



OVERVIEW of the Daf

1) Clarifying the Mishnah (cont.)

R' Huna's explanation of the Mishnah's phrase, "it does not appear more than eight" is unsuccessfully challenged.

Ulla offers an alternative explanation of the phrase, "it does not appear more than eight."

This explanation is unsuccessfully challenged.

The Gemara explains the point of dispute between R' Huna and Ulla.

R' Huna's position is challenged from a Baraisa.

R' Huna defends his position by noting that the Baraisa also presents a difficulty for Ulla.

This point is conceded and the Gemara identifies the author of the Baraisa as Others.

The assertion that the Baraisa follows Others is unsuccessfully challenged.

Rava explains the novelty of Others' position.

Ravina unsuccessfully challenges Others' position.

It is noted that Shmuel also agrees with R' Huna's explanation of the phrase "it does not appear more than eight."

R' Huna and Shmuel's position is unsuccessfully challenged.

It is noted that even Rabbi agrees with R' Huna. ■

REVIEW and Remember

1. How does Ulla explain the phrase "it does not appear more than eight"?

2. What is the point of dispute between R' Huna and Ulla?

3. Explain the position of "Others"?

4. What is the minimum number of days in a lunar year and the maximum number of days in the lunar year?

HALACHAH Highlight

Interpreting a person's words

כימות הלבנה מונה נזירות שלש מאות וחמשים וארבעה

"Like the days in the lunar year" he counts for his nezirus 354 days

Shulchan Aruch¹ writes that if a person vows and his intent is unclear he must be stringent to avoid doubt. For

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Distinctive INSIGHT

People do not detect the moon's appearance on its first day

חד יומא לאו אדעתיהו דאינשי

The Jewish calendar is based upon the lunar cycle where a month is the period when the moon appears to encircle Earth one time. This cycle is approximately 29 days, 12 hours and 793 out of 1080 parts (חלקים) of the next hour. This fraction of the hour is just under three-fourths, which is about 44 minutes into the 13th hour of the 29th day. Twelve lunar cycles of about 29 and a half days make up a lunar year. We do not change from one month to another in the middle of a day, so we instead count one month of 29 days (approximately half a day short of the astronomical completion of the moon's cycle), and the next month of 30 days (approximately half a day longer than the astronomical completion of the moon's apparent movement around Earth). Two months comprise 59 days, which is very close to the combination of two months of 29 1/2 days each. A lunar year is six of these two-month cycles, which is approximately 354 days.

According to R' Huna, the Mishnah's rule is that we can allow up to eight "full" months in any particular year, instead of the standard six. The reason we do not allow nine full months is that this would result in the year being 357 days, and the coming Rosh HaShana to occur three days later than when the moon would appear (on day 354). Apparently, it is not a problem if we allow eight full months, although this results in the year being a total of 356 days, which is two days longer than the true astronomical event of the moon's actual cycle, which concludes on day 354, two days before Rosh HaShana. The Gemara explains that this is allowed only if the previous year was a leap year, which had an added month of only 29 days. The extra half day short is supplemented by one of the two extra days of the current year, and the other one extra day which remains "is not noticed by people." Rashi notes the issue that the previous year was only half a day short, not a full day, so our calculation does not fully allot for the two extra days of the current year and the eight full months.

Rashi explains that "people do not notice one extra day" does not mean that people will not notice that the moon appeared a day early before Rosh HaShana. Rather, it means that people will certainly notice it, but they will not be surprised or react when Rosh HaShana is scheduled a day later than the true beginning of the moon's move-

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example, if a person declares, “This fruit is prohibited to me like salted meat,” it is not clear whether he refers to korban meat which would constitute a vow or whether he refers to idolatry meat that would not constitute a vow. Since his wording is not clear he must be stringent and treat his declaration as a binding vow. If he explains that his intent was for idolatry meat he is believed but if the majority of people of that place refer to korban meat as “salted meat” he is not believed to explain that his intent was idolatry meat. This clearly indicates that when there is an uncertainty regarding the words of a person’s vow those words could be defined by the common meaning of those words in that place.

