

Daf Hashvuah Gemara and Tosfos Rosh Hashana Daf 2
By Rabbi Chaim Smulowitz
Tosfos.ecwid.com
Subscribe free or Contact: tosfosproject@gmail.com

Daf 2a

There are four types of Rosh Hashanos.

Tosfos observes: in all places, the Tanna adds the word ‘Hein’ (i.e., there are), like it’s brought here, and Tosfos brings many other instances. However, it doesn’t write ‘Hein’ in Bava Kama when it says; “four primary damagers.” That’s because; the statement continues to what’s written afterwards, i.e., “which the reason to obligate to pay one damage is not like the other.” The proof (that this is the reason why it doesn’t write ‘Hein’) since the listing of the damagers of the Braisos of R’ Chiya and R’ Oshiya (that don’t write the clause of “the reasons to obligate are not similar”) does write ‘Hein.’

The first day of Nissan is Rosh Hashana for kings and festivals. The first of Elul is Rosh Hashana for Maasar Behaima. R’ Eliezer and R’ Shimon say it’s the first of Tishrei. The first day of Tishrei is the Rosh Hashana for years, Shmita, Yoval, saplings (regarding Orlah), and for vegetables. The first of Shvat is the Rosh Hashana for trees according to Beis Shammai. However, Beis Hillel says it’s the fifteenth of Shvat.

The Gemara asks: regarding which Halacha do we say that the first of Nissan is Rosh Hashana for kings? R’ Chisda answers: regarding documents.

Tosfos quotes Rashi: the reason why you must date the documents according to the king’s years is for promoting peace with the kingdom (that we show that we honor them by using the king’s reign to date the document).

However, Tosfos says that this is not the case. After all, we’re dealing here with Jewish kings (that no longer reign). It’s only regarding Gitten does Ulla (in Mesechta Gitten say) we need using the reign of the present king because of promoting peace within the kingdom. And only regarding Gitten do we say they’re invalid if dated (not by the present king), but even with a proper kingdom or (an ancient kingdom) like those of Madai and Greece. *(See text of Tosfos HaRosh).*

However, our Mishna refers to regular documents that we say in Mesechta Avodah Zara that they counted the years from the reign of Greece. (Also, the Gemara later concludes that our Mishna refers to Jewish kings only. However, for non-Jewish kings, we count from Tishrei.) We must say the rabbis didn’t need you to write the date from the present king’s rule but by Gitten, since it’s a big deal and very Chashuv since it permits woman to remarry. Therefore, it’s more Chashuv than other documents, (so, the government cares more).

As we learned: a loan document whose date is earlier than the loan is invalid, but if it’s later than the loan, it’s valid.

Tosfos explains: at the end of the fifth Perek of Bava Metzia, Rashi explains that earlier-dated documents are only invalid to collect from sold land (since you can’t say that you have a lien on them), but you may collect from land the borrower still possesses. However, this can’t be as we explained there (that it’s completely invalid).

(So, we need to know the start of the year to know what year it was written in, to know if the date is

earlier or later than the loan.)

Tosfos quotes Rashi: if we don't make a specific day for the beginning of the king's year, but we consider the day he was crowned as the beginning of his years, sometimes it would be hard to pinpoint when it was written. For example: if it was written "in Kisleiv in the king's third year". Witnesses come and say that they did not see the actual loan, but the borrower told us to sign, as we say that you can make a document for the borrower even if the lender is not there. However, we saw that he loaned him in Tamuz in the third year. Hence, we sometimes wouldn't be able to figure out if Tamuz was before Kisleiv, or if Kisleiv was before Tamuz. If the year started between Tamuz and Kisleiv, then Kisleiv precedes Tamuz in all his years. If he was crowned between Kisleiv and Tamuz, it comes out that Tamuz always precedes Kisleiv in his reign. However, now that they established Nissan to be Rosh Hashana, Tamuz always precedes Kisleiv. This would only work if the borrower and lender agree that the document and the seen loan was the same loan. Otherwise, how would we know to connect them?

Tosfos asks: it implies from Rashi that we would have considered it to be invalid if we had a Safeik if the document's date precedes the loan, so they needed to establish Nissan the Rosh Hashana so that we can be sure that the date was after the loan. However, this can't be since we don't invalidate any document for perhaps it's dated before the loan. As we see in Sanhedrin, if a document has the date of the first day of Nissan in the Shmita year. If witnesses come in and say; how can the document's witnesses testify to this since they were with us at that date, the witnesses and document are valid, since it's possible that they wrote the document on a later date than which they saw the loan. So, when we're in doubt when it was written, we assume it was written in a way to validate the document, (and not to invalidate). The same we find in Bava Basra that if you find a document that was dated for Shabbos or for the tenth of Tishrei, it's valid since we assume that they signed it earlier (but wrote a later date).

However, Tosfos says that we could have explained it the opposite. Since it's written in the document Tamuz of the third year and the witnesses testify that the loan took place in Kisleiv of the third year, therefore, we would have said that we would make it Kosher because of the Safeik unless we established Nissan as the beginning of the year and we'll know that the date was before the loan since Tamuz always precedes Kisleiv.

