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Talmud.

New edition of the
Babylonian Talmud

NEW EDITION

OF THE

BABYLONIAN TALMUD

Original Text, Edited, Corrected, Formulated, and
Translated into English

BY

MICHAEL L. RODKINSON

SECOND EDITION—REVISED AND ENLARGED

SECTION MOED (FESTIVALS)

TRACTS SHEKALIM AND ROSH HASHANA

HEBREW AND ENGLISH

Volume IV.

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EXPLANATORY REMARKS.

In our translation we adopted these principles :

1. *Tenan* of the original—We have learned in a Mishna; *Tania*—We have learned in a Boraitha; *Itemar*—It was taught.
2. Questions are indicated by the interrogation point, and are immediately followed by the answers, without being so marked.
3. When in the original there occur two statements separated by the phrase, *Lishna achrena* or *Waibayith Aema* (literally, "otherwise interpreted"), we translate only the second.
4. As the pages of the original are indicated in our new Hebrew edition, it is not deemed necessary to mark them in the English edition, this being only a translation from the latter.

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TO
ERASMES GEST, ESQ.
OF CINCINNATI, OHIO

MOST RESPECTFULLY DEDICATED BY THE
EDITOR

TRACT SHEKALIM.

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HEBREW AND ENGLISH

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* By these three entrances the editor illustrates his reasons for this enterprise and his method of correcting and translating the original. This has not been translated into English, for the reason that it would be of but little interest to the English reader who does not understand the Hebrew; it is, however, hoped that the reader of Hebrew will find great interest in the matter.

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PREFACE TO TRACT SHEKALIM.

AMONG the treatises contained in the Section Moed of the Babylonian Talmud is to be found that of Shekalim, which consists, however, only of Mishnas, the Babylonian Talmud having no Gemara. The Palestinian Talmud contains a Gemara for this tract also, and there is an additional commentary by Maimonides. While we are translating only the Babylonian Talmud, we would not care to omit Shekalim, which is of peculiar historical value and may prove quite interesting to the reader. But the Mishna, without any explanation whatever, would naturally seem obscure, and in some instances would be absolutely incomprehensible; and, the Gemara of the Palestinian Talmud, as well as the commentary of Maimonides, consisting of very complicated and intricate series of arguments, inferences, and explanations, which would be not only difficult of translation but also immaterial to the subject, the insertion of which would be a deviation from our method, and unnecessary, as would explanations of Barthanora, Tosphath-yomtabh, etc., we were forced to provide the text with a commentary of our own, drawn from the most authentic sources. This, we trust, will serve to elucidate any obscure passages not quite comprehensible to the general reader. Accordingly, every sentence or word in the Mishna requiring an explanation is distinguished by a number or an asterisk, and has a corresponding reference in the commentary printed below the text. We may add that, for our personal satisfaction and to guard against any possible errors, we have given this tract for revision to some noted Russian scholars who are competent to judge upon it, and they find it very intelligible.

As stated above, we have taken our commentary from the most authentic sources we could find. We do not, therefore, solicit leniency on the part of worthy critics, but ask them to restrain their criticisms until they shall have carefully studied the commentaries mentioned, as well as *our* commentary, with proper consideration; for ours is derived from the Palestinian Talmud, Maimonides, etc. Conscientious critics will do so without our

solicitation; and as for others, who are ready to criticise everything impromptu as soon as it leaves our pen, such a request would be of no avail. We nevertheless will be grateful to any one who will call our attention to things which are not comprehensible in the commentary, this being our first venture of the kind, more especially as we think we shall be compelled to do the same with other Mishnayoths to which the Babylonian Talmud has no Gemara. A separate introduction to Tract Shekalim we think unnecessary, as the contents of this speaks for itself. We nevertheless will return to this when we come to Tract Midoth (Measures).

In compliance with our promise in our prospectus, we add to this volume the Hebrew text of the Tracts Shekalim and Rosh Hashana of our new edition, for the benefit of students and scholars who may desire to compare the translation with it.

M. L. RODKINSON.

NEW YORK, May, 1897.

SYNOPSIS OF SUBJECTS

OF

VOLUME IV.—TRACT SHEKALIM.*

CHAPTER I.

MISHNA *a* treats of: What were the duties of the Beth Din in the month of Adar in the time of the second Temple. When the Megillah (Book of Esther) was to be read in the fortified cities. For what purpose messengers were sent out, and what were the things to be heralded.

MISHNA *b* treats of: What was the punishment for not obeying the commandments of Kelayim in the former times and later.

MISHNA *c* deals with: When the money-changers, with their tables, began their work in the countries of Judea and in Jerusalem. The time for pledges which were taken for not paying the Shekalim. From what persons the pledges were to be taken. If a father might pay the Shekalim for his children.

MISHNA *d* treats of: What ordinance Ben Buchri proclaimed in Jamnia in behalf of the priests, and what R. Johanan b. Zakkai rejoined. The defence of the priests, with their interpretation of biblical passages, which was accepted only for the sake of peace.

MISHNA *e* treats of: The voluntary payment of Shekalim from women, slaves, and minors being accepted, but not from the heathens or Samaritans. Bird-offerings not accepted from persons affected with venereal diseases or from women after confinement. Sin and vow offerings, however, were accepted from the Samaritans. The vow-offerings were also accepted from heathens. The general rule concerning this.

MISHNA *f* deals with: The premium one had to pay in addition to the half-shekel. Who was obliged to do so? ^bThe different opinions of the sages and R. Meir. How much one had to pay if given one Selah and taking a shekel in exchange.

* See introduction to synopsis in Tract Sabbath, Vol. I., p. xxix. This tract has no Gemara. The synopsis contains the Mishnas, with their commentaries.

MISHNA *g* treats of: The law concerning one who pays for a poor man, for a neighbor, and for a countryman. Law concerning brothers and partners paying together; also, law regarding cattle-tithe. How much was the premium.

CHAPTER II.

MISHNA *a*. One may put together the Shekalim and exchange them for a gold coin called Darkon. Concerning the chests which were given to the collectors in the country and at Jerusalem. What is the law if money were stolen or lost by the messengers of a city, when a portion of the Shekalim was already expended; what is the law if not expended.

MISHNA *b*. Concerning the law when one gives his shekels to another to pay his head-taxes for him; if he pays his shekels from the money of the second tithes or from the money of the fruit of the Sabbatical year. Concerning how he shall replace it and use it for the same purpose.

MISHNA *c*. The law concerning one who gathered single coins little by little and said: "With this money I shall pay my shekels." The different opinions of the schools of Hillel and Shamai in this matter. Concerning the same case when one gathers money for sin-offerings. What shall be done with the eventual remains of such money.

MISHNA *d*. Concerning the explanation of R. Simeon of the teachings of the school of Hillel. The discussion of the former with R. Jehudah. The claims of the latter that the coins of the Shekalim were also changed in times and places. The rejoinder of R. Simeon to this.

MISHNA *e*. The law concerning the remainder of money intended for Shekalim when considered to be ordinary. Regarding the remainder of the tenth part of an ephah, bird-offerings, and guilt-offerings: what shall be done with it. A rule concerning this matter. Also, regulations concerning the remainder of Passover sacrifices, Nazarite offerings, the remainder of moneys for the poor in general and individuals, of money for prisoners, for burial of the dead, and R. Meir and R. Nathan's opinions regarding this matter.

CHAPTER III.

MISHNA *a*. Regarding the appointed periods of the year when the money was drawn from the treasury. The different opinions, concerning this matter, of R. Aqiba b. Asai, R. Eliezer, and R. Simeon. The same time appointed for cattle-tithes.

MISHNA *b*. Concerning the ceremony of drawing the money at all periods of the year. The law regarding measures of the boxes in which the coins of the Shekalim were filled, and the numbers of the chests in which the money was drawn from the boxes for the expenses of the Temple. Which box must be opened first, and which last. What garments the person drawing the money must wear. How a man must stand unblemished before his fellow-man and before his God.

MISHNA *c*. Concerning the custom of the house of Rabban Gamaliel, when the members of the house had paid their Shekalim. The law regarding

one who drew money did not commence until he had said to the bystanders, "I will now draw," and they answered, "Draw, draw, draw," three times.

MISHNA *d*. Concerning the covering of the boxes after drawing the money. For which countries the drawings were performed in the first period, the second, and the third.

CHAPTER IV.

MISHNA *a*. What was done with the money drawn? Concerning the watchmen that were sent out to guard the after-growth of the Sabbatical year, of which the Omer and two loaves were taken for sacrifice. The opinion of R. Jose in this matter, and what the rabbis answered.

MISHNA *b*. Concerning the red heifer, the goat that was to be sent away, the strip of scarlet, the bridge for the cow, the bridge for the goat, the canal, the city wall, the towers, and other necessities of the city: all were paid for out of the Shekalim money. What Abba Saul said.

MISHNA *c*. What was done with the balance of the money left over in the treasury. The discussion of R. Ishmael and R. Aqiba in this matter. Some of the many things which are enumerated in the Palestinian Talmud and which were done with this money. Among them was the hiring of teachers for priests to teach them the laws of the sacrifices.

MISHNA *d*. What was done with the remainder of the moneys of the chest. The different opinions of R. Ishmael, R. Aqiba, and R. Hanina, the assistant chief of the priests, concerning profit: if it might be raised from the remaining money or not, and of what money the gold plates for the decorations of the Holy of Holies were made. Also, concerning the benefit of the altar.

MISHNA *e*. What was done with the remainder of the incense (as the incense of the New Year must be bought with the new Shekalim money). The sanctification of the incense on hand then transferred to that money, and then redeemed with the money of the new revenue.

MISHNA *f*. Concerning the law when one devoted his entire possessions in honor of the Lord: what should be done with them. The discussions of R. Aqiba and Ben Asai regarding this matter.

MISHNA *g*. Concerning the law when one devoted his possessions, and among them were cattle, male and female, fit for the altar. The discussions of this matter between R. Eliezer and R. Jehoshua. R. Aqiba is inclined to the opinion of R. Eliezer, which seems to him to be more proper, but adds that he had heard that both opinions were right according to circumstances.

MISHNA *h*. If one devote his possessions, and among them are things fit for the altar, such as wines, oils, and birds, what should be done with them. R. Eliezer decreed it, and no one opposed him.

MISHNA *i*. Contractors, for the delivery of all things for the altar and the improvements of the Temple, were appointed every month; but if the

prices changed during the thirty days, the Sanctuary must not suffer any injury. Such was the agreement made between them. The illustration of this.

CHAPTER V.

MISHNA *a*. Concerning some names of the offices and the heads of them in the Sanctuary during the entire period when the second Temple was in existence. What were the officers' duties, and how they officiated.

MISHNA *b*. Concerning the order of the head officers; namely, the king, the high priest, his assistant, two catholicoses, and seven chamberlains, not less than two officers being put in charge of public moneys.

MISHNA *c*. Regarding the seals that were in the Sanctuary, serving for the beverages and meat-offerings which must be brought, according to the Bible, with every sacrifice. Concerning the inscription on the seals and their usage. Ben Azai added one seal for the poor sinner. The names of the officers, of the seal-keeper and the officer who sells the above offerings.

MISHNA *d*. The date must be put on every seal. The law regarding surplus money being found in the treasury of the seal-keeper: to whom it belongs; and if a deficit, who must supply it.

MISHNA *e*. The law concerning one who lost his seal; what must be done.

MISHNA *f*. Concerning the two chambers in the Sanctuary, of which one was called "Chamber of Silence" and the other "Chamber of Utensils." What was done there, during what time they were investigated, and what was done with the presented utensils which were useless for the Temple.

CHAPTER VI.

MISHNA *a*. Concerning the thirteen covered chests and thirteen tables which were in the Sanctuary. How many prostrations took place in the Sanctuary. How R. Gamaliel and R. Hanina, assistant chief of the high priest, added one in the place where the ark was hidden.

MISHNA *b*. Relates how a blemished priest who was engaged in selecting and peeling wood had noticed the place where the ark was hidden, but before he had time to tell it to the others he expired.

MISHNA *c*. Concerning the directions where the prostrations were made. How many gates were in the Temple: their names, and why they were so named; also, different opinions of the sages concerning this. There were two gates which were nameless.

MISHNA *d*. Of what material the thirteen tables were made, where they stood, for what purpose they were used. Concerning the golden table in the Temple itself, upon which the showbreads were constantly lying.

MISHNA *e*. Concerning the inscriptions on the thirteen covered chests in the Sanctuary, and what was done with them. The different opinions of R. Jehudah and the sages as to using certain money put in some chests.

MISHNA *f*. Concerning the amount of articles to be furnished in payment of a vow one made, who did not explain how much he intended to give; for instance, wood, incense, gold coins, etc. A rule that was made concerning this. The hides of all sacrifices belong to the priest.

CHAPTER VII.

MISHNA *a*. If money was found in between the differently marked chests, to which chest the money belonged. Concerning this the rule was: One must be guided by the proximity, even in the case of the less important, etc.

MISHNA *b*. Concerning money found in Jerusalem, in the court of the Temple, in the times of the Festivals and in the ordinary times.

MISHNA *c*. Concerning meat found in the court of the Temple, in the city, and any place where Israelites resided and where Gentiles and Israelites together resided.

MISHNA *d*. Concerning cattle found between Jerusalem and Migdal Eder, and in the vicinity of the city in all directions: what the law prescribes. The different opinions of some sages.

MISHNA *e*. Relates how, in former days, the finder of such cattle was pledged to bring drink-offerings, and how afterwards the high court decreed to furnish them from the public moneys.

MISHNAS *f* and *g*. R. Simeon named seven decrees which were promulgated by the high court, and the above decree was one of them. R. Jehudah, however, does not agree on some points with him. R. Jose has also something to say about this.

CHAPTER VIII.

MISHNA *a*. Concerning streets in which people must walk during the time of the Festival in Jerusalem, for the sake of cleanness. The different opinions, in this matter, of R. Meir and the sages.

MISHNA *b*. Regarding utensils found on the way towards the plunge-baths: if they are clean or not, and the different opinions of R. Meir and R. Jose.

MISHNA *c*. Regarding the butcher-knife, if it was found in the street on the 14th of Nissan; and what is the case if the 14th falls on a Sabbath.

MISHNA *d*. Concerning where the curtain of the Sanctuary must be submerged if it become defiled. The first time it was submerged it was spread out for the people to admire the beauty of the work.

MISHNA *e*. What Rabban Simeon b. Gamaliel had to tell in the name of Simeon, the son of the assistant high priest. How the curtain was made: the great amount of the cost and how many hundred priests were required to submerge it.

MISHNA *f*. If meat of the Holy of Holies became defiled, where it must be burned. The different opinions of the schools of Shamaï and Hillel on this point.

MISHNA *g*. The different opinions of R. Eliezer and R. Aqiba concerning anything that had become defiled through a principal uncleanness.

MISHNA *h*. The joints of the daily sacrifices, where they were laid down; the sacrifices of the new moon, where they were placed. The payment of Shekalim, if it was obligatory after the destruction of the Temple. The same law regarding cattle-tithe, tithes of grain, and deliverance of the firstlings. The law if one sanctified Shekalim or firstlings after the destruction of the Temple.

TRACT SHEKALIM.

UNDER this heading the payment of a head-tax is treated of, which amounted to one-half of a shekel (in the Mishna always referred to as a *shekel*) and which had to be paid by every Israelite (see Exodus xxx. 12) upon the completion of his twentieth year. In the times of the existence of the Temple, the proceeds of this tax were applied for communal sacrifices and for the needs of the capital. The manner of collection, investment, and application of this money forms the subject of this treatise. It contains, in addition, many other historical regulations, most of which, however, only held good during the existence of the second Temple.

CHAPTER I.

MISHNA: (*a*) On the first day of the month of Adar, warnings are heralded (from Jerusalem) concerning Shekalim¹ and Kelayim² (the prohibition concerning the use, for ploughing to-

EDITOR'S COMMENTARY.

CHAPTER I.

MISHNA *a*. ¹Warnings were heralded from Jerusalem concerning Shekalim on and after the first of Adar, in order to prepare for the first of Nissan, before which day the final settlement of Shekalim had to be made. This was inferred by the Palestinian Talmud from the following passage [Exodus xl. 17]: "And it came to pass in the first month in the second year, on the first of the month, that the tabernacle was reared up." This was commented upon by a Boraitha, which stated, that on the day on which the tabernacle was reared up, the entire sum of the Shekalim collected was ready for disbursement.

²Warnings were also heralded concerning Kelayim, because that month was the time when ploughing and sowing commenced in Palestine

gether, of an ox with an ass, and the sowing together of different kinds of seeds). On the fifteenth day of that month the Megillah Esther³ is read in the fortified cities; and the same day the improvement of country roads,⁴ market-places, and legal plunge-baths is proceeded with. Public affairs are again taken up⁵; at the same time, graves are marked with lime,⁶ and messengers are sent out on account of possible Kelayim.⁷

³ The Megillah (Book of Esther) was read on the fifteenth day of this month only in such cities as were fortified since the time of Joshua the son of Nun; but in such as were fortified after his day, and in the open cities, it was read on the fourteenth of the month. No mention is made in the Mishna concerning the reading on the fourteenth, because, the majority of the cities being open, or fortified since the time of Joshua ben Nun, it was generally known, and there was no fear of it being forgotten. In the few fortified cities, however, it was necessary to remind the inhabitants that the day on which *they* were to read the Megillah was the fifteenth. The Palestinian Talmud (Chapter I., Halakha 2) states, that we are taught by this Mishna that all commandments which are to be fulfilled on a leap year in the second Adar should not be fulfilled in the first Adar; but we cannot see how that can be inferred from this Mishna, although some commentators have tried to explain it.

⁴ The rainy season ended by the first of Adar, and in consequence of the heavy rains the country roads and market-places were in bad condition. In the month of Nissan, travel towards Jerusalem was very heavy; hence the warning to improve the roads, etc., was heralded. The public plunge-baths were also injured by the rains and had to be repaired, for the sake of the public, to whom the law prescribes the taking of a legal bath on or before the holidays.

⁵ The Palestinian Talmud states, that at that time the courts of law (Beth-din) would meet in session for the trial of civil suits, criminal cases, and crimes involving the punishment of stripes; for the redemption of such as had devoted all their possessions in honor of the Lord, and such as had given the estimated value of their person, etc.; also for the performance of the rite of the bitter water (see Numbers v. 12-31), and for the performance of the rite of breaking the calf's neck (see Deut. xxi.), and for the rite of the red heifer (see Numbers xix.), and for the ceremony of piercing a serf's ear (see Exodus xxi.). For all this, and any other matters that came up before them, the courts of law assembled in that month.

⁶ Such graves as had been injured during the rainy season, and

(*b*) R. Jehudah says: At one time the messengers used to pull out the Kelayim (illegally mixed seeds) and throw them at the feet of the owners! The number of the transgressors, however, being constantly on the increase, the Kelayim were pulled out and thrown into the roads. Finally, it was determined that the entire fields of such law-breakers were to be confiscated.*

(*c*) On the fifteenth of this month (Adar) the money-changers outside of Jerusalem seated themselves at their tables.¹ In the city of Jerusalem, however, they did not do this until the twenty-fifth of the month.² As soon as the money-changers seated themselves also in the city, the taking of pledges from

were not marked, had to be restored and marked, in order that a man be saved the annoyance of becoming unclean by stepping on a grave. The Palestinian Talmud infers this from the passage [Leviticus xiii. 46]: "Unclean, unclean, shall he call out," and interprets it to signify that the uncleanness itself should call out "unclean" and keep men away from its vicinity. For this reason it was heralded, that the graves were to be marked in order to be a warning to passers-by that such places were unclean.

¹ On account of the severity of the law concerning Kelayim and the frequency with which that law was infringed, it was deemed insufficient merely to herald the prohibition, and messengers were sent out to see the law enforced (Maimonides).

MISHNA *b*. * R. Jehudah's dictum does not intend to dispute the foregoing, but merely supplements it with the statement that the messengers sent out were for the purpose of punishing the infractors of the law of Kelayim. The Palestinian Talmud adduces the right of the Beth-din to confiscate property from the passage [Ezra x. 8]: "And that whosoever should not come within three days, etc., all his substance should be devoted." Whence it may be seen, that a Beth-din has such power.

MISHNA *c*. ¹ It was the custom for money-changers in those days to carry their tables with them, and hence they were called "the men of the tables." The Mishna relates, that on the fifteenth of the month the money-changers were ordered to go out into the rural districts with their tables, in order to provide the people with the necessary half-shekels; for the tax had to be paid in half-shekels only.

² On the twenty-fifth, when it was high time for payment and the people commenced flocking into the city of Jerusalem, the money-changers returned and sat in the court of the Temple.

the tardy ones commenced.³ But from whom were pledges taken? From Levites, Israelites, proselytes, and freedmen; but not from women, slaves, and minors. If a father, however, commenced to give a pledge for a minor, he was not allowed to stop. From priests no pledges were taken, for the sake of peace (and the dignity of the priests themselves).⁴

(d) Said R. Jehudah: Ben Buchri proclaimed the following ordinance in Yavne (Jamnia): "Any priest paying his shekel commits no wrong." R. Johanan ben Zakai, however, rejoined: "Not so! (The ordinance should read:) 'Any priest not paying his shekel, commits a sin.'"¹ But the priests used to interpret the following passage to their advantage: It is written [Leviticus vi. 16]: "And every meat-offering of a priest shall be wholly burnt, it shall not be eaten." (They said therefore:) Were we obliged to contribute (our shekels) how could we eat our² Omer

³ The taking of pledges commenced immediately upon the departure of the money-changers from the rural districts, because, if a man had not paid his half-shekel while the money-changers were still within his reach, it was obvious that he either would not or could not pay it, and in consequence a pledge was taken.

⁴ According to law, the priests were also in duty bound to pay the half-shekels, the collection of which was mainly intended for the purchase of communal sacrifices, and the priests were naturally included in the community. They, however, found a defect in the law, and held themselves exempt. In consequence of their being in authority during the existence of the second Temple, they were not forced to pay or give pledges, for the sake of harmony.

MISHNA *d.* ¹ The difference of opinion between Ben Buchri (who was a priest himself) and R. Johan ben Zakai is, as can be plainly seen, that Ben Buchri holds, that according to law the priests are not in duty bound to pay the half-shekel; but if they do it, they may nevertheless partake of their Omer, two loaves, and showbread, while R. Johan ben Zakai says, that they are in duty bound to pay the half-shekel.

² The priests claim, that if they were to pay the half-shekel with which the Omer, etc., is bought, they would naturally have a share in it, and they would eat their share, which, as a priest's offering, must not be eaten by any one. This is, however, an unjust claim; for the majority is considered, and the priests were by far in the minority. As the priests, however, were in charge of the affairs of state, they interpreted the law to suit themselves, and for the sake of peace they were not disturbed.

(first sheaves harvested) and the two loaves and the showbread (which were procured with the shekels of the head-tax) ?

(e) Although it was ordained that no pledges were to be taken from women, slaves, and minors, if they offered to contribute, their money was accepted. From heathens and Samaritans it was not accepted. Nor were bird-offerings, for men or women afflicted with venereal disease and for women who had recently been confined, accepted; nor sin and guilt offerings.¹ Vowed and voluntary offerings, however, were accepted.² The following is the rule: Everything which was vowed as an offering and all voluntary offerings were accepted. Anything not vowed for offering or given voluntarily was not accepted from them (heathens and Samaritans). So it is explicitly declared in Ezra, for it is written [Ezra iv. 3]: "It is not for *you* and us (both) to build a house unto our God."

(f) The following are obliged to pay a premium¹ (in addi-

MISHNA e. ¹ This clause of the Mishna refers, according to the Palestinian Talmud and Maimonides, to Samaritans only and not to heathens, while the sin and guilt offerings were accepted from Samaritans but not from heathens, because the latter had not the same laws as the Israelites as regards sin-offerings. The Samaritans, however, claiming to be Israelites, were allowed to bring their sin and guilt offerings. The reason, however, that bird-offerings were not accepted from the Samaritans was because, in the first place, an offering for a person afflicted with venereal disease had to be brought in the form of a sheep; but if the person could not afford a sheep, birds answered the purpose. The Samaritans, however, were not considered trustworthy, and it was feared that they might bring a wrong offering (*i.e.*, an offering of less value than they could afford).

² These were accepted from heathens also, because such offerings were for forgiveness of sins in general, and in that respect all men are equal.

MISHNA f. ¹ The shekel mentioned in the Bible is equivalent to the Sela mentioned in the Mishna, and is worth two shekels of the Mishna. The half-shekel of the Bible was worth (according to Maimonides) the weight of 192 grains of barley in silver, and, for fear that the shekel of the Mishna of that time was perhaps a trifle less than the above weight, a small coin was prescribed to be paid in addition to the above shekel, and which was named from the Greek Colobbus (χόλλυβος). He who gave the half-shekel voluntarily, and not because he was obliged to pay it, was exempt from paying the above "Colobbus." Those of the priests who, regardless of the

tion to the half-shekel): Levites, Israelites, proselytes, and freedmen; but not (priests,) women, slaves, and minors. If one pay (the half-shekel) for a priest, woman, slave, or a minor, he is exempt (from paying the premium); if he pay for himself and another, however, he must pay a premium for one. R. Meir says: " (He must pay) two premiums. One who pays a Sela (whole Bible shekel) and receives in return a half (Bible) shekel must pay two premiums."²

(*g*) If one pay for a poor man, for a neighbor, or for a countryman, he is exempt from a premium (because it is charity); if he only advances them the money, he is not exempt. Brothers who (after dividing their inheritance) have their business in common, or partners, when they become obliged to pay a premium, are exempt from cattle-tithe.* As long, however, as they must pay cattle-tithe, they are exempt from a premium. How much does the premium amount to? According to R. Meir, to one silver Meah (one twenty-fourth of a shekel); but the sages say, to one-half of a Meah.

claim that they were not obliged to pay the half-shekel, paid it nevertheless, were exempt from the above premium for the sake of peace.

² One in addition to the half-shekel and one for the exchange.

