



The Out of Place Mishnah

The *Mishnah* is ordered and very structured. That being the case, the beginning of the third *perek* of *Rosh Hashanah* is surprising. The second *perek* completes the discussion of *kiddush ha'chodesh* – how *Rosh Chodesh* was determined and publicized. The third *perek* begins discussing the laws of the *shofar* followed by the *mitzvah* of blowing the *shofar* on *Rosh Hashanah*. The first *Mishnah* however appears to be a hangover from the previous *perek*. It discusses the process of *kidush hachodesh* when *beit din* itself saw the new moon. We shall try to understand why this *Mishnah* is placed here. This is the question posed by the *Melech Shlomo*.

The *Tifferet Yisrael* explains that the *Mishnah* is in this *perek* because it is necessary for the *Rosh Chodesh* that is *Rosh Hashanah*. He cites *Rashi* (30b) who explains that during the time when *Rosh Chodesh* was determined by witness testimony, they would already treat the night after the twenty-ninth of *Elul* as if it was *Rosh Hashanah* in case witnesses came the following day. In other words, the *tefillot* would be those of *Rosh Hashanah* and they would blow *shofar*. If we learn the *Mishnah* assuming that it is referring to the beginning of *Tishrei* we gain deeper understand. The *Mishnah* first discusses the case where everyone saw the new moon but *beit din* did not have a chance to say “mekudash” (declaring the thirtieth day as *Rosh Chodesh*) before nightfall. The *Mishnah* teaches that the previous month is considered a thirty-day month (*meuberet*) and *Rosh Chodesh* is pushed off until the next day. If we are however dealing with *Rosh Chodesh Tishrei*, one might think that since everyone is already treating that day as *Rosh Hashanah*, it should be considered publicized enough such that that day should be *Rosh Chodesh* (and the previous month a twenty-nine-day month). The *Mishnah* is therefore needed to teach that even in that case, *Elul* would be *meuberet*.

It would seem from the *Tifferet Yisrael*, that we learn that *beit din*'s declaration of “mekudash mekudash” is critical, and without it, the previous month would be *meuberet*. That sounds similar to the *Bartenura*, who explains that the law

in our *Mishnah* was necessary, since one might have thought that since everyone saw the new moon, it is significantly publicized that that day is *Rosh Chodesh* and that their declaration is not necessary.

Based on the above, one would find the *Ramban* surprising (*Sefer HaMitzvot* 157). He explains that the declaration of “mekudash, mekudash” is not critical. What is critical is that the *Beit Din* come to an agreement whether the day should be *Rosh Chodesh*.

Based on the *Ramban*'s position, we must understand our *Mishnah* different. The reason why the *Mishnah* rules that if they did not declare “mekudash, mekudash” the previous month is *meuberet* is not because the declaration itself is vital. Instead, the *Mishnah* was using the declaration in this case as a marker of whether the *Beit Din* had reached an agreement. Consequently, the *Mishnah* is teaching that even though it may appear to everyone that the day should be *Rosh Chodesh*, without the agreement of *Beit Din* it is not.

With this understanding, the explanation of the *Tifferet Yisrael* is even sharper. In other words, despite the fact that everyone saw the new moon and the day is already being treated like *Rosh Hashanah*, that is still not enough for the day to be considered *Rosh Chodesh*, without *Beit Din* “calling” it so.

The *Ahavat Eitan* however provides two other suggestions for why this *Mishnah* appears in this *perek*. The first is that the laws of a *shofar* are very much dependent on *kiddush ha'chodesh*. That is because if the month falls out such that *Rosh HaShannah* coincides with *Shabbat* the *shofar* was not blow. Alternatively, he explains that they would blow *shofar* as part of *kidush ha'chodesh* (*Niddah* 38a). Consequently, what qualifies as a *shofar* is not only important for *Rosh Hashanah*, but also for the very subject matter of the first *Mishnah*. Accordingly this *Mishnah* is a suitable bridge between the two halves of the *masechet*.

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Revision Questions

ראש השנה א' ג' – א'

- How did *Rabban Gamliel* respond when *R' Akiva* prevented an excessive number of witnesses from going to *Yerushalaim* on *Shabbat*? (א' ג')
- If a father and son saw the new moon, should they go to *Yerushalaim* to testify? (א' ג')
- Explain the discussion of which witnesses should be selected if a man and his son and a servant saw the new moon. (א' ג')
- Which five people are invalid witnesses due to their profession? (א' ח')
- What is the source for witnesses being able to desecrate *Shabbat* in order to provide their testimony? (א' ט')
- How would they verify the trustworthiness of the witnesses? (א' ב')
- Why was this verification necessary? (א' ב')
- Initially, how did the *Beit Din* inform everyone of *Rosh Chodesh*? (א' ב' ג')
- Why was this system changed and with what was it replaced? (א' ב')
- What were the contents of the *masu'ot*? (א' ב')
- How many mountain tops were involved in the *masu'ot*? (א' ב')
- What was the name of the courtyard in *Yerushalaim* where all the witness of the new moon would gather? (א' ב')
- What decree did *Rabban Gamliel* institute for the benefit of those witnesses? (א' ב')
- How would they interrogate the witnesses? (א' ב')
- What were the four questions that they were asked? (א' ב')
- After two witness testimonies were confirmed, why would they interrogate more witnesses? (א' ב')
- Explain the debate regarding when the *Beit Din* would not declare “mekudah” for a new month. (א' ב')
- What innovation did *Rabban Gamliel* employ to assist in interrogating the witnesses? (א' ב')
- What were the two cases of apparent “*edut sheker*” that *Rabban Gamliel* accepted? (א' ב')
- Describe the event that occurred following *R' Yehoshua*'s disputing the ruling of *Rabban Gamliel* to sanctify the month based on apparently questionable testimony. (א' ב')
- What is the law if the entire nation saw the new moon, yet *Beit Din* did not have enough time to say “mekudash” before night fall? (א' ג')
- How would *Beit Din* proceed if they alone saw the new moon? (א' ג')

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|------------------------|------------------------|------------------------|--------------------------|------------------------|------------------------|------------------------|
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| Rosh Hashanah 3:2-3 | Rosh Hashanah 3:4-5 | Rosh Hashanah 3:6-7 | Rosh Hashanah 3:8-4:1 | Rosh Hashanah 4:2-3 | Rosh Hashanah 4:4-5 | Rosh Hashanah 4:6-7 |