However, Tosfos asks: his main point in his explanation is very difficult. How can they make an enactment for, perhaps, everyone will forget the date the king was crowned.? Also, you'll have to assume all the scribes forgot too, despite writing documents daily.

Another question: if so, we could have written many more practical differences concerning the date. After all, they wouldn't know what to write in the document in the first place, since they don't know the date the king was crowned.

Another problem: Abaya would hold that such a document won't be an earlier-dated document, since he holds in Bava Metzia that the witnesses signing the document makes the borrower owe (even if the loan didn't take place yet). [So, if someone would collect from sold property that were sold after the date it was written and before the loan, he would be collecting them legally.]

Even according to R' Assi who argues with Abaya (would hold you can't get an earlier signed document). After all, that, which it says that you can write a document for the borrower when the lender is not there, is only when you make an acquisition to obligate yourself to pay from this date even if the loan wasn't given yet.

Therefore, Tosfos explains the phrase “the (practical) difference is an early dated document” as follows: let’s say they crowned the king on the first of Nissan, when it reaches the next first of Nissan, the scribe would think that the king was crowned last year on the second of Nissan, since it’s apt for someone to mistake it by a day. Therefore, he would write “the first of Nissan in the king’s first year.” Thus, it was dated from a year earlier, since it really was the second year, and he dated it as the first year. Then, Beis Din will collect from buyers of the borrower’s field an extra year which the law doesn’t allow (since the lien only started a year later). However, now that they established the first of Nissan to be Rosh Hashana, it will never come to such a mistake. After all, even if the king was crowned on the second of Nissan of last year, when it reaches the first of the next Nissan, we’ll count it as the next year.

Tosfos asks: we can still say that there can be a mistake. After all, if he was crowned on the twenty-ninth of Adar the first year, when it will reach the twenty-ninth of Adar of the second year, if he thinks he was crowned on the first of Nissan, and therefore, writes this to be the twenty-ninth of Adar of the first year and it would be dated a year early.

Tosfos answers: this will not lead to a mistake. After all, if he was crowned on the twenty-ninth, right away on the first of Nissan (the next day) they start writing that it’s his second year, therefore, the scribes would know to write “the second year” on all the documents of that year, so there won’t be any mistake.

There is another opinion in the Yerushalmi what’s the practical difference between the opinion whether we count from Nissan or Tishrei. If a loan was written in Iyar of the second year and a land sale was written in Cheshvon of the second year. If we’re counting from Nissan, then the loan was first (so he can collect from the land that was sold). If we count from Tishrei, the sale was first. However, this is a separate idea (just a practical difference) but not explaining the reason they needed to establish Nissan the beginning of the year.

We learned: if they crowned a king on the twenty-ninth of Adar, once it reaches the first of Nissan (on the next day), we consider that he’s finished his first year. However, if he wasn’t crowned until the first of Nissan, we don’t consider that he finished his first year on Nissan. We don’t consider as if he finished his first year until the next Nissan.

We learned: if they crowned a king on the twenty-ninth of Adar, once it reaches the first of Nissan (on the next day), we consider that he’s finished his first year.

Daf 2b

This teaches us that Nissan is the Rosh Hashana for kings and one day in a year can be considered to be a year.

We learned: if he wasn’t crowned until the first of Nissan, we don’t count his second year until it reaches the next Nissan. The Gemara asks: this seems simple, (so, why mention it?). The Gemara answers: we don’t need it but in a case where they appointed him to be king in Adar. Therefore, I might say you should count it as the second year, so we’re taught otherwise.

We learned: if the king died during Adar, and they crowned another king in his place in Adar, we count that year as the reign of both of them. If he died in Nissan and we crowned another in Nissan, we count that year as the reign of both of them. If he died in Adar and they crowned someone to take his place in Nissan,

we only count the first year for the first king and the second year only for the second king.

The Gemara now analyzes the Braisa. If the king died during Adar, and they crowned another king in his place in Adar, we count that year as the reign of both of them. The Gemara asks: this seems simple (so why mention it)? The Gemara answers: I might say that the same year can't be counted for two kings. So, we're taught otherwise.

The second statement was: if he died in Nissan and we crowned another in Nissan, we count that year as the reign of both of them. The Gemara asks: this also seems simple (so why mention it)? The Gemara answers: I might have thought; when do we say that one day of a year can be counted as a year, that's only the last day of a year. However, perhaps you can't count it at the beginning of the year as a whole year, so we're taught otherwise.

Tosfos asks: wouldn't it be a Kal V'chomer? Like we say later in this Perek; what do we find by a Niddah, that the beginning of the day doesn't count for the full day at the end (but she can't Toivel until the end of the seventh day), the end of the day counts for the beginning of the count (i.e., if she sees blood at the end of the day, you count it as the first day). Thus, a year, where we say that one day at the end counts as a year, of course, a day at the beginning counts as a year.

Tosfos answers: this is not a question. On the contrary, since, when we say that, if he gets crowned on Adar that we count it to be a year because of one day, this is the beginning of his years. This is similar to the first day of Niddah, that the end of the day is considered a day in the beginning of the count. However, if he dies in Nissan, maybe you shouldn't count it as a year because of one day, since this is the end of his years, similar to what we said that the beginning of the last day of Niddah doesn't count for a full day.

