

OVERVIEW of the Daf

1) The position of the moon

A contradiction between two Baraisos concerning the witnesses' response to the position of the moon is presented and resolved.

2) A discrepancy in the testimony

A Baraisa elaborates on when a discrepancy between the testimony of the two witnesses disqualifies their testimony and when it does not.

3) "Seeing" the moon

A Baraisa lists cases when the testimony of the witnesses is not accepted because it is not considered as if they "saw" the moon.

A detail of the Baraisa is clarified.

Another Baraisa teaches that if the witnesses saw the moon but when they went to look for it a second time it could not be found, they may not testify that they saw the new moon.

4) MISHNAH: The procedure of Beis Din's declaration of Rosh Chodesh is described.

5) Clarifying the Mishnah

The source that the head of Beis Din declares the new month sanctified is identified.

The source that the people respond that the new month is sanctified and that the word **מקודש** is repeated is identified.

A Baraisa records a dispute concerning which day Beis Din makes the declaration "**מקודש**".

R' Yehudah in the name of Shmuel ruled like R' Elazar bar Tzadok that Beis Din does not make the declaration of **מקודש** when Rosh Chodesh is the 31st.

Abaye suggests a proof to this ruling, which is rejected.

6) MISHNAH: The Mishnah relates that R' Gamliel had a chart in his house with images of the moon to use to question people who saw the new moon.

7) Images of the moon

The Gemara challenges how R' Gamliel could have had images of the moon when there is a prohibition against making such images.

Abaye suggests that prohibition applies only to those images that can be replicated, which does not include the moon.

Additional issues (e.g. what images are included in the prohibition, is the prohibition against owning them, serving them or making them, etc.) related to the prohibition against images are examined.

The Gemara concludes with three explanations as to why it was permitted for R' Gamliel to possess images of the moon.

8) MISHNAH: The Mishnah begins to relate the incident involving a dispute between R' Gamliel and R' Yehoshua regarding the acceptance of testimony and the controversy that ensued. ■

Distinctive INSIGHT

Declaring the date of Rosh Chodesh

בין שנראה בזמנו בין שלא נראה בזמנו מקדשין אותו. ר' אליעזר בר' צדוק אומר אם לא נראה בזמנו אין מקדשין אותו

In The Commentators' Rosh Chodesh (pgs.328-335), Rabbi Yitzchok Sender clarifies the classic opinion of Ritva who says that if the Beis Din does not designate the day of Rosh Chodesh then the subsequent holy days cannot be observed. He bases this contention upon a Gemara in Chullin (101b) where the government once enacted laws to prevent religious practices. When they did not allow the Beis Din to declare Rosh Chodesh, observance of Yom Kippur was suspended. It was only observed on Shabbos (although it was not the correct date, so that it not be forgotten). We see that if the Beis Din does not declare Rosh Chodesh day, then Yom Kippur, as well as other holidays, cannot be observed as prescribed by the Torah.

Our Mishnah teaches about the process of interrogating the witnesses and declaring the day of Rosh Chodesh. Three opinions are recorded. Tanna Kamma holds that Beis Din always declares the new month, whether it occurs on the 30th day or what would have been the 31st of the previous month. R' Eliezer ben Tzaddok says that Beis Din only makes their declaration if they hear about the moon on the 30th (the expected time). If the moon is seen later, the month "has already been sanctified in Heaven." In a Baraisa in the Gemara, R' Elazar ben R' Shimon says that we never sanctify the moon. According to him, the mitzvah of sanctifying only applies to **יובל**.

Sefer **כלי חמדה** raises a question against Ritva. The conclusion of the Gemara is that the halachah follows R' Elazar ben Tzaddok, and if Beis Din does not declare Rosh Chodesh on the 30th of the previous month, then the 31st becomes sanctified automatically. How, then, can Ritva say that if Beis Din does not declare a day of Rosh Chodesh then all subsequent holy days cannot take place?

In **משנת יעב"ץ**, HaRav Betzalel Zolti, ז"ל, answers that there are two laws which determine the designation of Rosh Chodesh. One is designating the day of Rosh Chodesh, and the other is the sanctifying of the month. Designating is done by Beis Din consenting to the 31st as being Rosh Chodesh. This is a critical factor, as noted by Ramban (ibid.). We must say that Ritva recognizes either the sanctification or consent of Beis Din as valid processes to determine the date of the month. ■

HALACHAH Highlight

Reciting Kiddush Levanah on the moon that was seen through glass

תנו רבנן ראינהו במים ראינהו בעששית וכו' אין מעידין עליו

The Rabbis taught in a Baraisa: We saw it (the moon) [reflected] in the water, [or] we saw it [reflected] through a lantern (made of glass) etc. they cannot testify about it.

