

Daf Hashvuah Gemara and Tosfos Rosh Hashana Daf 24
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Daf 24a

It didn't see the crescent of the rainbow so that the sun worshippers shouldn't say that their god is shooting arrows.

Tosfos says: you don't need to worry that the moon shouldn't see the crescent of the rainbow. After all, a rainbow is only visible by day, and the moon is like a candle in the daytime. Therefore, (Since the moon is not useful then) its worshipers won't say that its shooting arrows.

We learned: one Braisa says that, if the witnesses say that the moon was north of the sun, their testimony stands. If it's in the south, they didn't say anything (and their testimony is nothing). Another Braisa says the opposite.

The Gemara reconciles: it's not difficult, one refers to the summer and the other to the winter. (Since the moon in the beginning of the month is only seen by sunset, and in the summer, the sun sets towards the north, so the moon is south of it. In the winter, the sun sets towards the south, so the moon is north of it.)

Tosfos asks: earlier, R' Yochanan Darshined that "Hashem makes peace in the Heavens," he made sure that the sun never saw the crescent of the moon. However, when the moon is before the sun, (when the sun is in the South), and the crescent of the new moon always faces West (and pointing a little South). In that case, the sun sees the crescent.

R' Eliyahu b. Shlomo from Grogush answered: the sun and moon are on their own 'cogs' (orbits). It's possible that the moon should be before the sun, and the sun won't see the crescent, since the orbit of the moon is below the orbit of the sun. This is simple to the experts in the stars.

We learned: if one says that the moon appeared two shepherd's staffs high in the sky, and the other one said it was three shepherd's staffs high, their testimony stands (since that's within the window for them to mistake the height from assessment). However, if one says it was three and the other says it was five (it's too much of a disparity) and the testimony doesn't stand. However, they can combine for another testimony.

Tosfos asks: this fits well according to the opinion that, when you have two contradicting pair of witnesses, each one may come to testify later by themselves (for a different testimony), that we can explain here that he may come and combine with someone else to testify on (an unrelated) monetary case. However, (according to the opinion that each pair may not come to testify later by themselves), since, why do we need all these false witnesses (in other words, we can't assume that either one didn't lie and is still valid to testify), how can we combine him for any future testimony, even for another testimony over the new moon (though we're more lenient on the witnesses' qualification)?

Therefore, Tosfos says: for this reason, Rashi pushed the explanation that he combines with another person in this testimony who says that the moon is exactly like he said it was (and not like the other witness). Although the Mishna says “(combine) to a different testimony,” it means that he combines with another person to create a different testimony on this moon. The Gemara in Shvuos explains it like this. (The reason this helps is because we believe this witness now more than the one that contradicted him) since the words of one is nothing compared to the testimony of two.

We learned: if they saw the moon as a reflection in the water, or saw it through a lantern or saw it through clouds, they can't testify on it. If they saw half of it in the water, through a lantern or through clouds, they can't testify. The Gemara asks: if they can't testify if they fully saw it through those mediums, of course they can't testify if they only saw half of it. The Gemara answers: what they mean to say; if he saw half of it reflected in water and the other half in the sky, or half through the clouds and half in the sky, or half through a lantern and half in the sky, they can't testify.

We learned: If he says that we first looked and saw it, and then we took a second look and we couldn't see it, they can't testify. The Gemara asks: (why not?) After all, how much do they have to stare at it to say testimony? Abaya answers: this is what we mean to say; if they said that they originally happened to notice it. Then they decided to give a conscious look at it, and we didn't see it, they can't testify. What's the reason? Perhaps, what they originally saw, was just a round cloud. (Since you weren't paying much attention to it, you mistook it for the moon.)

New Sugya

The head of the Beis Din announces that the month is 'Mikudesh,' and the whole assembly say "Mekudesh Mekudesh." They made this Kiddush ceremony whether the moon was seen on the thirtieth or on the thirty-first. R' Elazar b. Tzadak says: if it wasn't seen on the thirtieth, they didn't make this Kiddush ceremony, since heaven already made the day Kodesh (by default).

The Gemara asks: how do we know that the head of Beis Din announces the day to be Kodesh? Rabbi says: the Pasuk says; "Moshe said the holidays of Hashem." From here we say that the head of Beis Din says it's Mikudesh.

