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שע"י "חדר הזדאה" שכונת מנחת יצחק פעיה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

Halochoh compiled by HaRav Chaim Bleier – Translated from the Hebrew edition by R' Zerachya Shicker

Halochoh of

Leap Year

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לוקוטי ופסקי הלכות "חוקי חיים"

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שע"י "חדר הוראה" שכונת מנחת יצחק פעיה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

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Halachos of a Leap Year

Parshas Ki Sisa 5782

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Adar Rishon

Increased Joy in Adar Rishon?

1. When Adar comes, we increase our joy (מ"ב סי תרפ"ו) תענית כ"ט. מ"ב סי תרפ"ו) Rashi says this is the time the miracles of Purim and Pesach happened to Klal Yisroel. Some explain Rashi to mean that Adar marks the beginning of the consecutive miracles of Purim and Pesach. This is similar to the reason we read the Megillah in Adar Sheini – to put one salvation next to the other (שאלת יעב"ץ ח"ב סי) (פ"ה). According to this reason, in a leap year, we only begin increasing our joy in Adar Sheini, which is next to Nissan.
2. The Chasam Sofer (א"ח סי ק"ט) explains Rashi differently: although we hold Klal Yisroel is not subject to mazal, since two miracles happened in these months [Adar and Nissan], they are a favorable time for miracles and we therefore rejoice. Elsewhere, the Chasam Sofer signs a letter with the words, "The first day of Rosh Chodesh Adar Rishon, the month of increased joy" (ש"ת חת"ס סי כ). It is clear from here that he holds the extra joy is associated with the month(s) called "Adar."

Adar Specifically Is the Extra Month of a Leap Year

3. The Torah refers to Nissan as the month of spring [חודש רביעי] (דברים ט"ז, א) [האביב]. From here we learn that we must make some years leap years; otherwise, Pesach could fall in the summer or winter (רמב"ם פ"ד קידוש החודש ה"א).
4. The extra month of a leap year is always another Adar (סנהדרין) (י"ב, ר"ה ז). Several reasons are given for this: 1) The pasuk says to guard the month of spring, i.e., the month before spring (רש"י ר"ה); 2) The pasuk says, "The 12th month, the month of Adar" (אסתר ג' י"ג) – if the extra month was any one other than Adar, Adar would not be the 12th month (תוס' סנהדרין י"ב ד"ה אין מעברין); 3) Just like the extra day of a "leap month" is always at its end [the 30th day], the extra month of a leap year is always at its end (רבינו יונה שם); and 4) The 12 months of the year correspond to the 12 shevatim. Adar, whose mazal is Dagim [Fish, or Pisces], corresponds to Yosef, who was compared to fish. Since Yosef had two sons, Menasheh and Efrayim, we make two months of Adar (קדושת לוי פי כי תשא).
5. **The Purim miracle was in a leap year.** It is noteworthy that according to the Yerushalmi (דף ה' דף ז'), the year in which Haman cast lots and the miracle occurred was a leap year. The repetition of the word חודש in the pasuk "מיום ליום" indicates that there were two Adars that year (פני משה).

Leap Year in Shemittah

6. **Kiddush hachodesh with eidim.** Back when the day of Rosh Chodesh was determined by eidim, the halachah was that a shemittah year could not be a leap year, i.e., there could not be two Adars in shemittah (גמ' סנהדרין דף י"ב ע"א). This is because doing so would extend the issur to work the land (רש"י שם).
7. **When the calendar was set.** But after they set the calendar with 19-year cycles, it became very common for a leap year to coincide with shemittah – e.g., in 5768, 5782, 5803, 5817, and 5831. A few reasons are given for this:
8. **To align the seasons.** Some explain this based on the opinion of the Rambam that shemittah may be set as a leap year to ensure that Pesach falls in the spring (קידוש החודש ט"ו ט"ז). That being the case, since the purpose of setting our calendar was to align it with the solar cycle ["תקופה ה'"], a leap year may coincide with shemittah (ש"ת שרידי אש ח"א סי ל"ט).
9. **Derabanan.** There is an opinion that the issur to make a shemittah year a leap year is only derabanan (מרגליות הים סנהדרין) (י"ב ע"א). Accordingly, some explain that when Chazal set the calendar, they had the license to allow shemittah years to be

leap years; otherwise, the calendar would be in 133-year cycles instead of 19-year cycles, creating much complication and concern for confusion (שערי זמנים סי ט).

