

This month's Daf Digest is dedicated in memory of
Mr. Israel Gotlib of Antwerp and Petach Tikva, Yisrael Tzvi ben Zev.
By Mr. and Mrs. Manny Weiss

OVERVIEW of the Daf

1) "Until the rain" (cont.)

R' Zeira's qualification of the Mishnah is challenged from a Baraisa.

The Gemara defends R' Zeira's position.

2) **MISHNAH:** The Mishnah presents the halachos that apply when a person makes a vow and it turns out to be a leap year.

3) Unspecified Adar

The Gemara infers from the Mishnah that an unspecified Adar refers to the first Adar. This indicates that the Mishnah is aligned with R' Yehudah who expresses this position in a Baraisa.

Abaye explains how our Mishnah could even be explained according to R' Meir.

A Baraisa is cited from which one can infer support for Abaye's assertion.

4) **MISHNAH:** The Mishnah cites many examples where a person's words when declaring a vow are not understood literally.

REVIEW and Remember

1. According to R' Yosi, when would individuals begin to fast due to a lack of rain?

2. Does an unspecified Adar refer to Adar Rishon or Adar Sheni?

3. When does a vow prohibiting wine "until it is Pesach" conclude

4. When is a vow not a vow?

Today's Daf Digest is dedicated
the yahrtzeit of our beloved father
Moshe ben Asher (Morris Barkon)
by Beverly Barkon and Frank Lieberman

Today's Daf Digest is dedicated
By the Geller family
In loving memory of their grandfather
ר' אליעזר בן ר' משה הכהן, ע"ה

Distinctive INSIGHT

Which is the unspecified Adar?

דתניא אדר הראשון כותב אדר הראשון, אדר שני כותב אדר שנים דברי רבי מאיר

Rebbe Meir holds that if a person records the month of Adar on a legal document, during the first Adar, he should write Adar Rishon (the First Adar), but during the second Adar, he can write Adar, without specifying. Tosafos mentions two proofs for the opinion of Rebbe Meir. Adar Sheni is 29 days, the same as Adar of any year, while Adar Rishon is 30 days. Secondly, Purim and all its laws are celebrated in the Second Adar, and not during the First Adar.

Chasam Sofer asks about the explanation of Tosafos. The Gemara in Megilla (6b) determines that the halachos of Purim are to be observed during the second Adar based upon a verse, in conjunction with the argument that we should schedule the holidays of redemption of Purim and Pesach in consecutive months. Without these supportive reasons, we very well might have thought to say that Purim should be celebrated during the first Adar. How, then, can Tosafos take it for granted that "Adar" refers to the second Adar because of Purim, when Purim and the second Adar are not integrally related, but only based upon other factors?

Chasam Sofer answers that once our sages have determined that Purim is, in fact, celebrated in the second Adar, it is at this point that a neder which mentions Adar in an unspecified manner will refer to the second Adar.

Sefer **נדרי זירוין** also deals with the approach of Tosafos, and he wonders how it is that Tosafos states that logic would lead us to assume that Adar is the second month, when this is an issue which is disputed by the Amoraim, the "אבות העולם" in the Gemara (ibid.). He rejects the notion that Tosafos is referring to the fact that the halacha follows Rabbi Meir in our Gemara based upon the two halachos which Tosafos mentions, because there is no indication that Rabbi Yehuda argues against these halachos.

Rema (O.C. 55:10) writes that if someone is born in Adar of a regular (non-leap) year, and thirteen years later the year has two months of Adar, he should celebrate his bar-mitzvah in the second Adar. Mishnah Berura asks that this should be perfectly obvious based upon the immediately preceding halacha (55:9) that a child is a minor until he matures and arrives at age thirteen, and a leap-year is counted as thirteen months. What, then, is the novelty of the comment of Rema?

Mishnah Berura explains that requiring to wait thirteen months until the end of a leap-year is reasonable when the neder was made during any month other than Adar, but when the boy was born in Adar itself, we might have thought that this boy is bar-mitzvah when Rosh Chodesh Adar I of his thirteenth year arrives. The ruling is that this is not the case. ■

HALACHAH Highlight

Eating extra the night before a fast

קונם בשר שאיני טועם עד שיהא הצום וכו'

Konam is meat for me to taste until it will be the fast

Elya Rabbah¹ writes that one should not eat on the night before a fast more than usual since that will render the fast ineffective. His reasoning is that the extra food will fortify the person and protect his body so that it is as if he did not fast altogether. This opinion is cited by Kaf Hachaim² but he adds that a person who is generally weak is permitted to eat extra the night before the fast so that the fast will not be detrimental to his health.

