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Rosh Hashanah Daf 22

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Daf Notes is currently being dedicated to the neshamah of

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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

RELATIVES TESTIFYING

The Mishnah rules that a father and a son that saw the new moon may go to Beis Din; however, they cannot combine to testify together as one set of witnesses. They should both travel to Beis Din because just in case one of them becomes disqualified from testifying, the other can join a different witness to form a pair and testify. Rabbi Shimon disagrees and maintains that relatives are eligible to testify in regards to the new moon. Rabbi Yosi relates an incident where Toviah the doctor saw the moon together with his son and a freed slave. The Kohanim accepted Toviah and his son as witnesses but disqualified the slave. When they arrived in Beis Din, Tovia and the slave were accepted as witnesses but not the son. (22a1)

Rabbi Levi said: what is the reason of Rabbi Shimon? It is written: Hashem said to Moshe and to Aaron in the land of Egypt, saying; This month shall be to you [the head of the months] – the testimony regarding the new moon is valid through you (i.e., Moshe and Aaron together even though they were brothers). And the Rabbis? — [It implies]: this evidence shall be entrusted to you.¹ (22a1)

The Mishnah had stated: Rabbi Yosi relates an incident where Toviah the doctor etc. Rav Chanan bar Rava said:

The law is as stated by Rabbi Shimon. Said Rav Huna to Rav Chanan bar Rava: We have Rabbi Yosi and an incident [on the other side], and you say that the law is as stated by Rabbi Shimon! — He replied: Many times I said in the presence of Rav: The law is as stated by Rabbi Shimon, and he did not correct me. He then asked him: How did you repeat [the Mishnah]? — He [Rav Chanan] replied: [I repeated it to him with the names] reversed. He [Rav Huna] thereupon said to him: That was the reason why Rav did not correct you. Tavi the son of Mari Tavi said in the name of Mar Ukva: The law is as stated by Rabbi Shimon. (22a2)

INELIGIBLE TO TESTIFY

The Mishnah enumerates different types of people that are Rabbinically disqualified from testifying. One who plays with dice, lends with interest, gambles on dove races, engages in business with Shemittah produce or slaves are all ineligible to testify. The Mishnah offers a rule regarding this that any testimony where a woman is ineligible to testify, these people are disqualified as well. (22a2 – 22a3)

The Gemora infers from the Mishnah regarding testimony that a woman is eligible to testify, these people are eligible as well. Rav Ashi said: It would emerge that a robber on the Rabbinical level will be

¹ They, and the greatest sages of each generation, are entrusted to receive the testimony; nothing, however, is implied regarding relatives testifying.

eligible to testify in regards to allowing a woman to remarry.² (22a3)

ASSISTANCE WITH TRAVELLING

The Mishnah states regarding one who saw the moon but is unable to travel to Beis Din; they may bring him [even on the Shabbos] by a donkey or carry him on a bed. If they were wary about an ambush, they were allowed to carry sticks with them to be utilized as weapons. If the distance to Yerushalayim was extremely far, they would be permitted to take food with them, since for as much as a night and a day's journey, they were allowed to desecrate the Shabbos and go forth to testify to the appearance of the new moon, as it says: These are the appointed times of Hashem . . . which you shall proclaim in their fixed time.³ (22a3)

WE SHALL RETURN TO YOU, ARBAAH ROSHEI SHANIM

RECOGNIZING THE WITNESS

The Mishnah states that if the Beis Din will not recognize the witnesses, the local Beis din will send along another fellow (one who is recognized) to testify regarding the witness that he is indeed trustworthy. Originally, Beis Din accepted testimony from any Jew but when the Baysussim (those that adhered to the Written Torah only and despised the Chachamim) began obstructing the procedure of sanctifying Rosh Chodesh (by testifying falsely), the Chachamim established that Beis din will accept testimony only from witnesses that they recognized. (22a4)

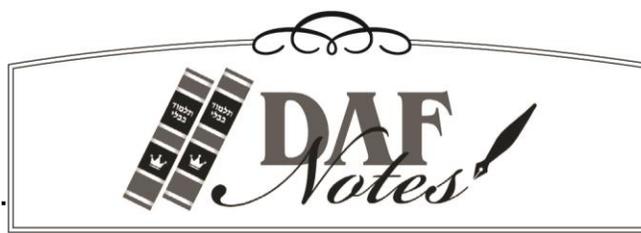
² There was a leniency that a woman is permitted to testify that her husband died enabling her to remarry.

³ They were permitted to begin traveling on Shabbos providing that they will reach Beis din before the end of the Shabbos.