MISHNA *g*. * Cattle-tithe must be paid by a man only from such young as his own cattle calve, but not from the calves which he purchases elsewhere. If two brothers inherit cattle or calves from their father, they must pay cattle-tithe, because the cattle are regarded as still their father's. If they have divided their inheritance, even though they shared alike, they are both exempt from payment, because it is regarded as if one brother had bought the cattle from the other. (The same refers to partners. As long as they are in partnership they are liable for cattle-tithe from such young as is calved by their own cattle, but if the partners dissolve even after the cattle had calved, they are exempt, because it is regarded as if one partner had purchased his share from the other.) Now, it is obvious that when the two brothers are still partners and liable for cattle-tithe they are regarded as one, and by paying one Sela for both are exempt from premiums, because the money is still considered as their father's. (This explanation is taken from Rashi in Tract Chulin.) As soon, however, as they are exempt from cattle-tithe, they have nothing more in common, hence must pay a half-shekel each, and thus must also pay the premium.

CHAPTER II.

MISHNA: (*a*) One may put together the Shekalim and exchange them for Darkons¹ (Greek coins of permanent value), in order to be able to carry them more readily. Just as the money-chests were on the order of horns in the city of Jerusalem, so were they also in the country.² If the inhabitants of a town sent their Shekalim (to the city of Jerusalem) by messengers, and the money was stolen from them or was lost by accident, if the treasurers had already drawn their share (from the communal Shekalim), the messengers of the city must swear to the fact before the treasurers. If the share had not yet been drawn, they (the messengers) must swear to the facts before the inhabitants of the town, and the latter must make the amount good.³ If the money was recovered or returned by the

CHAPTER II.

MISHNA *a*. ¹The Darkon (Greek *Δαρεινός*; or *drachm*, biblical term, Ezra viii. 27) was a Persian gold coin worth two Selas, or four half-shekels.

²The money-chests were narrow on one side and broad at the bottom, and had a slot through which a Darkon on edge only could be passed, and were given to the messenger locked.

³If a portion of the amount of Shekalim collected had already been spent for sacrifices or for the improvement of the Temple, all the Israelites who were bound to pay their Shekalim had a share in such disbursement, and the amount sent by the town, although lost or stolen, was counted as if it had been included in the amount spent, because it was the express understanding that in every shekel spent for sacrifices, etc., all Israelites had a share, in order that they might have a share in the sacrifices. Therefore, the messengers of the city had simply to swear that they had taken the money, and it was considered received by the treasurers. If, however, no portion of the Shekalim had yet been expended, the share of the inhabitants of the town, whose money had been stolen or lost, was not included in the amount on hand, and hence the representatives of the city were obliged to make it good (Maimonides).

thieves, both amounts are considered as Shekalim, and nothing is credited to next year's account.

(b) If one give his shekel to another to pay (his head-tax) for him, and the man appropriates it to pay his own tax, he (the latter) commits embezzlement if the share had already been drawn; the same is the case with one who pays his shekel with sanctified money, after his share had been drawn and an animal was sacrificed for it.¹ If he took the money from the second tithes or from the Sabbatical year fruit, he must eat the full value of same in the city of Jerusalem.²

(c) If one gather together single coins and say: "These shall serve for my Shekalim," the eventual remainder is, according to the school of Shamai, a voluntary gift; according to the school of Hillel, it is not sanctified. If the man say, however: "Out of these I shall pay my Shekalim," the eventual remainder is, according to both schools, not sanctified. If he say: "These shall serve me for a sin-offering," the eventual remainder is, according to both schools, a voluntary offering. If he say: "Out of these will I bring a sin-offering," the eventual remainder is, according to both schools, not sanctified.*

MISHNA *b.* ¹The same reason as stated in note 3 of the preceding Mishna applies also to this clause; and, besides, everybody had a share in the sacrifice of the animal, even if the sacrifice were made on the strength of future receipts, for pledges were on hand insuring the payment by the delinquents.

²If the money was taken from the second tithes, the value of which had to be consumed in the city of Jerusalem, he must replace it by an equal amount and proclaim that this money is in exchange for the money taken from the second tithe, and then consume it accordingly. If the money was taken from the Sabbatical year fruit, he must replace it and proclaim the same as above and make it public property, as is the law of Sabbatical years.

MISHNA *c.* *The meaning of this Mishna is as follows: If a man gathered money little by little, with the express intention of paying his shekalim tax out of such money, and separated it from other moneys, any remainder which he may have left over after such payment is, according to the school of Shamai, to be devoted for a voluntary offering, because it was separated; and according to the school of Hillel, it is ordinary money, that may be used at will, because it was gathered only for the purpose of paying the amount due, which was already paid. If a man, however, had a sum of

(d) R. Simeon says: "What difference is there here between the Shekalim and the sin-offerings? Shekalim have their fixed value, but sin-offerings have not."¹ R. Jehudah says: "Even Shekalim have no fixed value; for when Israel returned from captivity, (half-) Darkons were paid; later (half-) Selas were paid; again, Tabas (half-shekels) were current (but not accepted), and finally people would only pay with Dinars."² Rejoined R. Simeon: "Nevertheless, the Shekalim were all of like value at one and the same time, while as for sin-offerings, one brings one Sela's worth, another two, and a third three Selas' worth."³

(e) The remainder of moneys intended for Shekalim is not

money, and declared that he would use *this* sum for the payment of his shekalim tax, the remainder which he may have after such payment is, even according to the school of Hillel, to be devoted for a voluntary offering. With money devoted for a voluntary offering, whole-offerings only were to be bought.

MISHNA *d.* ¹ By his teaching in this Mishna, R. Simeon wishes to explain the reason of the decree of the school of Hillel concerning the remainder of money which had been gathered little by little for the purpose of paying the Shekalim, or for the bringing of a sin-offering, and says: "Because it is written [Exodus xxx. 15], 'The rich shall not give more, and the poor shall not give less, than the half of a shekel,' a man when gathering money for the payment of Shekalim knows exactly how much he will need; hence, although he separated the amount gathered, the remainder is ordinary money; but if he gathered money for a sin-offering, which has no fixed value, and for which he did not know exactly how much he would have to pay, his intention in separating the money was evidently to use the entire amount for such purpose, and hence the eventual remainder, which cannot be used for a sin-offering, as it is already sacrificed, should be used for a voluntary offering."

² R. Jehudah differs with R. Simeon, and states, that the reason given by the latter for the decree of the school of Hillel cannot be correct, for even Shekalim had not always a fixed value, and when a man commenced to gather money for the payment of his Shekalim he also may not have known how much he would have to pay when the time came, because the value of the coin might be changed in the meantime.

³ R. Simeon answered R. Jehudah very properly: "Even if the value of the coin was changed, the man knew well that he would pay a certain sum equal to that paid by all others, and the entire amount

sanctified.¹ The remainder of moneys intended for the offering of the tenth part of an ephah [Lev. v. xi.] (sin-offering of the poor), for bird-offerings of men or women afflicted with venereal disease and of women that had been recently confined, and for sin and guilt offerings, are considered voluntary offerings. Following is the rule: The remainder of everything designated for sin and guilt offerings is considered as a voluntary offering.² The remainder of whole-offerings is applied to whole-offerings,³ of food-offerings to food-offerings, of peace-offerings to peace-offerings; that of the Passover-offerings to peace-offerings, and that of Nazarite-offerings to Nazarite-offerings. The remainder of such (offering) as is designated for a certain Nazarite is a voluntary offering. The remainder of moneys for the poor in general, belongs to the poor; of money collected for a certain poor man belongs to that same poor man. The remainder of ransom moneys for prisoners is applied to (the ransom of) other prisoners; of moneys collected for a certain prisoner belongs to that prisoner. The remainder of burial moneys is applied to (the burial of) other dead; of money collected for a particular dead (man) belongs to

that he had gathered would not be consumed; as for a sin-offering, however, he never knew exactly just what amount he would need for its purchase, because it had no fixed value; therefore, when he separated the money from other moneys his intention was to use the entire amount."

MISHNA *z.* ¹ After explaining the opinions of both schools (Shamai and Hillel) in the preceding Mishna, and the Halakha, as usual, prevailing according to the school of Hillel, this Mishna states the final Halakha anonymously, and then cites the subsequent ordinances, concerning which there is no difference of opinion.

² The reason for this rule is: A sin or guilt offering must be brought for each sin separately. If money was designated for one sin-offering, the remainder cannot be applied to another offering for the same sin, nor for another sin which one might commit in the future, hence the remainder must be a voluntary offering.

³ The remainder of whole-offerings may be used for more whole-offerings, because the quantity of whole-offerings, which are voluntary, is not limited. The same applies to food and peace offerings. The remainder of Passover-offerings, however, which cannot be used for the same purpose again, and should, however, be used for an eatable sacrifice, cannot be used for a voluntary offering, which is a whole-offering, but for a peace-offering, which is eatable.

the legal heirs. R. Meir says: "The remainder remains intact until Elijah comes again" (as the herald of the resurrection).⁴ R. Nathan says: "It should be applied to the building of a gravestone for the departed."

⁴The reason for R. Meir's dictum is: He holds, that if money is collected for a certain dead man, the remainder belongs virtually to him, *i.e.*, should be applied only for the use of the corpse; hence the heirs have no share in it. R. Nathan, however, says, that the setting up of a gravestone is for the use of the corpse, it being in his honor and not of any benefit to the heirs.

CHAPTER III.

MISHNA: (*a*) At three periods of the year money is drawn from the treasury (of the Shekalim); viz.: Half a month before Passover, half a month before Pentecost, and half a month before the Feast of Booths. The same dates are also the terms for the obligation of cattle-tithing, so says R. Aqiba. Ben Azai says: "The dates for the latter terms are the twenty-ninth of Adar, the first of Sivan, and the twenty-ninth of Abh." R. Eliezer and R. Simeon both say: "The first of Nissan, the first of Sivan, and the twenty-ninth of Elul." But why do they say the twenty-ninth of Elul, why not the first of Tishri? Because that is a feast-day, and it is not allowed to tithe on a feast-day; therefore they ordained it for the preceding day, the twenty-ninth of Elul.*

(*b*) The money drawn from the treasury was brought in three chests, each of three Saahs' capacity. On these chests was written: Aleph, Beth, Gimmel. R. Ishmael says: "They were marked in Greek: Alpha, Beta, Gamma."—The one that drew the money was not allowed to enter (the treasury) with a turned-up garment, nor with shoes nor sandals, nor with Tephillin, nor with an amulet, in order that, in the event of his becoming impoverished, it should not be said that he was thus punished on account of transgression against the treasury; or if he became rich, that he enriched himself by means of money drawn from the treasury. For a man must stand as unblemished before his fellowman as before his God, as it is written [Numbers

CHAPTER III.

MISHNA *a*. * The dates of the time for cattle-tithing have nothing to do with the time for drawing the money; for as to that time, all agree upon the dates stated in the Mishna, and the difference of opinion concerning the time of cattle-tithing is explained in the Palestinian Talmud and in Tract Rosh Hashana of the Babylonian Talmud.

xxxii. 22]: "And ye be thus guiltless before the Lord and before Israel"; and [Proverbs iii. 4]: "So shalt thou find grace and good favor in the eyes of God and man." *

(c) The members of the family of R. Gamaliel used to enter, each one with his shekel between his fingers, and throw it before the one who drew the money from the treasury, and the latter immediately placed it into the chest (which he took out).—The one who came in to draw the money did not proceed before he had said to the bystanders: "I will now proceed to draw," and they had answered: "Draw, draw, draw," three times. *

MISHNA *b*. *In this Mishna the manner of drawing the money from the treasury is described: how it was accomplished, that the Shekalim for which communal sacrifices were bought should be taken from the treasury in such a manner that all the contributors should have a share in them. The mode of procedure was as follows: About the middle of the month of Nissan, when the money from all Israel had been collected, the treasurers, amid great ceremony, would open the rooms where the boxes in which the money had been deposited by the collectors were situated, and bring out all the boxes contained in the rooms. These boxes were in turn opened, and their contents thrown into three cases, each of which had nine Saahs' capacity, and were covered with a cover. The remainder, after filling the three cases, was called the remainder of the room (and what was done with this will be told later). After the performance of this ceremony one man was selected, while the others withdrew, and he was to transfer the money to be expended, from the cases into three small chests, each having three Saahs' capacity and marked with three letters: Aleph, Beth, Gimmel; or, Alpha, Beta, Gamma.

MISHNA *c*. *After this ceremony, the man, being almost nude—for he had no garments on in which he could conceal a coin, no shoes, no sandals, no hat, no hose; in fact, nothing that would afford a hiding-place for money—would take the chest marked Aleph and bring it up to the first case, and fill it up, after which he would cover the case. Then he would take the chest marked Beth, fill it from the second case, cover the case, and proceed in the same manner with the chest marked Gimmel, from the third box, which contained nine Saahs' capacity; but in the last instance he would leave the case uncovered, as a sign whence to commence filling the chests at the second drawing of money in the same order as before, using the third case first, then the second, and lastly the first. This was done in order that the money should be thoroughly intermingled

(*d*) After the man had completed the first drawing, he covered the balance with a cover (of fur); the same was done after the second drawing; after the third drawing the balance remained uncovered; for (the covering in the first two instances) was done only in order not to draw by mistake again what had already been drawn from. The first drawing was performed in the name of the whole land of Israel, the second in the name of the cities near the boundaries, and the third in the name of the inhabitants of Babylon, Media, and all distant lands in general.

and everybody have a share in the sacrifices bought with it. The first drawing took place on the fifteenth of Nissan, and sacrifices were purchased for the Passover. The next drawing was held fifteen days before Pentecost; and Pentecost only lasting one day, not so many sacrifices were needed, and the money lasted until fifteen days before the Feast of Booths, when the last lot of money was withdrawn from the cases and placed in the chests. The expenditure of the money was also made in the order of chests, chest Aleph being emptied first, etc.; and the intention was to place Jerusalem first, the surrounding territory next, and all the other places where Israelites dwelt last.

CHAPTER IV.

MISHNA: (*a*) What was done with this money drawn? The daily sacrifices, the additional sacrifices, and the drink-offerings belonging to them were bought therewith; also the Omers¹ (sheaves), the two loaves, the showbreads, and communal sacrifices in general. The watchmen who had to guard the after-growth on the Sabbatical year were paid out of this money. R. Jose says: "One who so desired could undertake the guarding (of the after-growth on Sabbatical years) without pay."² The sages answered him: "Thou wilt admit thyself, that the sacrifices (from the after-growth on Sabbatical years) must be brought only from communal property."³

CHAPTER IV.

MISHNA *a*. ¹ The Omers and the two loaves, which had to be made of Palestinian grain and of the new crop only, were bought out of the Shekalim during the six ordinary years, but in the Sabbatical year, where neither sowing nor reaping was done, where were they obtained? Men were sent out to discover where grain was growing as an after-growth, that had not been sown, and then watchmen were placed there to see that no one disturbed the crop; for it being public property, the possessor of the soil where the grain grew could not prevent its being taken. The men who discovered the grain and the watchmen were paid for their services out of the Shekalim, and such payment was regarded as the price of the grain, so that the grain again became communal property.

² R. Jose, in making this statement, holds, that one may present the community with a thing intended for a voluntary offering, and thus the man who guards the after-growth gratuitously, thereby acquiring a right to it, may donate it to the community for a communal sacrifice.

³ The sages mean to say that the Omer, the two loaves, the showbreads, and the communal sacrifices must be taken from articles that were communal property from the beginning, while other sacrifices may be offered from things donated by a man who does so with a good will. (See Rosh Hashana.)

(*b*) The red heifer, the goat that was to be sent away (on the Day of Atonement), the strip of scarlet, were paid for out of this money. The bridge for the cow, the bridge for the goat that was to be sent away, and the scarlet strip tied between the latter's horns, the canal (at the Temple), the city wall, the towers and other necessities of the city, are paid for out of the remainder of the treasury-money.* Abba Saul says: "The costs of the building of the bridge for the red heifer were defrayed by the high priests themselves."

(*c*) What was done with the balance left over in the treasury (after all the things in the preceding Mishna had been procured)? Wines, oils, and fine meal were bought with it to the profit of the sanctuary (for the purpose of selling it again to those who brought sacrifices).* So said R. Ishmael. R. Aqiba, however, says: "Sanctified moneys or contributions for the poor are not dealt with for profit."

(*d*) What was done with the remainder of the money (taken from the chests)? It is used for gold plate for the decoration of the Holy of Holies. R. Ishmael says: "The mentioned fruit (profit of the wines, oils, and fine meal sold in the Temple) was for the benefit of the altar, and the remainder of the money drawn was for service-utensils." R. Aqiba says: "The remainder of the money drawn was for the benefit of the altar and that of the drink-offerings was for service-utensils." R. Hanina, the assistant chief of priests, says: "The remainder of the drink-

MISHNA *b*. *The remainder of the Shekalim, left over after the three cases had been filled, which was called "remainder of the room," was stored in a high place, access to which was very difficult, no ladder being permitted to be used. Out of this money all the accessories for the sacrifices, as enumerated in the Mishna, were procured. The details of these accessories are explained in Tracts Para and Yuma.

MISHNA *c*. *It is known that all those who brought sacrifices were obliged to purchase wine, oil, and fine meal for meal-offerings, and all this was purchased in the court of the Temple. In the Palestinian Talmud many things are enumerated, for which purposes the balance of the money was used; for instance, the hiring of teachers to instruct the priests in the art of slaughtering, in the halakhas pertaining to such matters, etc., also for the payment of those who investigated blemishes in the sacrifices, and a great many other things to be found in that chapter (Halakha 4).

offerings was for the benefit of the altar and that of the money drawn was for service-utensils." The two latter would not admit of the alleged gain from fruit * (profit).

(e) What was done with the remainder of the incense? ¹ At first the remuneration of the preparers of the incense was set aside from the treasury; the sanctification of the incense on hand was then transferred to that money, and the former was then given to the preparers in lieu of compensation²; it is then bought back from them with the money of the new revenue: providing the new revenue was on hand in time, it was bought back with such money; otherwise, the old revenue was used for that purpose.

(f) If one devote his entire possessions in honor of the Lord, and among them are things which are fit for communal sacrifices (*e.g.*, incense), the preparers of the incense should be paid therewith. So teaches R. Aqiba. Ben Azai answered him *: "Such is not the right mode of procedure. The compen-

MISHNA *d.* * In the preceding Mishna, R. Ishmael declares, that the balance of the money in the treasury is used to purchase wines, oils, and fine meal, to be resold to those bringing sacrifices, and in this Mishna he relates what is done with the profits accruing from such sales. R. Aqiba, however, who would not permit of selling the things mentioned for profit, declares that the money for the altar is taken directly from the balance left over in the treasury; and R. Hanina holds, that the balance of the money drawn is used for the service-utensils.

MISHNA *e.* ¹ The remainder of the incense refers to the amount of incense left over at the end of the year. A quantity of incense was prepared for the whole year, and every priest would use a handful at a time; but, as handfuls are not all alike, no fixed amount could be prepared: hence the remainder.

² Compensation for labor must not be made with sacrificed articles, for the sanctification cannot be transferred to labor that had already been performed; it can be transferred, however, to actual money, and in consequence the subterfuge for the payment of the preparers of the incense was resorted to as stated in the Mishna.

MISHNA *f.* * R. Aqiba and Ben Azai differ in this Mishna as to whether sanctification can be transferred to labor or not. R. Aqiba holds, that labor can be compensated with sanctified articles; but Ben Azai holds, that it cannot. According to Maimonides the Halakha prevails according to Ben Azai, because in the previous Mishna there is a concurrent opinion.

sation of the preparers must first be separated from such possessions, then the sanctification of those possessions transferred to money; then give the separated things to the preparers for compensation; and, finally, buy them back from them with money of the new revenue."

(g) If one devote his possessions, and there are among them cattle fit for the altar, male or female, the male, according to R. Eliezer, shall be sold for whole-offerings and the female for peace-offerings to such as are in need of them; and the proceeds of such sale, together with the other possessions, shall be devoted to the treasury for the maintenance of the Temple. R. Jehoshua says: "The male are sacrificed as whole-offerings, the female are sold to such as are in need of peace-offerings, and the proceeds used for the sacrifice of whole-offerings. The balance of the possessions is devoted to the maintenance of the Temple."¹ Said R. Aqiba: "The opinion of R. Eliezer seems to me to be more proper than that of R. Jehoshua; for R. Eliezer has an even procedure, whereas R. Jehoshua divides it."² R. Papeos says: "I have heard that it is done according to both teachers; viz.: According to R. Eliezer if the owner who devotes his possessions explicitly mentions his cattle, and according to R. Jehoshua if he silently includes his cattle in his possessions."³

MISHNA *g.* ¹The point of difference between R. Eliezer and R. Jehoshua is this: The former holds, that if a man devoted all his possessions, his intention was to devote them for the maintenance of the Temple only; while the latter holds, that the intention was to devote the possessions according to their adaptability. Hence if, among the possessions, there were objects adapted for the altar, they should be devoted to the altar; if, however, these were female cattle, which could not be brought as a whole-offering, nor, by reason of the absence of the owner, even as a peace-offering, such cattle should be sold and the proceeds applied to the purchase of whole-offerings.

²R. Aqiba holds with R. Eliezer, because, in his opinion, a man who devotes all his possessions does so with but a single intention; and this is what he terms an even procedure.

³R. Papeos said, that if the man devoted all his possessions to the honor of the Lord, R. Jehoshua would be correct, for his possessions can be used in honor of the Lord in various ways; but if he explicitly stated that he devoted his possessions for the maintenance of the Temple, R. Eliezer's opinion is proper.

(*h*) If one devote his possessions, and there are among them things fit for the altar, such as wines, oils, and birds, says R. Eliezer, the latter things should be sold to such as need offerings of these kinds, and the proceeds used for the sacrificing of whole-offerings; the balance of the possessions goes toward the maintenance of the Temple.*

(*i*) Every thirty days the prices paid by the treasury are determined. If one contract to furnish flour at the rate of four Saah (for one Sela), and the price is raised to three, he must nevertheless furnish the same at four Saah (for one Sela).¹ If he contract at the rate of three and the price fall to four, he must in that case furnish four, for the Sanctuary always has that prerogative. If the flour become wormy, it is the loss of the contractor; and if the wine become sour it is also his loss, and he does not receive the money for his wares until the purchased wares have been favorably accepted as sacrifices at the altar.²

MISHNA *h*. * The reason that R. Eliezer decrees that wines, oils, and birds should be sold, and whole-offerings brought in their stead, is because the articles mentioned cannot be redeemed with money.

MISHNA *i*. ¹ Every month, bids were received from contractors for the furnishing of the necessaries for the Temple and altar for one month. The lowest bidder received the contract, and it was distinctly understood that, even if prices were raised during the month, his prices were to remain as originally contracted for.

² The Palestinian Talmud states, that the money due the contractors was paid them by the priests immediately upon the latter receiving the wares, for the priests were very careful, and never allowed flour to become wormy or wine to spoil.

CHAPTER V.

MISHNA: (*a*) The following were the heads of offices¹ in the Sanctuary: Johanan, son of Pinchas, keeper of the seals²; A'hia, (superintendent) of drink-offerings; Mathia, son of Samuel, (superintendent) of the casting of lots³; Petha'hia, (superintendent) of bird-offerings.⁴ Petha'hia is Mordecai, but why do they call him Petha'hia? Because he used to expound and interpret scriptures, and was master of seventy languages. Ben A'hia was (superintendent) of the cures of priests suffering with abdominal diseases.⁵ Ne'huniah was master of the well.⁶

CHAPTER V.

MISHNA *a*. ¹The list of officers enumerated by the Mishna were not all officers at the same time, but served at different periods, and the Mishna merely names the most important and pious among them.

² See Mishna *d*, same chapter.

³ Lots were cast for the determination of the turn of the priests for each particular service. The superintendent would keep a record of such as were eligible for duty, and then cast lots for the priest who was to serve.

⁴ Petha'hia was superintendent-in-chief of all those who had charge of the bird-offerings; these bird-offerings were brought by women who had recently been confined; and there were so many of them that a record had to be kept, who came first, whose time was nearly expired, and how much was to be charged for the offerings. Besides this, it often happened that the birds became mixed and required great wisdom to separate them and recognize to whom every bird belonged, as the changing of the birds would make the offering invalid. (See commentary of Israel Lipshuetz.)

⁵ Such diseases among priests were of very frequent occurrence and inevitable; for they were dressed during services very lightly, being allowed to wear only four articles of apparel; viz., a linen shirt, linen pantaloons, a linen cap, and a girdle. Besides, they had to walk barefoot on the marble floor, and were constantly eating meat of the sacrifices, which had to be eaten during a specified time. Hence

Gebini was herald.⁷ Ben Gabhar was turnkey of the gates.⁸ Ben Bebai was master of the temple-guard.⁹ Ben Arzah was master of the kettledrums (which were beaten as a signal for the Levites to commence their chant). Higos, son of Levi, was (leader) of the singing. The family of Garmo (superintended) the making of the showbreads.¹⁰ The family of Abtinios (superintended) the preparing of the incense.¹¹ Elazar (superintended) the making of the curtains.¹² Pinchas superintended the vestments.¹³

they needed many attendants, in order that, as soon as one priest took sick, a substitute was brought in his place and he was removed to the sick ward. Ben A'hia was the superintendent-in-chief of these matters.

⁶ On account of the immense influx of people into Jerusalem three times a year, the wells for the supply of water, both on the roads and in the city, had to be looked after, and Ne'huniah had charge of this.

⁷ The commencement of all services had to be heralded, and many heralds were employed. Gebini was herald-in-chief, and his duty was mainly to call out in the morning: "Priests, to your duties! Levites, to your chants! Israelites, to your places!" He had so powerful a voice that it could be heard eight miles.

⁸ He had charge of the keys of the gates and of the men who stood at the gates.

⁹ The gates of the Temple had to be guarded day and night, even in times of peace. To properly care for the guard and to punish all negligence in guarding the gates was the duty of Ben Babai.

¹⁰ For showbreads, twelve loaves had to be made every week, and had to be made so that they would keep fresh the entire week. For further details, see Tract Tamid. The family of Garmo had charge of this work for generations.

¹¹ The incense, which was used twice a day, had to be prepared with especial skill from many different spices, and in proper proportions. Further details are also to be found in Tract Tamid. The family Abtinios had charge of this branch for many generations.

¹² The curtains, which were frequently changed, had to be inspected as to workmanship, cleanliness, etc., and this duty devolved upon Elazar.

¹³ The vestments of the priests had to be carefully examined as to cleanliness, and had to be sent out to be laundered regularly. Many rooms in the Temple were devoted to those vestments, and Pinchas had charge of them all.

Much has been said as to the character of the men enumerated in

(b) No less than three treasurers and seven chamberlains must be appointed,* and no less than two officers were put in charge of public moneys. Exceptions were made in the cases of Ben A'hia, superintendent of the cures of the sick, and Elazar, superintendent of the preparation of curtains, because they were unanimously elected by the community.