The Gemara asks: how do we know that the assembly answers that with "Mekudesh Mekudash?" R' Pappa says: the Pasuk says; "which you call 'Osum,' them." We'll read "Osum" as 'Atem,' you (in the plural). (This teaches us that they (the assembly) must answer.) R' Nachman b. Yitzchock says that we learn it from the Drasha of "these are the holidays." We Darshim that 'these' should announce the holidays." The Gemara asks: why do they need to say Mekudesh twice? The Gemara answers: it says "callings of Kodesh."

New Sugya

We learned: Plimo says; you don't Mikadesh a month when Rosh Chodesh falls on the thirtieth, but only when it falls on the thirty first. R' Elazar b. R' Shimon says that you don't Mikadesh either way, as the Pasuk says "you make holy the fiftieth year." This implies that you only make Kodesh years, but not months.

R' Yehuda quotes Shmuel: the Halacha is like R' Elazar b. Tzadok (that they only make Kodesh the thirtieth). Abaya says: the Mishna also seems to hold that way. As it says; Beis Din and all Yisrael saw the new moon. Even so, if after they interrogated the witnesses, they didn't have time to announce it to be Kodesh until nightfall, the month is extended. This implies (since it's simple that the month is extended) that they only extend it, but they don't have to Mekadesh it. The Gemara rejects this: the Mishna needs to say

that it's extended, because; I might have thought that since Beis Din and all Yisrael saw it, it's already had been publicized (that the new moon was on the thirtieth) and we shouldn't need to extend it, so, we're taught otherwise.

New Sugya

R' Gamliel had an image of the moon on a tablet on his wall in his upper chamber. With it, he's able to show the laymen (who came to testify); did you see it like this (figure) or like that (figure).

The Gemara asks: is it permitted to make this? After all, the Pasuk says "don't make Me." We learn that it means not to make the image of items in Hashem's service (assumingly, including what he uses in the sky). **[However, Tosfos says: since we'll establish it to mean the Heichel and Ullam, we can't have the text say "those that service me up in Heaven.]** Abaya answers: the Torah only forbids items of His service that you can actually remake. Like we learned: someone shouldn't make a house like the Heichel. You can't make an Achsadra like the Ullam.

Tosfos explains that a regular Achsadra has three walls and the fourth is completely open. This is implied in Mesechta Bava Basra that says that the world is similar to an Achsadra, and the north side is not surrounded.

Tosfos is bothered by the question: why call the Ullam an Achsadra if it's not completely open on the fourth side?

Tosfos answers: since it has a big opening (although not completely open) it calls it an Achsadra. Although it wasn't completely open, since it has fifteen Amos of wall protruding from the adjacent walls, as it's taught in Mesechta Middos. Also, perhaps those walls were covered up the Beis Chalifos (a room on the side of the Ullam where the Kohanim keep their knives) and the wall (separating the Beis Hachalifos from the Ullam cuts off the fifteen Amos walls. Therefore, what's left) makes the Ullam completely open from the inside.

You can't make a courtyard like the Azara. You can't make a table like the Shulchon. You can't make a candelabra like a Menorah.

Daf 24b

You may make a candelabra with five, six, or eight branches. However, you can't make it with seven branches even if it's made of other metals (besides gold). R' Yossi b. Yehuda says that you can't make it out of wood, just like the Chashmanaim kings made (when they rededicated the Mikdash after the Greeks defiled it. So, we see that wood utensils are valid for the Mikdash, therefore you can't copy it from wood either). The Rabanan said back: you're bringing a proof (from the Chashminaim)? They made it out of iron spits and plated it with tin (i.e., it was made completely from metal).

Tosfos explains: that, which we called them 'spits,' (implying simple sticks), is because they didn't need to make it with (the designs of) cups, apples and flowers (etched on them). As the Gemara in Menachos says that they were only necessary when the Menorah was made from gold.

When they got richer (and were able to afford more) they made it from silver. When they got even richer, they made it out of gold.

The Gemara asks: is it really permitted to make items that service Hashem that you can't make a real replicant? After all, didn't we learn that "you can't make what's Mine," don't make like the items that service me up high.

Abaya answers: the Torah only forbade making all the four faces (of the Chayos Hakodesh) at once, (however, this won't prove it's prohibited to make the moon). The Gemara asks: (if it's only forbidden to make all four faces together), it implies that you may make the face of a person by itself. However, we learned that you're allowed to make all faces besides humans. As R' Huna b. R' Idi heard from Abaya's discourse: "you can't make what's Mine," can be read "Don't make Me" (**Ritva- and a person is called "Tzelem Elokim"**).

Tosfos asks: what's the question from that Braisa? After all, perhaps this Braisa refers to finding the image (and which images must you be worried that it was worshipped) the way that Rava establishes it like R' Yehuda in Mesechta Avoda Zara. However, it's permitted to make the image.