There was once a person who used to eat filling meals the night before a fast in order to alleviate the difficulty of the fast. He was then informed that that practice is prohibited so he turned to Rav Betzalel Stern³, the B'tzeil Hachochma, for guidance. B'tzeil Hachochma began by citing the sources mentioned above and then proceeded to cite our Mishnah. The Mishnah rules that a person who makes a vow that he will not eat meat "until it will be the fast"—עד שיהא הצום—is prohibited to eat meat until the night before the fast⁴ since his intention was to prohibit meat until the time that people commonly eat meat. This seemingly indicates that even those people who were not accustomed to eat meat at night would eat meat on the night before a fast and they were not concerned that the meat would detract from the spirit of the fast. In fact, notes B'tzeil Hachochma, Rashash⁵ writes explicitly that on the night before the fast they would eat meat in order to lighten the fast. Even though Ran and Meiri

explain that the Mishnah refers specifically to the fast of Yom Kippur when there is a mitzvah to eat before the fast and accordingly one could not generalize this matter to other fasts, nonetheless, there is no proof that they disagree with the halacha of the other authorities who explain that the Gemara refers to all the fasts. Therefore, one who finds fasting difficult is certainly allowed to eat extra on the night before the fast in order to make the fast easier.

Taz³ ruled that when there is uncertainty whether a buyer purchased something for a prohibited or permitted purpose one has the right to assume that he bought the item for a permitted use. Teshuvos Ein Yitzchok⁴ challenged this ruling from our Gemara. When R' Ashi defended his sale of the forest he explained that it was based on the fact that most of the wood would be used for a permitted purpose. This indicates that lacking that majority it would be prohibited, in conflict with Taz who does not express this requirement. Answers Ein Yitzchok, the reason R' Ashi needed a majority to permit the sale is that he was selling wood to a fire worshipper and it was almost certain that some would be used for idolatry. Under normal conditions, a majority is unnecessary and one is permitted to sell the item as long as it is possible that it will not be used for a prohibited purpose, like the ruling of Taz. ■

1. א"ר סי' תקס"ג סק"א
2. כה"כ סי' תקמ"ט ס"ק י"א
3. שו"ת בצל החכמה ח"ב סי' מ"ח
4. ע' פרש"י ד"ה אלא
5. רש"ש שם ■

STORIES Off the Daf

The will of Rav Yehudah HaChasid

מסרב בו לשאת בת אחותו

Today's daf discusses a man who resists pressure to marry his niece.

Once, someone asked the Mekor Chaim, zt"l, "There are many practices prohibited in the tzava'ah of Rav Yehudah HaChasid. These prohibitions run the gamut all the way from not cutting hair on Rosh Chodesh to where a married couple shouldn't live. Is there a halachic basis to uphold these wide-ranging prohibitions?"

The Mekor Chaim replied, "As you may know, he also prohibits marrying one's niece. However, when someone asked the Nodah B'Yehudah, zt"l, regarding this, he said that it is permitted. He

proves that this is a mitzvah from the Gemara in Yevamos 62 which places marrying one's niece in a list of practices in the merit of which Hashem will answer on the day He is called. Based on this proof, the Nodah B'Yehudah concludes that the Chasid must have meant the tzava'ah only to be binding on his own descendants. If this is the case, none of the prohibitions are halachically relevant.

The Mekor Chaim continued, "However, the language of the tzava'ah itself belies this interpretation. Besides, how can we ignore one of the ba'alei Tosafos, whose words were said with ruach hakodesh, on the basis of such a claim? As far as the Nodah B'Yehudah's proof is concerned, one of the things listed in Yevamos along with marrying one's niece is lending money to a poor man in his time of difficulty. Surprisingly, the Gemara in Chagi-

gah 5 applies the verse, 'It will come upon him many evils and pains,' to one who gives charity to a poor man in his time of difficulty! Rashi explains that this connotes one who waited until the prices rose, forcing the poor man to pay the expensive price rather than answering his need when prices were lower. Rav Yehudah HaChasid learned that the same holds true for lending him money in his time of difficulty. Since marrying one's niece is in the same list, this should definitely be avoided at all costs!

He concluded, "The Gemara's application of the verse that Hashem will answer on the day he calls is hardly proof that marrying one's niece is a mitzvah. On the contrary, this is a kind of rebuke: the person is not included in the promise, 'I will answer them before they call!'" ■

