

**Daf Hashvuah Gemara and Tosfos Rosh Hashana Daf 25**  
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**Daf 25a**

Another case, two people came and said that they saw the new moon on the thirtieth, and at the night of the thirty-first, they couldn't see it. R' Gamliel accepted the testimony. R' Dosa b. Hurkones said that they must be false witnesses. After all, how can someone testify that a woman gave birth, and the next day, (she's so far along in a pregnancy) that her stomach reached her teeth. R' Yehoshua said to R' Dosa: I agree to you. R' Gamliel sent to R' Yehoshua: I decree upon you that you shall come to me with your staff and money on the day Yom Kippur falls out according to your calculation. He went. R' Akiva met him, and he seemed distressed over it. R' Akiva said: I have a teaching that tells us that whatever R' Gamliel does (in his establishing the month), it's the true date (even if it's wrong). As the Pasuk says "these are the holidays of Hashem in which you should call it holy." Whatever you call it, whether it's in the right time or not, there is no other holiday but these (that the Sanhedrin establishes).

He then went to R' Dosa b. Hurkanus. He told him: if we're going to judge R' Gamliel's Beis Din (if they establish the Rosh Chodesh on the right date), we would need to judge all Batai Dinim from Moshe until now. However, we see the Pasuk says "Moshe Aharon, Nadav, Avihu and the seventy Jewish elders went up." Why didn't the Torah express the names of the elders? To teach us that, every three people in Klal Yisrael who sets up a Beis Din, they're like Moshe's Beis Din. So, he took his staff and money in his hands and he travelled to R' Gamliel in Yavna on the day it should have been Yom Kippur according to his calculation. R' Gamliel stood up and kissed his head. He said "come in peace, my Rebbi and student. You're my Rebbi in wisdom, and you're considered my student as you accepted my words (as a student would)."

**New Sugya**

We learned: R' Gamliel said to the Chachumim (regarding seeing the moon in the morning in the East and at evening in the West); I have this tradition from my forefathers, sometimes the moon comes the long way and sometimes it comes the short way. R' Yochanan said: what's the reason for Rebbi's house (i.e., R' Gamliel, who was Rebbi's grandfather)? Since the Pasuk says: "you made a moon (to establish) holidays, I know the sun's goings." This implies that we only know the path of the sun, but not of the moon.

R' Chiya once saw the moon early morning on the twenty-ninth. He took a clod of dirt and through it towards it. He said to the moon: "I need to sanctify the month tomorrow (by scaring people to testify), and you still remain visible? Go and hide yourself!"

**Tosfos asks: it's very possible that the Molad could still be on the thirtieth day before the eighteenth hour (midday) that you can see the new moon at the end of the day, although you saw the old moon on the morning of the twenty ninth, even for the people (of Eretz Yisrael) in the West.**

**Tosfos answers: perhaps the sun had shone for many hours, and it's no longer possible for the people in the West to see it. [See Tosfos HaRosh who asks: even if the old moon is seen towards evening at the end of the twenty ninth, you can see the new moon at the end of the thirtieth (since**

*it's only invisible for twenty-four hours).]*

**Rashi explains:** “your still here, and if you remain until nightfall, then we can’t sanctify the month tomorrow,” like we said in the first Perek, that you need to have a night and day from the new month (Molad). However, Tosfos concludes: we already explained there that this couldn’t be the explanation of that Gemara.

Rebbi said to R’ Chiya: go to the city of Ein Tov and sanctify the month (so that people here who saw the moon late shouldn’t be around to doubt the authenticity of Beis Din’s decision).

**Tosfos explains:** Beis Din established this city the place where they sanctify the month. As the Pisikta says on the Pasuk “blow on the month of the Shofar,” why does Beis Din sanctify the month in Ein Tuv? Since it’s the place where the sages congregate. Hashem said “it’s the place for the whole world to congregate, as it says ‘the Torah comes from Zion.’” The Yerushalmi also says: the same way they blew Shofar (on Rosh Hashana that falls out on Shabbos) in Yavna, (since they enacted only to blow in Beis Din), so too, they blew in Ein Tuv. This implies that there was an established Beis Din there.

When you do, send me a message as a sign that it was done “Dovid, the King of the Jews, is living.” (Dovid’s kingdom was compared to the moon.)

We learned: one time the sky became very cloudy, and they thought they saw the moon’s image on the twenty ninth of the month. The masses thought to make it into Rosh Chodesh, and Beis Din wanted to sanctify it. However, R’ Gamliel said that he had a tradition from his father’s house, that the moon doesn’t become new until twenty-nine and half days, plus two thirds of an hour and seventy-three Chalakim from the last new moon. The mother of Ben Zuza died that day, and R’ Gamliel gave a big eulogy on her. It was not that she was deserving of it, but to publicize that Beis Din didn’t sanctify the day as Rosh Chodesh.