GEMARA: What is meant by 'another'? [I would naturally suppose], one other person. But [is the word of] one person to be believed? Has it not been taught: On one occasion he came accompanied by the confirming witnesses⁴? — Rav Pappa replied: What is meant by 'another'? Another pair. This view too is borne out by an examination [of the language of the Mishnah]. For should you hold otherwise, [consider the words] If that one [oso] is not known to them. Now what is referred to by 'that one'? Shall I say, a single person? But is [the word of] one person accepted, seeing that the word judgment is used in connection with it? But in fact what is meant by 'that one'? That pair. So here, what is meant by 'another'? Another pair. - But isn't the word of one witness taken [in this matter]? Has it not been taught: On one occasion Rabbi Nehorai accompanied the witness to testify about him on Shabbos in Usha? — I can reply that there was another witness along with Rabbi Nehorai, and the reason why he was not mentioned was out of respect for Rabbi Nehorai. Rav Ashi said: In Rabbi Nehorai's case there was [already] another witness in Usha, and Rabbi Nehorai went to join his testimony with his. If that is the case, what is the point of the statement? — You might think that we do not allow the Shabbos to be desecrated [by one witness] where there is any doubt [about the other]. Hence we are told [that this is not so].

When Ulla came [to Babylonia], he announced that they had sanctified the New Moon [on a certain day] in the West [Eretz Yisroel]. Said Rav Kahana: Not only [in such a case] do we take the word of Ulla who is a great man, but we take the word of any ordinary man. What is the reason? Because whenever a thing is bound to come to

⁴ As it's written in the plural, we see that two witnesses are required to confirm him.



light later on, men do not lie about it. It has been taught to the same effect: If a man comes from the other end of the world and says: The Beis din have sanctified the New Moon, he is believed. (22a4 – 22b2)

THE BAYSUSSIM'S PLOY

The Mishnah had stated: Originally, Beis Din accepted testimony from any Jew etc. The Gemora cites a Baraisa: what disruption did the Baysussim perform? One time, the Baysussim wanted to deceive the Sages. They hired two people for four hundred zuz,⁵ one of ours⁶ and one of their own. They arrived in Beis Din and the Baysusse gave his testimony and left. When the one witness of ours testified, they said to him: Tell us how you saw the moon. He said to them: I was walking up Maaleh Adumim and I saw the moon crouched between two rocks, its head had the appearance of a calf, its ears resembled a young goat, its horns were like a deer's horns and its tail was between its legs. I looked at it and I became shocked and fell backwards. And if you do not believe me, here are the two hundred zuz bundled in my cloak (that I received in order to testify falsely). They said to him: who asked you to do this? He said to them: I heard that the Baysussim were looking to deceive the Sages, so I said [to myself], I will go and let them know I will do it (in order to foil their plot), for otherwise, unworthy people will come and deceive the Sages. They said to him: The two hundred zuz are given to you as a present and the one that hired you should be stretched out on the post (he should be taken out to receive lashes). It was at this time that they instituted to only accept witnesses that were recognizable to Beis Din. (22b2 – 22b3)

⁵ They hired false witnesses to testify that they saw the moon on the night of the thirtieth.

⁶ They didn't know that one of the witnesses was not loyal to their beliefs.

MISHNAH: In early times they used to light torches,⁷ but on account of the mischief of the Cutheans⁸ the Rabbis ordained that messengers should go forth. How did they light the torches? They used to bring long poles of cedar and reeds and balsam wood and flax fluff which they tied to the poles with a string, and someone used to go up to the top of a mountain and set fire to them. And he would wave them back and forth and up and down until he saw the next one doing the same thing on the top of the second mountain; and so on the top of the third mountain. And at which points did they light the torches? From the Mount of Olives [in Jerusalem] to Sartava, and from Sartava to Grofina, and from Grofina to Chavran, and from Chavran to Beis Baltin. The one on Beis Baltin did not move from there, but went on waving back and forth and up and down until he saw the whole of the diaspora before him like one bonfire. (22b3 – 22b4)

GEMARA: How do we know that the word *massi'in* connotes 'burning'? — Because it is written: *va-yisa'em*, David and his men, and we translate in the [Aramaic] targum: and David burned them. (22b4)

Our Rabbis taught in a Baraisa: Torches are lit only for the Rosh Chodesh which has been seen at its proper time, [to announce that] it has been sanctified. When are they lit? On the night following its announcement. This means to say that we light torches for defective months but not for full months. What is the reason? — Rabbi Zeira said: It is a precaution on account of a deficient month which ends on Friday. [In that case] when do we light? On the termination of Shabbos; and

⁷ They indicated the new moon outside Jerusalem by means of fire signals whether the day just elapsed was the 30th of the past month or the 1st of the coming month.