(c) There were four seals in the Sanctuary, inscribed with the words Egel (calf), Sachar (ram), Gdi (kid), and 'Houte (sinner, meaning here one covered with sores). Ben Azai says, that there were five (seals), and the inscriptions were in Aramaic, meaning: calf, ram, kid, poor sinner (one afflicted with sores), and rich sinner (one afflicted with sores). The one inscribed with "calf" was used for drink-offerings brought with offerings of the herds, large or small, male or female; the one inscribed with "kid" was used for drink-offerings brought with offerings of the flocks, large or small, male or female, with the exception of rams; the one inscribed with "ram" served for drink-offerings brought only with rams; the seal inscribed with "sinner" served for drink-offerings brought with the three cattle-offerings of those afflicted with sores.*

the Mishna, whether they were priests themselves, Levites, or ordinary Israelites. For particularized information regarding this subject, we would refer to "Die Priester und der Cultus," by Dr. Adolf Büchler, Vienna, 1895. It is estimated that the priests in Jerusalem approached the enormous number of twenty thousand. Besides, there were numbers of Levites.

MISHNA *b.* * The officers of the Temple ranked as follows: The king, the high priest, the assistant high priest (Sagan), two catholicoses, † seven chamberlains (Amarkolins), three treasurers (Gisbars), and, finally, many smaller officials; *e.g.*, inspectors, officers of the guard, etc. (See "Die Priester und der Cultus," pp. 90-117.) The duties of each officer are described in 'Tamid and Yuma.

MISHNA *c.* * With every sacrifice that was offered, wine and meal

† "Catholicos" is here used in the sense of patriarch or head, which term still retains a similar meaning in the "Ecclesiastical History of the Armenian Church," deriving its original meaning from the Greek *καθολικός*—general or universal. In the latter sense it was adopted at a very early period by the Christian church. In the exclusive sense of denoting the church as the "depository of universally received doctrine in contrast with heretical sects" it is still improperly retained by the Roman Catholic Church. I am surprised to find no mention of the officers of this name and function under the appropriate title anywhere in the "Encyc. Brit."

(*d*) One who desired to bring drink-offerings, for instance, went to Johanan, who was keeper of the seals, paid his money, and received a seal; he then went to A'hia, who had charge of the drink-offerings, gave him the seal, and received the drink-offering. In the evening the two officers came together, when A'hia turned over the seal and received instead the money. If there was too much money, it belonged to the Sanctuary; if too little, Johanan had to supply the deficit: for the sanctuary had that prerogative.

(*e*) One who lost his seal had to wait until evening. If there was a surplus sufficient to cover the seal,* he was given the drink-offering for that amount; otherwise, he did not receive it. The date of the day was on the seal to prevent fraud.

(*f*) There were two chambers in the sanctuary. One was

were brought in accordance with the biblical commandment to that effect, and in quantities prescribed by the ordinances. As the drink and meal offerings were bought in the Temple, the person bringing the sacrifice would receive a seal from the priest which he would exchange for the necessary quantity of wine and meal. The drink-offerings with goats and sheep were the same, hence the seal inscribed "kid" served for both. One who brought a ram, however, which required a larger quantity of wine and meal, would receive a separate seal, inscribed "ram." As for offerings of the herds, they were all equal, small or large, male or female; hence the seal inscribed "calf" sufficed for all. Those who were afflicted with sores, and had to bring two rams and one sheep, received a seal inscribed "sin" (which had the hidden purpose of signifying that sores were the consequence of sin). The poor sinners, who had only to bring one sheep, two doves, and one-tenth of an ephah of meal and one lug of oil, without any wine, were, according to the opinion of the sages, not in need of a seal, because the seal inscribed "kid," which they received when bringing the sheep, was sufficient for the other purpose. Ben Azai, however, says, that another seal was necessary, and that an extra seal marked "poor sinner" was given, which was intended as a sign that no wine was necessary. The tradition of Ben Azai, that the seals were inscribed in Aramaic characters, is also true, because, prior to the introduction of the Greek language, all the writing in the Temple was done in Aramaic. (See the mentioned work of Büchler.)

MISHNA *e*. * Providing only the surplus amounted to exactly the amount paid for the seal.

called chamber of the silent, the other chamber of utensils. In the former, devout men secretly gave charitable gifts, and the poor of good family received there secretly their sustenance. In the other chamber, every one who desired to offer a utensil voluntarily, laid it down. Every thirty days the treasurers opened the chamber, and every utensil found to be fit for the maintenance of the Temple was preserved, while the others were sold and the proceeds went to the treasury for the maintenance of the Temple.*

MISHNA *f.* * In the Palestinian Talmud in this chapter (*Halakha* 15), many legends are related illustrating this Mishna.

CHAPTER VI.

MISHNA: (*a*) There were thirteen curved chests¹ and thirteen tables in the Sanctuary, and thirteen prostrations took place in the Sanctuary. The family of R. Gamaliel and of R. Hananiah, chief of the priests, made fourteen prostrations; this extra prostration was made towards the wood-chamber,² because, according to an ancestral tradition, the ark was hidden there.

(*b*) Once a priest¹ was engaged there, and he noticed that one of the paving-stones on one place appeared different from the others. He went out to tell others of it; but he had not yet finished speaking, when he gave up the ghost; thereby it was known to a certainty that the ark of the covenant² was hidden there.

(*c*) In what direction were the prostrations made? Four towards the north, four towards the south, three towards the east,

CHAPTER VI.

MISHNA *a*. ¹ The thirteen chests were used as explained in Mishna *e*, and they were shaped like horns, so that a hand could not be inserted from the top. This Mishna places the number of everything at thirteen (on account of the thirteen kinds of mercy attributed to God). R. Ishmael composed the thirteen rules with which the Law is expounded.

² The location of the wood-chamber can be determined in Tract Midoth.

MISHNA *b*. ¹ The priest was a man of blemish (deformed), and could not take part in the sacrifices, but was allowed to select and peel the wood used at the altar.

² The ark was hidden during the existence of the first Temple in order to save it from the Babylonians, after all hope had been abandoned, and its hiding-place was underground. The priests who subsequently took charge probably noticed some sign made by the former generation when the ark was hidden, and this particular priest died as a consequence of his attempt to reveal the secret.

and two towards the occident; *i.e.*, towards the thirteen gates.¹ The southern gates were near a corner of the western. These were: The upper gate, the fire gate, the firstling gate, and the water gate. Why is it called water gate? Because a glass of water was carried through it for the sprinkling of the altar on the Feast of Booths. R. Eliezer son of Jacob says: At that gate the waters (flowing from the Holy of Holies) commence to flow rapidly downwards, until they again flow out under the threshold of the Temple. Opposite there were the northern gates, near the other corner of the western. These were: The door of Jekhaniah, the gate of sacrifice, the women's gate, and the music-gate; and why is the first one called the gate of Jekhaniah? Because Jekhaniah went through it, when he went into exile. In the east was the gate Nikanur, which also had two small doors,² one to the right and the other to the left; lastly, there were two in the west, which were nameless.

(*d*) Thirteen tables were in the Sanctuary: Eight marble ones in the slaughter-house, on which the entrails were washed. Two to the west of the altar-sheep, one marble and one silver: on the marble one the sacrificial pieces were placed, and on the silver table the utensils were placed. Two in the corridor on the inside of the Temple entrance, a marble table and a golden one: on the marble one the showbreads were placed at the time they were brought in, and on the golden one when they were taken out; because the principle is, that the veneration of the

MISHNA *c.* ¹That there were thirteen gates in the Temple is vouched for by Abba Jose ben Johanan; but the sages declare, that there were only seven gates and that the thirteen prostrations were made in the direction of the twelve breaches made by the Greeks in the walls of the Temple at the time of the Maccabees, and towards the altar; the twelve breaches had been repaired, and each prostration was a mark of gratitude for the good fortune. From the fact, however, that the Mishna cites nine of the gates by their names and describes their location, it seems that Abba Jose ben Johanan was correct, and had his knowledge of the matter from tradition.

²Concerning the gate Nikanur, it is said that the two doors were made in the gate proper, because the gates were very heavy and it required a number of priests and Levites to open them (as explained in Tract Tamid). Hence, in order to facilitate entrance and egress, the two doors were added.

sacred must be heightened and not lessened.* Lastly, there was one golden table in the Temple itself, upon which the show-breads were constantly lying.

(*e*) Thirteen curved chests were in the Sanctuary.¹ On them was written: *Old shekalim*, *new shekalim*, bird-offerings, doves for whole-offerings, wood, incense, gold for the cover of the Holy of Holies. Six were for donations in general.² The term *new shekalim* is used for those paid annually. *Old shekalim* were those which were paid by men who had failed to pay them in the year when they were due, and paid them in the following year. "In those marked 'bird-offerings,' the money for turtle-doves was deposited; in those marked 'doves,' money for young doves was deposited: but they were all whole-offerings." So says R. Jehudah. The sages say: "In the former, money for both sin-offerings and whole-offerings was placed, and in the latter only for whole-offerings."³

MISHNA *d*. * Because the showbreads were lying on a golden table in the Temple, they were not to be placed on marble tables when taken out.

MISHNA *e*. ¹When a man paid his half-shekel in Jerusalem, he would go to the Temple and throw his half-shekel into the chest marked *new shekalim*. Into the chest marked *old shekalim*, such as had not given pledges for the payment of the Shekalim, and came voluntarily to pay same, would throw their half-shekel. One who wished to donate money for specific purposes, *e.g.*, for bird-offerings, etc., would deposit the money in the respectively marked chests.

²Only one of these chests was for donations in general. The other five were marked as follows: One, "For the remainder of a sin-offering," *i.e.*, money left over from a sum originally intended for the purchase of a sin-offering, was thrown into this chest and was used only for sin-offerings; the second, "for the remainder of guilt-offerings"; the third, "for the remainder of bird-offerings of women who had been confined and of persons suffering from venereal diseases"; the fourth, "for the remainder of Nazarite-offerings"; and the fifth, "for the remainder of offerings of those afflicted with sores." If any one had money left over from such offerings, he deposited it in the respectively marked cases. The contents of the chest marked "for donations in general" were used for the maintenance of the Temple. (Maimonides.)

³R. Jehudah means to say, that a man who throws money into the chest marked "for bird-offerings" intends that his offerings

(*f*) If one vow, "I will furnish wood for the altar," he must not furnish less than two cords. If one vow (to furnish) incense, he must not furnish less than a handful. If one vow (to furnish) gold coin, he must not furnish less than a Dinar.¹ Six (chests) were for voluntary offerings. What was done with these? Whole-offerings were bought for these, the meat of which was sacrificed to God, but the hides belonged to the priests.² The following explanation was made by Jehoiada the high priest, of the expression [Lev. v. 19]: "It is a trespass-offering; he hath, in trespassing, trespassed against the Lord": The rule is: With everything coming in under the name of sin or guilt offering, whole-offerings are bought, the meat of which is offered up to God and the hides of which belong to the priests; hence the two expressions: A guilt-offering for God and a guilt-offering for the priests, as it is written [II Kings xii. 16]: "The money for trespass-offerings and the money for sin-offerings was not brought into the house of the Lord: it belonged to the priests."

should be for the altar only, and not for the benefit of those who eat sacrifices, while the sages differ with him, as stated in the Mishna.

MISHNA *f*. ¹ In the preceding Mishna the remainder of offerings is treated of, and it made no difference how little the remainder was, it could be thrown into the chest. In this Mishna, the case of a man who vows to bring an offering is spoken of, and a minimum value is placed.

² Incidentally we are told that the meat of the sacrifices belonged to the Divinity, while the hides belonged to the priests; and what immense sums were realized from the sale of such hides may be gleaned from the mentioned "Priester und Cultus," by Büchler.

CHAPTER VII.

MISHNA: (a) If money is found between the chest marked "Shekalim" and that marked "voluntary offerings," it belongs to the chest marked "Shekalim" if it lies nearer to the same, and to the one marked "voluntary offerings" if it be nearer *that*. So also does it belong to the voluntary offerings if it be found midway between the two chests. Money found lying between the chests marked "wood" and "incense" belongs, if it be nearer the former, to the former; if nearer the latter to the latter, and also to the latter if found midway between the two. Money found lying between the chest marked "bird-offerings" and the one marked "doves" for whole-offerings belongs to the former if it be nearer the former; and if nearer the latter to the latter, and also to the latter if midway between the two. Money found between ordinary moneys and the moneys of the second tithes belongs, if nearer the former to the former; if nearer the latter to the latter, and also to the latter if found midway between the two.* The rule is: One must be guided by the proximity, even in the case of the less important; but in the event of equidistance, (one must be guided) by the greater importance (of the moneys).

(b) Money found (in Jerusalem) on the place of the cattle-dealers is regarded as second tithe.¹ Money found on the Tem-

CHAPTER VII.

MISHNA *a*. * There are different degrees of sanctification attached to the several kinds of offerings, some greater and some lesser. In order not to appropriate money belonging to an offering of a greater degree of sanctification to one of a lesser degree, it was decided that proximity of the stray coins should govern the disposition of such money. Where, however, the money was equidistant, it was appropriated to the offerings of a greater degree of sanctification, and the degree may be determined from the Mishna itself.

MISHNA *b*. ¹ Because it was rare for priests to visit the cattle-market, but the Israelites who at any time came to buy cattle for

ple-mount is ordinary.² Other money found in Jerusalem generally, during the festivals, is regarded as second tithe; at other times of the year as ordinary.³

(c) Meat found in the outer court (of the Temple) is considered whole-offering if in complete joints; if cut in pieces it is sin-offering.¹ Meat found in the city is considered peace-offering.² All such meat must be laid aside for putrefaction, and then be burned in the crematory. Meat found anywhere else in the land is prohibited (to be used) as carrion, if found in whole joints; if found cut in pieces, it may be eaten; and during the festivals, when a great deal of meat is on hand, even whole joints may be eaten.³

(d) Cattle found all the way from Jerusalem to Migdal Eder, and in the same vicinity in all directions, are considered, if male, as whole-offerings, and if female as peace-offerings. R. Jehudah

sacrifices generally bought the same with the money exchanged for their second tithes.

¹ Money found on the Temple-mountain was presumably dropped there by priests. It never occurred that a priest should carry money belonging to the treasury about with him; for even if he drew some money for the purpose of purchasing necessaries, he immediately turned it over to the vender. Hence, any money which a priest may have lost was his own, and ordinary.

² During the festivals, when all the Israelites congregated in Jerusalem, they brought money only to expend for their second tithes, hence money found in any place is considered as second tithes.

MISHNA c. ¹ Because whole-offerings were sacrificed in complete joints, but sin-offerings, which were eaten by the priests, were usually cut in pieces. Neither must be eaten, because it might be that the latter had been left over from the preceding day and should be burned; but the distinction is made simply in case one had eaten of the meat that was cut up. If he had eaten of the complete joint, he was certainly guilty, but if he had eaten of the cut meat, it could not be said positively that he was guilty.

² This must also not be eaten, because it may have lain more than two days and a night; but if it is eaten, no one is guilty.

³ Incidentally the rule is laid down as to meat found anywhere in Palestine. If the meat is found in whole joints, it is presumed to be carrion left for dogs, and must not be eaten. During the festivals, when meat is plentiful, it is presumed to be slaughtered meat, and may be eaten.

says: "If they are fit for Passover-offerings they may be used for such purpose, providing Passover is not more than thirty days off." *

(e) In former days, the finder of such cattle was pledged until he brought the drink-offerings belonging to such sacrifices; every finder, however, letting such cattle stand and going on his way, the high court decreed, that the costs of the drink-offerings belonging thereto be defrayed out of the public money.

(f) R. Simeon says: Seven decrees were promulgated by that court, and the latter was one of them. Further: If a non-Israelite send whole-offerings with the necessary drink-offerings from over the sea, they are offered up; but if sent without the necessary drink-offerings, the costs of the latter are defrayed from public money. If, again, a proselyte died and left offerings, the drink-offerings, if also left by him, are offered up with the others; if not left, the costs of same are defrayed out of public money. It was also a decree of the court, that in the event of a high priest dying, the necessary meat-offering [Leviticus vi. 13] should be paid for out of the public treasury. R. Jehudah, however, declared, that this should be done at the expense of the heirs. In both cases a tenth of an ephah should be offered.

(g) Further, that the priests may (at the sacrificial meals) make use of the salt and the wood (from the sanctuary); that the priests do not commit a breach of trust when misusing the ashes of the red heifer¹; lastly, that the public treasury reimburse

MISHNA *d.* * R. Jehudah states, that if the animal found was a yearling and a male, it is considered a Passover-offering, but may be sacrificed only as a peace-offering, because a Passover-offering must be intended for a stipulated number of persons. (See Exod. xii. 4.) The sages, however, say, that on account of the number of whole-offerings which were brought at the time, the animal found must not be eaten, for fear lest it be intended for a whole-offering and a grave offence be committed. Hence it should be sacrificed as a whole-offering only.

MISHNA *g.* ¹ It was not allowed to appropriate any part of a sacrifice designated for some special use for any other purpose. If this was done, however, (unintentionally,) it was considered a trespass, and a trespass-offering had to be sacrificed as expiation for the sin. The ashes of the red heifer did not come under the above ruling

for paid bird-offerings that had become unfit.² R. Jose, however, says: "He who contracts for the furnishing of the bird-offerings must reimburse for the spoil."

previously (for reason, see Siphri), but on account of the frequent misuse of those ashes a decree was promulgated placing them under the same ruling as other parts of sacrifices, which were not to be misappropriated. Subsequently, this Mishna teaches that, there being no further necessity for the precautionary measure, the decree was reversed and the ashes restored to their former insignificance. This was included among the seven decrees.

²A special decree had to be promulgated to cover this case. Had this not been done, contractors would have refused to furnish birds for offerings, because there were very many birds used, and it was burdensome to properly care for them. Still, R. Jose does not agree to this, claiming that the contractor might use it for other purposes and thus save the Sanctuary the loss. According to Maimonides, the Ha'akha prevails according to R. Jose.

CHAPTER VIII.

MISHNA: (*a*) All spittle¹ to be found in Jerusalem is considered clean, except such as is found at the upper market (for this place was secluded and those afflicted with venereal diseases were in the habit of going there). Such is the teaching of R. Meir. The sages say: In the middle of the street it is at ordinary times unclean, and at the sides of the streets, clean. During the festivals, spittle found in the middle of the street is clean; at the sides it is unclean, because such as are unclean on account of their minority usually walk at the sides of the street.

(*b*) All utensils found on the way towards the plunge-bath, in Jerusalem, are unclean; those found on the way from the plunge-bath are clean: for they were not carried down to the plunge-bath the same way that these were carried up from the plunge-bath. So teaches R. Meir. R. Jose says: "All are clean, with the exception of such baskets, spades, and pickaxes as are used for the bones of the dead." *

CHAPTER VIII.

MISHNA *a*. ¹ Concerning this spittle, see Leviticus xv. 8. It being impossible that, of all the people congregated in Jerusalem at the times of the festivals, there should not be some who had running issues and whose spittle was unclean, regulations were made where such men were to walk and where not. These regulations are cited by the Mishna. R. Meir said, that the upper market was the place designated for them, but the sages differ with him, and say, that the regulation was for the healthy men to walk in the middle of the street and the unclean at the sides during the festivals; but the whole year, the order was reversed. It is therefore self-evident, that, wherever the unclean walk, one is liable to contract uncleanness.

MISHNA *b*. * This Mishna is explained by Maimonides and translated by Yost in a different manner than we have rendered it; namely: "All utensils found wrong side up on the way to the plunge-bath are unclean, and those found right side up are clean." This

(*c*) If a butchering-knife be found on the fourteenth day of Nissan, a Passover-offering may be slaughtered with it forthwith. If it be found on the thirteenth, it must be again submerged.* A severing-knife must be submerged both if found on the thirteenth or fourteenth. If the fourteenth, however, fall on a Sabbath, it may be used for slaughtering forthwith; so also if it be found on the fifteenth: if it be found together with a butchering-knife, it is treated just like the latter.

(*d*) If a curtain in the Sanctuary become defiled through some minor uncleanness,¹ it is submerged on the inside of the outer court, and may be put back in its place; if it become defiled through a principal uncleanness, it must be submerged on the outside and then stretched on the rampart, because sunset must be awaited. At the time it is submerged for the first time (when new), it should be spread out on the roof of the gallery, in order that the people may see the beauty of the work.

(*e*) R. Simeon, son of Gamaliel, says in the name of R. Simeon, son of the assistant high priest, that the curtain was one

explanation is very complicated, and not in accordance with the literal text and other sources of explanation. Hence we simply translated the literal text and deem it correct. As for the last three articles, they are always unclean, on account of being used for bones of the dead; hence, in our opinion, they were never submerged. (See also commentary of Israel Lipshuetz, who also interprets it according to our explanation.)

MISHNA *c*. *A butchering-knife, being in constant use, is always considered clean, and hence there is no necessity of submerging it. If, however, it be found on the thirteenth, when there is still one day's time, it should be submerged for the sake of precaution. A severing-knife, however, is considered the same as any other vessel, and is treated accordingly.

MISHNA *d*. ¹ For the explanation of the term "minor uncleanness," as used in this Mishna, it is necessary to state the different degrees of uncleanness, which are as follows: A corpse is called "the grandparent of uncleanness." One who touches a corpse becomes "a father of uncleanness"; anything touching the latter is, in turn, "a child of (or first of) uncleanness"; anything touched by this latter is a "second of uncleanness"; and so forth, "a third" and "a fourth." (See Tract Taharoth.) In this Mishna a minor uncleanness refers to a first of uncleanness, and a principal uncleanness to a father of uncleanness.

span thick, woven on seventy-two warp-cords, each cord twisted out of twenty threads; it was forty ells long and twenty ells wide, and made (worth) of eighty-two myriads (Dinars).^{*} Two such curtains were made yearly: three hundred priests were required to submerge it.

(*f*) If meat of the Holy of Holies ^{*} became defiled, be it through a minor or a principal uncleanness, in the corridor or on the outside, according to the school of Shamai it must all be burnt in the court (in a place appointed for that purpose), except such as had been defiled by a principal uncleanness on the outside (of the court); according to the school of Hillel, everything is burnt on the outside except such as had been defiled by a minor uncleanness on the inside.

(*g*) R. Eliezer says: "Anything that has become defiled through a principal uncleanness, on the outside or on the inside, is burnt on the outside; anything that has become defiled through a minor uncleanness, either on the inside or the outside, must be burnt on the inside." R. Aqiba says: "In the place where a thing became defiled, there must it also be burnt."

(*h*) The joints of the daily sacrifice were laid down underneath the half of the altar-stairs on the westerly (according to others on the easterly) side; those of the additional offerings on the easterly (others say on the westerly) side. The sacrifices of the new moon were placed above the railing (others say beneath) on the altar.¹ The payment of Shekalim was only obligatory during the time that the Temple stood; the tithes from grain, cattle, and the deliverance of the firstlings were in force during the existence of the Temple and even after the Temple.²—If

MISHNA *e*. ^{*} The Palestinian Talmud asserts, that the amount of the cost of and the number of priests required to submerge the curtain is somewhat exaggerated; but, according to Dr. Büchler's "Priester und Cultus," the number of priests is not an exaggeration; and as for the cost, if the smallest existing coin be used for calculation (as in former times the sou in France, so also was the myriad mentioned in the Mishna), not even the sum will be exaggerated.

MISHNA *f*. ^{*} For instance, the meat of the sacrifice mentioned in Leviticus vii. 6.

MISHNA *h*. ¹ This will be explained in Tract Midoth.

² Because the Levites received their sustenance from this source, and having inherited no land from their ancestors, they were sup-

one sanctify Shekalim or firstlings, they are considered sanctified. R. Simeon says: "If one say, firstlings shall be holy, they are not sanctified (because no Temple exists)."

ported even after the destruction of the Temple by the same means. The details will be found in Tracts Becharath, Maasroth, etc.

APPENDIX TO CHAPTER VI., MISHNA *a*.

FROM the teaching of this Mishna, we may conclude that the number system of Pythagoras was known and prevailed in the times of the Sages of the Mishna, and accordingly the number 13 was deemed inauspicious even in the earliest days.

Therefore many religious ceremonies were established with the express view of convincing the people of the absurdity of their belief.

It also seems probable that the Sages themselves entertained the superstition, and that they adopted the number 13 in the religious ceremonies as a cure for the mischief believed to have been produced by the inauspicious number.

TRACT ROSH HASHANA

(NEW YEAR).

INTRODUCTION TO TRACT ROSH HA-SHANA (NEW YEAR'S DAY).

NOTWITHSTANDING the fact that in the history of every nation, especially such as has ever attained to an established form of government, the calendar is a matter of great importance, the Scriptures do not in any manner treat of the Jewish calendar. There cannot even be found a fixed time whence the commencement of the year should be reckoned, although there is this passage in Exodus (xii. 2): "This month shall be unto you the chief of months: the first shall it be unto you of the months of the year." Doubtless this may be assumed to point to the month of Nissan (about April), as not only the most important month, but also as the beginning of the year.

In another passage (Exod. xxiii. 16), however, we find it written: "And the feast of ingathering (Tabernacles), at the conclusion of the year." This would be a palpable contradiction to the previous passage, were it not for the fact that the words "*Betze'th Hashana*" (rendered as "at the conclusion of the year") in the quoted passage can be, with perfect accuracy, translated "during the year." While such a translation would clear away all doubt as to Nissan being the beginning of the year, it could under no circumstances be applied to the Feast of Tabernacles, which is neither "at the conclusion" of the year nor "during the year" (in the sense "when the year has advanced"), if the beginning of the year be Tishri (about September). Hence the passage should be translated: "And the feast of the ingathering, which had been completed at the conclusion of the year"; *i.e.*, in the months preceding the month of Tishri.

In the face of these contradictory terms, we must revert to historical facts which would support one or the other of the above assertions, and we find, that not only the Egyptian rulers, but also the Jewish kings since the time of Solomon, counted the beginning of the year of their accession from the month of

Nissan, while other Eastern potentates, such as the Armenian and Chaldean kings, counted the commencement of their year of accession from Tishri.

It is not certain whether the Israelites, after their conquest of Canaan, computed their calendar in conformity with that of the country whence they came or with that of the country they had conquered; but it is plain that in the Mishnaic period, or after the erection of the second Temple, they counted the beginning of the year from Tishri. It may be, however, that their kings, following the example of their predecessors, commenced counting the year of their accession from Nissan, and in all civil contracts and state documents, according to the existing custom, used dates to agree with Nissan as the first month of the year.

