

CBAJ Mishna Club Week 4

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This week, we will also study 5 Mishnayot, since the last two are part of one longer story.

משנה ראש השנה ב:ה'

הָצַר גְּדוּלָּה הָיְתָה בִּירוּשָׁלַיִם, וּבֵית יַעֲזֵק הָיְתָה נִקְרָאת, וְלָשֶׁם כָּל הָעֵדִים מִתְכַּנְּסִים, וּבֵית דִּין בּוֹדְקִין אוֹתָם שָׁם. וּסְעוּדוֹת גְּדוּלוֹת עוֹשִׂין לָהֶם בְּשִׁבּוּל שְׂיֵהוּ רְגִילִין לְבֹא. בְּרֵאשׁוֹנָה לֹא הָיוּ זָזִין מִשָּׁם כָּל הַיּוֹם, הַתְּקִין רַבֵּן גַּמְלִיאֵל הַזֶּקֶן שְׂיֵהוּ מִתְּלַכִּין אֶלְפִים אִמָּה לְכָל רוּחַ. וְלֹא אֱלוּ בְלָבָד, אֶלָּא אִף הַחֲקָמָה הַבְּאָה לְיֶלֶד, וְהַבְּא לְהַצִּיל מִן הַדְּלָקָה וּמִן הַגֵּיס וּמִן הַנֶּהָר וּמִן הַמַּפְלֵת, הָרִי אֱלוּ כְּאֲנָשֵׁי הָעִיר, וַיֵּשׁ לָהֶם אֶלְפִים אִמָּה לְכָל רוּחַ:

Mishnah Rosh Hashanah 2:5

There was a large courtyard in Jerusalem, which was called Beit Ya'zek. And there all the witnesses coming to testify about the new moon would gather, and the court of seventy-one judges would examine them there. And they would prepare great feasts for them, so that they would be willing and accustomed to coming and submitting their testimony.

Initially, when witnesses would arrive on Shabbat from a distant place, they would not move from there all day, as they had left their Shabbat limit, and it was consequently prohibited for them to walk more than four cubits in any direction once they had completed their mission. Concerned that this limitation would discourage witnesses from coming, Rabban Gamliel the Elder instituted that the witnesses be permitted to walk two thousand cubits in each direction.

The mishna continues: And not only these witnesses are granted two thousand cubits from their new place, but this applies also to a midwife who comes to deliver a child, and one who comes to rescue Jews from a fire, from an invasion of gentile troops, from a flooding river, or from the collapse of a building. All these are considered like the inhabitants of the city where they arrive, and therefore they have two thousand cubits in each direction.

What's the common denominator for those who have the 2,000 Ama dispensation for traveling on Shabbat?

משנה ראש השנה ב:ר

כיצד בודקין את העדים. זוג שבא ראשון, בודקין אותו ראשון. ומכניסין את הגדול שבהן ואומרים לו, אומר, כיצד ראית את הלבנה, לפני החמה או לאחר החמה, לצפונה או לדרומה, כמה הייתה גבוהה ולאין הייתה נוטה, וכמה הייתה רחב. אם אומר לפני החמה, לא אומר כלום. ואחר כך היו מכניסים את השני ובודקין אותו. אם נמצאו דבריהם מכוונים, עדותן קימת. ושאר כל הזוגות שואלין אותם ראשי דברים, לא שהיו צריכין להן, אלא כדי שלא יצאו בפחי נפש, בשביל שיהיו רגילים לבא:

Mishnah Rosh Hashanah 2:6

How do they examine the witnesses who come to testify about the new moon? They deal with them in order, as **the pair of witnesses that arrives first they examine first. They bring in the greater of the two witnesses, and they say to him: Say how you saw the moon. Was it in front of the sun or behind the sun? To its north or to its south? How high was the moon over the horizon, and in which direction did it tilt? And how wide was it? If, for example, he said that he saw the moon in front of the sun, he has not said anything of substance, as this is impossible and therefore he is either mistaken or lying.**

And after they finish hearing the first witness's testimony, they would bring in the second witness and examine him in a similar manner. **If their statements match, their testimony is accepted** and the court sanctifies the New Moon. **And** the court then asks **all the other pairs** of witnesses certain **general matters**, without probing into all the details. They do this **not** because **they require** the additional testimony, **but so that** the witnesses **should not leave disappointed**, and **so that the witnesses should be accustomed to coming** to testify, and will not hesitate to come the next time, when they might be needed.

Q1: After accepting testimony from the first pair of witnesses, why continue to test the remaining witnesses?

