

OVERVIEW of the Daf

1) Sanctifying the new month (cont.)

An incident related to the sanctification of the new month is recorded.

R' Yochanan issued a ruling related to the observation of two days of Yom Tov in the Diaspora.

A related incident is recorded.

Two incidents related to the observation of two days of Yom Kippur are presented.

R' Huna bar Avin sent instructions to Rava for keeping the seasons in their correct time.

R' Nachman offered advice for those traveling at sea how to determine the correct time to destroy chometz.

2) MISHNAH: The Mishnah discusses when witnesses are permitted to violate Shabbos to come to Yerushalayim to testify about the new month.

3) Sending out messengers

A contradiction is noted between the Mishnah and a Baraisa regarding the number of months the witnesses are sent out to announce the sanctification of the new month.

Abaye resolves the contradiction and explains that our Mishnah refers to those months where the witnesses wait for Beis Din to make their declaration before the witnesses depart.

A Baraisa supports this distinction.

A Baraisa identifies the source in the Torah that permits witnesses to desecrate Shabbos to testify.

A Baraisa expands on the evolution of the halachah of allowing the witnesses to desecrate Shabbos to testify about the new moon.

4) MISHNAH: The Mishnah records a dispute and a related incident regarding the circumstances necessary for witnesses to desecrate Shabbos to testify about the new moon.

5) עליל

R' Avahu identifies a pasuk that indicates that the word עליל means clarity.

6) Moshe Rabbeinu and Shlomo HaMelech

A dispute between Rav and Shmuel is recorded that relates to the pasuk quoted as to whether Shlomo HaMelech was as knowledgeable as Moshe Rabbeinu. ■

Distinctive INSIGHT

Eyewitnesses desecrating Shabbos in order to arrive at Beis Din

על שני חדשים מחללין את השבת על ניסן ועל תשרי שבהם שלוחין יוצאין לסוריה ובהן מתקנין את המועדות

Eyewitnesses are permitted to desecrate the Shabbos when necessary in order to inform the Beis Din that they had sighted the new moon. Accordingly, Rosh Chodesh will be declared at its proper time. Rashi, points out that the eyewitnesses themselves who saw the new moon are the ones who may desecrate the Shabbos in order to come forth and testify. When the Beis HaMikdash was in existence, they could desecrate the Shabbos for the sake of any of the months of the calendar year. After the Beis HaMikdash was destroyed, Shabbos could be desecrated only for the months of Nisan and Tishrei. Why could Shabbos be desecrated for these months and no others?

In The Commentators' Rosh Chodesh, Rabbi Yitzchok Sender explains that the reason Shabbos can be desecrated is a matter of dispute among the Rishonim. Rashba explains it is in order to fulfill the mitzvah of sanctifying the month by means of eyewitnesses. Meiri explains that this only applies to Nisan and Tishrei. The mitzvah of Kidush HaChodesh is written in reference to the month of Nisan (Shemos Ch. 12), indicating that the mitzvah must take place even if this means that Shabbos would be desecrated as a result. Tishrei is also included because of its similarity to Nisan, for it too determines on which day the forthcoming holidays will occur.

Rashi and Tosafos maintain that since Rosh Chodesh is called a festival—מועד—the Shabbos can be superseded for the sake of the particular mitzvah. For example, the daily offering is brought on Shabbos, since the word במועד is written in its context. Rabeinu Chananel points out that since an additional offering, a קרבן מוסף, is to be brought on this day of Rosh Chodesh, just as on Shabbos, the Musaf supersedes Shabbos. This leads us to conclude that the process of sanctifying the new moon based upon eyewitness reports must occur, even at the point of desecrating the Shabbos, in order to have the witnesses arrive at Beis Din. ■

HALACHAH Highlight

The validity of a lie-detector test in Bais Din

בקש קהלת לדון דינין שבלב שלא בעדים ושלא בהתראה יצתה בת קול ואמרה לו 'וכתוב ישר דברי אמת' על פי שנים עדים

Koheles thought to render judgment using [his understanding of the] heart, without witnesses and without [the use of a proper] warning. A Heavenly Voice came out and said to him, "And the words of truth are recorded properly," [and the Torah states] "Through the testimony of witnesses etc."