On the other hand, the priestly tithes, during the days of the erection of the second Temple, were payable in Elul (about August), which was considered the expiring season of the year, in order to prevent the confusion which might arise from mixing one year's tithes with those of the other. The priestly tithing of fruits was, however, delayed until Shebhat (about February), the time when the fruits had already matured on the trees, in order that the various tithes should not be confused and to prevent the priests and Levites from unduly interfering with the affairs of the people.

The prehistoric Mishna, which always formed the law, in conformity with the existing custom, and not *vice versa*,* found four different New Year's days in four different months, and, with the object in view of making the custom uniform in all Jewish communities, taught its adherents to observe four distinct New Year's days, at the beginning of the four respective months in which certain duties were accomplished. Thus the text of the opening Mishna of this tract, prior to its revision by Rabbi Jehudah Hanassi, read as follows: "There are four different New Year's days; viz., the first day of Nissan, the first of Elul, the first of Tishri, and the first of Shebhat." The different purposes for which these days were established as New Year's days were well known at that time, and it was therefore deemed unnecessary to specify them. At the time

* Facts corroborating this statement will be found in our periodical *Bakay*, Vol. II., p. 20 *et seq.*

of the new edition of the Mishna, by Rabbi Jehudah Hanassi (the Prince), when the Temple was out of existence, and consequently tithes were no more biblically obligatory (the authority of the priests having been abrogated and reverted to the house of David, the great-grandfather of the editor), the latter referring to the first day of Nissan and the first day of Elul as New Year's days, added, by way of commentary, the words, "for kings and cattle-tithe."

He also cited the opinions of R. Eliezer and R. Simeon, that the New Year's Day for cattle-tithe should not be celebrated separately, but on the general New Year's Day; viz., on the first day of Tishri, as under the then existing circumstances there was no necessity to guard against the confusion of tithes accruing from one year to the other. From this it may be concluded that R. Jehudah Hanassi, in citing the above opinions, alluded to them as being in conformity with his own opinion. To that end he also cites the opinions of the schools of Shamai and Hillel respectively.

From the statement in the Mishna to the effect that "there are four periods in each year on which the world is judged," it appears that in the Mishnaic period the New Year's day was considered a day of repentance; and since the principal features of repentance are devotion to God and prayers for forgiveness of sin, Rabbi states, in the Mishna, that devotion is the only requirement during the days of penitence, *i.e.*, the days between New Year's Day and the Day of Atonement. The legend relating that on the New Year's day books (recording the future of each person) were opened was yet unknown in Rabbi's time.

The story told by R. Kruspedai in the name of R. Johanan, that "on New Year's Day books are opened," etc., is taken from the Boraitha which teaches: "Three books are opened on the day of judgment." This Boraitha, however, does not refer to the New Year's day, but to the day of final resurrection, as explained by Rashi, and that R. Kruspedai quotes his story in the name of R. Johanan proves nothing; for in many instances where teachers were desirous of adding weight to their opinions, they would quote some great teacher as their authority. R. Johanan himself permitted this method.

After Rabbi Jehudah Hanassi had completed the proper Mishnaic arrangement regarding the number of New Year's days,

making the principal one "the Day of Memorial" (the first of Tishri); after treating upon the laws governing the sounding of the cornet in an exceedingly brief manner—he dwells upon the custom in vogue at the Temple of covering the mouth of the cornet or horn with gold, and declares the duty of sounding the cornet properly discharged if a person passing by the house of worship can hear it.

He arranges the prayers accompanying this ceremony in a few words, and then dilates at great length upon the Mishnayoth treating of the lunar movements by which alone the Jews were guided in the arrangement of their calendar, upon the manner of receiving the testimony of witnesses, concerning the lunar movements, and upon the phases of the moon as used by Rabban Gamaliel. He then elaborates upon the tradition handed down to him from his ancestors (meaning thereby the undisputably correct regulations), and also upon the statutes ordained by R. Johanan ben Zakkai, enacting that the sages of each generation are the sole arbiters of all regulations and ordinances, and may themselves promulgate decrees even though the bases for such be not found in the Mosaic code.

He also confirms the right of the chief Beth Din (supreme court of law), but not of a lower Beth Din, of each respective period, alone to arrange the order of the holidays, on account of the already apparent discontent of the masses, who were bent upon taking the management of these subjects into their own hands.

Thus he dilates upon this feature with the minutest exactness and supports his assertions with the decision of his grandfather Rabban Gamaliel, as well as with the decisions of Rabbi Dosa ben Harkhinas and Rabbi Jehoshua, to the effect that each generation has only to look for guidance to the Beth Din existing in its own time, and that the opinion rendered by such a Beth Din is as binding and decisive as that of Moses, even though it appear to be erroneous.

Such are the contents of this tract, certainly most important from an historical and archæological point of view. Proceed, then, and study!

SYNOPSIS OF SUBJECTS

OF

TRACT ROSH HASHANA*

CHAPTER I.

MISHNA I. The first Mishna ordains New Year's Days, viz.: For kings, for the cattle-tithe, for ordinary years, and for the planting of trees. 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. The Exodus from Egypt is reckoned from Nissan. When Aaron died Sihon was still living. He heard that Aaron was dead and that the clouds of glory had departed. The rule about Nissan only concerned the kings of Israel; but for the kings of other nations, they reckoned from Tishri. Cyrus was a most upright king, and the Hebrews reckoned his years as they did those of the kings of Israel. One is guilty of procrastination. Charity, tithes, the gleanings of the field, that which is forgotten to be gathered in the field, the produce of corners of the field.

One is culpable if he does not give forthwith that which he has vowed for charity. In the case of charity it must be given immediately, for the poor are always to be found. The Feast of Weeks falls on the fifth, sixth, or seventh of Sivan.

How the law against delay affects a woman. In which month is grain in the early stage of ripening? Only in the month of Nissan. It is also the New Year for leap-year and for giving the half-shekels. Congregational sacrifices brought on the first of Nissan should be purchased with the shekels raised for the New Year. He who lets a house to another for a year must 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. The first of Tishri is the New Year for divine judgment. At the beginning of the year it is determined what shall be at the end of the year. The Supreme Court in Heaven does not enter into judgment until the Beth

* See introduction to synopsis of Tract Sabbath, Vol. I., p. xxix.

Din on earth proclaims the new moon. Israel enters for judgment first. If a king and a congregation have a lawsuit, the king enters first. From New Year's Day until the Day of Atonement, slaves used not 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. R. Eliezer says, that the world was created in Tishri. R. Joshua says, that the world was created in Nissan. Says R. Joshua, God grants the righteous the fulfilment of the years of their life to the very month and day. Sarah, Rachel, and Hannah were visited on New Year's Day. Joseph was released from prison on New Year's Day. On New Year's Day the bondage of our fathers in Egypt ceased. The Jewish sages fix the time of the flood according to R. Eliezer, and the solstices according to R. Joshua; but the sages of other nations fix the time of the flood also as R. Joshua does. 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 twenty-ninth of Elul, as soon as the first of Tishri comes that year is complete. The New Year for giving tithes is for a tree from the time the fruits form; for grain and olives, when they are one-third ripe; and for herbs, when they are gathered. R. Aqiba picked the fruit of a citron-tree on the first of Shebhat and gave two tithes of them, . . . 1-20

MISHNA II. At four periods in each year the world is judged. All are judged on New Year's Day and the sentence is fixed on the Day of Atonement. R. Nathan holds man is judged at all times. God said: "Offer before Me the first sheaf of produce on Passover, so that the standing grain may be blessed unto you. Recite before Me on New Year's Day the Malkhioth, that you proclaim Me King; the Zikronoth, that your remembrance may come before Me, for good, and how (shall this be done)?" By the sounding of the cornet. Three circumstances cause a man to remember his sins. Four things avert the evil decree passed (by God) on man; viz., charity, prayer, change of name, and improvement. Some add to these four a fifth—change of location. Three books are opened on New Year's Day: one for the entirely wicked, one for the wholly good, and one for the average class of people. The school of Hillel says: The most compassionate inclines (the scale of justice) to the side of mercy. Who are those who inspire their fellowmen with dread of them? A leader of a community who causes the people to fear him over-much, without furthering thereby a high purpose. The legend how R. Joshua fell sick and R. Papa went to visit him. The Holy One, blessed be He, wrapped Himself, as does one 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 order, and I shall pardon him." Prayer is helpful for man before or after the decree has been pronounced. The legend of a certain family in Jerusalem whose members died at eighteen years of age. They came and informed R. Johanan ben Zakkai. The Creator sees all their hearts (at a glance) and (at once) understands all their works, . . . 20-28

MISHNA III. Messengers were sent out in the following six months: in Nissan, Abb, Elul, Tishri, Kislev, and in Adar. The legend of the king

(of Syria who had earlier) issued a decree forbidding the study of the Torah among the Israelites, or to circumcise their sons, and compelling them to desecrate their Sabbath. Judah b. Shamua and his friends cried aloud: "O heavens! Are we not all brethren? Are we not all the children of one Father?" etc. Samuel said: "I can arrange the calendar for the whole captivity." Rabha used to fast two days for the Day of Atonement. Once it happened that he was right, 29-34

MISHNAS IV. to VII. For the sake of (the new moon), of the two months Nissan and Tishri, witnesses may profane the Sabbath. Formerly they profaned the Sabbath for all (new moons), but since the destruction of the Temple they instituted that (witnesses) might profane the Sabbath only on account of Nissan and Tishri. It once happened that more than forty pair (of witnesses) were on the highway (to Jerusalem) on the Sabbath. Shagbar, the superintendent of Gader, detained them, and (when) R. Gamaliel (heard of it, he) sent and dismissed him. It once happened, that Tobias the physician, his son, and his freed slave saw the new moon in Jerusalem. The explanation of the passage Exodus xii. 1, by R. Simeon and the rabbis. Who are incompetent witnesses? Gamblers with dice, etc., 34-36

CHAPTER II.

MISHNAS I. to IV. If the Beth Din did not know (the witness), another was sent with him to testify in his behalf. It once happened that R. Nehorai went to Usha on the Sabbath to testify (to the character) of one witness. The legend how the Boëthusians appointed false witnesses. Formerly bonfires were lighted (to announce the appearance of the new moon); but when the Cutheans practised their deceit it was ordained that messengers should be sent out. There are four kinds of cedars. The whole country looked like a blazing fire. Each Israelite took a torch in his hand and ascended to the roof of his house. Great feasts were made for (the witnesses) in order to induce them to come frequently. How were the witnesses examined? The sun never faces the concave of the crescent or the concave of a rainbow. (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." The chief of the Beth Din says: "It (the new moon) is consecrated," and all the people repeated after Him: "It is consecrated, it is consecrated." Pelimo teaches: "When the new moon appeared at its proper time, they used not to consecrate it," 37-42

MISHNAS V. and VI. R. Gamaliel had on a tablet, and on the wall of his upper room, illustrations of the various phases of the moon. Is this permitted? Yea, he had them made to teach by means of them. It happened once, that two witnesses came and said: "We saw the moon in the eastern part in the morning and in the western part in the evening." R. Johanan b. Nuri declared them to be false witnesses. Two other witnesses came and said: "We saw the moon on its proper day, but could not see it on the next evening." R. Gamaliel received them; but R. Dosa b. Harkhinas said: "They are false witnesses." R. Joshua approved his opinion. Upon this,

Gamaliel ordered the former to appear before him on the Day of Atonement, according to his computation, with his staff and with money. What R. Joshua did, and what R. Aqiba and R. Dosa b. Harkhinas said about it. What R. Hiyya said when he saw the old moon yet on the morning of the twenty-ninth day. Rabbi said to R. Hiyya: "Go to Entob and consecrate the month, and send back to me as a password, 'David the King of Israel still lives.'" 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. Even if the commonest of the common is appointed leader by a community, he must be considered as the noblest of the nobility. A judge is to be held, "in his days," equal in authority with the greatest of his antecedents. Gamaliel said to R. Joshua: "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)," 42-44

CHAPTER III.

MISHNA I. If the Beth Din and all Israel saw (the moon on the night of the thirtieth day), but there was no time to proclaim, "It is consecrated," before it has become dark, the month is intercalary. When three who formed a Beth Din saw it, two should stand up as witnesses and substitute two of their learned friends with the remaining one (to form a Beth Din). No greater authority than Moses, our master, yet God said to him that Aaron should act with him. No witness of a crime may act as judge, but in civil cases he may, 45-46

MISHNAS II. to IV. Concerning what kind of cornets may be used on New Year's and Jubilee days. Some words in the Scripture which the rabbis could not explain, until they heard the people speak among themselves. The cornet used on the New Year was a straight horn of a wild goat, the mouthpiece covered with gold. The Jubilee and the New Year's Day were alike in respect to the sounding (of the cornet) and the benedictions, but R. Jehudah's opinion was different. R. Jehudah holds that on New Year's Day 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 contrary. "On the fast days two crooked ram's-horns were used, their mouthpieces being covered with silver." According to whom do we nowadays pray: "This day celebrates the beginning of thy work, a memorial of the first day"? It is unlawful to use a cornet that has been split and afterwards joined together. If one should happen to pass by a synagogue, or live close by it and should hear the cornet, he will have complied with the requirements of the law. If one covered a cornet on the inside with gold it might not be used. 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. If one blew the first sound (Teqia), and prolonged the second (Teqia) as long as two, it is only reckoned as one. 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. If special attention in fulfilling a commandment or doing a transgression is necessary or not. 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. All are obliged to hear the sounding of the cornet, priests, Levites, and Israelites, proselytes, freed slaves, a monstrosity, a hermaphrodite, and one who is half-slave and half-free. One may not say the benediction over bread for guests unless he eats with them, but he may for the members of the family, to initiate them into their religious duties, . . . 46-52

CHAPTER IV.

MISHNAS I. to IV. Regarding if the New Year fall on Sabbath. Where the shofer (cornet) should be blown after the Temple was destroyed. What was the difference between Jamnia and Jerusalem? Once it happened that New Year's Day fell on the Sabbath, and all the cities gathered together. Said R. Johanan b. Zakkai to the Benai Betherah: "Let us sound (the cornet)!" "First," said they, "let us discuss!" R. Johanan b. Zakkai ordained that the palm-branch should everywhere be taken seven days, in commemoration of the Temple. Since the destruction of the Temple, R. Johanan b. Zakkai *ordained* that it should be prohibited (to eat of the new produce) the whole of the day of waving (the sheaf-offering). Once the witnesses were delayed in coming, and they disturbed the song of the Levites. They then ordained that evidence should only be received until (the time of) the afternoon service. Concerning what songs the Levites had to sing every day from the Psalms. What did the Levites sing when the additional sacrifices were being offered on the Sabbath? What did they sing at the Sabbath afternoon service? According to tradition, a corresponding number of times was the Sanhedrin exiled. The witnesses need only go to the meeting place (of the Beth Din). Priests may not ascend the platform in sandals, to bless the people; and this is one of the nine ordinances instituted by R. Johanan b. Zakkai, . . . 53-57

MISHNA V. Regarding the order of the benedictions on New Year's Day at the morning prayer, additional prayers, and at what time the cornet must be blown, etc. What passages from the Scriptures are selected for additional prayers on New Year's Day. To what do the ten scriptural passages used for the Malkhioth correspond? How many passages must be recited from Pentateuch, Prophets, and Hagiographa? We must not mention the remembrance of the individual (in the Zikhronoth), even if the passage speaks of pleasant things. What are the passages which must be said in the benediction of Malkhioth, Zikhronoth, and the Shophroth? R. Elazar b. R. Jose says: "The Vathiqin used to conclude with a passage from the Pentateuch." "Hear, O Israel, the Lord our God is our Lord," may be used in the Malkhioth. The second of those who act as ministers of the congregation on the Feast of New Year shall cause another to sound the cornet on days when the Hallel (Service of Praise, Ps. cxiii.-cxviii.) is read.

We are permitted to occupy ourselves with teaching (children) until they learn (to sound the cornet), even on the Sabbath. The order, and how many times it must be blown ; also, the different sounds and the names of them. How all this is deduced from the Bible, and the difference of opinions between the sages. Generally the soundings of the cornet do not interfere with each other, nor do the benedictions, but on New Year's Day and the Day of Atonement they do. R. Papa b. Samuel rose to recite his prayers. Said he to his attendant, "When I nod to you, sound (the cornet) for me." Rabha said to him, that this may only be done in the congregation. A man should always first prepare himself for prayer, and then pray. R. Jehudah prayed only once in thirty days, 57-66

“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;* the first of Elul is New Year for the cattle-tithe,† 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‡ and jubilees; and also for the planting of trees§ and for herbs.¶ On the first day of Shebhat is the New Year for trees,¶ according to the school of Shammai; but the school of Hillel says it is on the fifteenth of the same month.**

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

* 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.

† 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.

‡ Vide Lev. xxv. and Deut. xv.

§ With regard to the prohibition of eating fruit of newly planted trees [Lev. xix. 23-25].

¶ So as not to mix the tithe of herbs from year to year.

¶ With regard to the tithe due on fruit trees.

** The Gemara fully discusses the reasons for these institutions, but we deem it wise to anticipate, for the sake of clearness.

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.* 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,

* 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.

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;* 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).† How can we make any such comparison? In the one place it speaks of the Canaanite,

* 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.

† Because the life of the righteous is a protection for the whole people.

and in the other of Sihon. We have learned in a Boraitha 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. 1]: “In the second year, in the seventh month, in the one-and-twentieth

day of the month.”* 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.”† 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 procrastina-

* 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.

† This law of “Thou shalt not slack to pay,” is known as “BAL TE’AHER”; *i.e.*, the law against procrastination or delay.

tion 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.* 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

* Lev. xxiii. 22.

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* 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”;

* The privilege of bringing on one of the later days of a festival a sacrifice that should have been offered on the first day.

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; * "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

* Lev. xxvii. 32.

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* 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.”

* 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.

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,* 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,

* 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.

‘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* 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 Tanaïm. 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

* The TAMID or daily offering could not be presented to the Temple by an individual.

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, lxx. 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

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* 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

* This is the literal translation of the verse in Psalms; the free translation is “at the appointed time,” according to Isaac Leeser.

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. Bero-kah 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.* 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

* *I.e.*, the Jubilee year is, at the same time, the fiftieth year of the last and the first of the coming series.

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

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

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 [Mical, vi. 2]: “Hear ye, O mountains, the Lord’s controversy, and (*ve-ha’ethanim*) 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

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-yamin* (when the time was come about)"; the minimum of *tequphoth** is two and of *yamin* 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

* 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.

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 tithe of herbs. But are not these included with other “tithes”? (Nay, for the tithe 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 tithe 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 tithe from the one for the other, for it is prohibited to give the heave-offering or tithe from the product of the past year for that of the present, or *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,* 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

* 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) MAĀSER RISHON, or first tithe, to be given every year to the Levite; (3) MAĀSER 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) MAĀSER ANI, or the poor tithe, to be given in the third year.

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

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

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* 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*.†

* The opinion of R. Gamaliel is stated a little further on.

† Produce of which the levitical and priestly tithe has not been yet separated, and which must not be used.

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”;* 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

* *Vide* Introduction.

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

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;* 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.†) R. Itz’hak

* 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.

† This is taken from Tract Baba Kama.

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, lxix. 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."

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.* And who are meant by non-Jews who

* 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).

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. 18]: "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 rem-

nant? 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. 17]: “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 Ipha 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

(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

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.” Rabha, 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. lv. 6]: “Seek ye the Lord

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 * 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; † 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. ‡

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. Simeon 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

* See *Slekaim* I. 1.

† *e.g.* Tabernacles. This was necessary since the Beth Din might have made the month intercalary.

‡ *Vide*, Numb. ix. 10, 11.

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. lii. 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 TebBeth, 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

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

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 Rabb: 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 Boraita: 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,”* said Ula. R. A'ha bar Hanina, however, said: “Because of dead bodies.”† What difference is there between them? They

* 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.

† 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.

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."

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.* 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.† Rabha used to fast two days for the Day of Atonement.‡ 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).”

* *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.

† 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.

‡ 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.

MISHNA: For the sake of (the new moon) of the two months, Nissan and Tishri, witnesses may profane* the Sabbath, because in these months the messengers went to Syria, and the order of the festivals was arranged; when, however, the Temple† 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,‡ 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

* To travel to Palestine in order to inform the Beth Din might have necessitated walking more than the distance permitted on the Sabbath.

† The Temple in Jerusalem.

‡ 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.

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 Boraitha: R. Jehudah said: It would be a sin to say that R. Aqiba should have detained them. It was Shazpar, the superintendent of Gadar, 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.

MISHNA: The following are considered incompetent to be witnesses: gamblers with dice, usurers, pigeon breeders,* 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.† Persons afraid of an attack by robbers may take sticks with them; † and if they have a long way to go, it will be lawful for them to provide themselves with and carry their food. † 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.*"

* Those who breed and train pigeons for racing.

† Even on the Sabbath, when under ordinary circumstances this might not be done.

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, lxxxii.] (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,* 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 † 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

* The name of a place between Jerusalem and Jericho.

† Samaritans.

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).*

“*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. 10]: “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

* 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.*

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),* 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;

* For if they had already traveled two thousand ells, they were prohibited from journeying more than four cubits more.

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”

(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* 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!"† 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

* The name of a Tana, a contemporary of Rabbi.

† Literally "put out the eyes of that figure!"

afraid of such suspicion? Did not that synagogue in Shephithibh of Neherdai have a statue (of the king), yet Rabh, 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. Harkhinan, 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 Boraitha 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* '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,† 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 permis-

* 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.

† No funerals or funeral orations were or are permitted on the holidays

sion, 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 Nadab 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!”

“*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).

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" (*geren*), 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. lv. 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

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

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. 1]: "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 every-

thing 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).* 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

* The opinion of the editor is that this parenthesis is a fair illustration of the interpolations in the Talmud. The term *Piresesh* is not Talmudical and was only used in later times. It has only been left here because the explanation happens to be correct.

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

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. 11]: “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

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

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

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.

CHAPTER IV.

REGULATIONS CONCERNING THE NEW YEAR'S DAY WHEN IT FALLS
ON SABBATH, AND THE PRAYERS THEREON—THE ORDINANCES OF
THE BENEDICTIONS, ETC.

MISHNA: When the feast of New Year happened to fall on the Sabbath, they used to sound (the cornet) in the Temple, but not outside of it. After the destruction of the Temple R. Jo'hanan b. Zakkai ordained that they should sound (the cornet) in every place in which there was a Beth Din. R. Elazar says that R. Jo'hanan b. Zakkai instituted that for Yamnia alone; but they (the sages) say the rule applied both to Yamnia and every place in which there was a Beth Din. And in this respect also was Jerusalem privileged more than Yamnia, that every city from which Jerusalem could be seen, or the sounding (of the cornet) could be heard, which was near enough, and to which it was allowed to go on the Sabbath, might sound the (cornet) on the Sabbath; but in Yamnia they sounded (the cornet) before the Beth Din only.

GEMARA: Whence do we deduce all this? Said Rabha: The rabbis took a precautionary measure concerning them, as said: Although the duty of sounding (the cornet) is obligatory upon all, yet all are not skilled in sounding (it); therefore they feared lest one might take (the cornet) in his hand, and go to an expert and carry it more than four ells in public ground. The same rule applies to the palm branch (*lulabh*) and also to the scroll (on which is written the) Book of Esther.

"After the destruction of the Temple, R. Jo'hanan b. Zakkai ordained," etc. The rabbis taught: Once it happened that New Year's Day fell on the Sabbath, and all the cities gathered together. Said R. Jo'hanan b. Zakkai to the Bne Bathera:* "Let us sound (the cornet)." "First," said they, "let us discuss." "Let us sound it," replied he, "and then we will discuss." After they had sounded (the cornet) they said to him: "Now let us discuss." He answered: "The cornet

* A scholarly family of Babylonian descent, much favored by Herod.

has now been heard in Yamnia, and we cannot retract after the act has been performed."

"*But they (the sages) say the rule applied both to Yamnia and every place in which there is a Beth Din.*" Said R. Huna: That means in the presence of the Beth Din. Does this preclude people from sounding (the cornet) out of the presence of the Beth Din? And, when R. Itzhak bar Joseph came (from Yamnia) did he not say: When the officiant ministers appointed by the congregation in Yamnia had finished sounding (the cornet) one could not hear his own voice on account of the sounds (of the cornets) used by individuals? (Even individuals) used to sound (the cornet) in the presence of the Beth Din. It was also taught: Rabbi said, "We may only sound (the cornet) during the time that the Beth Din is accustomed to sit."

"*Jerusalem was privileged more than Yamnia,*" etc. (When the Mishna speaks of) "Every city from which Jerusalem could be seen," it means with the exception of a city located in the valley (from which it could be seen only by ascending to an elevated spot); by "the sounding (of the cornet) could be heard," it means to except a city located on the top of a mountain; by "which was near enough," it means to exclude a city outside the prescribed limit (of a Sabbath journey); and by "and to which it was allowed to go," it means to exclude a city (even near by) but divided (from Jerusalem) by a river.

MISHNA: Formerly the palm branch (lulabh) was taken to the Temple seven days, but in cities outside (of Jerusalem) it was taken (to the synagogue) one day. Since the destruction of the Temple, R. Jo'hanan b. Zakkai ordained that the palm branch should everywhere be taken seven days, in commemoration of the Temple, and also it should be prohibited (to eat the new produce) the whole day of waving (the sheaf-offering; *vide* Lev. xxiii. 11-15).

GEMARA: Whence do we know that we do things in commemoration of the Temple? It is written [Jer. xxx. 17]: "For I will restore health unto thee, and I will heal thee of thy wounds, saith the Lord, because they called thee an outcast, saying, This is Zion whom no man seeketh after." By implication (we see) that it (Zion or the Temple) needs being sought after (or commemorated).