Tosfos answers: our Sugya is like Abaya there, and disagrees with Rava, and the Braisa refers to the prohibition of making the image. According to this, it would be permitted to make a human image, since we always Paskin like Rava when arguing with Abaya.

However, this is not a proof. For, even without a proof (from this Braisa), Rava could have Darshined independently "Don't make Me." Similarly, we have a Braisa (that supports this prohibition). As it says; a signet ring that has (a human) image indented in it, you can't sign with it (since it will form a protruding image).

The next Tosfos asks: why does he need to say that the Torah only forbade all four faces (of the Chayos) together? After all, it should be forbidden anyhow for making the human face by itself.

Tosfos answers: if the image has other faces on them with the human, it's more of a reason to permit (than just having a human face). Alternatively, the prohibition is, if you found an image with a human face, you can't add on other faces to finish the four faces.

However, Tosfos asks: why don't we, anyhow, forbid to make a human image, since it's forbidden to make the Keruvim that's upon the Aron's cover (which has a human face)?

Tosfos answers: these Keruvim (by themselves) are not considered as an item that services Him. (Although you can't make the image of angels, and Keruvim are also a type of angel), but we don't know the image of the Keruvim in heaven.

The Gemara asks: is it permitted to make other items that service Him? After all, we learned "you can't make what's Mine," don't make like the items that service me up high, like the Ophanim, Seraphim and Chayos Hakodesh and ministering angels.

Abaya answers: the Torah only forbade (the angels) that are in the high heavens.

Tosfos explains: these three statements of Abaya remain, and he didn't reverse any of them, since they're all true, (even though he says on each one "the Torah only forbids," yet he brings other cases of prohibitions.)

This is how to explain his statements: the Torah only forbids the items that service Him on Earth like building a house in the image of the Heichal, and Achsadra in the image of the Ullam. The Torah only forbids those items of service in the lower sphere like the sun and moon. The Torah only forbids those items of service in the higher sphere like the image of the four faces (of the Chayos).

The Gemara asks: is it true that that the (celestial bodies) in the lower heavens are permitted? After all, we learned: the Pasuk says; “which are in heaven” to include the sun, moon, stars and the zodiac to the prohibition. “From above” include angels to the prohibition.

Tosfos points out: according to this original thought that the Pasuk refers to making the objects, (and not worshipping it), the Gemara could have asked that we learned the prohibition of making these ministering angels from a different Pasuk, “you shouldn’t make etc.”

The Gemara answers: that comes to prohibit worshipping them. The Gemara asks: if it comes to forbid worshipping, then even a small worm should be included in the prohibition. The Gemara answers: this is true, and we learn it from another Braisa (that continues the Drasha of what’s prohibited). The Pasuk says “which is on the Earth,” to include mountains, hills, seas, rivers, streams and valleys. “From under,” includes small worms.

The Gemara asks: is it permitted to make? After all, we learned: “you shouldn’t make Mine,” don’t make like the image of those things that service me, like the sun, moon, stars and the zodiac.

The Gemara answers: R’ Gamliel is different since he had others (i.e., non-Jews) make it for him.

Tosfos is bothered by the question: we always say that it’s rabbinically forbidden to tell a non-Jew to do a prohibition for you. As we see in Mesechta Moed Katon that it’s rabbinically forbidden to ask him to do a rabbinical prohibition for you. Also, we see the Gemara in Bava Metzia has an inquiry whether the rabbis forbade this even by a regular Lav, like by the prohibition of not muzzling your cow and thresh with it.

Tosfos answers: here they didn’t decree to forbid since it’s needed for a Mitzvah.

Tosfos concludes: one must be careful when he lends money to non-Jews, and they seal the loan with wax upon the document, that we shouldn’t rely on Rava (that there is no problem to make a protruding human image). As we explained earlier, it’s not necessary that Rava disagrees (with Abaya and prohibits making a human image). However, if the non-Jew brings the signet from himself, then it’s permitted.

The Gemara asks: didn’t R’ Yehuda (had his signet ring with the image of a man) made by others, and yet, Shmuel told him to blind an eye (i.e., scratch out the image’s eye).

The Gemara answers: that refers to a protruding signet that’s forbidden because of suspicion (i.e., that they’ll suspect that it’s an idol).

