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Rosh Hashanah
Daf 26

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Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

FIRST MISHNA – THIRD PEREK

➤ The Mishna states that Beis Din can only declare “It is sanctified” by day and not by night. If only the Beis Din saw the new moon, two of them should stand up and testify in front of the others and the others will proclaim “It is sanctified.” If only the Beis Din saw the new moon but they were only three, two people should be brought to become part of the Beis Din and two of the original three should stand up to testify. (25b)

EXPLANATION OF THE MISHNA

➤ The Gemora states that we can learn from the Mishna that even if all the Jews saw the new moon, the new month does not begin until Beis din sanctifies it.

We also learn that even if Beis din concluded the interrogation of the witnesses before nightfall, they cannot proclaim “It is sanctified” by night.

The Gemora states that the case of the Mishna where Beis Din saw the new moon is referring to where they saw the moon at night. If they would

have seen the new moon by day, they would not require any witnesses at all since there is a principle that a judgment based on the hearing of testimony is not better than the judges sighting themselves.

It is learned from the case of the Mishna where a Beis Din of three saw the new moon that an individual judge cannot sanctify the new month by himself. This is learned from a Scriptural verse which states that Moshe could not sanctify Rosh Chodesh until he had others with him.

The Gemora cites a dispute between Rabbi Tarfon and Rabbi Akiva regarding the permissibility of a potential witness to become a judge. Rabbi Tarfon maintains that if the entire Sanhedrin (court of twenty-three) saw one person kill another, some of them can be the witnesses and the others can judge. Rabbi Akiva holds that they all can be witnesses but not judges since a potential witness is disqualified from being a judge.

The Gemora concludes that Rabbi Akiva will agree by the sanctifying of the new month that a potential witness can become a judge. He only



argues by capital cases where the judge will not be capable of finding any commendable evidence for the accused if he witnesses the incident. (25b – 26a)

SHOFAR OF ROSH HASHANAH

➤ The Mishna teaches us that all shofaros can be used on Rosh Hashanah except for one that comes from a cow, since a cow has a keren - horn - rather than a shofar. Rabbi Yosi permits the use of a cow's horn, arguing that all shofaros are referred to as keren. (26a)

ALTERNATIVE EXPLANATIONS FOR THE DISPUTE IN THE MISHNA

➤ Although the Mishna very specifically teaches the reasoning behind the two opinions on the use of the horn of a cow, two Amoraim nevertheless suggest alternative explanations for the disagreement.

Abaye says that the basic position in the Mishna stems from the Biblical requirement of a single shofar - not two or three shofaros. The horn of a cow is made up of several layers, so it cannot be used (Rabbi Yosi argues that we see the layers as making up a single shofar).

Ulla suggests that the basic position of the Mishna is based on the rule *en kategor na'aseh*

sanegor - a prosecuting attorney cannot become a defense attorney. Just like the High Priest cannot wear his gold garments into the Holy of Holies when performing the Yom Kippur service, similarly the horn of a cow cannot be used to call out in defense of the Jewish People. Rashi explains that the cow invokes the Golden Calf and therefore is considered a member of the prosecution. In general, gold is seen as representing vanity and a desire for material wealth, which do not seem appropriate for prayers of forgiveness. (Courtesy of the Aleph Society) (25a)

RABBAN GAMLIEL AND RABBI YEHOSHUA

➤ The Mishna referred to the ram's horn as a "yoveil." The Gemora cites a braisa proving this. Rabbi Akiva traveled to Arabia and he observed that they refer to a ram as a "yuvla." When he traveled to Galye, he observed that they referred to a niddah (menstruating woman) as a "galmudah." "Galmudah" is a connotation of the phrase "this one is separated from her husband." When Rabbi Akiva traveled to Africa, he observed that they would refer to a ma'ah (a certain coin) as a "kesitah." The Gemora offers other examples of travelers noticing the meaning of strange words. (26a – 26b)

STRAIGHT SHOFAR OR BENT

➤ The Mishna states that the shofar used on Rosh Hashanah should be from the horn of a wild

goat. Its mouthpiece should be coated with gold and there shall be two trumpets blowing at the sides of the shofar. The shofar is blown longer since the mitzvah of the day is with the shofar. On fast days, they would blow with the horns from a male animal, which were bent. Their mouthpieces would be coated with silver. Two trumpets were blown in the middle and the sound of the trumpets would be longer since the mitzva of the day is with trumpets and not the shofar. The Mishna concludes by stating that the laws of the Yovel year are similar to the laws of Rosh Hashanah. They both would use a straight shofar and there would be nine identical brochos recited by mussaf. Rabbi Yehuda maintains that on Rosh Hashanah, they would use a shofar from a male animal and on Yovel, they would use a shofar taken from a wild goat.

The Gemora explains the argument in the Mishna. Rabbi Yehuda maintains that a bent shofar should be used on Rosh Hashanah since a person should bend himself towards the ground when he is praying. The bent shofar mirrors the person's attitude of deference and humility. On Yom Kippur of the Yovel year, they would blow with a straight shofar since Yovel represents freedom. The Tanna Kamma disagrees and holds that a person should stand up straight when he prays on Rosh Hashanah and therefore a straight shofar is used and on a fast day, he should bow his mind and therefore a bent shofar is preferable. (26b)

INSIGHTS TO THE DAF

SANCTIFYING THE NEW MONTH IN ADVANCE

➤ The Rambam in his commentary to the Mishna and in Hilchos Kiddush Hachodesh (2:8,9) explains the first Mishna in the third perek to be referring to a case where witnesses saw the moon on the twenty-ninth day of the month close to sunset but Beis Din did not sanctify the new month on that day nor on the thirtieth and they finally proclaimed "It is sanctified" on the evening of the thirty-first. The Rambam writes that this teaches us a novel halacha that one should not think that the only time the sanctifying of the new month can occur is on the thirtieth because in truth, Beis Din can sanctify the thirtieth day on the twenty-ninth of the month.