"*And that it should be prohibited to eat . . . on the whole day of waving (the sheaf-offering),*" etc. R. Na'hman b. Itzhak remarked: R. Jo'hanan b. Zakkai says this according to the

system of R. Jehudah, for it is written [Lev. xxiii. 14]: “And ye shall eat neither parched corn . . . until the self-same day,” *i.e.*, until the very day itself, and he holds that whenever the expression “until” (ad) occurs it is inclusive. How can you say the above according to (R. Jehudah); surely he differs from R. Jo’hanan ber Zakkai? As we have learnt in a Mishna: Since the destruction of the Temple R. Jo’hanan b. Zakkai *ordained* that it should be prohibited (to eat of the new produce) the whole of the day of waving (the sheaf-offering). Said R. Jehudah: Is this not prohibited by the passage which says: “Until the self-same day”? R. Jehudah was mistaken; he thought that R. Jo’hanan b. Zakkai taught that (the prohibition) was rabbinical, and it was not so, for R. Jo’hanan also said it was biblical. But does the Mishna not say “he ordained”? Yes; but what does it mean by “he ordained”? (It means) he explained the ordinance.

MISHNA: Formerly they received evidence as to the appearance of the new moon the whole (of the thirtieth) day. Once the witnesses were delayed in coming, and they disturbed the songs of the Levites. They then ordained that evidence should only be received until (the time of) the afternoon service, and if witnesses came after that time both that and the following day were consecrated. After the destruction of the Temple, R. Jo’hanan b. Zakkai ordained that evidence (as to the appearance) of the new moon should be received all day.

GEMARA: What disturbance did they cause to the songs of the Levites? Said R. Zera to A’hbha, his son: Go and teach to them (the Mishna) thus: “They ordained that evidence as to the appearance of the new moon should not be received, only that there might be time during the day to offer the continual and the additional sacrifices and their drink offerings, and to chant the (daily) song without disturbing the order.”

We have learned in a Boraitha: R. Jehudah said in the name of R. Aqiba, What (song) did (the Levites) chant on the first day of the week? “The earth is the Lord’s and the fulness thereof” [Ps. xxiv.], because He is the Creator, the Providence and the Ruler of the Universe. What did they sing on the second day? “Great is the Lord and greatly to be praised” [Ps. xlvi.], because He distributed His works and reigned over them. On the third day they sang, “God standeth in the congregation of the mighty” [Ps. lxxxii.], because He, in His wisdom, made the earth appear and prepared the world for its

occupants. On the fourth day they sang, "O Lord, to whom retribution belongeth" [Ps. xciv.], because (on that day) He created the sun and moon, and (determined) to punish in the future those who would worship them. On the fifth day they sang, "Sing aloud unto God our strength" [Ps. lxxxii.], because (on that day) He created birds and fish to praise Him. On the sixth day they sang, "The Lord reigneth, He is clothed with majesty" [Ps. xciii.], because (on that day) He finished His works and reigned over them. On the seventh day they sang, "A Psalm or Song for the Sabbath Day" [Ps. xcii.], for the day that is a perfect rest.

Said R. Nehemiah: "Why did the sages make a distinction between these sections (for the last refers to a future event, while all the others refer to the past)? It *should* have been said that they sang that Psalm on the Sabbath day because He rested!"

What did the Levites sing when the additional sacrifices were being offered on the Sabbath? R. Hanan bar Rabha said in the name of Rabh: Six sections of Deut. xxxii.* R. Hanan bar Rabha also said in the name of Rabh: "As these sections were divided (by the Levites), so they are divided for the reading of the law (on the Sabbath on which they are read)." What did they sing at the Sabbath afternoon service? Said R. Jo'hanan: A portion of the Song of Moses [Ex. xv. 1-10]; the conclusion of that song [ibid. 11-19], and the Song of Israel [Numb. xxi. 17].

The schoolmen asked: Did they sing all these on one Sabbath, or did they, perhaps, sing one section on each Sabbath? Come and hear! A Boraitha teaches: During the time that the first choir of (Levites who sang at the time of the additional sacrifice) sang their sections once, the second choir (that sang at that time of the afternoon sacrifice) had sung theirs twice; from this we may deduce that they sang but one section on each Sabbath.

R. Jehudah b. Idi said in the name of R. Jo'hanan: According to the rabbinical explanation of certain scriptural passages the Shekhinah made ten journeys, and according to tradition a corresponding number of times was the Sanhedrin exiled, viz.: from the cell of Gazith (in the Temple) to the market-place,

* i.-vii.; viii.-xiii.; xiv.-xix.; xx.-xxvii.; xxviii.-xxxvi.; xxxvii.-xliv. These passages are called *Hazyv Lakh* because the initial letters are H, Z, Y, V, L, KH.

from the market-place to Jerusalem, from Jerusalem to Yamnia, from Yamnia to Usha, from Usha (back again) to Yamnia, from Yamnia (back again) to Usha, from Usha to Shapram, from Shapram to Beth Shearim, from Beth Shearim to Sepphoris, from Sepphoris to Tiberias, and Tiberias was the saddest of them all, as it is written [Is. xxix.]: “And thou shalt be low, and shalt speak out of the earth.”

R. Elazar says they were exiled six times, as it is written [Is. xxvi. 5]: “For he bringeth down them that dwell on high; the lofty city he layeth low; he layeth it low even to the ground; he bringeth it even to the dust.” Says R. Jo’hanan: And thence (from the dust) they will in future be redeemed, as it is written [Is. lii. 2]: “Shake thyself from the dust; arise, and sit down,” etc.

MISHNA: R. Joshua b. Kar’ha said: This also did R. Jo’hanan b. Zakkai ordain: That it mattered not where the chief of the Beth Din might be, the witnesses need only go to the meeting-place (of the Beth Din).

GEMARA: A certain woman was summoned for judgment before Ameimar in Neherdai. Ameimar went away to Me’huza, but she did not follow him, and he wrote a letter to put her in the ban. Said R. Ashi to Ameimar: “Have we not learned that it mattered not where the chief of the Beth Din might be, the witnesses need only go to the meeting place (of the Beth Din)?” Answered Ameimar: “That is true in respect to evidence for the new moon; but with regard to my action, in which case she has been summoned for debt, ‘The borrower is servant to the lender,’ and she must come to the place where the chief court is” [Prov. xxii. 7].

The rabbis taught: Priests may not ascend the platform in sandals to bless the people; and this is one of the nine ordinances instituted by R. Jo’hanan b. Zakkai; six are to be found in this chapter, one in the first chapter; another one is, if one become a proselyte nowadays, he must pay a quarter of a shekel for a sacrifice of a bird (so that if the Temple should be rebuilt the authorities would have a contribution from him towards the daily sacrifices). R. Simon b. Elazar, however, said that R. Jo’hanan had already withdrawn this regulation and annulled it, because it easily led to the sin (of using the money for different purposes). And what is the ninth (ordinance of R. Jo’hanan)? R. Papa and R. Na’hman b. Itz’hak dispute about this. R. Papa says it was with regard to a vineyard of the

fourth year's crop; but R. Na'hman b. Itz'hak says it was with regard to the crimson-colored strap (displayed on the Day of Atonement (on the scapegoat).

MISHNA: The order of the benedictions (to be said on New Year is as follows): The blessings referring to the patriarchs (Abhoth), to the mighty power of God (Gebhuroth), and the sanctification of the Holy name; to these he adds the selection in which God is proclaimed King (Malkhioth), after which he does not sound the cornet; then the blessing referring to the sanctification of the day, after which the cornet is sounded; then the biblical selections referring to God's remembrance of His creatures (Zikhronoth), after which the cornet is again sounded; then the biblical selections referring to the sounding of the cornet (Shophroth), after which the cornet is again sounded; he then recites the blessings referring to the restoration of the Temple, the adoration of God, and the benediction of the priests. So is the decree of R. Jo'hanan b. Nouri. Said R. Aqiba to him: If the cornet is not to be sounded after the Malkhioth, why are they mentioned? But the proper order is the following: The blessings referring to the patriarchs (Abhoth), to the mighty power of God (Gebhuroth), and the sanctification of the Holy name; to this last the biblical selections referring to the proclamation of God as King (Malkhioth) are joined, and then he sounds the cornet; then the biblical selections referring to God's remembrance of His creatures (Zikhronoth), and he then sounds the cornet; then the biblical selections referring to the sounding of the cornet (Shophroth), and he again sounds the cornet; then he says the blessings referring to the restoration of the Temple, the adoration of God, and the priestly benedictions.

GEMARA: The rabbis taught: Whence do we know that we should recite the Malkhioth, Zikhronoth, and Shophroth? Said R. Eliezer: From the passage [Lev. xxiii. 24] in which it is written: "Ye shall have a Sabbathon, a memorial of blowing cornets, a holy convocation," the word "Sabbathon" refers to the consecration of the day; "a memorial" refers to the Zikhronoth; "blowing of cornets" refers to the Shophroth; "a holy convocation" means the hallowing of the day in order to prohibit servile work. Said R. Aqiba to him: Why is not the word "Sabbathon" construed to mean the prohibition of servile work, since the passage (quoted above) begins with that? Therefore, let the passage be interpreted thus: "Sabbathon" means the hallowing of the day and the prohibition of servile work; "me-

morial” refers to the Zikhronoth; “blowing of the cornets” refers to the Shophroth; “a holy convocation” means the consecration of the day.

Whence do we know that we should recite the Malkhioth? From the following Boraitha: Rabbi said: The words, “I am the Lord your God”; and “in the seven month” (stand together) [Lev. xxiii. 22, 24], which may be interpreted to refer to the proclamation of God as King. R. Jose b. R. Jehudah says it is not necessary to cite this passage; for it is written [Numb. x. 10] “that they may be to you for a memorial before your God: I am the Lord your God.” These concluding words “I am the Lord your God” are entirely superfluous, but since they are used, of what import are they? They form a general rule, that in every selection in which (God’s) remembrance of His creatures is mentioned there should also be found the thought that He is the King of the Universe.

MISHNA: Not less than ten scriptural passages should be used for the Malkhioth, ten for the Zikhronoth, and ten for the Shophroth. R. Jo’hanan b. Nouri says: If by three of each class, one will have done his duty.

GEMARA: To what do the ten scriptural passages used for the Malkhioth correspond? Answered Rabbi: To the ten expressions of praise used by David in the Psalms. But there are more expressions of praise found? Only those are meant, in conjunction with which it is written “praise him with the sound of the cornet” [Psalm ci. 3]. R. Joseph says: “They correspond to the ten commandments that were proclaimed to Moses on Sinai.” R. Jo’hanan said, they correspond to the ten words with which the universe was created.

“*By three of each class, one will have done his duty.*” The schoolmen asked: “Does he mean three from the Pentateuch, three from the Prophets, and three from the Hagiographa, which would make nine, and they differ about one (passage)? or perhaps one from the Pentateuch and one from the Prophets and one from the Hagiographa, which would make three, and they differ about many passages?” Come and hear! We have learned in a Boraitha: Not less than ten scriptural passages should be used for the Malkhioth, ten for the Zikhronoth, and ten for the Shophroth; but if seven of them all were recited, corresponding to the seven heavens, the duty has been fulfilled. R. Johanan ben Nouri remarked: He that recites less (than ten of each) should not, however, recite less than seven; but if he recited but three,

corresponding to the Pentateuch, Prophets, and Hagiographa, according to others corresponding to the Priests, Levites, and Israelites, it is sufficient. Said R. Huna in the name of Samuel: The Halakha prevails according to R. Jo'hanan b. Nouri.

MISHNA: We do not cite scriptural passages for the above three series that contain predictions of punishment. The passages from the Pentateuch are to be recited first, and those from the Prophets last. R. Jose, however, says "if the concluding passage is from the Pentateuch one has also done his duty."

GEMARA: Passages, proclaiming the kingdom of God that should not be used (because of the above), are such as the following [Ezekiel, xx. 33]: "As I live, saith the Lord God, surely with a mighty hand, and with a stretched out arm, and with fury poured out, I will rule over you," and although as R. Na'hman says (of this passage): Let Him be angry with us, but let Him take us out of captivity, still, since it refers to anger, we should not mention "anger" at the beginning of the year. An example of the same idea being found in conjunction with the Zikhronoth is to be read in [Ps. lxxviii. 39], "For he remembered they were but flesh;" in conjunction with the Shophroth an example is found in Hosea, v. 8: "Blow ye the cornet in Gibeah," etc.

We must not mention the remembrance of the individual (in the Zikhronoth) even if the passage speaks of pleasant things, as, for example [Ps. cvi. 4], "Remember me, O Lord, with the favor that thou bearest unto thy people." However, passages that contain the expression of "visiting" may be used in the Zikhronoth, *e.g.*, "And the Lord visited Sarah" [Gen. xxi. 1] or "I have surely visited you" [Ex. iii. 16], so says R. Jose; but R. Jehudah says, they may not. But even if we agree to what R. Jose says (shall we say that) the passage "and the Lord visited Sarah" speaks of an individual (and therefore it should not be used)? Nay; since many descended from her, she is regarded as many and therefore that passage, though speaking of one only, is regarded as though it spoke of many.

(In the Malkhioth, they used Ps. xxiv. 7-10, which is divided into two parts.) The first part can be used as two of the required passages, and the second as three, so said R. Jose; but R. Jehudah said: The first part can be used only for one, and the second for two.* So too [Ps. xlvi. 7, 8], "Sing praises to God, sing praises, sing praises to our king, sing praises; for God is the

* He excludes the two interrogative sentences, "Who is the king of glory?"

King of all the earth.” R. Jose said: This may be used for two of the Malkhioth; but R. Jehudah said: “It is to be reckoned as one only.” (He rejects one, because the words “our king,” referring to one people only, was not a sufficiently broad expression of praise for Him who is the King of the universe.) Both, however, agree that the next verse of the same Psalm, “God is King over the nations; God sitteth upon the throne of his holiness,” is to be used for one only. A passage containing a reference to God’s remembrance of His creatures and also to the cornet, as for instance [Lev. xxiii. 24], “Ye shall have a Sabbath, a memorial of blowing of cornets,” may be used in the Zikhronoth and the Shophroth; so said R. Jose; but R. Jehudah said: It can only be used in the Zikhronoth. A passage in which God is proclaimed King, containing also a reference to the cornet, as for instance [Numb. xxiii. 21], “The Lord his God is with him, and the shout (*Teruath*) of a king is among them,” may be used in the Malkhioth and in the Shophroth, said R. Jose; but R. Jehudah said: It may only be used in the Malkhioth. A passage containing a reference to the cornet, and nothing else, as for instance [Numb. xxix. 1], “It is a day of blowing the cornet,” may be used for the Shophroth, so said R. Jose; R. Jehudah, however, said: Must not be used at all.

“*The passages from the Pentateuch are to be recited first and those from the Prophets last.*” R. Jose said: “We should conclude with a passage from the Pentateuch, but if one concluded with a passage from the Prophets, one has done his duty.” We have also learned: R. Elazar bar R. Jose says: “The *Vathiqin* * used to conclude with a passage from the Pentateuch. It is correct as far as Zikhronoth and Shophroth are concerned, for there are many such passages; but as for the Malkhioth there are but three in the Pentateuch, viz.: “The Lord his God is with him, and the shout of a King is among them” [Numb. xxiii. 21]; “And he was king in Yeshurun” [Deut. xxxiii. 5]; and “The Lord shall reign forever” [Ex. xv. 18], but we require ten and there are not so many? Said R. Huna: We have learned that, according to R. Jose, the passage, “Hear, O Israel, the Lord our God is one” [Deut. vi. 4], may be considered as Malkhioth, but R. Jehudah said, it may not; so also they differ with regard to the passages, “Know, therefore, this day, and consider it in thine

* A sect similar to Hasidim.

heart, that the Lord, he is God ; there is none else " [Deut. iv. 39], and " Unto thee it was shewed, that thou mightest know that the Lord, he is God ; there is none else beside him " [Deut. iv. 35]. According to the one they are considered Malkhioth, but according to the other not.

MISHNA: The second of those who act as ministers of the congregation on the feast of New Year shall cause another to sound the cornet ; on days when the HALLEL (Service of Praise, Ps. cxiii.-cxviii.) is read, the first (minister) must read it. In order to sound the cornet on New Year's Day it is not permitted to go beyond the Sabbath limit, to remove a heap of stones, to ascend a tree, to ride on an animal, to swim over the waters, nor to cut it (the cornet) with anything prohibited either by the (Rabbinical) laws against servile work or by a Biblical negative commandment ; but if one wishes to put water or wine in a cornet (to cleanse it) he is allowed to. Children must not be prevented from sounding the cornet, but on the contrary we are permitted to occupy ourselves with teaching them until they learn to sound it ; but one who thus teaches, as also others who listen to sounds thus produced, do not thereby fulfil their duty.

GEMARA: What is the reason of the above prohibitions? Because the sounding of the cornet is a positive commandment ; now, the observance of a festival involves both positive and negative commandments, and the one positive cannot supersede two (negative and positive.)

" *Children must not be prevented from sounding the cornet,*" etc. But women are to be prevented? Have we not learned in a Boraitha: Neither women nor children may be prevented from sounding the cornet on the New Year's Day? Said Abayi: " It presents no difficulty, the one is according to R. Jehudah and the other is according to R. Jose and R. Simeon, who say that as women are permitted (in the case of sacrifices) to lay their hands on the animals, so here, if they desire to sound the cornet, they may.

" *Until they learn.*" Said R. Elazar: Even on the Sabbath ; so also we have learned in the following Boraitha: We are permitted to occupy ourselves with teaching (children) until they learn (to sound the cornet) even on the Sabbath: (and if we do not prevent them doing this on the Sabbath) how much less do we, on the feast (of New Year). Our Mishna says, " We do not prevent them " (from this we may infer that we do not start to tell to a child: Go and sound the cornet)? It presents no difficulty: a child already initiated in the performance of religious

duties may be told also: Go and sound! but not a child not yet initiated; however, we do not prevent him.

MISHNA: The order of sounding the cornet is three times three. The length of a TEQIA is equal to that of three TERUOTH, and that of each Terua as three moans (YABABHOTH). If a person sounded a Teqia and prolonged it equal to two, it is only reckoned as one Teqia.* He who has just finished reading the benedictions (in the additional service for the New Year) and only at that time obtained a cornet, should then blow on the cornet the three sounds three times. As the Reader of the congregation is in duty bound (to sound the cornet) so too is each individual; R. Gamaliel, however, said the Reader can act for the congregation.

GEMARA: But have we learned in a Boraitha, that the length of a Teqia is the same as that of a Terua? Said Abayi: The Tana of our Mishna speaks of the three series, and means that the length of all the Teqioth is the same as that of all the Teruoth. But the Tana of the Boraitha speaks of only one series and says that one Teqia is equal to one Terua (which is the same thing).

“*Each Terua is (as long as) three moans.*” But we have learned in a Boraitha, a Terua is as long as three broken (staccato) tones (SHEBARIM). Said Abayi: About this they do indeed differ, for it is written [Numb. xxix. 1], “It is a day of blowing the cornet,” which in the (Aramaic) translation of the Pentateuch is, “It is a day of sounding the alarm (YABABA). Now it is written concerning the mother of Sisera [Judg. v. 28], “The mother of Sisera . . . moaned” (VAT’YABEB); this word, one explains to mean a protracted groan, and another to mean a short wail.

The Rabbis taught: Whence do we know (that one must sound) with a cornet? From the passage [Lev. xxv. 9], “Thou shalt cause *the cornet* . . . to sound, etc.” Whence do we know that (after the Terua) there should be one Teqia? Therefore it is said (later in the same verse), “Ye shall make the cornet sound.” † But perhaps this only refers to the Jubilee? Whence do we know that it refers also to New Year’s Day? Therefore it is written (in the same verse) “in the seventh month.” These

* The cornet is sounded three times, corresponding to the Malkhioth, Zikhronoth, and Shophroth. The order of the sounds is Teqia, Terua, Teqia; Teqia, Terua, Teqia, etc. The case here supposed is that the one who sounded the cornet sustained the second Teqia as long as two Teqioth, intending thereby to sound the second and third Teqioth. This, we see, is not permitted.

† The Hebrew words *UTHEQATEM TERUA* are interpreted to mean that first a Teqia should be sounded, and then a Terua.

words are superfluous; for what purpose then does the Torah use them? To teach us that all the sounds of the cornet during the seventh month should be like each other. Whence do we know that the sounds are to be three times three? From the three passages, "Thou shalt cause the cornet . . . to sound" [Lev. xxv. 9]; "A Sabbath a memorial of blowing of cornets" [Lev. xxiii. 24]; "It is a day of blowing the cornet" [Numb. xxix. 1]. But the Tana of the following Boraitha deduces it by analogy of expression from (the rules given in) the wilderness [Numb. x. 1-10]. As we have learned, the words "When ye sound an alarm" [Numb. x. 5] mean one Teqia and one Terua. Whence do we know that they shall be separated, perhaps it means that both together should be sounded? Since it is written [ibid. 7]: "But when the congregation is to be gathered together, ye shall blow but ye shall not sound an alarm," we may infer that they must be separated, a Teqia by itself, and a Terua by itself. But whence do we know that there should be one Teqia before the Terua? From the words [ibid. 5]: "When ye sound an alarm" (*i. e.*, first a "sound," or Teqia, and then an "alarm," or Terua). And whence do we know that there should be one after the Terua? From the words [ibid. 6]: "An alarm shall they sound!" R. Ishmael, the son of R. Jo'hanan bar Berokah, however, says: It is not necessary, as it is written: "When ye sound an alarm the second time" [ibid. 6]. The words "a second time" are unnecessary, and to what purpose are they used? To form a general rule that on every occasion on which "alarm" (Terua) is mentioned, a sound (Teqia) must be used with it as a second (or following) tone. Possibly all this only refers to the practices followed in the wilderness, but how do we know that they refer to New Year's Day also? Therefore it is written: Terua twice to make us infer by an analogy of expression, and as concerning the New Year Terua is written thrice in the three passages, [Lev. xxiii. 24]: "A sabbath, a memorial of cornets"; [Numb. xxix. 1]: "It is a day of blowing of cornets"; and [Lev. xxv. 9]: "Thou shalt cause the cornet . . . to sound"; and for each Terua there are two Teqioth, we therefore learn that on New Year's Day must be sounded three Teruoth and six Tekioth.

R. Abbahu enacted in Cæsarea that the order should be first a Teqia * then three single staccato sounds, or Shebharim, then a

* The Teqia is a long tone produced by sounding the cornet. The Terua is a long tremulous sound. The Shebharim consists of three short staccato sounds.

Terua and then again a Teqia. At all events it is not right: If by Terua is meant “a protracted groan” then he should have instituted the order to be a Teqia, a Terua, and then a Teqia; and if it means “a short wail,” then he should have instituted the order to be, a Teqia, then Shebharim (three single broken sounds), and then again a Teqia? He was in doubt whether it meant one or the other (and therefore he enacted that both should be sounded).

“*If a person sounded a teqia and prolonged it equal to two,*” etc. R. Jo'hanan says: If one heard the nine sounds at nine different hours during the day, he has fulfilled his duty. The same we have learned in the following Boraitha: “If one heard the nine sounds at nine different hours of the day it is sufficient, and if he heard from nine men at one time, a Teqia from one and a Terua from another, etc., he has also done his duty, even if he heard them intermittently, and even during the whole day or any part of the day.” The rabbis taught: (Generally) the soundings of the cornet do not prevent each other (if one can blow a *Teqia*, but not a *Terua*, or pronounce one benediction and not another, it might be said he should not blow or pronounce any benediction at all. We are taught that the one does not prevent the other on the fasts of the congregation and other occasions when these are needed), nor do the benedictions; but on New Year's Day and the Day of Atonement they do.

“*He who has just finished reading (the additional service) and only at that time obtained a cornet shall sound on the cornet the three sounds three times.*” This means, only when he did not have a cornet at the beginning (of the service): but if he had one at the beginning of the service when the sounds of the cornet are heard, they must be heard in the order of the benedictions of the day.

R. Papa bar Samuel rose to recite his prayers. Said he to his attendant, When I nod to you sound (the cornet) for me. Rabha said to him: “This may only be one in the congregation.” We have learned in a Boraitha in support of this: “When one hears these sounds, he should hear them both in their order and in the order of the benedictions (in the additional service of the New Year).” This only applies to a congregation, but one should hear them in the order of the benedictions only, if he is not in a congregation; and a private individual who has not sounded the cornet (or heard it sounded) can have a friend sound

it for him ; but a private individual who has not recited the benedictions cannot have a friend say them for him ; and the duty to hear the cornet sounded is greater than that of reciting the blessings. How so? If there be two cities (to which a person may go) and in one city they are about to sound the cornet and in the other to recite the benedictions, he should go to the city in which they are about to sound the cornet ; and not to that in which they are about to recite the benedictions. Is this not self-evident, because the sounding is Biblical and the benedictions are only Rabbinical? The case is when the reciting of the benedictions in one city was certain ; sounding the cornet in the other city was doubtful. He must nevertheless go to the city where they are about to sound the cornet.

“Just as the reader of the congregation is in duty bound (to sound the cornet) so too is each individual.” We have learned in a Boraitha: The schoolmen said to R. Gamaliel, Why according to thy opinion should the congregation pray? Answered he: In order to enable the Reader of the congregation to arrange his prayer. Said R. Gamaliel to them: “But why, according to your opinion, should the Reader act for the congregation?” Answered they: “In order to enable those who are not expert to fulfil their duty.” And he rejoined: “Just as he enables the illiterate, so too he causes the literate to fulfil their duty.” Rabba bar bar 'Hana said in the name of R. Jo'hanan: The sages later accepted the opinion of R. Gamaliel ; but Rabh said there is still a difference between them ; could (the same) R. Jo'hanan say this? Did not R. 'Hana of Sepphoris say in the name of R. Jo'hanan: “The Halakha prevails according to R. Gamaliel ;” from these words (“the Halakha prevails according to R. Gamaliel”) we see that there must have been some that differed from him! Said R. Na'hman b. Itz'hak: “By the words, “*the sages* accept the opinion of R. Gamaliel,” R. Meir is meant, and the rule arrived at through those who differed from him (was arrived at) through other rabbis ; for we have learned in the following Boraitha: R. Meir holds that with regard to the benedictions of New Year's Day and the Day of Atonement, the Reader can act for the congregation ; but the sages say: “Just as the Reader is in duty bound, so too is each individual.” Why only for these benedictions (and no other)? Shall we assume it is because of the many Biblical selections used? Does not R. 'Hananel say in the name of Rabh: As soon as one has said (the passages beginning with) the words, “And in thy law it is writ-

ten,” he need say no more? It is because there are many (more and longer) benedictions (than usual).

It was taught, R. Jehoshua ben Levi said: Both the private individual and the congregation as soon as they say (the passages beginning) with the words, “And in thy law it is written,” need say no more.

