



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Rosh Hashanah Daf Chuf Hey

#### MISHNA

- It once happened that 2 witnesses came and said that they saw the old moon in the morning in the east, and saw the new moon in the evening in the west. **R' Yochanan ben Nuri** said, they are surely false witnesses. However, **R' Gamliel** accepted their testimony.
- Another time, witnesses came and said that they saw the new moon on day 30. However, the moon was not found to be seen on the following night. **R' Gamliel** accepted their testimony. **R' Dosa ben Hurkinas** said, they are surely false witnesses, because if the new moon was seen, it would surely be seen the following night! **R' Yehoshua** said to **R' Dosa**, I agree with you.
  - **R' Gamliel** sent a message to **R' Yehoshua**, that said, I decree on you that you must come to me on the day that you say is Yom Kippur (according to **R' Gamliel** Yom Kippur would be a day earlier than that) carrying your walking stick and your money.
    - **R' Akiva** saw that **R' Yehoshua** was depressed at having to do this. He told **R' Yehoshua**, the pasuk teaches that even if Beis Din is wrong with their timing of Rosh Chodesh, the Yomim Tovim follow the day that they declare to be Rosh Chodesh. Therefore, you need not worry, because Yom Kippur will follow the day that **R' Gamliel** (with the Beis Din) said it would.
    - **R' Dosa ben Hurkinas** told **R' Yehoshua**, the pasuk, by not naming the 70 Elders who were with Moshe and Aharon, teaches us that we must follow the Beis Din of every generation. Therefore, we must follow the Beis Din of **R' Gamliel**, even if they may be wrong.
  - On the day that he felt Yom Kippur should have been, **R' Yehoshua** went with his walking stick and money to **R' Gamliel**. **R' Gamliel** kissed him and called him his rebbi (in wisdom) and his talmid (for having accepted his words).

#### GEMARA

- A Braisa says, **R' Gamliel** told the **Chachomim** (as to why he accepted the witnesses who said that they saw the old moon and the new moon on the same day, even though we have previously learned that there is a 24 hour period when no moon can be seen), I have been told by my father that there are times when the moon moves faster, and the period when no moon can be seen may be less than 24 hours.
- **R' Chiya** once saw the old moon on the morning of the 29<sup>th</sup> of Elul (which would make it impossible to make the next day Rosh Chodesh, given that it would still be some time before it became invisible, and would remain invisible for 24 hours). He threw some earth at the moon and said, Beis Din needs to be mekadash you tonight, and you still remain visible?! Go and hide yourself! **Rebbi** told **R' Chiya**, "Go Ein Tav to be mekadash the new month that next day anyway, and send me a message saying "Dovid Melech Yisrael Chai V'kayam", to signal that it is done".
- A Braisa says, it once happened that the sky was overcast on the 29<sup>th</sup> day, and it appeared that the moon was visible through the clouds. All the people, and even Beis Din, thought they would be mekadash the month. However, **R' Gamliel** said, I was taught from my grandfather, that a new moon appears 29 and a half days, 2/3 of an hour, and 73 chalakim after it did the last month, and since that time hasn't yet arrived, this can't be the new moon. To make his point, the next day he delivered a eulogy for the mother of Ben Zazza, who died that day. He did so to show that it was not Rosh Chodesh.

#### HALACH UM'TZA'O R' AKIVA MEITZAR...

- **Q:** Who was depressed – was it **R' Akiva** or **R' Yehoshua**? **A:** A Braisa says it was **R' Yehoshua** who was depressed. He told **R' Akiva**, he would rather be bedridden for 12 months, than to have to be mechalel the day that he held was Yom Kippur. **R' Akiva** said, please allow me to tell you something you had taught me. The pasuk says the word “atem” 3 times to teach that the Yomim Tovim follow the days that Beis Din makes them fall out, whether they did so b'shogeg, b'mezid, or even in error. **R' Yehoshua** said “**Akiva**, you have comforted me, you have comforted me”.

#### BA LO EITZAL R' DOSA BEN HURKINAS...

- A Braisa says, the pasuk doesn't name the 70 Elders so that one can never state, “I need not listen to Beis Din, because they are not as great as the people of Moshe's Beis Din”. We don't know who was on Moshe's Beis Din, so this can't be said. We also learn from the pesukim that there is a comparison from some of the greatest leaders to some of the not great leaders, to teach us that when one becomes a leader, he is considered to be as great as the greatest of leaders, and his rulings must be followed. We also learn from the pasuk that says that one must go to the Kohein, Levi and Shofet that “will be in those days”. Obviously one can only go to the leaders of his time! The pasuk is teaching that one need not look beyond his own leaders and worry about comparing them to the leaders of the past. Finally, a pasuk also tells us not to say that the days of the past were better than today because there were better leaders. Rather, one must always follow the leaders of his generation.

