, but he may do so for the members of the family, to initiate them into their religious duties. With regard to the Service of Praise [Hallel Ps. cxiii.-cxviii.] and the reading of the Book of Esther, although one had already done his duty, he may, nevertheless, act for others.

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## Footnotes

[55:1](#) The opinion of the editor is that this parenthesis is a fair illustration of the interpolations in the Talmud. The term *Piresh* is not Talmudical and was only used in later times. It has only been left here because the explanation happens to be correct.

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[Next: Chapter IV.](#)