R. Elazar says: A man should always first prepare himself for prayer and then pray. R. Abba said: “The remarks of R. Elazar seem to apply to the benedictions of New Year’s Day and the Day of Atonement, and to the various holidays, but not to the whole year.” It is not so; for did not R. Jehudah prepare himself (even on a week day) before his prayers and then offer them? R. Jehudah was an exception, for since he prayed only once in thirty days, it was like a Holiday. When Rabbin came (from Palestine) he said in the name of R. Jacob bar Idi quoting R. Simeon the Pious: R. Gamaliel did not excuse from public service any but field-laborers! What is the difference (between them and others)? They would be forced to lose their work (if they went to a synagogue), but people in a city must go (to the House of Prayer).

END OF TRACT “NEW YEAR.”

הוצאה החדשה

של

תלמוד בבלי

הוכן מחדש, נסדר ונסמן בסמני הנקודות של השפות החיות

ונתהרנם בשפת אנגליש

מאת

מיכאל ל. ראדקינסאן.

מסכתות

שקלים עם פירוש רמ"ל

וראש השנה עם פרש"י ותורה אור.

חלק רביעי (מהוצאה האנגליש).

בהוצאה החברה מדפיסי התלמוד

54 East 106th Street.

נוי ארק,

תרנ"ז.

מסכת

שקלים

הקרמת העורך והמפרש.

בשם השם!

מלאכתי הכבדה, ההערכה והוצאה החדשה של התלמוד בבלי ותרנומו בשפת אנגלייז, הביאתני למלאכה חדשה אשר לא נסיתי עד כה והיא, להיות גם מפרש את המשניות של המסכתות שהנמרא הבבלית חסרה להן; כי לחסר את המסכת הזאת מן סדר מועד לא יתכן, מפני שכל המשניות הללו יסודתן בהררי קודש, קורות ההיכל ועבודת הכהנים בו, בזמן שהיה קים, דבר הצריך לימוד, ידיעה וקריאה, כמו במקורן העברי כן בתרגומן, אבל לתרגם את המשניות הללו על פי אחד הפירושים שכבר נדפסו הוא כמעט דבר שאי אפשר, כי שונים המה הפירושים זה מזה וכולם ארוכים ומפולפלים, ואם איננם טובים המה ורצויים לעם לא יכולתי להשתמש בהם בתרגומי, הנקי מכל פלפול צדדי, זולת פלפולי הנמרא בעצמה. ובאמת עד כמה שלא יהיו טובים ומתוקנים כל הפירושים למס' הזאת, לא נוכל בשום אופן לדמותם עם פירוש רש"י ז"ל כמו בקצורו, כן בסגנון לשונו, המפרש כל דבר על מקומו בלי שום פלפול צדדי, ומבלי שום נטיה לענין אחר זולת הענין שהוא עסוק בו; ואך פירוש כזה מוכשר ומתוקן לתרגם בשפה חיה. ואני נוהר מאד בהוצאה הזאת שיכיל התרגום את המקור הנדפס ולא יגרע ממנו ולא יוסיף עליו, למצער במקום שאפשר, ולא יהיה בזה מה שאין בזה. שעל כן עמלתי לי לפרש את המסכת הזאת בפירוש קצר, היינו לבאר כל משנה הצריכה פירוש וביאור, והשייך רק למסכת הזאת; מבלי כל פרושים לדברים שגשנו ונתפרשו במסכתות אחרות, ומבלי כל נטיה צדדית ופלפול זר בהלכה או בסברא, כאשר כן דרכי בכל ההוצאה הזאת, וינעתי ומצאתי תאמין.

כמדומה לי, אחי הקורא, שעלתה בידי לפרש את כל המסכת, במלות קצרות ומוכנות, עד שגם הקורא שיסרא את המשניות האלו בפעם הראשונה, לא יחסרו לו ביאור המלות וכן הבנת הענין הדק היטב בכל שמונה פרקיה; ולכן שמתתי לו מקום במדור התחתון לכל צד במקום הצריך ביאור ופירוש, וכה עשיתי גם בתרגום האנגלי הדפסתי את הפירוש מלמטה בציונים, לא כמו שאני עושה בתרגומן של מסכתות אחרות עם פירוש רש"י שהנני מסנירו בפנים בשני הצאי לבנה, מטעם פשוט מאד, והוא:

מסכת שקלים.

(א) באחד באדר משמיעין על השקלים ועל הכלאים, בחמשה עשר בו, קורין את המנילה בכרכין ומתקנין את הדרכים, ואת הרחובות ואת מקואות המים, ועושין כל צרכי הרבים, ומציינין את הקברות ויוצאין אף על הכלאים.

(ב) אמר רבי יהודה, בראשונה היו עוקרין ומשליכין לפניהם, משרכו עוברי עבירה, היו עוקרין ומשדיכין על הדרכים, התקינו שיהו מפקירין כל השדה כולה.

(ג) בחמשה עשר בו, שולחנות היו יושבין במדינה; בעשרים

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(א) באחד באדר משמיעין על השקלים, שיתרוממו אותם באחד בניסן, זמן נתינת השקלים, שנאמר, ויהי בהודש הראשון באחד לחדש הוקם המיטבן (שמות ט'), וחגי עלה (בירושלמי), ביום שהוקם המשכן בו ביום נתרמה תרומה. ועל הכלאים, מכריוזין להזהר מתערובות, משום שבעת הזאת זמן הזריעה קרוב לבוא. בט"ו בו קורין את המנילה בכרכים, אבל בפרוזת קורין בי"ד, ולא היה צורך להזכיר זאת במשנה מפני שרוב העירים אינן מוקפות חומה ולא חיושנין לשכחה, אבל בערים המוקפות חומה שהנה מעשות וקרוב לשכחה, לפיכך הזכיר זאת במשנה שידעו בכרכים את זמן קריאת המנילה, כי אם גם קראו אותה בי"ד חייב לקרותה עוד הפעם בט"ו כאשר כן היא ההלכה פסקה בירושלמי „אמר ר' מני ויאות" פו', ואולם אחרי כל הדחוקים שדחקו עצמם המפרשים החדשים לפרש את מאמר התלמוד בירושלמי שהמשנה באה ללמדנו, שכל המצות הנוהגות באדר שני, אינן נוהגות באדר ראשון, איני יודע איכנה מוכח זאת מהמשנה. ומתקנין את הדרכים, אחרי שעברו ימות הגשמים ונתקלקלו ובפלישתנותו זמן גשמים הוא רק ע"ד אדר, והוא הטעם לרחובות ומקואות, שהרחובות נתקלקלו ובמקואות נפל הרפש, וצריכין דנקותן, למען יוכלו לטהר עצמם לפני הרגל. ועושין כל צרכי הרבים, אומר בירושלמי שבעת הזאת הכ"ד מתאסף לדון דיני ממונות, דיני נפשות, דיני מכות, ופודין ערכין, תרומות והקדשות, ומשקין את הסוטה, ועורפין עגלה ערופה, ושורפין את השרה, ורועין עבד עברי ומטהרין את המצורע, ועוד כמו אלה שנהגו בעת הזאת. ומציינין את הקברות, שנתקלקלו בימות הגשמים, בסדר; ובירושלמי אומר שמציינין את הקברות למען לא ישמאו בהם העוברים, ומוכיח זאת מקרא (ויקרא י"ב) וטמא טמא יקרא, שתהא הטומאה קוראת ואומרת „פרוש ממני". ויוצאין אף על הכלאים, משום חומר האיסור לא היו מסתפקין בהכרח בלבד, כי אם היו שולחים לבקר את השדות.

(ב) ר' יהודא בא לבאר מה שהיו עושין השולחים אם מצאו כי לא נזהרו בכלאים; ובירושלמי מוכיח מנין להפקר ב"ד שהיא הפקר מן עזרא (י' 8) „וכל אשר לא יבא לשלש ימים יחרם". לפניהם, על השדה מישרבו עוברי עבירה, שהשתמשו בהם.

(ג) שולחנות, מצני שהחלפנים היו נושאים אתם שולחנות להניח עליהם את המטבעות, אמר, כי היו משמים השולחנות עד חמשה ועשרים באדר במדינה, להקל על העם שיחליפו את מעותיהם על חצי השקל הכתוב בתורה, שמחויב כל אחד לתת; ואך מן חמש ועשרים בו היו יושבין במקדש להמציא אם את החצי שקל לבאו מבהון יזוור לא שקלו את שקליהם; ומשישבו במקדש, התחילו למשכן גם בחוץ לארץ את אלה אשר לא הביאו שקליהם, למען יביאו את תרומתם טרם יבוא אחד בניכין, כי גם במדינה היו שופרות למטרה הזאת, וגם הכהנים חייבים היו בשקלים אשר עקרו לקרבנות ציבור, אבל הם מצאו עלילה להפטר מזה כדלקמן, ומפני שהיו התקפים בזמן המקדש שני לא היו ממישבנים אותם, מפני דרכי שלום.

בכל מקום בש"ס שהנמרא תפרש את המשנה ותדקדק אחריה בכל מלה וגם בכל אות, הנה המשניות מבוארים והנמרא במקום שפירושה צריך ביאור ולא יובן בלעדו, אפרשנו בפירוש רש"י על מקומו בפנים, שכמעט בכל מקום דבריו אשר יוסיף, הגם לא בתור "פירוש" ורק כמשלים את החסר בפנים למען יובנו דבריהם, אבל פה שאין נמרא כלל וישנם מסומות במשניות הללו הצויכים פירוש וביאור ולא רק להשלים את החסר, ולכן הביאור נחוץ מאד להיות לבדו למען תובן כונת המשנה.

מובן מאליו, כי חדושים משלי בביאורי, מעטים המה, וכולו מיוסד על פירוש הנמרא הירושלמית, המיומני והברטנורא, הר"ר ישראל ליפשיטין, וגם על הפירושים הנמצאים פה ושם בש"ס הבבלי (כמו בביאור ענין הקלבון אחותי פרוש רש"י בחולין ונתתי לו היתרון נגד שארי הפרושים אשר נטו ממנו, וכמוהם עוד באיזה מקומן) ובכן אחשוב למותר לבקש חסד מאת המבקרים, כי לא ימהרו להוציא מישפט טרם יתבוננו היטב בכל הפרושים הנ"ל ובטרם יעמיקו נ"כ בפירושי שצריך התבוננות מפני קיצורו; כי הישרים בלבבותם והחכמים המבינים, יעשו כזאת מבלעדי אבקשם, ולהחצופים, הבורים ועמי הארץ, הרניגים לקרא תגר על דברי, קזיף, ולהניד בשמי או מפי כתבי, דברים אשר לא עלו על דעתי לעולם, הלא לא יועילו בקשותי; וכשם שרקדו כנגד כל מה אשר כתבתי וערכתי עד כה, ולא ננעו ולא פנעו ככבודי ובכבוד מלאכתי אפילו כמלא נימה, כן ירקודו, ינהמו יכרכרו וינעו כנגד מלאכתי החדשה הזאת, ואקוה כי גם עתה לא יפנעו כי לרעה, ולא אשים לב לדבריהם. חלומותיהם ונביחותם, כאשר כן עשיתי עד כה, כי באמת אני בתומי אלך, אינע ולא אינע למצא חן בעיני אלהים ואדם אך לא בעיני בורים חצופים, ועמי הארץ, אשר כל מנמתם בנייתם ננדי היא, רק למען יודע כי ברואים כמותם עוד נמצאים בעולם, ומה אפוא לי ולהם?

קראתי לפרושי הזה "פירוש רמ"ל" שהיא הראשי תיבות משמי ראדקינסאן מיכאל ל. ולא ר' מיכאל ל. והנני מודיע זאת מפורש, לכל יאשימוני כי לקחתי לעצמי תואר "רבי", כי כשם שאינו מתגדר במלאכת אחרים כן איני חפץ שתהיה מלאכתי בת כבי שם, כי הודות לה' לא אבוש בשמי ואקוה כי לא יכלמו בי אוהבי גם מפרושי החדש.

ובה' הנותן ליעף כח אבטח ולא אפחד, כי הוא יאזרני חיל, ינחני במעגלי צדק ויעורני לנמור את המלאכה הנדולה והכבדה הזאת להנדיל תורת התלמוד להאדירה ולתרגמה ביד ה' הטובה עלי, ומישנאי ומישנאי יראו ויבושו, אמן.

ג ו י א ר ק , בחדש אייר, תרנ"ז.

מיכאל ל. ראדקינסאן.

בהמה, וכשחייבין במעשר בהמה פטורין מן הקלבון; וכמה הוא קלבון? מעה כסף, דברי רבי מאיר, וחכמים אומרים חצי (מעה.).

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ולדות מאדם אחר, או גם אם חלק בנכסו אביו וקבל את הולדות מעזבונו אינו חייב במעשר מפני שאנו חושבין את הולדות כאלו כל אחד מהאחים קנה אותם מאחיו, (כן השותפים רק אז חייבים במעשר בהמה בעת שהמה שותפים אבל כאשר נתחלקו יחשבו הולדות כאלו כל אחד קנה אותם משותפו) ומובן מאליו שבעת שהאחים המה ביחד יחשבו כאדם אחד, שגל בן אינם חייבים בקלבון אם נותנים סלע כעד ש:יהם, מפני כי כספם הוא של אחיהם ולא של עצמם כ"ז שלא חלקו וחשב פה כאלו אחיהם שוקל בעדם, שאז הוא פטור מקלבון.

וחמשה ישבו במקדש. משישבו במקדש התחילו למשכן. את מי ממשכניו? ליום וישראלים, גרים ועבדים משוחררים, אבל לא נשים ועבדים וקטנים. כל קטן שהתחיל אביו לשקול על ידו, שוב אינו פוסק, אין ממשכניו את ההכנים מפני דרכי שלום.

(ד) אמר רבי יהודה העיד בן בוכרי ביבנה: כל כהן ששוקל אינו חוטא, אמר לו רבי יוחנן בן זכאי לא כי, אלא כל כהן שאינו שוקל חוטא, אלא שההכנים דורשים מקרא זה לעצמן (ויקרא ו'): „וכל מנחת כהן כליל תהיה לא תאכלי, הואיל ועומר ושתי הלחם ולחם הפנים שלנו, היאך נאכלים?

(ה) אף על פי שאמרו אין ממשכניו נשים ועבדים וקטנים, אם שקלו מקבלין מידן, העכו"ם והכותים ששקלו אין מקבלין מהן, ואין מקבלין (מידן) קיני וזבים וקיני וזבות וקיני יולדות וחטאות ואשמות, (אבל נדרים ונדבות מקבלין מידן), זה הכלל: כל שנידר ונידב מקבלין מידן, כל שאין נידר ונידב אין מקבלין מידן, וכן הוא מפורש על ידי עזרא, שנאמר (עזרא ד'): „לא לכם ולנו לבנות בית לאלהינו“.

(ו) ואלו שחייבין בקלבון: ליום וישראלים, גרים ועבדים משוחררים, אבל לא כהנים ונשים ועבדים וקטנים. השוקל על ידי כהן, על ידי אשה, על ידי עבד, על ידי קטן פטור, ואם שקל על ידו ועל יד חברו, חייב בקלבון אחד; רבי מאיר אומר שני קלבנות. הנותן סלע ונוטל שקל חייב שני קרבנות.

(ז) השוקל על ידי עני ועל יד שכנו ועל יד בן עירו פטור, ואם הלוון חייב. האחיז והשותפין שחייבין בקלבון פטורין ממעשר

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(ד) שלנו, כלומר יש לנו חלק בהם, היאך היינו יכולים לאכול אותם? וכאמת היתה הטענה הזאת שוא, מפני שהכל הולך אחר הרוב ורובא דעלמא אינם כהנים; אבל המה היו המושלים ודרשו לטובת עצמם ומפני דרכי שלום הניחו אותם.

(ה) ואין מקבלין מידן קיני וזבים, כלומר על הכותים (שמרונים) לכד (כן יפרש בירושלמי ורמב"ם). לא לכם ולנו לבנות בית לאלהינו, ומפני שהשקלים היה גם לכדק הבית לא רצו כי יהיה להם חלק בבית המקדש, אבל נדרים, עולות לקרבן, או חטאות ואשמות שמקריבין אותם בשבילם לכפרה להם, מקבלים מהם, שבוז אין הברל בין איש לאיש.

(ו) סלבון, השקל הנזכר בתורה הוא הסלע הנזכר במשנה, והיה שוה שני שקלים הנקראים במשנה, ומפני שתהיה יד הקדש תמיד על העליונה, וחששו שמא אין משקל השקל של המשנה שוה למשקלו של חצאי שקל האמור בתורה (לדעת הרמב"ם לא פחות מן 192 גרעיני שעורה) לכן הצריכו שיתן הכרע מעט לכל חצי שקל, וההכרע הזה נקרא קלבון מן יוגית „קאלאבוס“, וכל השוקל רק כסידות חסידות ולא מפני שהוא חייב עפ"י דין, אינו נותן אותו קלבון, והכהנים שהיו אומרים שאינם חייבים בשקלים, החסידים שבהם שהיו נותנים, לא היו לוקחין מהם את הקלבונות, מפני דרכי שלום.

(ז) השוקל על ידי עני, ר"ל נותן מהנה בשבילו, שזהו רק מדת חסידות ולא חיוב, לכן פטור מקלבון. האחיז והשותפין וכו', מעשר ברמה יותן אך מהנולד אצלו, אך אם קנה

להן קצבה, לחטאת אין לה קצבה; רבי יהודה אומר אף לשקלים אין להן קצבה, שכשעלו ישראל מן הגולה היו שוקלין דרכונות, חזרו לשקול סלעים, חזרו לשקול טבעין, ובקשו לשקול דינרין; אמר רבי שמעון, אף על פי כן יד כולן שוה, אבל חטאת, זה מביא בסלע, זה מביא בשתיים, וזה מביא בשלש.

(ה) מותר שקלים חולין, מותר עשירית האיפה, מותר קיני זבין, קיני זבות וקיני יולדות וחטאות ואשמות, מותריהן נדבה. זה הכלל, כר שהוא בא לשם חטא ולשם אשמה מותריהן נדבה, מותר עולה לעולה, מותר מנחה למנחה, מותר שדמים לשלמים, מותר פסח לשלמים, מותר נזירים לנזירים, מותר נזיר לנדבה, מותר עניים לעניים, מותר עני לאותו עני, מותר שבויים לשבויים, מותר שבוי לאותו שבוי, מותר המתים למתים, מותר המת ליורשיו. רבי מאיר אומר מותר המת יהא מונח עד שיבא אליהו; רבי נתן אומר מותר המת בונין לו נפש על קברו.

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„והעשיר לא ירכה כתיב“, ור' יהודא חולק ואומר שגם לשקלים אין להם קצבה כי הכל לפי כסף המדינה ואם החליטו ברעתם לשקול דרכון תחת חצי שקל הרשות בידם, אבל ע"ז השב ר' שמעון טענה נכונה, שגם אז יש להם קצבה כי כולם אינן רשאים לשקול רק במטבע שהחליטה, משא"כ חטאת שאין לו כל מטבע, ובעד כמה שירצה יקריב.

(ה) מותר קיני כו', אחרי שהביא המסדר את המשנה את דעת ב"ה וב"ש וידוע הוא שההלכה כב"ה, יביא את המשנה הזאת שסתמה כב"ה שמותר השקלים הוא חולין; ומפרש הרין מן הנתור על כל דבר שבצדקה שכולם מככומים ורק על מותר המת, ר"ל מה שהקדישו בעדו לקבורתו, יערער ר"מ ויאמר כי יהא מונח עד שיבא אליהו, מפני כי הכסף הזה לא נתן בשביל היורשים והמת כבר נקבר; ור"נ אומר כי בנין הציון הוא ג"כ כבוד המת, ואולם כל הדברים הללו המה אם היה הכסף של יחוד, אבל אם היה מטענת העיר, הפרנסים ברוב דעות, יוכלו לשנות את את כסף הצדקה כמו משבויים לעניים ולהיפך.

פרק שני.

- (א) מצרפין שקלים לדרכונות מפני משוי הדרך. כשם שהיו שופרות במקדש, כך היו שופרות במדינה. בני העיר ששקלו את שקליהן וננכבו או שאבדו, אם נתרמה תרומה נשבעין לגזברים ואם לאו נשבעין לבני העיר, ובני העיר שוקלין תחתיהן. נמצאו, או שהחזירם הננכים, אלו ואלו שקלים ואין עולין להם לשנה הבאה.
- (ב) הנותן שקרו לחבירו לשקול על ידו, ושקלו ער ידו עצמו, אם נתרמה תרומה מעל; השוקק שקלו ממעות הקדש, אם נתרמה התרומה וקרבה הבהמה מעל, מדמי מעשר שני ומדמי שביעית יאכל כנגדן.
- (ג) המכנס מעות ואומר: "הרי אלו לשקלי", בית שמאי אומרים מותרן נדבה, ובית הלל אומרים מותרן חולין; "שאביא מהן לשקלי", שוין שהמותר חולין; "אלו לחטאת", שוין שהמותר נדבה, שאביא מהן לחטאת", שוין שהמותר חולין.
- (ד) אמר רבי שמעון מה בין שקלים לחטאת? לשקלים יש

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פרק שני.

- (א) מצרפין שקלים לדרכונות. הדרבנן היה מטבע של זהב משקל שני סלעים ונקרא בל"י וין "רארייקאם", והתיבות היו כעין שופרות קצר מצד אחד ורחב מצד השני, מפני שהיו נותנין להם את התיבות סגורות ובגד העליון היה רק נקב כגודל הדרבנן בעיני ולא ברחבו והיו משליכין שם הדרבננות אך לא היו יכולים לקחתם משם בעת שהיו סגורות. ואמרו "מצרפין" ר"ל שאם בני העיר החליפו את שקליהם בדרבננות אינם חייבים בקלכונות; כי מפני משוי הדרך היו הגזברים מחויבים לעשות כן ולכן אין מזה נזק להקדש. אם נתרמה תרומה, ר"ל אם כבר הוציאו חלק מכסף השקלים על קרבנות או בדק הבית, שאז נחשבו גם אלו השקלים כאלו היה בין אלה שהוציאו (כי כן היה התנאי ביניהם שבכל שקל יש חלק מכל אחד ואחד הנותן שקלים למען יהיה לכל אחד חלק בהקרבן או בדק הבית), ולכן אם כבר הוציאו מכלל השקלים שהיו מתחלקים לשרש קופות והיו משהמשים בקופה אחת לכל דבר הצריך עד שתתם הקופה כדלקמן, אז נשבעים לגזברים, כי השקלים כבר המה שייכים להם גם אם לא הגיעו לידם, אבל אם לא נתרמה התרומה, אז יחשבו השקלים של בני העיר עד שיגיעו ליד הגזברים, והטעם הוה שהיו נמקריבין במשנה שלאריהי שאם נתן לו הברו לשקול ושקל על ידי עצמו מעל בהקדש, מפני שהיו מקריבין גם על העיר לגבות כי היו ממשכנין על השקלים אף את העניים שבשראש, (רמב"ם).
- (ב) יאכל כנגדן, ר"ל יקח מכסף החולין שלו את הסכום מעות שהיו בידו מהמעשר ויאמר: הרי אלו תחת אלה השקלים שלקחתו מהם למחצית השקל, ויעשה בהם את חובתו.
- (ג) המכנס וכו', תוכן המשנה הזאת הוא: במי שמתחיל לקבץ פרושות על יד, ואומר "המכסף הזה אקח לשקלי" שלדעת בית הלל אחרי שכבר שקל את המחויב מהסכום הנקבץ, המותר חולין; ודעת ב"ש גם אז אם רק יחד אותם לכרנה משאר הכסף, מותרן נדבה, אבל במי שאוחז בירו כסף רב ואומר הרי אלו לשקלי, מותרן נדבה אפילו לבית הלל, (ירושלמי ורמב"ם).
- (ד) אמר ר' שמעון, נותן טעם לדבריו כ"ה שגם לדעתם בחטאת אם גם קובץ על יד מותרן נדבה, מפני שאין קצבה לחטאת ויכול לקנות גם כמאר סלעים, משא"כ שקלים יש להם קצבה

ויאמרו מעון הלשכה העני, או שמא יעשיר, ויאמרו מתרומת הלשכה העשיר, לפי שאדם צריך לצאת ידי המקום, כדרך שצריך לצאת ידי הכריות, שנאמר: "והייתם נקיים מה' ומישראל. (במדבר ל"ב.) ואומר: "ומצא חן ושכל טוב בעיני אלהים ואדם" (משינ ג.).

ג) **על כהן** רבן גמליאל נכנס, ושקלו בין אצבעותיו, וזורקו לפני התורם, והתורם מתכוין ודוחפו לקופה. אין התורם תורם, עד שיאמר להם: אתרום? והן אומרים לו: תרום! תרום! תרום! שלש פעמים.

ד) **תרם** את הראשונה ומחפה בקטבלאות, שניה ומחפה בקטבלאות, שלישית לא היה מחפה, שמא ישכח את התרום ויתרום את דבר התרום. תרם את הראשונה לשם ארץ ישראל, והשניה לשום כרכים המוקפין לה, שלישית לשום בכך, ולשום מדי, ולשום מדינות הרחוקות.

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ג) של בית ר"נ נכנס, כלומר כל אחד מבית ר"נ בעת שהיה נותן שקליו היה מתנהג כן.
 ד) ויתרום את דבר התרום, כלומר מן הקופה הראשונה שכבר התחיל ממנה בפעם הראשונה.

פרק שלישי.

(א) בשלשה פרקים בשנה תורמין את הלשכה, בפרוס הפסח בפרוס עצרת, בפרוס החג, והן גרנות למעשר בהמה, דברי רבי עקיבא; בן עזאי אומר בעשרים ותשעה באדר, ואחד בסיון, ובעשרים ותשעה באב, רבי אלעזר ורבי שמעון אומרים באחד בניסן, באחד בסיון, בעשרים ותשעה באלול. מפני מה אמרו בעשרים ותשעה ולא אמרו באחד בתשרי? מפני שהוא יום טוב, ואי אפשר לעשר ביום טוב לפיכך הקדימוהו לעשרים ותשעה באלול.