Turei Even states the same idea without mentioning the Rambam. He cites proof to this concept from the intercalation of the year, where Beis Din cannot add a new month after Adar but they can decide to add an additional month to the year before Adar and even immediately after Tishrei.

Reb Itzele in Zecher Yitzchok (11) questions the Turei Even's proof. When Beis Din decides that there should be another Adar this year, they are not ruling on the future, rather they are deciding that this year should be a leap year and not a regular year. Sanctifying the upcoming month on the twenty-ninth day of the previous month is considered as ruling on the future since the preceding month has no association to this month.

The Zecher Yitzchok explains the Rambam differently. The reason Beis Din can sanctify the new month on the twenty-ninth is not because they can rule regarding the future but rather it is because they are deciding on the present. Sanctifying the new month is in fact deciding on how many days are contained in the previous month. They can decide on the twenty-ninth day that the thirtieth day will be Rosh Chodesh because in essence they are determining that this month will be comprised of twenty-nine days.

It emerges (and this can be found in sefer Poseach Shaar) that theoretically Beis Din can sanctify the new month anytime before Rosh Chodesh. Practically, it can only transpire on the twenty-ninth since the new moon is not visible until then. This can be relevant to the times that there is no Beis Din and the months are decided through calculation.

Reb Chatzkel Abromsky inquires as to what is the difference between sanctifying the new month and intercalating the year. Why can the sanctifying of the new month take place prior to the new month and the intercalating of the year can only transpire during that year? This is answered according to the Zecher Yitzchok. Beis Din, in sanctifying the new month, is not ruling on the future, rather they are deciding how many days are in the present month. Intercalating the year is a ruling which is only relevant to this year and it cannot be decided on in the preceding year.

Reb Meir Simcha cites proof to this novelty from the Yerushalmi that states the reason for not lighting the torches in Tishrei because it constitutes a desecration of Yom Tov. The halacha in Tishrei is that the messengers cannot be sent out until they hear Beis Din proclaim "It is sanctified." It is evident from here that they heard Beis Din proclaim on the twenty-ninth that the following day will be Rosh Chodesh.

BELT OF THE KOHEN GADOL

➤ The Gemora explained the reason as to why the kohen gadol cannot wear his gold garments into the Holy of Holies when performing the Yom Kippur service. This is based on the rule *en kategor na'aseh sanegor* - a



prosecuting attorney cannot become a defense attorney.

The Turei even asks that this does not explain why the avnet, the belt of the kohen gadol on Yom Kippur was different that the one he wore during the year. During the year, the belt consisted of wool and linen and on Yom Kippur, it was made only out of linen. Since there wasn't gold anyway, what was the purpose for the change?

It is written in Vayikra "You shall observe My statutes: You shall not crossbreed your livestock with different species. You shall not sow your field with a mixture of seeds, and a garment which has a mixture of shatnez shall not come upon you." (Judaica Press) The Ramban cites the Rambam in Moreh Nevuchim to explain the reason for this prohibition. It was well known that the clothes that the sorcerers used to wear when they were performing their black magic were made out of wool and linen. Their activities were performed for the sake of their idols and demons. The Torah wanted Klal Yisroel to distance themselves from idolatry and therefore prohibited the wearing of clothes that contained wool and linen. The Chinuch uses a similar analogy to explain the prohibition.

Rav Elyashiv Shlita says that it emerges from these Rishonim that one of the concepts behind the prohibition of wearing shatnez is based on idolatry. Perhaps this can explain why the kohen gadol does not wear the belt of shatnez into the Holy of Holies on Yom Kippur. A garment consisting of wool and linen is regarded as a *kategor* – a prosecutor since it bears resemblance to the idolaters clothing.

DAILY MASHAL

TEFILLAH IS REGARDED AS BEING INSIDE THE HOLY OF HOLIES

➤ The Gemora explained the reason as to why the kohen gadol cannot wear his gold garments into the Holy of Holies when performing the Yom Kippur service. This is based on the rule *en kategor na'aseh sanegor* - a prosecuting attorney cannot become a defense attorney. The Gemora explains that this principle only applies inside the Holy of Holies for that is where the Shechina resides.

The Ritva writes that one would be permitted to wear on Yom Kippur a tallis that contains gold in it since this is regarded as "outside" and not "inside." The principle of *en kategor na'aseh sanegor* only applies "inside."

Reb Akiva Eiger in his gloss on Shulchan Aruch (O”C 610) quotes from the Pri Megadim that are certain localities that have the custom not to wear gold on Yom Kippur but women and Levi’im are not included in this since they did not donate any gold for the golden calf.

In the sefer, Avodah Berurah, a question is asked that we do not find the principle of *en kategor na'aseh sanegor* by tefillah since tefillah is regarded as “outside” and not “inside.”

Sefer Chasidim (249) writes that the principle of *en kategor na'aseh sanegor* does apply by tefillah. He is referring to a case where one wrote a siddur for his friend but he didn’t write the siddur for the sake of Heaven and the friend’s prayers were never answered when using this particular siddur.

Beis Halevi in his droshos (15) explains why the principle of *en kategor na'aseh sanegor* does apply by tefillah even though the tefillah is not recited inside the Holy of Holies. It is based on the Gemora in Brochos 28b which rules that one who prays should always turn his heart towards the Holy of Holies and therefore tefillah is considered “inside.”