

CBAJ Mishna Club Week 2

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משנה ראש השנה א:ה'

(ה) בין שנראה בעליל בין שלא נראה בעליל, מחללין עליו את השבת. רבי יוסי אומר, אם נראה בעליל, אין מחללין עליו את השבת:

Mishnah Rosh Hashanah 1:5

Whether the new moon was seen clearly [*ba'alil*] by everyone or whether it was not clearly seen, one may desecrate Shabbat in order to testify before the court. Rabbi Yosei says: If the moon was clearly seen, they may not desecrate Shabbat for it, since other witnesses, located nearer to the court, will certainly testify. If these distant witnesses go to court to testify, they will desecrate Shabbat unnecessarily.

What factor determines whether or not one may desecrate shabbat for testifying about the new month?

משנה ראש השנה א:ו'

(ו) מעשה שעברו יותר מארבעים זוג, ועכבן רבי עקיבא בלוד. שלח לו רבן גמליאל, אם מעכב אתה את הרבים, נמצאת מכשילן לעתיד לבא:

Mishnah Rosh Hashanah 1:6

There was once an incident where more than forty pairs of witnesses were passing through on their way to Jerusalem to testify about the new moon, and Rabbi Akiva detained them in Lod, telling them that there was no need for them to desecrate Shabbat for this purpose. Rabban Gamliel sent a message to him: If you detain the many people who wish to testify about the new moon, you will cause them to stumble in the future. They will say: Why should we go, seeing that our testimony is unnecessary? At some point they will be needed, and no witnesses will come to the court.

Why did Rabbi Akiva stop the witnesses in Lod? What was Rabban Gamliel concerned about?

משנה ראש השנה א:ז

(ז) אב ובנו שראו את החדש, ילכו. לא שמצטרפין זה עם זה, אלא שאם יפסל אחד מהן, יצטרף השני עם אחר. רבי שמעון אומר, אב ובנו וכל הקרובין, כשרין לעדות החדש. אומר רבי יוסי, מעשה בטוביה הרופא, שראה את החדש בירושלים, הוא ובנו ועבדו משחרר, וקבלו הפהנים אותו ואת בנו, ופסלו את עבדו. וכשבאו לפני בית דין, קבלו אותו ואת עבדו, ופסלו את בנו:

Mishnah Rosh Hashanah 1:7

If a father and his son saw the new moon, they should both go to the court in Jerusalem. It is not that they can join together to give testimony, for close relatives are disqualified from testifying together, but they both go so that if one of them is disqualified, the second may join together with another witness to testify about the new moon. Rabbi Shimon says: A father and his son and all their relatives are fit to combine together as witnesses for testimony to determine the start of the month.

Rabbi Yosei said: There was an incident with Toviyya the doctor. When he saw the new moon in Jerusalem, he and his son and his freed slave all went to testify. The priests accepted him and his son as witnesses and disqualified his slave, for they ruled stringently that the month may be sanctified only on the basis of the testimony of those of Jewish lineage. And when they came before the court, they accepted him and his slave as witnesses and disqualified his son, due to the familial relationship.

1. Why do you think relatives may not serve as witnesses together?
2. Why should relatives who see the moon together go anyway?
3. How did the opinion of the Kohanim differ from the opinion of the Beit Din (hint: they disagree about two different things)?

משנה ראש השנה א:ח

(ח) אלו הן הפסולין, המשחק בקביא, ומלוי ברבית, ומפריחי יונים, וסוחרים שביעית, ועבדים. זה הכלל, כל עדות שאין האשה כשרה לה, אף הן אינן כשרים לה:

Mishnah Rosh Hashanah 1:8

The following are unfit to give testimony, as they are considered thieves and robbers: One who plays with dice [*kubbiyya*] or other games of chance for money; and those who lend money with interest; and those who race pigeons and place wagers on the outcome; and merchants who deal in produce of the Sabbatical Year, which may be eaten, but may not be an object of commerce; and slaves. This is the principle: Any testimony for which a woman is unfit, these too are unfit. Although in certain cases a woman's testimony is accepted, e.g., to testify to the death of someone's husband, in the majority of cases her testimony is not valid.

Why do you think a gambler may not testify? What about one who lends money with interest?