The third case: If he died in Adar and they crowned someone to take his place in Nissan, we count the first year for only the first king and the second year for only the second king. The Gemara asks: this seems simple (so why mention it)? The Gemara answers: I might think if the second king was appointed in Adar and he was the former king's son (he's such a shoo-in that we'll consider him king right away) and we should consider Nissan to be his second year, so we're taught otherwise.

Tosfos is bothered by the question: originally, it was enough to say as a Chidush that he was appointed in Adar (without having to say he was also a son of the first king), so what compelled the Gemara to add this variable here?

Tosfos answers: it's not enough to just say that (he was appointed in Adar), since we know that from the original Braisa. (Although it seems they're two separate Braisos, so they can say the same Chidush), since that Braisa is really the beginning of this Braisa, since they were taught together, even if they don't seem to be taught together, (so it can't repeat the same Chidush twice in a Braisa).

We find a similar case in Bava Basra that we learned: if it's written in the document that he owes "silver in Dinrin" we say he doesn't owe less than two golden Dinarim in silver currency. Then it says in another Braisa that he owes "gold in Dinrin" he needs to pay the worth of two silver Dinarim in gold currency. The Gemara asks: perhaps he should pay two Dinrin worth of gold nuggets? Abaya answers: the person who has the document (and is trying to collect) has the lower hand. The Gemara asks: if so, the beginning case should also be that way (i.e., in the case of "silver in Dinrin" we should say the one with the document has the lower hand) and should only pay two (silver) Dinrim of silver nuggets?

So, although they seem to be two different Braisos, the Gemara calls one the beginning since they knew they were taught together. However, R' Shmuel there said it to have a different explanation, which was quite forced.

New Sugya

R' Yochanan says: how do we know that we only count kings from Nissan? As it says “it was the four hundred and eightieth year from when the Jews left Egypt, which was the fourth year, in the month of ‘Ziv’ which was the second month from when Shlomo ruled over the Jews.”

Tosfos explains: it seems here that we refer to Iyar, since we count from Nissan for kings. However, later, it implies that Nissan is the month of ‘Ziv,’ since our forefathers were born then who were the “lights of the world.” However, later, Rashi explains; when Iyar started, it came out that the “lights of the world” were already born during Nissin. Alternatively, since, many times, the Nissan season delays coming until Iyar of the lunar calendar.

So, we see that there is a Hekish between Shlomo’s kingdom and the leaving of Egypt. Just as the years from the leaving of Egypt is counted by Nissan, we count Shlomo’s kingdom from Nissan too.

Tosfos says that you can’t learn this from the simple meaning of the Pasuk for, perhaps, you count from Adar, and (the second month) refers to Nissan which is the month of ‘Ziv.’ Even if you would like to explain the Pasuk that Iyar is called the month of the ‘Ziv,’ since the blooming of the trees happen then, still there is no proof that we always count from Nissan. For perhaps it’s called the second month to Shlomo since he could have been crowned in Nissan.

The Gemara asks: how do we know that the leaving of Egypt is counted from Nissan? Perhaps we count it from Tishrei.

The Gemara answers: we learn it from the Pasuk “and Aharon Hakohain went up to Har Hahar by Hashem’s command and he died there on the fortieth year from when the Jews left Egypt, and the fifth month, on the first of that month.”

Tosfos explains: what it’s called the fifth month must be Av, since Nissan is called the first month, implying that all other months that are hinted to by a number, like the fifth, sixth or seventh, is counted from the first one.

The earlier Tosfos explains: that, which we learn that we count the leaving from Egypt from Aharon, we can’t prove that we consider the first day of Nissan is Rosh Hashana, since it’s possible that it’s not Rosh Hashana until the fifteenth of Nissan. However, it fits well according to our conclusion that we learn it from “and it was in the first month etc.” (since it says that it’s the first month from the beginning of the month).

It says afterwards “it was the fortieth year in the eleventh month, on the first of the month etc.” So, we see the Pasuk was in Av and called it the fortieth year, and it was in Shvat and called it the fortieth year, so it must be that the Rosh Hashana cannot be Tishrei. The Gemara asks: I at least know that the first Pasuk was counted from the leaving of Egypt, since it says so explicitly. However, how do we know the second Pasuk was counted from the leaving of Egypt than the building of the Mishkon?

Tosfos explains: that the Pasuk that says “Aharon went up” refers to counting from leaving

Egypt (since it says so explicitly), but the Pasuk of Moshe speaking does not explain that it's counting from leaving Egypt.

The Gemara answers: just as R' Pappa said (later) that we have a Gezeira Shava of "twentieth year," so too we can say that there is a Gezeira Shava from "fortieth year," that just like in the first Pasuk it refers to a count from the leaving of Egypt, so too is the second Pasuk.

The Gemara asks: what compels us to say that the story of Av came first, perhaps the story of what happened in Shvat came before.

The Gemara answers: it can't be. As it says "after he smote Sichon," and when Aharon died, Sichon was still living.