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Halacha 1

All the statements made previously regarding the [prerogative to] sanctify Rosh Chodesh because of the sighting of the moon, and [to] establish a leap year to reconcile the calendar or because of a necessity, apply to the *Sanhedrin* in *Eretz Yisrael*. [For it is they] alone, or a court of judges possessing *semichah* that holds sessions in *Eretz Yisrael* and that was granted authority by the *Sanhedrin*, [who may authorize these decisions].¹...When, however, there is no *Sanhedrin* in *Eretz Yisrael*, we establish the monthly calendar and institute leap years solely according to the fixed calendar that is followed now.

Halacha 3

When did the entire Jewish people begin using this calendar? At the conclusion of the Talmudic period, when *Eretz Yisrael* was in ruin, and an established court no longer remained there.² In the era of the Sages of the Mishnah, and in the era of the Sages of the Gemara until the time of Abbaye and Ravvah,³ [the people] would rely on the establishment [of the calendar] in *Eretz Yisrael*.⁴

Halacha 4

When the *Sanhedrin* functioned and the calendar was established based on the sighting [of the moon], the inhabitants of *Eretz Yisrael* and, [similarly, the inhabitants of] all the places where the messengers of Tishrei¹⁰ would arrive, would celebrate the holidays for one day only. The inhabitants of the distant places that were not reached by the messengers of Tishrei would celebrate two days because of the doubt involved. For they did not know the day that the inhabitants of *Eretz Yisrael* established as [the beginning of] the new month.

Halacha 5

In the present era, when the *Sanhedrin* no longer exists, and the court of *Eretz Yisrael* establishes [the months] according to the [fixed] calendar,¹¹ according to law, it would be appropriate for [Jews] throughout the world to celebrate the holidays for one day alone.¹² For [the inhabitants of] the distant regions of the diaspora and the inhabitants of *Eretz Yisrael* rely on the same [fixed] calendar and establish [the festivals] accordingly. Nevertheless, the Sages ordained [that the inhabitants of the diaspora] retain the custom of their ancestors.¹³

Rambam Hilchos Kiddush Hachodesh
Chapter 5

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חֲתֻמֵּי הַחֹדֶשׁ הַזֶּה. [מהו "הזה"?] רבי עקיבא אומר: זה אחד משלשה דברים שנתקשה בהן משה, והראיה המקום את כלן באצבע [וזה] הרי הוא באפן מוחש כמראה עליו באצבע [כיוצא בדבר אמה אומר: "זה לכם השמא" ויקרא י"א כ"ט]. כיוצא בזה "זה מעשה המנחה" [במדרש ח' ד']. [שנתקשה משה בהקנת הענין והראיה לו הקדוש ברוך הוא הדבר במוחש]. ויש אומרים אף בשחיטה נתקשה משה, שנאמר: "זה אשר תעשה על המזבח" [שמות כ"ט ל"ח] [עין רש"י].

[מכילתא]