Taz² takes note of the fact that Shulchan Aruch seems to have contradictory rulings about this matter. In some places he seems to adopt the position that a person’s words that are unclear are not defined by their usage in that place and other rulings that indicate that a person’s words are defined by the way they are used in that place. He answers that there is a difference whether the uncertainty relates to the object that he was prohibiting upon himself and whether the uncertainty relates to the object used to define the scope of the prohibition. In other words, if he prohibits oil upon himself and lives in a place where people use different varieties of oil they are all included in his vow even if most people use one varie-

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ments in its new cycle. Rabeinu Gershom explains that people will not even notice that the moon has begun its new cycle on its first day. The appearance of the moon on that first day is only minimal and for a short time, so it is not common for people to notice it. Later, the Gemara presents a calculation where Rosh HaShana might be a day late. The Gemara likewise reports that people understand that Rosh HaShana is being celebrated even though no one has seen the new moon. They assume that it appeared, but they personally failed to see it. ■

ty. The common usage of the term oil will not be relevant. On the other hand when he prohibits fruit “like salted meat” the phrase “like salted meat” defines the scope of the prohibition and is subject to the common use of the phrase in that location. Maharsham³ cites proof for Taz from our Gemara. The Gemara teaches that one who vows to be a nazir “like the days of the lunar year” is a nazir for 354 days, the number of days in a lunar year. Even though it is possible for a lunar year to be longer, his words are defined by their common usage. ■

1. שו"ע יו"ד סי' ר"ח סעי' א'.

2. ט"ז שם סק"א.

3. שו"ת מהרש"ם ח"ג סי' קפ"ז וח"ד סי' צ"ה וח"ז סי' קכ"ד. ■

STORIES Off the Daf

The Common Meaning

בנדריים הולך אחר לשון בני אדם

On today’s daf we find that nedarim take effect according to the normal intention of what was said.

It is difficult for some to learn with a partner whose skills are not up to par with his own. The Chazon Ish, zt”l, once urged some yeshiva boys to teach aleph beis to a few Yemenite boys who had been rescued from the anti-religious kibbutzim, and who were starting from square one. One bochur protested, however.

“What about all of the growth in my learning that I will have to forgo by giving so much of my time to be what amounts to a kindergarten teacher?” the young man complained

The Chazon Ish was completely un-

moved by this claim, “I guarantee you that the siyaata d’shmaya that you will see when you are able to get back to learning on your own level will make up any loss there seems to be in the interim.”¹

One young man whose learning was weak longed to be matched with a high-level chavrusah. But he was afraid that the chavrusah he had in mind would never acquiesce to learn together with him of his own volition. The weaker bochur waited until Simchas Torah when the talmid that he had in mind would drink a bit. Taking advantage of the opportunity, the weaker bochur added stronger stuff than the sought-after young man was used to and then encouraged him to drink more. When the stronger bochur was somewhat tipsy, he was willing to be the other bochur's chavrusah. To ensure that he would not change his mind, the weaker bochur asked him to shake hands on it, which he readily did.

The bochur then said triumphantly “The Shulchan Aruch rules that we do not permit a deal sealed by shaking hands unless it is a situation where a shvuah would be permitted.² Although you're a little tipsy, any deals you make now are definitely binding unless you were as drunk as Lot...”³

When this case came to Rav Yitzchak Zilberstein, he ruled that such an agreement was not binding like a shvuah. “The Beis Yosef writes that one who merely shook hands like people do to seal a business deal—not to accept a shvuah—is clearly merely sealing the agreement as businessmen do, not making an oath. This is the custom, and nedarim are determined by what people mean by their actions and words.”⁴ ■

1. במעשה איש

2. ש"ע, סי' רל"ב, סי' ב'

3. עירובין, דף ס"ה

4. ב"י שם, מובא בחשוקי חמד, בכורות, ע'

■ תקכ"ב-תקכ"ג