Teshuvos Dvar Shmuel¹ questions whether one may recite Kiddush Levanah if he saw the moon through glass rather than directly. His conclusion is that it is allowed and he cites our Gemara as proof. The reason one may not recite Kiddush Levanah if the moon was seen reflected through a lantern is because it may not be the moon that he sees but rather a cloud shaped like a crescent. If, however, there were other people outside who could testify that it is the moon rather than a cloud it would certainly be permitted for the person behind the glass to recite Kiddush Levanah.

Rav Yaakov Reisher², the Shvus Yaakov, objects to this proof. The case of the Gemara does not refer to a person who is looking at the moon through the lantern with the glass merely being an intervening object between his eyes and the moon. Rather, the Gemara refers to a case where the reflection of the moon is what is visible on the lantern. This would be consistent with the previous case of the Baraisa of one who sees the moon reflected on the water. This is also Rambam's understanding of the Gemara³. Despite Shvus Yaakov's opposition to the proof he agrees with

REVIEW and Remember

1. When is a discrepancy between the witnesses regarding the appearance of the new moon ignored?
2. Why did R' Gamliel have images of the moon in his attic?
3. What material was used by the Chashmonaim when they fashioned a temporary menorah?
4. What are the three reasons that permitted R' Gamliel to retain images of the moon in his possession?

the conclusion that it is acceptable to recite Kiddush Levana on the moon that is seen through glass.

Shvus Yaakov cites Teshuvos Halachos Ketanos⁴ who refers to another Gemara as proof that seeing something through glass is the same as seeing it directly. The Gemara Berachos⁵ states that it is prohibited to recite Krias Shma if an ערוה is visible through glass. Clearly, the Gemara does not see a deficiency with seeing something through glass. Consequently, we can rule that one may read from the Torah through glasses. ■

1. תשובת דבר שמואל סי' רמ"ב ומובא דבריו בברכי יוסף או"ח סי' רכ"ד
2. שו"ת שבות יעקב ח"א סי' קכ"ו
3. רמב"ם פ"ב מהל' קידוש החודש ה"ה
4. שו"ת הלכות קטנות ח"א סי' צ"ט
5. גמ' ברכות כה ■

STORIES Off the Daf

Rabban Gamliel's students

דמות צורות לבנה היו לו לרבן גמליאל

Rabban Gamliel used models that represented the moon in various positions as a teaching tool to give guidance to students who felt drawn to the ways of the Tzedukim and Baitusim. He would use them to demonstrate which shape the new moon would take and in what position it would be before the witnesses even arrived with their testimony. Rabban Gamliel was able to anticipate the empirical evidence of the witnesses because he knew the sod ha'ibbur, the mysteries of astronomical calculation. This display of knowledge was his way of winning the minds and hearts of students

who might otherwise have been attracted to sectarian movements and who were at risk of leaving the tradition altogether.

Someone once asked the Alter of Novhardok, zt"l, why he was always encouraging a way of being that he called hefkeirus. What he meant by this is doing one's utmost for another without taking into consideration the personal cost in terms of one's own time, energy, or attention. He found that one who truly does his utmost to help others at the expense of his own "spiritual growth" is given a measure of assistance from Above that others are denied.

A Rav once came to him and said, "I know it is my responsibility to present challenging lectures to my students, and I work hard to prepare them. I doubt, though, that I am responsible to expend the energy that it would take to find out

about every detail of my students' lives. How can I possibly be expected to take the time to know how each one behaves with his friends outside the yeshiva, and how he comports himself in the house where he stays? This will interrupt my own personal growth!"

The Alter responded, "If that's how you feel, then you might as well close your yeshiva now! Soon you will be lecturing to an empty room, anyway! If you know your students completely, you will know how to deal with each one individually. If we don't know our students intimately, we will not know how to really help them withstand the challenges of the times or their personal difficulties and troubles. We can't wait for them to come to us! We must know them and give them what they need before it's too late. ■