### **New Sugya**

The Gemara inquired: on the story in the Mishna that R’ Akiva met R’ Yehoshua and ‘he’ was troubled, who was the one troubled? Was it R’ Yehoshua or R’ Akiva?

The Gemara brings a proof from the Braisa that R’ Akiva went and found R’ Yehoshua troubled. R’ Akiva asked: “Rebbi, why are you troubled?” He answered: “Akiva, it would be better if you would fall sick in bed for twelve months than to get this decree (of being commanded to bring his staff and money the day of his Yom Kippur).” R’ Akiva asked permission to say something R’ Yehoshua taught him. R’ Yehoshua acquiesced. He said: it says thrice ‘you.’ We Darshen it’s (what) you (do) even if it’s by accident, or if it’s on purpose or even if they were fooled. R’ Yehoshua told him, and I quote, “Akiva, you most certainly consoled me.”

### **New Sugya**

The Gemara brings a Braisa: what’s the reason why the Torah didn’t explicitly say the names of the elders. So that people shouldn’t say (on the head of Beis Din in their days) is he like Moshe, Ahron, Nadavav, Avihu, Eldod or Meidod? Also, we see the Pasuk says “Shmuel said to the people; Hashem, who made Moshe and Ahron etc. He sent Yerubal, Badun, Yiftach and Shmuel.” Yerubal is Gidon, since he fought with (those who worship) the idol Baal. Badun is Shimshon, since he came from the Shevet Dan. Yiftach is himself.

## Daf 25b

It also says “Moshe and Aharon in their Kehuna, and Shmuel when they call His name.” (We see that Shmuel was equal to Moshe and Aharon.) Yet, we see before that the Torah compare three ‘lightweights’ (Gideon, Shimshon and Yiftach) to three ‘heavyweights’ (Moshe, Aharon and Shmuel). This teaches us that Gideon in his generation is like Moshe in his generation. Shimshon in his generation is like Aharon in his generation. Yiftach in his generation is like Shmuel in his generation. This teaches us that the lowest of the lows, if he’s appointed the leader on the congregation, he’s just like the greatest of the greats.

We also see the Pasuk says “and you come to the Kohanim, Leviyim and judges that will be in those days.” Do you really think that a person can go to a judge not in his days? Rather, it teaches us that you need to go to the judges in your days (even if they’re not so great). We also see the Pasuk says “don’t say that the earlier years were better than these years.”

**Tosfos explains: therefore, I would say that we should listen to the earlier generations more than the later ones. So, (the Torah) says not to say this! Rather, you only have the judges in your own day (to listen to).**

## New Sugya

We learned: once R’ Gamliel saw R’ Yehoshua coming, he stood up from his seat and kissed him on his head. He said “come in peace, my Rabbi and student. You’re my Rabbi since you taught me Torah among the people, and you’re considered my student as I decreed upon you and you accepted my words as a student would. Praiseworthy is the generation that the great ones listen to the unimportant (when they need to) and Kal V’chomer unimportant ones should listen to great ones” The Gemara asks: why do you need to make a Kal V’Chomer? After all, it’s an obligation for them to listen. Rather, when the great ones listen to the unimportant (when they need to), people will make a Kal V’chomer that (they should keep their obligation that) the unimportant should listen to the great ones.

## Third Perek

If Beis Din and all the Jews (saw the new moon) and they interrogated the witnesses, and they didn’t have enough time at the end of the day to declare it ‘holy’ before it became dark, then they don’t make Rosh Chodesh until the next day.

If the Beis Din seen it by themselves, then two of them stand and testify before the rest, and then they pronounce the day to be holy (i.e., to be Rosh Chodesh).

**Tosfos explains: we’re referring to the Sanhedrin of twenty-three (so that there could remain many in Beis Din to accept the testimony of two).**

**Tosfos says: the reason why Rashi explains that they have enough time to declare it holy, for, if they didn’t have time, how can the Gemara ask the Beis Din’s receiving knowledge of the new moon from listening to witnesses shouldn’t be any better than seeing it personally, and they should declare it Rosh Hachodesh right away if they didn’t have enough time for that declaration. [See**

*Maharsha who says that this last idea wasn't written in the Tosfos Yeshanim, and it seems totally extra. After all, it should be obvious that they have enough time to declare it, since the Mishna says that they do declare it. Besides, we established the case when they saw it at night, so they have the whole next day to declare it.]*

If Beis Din only consists of three judges, and they saw the moon, two of them stand, and they sit two colleagues with the remaining judge, and they testify before them, and they pronounce the day to be 'holy.' This is because a single judge can't preside over this by himself (lit. is not believed).

