



Witnesses on Shabbat

The months can be either twenty-nine or thirty days. The *Mishnah* discusses the time when *Rosh Chodesh*, the start of the new month, was determined by witness testimony, having sighted the new moon. The *Mishnah* (1:4) explains that for two months, the witnesses would be able to travel on *Shabbat* to reach *Yerushalaim*, even if it involved desecrating *Shabbat* in the process. These are for the months of *Nissan* and *Tishrei* since the beginning of those months are critical for determining the timing of the festivals. The *Mishnah* adds however, that during the time of the *Beit HaMikdash*, witnesses would be able to override *Shabbat* for all the months since it was necessary to ensure that the special *korban* that is offered on *Rosh Chodesh*, was brought at the correct time. The *Gemara* (21b) records that it was *R' Yochanan ben Zachai* that reasoned after the destruction, that since the *korbanot* were no longer offered, it was no longer necessary for witnesses to override *Shabbat* every month.

Rashi explains that on a biblical level, the witnesses would be able to override *Shabbat* every month, even after the *Beit HaMikdash* was destroyed. The *Chachamim* however prohibited the desecration of *Shabbat* during the other months since it no longer had any practical ramification.

The *Tosfot* however ask that the source the *Gemara* provides for the ruling in our *Mishnah* is, “these are the festivals of (*moadei*) *Hashem* that shall be called¹ in their appointed time”. The *pasuk* was brought as a source for the months of *Tishrei* and *Nissan*. This implies that the biblical dispensation is specifically for those two months.

Indeed *R' Chananel* explains that during the time of the *Beit HaMikdash* the *pasuk* is not needed. Since the *korban mussaf* of *Rosh Chodesh* overrode *Shabbat* and the

witness testimony was necessary for the *korban mussaf* to be offered, it therefore also overrode *Shabbat*. The *pasuk* cited by the *Gemara* was therefore needed to teach that the *Shabbat* is overridden for these two months at time when the *korban mussaf* was not able to be offered.

The *Tosfot* however support *Rashi*, explaining that *Rosh Chodesh* itself is also referred to as being a *moed*. Consequently, the *pasuk* is really the source that every month overrides *Shabbat*.

The *Rambam* (*Kidush HaChodesh* 3:2) cites the above *pasuk* as the source for why travelling to provide the testimony overrides *Shabbat*. However, he continues, “therefore the witnesses would only be able to go for the months of *Nissan* and *Tishrei* to establish [the timing] of the festivals. During the time of the *Beit HaMikdash* the [witnesses] could desecrate *Shabbat* for all the months, because of the *korban mussaf*, because on every *Rosh Chodesh* its offering would override *Shabbat*.” The *Ramabam* appears to understand this subject like *R' Chananel* above and not like the *Tosfot*.

The *Lechem Mishnah*, who understands this *sugya* like the *Tosfot*, asks that if we understand that the *pasuk* is the source for *Nissan* and *Tishrei*, then how do we know that it overrides *Shabbat* for the other months in the times of the *Beit HaMikdash*?²

R' Chaim (*Shekel HaKodesh* 3:2:11) suggests that *R' Yochanan ben Zakkai* understood from the *pasuk* that the term “*moado*” from which we derive that it overrides *Shabbat*, relates specifically to offering the *korban mussaf*. Consequently, when there is no *korban*, there is no basis for the testimony to override *Shabbat* unless it is necessary for the festivals to be “called in their appointed time”.³

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¹ It seems that it is the “calling” or declaration of *Rosh Chodesh* that overrides *Shabbat* and not the testimony. *R' Chaim* (*Shekel HaKodesh* 3:2, *Beur Halacha*) explains that even though *machshirin* would not normally be included in something that overrides *Shabbat*, in this case it does since there is no possible way it could have been done prior to *Shabbat*.

² See *Lechem Mishnah* inside for his suggested solution.

³ See the *Aruch HaShulchan HaAtid* (*Kidush HaChodesh* 91:4) who provides the same answer.

Revision Questions

ביצה ד' ר' - ה' ז'

- Explain the debate regarding taking a twig to use as a toothpick. (ד' ר')
- Can one take twigs to use as kindling from his *chatzer*? (ד' ר')
- Is one allowed to light a fire on *Yom Tov*? (ד' ז')
- Explain the debate regarding how direct one must be when setting aside food placed in the *muktzeh* for use on *Yom Tov*. (ז' ר')
- Can one place a utensil to catch water leaking from the roof? (ז' ר')
- Which of the following categories that are prohibited on *Shabbat* are prohibited on *Yom Tov*: (ז' ב')
 - *Shvut*?
 - *Reshut*?
 - *Mitzvah*?
- What activities are prohibited on *Shabbat* that are listed in the *Mishnah* as fitting into the following categories: (ז' ב')
 - *Shvut*?
 - *Reshut*?
 - *Mitzvah*?
- Complete the following phrase:
" _____ ללא _____"

"אין בין יום טוב לשבת אלא _____"
- How does one determine the how far an object can be carried (with respect to the laws of *techumim*):
 - In general?
 - If it is an object belonging to a household as apposed to an individual? (ז' ג')
 - If the object is borrowed? (Give two scenarios)
 - Regarding a cooked food where some of the ingredients have been borrowed on *Yom Tov*? (ד' ר')
 - Regarding water extracted from a waterhole? (Provide three scenarios) (ז' ה')
- Provide three halachic differences between hot coal and a flame. (ז' ה')
- If an *eiruv techum* has been placed between two cities, when is it permissible and when is it prohibited to bring the fruit from one city to the owner of the fruit situated in the other city? (ז' ר')
- Can a host give his guest food to take home? (ז' ר')
- What is the difference between *midbariot* and *bayatot*? (ז' ר')

ראש השנה א' - א' ה'

- What are the four *Roshei Shanim*? (א' א')
- When are the four times in the year when the world is judged? (ז' ב')
- How many times each year are the messengers sent to inform about *Rosh Chodesh* and why are they sent each of those times? (ז' ג')
- During the times of the *Beit Ha'Mikdash* for which months would the witnesses of the new moon be allowed to desecrate *Shabbat* in order to provide their testimony and why? (ז' ד')
- What condition does *R' Yosi* place on the law described in the previous question? (א' ה')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
13 August כ"ו אב	14 August כ"ז אב	15 August כ"ח אב	16 August כ"ט אב	17 August ל' אב	18 August א' אלול	19 August ב' אלול
Rosh Hashanah 1:6-7	Rosh Hashanah 1:8-9	Rosh Hashanah 2:1-2	Rosh Hashanah 2:3-4	Rosh Hashanah 2:5-6	Rosh Hashanah 2:7-8	Rosh Hashanah 2:9-3:1