⁸ In lighting torches at other times to confuse the Jews.

if you were to insist that we should light up also for full months, this might give rise to confusion, since people would say: This month may be deficient, and the reason why torches were not lit yesterday is because it was impossible, or perhaps it is full and they are lighting up at the proper time. But why should we not light up whether for a full month or a deficient month, and when Rosh Chodesh is on Friday not light up at all, so that since we do not light at the termination of Shabbos, in spite of the fact that we usually light for a full month, people will know that it is deficient? — This nevertheless may lead to errors, since people will say: This month is full, and the reason why they have not lit up is because they have been prevented. But why not light up for the full months and not at all for the deficient months? — Abaye replied: So as not to deprive the public of two working days. (22b4 – 23a1)

INSIGHTS TO THE DAF

RETROACTIVE ADULTS

The Mishnah lists different types of people that are ineligible to testify regarding the sighting of the new moon. The Minchas Chinuch (4) inquires as to what the halacha would be regarding the ability of a minor to testify that he saw the new moon. Beis Din does not accept the testimony of a minor, however, what would be the halacha if the minor would become an adult through his testimony. If a boy was born on Rosh Chodesh Nissan and thirteen years later wishes to testify that he witnessed the new moon. At the time of his testimony, he is a minor but if they accept his testimony and sanctify the day as Rosh Chodesh, it would emerge that retroactively, he is already an adult from the night before and therefore his testimony can be accepted.

The Minchas Chinuch states that it would be dependent on two answers of Tosfos in Makkos (2). There is a principle that in order for a testimony to be valid it must be a testimony that has the ability to be disqualified by making them "eidim zom'min" (conspiring witnesses). "Eidim zom'min" means that two witnesses testify regarding a certain incident and another set of witnesses disqualify that testimony by saying that the first set of witnesses were with them in a different place at the time that the first set of witnesses claim that the act took place. The first witnesses are termed "eidim zom'min." The Torah commands that the second set of witnesses are believed, rather than the first. In general, they would be punished with the punishment they tried to inflict. Tosfos discusses if this principle applies also to the witnesses who are testifying that they saw the new moon. If minors would testify, we would not be capable of making them "eidim zom'min" since witnesses can only become "eidim zom'min" prior to Beis Din acting on the testimony and in this case, that would be before Beis Din sanctifies the day to be Rosh Chodesh. At that juncture, they are still minors and they could not become "eidim zom'min." However, Tosfos cites an opinion that witnesses testifying on the new moon do not have this requirement and therefore the minor's testimony can be accepted since retroactively they would be regarded as adults at the time in which they testified.

HaRav Elyashiv shlita does not understand the Mibchas Chinuch at all. He comments that if all that would be required is for Beis Din to clarify that this day is Rosh Chodesh, perhaps the clarification can be accomplished through the testimony of minors who retroactively will be adults if it is Rosh Chodesh. However, that is not the case. Beis Din must listen to testimony, analyze their words and issue a decision sanctifying the new month. If these witnesses are minors at the time, Beis Din

doesn't even have the ability to listen to them since they are disqualified from offering testimony.

DAILY MASHAL

AN EXTRA DAY OF REST

In Biblical and Talmudic times one could not consult a calendar to know when Rosh Chodesh was. It was the Sanhedrin in *Eretz Yisrael* which determined the beginning of a new month based on the testimony of two reliable witnesses who saw the new moon.

Getting the word to the Jewish community in Babylon presented a challenge. At first the message was communicated through fire signals from mountain top to mountain top until it was acknowledged in the city of Pumpedisa, which then spread the word to the rest of Babylon. This practice ran into trouble when the Kutim, hostile to rabbinical control over the calendar, misled the people by sending erroneous signals. It was therefore replaced by a system of human messengers.

The fire signal system was used only when Rosh Chodesh was declared on the 30th day of the previous month. In such case, the signals were sent on the night following that 30th day. If, however, the Sanhedrin allowed the previous month to become a "full month" of 30 days by declaring Rosh Chodesh on the thirty-first day, then no signals were sent; everyone understood from the absence of the signal that Rosh Chodesh had been set for that day.

The gemara explains why no signals were sent when Rosh Chodesh followed a "full month." This was because of the confusion which would arise when Rosh Chodesh was declared on Friday and no fire signal could be sent at night because of Shabbat. If a signal were sent the next night, Saturday night, it would be unclear

whether it was a postponed signal that Friday was Rosh Chodesh, or an on-time signal that Shabbat was Rosh Chodesh. By avoiding signals for "full months," they could be sure that the signals sent on Saturday night would be understood as communicating that Friday was Rosh Chodesh.

But why not do it the other way, asks the gemara, and limit signals to a Rosh Chodesh following a "full month?" Should the Rosh Chodesh following a 29-day month be set on Friday, no signals would be sent and people would understand that Rosh Chodesh had followed an incomplete month. The gemara's explanation is that the people waiting for the signal due on the night following the 31st day would have to keep two days Rosh Chodesh, because perhaps the 30th had been declared Rosh Chodesh and no signals would be forthcoming at all. By making the signals on the night following Rosh Chodesh set on the thirtieth day, they let people know that tomorrow was no longer Rosh Chodesh.

Rashi explains the ramifications of such knowledge in terms of Rosh Hashana, when an unnecessary extra day of holiday would mean a serious loss of time for productive labor. Tosefot, however, suggests that the same consideration applies to any Rosh Chodesh because it was the custom not to work on Rosh Chodesh. Even though Rosh Chodesh was given to the women as a holiday from regular labors as reward for not contributing their jewelry to the creation of the golden calf, this abstention from work somehow affected the menfolk as well.