משנה ראש השנה ב:ז

ראש בית דין אומר מקדש. וכל העם עונין אחריו מקדש מקדש. בין שנראתה בזמנו בין שלא נראתה בזמנו. מקדשין אותו. רבי אלעזר ברבי צדוק אומר. אם לא נראתה בזמנו. אין מקדשין אותו. שקבר קדשוהו שמים:

Mishnah Rosh Hashanah 2:7

After the witnesses have been examined and their testimony accepted, **the head of the court says: It is sanctified. And all the people respond after him: It is sanctified; it is sanctified.** **Whether** the moon **was seen at its anticipated time**, on the thirtieth day of the previous month, **or whether it was not seen at its anticipated time**, in which case witnesses are not necessary to establish the following day as the New Moon, the court **sanctifies it** and formally proclaims the day as the New Moon.

Rabbi Elazar, son of Rabbi Tzadok, says: If the new moon was not seen at its anticipated time, the court **does not sanctify** the New Moon on the following day, **as the celestial court in Heaven has already sanctified it**, precluding the need for the additional sanctification by the earthly court.

Whose job is it to sanctify the new moon - ours, or God's?

משנה ראש השנה ב:ח

דמוות צורות לבנות היו לו לרבן גמליאל בטבלא ובפתל בעליתו. שבהן מראה את ההדיוטות ואומר, הקזה ראית או כזה. מעשה שבאו שנים ואמרו, ראינוהו שחרית במזרח וערבית במערב. אמר רבי יוחנן בן נורי, עדי שקר הם. כשבאו ליבנה קבלן רבן גמליאל. ועוד באו שנים ואמרו, ראינוהו בזמנו, ובליל עבורו לא נראה, וקבלן רבן גמליאל. אמר רבי דוסא בן הרפינס, עדי שקר הו, היאך מעידין על האשה שילדה, ולמחר פרסה בין שניה. אמר לו רבי יהושע, רואה אני את דבריך:

Mishnah Rosh Hashanah 2:8

Rabban Gamliel had a diagram of the different forms of the moon drawn on a tablet that hung on the wall of his attic, which he would show to the laymen who came to testify about the new moon but were unable to describe adequately what they had seen. And he would say to them: Did you see a form like this or like this?

There was an incident in which two witnesses came to testify about the new moon, and they said: We saw the waning moon in the morning in the east,

and that same day we saw the new moon in the evening in the west. Rabbi Yohanan ben Nuri said: They are false witnesses, as it is impossible to see the new moon so soon after the last sighting of the waning moon. However, when they arrived in Yavne, Rabban Gamliel accepted them as witnesses without concern.

And there was another incident in which two witnesses came and said: We saw the new moon at its anticipated time, i.e., on the night of the thirtieth day of the previous month; however, on the following night, i.e., the start of the thirty-first, which is often the determinant of a full, thirty-day month, it was not seen. And nevertheless Rabban Gamliel accepted their testimony and established the New Moon on the thirtieth day.

Rabbi Dosa ben Horkinas disagreed and said: They are false witnesses; how can witnesses testify that a woman gave birth and the next day her belly is between her teeth, i.e., she is obviously still pregnant? If the new moon was already visible at its anticipated time, how could it not be seen a day later? Rabbi Yehoshua said to him: I see the logic of your statement; the New Moon must be established a day later.

What types of people might not be able to properly describe the new moon? What did Rabban Gamliel's diagrams offer them? What does this tell us about our attitude towards inclusivity in societal functions?