The Gemara asks: why does the Mishna need to say that Beis Din and all the Jews saw it? (What does it add to the case?) The Gemara answers: I might have thought, since Beis Din and all the Jews saw the moon, it was already publicized that this was the right day for Rosh Chodesh, and we shouldn't need to push it off (if they didn't declare the day to be holy then), so we're taught otherwise.

The Gemara asks: once it's written that Beis Din and all Jews saw it, why must they interrogate witnesses? The Gemara answers: it means, or if they're interrogating witnesses (when everyone else didn't see the moon) and they didn't have time to declare it holy before dark, you push off Rosh Chodesh. The Gemara asks: once it's written they push off the month if they couldn't declare it holy before dark, why write about interrogating witnesses? (After all, if it's this way when everyone saw it, of course it should be this way if they need to interrogate witnesses.)

The Gemara answers: I might have thought that we should consider the witnesses interrogation as the start of the judgement, and declaring it holy as the finish of the judgement. So, perhaps we should declare it holy at night, just like we would do by monetary judgements. As we learned: if you start to judge monetary cases by day, you can finish the judgement at night. Here too, I might say you can declare it holy by night, so we're taught otherwise.

The Gemara asks: perhaps that would be true (and you could declare it holy by night)? The Gemara answers: since the Pasuk says that "when it's law for the Jews, it's judgement for Yaakov's G-d." When would you have the 'law' (the declaration of the new month)? It would be at the finishing of the court's ruling. That's when the Torah calls it a judgement. Just as judgments are by day, so too the declaration of the Rosh Chodesh is at day.

**Tosfos explains: the word 'law' here refers to Rosh Hashana, as we explained in the first Perek. (Once we see that it's necessary to declare it during the day for Rosh Hashana), we should assume the same for all the other months.**

### **New Sugya**

The Mishna says that, when Beis Din sees the moon, you have two of the Beis Din testify before the rest. The Gemara asks: why do you need this testimony? After all, the Beis Din's receiving knowledge of the new moon from listening to witnesses shouldn't be any better than seeing it personally.

**Tosfos quotes Rashi who explains: since the Pasuk doesn't say witnesses explicitly by the testimony for the new moon. Rather, it only said that "you should see (the moon) like this, and sanctify (the day)."**

**However, Tosfos concludes: there was no reason for Rashi to explain it this way (that it's a special Halacha by the new moon) since the Gemara in Bava Kama says that this should apply to capital cases when Beis Din sees him do the act by day.**

R' Zeira answers: we refer to a case where they saw it at night. (So, just like you can't judge on testimony said by night, they can't judge on what they saw at night.)

**Tosfos explains: they can't sanctify the day through seeing it at night. After all, the seeing at night is in place of the hearing of the witnesses' testimony, and that can only take place during the day. We see that this is even true with monetary testimony, like we said earlier, we consider the interrogation of the witnesses as the beginning of the judgement (that needs to take place by the day).**

The Mishna said that, if the Beis Din that saw the new moon consists of three judges, two of them stand to say testimony, and two other colleagues join the third one. The Gemara asks: we should also say in this case the Beis Din's receiving knowledge of the new moon from listening to witnesses shouldn't be any better than seeing it personally. If you'll say that it refers to when they saw at night, then it would be exactly the first case (and the Mishna didn't need to repeat it).

The Gemara answers: it's needed for the Chidush at the end; that you can't declare Rosh Chodesh with one person. After all, I might have thought that, although by monetary cases you need three judges, but, if you have one judge that's a public expert, he can judge alone. Therefore, I might say that one judge can declare it to be Rosh Chodesh, so we're taught otherwise. The Gemara asks: perhaps that would be true (and one judge could declare it holy)?

The Gemara answers: since there is no greater of a public expert like Moshe Rabeinu, yet Hashem said not to declare it holy without Ahron. As the Pasuk says "and Hashem said to Moshe and Ahron in the land of Egypt saying; this month should be for you."

**Tosfos explains: and since you can't have an even amount of judges on a Beis Din, they need to add another judge (which makes three).**

This Sugya is like the opinion in the beginning of Sanhedrin who holds that the Torah allows a single person to preside over a court case, as the Pasuk says "you should judge," (and 'you' is in the singular form). That's why we need a Pasuk that (you can't preside over the new moon) until you have Ahron with you. However, according to the one who holds that you need three experts to judge from the Torah. Only so that we shouldn't "close the doors" for borrowers, they enacted to allow three laymen. (After all, if the lender won't have an easy way to find a court to collect the loan and would need to find expert judges, then they wouldn't loan in the first place.) Therefore, we wouldn't think to allow testimony for the new moon with less than three judges. So, you wouldn't need a Pasuk (to teach us that you need three judges).