Mazel of Adar Rishon

10. Some say the mazal of both Adars is Dagim (קדושת לוי הנ"ל); others say Adar I is Dagim and Adar II does not have a mazal (חזקוני שמות י"ז, ט, הגר"ח קנייבסקי שקל הקדש ביאור הלכה פ"ד ה"א); yet others say Adar I is included in Shevat's mazal – D'li [Pail, or Aquarius] (לבוש סי תרפ"ה סק"א).

"ולכפרת פשע"

11. In the Rosh Chodesh Mussaf of a leap year, most people add the words "ולכפרת פשע" in the paragraph of "חדש עלינו את החדש" (מ"ב סי תכ"ג סק"ו) "הזה" ("לטובה ולברכה וכו'") correspond to the 12 months. We add the phrase "ולכפרת פשע" for the thirteenth month (א"ר).
12. Some only add this phrase in the extra month (יוסף) מקור חיים סי"ג, יוסף) (ס"ה, בן איש חי שנה ב' פ' ויקרא אות י"ט ערוה"ש); others add it every month of a leap year (אומץ סי תרצ"א ערוה"ש). However, the minhag of most people [because of what it says in most siddurim...] is to add it from Rosh Hashanah through the extra month but not on Rosh Chodesh Nissan (פמ"ג סי תכ"ג משב"ז סק"ב, חזו"א ארחות רבינו ח"ג עמ' רנ"ד).

Bar Mitzvah in Adar

Born in Adar I of a Leap Year

13. **Bar mitzvah in a regular year.** If a boy was born in Adar I and he becomes a bar mitzvah in a regular year, his bar mitzvah is in Adar, not Shevat, since his 13th year is completed in Adar.
14. Consequently, if one boy was born on 29 Adar I and a second boy was born on 1 Adar II and their bar mitzvahs are in a regular year, the boy born second will become a gadol on 1 Adar, while the boy born first will become a gadol on the 29th (ש"ע א"ח סי ג"ה סי"י).
15. **Bar mitzvah in a leap year.** If a boy was born in Adar I of a leap year and his bar mitzvah is also in a leap year, some poskim hold his 13th year is not finished until Adar II (מג"א סי ג"ה סק"א). However, almost all other poskim hold he becomes a bar mitzvah in Adar I (א"ר, ט, א"ר) and this is the widespread minhag.
16. **If a boy was born on 30 Adar I [the 1st day of Rosh Chodesh Adar II]** and his bar mitzvah is in a regular year – in which Adar always has 29 days – the poskim write that he becomes a bar mitzvah on 30 Shevat [the 1st day of Rosh Chodesh Adar] since the two days of Rosh Chodesh are like one long day (ש"ת בנין ציון) (סי קנ"א, ש"ת מנח"י ח"ו סי ד').

Born in Adar of a Regular Year

17. If a boy was born in Adar of a regular year and his bar mitzvah is in a leap year, some say he becomes a bar mitzvah in Adar I (ש"ת מוהר"ש הלוי או"ח סי ט"ז).
18. However, most poskim hold he does not become a bar mitzvah until Adar II (רמ"א סי ג"ה סי"י). This is because when a year becomes a leap year, it affects the natural processes, and signs of adulthood develop later (מדרכי יבמות אות קט"ז, מוהר"י מינץ סי ט"ז). Even so, some write he should be machmir and start putting on tefillin in Adar I since in any event, some people put on tefillin a month before their bar mitzvah (ש"ת שבט הלוי ח"ו סי ט). [Since 5769, 13 years ago, was a regular year, there are no bar mitzvahs this month, Adar 1 5782.]
19. **If a boy was born on 30 Shevat [1st day of Rosh Chodesh Adar]** of a regular year and his bar mitzvah is in a leap year, he becomes a bar mitzvah on 30 Shevat [1st day of Rosh Chodesh Adar I] (ש"ת שבט הלוי ח"י סי ק"ה). However, some are concerned for the opinion [בנין ציון לעיל אות 13] that the title "Rosh Chodesh Adar" is the main thing, which would mean he would not become a bar mitzvah until Rosh Chodesh Adar II. Thus, it is