Tosfos explains: therefore, it’s forbidden to keep it, since people might suspect that you made it and that you’ve transgressed “don’t make etc.” Therefore, it should be forbidden to R’ Gamliel too. To that, the Gemara answers: since the signet protrudes, the suspicion is only that it’s an idol. However, we’re never worried that people will suspect that he made the image and

transgressed “you shall not make.”

However, the Bahag explains that R' Yehuda had the image of a Dragon (a snake-like creature that was worshipped). As we learned: if you find utensils with the image of the sun, moon or Dragon on them, you need to destroy them by casting them in the dead sea. The Gemara explains there that it's because these were the important images to them (to worship, so we have a bigger suspicion that it was made for idolatry). Therefore, here too (by R' Yehuda's ring) since it's more important of an image (for worshipping) there is a much bigger worry for suspicion for idolatry.

As we learned: a ring that has a protruding signet (of a man) can't be worn, but you can sign with it (since it only produces an indented image). However, if the signet has an indented image, you may wear it, but you can't sign with it (since it produces a protruding image).

The Gemara says: are we worry about such a suspicion? After all, the Shul of “Shuf and Yasiv” in Nahardai had a statue in it, and Rav, Shmuel, Shmuel's father and Levi all came in and prayed there and weren't worried about suspicion.

The Gemara answers: a community is different (since there is no suspicion that they all are worshipping idols).

The Gemara asks: wasn't R' Gamliel an individual? (So, how was he allowed to own the image of the moon?)

Tosfos asks: (how can you compare this to the rings) since R' Gamliel's moon image doesn't protrude?

Tosfos answers: Still, there is a reason for suspicion here by the moon (since it's in the same image that we perceive it) since it doesn't have a protruding image in the sky.

The Gemara answers: since he was the Nassi, he had the masses by him (so he had the status of the community). Alternatively, it was made from pieces (and each piece wasn't a full image). Alternatively, he made them to teach. As we see the Pasuk forbidding magic; “you shouldn't learn (magic) to perform them,” implying that you may learn magic to understand how it's done so you can Paskin Halachos (pertaining to them).

New Sugya

There was a story that two witnesses came in and said “we saw the moon in the morning in east and in the west towards evening.” R' Yochanan b. Nuri said they're false witnesses. However, when they approached Yavna (where the Sanhedrin was) R' Gamliel accepted them.

Tosfos quotes Rashi: my teachers explained; that the old moon was in the East, and at night, the new moon was in the West. We know that they must have been false witnesses since we Paskin that the moon is invisible for twenty-four hours. However, Rashi asks on this, since the Gemara will bring a Braisa (that explains R' Gamliel's opinion) since the moon sometimes go in a long path (and sometimes in a short path). However, it doesn't apply to say longer or shorter path here, (since it's not dependent on its path) but because it's so small, it's invisible to the people in the West when it's in the East before it becomes a new moon.

Therefore, Rashi explains: they're saying testimony on the new moon only. The reason R' Yochanan b. Nuri considers them to be false witnesses is because the moon doesn't move that quickly so that it would travel from East to West in twelve hours. On that, the Braisa explains: that sometimes it goes in a long path and takes longer etc.

However, Tosfos asks: what was R' Yochanan b. Nuri's thought that the moon can't travel in twelve hours the whole south side (of the sky) with some of the East (at the beginning of the day) and some of the West (at the end of the day).

Also, the Yerushalmi seems to be like the first explanation. R' Samlai said: the reason for R' Yochanan b. Nuri is; all months, when the moon has a Molad, people can't see the old moon for no less than six hours earlier. If the old moon was seen in the morning, you can't see the new moon towards evening. If you see the new moon towards evening, you couldn't have seen the old moon that morning. R' Chiya b. Abba says: why did R' Gamliel accept this testimony? Since he had a tradition from his forefathers that the moon sometimes comes in the long path and sometimes in the short path.

Tosfos asks: how can our tradition argue on R' Gamliel's tradition? After all, we said earlier that the moon is invisible for twenty-four hours. The practical difference of this statement is to disprove testimony (that say they saw it within twenty-four hours).

Tosfos answers: perhaps we can differentiate with different lengths of hours. After all, there are smaller hours, like those during the winter (as defining an hour as a twelfth of the hours the sun is up). There are average hours, like those by the equinox. There are larger hours like those during the summer. Therefore, when we said that the moon is invisible for twenty-four hours for the people in Eretz Yisrael, eighteen hours from the old moon and six from the new moon, that would be either the smaller or average hours. However, when dealing with the larger hours, sometimes it will be invisible for that extra period because it follows a longer path, and sometimes it won't be invisible, when it follows the shorter path.