(ב) בשלש קופות, של שלש שלש סאין תורמין את הלשכה, וכתוב בהן: אלף, בית, גימל; רבי ישמעאל אומר, יונית כתוב בהן: אלפא, ביתא, גמלא. אין התורם נכנס, לא בפרגוד חפות, ולא במנעל, ולא בסנדל, ולא בתפילין, ולא בקמיע, שמא יעני,

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(א) בשלשה פרקים בו, ענין הפרק הזה הוא סדר הוצאות השקלים על הקרבנות שהיו משתדלים לערבב את כסף השקלים שיהיה לכל אחד מישראל חלק בקרבנות ציבור לחד המלאי שהותנה כדלעיל, וכן היו עושין: שאחרי שכבר גבו את כל השקלים בתחילת ניסן היו ממלאים מהכסף הזה שלש חביות גדולות, ערך תשעה סאין כל אחת, והיו ממכסין אותן במשפחות, ואח"כ היו מכיזין שלש קופות קטנות כל אחת ג' סאין והיו ממלאין את הקופות הקטנות שהיו מסומנות בשלש אותיות א. ב. ג. בעברית או ביונית, כל אחת ואחת מהחביות הגדולות, ומהקופות הקטנות היו מוציין את הכסף לקנות בהן קרבנות ציבור; והמילוי פעם הראשונה היתה בט"ו בניסן שהוא חצי חודש קודם הפסח, וכן היו עושין ט"ו ימים לפני חג השבועות, אך בעת אשר מלאו אותם שנית התחילו מן החביות האחרונה שמשם מלאו בפעם הראשונה את הקופה המסומנת באות ג', מלאו עתה את הקופה המסומנת באות א, ואח"כ מלאו מן השניה שהיתה קודם ראשונה לקופה המסומנת באות ב. וכן השלישית שהיתה מקודם שניה לקופה המסומנת באות ג. ועשו זאת כדי לערבב הכספים שיהיה לכל אחד חלק בקרבנות ציבור או בכרך הבית, שלכן בכל פעם כבואו לשלישית לא היה מככה אותה לסימן, שממנה יתחיל לעתיד, ותרם את הראשונה לשם ארץ ישראל הקרובה יותר לירושלם והיביתה לשם הכרסם המוקפות חומה הרחוקות מארץ ישראל, והשלישית בשביל כל מדינות הרחוקות מפני שכל הקרוב קרוב קודם; אך עכ"ז היו המעות מעורבין והיה לכ"א מישראל חלק בהם, וכ"ז היו עושים בפרוס גדול למען לא יהיה שום חשד על הגבאים, והתורם או גם כל הנכנס ללשכה שבת היה הכסף, היו מחויבין להסיר מהם כל הבגדים שיש בהם איזה כיס וגם לא במנעל וסנדל או פומקאות מקום שיכולים להסתיר הכסף ולא גם בתפילין ובקמיע שיש בהם קמכיים ותיכות קטנות ששמה יכולים להסתיר הכסף, והכל בשביל הכתוב והייתם נקיים וכו'. בפרוס עצרת בפרוס החג, מפני שהקרבנות בשבעת ימי הפסח רבו לכן היו מוכרחים לפתוח את הקופה השניה בט"ו באייר, אבל חג השבועות שהוא רק יום אחד ולא רבו הקרבנות מכסף הציבור, לכן היו מעות הקופה השנית מספיקות עד חצי אלול שאך אז פתחו את הקופה השלישית, והן גרנות למעשר בהמה, לומר הזמנים הללו והולדות של בהמות הם כמו עומדות בגרון ואכור לשהטן ולאכול מהן טרם הופרש המעשר, אבל בין הזמנים הללו רשאים היו לאכילה גם קודם הפרשת המעשר. והטעם שקבעו את אלו הזמנים למעשרות, הוא מפני שאז החלו עולי רגלים לעלות לירושלים וראגו בשבילם שהיו הבהמות מצרים להם לקניה. בן עזאי אומר, בן עזאי ור"ש חולקים בזה רק מפני גרנות המעשר, שלדעתם המעשר ינתן רק אז.

קדשי הקדשים; רבי ישמעאל אומר, מותר הפירות קייץ למוזב ומותר התרומה לכלי שרת; רבי עקיבא אומר, מותר התרומה קייץ למוזב, ומותר נסכים לכלי שרת; רבי חנינא סגן הכהנים אומר, מותר נסכים קייץ למוזב, ומותר התרומה לכלי שרת; זה וזה לא היו מודים בפירות.

(ה) מותר הקטורת מה היו עושין בה? מפרישין ממנה שכר האומנין, ומחללין אותה על שכר האומנין, ונותנין לאומנין בשכרן, וחזורין ולוקחין אותה מתרומה חדשה; אם בא החדש בזמנו, לוקחין אותה מתרומה חדשה, ואם לאו מן הישנה.

(ו) המקדיש נכסיו, והיו בהן דברים ראויין לקרבנות הציבור ינתנו לאומנין בשכרן, דברי רבי עקיבא; אמר לו בן עזאי אינה היא המדה, אלא מפרישין מהן שכר האומנין, ומחללין אותה על מעות האומנין, ונותנין אותן לאומנין בשכרן, וחזורין ולוקחין אותן מתרומה חדשה.

(ז) המקדיש נכסיו, והיתה בהן כהמה ראויה לגבי המזבח, זכרים ונקבות, רבי אליעזר אומר, זכרים ימכרו לצרכי עולות,

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השנה, אם נשאר כסף משנה שעברה מה עושים בה? מותר הפירות, עתה ישא ויתן בדבר שאלה הרשה מה היו עושין בהריוח שהריוחו מהנסכים כבמשנה הקודמת, ואומר ר' ישמעאל שהיו קונין קרבנות אם קרה בה שהיה המזבח עומד בטל באין קרבנות חיובים, אבל ר"ע האומר שאסור להריוח ממעות הקדש אומר כי לקיץ המזבח היו לוקחין ממוהר הכסף משנה שעברה, ומותר נסכים ר"ל מה שנשאר ממיצוי המדות של נסכים, (כי היו לוקחין בודה גדושה ומקריבין מדה מחוקה) לכלי שרת, ור"ח סגן הכהנים דעת אחרת לו בזה. והנה מן המשיגה הזאת (ורבות כרומה לה בכל המשניות) נראה כי בזמן המקדש היו הכהנים הממונים מחזיקים כל דבר בסוד ולא נודע דבר איך התנהגו, כי לולא זאת לא היתה המחלוקת מצויה תיכף אחר החורבן, ועוד יותר שר' ישמעאל היה כהן ואבותיו אלישע וישמעאל היו כהנים חשובים בזמן המקדש וכן ר' חנינא סגן הכהנים היה מן הכהנים החשובים, וגם הם לא ידעו את המנהג ואך חלקו בסכרות. ושמו הכלל הזה כבואך לכמה משניות שחולקות בדבר המנהג ואין אהת מהן אומרת מפי הנסיון.

(ה) מותר הקטורת, ר"ל הנשאר כסוף השנה משנה שעברה ומשנה החדשה היו משתמשים בקטורת הנקנות משקלים החדשים, ויען כי מדת הקטורת היא מלא חפניו ואין הודים בגדלן ורחבן שוות, וכהן שהיד שלו קטנה היה ג"כ נוטל רק מלא חפניו, היה נשאר בכל שנה איזה מדות כממני הקטרת.

(ו) כל המקדושי נכסיו, סתם הקדש יאמר ר"ע הוא לברק הבית ולכן מיקל אם גם היו בין חפצי ההקדש דברים הראויים למוזב, כמו כממני הקטרת ולא הצריכם להיות קרבים על המזבח, ואולם דברים חיים הראויים למוזב וכן גם יינות ידובר בזה בהמשניות לקמן, ואולם בן עזאי מחמיר גם כממני הקטרת, מדרעתו, כי דעת המקדש נכסיו בודאי נוטה יותר שיקרבן דברים הראויים למוזב, על המזבח עצמו; אשר לכן מכקש חילולם על מעות האומנין וחזוריו ולוקחין אותה מתרומה חדשה שעי"ז וכונו בודאי לדעת המקדש.

(ז) זכרים ימכרו לצרכי עולות, גם ר"א סובר כי סתם הקדש הוא לברק הבית, אבל עכ"ז ידמה כי הדברים עצמם הראויין למוזב לא יצאו מיד המזבח אם גם שוים יעלה לברק הבית שלכן מצריך למכרם לצורך המזבח עצמו. ואך ר' יהושע הסובר כבן עזאי בזה, יאמר

פרק רביעי.

(א) התרומה מה היו עושין בה? לוקחין בה תמידין, מוספין ונסכיהם, העומר, ושתי הלחם, ולחם הפנים, וכל קרבנות הציבור. שומרי ספיחים בשביעית, נוטלין שכרן מתרומת הלשכה; רבי יוסי אומר, אף הרוצה מתנדב שומר חנם; אמרו לו, אף אתה אומר שאין באין אלא משל ציבור.

(ב) פרה ושעיר המשתלח ולשון של זהורית באין מתרומת הלשכה. כבש פרה, וכבש שעיר המשתלח, ולשון שבין קרניו, ואמת המים, וחומת העיר ומגדלותיה, וכל צורכי העיר באין משירי הלשכה; אבא שאול אומר: כבש פרה כהנים גדולים עושין אותן משל עצמן.

(ג) מותר שירי הלשכה מה היו עושין בהן? לוקחין בהן; יינות שמנים וסלתות, והשכר להקדש, דברי רבי ישמעאל; רבי עקיבא אומר, אין משתכרין בשל הקדש, ולא בשל עניים.

(ד) מותר התרומה מה היו עושין בה? רקועי זהב ציפוי לבית

פירוש רמ"ל

פרק רביעי.

(א) שומרי ספיחים בשביעית, העומר ושתי הלחם אשר דינם, כי יבואו רק מארץ ישראל ודוקא מן תבואה החדשה שגדלה בנו השנה, מאין היו לוקחים אותם בשנת השביעית שאז לא זרעו ולא קצרו? היו שולחים תרים לראות באיזה מקום גדלים תבואה מה שנזרעה בשנה הקודמת שנקראת בלשון המקרא (ויקרא כ"ה) ספוח ולשמור אותה שלא תשלוט בה יד אחר לעקרה קודם שיובא הקרבן ממנה, מפני שבשנת השביעית הכל הוא הפקר ואין רשות לבעל השדה לבלי להניח אחרים לתלוש את הצמחים והתבואה. התרים והשומרים הללו היו מקבלים שכרם מתרומת הלשכה, וכסף הזה נחשב כאלו קנו בו את התבואה שיש לכל אחד חלק בהם. ור' יוסי האומר שמתנדב אדם להיות שומר חנם סובר שקרבן יחיד משתנה להיות של ציבור אם הוא מנדב אותו אבל אין הלכה כמותו בעומר ושתי הלחם, אם כי בשאר קרבנות מותר לקחת משל יחיד אם הוא מנדב אותם לציבור בעין יפה (ראה ר"ח).

(ב) פרה ולשון של זהורית, מותר הכסף שלא היה נכנס לשלש הכיות הגדולות שזכרנו למעשה, נקרא שירי הלשכה והיו נוהגין אותו במקום גבוה, שהיו עולים עליו ע"י אלמנאק בלא מעלות; ומהכסף הזה היו עושים כבש לפרה אדומה, שמיבו יתבאר במשנת פרה אדומה, וכן הכבש לשעיר המשתלח לעזאזל וללשון שבין קרניו שמיבם יתבאר ביומא, וכן לאמת המים ולחומת העיר וירושלם אם היו צריכים תיקון.

(ג) מותר שירי הלשכה, ר"ל אם אחר כל אלה עוד נשאר כסף חוץ ללשכה מה היו עושין בו? לוקחין יינות, כל מי שמביא קרבן, עליו לקנות יין לכסף על המזבח וסולת ושמן למנחה, וכל אלה היו קונים בעזרה בכסף, והמשנה הזאת אומרת, כי בעד מותר הכסף של שירי הלשכה, היו קונים יין שמנים וסלתות למכירה להמקריבים, למען ריחוח מיעות להקדש, אבל ר"ע תולק ואומר, שאסור לעשות כהורה במיעות הקדש וכן במעות של עניים. ובירושלמי חושב דברים רבים מה שעשו במותר כסף השקלים כמו שכר לימוד הלכות שהיטה, הלכות קרבנות, וכן לבקר את מומי הקרבנות שכל אלה היו לוקחין ממיעות שירי הלשכה; ועוד כמו אלה, (ראה שם הלכה ד' בזה הפרק).

(ד) מותר התרומה, ר"ל אם הגיע אחר בניסן שכבר יש תרומה חדשה משקלים שבנו

פרק חמישי.

(א) אלו הן הממונין שהיו במקדש: יוחנן בן פנחס על החותמות אחיה על הנסכים, מתתיה בן שמואל על הפייסות, פתחיה על הקנין. פתחיה זה מרדכי; למה נקרא שמו פתחיה? שהיה פותח בדברים ודורשן ויודע שבעים לשון. בן אחיה על חולי מעיים, נחוניה חופר שיחין, נבויני כרוז, בן נבר ער נעילת שערים, בן בכיי ער הפקיע, בן ארזא על הצלצל, הוגרוס בן רזי על השיר, בית גרמו על מעשה לחם הפנים, בית אבטינס על מעשה הקטורת, אלעזר על הפרוכת ופנחס על המלבוש.

פירוש רמ"ל

פרק חמישי.

(א) אלו הן הממונין, לא בזמן אחד היו הממונין שהוא חושב במשנה, כ"א דורות רבים תפירו בוניהן, אבל המשנה מזכרת רק הטובים והחסידים שהיו ממונין בכל דור, וענין החותמות יחבאר במשנה ד'. הפייסות, הן: שהיו הכהנים מטילין גורל בוניהם מי יעלה לעבוד עבודה זו ומי עבודה זו, והיו צריכין לממונה להחזיק הסדר ושהיה רשום אצלו מי יעלה לפיט היום ומי למחר. קנין הן הקרבנות שכל אשה יולדת היתה צריכה להקריב ומפני שהיו רבות צריכין היו לממונין גם בזה להחזיק הסדר, שכל הבאה קודם תקריב קודם ושיתנו לה את הקנין במחור הקצוב ולא ירבו עליהן, וגם היו מתערבין מפני ריבוי המביאין והכמה רבה נצרכה להורות דיני תערוכות האלה, עין בפירוש תפארת ישראל. חולי מעיים, חולי דבר הרגיל מאד במקדש, מפני שהיו הכהנים נושאים עליהם בעת העבודה רק הארבעה בגדים קרים, והיו הולכים יחפים על הרצפה של שיש ובין כה מוכרחים היו לאכול את בשר הקרבנות שלא יביאו קדשים לידי נותר, ולכן נחלו תמיד בחולי מעיים, והממונים היו רואים על כל אחד שנחלה להביאו למקום הרפואה ולמנות אחרים תחתיהם, ולכן היו ממונים רבים לזה, ופה נחשב מכל המדרגות רק הממונה הראשי שהכל היה נעשה תחת השגחתו. חופר שיחין, לא רק במקדש ירושלים כ"א בכל הארץ ובסוריא, להכין מים לעולי הרגל ולבאי מקדש. כרוז, הוא הממונה שהיה מכריז בעצמו, או מצוה להכריז, כל עבודה ועבודה בזמנה. נעילת שערים, גם לזה היו ממונים הרבה, לנעול כל שער ולשמור את המקדש, כי כן היה המצוה לשמור את המקדש אף שלא בעת מלחמה וסכנה, כאשר יחבאר במס' תמיד, והממונים היו מעמידים כל שומר על מקומו שלא יישן ושילך סביב סביב במקום שהוגבל לו, ואם היו מוצאין את אחד מהם ישן, היו מלקין אותו ושורפין את כסותו וזה היה נקרא פקיע שהיו לזה ממונים אחרים לבד הממונים על נעילת שערים. צלצל, המה התופים שהיו מכים בהם להשמיע בעת הקרבת הקרבנות, וכן היו מליים את אחיהם הלויים כנגדם ככלי זמר את המזמורים הראויים בעת הקרבת הקרבנות, ואך המנצח על הזמרים, קאפלה טייכטער"י הוא ממונה אחר, לבד הממונים על התופים והמצלחים, מעשה הקטורת, שהיה נצרכה שתי פעמים, בכל יום ותיקונה היתה ענין ועסק גדול להרכיבה ולערכבה מכמה סממנים ושיעור כל אחד ואחר, ואיך שיהיה ענין הקטורת עולה, ומן האומנין המצוינים בזה היו בית אבטינס, וכן לחם הפנים שהיו עושין י"ב הלות בכל שבוע היו צריכין לאומנין שלא יתקררו מהרה בעת שהיו מונחים על שולחן של שיש, וגם צורתם ותבניתם, המבואר במס' תמיד, ולזו היה הממונין בית גרמו דורות הרבה שהיו מוסרין את אומנתם לבניהם, גם להפרוכת שהיו מחליצין אותו תדיר היה ממונה מיוחד לקבל אותו מהמגדבים ולראות אומנתו ונקיהו ומלאכתו. גם היו אנשים רבים עסוקים בהלבשת הכהנים בגדיהם ומשיגוחים שיהיו נקיים מפני חולי המעיים הרגילה במקדש, וכובסי הבגדים, שעל כולם היו ממונים מיוחדים. ולשכות רבות היו במקדש שהיו מיוחדות רק לכבדי חכהנים.

ונקבות ימכרו לצרכי זבחי שלמים, (ודמיהן יפלו עם שאר נכסים לבדק הבית); רבי יהושע אומר, זכרים עצמן יקרבו עולות, ונקבות ימכרו לצרכי זבחי שלמים, זיביאו בדמיהן עולות, ושאר נכסים יפלו לבדק הבית; רבי עקיבא אומר, רואה אני את דברי רבי אליעזר מדברי רבי יהושע, שרכי אליעזר השוה את מדתו, ורבי יהושע חלק; אמר רבי פפייס, שמעתי כדברי שניהן: המקדיש בפירושו, כדברי רבי אליעזר, והמקדיש סתם, כדברי רבי יהושע.

ה) המקדיש נכסיו, והיו בהן דברים ראויין על גבי המזבח: יינות, שמנים ועופות, רבי אליעזר אומר, ימכרו לצורכי אותו המין, ויביא בדמיהן עולות; ושאר נכסים יפלו לבדק הבית.

ו) אחת לשלשים יום משערין את הלשכה; כל המקבד עליו לספק סלתות מארבעה, עמדו משלש, יספק מארבעה; משלש ועמדו מארבעה, יספק מארבעה, שיד הקדש על העליונה; ואם התליעה סולת, התליעה לו, ואם החמיץ יין, החמיץ לו; ואינו מקבל את מעותיו, עד שיהא המזבח מרצה.

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כי דעת המקדיש הוא, אם גם סתם דבריו, כי למזבח יותר טוב מן בדק הבית שלכן הזכרים יקרבו לעולה בשם המנדב אבל נקבות הראויות רק לשלמים ואינו יכולין להקריב בשם המנדב, אם איננו בעת ההקרבה, לכן ימכרו לצורך הזה לאחר וכדמיהן יקרבו עולות בשם המנדב. ור"ע שדעתו לענין סתם הקדש כר"א, יאמר כי הוא רואה את דברי ר"א, אבל ר"פ פפייס כמכריע יאמר שאם הקדיש כל נכסיו סתם וכניחם היו בהמות למזבח ולא קראם בשם, אז כונתו כי כל אחד יקרב למקום הראוי לו, ויקרבו בדברי ר' יהושע, אבל אם פירש ואמר: "הנכסים והבהמות שלי כולם הקדש" ולא אמר מפורש כי הבהמות יוקרבו למזבח, גלה בזה דעתו שכל נכסיו קדושה אחת הן, לבדק הבית; כי אם לא כן, כיון שקרא הבהמות בשם, היה לו להוסיף עוד מלה אחת "למזבח". וכמשנה שאחריה סתם כר"א, מפני שיינות שמנים ועופות אין להם פדיון ולכן יקרבו ברמיהם עולות וכו'.

ז) אחד לשלשים יום, ענין זאת המשנה, שבכל חודש היו קורין את המוכרים שיסמנו את המחיר על כל דבר הנצרך למזבח ולבדק הבית על כל החודש, ולכל הממטע מחירו היו נותנין את הקדימה שיעמיד אותן למזבח ולבדק הבית; והמקחים שהיו קוצבים אותם היו על כל החודש, באופן שאם נתיקרו הרברים, היו סובלים המוכרים את הנזק, אבל אם הזיל השער, יד ההקדש על העליונה; והרשות היה לגבאים שלא לשלם רק כפי השער הזול, אם המוכרים העמידו להם בעת זול. ומה שאומרת ואם התליעה התליעה להמוכרים, ר"ל אם גם קבלו את המעות היה עוד אחריות עליהן, אבל בירושלמי אומר, כי המה היו מקבלין את המעות מיד, והכהנים ריזוין הם ולא הניחו את הסולת להתליע ואת היין להחמיץ.

(ה) מי שאבד ממנו חותמו, ממתנין לו עד הערב, אם מצאו לו כדי חותמו, נותנין לו, ואם לאו, לא היו נותנים לו, ושם היום כתוב עליהן מפני הרמאין.

(ו) עתי לשכות היו במקדש: אחת לשכת השאים, ואחת לשכת הכלים; לשכת השאים, יראי חטא נותנין לתוכה בחשאי, ועניים בני טובים מתפרנסין מתוכה בחשאי; לשכת הכלים, כל מי שהוא מתנדב כלי, זורקו לתוכה, ואחד לשלשים יום, גזכרין פותחין אותה, וכל כלי שמצאו בו צורך לבדק הבית, מניחין אותו, והשאר נמכרין כדמיה ונופלין ללשכת בדק הבית.

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(ה) מי שאבד ממנו חותמו, אם אבד חותם לא אמרו שיהיה יד הקדש על העלונה והמאבד חותמו לא ישיג כלום, כ"א בקרת היו עושים בהכסף הנפדה ואם היה הכסף יתר על החותמות שביד הנותן נסכים והסכום שלו שוה עם המעות שנתן הקונה בעד חותמו, היו נותנין לו נסכים ועל החותם לא היו מקפדין אותו למצוא, כי היה כתוב עליו שם היום ואינו מועיל ליום אחר.

(ו) שתי לשכות, בחלמוד ירושלמי מביא ציורים יפים מן לשכת השאים ויספר דברים רבים ממעשה הצדקה הזאת. והנה לשכות רבות היו במקדש בשמות מיוחדים אשר לא יחשבם פה, ואך לחשיבות שתי לשכות הללו ינקבם.

(ב) אין פוחתין משלשה גזברין ומשבעה אמרכלין, ואין עושין שררה על הציבור בממון פחות משנים, חוץ מבן אחיה, שעל חולי מעיים, ואלעזר שעד הפרוכת, שאותן קבלו רוב הציבור עליהן.

(ג) ארבעה חותמות היו במקדש, וכתוב עליהן: עגל, זכר, נדי, חוטא; בן עזאי אומר, חמשה היו וארמית כתוב עליהן: עגל, זכר, נדי, חוטא דל, וחוטא עשיר. עגל, משמש עם נסכי בקר, גדולים וקטנים וזכרים ונקבות; נדי, משמש עם נסכי צאן, גדולים וקטנים, וזכרים ונקבות, חוץ משל אילים; זכר, משמש עם נסכי אילים בלבד; חוטא, משמש עם נסכי שלש בהמות של מצורעים.

(ד) מי שהוא מבקש נסכים, הולך לו אצל יוחנן, שהוא ממונה על החותמות, נותן לו מעות, ומקבל ממנו חותם; בא לו אצל אחיה, שהוא ממונה על הנסכים, נותן לו חותם, ומקבל ממנו נסכים, ולערב באין זה אצל זה, ואחיה מוציא את החותמות, ומקבל כנגדן מעות, ואם הותירו הותירו להקדש, ואם פחתו, ישלם יוחנן מביתו, שיד הקדש על העליונה.

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והנה המשנה אינה מזכרת אם היו הממונים כהנים, לויים, או גם ישראלים היו ביניהם, וכבר דברו בזה הרבה חכמי זמננו, ואולם הרוצה לרעת את תכונת הכהנים והממונים האלו, שיבטעם כפרוטרופ, עליו לעיין בספר Die Priester und der Cultus von Prof. Buchler Wien, 1895 ושמה יראה כי מספר הכהנים לכד עלו לא למאות ולא אלפים, כי אם לעשרות אלפים, וכן מספר הלויים היה רב מאד, וכן על איזה דברים היו הממונים רק מהכהנים ועל איזה דברים גם מלויים וישראלים, ראה שם מצד 47-67, ואנחנו רברנו עוד מזה בסוף מס' שבת כדבר ה"ח גזירות שגזרו חכמים על הכהנים ועל התרומה.

(ב) אין פוחתין, סדר הנשיאות במקדש היו כן: המלך ואחריו הכהן גדול, ואחריו הסגן, ואחריו הקתליקון שהיו שנים, אחריהם האמרכלין שהיו שבעה, ואחריהם הגזברין שהיו רבים וגם תחתיהם היו ממונים רבים. והנה משמרת כל אחד מהם מכואר במס' תמיד ויומא ובפרט בהספר הגזבר למעלה.

(ג) ארבעה חותמות, הנסכים לכל קרבן שונים היו כידוע, ולכל הנסכים היה כחיר קצוב במקדש, והנת נסכי ככשים ועיזים גם הזכרים שבהם שוים היו וחותרם „נדי“ היה מספיק גם להמביא קרבנו כבש, אבל לאילים היה נסך מיוחד גדול ממנו ולכן השתמשו בחותרם „זכר“ שהיה סמן למי שקרבנו „איל“, אבל בבקרים שוין הזכרים והנקבות הגדולים והקטנים ולכן השתמשו בחותרם „עגל“ למי שקרבנו מן הבקר. ועל קרבן המצורעים השתמשו בחותרם „חוטא“ (לרסו שהצריט באה נופני החמא) שעד העשירים היה להביא שני אלים וכבשה אחת ונסכיהם, היה הותרם חו ט א מספיק לתת להם את הנסכים שהזוכרו בתורה, אבל על העניים המצורעים שלא היה להם להביא רק כבש אחד ושתי תורים, ורק עשרון אחד סולת ולוג שמן בלא יין, אמרו הרבנים, כי לא היה צריך לסמן מיוחד; ובן עזאי היה אומר, כי חמשה חותמות היו שעל החמישי היה כתוב חו ט א ד ל להברילו משאר גדי הצריך גם יין ואומר שהיה כתוב עליהן ארמית ולא עברית ובלי ספק היתה קבלה בידו, כי כל הסמנים שבמקדש היו ארמית וכן נראה מן המשנה עצמה בכל הסמנים (זמן רב אחרי עלותם מבבל דברו הכהנים רק ארמית וכן האשכולות עד אחר הלל ושמיא, וגם בעדיות קבלו ערותם בארמית והציגו בלשונם, וראה בספר ביכנער הנ"ל).