שָׁלַח לוֹ רַבֵּן גַּמְלִיאֵל, גּוֹזְרֵנִי עָלֶיךָ שֶׁתֵּבֵא אֶצְלִי בְּמַקְלָךְ וּבְמַעוֹתֶיךָ בְּיוֹם הַכַּפּוּרִים שֶׁחָל לְהִיּוֹת בְּחֻשְׁבוֹנָךְ. הֲלֵךְ וּמַצֵּאוּ רַבִּי עֲקִיבָא מִצַּר, אָמַר לוֹ, יֵשׁ לִי לְלַמּוֹד שֶׁכָּל מָה שֶׁעָשָׂה רַבֵּן גַּמְלִיאֵל עָשׂוּי, שֶׁנֶּאֱמַר (וּיקרא כג), אֵלֶּה מוֹעֲדֵי יְיָ מִקְרָאֵי קֹדֶשׁ, אֲשֶׁר תִּקְרְאוּ אֹתָם, בֵּין בְּזִמְנָן בֵּין שְׁלֹא בְּזִמְנָן, אִין לִי מוֹעֲדוֹת אֵלֶּה אֵלֶּה. בָּא לוֹ אֶצֶל רַבִּי דוֹסָא בֶּן הֶרְפִּינָס, אָמַר לוֹ, אִם בָּאִין אָנּוּ לְדוֹן אַחַר בֵּית דִּינּוּ שֶׁל רַבֵּן גַּמְלִיאֵל, צָרִיכִין אָנּוּ לְדוֹן אַחַר כָּל בֵּית דִּין וּבֵית דִּין שֶׁעָמַד מִימּוֹת מֹשֶׁה וְעַד עַכְשָׁיו, שֶׁנֶּאֱמַר (שמות כד), וַיַּעַל מֹשֶׁה וְאַהֲרֹן נָדָב וְאָבִיחָיָהוּ וְשִׁבְעִים מִזְקֵנֵי יִשְׂרָאֵל, וְלָמָּה לֹא נִתְפָּרְשׁוּ שְׁמוֹתָן שֶׁל זְקֵנִים, אֵלֶּה לְלַמֵּד, שֶׁכָּל שְׁלֹשָׁה וּשְׁלֹשָׁה שֶׁעָמְדוּ בֵּית דִּין עַל יִשְׂרָאֵל, הֲרֵי הוּא כְּבֵית דִּינּוּ שֶׁל מֹשֶׁה. נִטְלָה מִקְלוֹ וּמַעוֹתָיו בְּיָדוֹ, וְהֲלֵךְ לִיבְנֵה אֶצֶל רַבֵּן גַּמְלִיאֵל בְּיוֹם שֶׁחָל יוֹם הַכַּפּוּרִים לְהִיּוֹת בְּחֻשְׁבוֹנּוֹ. עָמַד רַבֵּן גַּמְלִיאֵל וּנְשָׁקוּ עַל רֹאשׁוֹ, אָמַר לוֹ, בֵּא בְּשָׁלוֹם, רַבִּי וְתִלְמִידֵי, רַבִּי בְּחֻכְמָה, וְתִלְמִידֵי שֶׁקִּבְּלֹתָ דְבָרַי:

Mishnah Rosh Hashanah 2:9

Upon hearing that Rabbi Yehoshua had challenged his ruling, **Rabban Gamliel sent a message to him: I decree against you that you must appear before me with your staff and with your money on the day on which Yom Kippur occurs according to your calculation;** according to my calculation, that day is the eleventh of Tishrei, the day after Yom Kippur.

Rabbi Akiva went and found Rabbi Yehoshua distressed that the head of the Great Sanhedrin was forcing him to desecrate the day that he maintained was Yom Kippur. In an attempt to console him, Rabbi Akiva **said to Rabbi Yehoshua: I can learn from a verse that everything that Rabban Gamliel did in sanctifying the month is done, i.e., it is valid. As it is stated: "These are the appointed seasons of the Lord, sacred convocations, which you shall proclaim in their season"** (Leviticus 23:4). This verse indicates that **whether** you have proclaimed them **at their proper time** or **whether** you have declared them **not at their proper time, I have only these Festivals** as established by the representatives of the Jewish people.

Rabbi Yehoshua then **came to Rabbi Dosa ben Horkinas, who said to him: If we come to debate** and question the rulings of **the court of Rabban Gamliel, we must debate** and question the rulings of **every court that has stood from the days of Moses until now. As it is stated: "Then Moses went up, and Aaron, Nadav and Avihu, and seventy of the Elders of Israel"** (Exodus 24:9). **But why were the names of these seventy Elders not specified? Rather, this comes to teach that every set of three judges that stands as a court over the Jewish people has the same status as the court of Moses.** Since it is not revealed who sat on that court, apparently it is enough that they were official judges in a Jewish court.

When Rabbi Yehoshua heard that even Rabbi Dosa ben Horkinas maintained that they must submit to Rabban Gamliel's decision, **he took his staff and his money in his hand, and went to Yavne to Rabban Gamliel on the day on which Yom Kippur occurred according to his own calculation.** Upon seeing him, **Rabban Gamliel stood up and kissed him on his head. He said to him: Come in peace, my teacher and my student.** You are **my teacher in wisdom**, as Rabbi Yehoshua was wiser than anyone else in his generation, **and you are my student, as you accepted my statement**, despite your disagreement.

Q1: If you were Rabbi Yehoshua, would you have submitted to Rabban Gamliel's authority?

Q2: What gives a decision weight - truth, or authority? What does Rabban Gamliel think, based on his reaction to Rabbi Yehoshua listening to him?

Q3: What finally convinced Rabbi Yehoshua to listen to Rabban Gamliel?