#### NATAL MAKLO U'ME'OSAV B'YADO

- A Braisa says, when **R' Yehoshua** arrived, **R' Gamliel** got up, kissed him and called him his rebbi for having taught him Torah in public, and his talmid for having listened to his decree. **R' Gamliel** said, lucky is this generation where the great ones listen to the small ones, and kal v'chomer that the small ones must listen to the great ones.
  - **Q:** It is more than just a kal v'chomer, it should be an obligation for the small ones to listen to them!? **A:** What he was saying was, since even the greater ones are listening to the smaller ones, the smaller ones will make a kal v'chomer for themselves, and will listen to the greater ones.

### HADRAN ALACH PEREK IHM EINAN MAKIRIN!!!

#### PEREK RA'UHU BEIS DIN -- PEREK SHLISHI

#### MISHNA

- If Beis Din and all the people saw the new moon, or if witnesses were examined and accepted, but there was not enough time for Beis Din to say “Mekudash” before nighttime, Rosh Chodesh will have to be pushed off until the next day.
- If the only people who saw the new moon were the members of Beis Din (the Sanhedrin of 71 dayanim), 2 of them stand up and testify, and then the process of saying “Mekudash” can be followed. If 3 members of Beis Din saw the new moon, 2 of them should testify in front of the other one and at least 2 others (so that there is at least a Beis Din of 3), and they can then make the month Mekudash. This must be done, because a single judge is not enough to make the month Mekudash.

#### GEMARA

- **Q:** Why did the Mishna have to say the case of all the people and Beis Din seeing the moon? We can learn out that the month cannot be made Mekudash at night from the case of where all of Beis Din saw the new moon!? **A:** We would think that in the case when the moon was seen by all, it is known that the new month has arrived and can be done even at night. The Braisa therefore teaches that it may not.
  - **Q:** Once we have these cases, why do we need to state the case of where the witnesses were already examined? **A:** We would think that the examination is considered to be

like the opening of a court case, and the saying of “Mekudash” is like the end of the court case, and a Mishna says that a court case that was begun by day may end at night. The Mishna teaches that even in this case the month may not be made Mekudash at night. This is based on the pasuk of “Ki chok l’Yisroel hu, mishpat LeiLokei Yaakov”. It is a “chok” at the time that Mekudash is said, and the pasuk says that that is “mishpat”, meaning it must be done as a court case – i.e. by day.

RA’UHU BEIS DIN YAMDU SHNAYIM V’YA’IDU BIFNEYHEM

- **Q:** Why do they need the members of Beis Din to act as witnesses? The fact that they all saw it should be even better than hearing it from witnesses, and they should be able to declare Rosh Chodesh based on their seeing alone!? **A: R’ Zeira** said, the Mishna is discussing where Beis Din saw the new moon at night, when they can’t make the month Mekudash. Therefore, the next morning, they must rely on witnesses.

RA’UHU SHLOSHA V’HEIN BEIS DIN...

- **Q:** Why do they need the members of Beis Din to act as witnesses? You can’t say that the case is where they saw it at night, because then this would be the exact case as the previous case in the Mishna!? **A:** It is the same case. The reason we need this second case is to teach that a single judge cannot declare Rosh Chodesh. We would think that since in monetary cases an expert judge may judge alone, the same should apply regarding the new moon. The Mishna teaches that a Beis Din is needed. We learn this from Moshe, who was unquestionably the greatest expert, and yet the pasuk says that Hashem spoke to Moshe and Aharon, which teaches that Moshe needed others with him to be Mekadesh the month.
- **Q:** Our Mishna says that the 3<sup>rd</sup> member of Beis Din who saw the moon, may act as a judge to declare Rosh Chodesh. Our Mishna can’t follow **R’ Akiva**, because he says that a member of Beis Din who witnessed a murder cannot serve on the Beis Din who is judging that murder case!? **A:** It may be that **R’ Akiva** only holds that way in capital cases, because a judge who saw the murder will have a hard time finding a way to save the defendant from the death penalty (which is what Beis Din is instructed to do). However, regarding the new moon, **R’ Akiva** may allow this.