שער נשים, שער השיר. ולמה נקרא שמו שער יכניה? שבו יצא יכניה בנלותו. כמזרח: שער ניקנור, ושתי פשפשין היו לו: אחד מימינו, ואחד משמארו, ושנים כמערכ, שלא היה להן שם. שלשה עשר שולחנות היו במקדש: שמונה של שיש בכית המטבחים, שעליהן מדיחין את הקרביים, ושנים כמערכ הכבש, אחד של שיש, ואחד של כסף; על של שיש, היו נותנים את האיברים, על של כסף, כלי שרת; ושנים באולם מבחוץ על פתח הכית: אחד שר שיש, ואחד של זהב; על של שיש, נותנין לחם הפנים בכניסתו, ועל של זהב, ביציאתו, שמעלין בקודש ולא מורידין; ואחד של זהב מבפנים, שעליו לחם הפנים תמיד.

ה) עֲשֵׂה עֵשֶׂר שׁוֹפְרוֹת הִיוּ כַּמִּקְדָּשׁ, וְכַתּוּב עֲלֵיהֶם: תִּקְלִין חֲדָתִין, תִּקְלִין עֲתִיקִין, קִינִין, וְגוּזְלֵי עוֹלָה, עֲצִים, וְלִבְנוֹהָ, זֶהֱבָ לַכַּפּוֹרֶת, וְשֵׁשֶׁת לַנְּדִבָּה. תִּקְלִין חֲדָתִין, שֶׁבֶכֶל שָׁנָה וְשָׁנָה, וְעֲתִיקִין, מִי שֶׁלֹּא שָׁקַל אִישׁתִּקְדָּ שׁוֹקֵל לַשָּׁנָה הַבָּאָה; קִינִין, הֵן תּוֹרִין, וְגוּזְלֵי עוֹלָה, הֵן בְּנֵי יוֹנָה, כּוֹלֵן עוֹלוֹת, דְּבָרֵי רַבִּי יְהוּדָה; וְחַכְמַיִם אֹמְרִים: קִינִין, אֶחָד חֲטָאת וְאֶחָד עוֹלָה, וְגוּזְלֵי עוֹלָה, כּוֹלֵן עוֹלוֹת.

ו) קָאוּמֵר: "הָרִי עֲלֵי עֲצִים", דָּא יַפְחוֹת מִשְׁנֵי נִיזְרִין; "לִבְנוֹהָ", לָא יַפְחוֹת מְקוּמָן; "זֶהֱבָ", לָא יַפְחוֹת מְדִינָר זֶהֱבָ, שֵׁשֶׁת

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וכהנים או ליום רבים היו מתכנסין לפתוח או לסגור אחד הדלתות, וענין השולחנות מכואר, ואמרו: "מעלין בקדש" הוא, מפני שלחם הפנים היה מונח בפנים על שולחן של זהב, הצריכו לו שולחן כזה גם בצאתו מן הקודש.

ה) שלשה עשר שופרות, השופר הראשון היה כתוב עליו "תקלין חדתי" ר"ל בו צריכין להשליך את השקלים משנה זו בפני הגזבר, והשני היה כתוב עליו "תקלין עתיקין" לאמר: בו וישלכו השקלים שלא נגבו בשנה העברה ג"כ בפני הגזבר והוא מקבל ממנו קבלה, שוחזרו לו את עכוטו. השלישי היה כתוב עליו קינן, לאמר כי החפץ לנדב על "קינן" ישליך נדבתו בו. הרביעי "גוזלי עולה" ר"ל בו ישליכו המנדבים בעד תורים ובני יונה למזבח לצרכי עולה את נדבותיהם, החמישי "עצים" בו יקבל נדבות על העצים למערכה, הששי כתוב עליו "לבונה" בשביל המנדבים נדבות על הלבונה, השביעי "זהב לכפורת" כי בו היו הנדבות שהתנדבו בשביל קדש הקדשים והכפורת שהיה שם. אלה המה השבעה שופרות הראשונים, והשששה שהיו לכתם נדבה, גם עליהם היו תרותים שמות מיוחדים (לרעת הרמב"ם) והם: על הראשון "מותר הטאת", ר"ל מו שהקדש מעות להטאת ואחריו קנותו נשארנו לו עוד מהם היה נושלים בשופר הזה למען שמן הכסף הזה לא יוקח רק לצרכי הטאת, השני "מותר אשם", השלישי "מותר קיני זכין ויולדות", הרביעי "למותר קרבנות ניזר", החמישי "מותר קרבן מצורע" שהוא כנ"ל, אם הפרשי מעות למטרת אחד מהם ונשארו בידו אחריו שהוציא מהם למטרת נדבתו ישל המותר כל אחד במקום המסומן למענו, ועל הששי היה כתוב "נדבה" כתם שמוה היו לוקחין לכל הנצרך למקדש או למזבח. ונדבר הפלוגתא שבין החכמים לר"י הוא כי החכמים סוברים שרעת המנדבים לקינן היא, שמכספם יקנו דבר שיעלה על המזבח כדל"ל, והרמב"ם אומר שיהלכה כחכמים.

ו) האומר הרי עלי, אחר שנתבאר ענין השופרות השונים שהיו משתמשים לנדבות שונות תבאר, כי רק אז מותר להשליך להשופרות כמה שחפון ואפילו כל שהוא, אם אינו משלם

פרק ששי.

- (א) שלשה עשר שופרות, שלשה עשר שולחנות, שלש עשרה השתחויות היו במקדש; של בית רבן נמליאל ושל בית רבי חנינא סגן הכהנים היו משתחיים ארבע עשרה; והיכן היתה יתירה? כנגד דיר העצים, שכן מסורת בידם מאבותיהם, ששם הארון ננו.
- (ב) מעשה בכהן אחד, שהיה מתעסק, וראה הרצפה שהיא משונה מחברותיה, בא ואמר לחבירו, לא הספיק לנמור את הדבר עד שיצתה נשמתו, וידעו בייחוד ששם הארון ננו.
- (ג) והיכן היו משתחיים? ארבע בצפון, וארבע בדרום, שלש במזרח ושתים במערב, כנגד י"ג שערים. דרומים, סמוכין למערב; שער העליון, שער הדלק, שער הבכורה, שער המים; ולמה נקרא שמו שער המים? שבו מכניסין צלוחית של נסוך מים בהן. רבי אליעזר בן יעקב אומר: בו המים מפכין, ועתידין להיות יוצאין מתחת מפתח הבית.
- (ד) לעומתן בצפון סמוכין למערב: שער יכניה, שער קרבן,

פירוש רמ"ל

פרק ששי.

- (א) שלשה עשר שופרות, כבר אמרנו שהחיבות שהיו בהם כסף השקלים או הנדרות נקראים שופרות מפני שהיו קצרים מלמעלה ורחבים מלמטה שלא תוכל יד לכנס בתוכה, וכן היו עוקמים מטעם זה, והמשנה הזאת תספור את כל מה שהיה במקדש במספר שלשה עשר המספר הקדוש להם, (כנגד שלש עשרה מדות הרחמים הנזכרים במקרא, ושכנגדם התקין ר' ישמעאל שלשה עשרה מידות לדרוש בהם את התורה), ובמשנה ה' תפרש מה היו הי"ג שופרות משתמשין, וכן תפרש באיזה מקומן היו ההשתחויות. (מן תוכן המשנה הזאת גראה, כי ידעו מלימודי פיטאנארוס בדבר המספרים והמספר 13 היה נחשב לאי-צולח גם בימים הקדמונים, ולמען הסיר מלב ההמון את האמונה הטפלה הזאת, תקנו רבנים קדושים במספר הזה, או אולי כונו בזה להמתיק רוע מזלו של המשתמש במספר 13 בזה שכוננוהו לדברים קדושים; וגם כווננו נוסדה תורה בשם "Thirteen-Club" המשתמשים כל הדברים רק במספר 13 להראות לההמון שאין כל חשש וכינה בו.) ובמס' מדות יתבאר איפוא היה דיר העצים.
- (ב) מעשה בכהן, הכהן היה בעל מוס ופסול לעבודת הקרבנות ורק היה מתעסק לכרר העצים שהמתולעים או הנרקבים היו פסולים; וכן היו מפצלין את העצים מן העור שעליהן למזבח; והארון נגנו עוד במקדש ראשון כאשר ראו שאין עור תקוה שתגצל העיר והמקדש מיר הכשרים, והכהן הזה מת, מפני שרצה לגלות את הסוד הזה; ועיין בספרנו The Pen-tateuch etc., Chicago, 1894.

- (ג) והיכן היו משתחיים, האומר כי י"ג שערים היו במקדש, הוא אבא יוסי בן יוחנן, נצר מן הכהנים הגדולים שהיו במקדש שני, אבל לדעת החכמים רק שבעה שערים היו וההשתחויות היו כנגד י"ג פרצות שפרצו היונים ככהמ"ק ובית חשמונאי גדרום; שלכן גזרו ההתחיות כנגד הפרצות האלה כעין הודיה, ואולם המשינה אשר תשוב תשעה בשמותם ושנים כלא שם מיוחד ואומרת איפוא היו בפרט, נראה כי כדבריה כן היה (והחכמים חלקו רק מההשערה ולא מהקבלה, וראה בתפא"י על המשניות, ופירושו בשם אביו קשה לחלומ).
 (ד) פשפושין, נקראים דלתות קטנות בתוך הגדולות, כי הגדולות היו כבדיון וקשין לפתוח

פרק שביעי.

(א) **מעוֹת** שנמצאו בין השקלים לנדבה, קרוב לשקלים יפלו לשקלים, לנדבה יפלו לנדבה, מחצה למחצה, יפלו לנדבה; בין עצים ללבונה, קרוב לעצים יפלו לעצים, ללבונה יפלו ללבונה, מחצה למחצה יפלו ללבונה; בין קנין לגזול עולה, קרוב לקנין יפלו לקנין, לגזול עולה, יפלו לגזול עולה; מחצה למחצה יפלו לגזול עולה; בין חולין למעשר שני, קרוב לחולין יפלו לחולין, למעשר שני יפלו למעשר שני, מחצה למחצה יפלו למעשר שני. זה הכלל, הולכין אחר הקרוב להקל, מחצה למחצה להחמיר.

(ב) **מעוֹת** שנמצאו לפני סוחרים בהמה, לעולם מעשר; בהר הבית, חולין; בירושלים בשעת הרגל, מעשר, ובשאר כד ימות השנה חולין.

(ג) **בשר** שנמצא בעורה, איברין עולות; חתיכות האות; בירושלים ובחי שלמים; זה וזה תעובר צורתו ויצא לבית השריפה, נמצא בנבולין איברין נכילות, חתיכות מותרות; בשעת הרגל שהבשר מרובה, אף איברין מותרין.

פירוש רמ"ל

פרק שביעי.

(א) **מעוֹת** שנמצאו, לפי שיש הבדל בין קדושה לקדושה בקרבנות ובנסכים, ומהחובה שלא יחליפו לקנות מן מעוֹת שנתרמו לקדושה חמורה דברים שהמה רק קדושה קלה, לכן אומר שאם נמצא הכסף בשיעור שווה משני הרברים, היינו ששפח הרצפה מן הכסף לחיבת השקלים ולחיבת הנדבה שווה הנהו, אז מחשש שמא הטה מעוֹת נרבה שטהם קונין רק עולות והמה קדושה חמורה מן כסף השקלים שבדמיהם קונין כל דבר וגם נתנין לאומיון, לכן יקנו בכסף הזה דבר שבו קדושה חמורה מן כסף השקלים, וכן הרבר עם עצים ולבונה שהלבונה קדושה מהעצים מפני שהלבונה היא קרבן והעצים רק מכשירי קרבן, וכן הוא הרין בכל אשר תחשוב המושגה הלאה שהשנית קדושה יותר מהראשונה, ולכן בעת ספק תזכה תמיד החמורה מן הקלה. וזה אומרה „להחמיר“, ר"ל לקנות בהכסף דבר שבו קדושה חמורה מהעד שכנגדה, וברבר עמידתם של השופרות ושטחם ראה בפירושו תשא"י.

(ב) לפני סוחרים בהמה, הכסף שנמצא בהר הבית שרוב ההולכים בו המה כהנים, יש לשער כי הכסף נפל מאתם והמה חולין, מפני כי כסף הקדשים לא ישאו הכהנים בצלחתם ואם נטלוהו מן התיבה למטרת הקרבן, בלי ספק כבר חללו אותו על הבהמה בעודו בלישנה, וממילא יצא הכסף לחולין; מנשא"כ אם נמצא הכסף במקום אחר לפני סוחרים בהמות הוא בלתי ספק ממועוֹת מעשר שני, אשר רוב הקונים אך בכסף מעשר שני יקנו, ולכן נחשב כן בכל ימות השנה. ומטעם הזה הכסף הנמצא בכל מקום בחוצות ירושלים בשעת הרגל, שכל ישראל יעלו שמה לרגל ויביאו אתם את כסף מעשר שני, הולכים אחר הרוב שנאבד מאחד מהאזרחים, אבל בכל ימות השנה, זולת שוק הבהמות, הכסף חולין.

(ג) יען כי ובחי השלמים נאכלין בכל העיר לכל אדם, לכן אם נמצא בשר ברחוב נחשוב אוחו לשלמים, ויען כי יוכל להיות שהוא נותר (ר"ל יותר משני ימים ולילה אחד), לכן יחזיקוהו בספק עוד לילה אחד למען יוכלו להוציאו לבית השריפה כודאי נותר. ובעורה שהעולה היתה

לנדבה. נדבה מה היו עושינו בה? לוקחין בה עולות, הבשר לשם, והעורות לכהנים; זהו מדרש דרש יהודיע בהן גדול: "אשם הוא אשם אשם לה' (יקרא ה') זה הכלל, כל שהוא בא משום חטא ומשום אשמה, ילקח בו עולות, הבשר לשם, והעורות לכהנים; נמצאו שני כתובים קיומים: אשם לה' ואשם לכהנים, ואומר "כסף אשם וכסף חטאות לא יובא בית ה' לכהנים יהיו". (מלכים ב' י"ב)

פירוש רמ"ל

את נדרו אשר נדר קודם, אבל אם נדר ואמר הרי עלי איזה דבר, או יש שיעור קצוב שלא יפחות מזה, ואגב תשמיענו הבישנה כי העורות של כל הקרבנות היו לכהנים, ובספרו של Buchler הנ"ל, ימצא הקורא כמה כהנים היו מתעסקים בזה והעצירות הגדולה שהיתה להכהנים מהעורות, וכמה לשכות מיוחדות שהיו בשביל זה במקדש, וכן מתי נתחלקו להכהנים ושהכהנים בעלי הזרוע גזלו את הכהנים העניים בלקחם לעצמם בזרוע את החלק היותר גדול, אם שהיו משמיטים עצמם מעבודת הקרבנות שהיתה עבודה קשה מאד, וכסום העורות היה רב מאד, (עו"ש ותשומם).

פרק שמיני.

(א) כל הרוקין הנמצאין בירושלים טהורין, חוץ משל שוק העליון, דברי רבי מאיר; וחכמים אומרים בשאר ימות השנה, שבאמצע טמאין, ושכצדדין טהורין, ובשעת הרגל, שבאמצע טהורין, ושכצדדין טמאין, שמפני שהן מועטין, מסתלקין לצדדין.

(ב) כל הכלים שנמצאין בירושלים, דרך ירידה לבית הטבילה, טמאין, דרך עליה, טהורין; שלא כדרך ירידתן, עליותן, דברי רבי מאיר; רבי יוסי אומר, כולן טהורין, חוץ מן הסל, ומן המגריפה, והמריצה, המיוחדין לקברות.

(ג) סכין שנמצאת בארבעה עשר, שוחט בה מיד, בשלשה עשר שונה ומטביל; וקופיץ, בין כזה ובין כזה שונה ומטביל; חל ארבעה עשר להיות בשבת, שוחט בה מיד, בחמשה עשר שוחט בה מיד, נמצאת קשורה בסכין, הרי זו כסכין.

(ד) פרוכת שנשמאה בולד הטומאה, מטבילין אותה בפנים ומכניסין אותה מיד, ואת שנשמאה באב הטומאה, מטבילין אותה בחוץ, ושוטחין אותה בחיל, ואם היתה חדשה שוטחין אותה על גג האיצטבא, כדי שיראו העם את מלאכתן שהיא נאה.

פירוש רמ"ל

פרק שמיני.

(א) כל הרוקין, רוק הזב הנזכר בתורה (ויקרא ט"ו 8) ידוע היא שהוא טמא, ויען כי אי אפשר שלא היו זבין בין העם הרב שבא בירושלם יום יום, ואי אפשר שלא יגעו טהורים ברוקין של הזב בעת מהלכם ברחובות ירושלם, תשמיענו המשנה את המנהג, איככה נהגו בהיות ירושלם בשלותה ובהמ"ק על מכונו. והנה ר"מ אמר שכל טמאי זיבה הלכו למו בשוק העליון ולא בשוקים וברחובות אחרים למען לא ישמאו את הטהורים, אבל חכמים אומרים, כי בשעת הרגל קבעו למהלך הטמאים את צדי הדרכים וכל הטהורים הלכו באמצע, ובחול להיפך, ומובן מאליו שאין לחוש להרוק שנמצאו במקום שהטהורים מהלכים, וכן אין ספק שהרוק הנמצא במקום שהטמאים מהלכים, שהוא טמא.

(ב) כל הכלים, מוצאת המשנה למדנו כי שני דרכים היו לבית הטבילה אחת לירידה ואחת לעליה, שלא יגעו הטהורים בעת עליותן את הטמאים ויתטמאו שנית, ולכן הננו הולכים אחרי הרוב כלומר כל דפריש מרובא פריש, וכירידה שהיו כל הכלין טמאין הנמצא טמא ובעליותה שהיו טהורין הנמצא טהור, ואך על הכלים שמייוחדין לטומאה גזרו גם נמצאו כדרך העליות, מפני שאין מוציאין כלי מחזקתה; והטעם הזה גם כסכין כמשנה שלאחר זאת, ואך הקופיץ שלא נהגו לשחוט בו שונה הוא, כי אינו פריש מרובא. הר"ר יאספ חרגם על פי פירוש המיומני את המשנה הזאת והוא דחוק מאד, ולכן פרשנו את המשנה כפשוטה, ואחרי כתבנו זאת ראינו גם כפירוש תפארת ישראל, שגם הוא מבין כפירושנו.

(ד) פרוכת שנשמאה, ענין ולד הטומאה שר"ל "ראשון לטומאה" יקרא מי שנגע באב הטומאה, וסדר מחלקותם היא: "גזית כח" היא נקראת "אבי אבות הטומאה", הנוגע בה היא "אב הטומאה" והנוגע בו הוא "ראשון", והנוגע בראשון יקרא "שני לטומאה, וכן "שלישי, וכן "רביעי", ופרטי דינם יתבארו בסדר טהרות.

(ד) בהמה שנמצאת מירושלים ועד מגדל עדר, וכמידתה לכל רוח, זכרים עולות, נקבות זכאי שלמים; רבי יהודה אומר, הראוי לפסחים פסחים, קודם לרגל שלשים יום.

(ה) בראשונה היו ממשכנין את מוצאייה עד שהוא מביא נסכיה, חזרו להיות מניחין אותה ובורחין, התקינו שיהו נסכיה באין משל ציבור.

(ו) אמר רבי שמעון, שבעה דברים התקינו בית דין, וזה אחד מהן: נכרי ששלח עולתו ממדינת הים, ושלח עמה נסכים, קריבין משלו, ואם לאו, קריבין משל ציבור; וכן גר שמת, והניח זבחים, אם יש לו נסכים קריבין משלו, ואם לאו, קריבין משל ציבור; ותנאי בית דין הוא על כהן גדול שמת שתהא מנחתו קריבה משל ציבור. רבי יהודה אומר, משל יורשין ושלימה היתה קריבה.

(ז) על המלה, ועל העצים, שיהו הכהנים נאותין כהן; ועל הפרה שלא יהו מועלין באפרה, ועל הקינין הפסולות שיהו באות משל ציבור; רבי יוסי אומר, המספיק את הקינין מספיק את הפסולות.

פירוש רמ"ל

עולה כליל על המזבח ולא היו מנתחים אותה לנתחים רק לאברים שלמים, לכן אם נמצא אבר שלם ודענו שהוא עולה, אבל החטאת, שממנה היו הכהנים אוכלין, היו מנתחין לנתחים ולכן הוששין שמא טטאת היא, ואם אמנם לא היו אוכלים כלל את הנמצאות מחשש נותר, היתה צריך להשמיענו את דין הבשר הנמצא, למען נדע הדין אם עבר אחר ואכלו, שאז כיושלם לא היה חייב שום אדם על האכילה ההיא, וכן בעזרה לא היו יכולים לחייב את הכהן בעד איזה חתיכה מפני שהיא היתה בודאי דבר הנאכל לכהנים, כי מהעולות לא היה חתיכות, אבל אם אכל אבר חולין אז חייב שמא מעולה היא שמשפטה להיות כולה כליל. ואגב תבאר את הדין בבשר חולין שנמצא בכל ערי ישראל שאם אך חתיכה היא ולא אבר, הולכין אחר הרוב שהוא מבשר שהוטה, אך על אבר שלם יש לחוש שמא לא חששו לחתכו מפני שהיא נבלה ועיזבו אותו לחות השדה כמו שהוא ולכן אסור בכל ימות השנה; אך ברגל, שהבשר מרובה, הולכין גם באברים אחר הרוב שהוא מבשר שהוטה, במקום שרוב אנשי העיר ישראל המת.

(ד) בהמה שנמצאת וכו', ר' יהודה יצדק בהשקפתו על בהמות הזכרים שנמצאו קרוב לפסח, העת שכל ישראל מקריבין את פסחיהן שקרוב לודאי הוא כי הוא אחר מן הפסחים שנאברו לבעליהן, אבל כונתו דוקא על זכר בן שנה ולא על בהמה שנראה שיש לו יותר מן שנה אחת, אך החכמים טחמירין גם כזה ואומרים כי יוקרב לעולה שהיא כולה כליל, מן העולות היא ומעלין בקודש ולא מורידין.

(ו) כהן גדול שמת, מנחת כהן היא הנאמר בויקרא ו', 13.

(ז) מועלין באפרה, אם כי מן התורה אין בה לא קדושה ולא מעולה גזרו החכמים, מפני שהיו הכהנים משתמשים באפרה, ועיקר הדבר שהמשנה מזכרת פה, המה הקינין הפסולות, ר"ל אם נמצאו פסולות אחר שהגזבר שלם בעדם ולקחם מהמוכר, שבלי ספק נפסלו בעת היותם כבר תחת יד הגזבר שאז אין אחריותה על המוכר ואחרים יקרבו תחתיה משל ציבור, ויען כי יוד ההקדש תמיד על העלונה, והדבר הזה היה מן הרברים שרוב המוכרים לא יכלו לעמוד בו, לכן הוצרכו לתקן זאת בתקנה מיוחדת, ור' יוסי חולק גם כזה, אך אין הלכה כמותו. ופרטי הדינים שקינים יתבארו במקומם.

מסכת

ראש השנה

(ה) רבי שמעון בן גמליאל אומר משום רבי שמעון בן הסגן, פרוכת עביה טפה, ועל שבעים ושנים נימין נארנת, ועל כל נימא ונימא עשרים וארבע חוטין, ארכה ארבעים אמה ורחבה עשרים אמה, ומשמנה ושתי רבוא נעשית, ושתיים עושין בכל שנה, ושלוש מאות כהנים מטבילין אותה.

(ו) בשר קדשי קדשים שנטמא, בין כאב הטומאה בין כולד הטומאה, בין בפנים, בין בחוץ, בית שמאי אומרים הכל ישרף בפנים, חוץ מי שנטמא כאב הטומאה בחוץ; בית הלל אומרים הכל ישרף בחוץ, חוץ מי שנטמא כולד הטומאה בפנים.

(ז) רבי אליעזר אומר, את שנטמא כאב הטומאה, בין בפנים, בין בחוץ, ישרף בפנים; רבי עקיבא אומר מקום טמאתו, שם שריפתו.

(ח) אברי התמיד ניתנין מחצי כבש ולמטה במזרח, ושל מוספין ניתנין מחצי כבש ולמטה במערב, ושל ראשי חדשים ניתנין מתחת כרכוב המזבח מלמטה. השקלים והככורים אין נוהגין אלא בפני הבית, אבל מעשר דגן ומעשר בהמה והככורות נוהגין בין בפני הבית, בין שלא בפני הבית. המקדיש שקלים ובכורים, הרי זה קדש; רבי שמעון אומר, האומר בכורים קדש, אינן קדש.

הדון עלך מסכת שקלים.

פירוש רמ"ל

(ה) רשב"ג, בדבר הפרכת יאמר בירושלמי כי המשנה דברה בלשון הבאי, וגם בבבלי (חולין צ:): והשוב את המשנה הזה וגם מה שהשקו את התמיד בכוס של זהב מן דברי הבאי, ואולם הרואה בספר Buchler שזכרנו לעיל, יראה כי ריבוי הכהנים המטבילין אותו אינו גוזמא, כי לא מצאנו את המשנה תספר גוזמאות וההיקש לערים גדולות ובעורות בשמיס, וכן לות בקע הארץ לקולם אינו דומה כלל, כי כבר אמר ר' ישמעאל גם בהלכה שהתורה דברה כלשון בני אדם, משא"כ פה שהמספר מצומצם, וגם להשקות את התמיד בכלי זהב איננו מן דברים המפליאים, לפי רובי העשירות וכלי זהב שהיו במקדש, וצע"ג, (ראה בתפא"י מ"ש בשם הגאון מווילנא), וגם הסך שקצבה להוצאת הפרוכת יכול להיות כי היה מטבע קטנה כהפיאסטור עתה במדינת השולטן או כהשוה בצרפת; כי בדרך כלל לא מצאנו שהמשנה תספר גוזמאות. (ז) הכל ישרף בפנים, מקום טמאתו, במסכת תמיד יתכארו שתי המשניות האלו, כי יש מקומן.

(ח) ענין הכרכוב שהוא לענין מוספי ר"ח יתבאר במס' מדות. מעשר ובכורות נהגו גם שלא בפני הבית לכלכל את המון הלוים, שלא היה להם כל נחלה מאבותיהם.

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