The Gemara in Yoma¹ teaches that manna was called "גד" because it would relate information about the Jewish People. How so? If a dispute was presented to Moshe Rabbeinu and the plaintiff claimed, "You stole my slave!" and the defendant responded, "You sold him to me," Moshe would tell them that justice would be determined in the morning. The next day, if the slave's manna appeared in front of the plaintiff's tent it was proof that the slave was stolen. On the other hand, if the slave's manna appeared by the defendant's tent it was proof that the slave was legally purchased. Commentators² question the validity of this method of judgment when our Gemara, amongst other places, states that Torah is not in Heaven and Divine Spirit may not be utilized when rendering judgment.

Maharam Chaviv³ answers that Moshe Rabbeinu ruled according to halachic principles, and the manna was merely used to prove that his ruling was correct. Rav Moshe Teitlebaum⁴, the Haishiv Moshe, writes that Moshe did utilize ruach hakodesh to render judgment, but in that situation it was permitted because

REVIEW and Remember

1. Why did Levi refrain from telling the Babylonians when Beis Din declared Rosh Chodesh?

2. What is an indication that it is necessary to make a leap year?

3. What is the difference in the way messengers are sent for Tishrei and Nissan and the way messengers are sent for other months?

4. What is the dispute regarding Shlomo HaMelech's wisdom?

the Jewish People invested in him the authority of two witnesses.

Based on the Torah's insistence that justice should be rendered based on the testimony of witnesses rather than through other means, Poskim⁵ write that lie detector tests may not be used to determine whether one of the litigants is telling truth in his claim. If Shlomo HaMelech was not permitted to utilize ruach hakodesh the authority of a lie detector test is certainly not acceptable. ■

1. גמ' יומא עה
2. ע' לקמן וספר פני דוד מהגאון חיד"א בשלח אות י"ח ושו"ת חת"ס אר"ח סי' ר"ח
3. תוספת יום כיפורים לגמ' יומא הנ"ל
4. שו"ת השיב משה אה"ע סי' ס"ה אות י"ג
5. ע' ספר פעמי יעקב ט"ו עמ' ל"ד ■

STORIES Off the Daf

The Binah of the sages

חמשים שערי בינה נבראו בעולם וכולן נתנו למשה חסר אחד

On today's daf we find that the "light of the moon" that is seven-fold alludes to the forty-nine of the fifty gates of בינה that were granted to Moshe Rabbeinu (see Rashi, ד"ה חמשים שערי בינה). Shlomo HaMelech asked to receive them as well. Like Koheles, the Rabbonim and Dayonim are in need of special degrees of understanding and intuition in order to render proper judgments.

During the time of the Chasam Sofer, zt"l, Hungary saw the rise of a new "progressive" Jewish movement that was aligned with the Haskalah, which the

Gadol opposed with all his powers. Once, the leaders of the sectarian movement in Hungary decided that the best way to promote their cause would be to discredit the Chasam Sofer once and for all. However, his princely and sterling qualities placed him beyond reproach, so it was impossible to malign his good name. They reasoned that if they could only make him look thoroughly foolish, his prestige would be ruined. After much deliberation, they came up with a plan. They would find two men from a distant town who would masquerade as a married couple seeking a גט. They would rehearse until no one could tell that the "woman" was a man, and then the "couple" would present their airtight case before the great Chasam Sofer. When it would be made public that the Gadol HaDor had given a divorce to two men,

his reputation would be destroyed.

They followed through with their plan to the letter, and indeed, the men were remarkable actors and could not be distinguished from a real married couple on the verge of divorce. They made their way to the Beis Din, presented their arguments, were admitted by the gabbaim, and underwent a lengthy interview with the Rav. It seemed as though all was going well, when suddenly the Chasam Sofer asked both claimants, "Now, what makes you think that I would give a גט to two men?" Naturally, the two ran out of there as fast as they could!

Later, when the gabbaim asked how he had known that the "woman" was really a man—they hadn't been able to tell at all—the Chasam Sofer said, "I just knew!" ■