proper to take this into account for things which are deoraisa, e.g., parts of the matzah baking process that must be done by a gadol or other things (ש"ת ויען יוסף סי' ל"ג).

Bas Mitzvah

20. All of these rules apply equally to girls, who become obligated in mitzvos at 12 years old (קובץ מבית לוי) (הגר"ש וואזנר, קובץ מבית לוי).

Halachos of Yahrzeit

Passed Away in Adar of a Regular Year

21. When one has a yahrzeit in Adar, the poskim argue about when to observe the minhagim of yahrzeit, e.g., the minhag to fast on one's parent's yahrzeit. The Mechaber holds one should fast in Adar II (ש"ת סי' תקס"ח סי' ט"ז, שו"ת הת"ס א"ח סי' קס"ג).
22. The Rama (שם וב"י סי' ת"ב סי' ב'), however, writes that the minhag is that the yahrzeit is in Adar I since fasting and Kaddish help the deceased father – why should we delay that? This is the minhag of most Ashkenazim. He also writes that some are machmir to keep both. Several poskim follow this (מג"א, ביאור הגר"א, ש"ך י"ד סי' ת"ב סק"א). One who does this only takes precedence over other aveilim to be the chazan or say Kaddish in one of the Adars (קובץ מבית לוי) (הגר"ש וואזנר, קובץ מבית לוי). [“tikun” and lechayims can be done in both Adars...]

First Yahrzeit in a Leap Year

23. When a first yahrzeit falls in Adar of a leap year, even the Mechaber agrees the yahrzeit is kept in Adar I (בי"י י"ד סי' ת"ג בשם) (התשב"ץ סי' תכ"ז) since the first year ends after 12 months.
24. **Aveilus.** Aveilus for parents is for 12 months. Thus, in a leap year, when 12 months are over before the first yahrzeit, the issurim of aveilus end after 12 months (ש"ך סק"ב). On the yahrzeit itself, one should follow the halachos of yahrzeit, e.g., not participating in a party or simchah (ש"ך סי' שצ"ה סק"ג).
25. **“הריני כפרת משכבו.”** Some hold one should keep saying “הריני כפרת משכבו” [a phrase said after mentioning a recently-deceased father's name] in the 13th month, until the first yahrzeit (שו"ת בית יצחק י"ד ה"ב סי' קנ"ז). Others argue and hold one should stop after 12 months (ספר משנת) (העירבור פ"י אות י"ב).

Passed Away in a Leap Year

26. If a person passed away in Adar I of a leap year, his yahrzeit is in Adar I; if he passed away in Adar II, his yahrzeit is in Adar II.
27. **30 Adar I.** If a person passed away on 30 Adar I, his yahrzeit in a regular year is on 30 Shevat (מג"א סי' תקס"ח סק"ב, שו"ת מנח"י סי' ט) (ט). However, some say his yahrzeit is on Rosh Chodesh Nissan (אג"מ י"ד ח"ג סי' קנ"ט אות ד).

Unsure If Someone Passed Away in Adar I or Adar II

28. If it is unknown whether someone passed away in Adar I or Adar II, the yahrzeit minhagim should be kept in Adar II due to the rules of chazakah, which tell us to assume he was alive in Adar I. Also, some say one should always fast in Adar II (מ"ב) (שעה"צ סי' תקס"ח סק"ח).

Fast of 7 Adar

29. The 7th of Adar was established as a fast day to commemorate the petirah of Moshe Rabbeinu (שו"ת סי' תקי"פ סי"א) (שו"ת שם סק"י). There is a machlokes if the fast should be in Adar I or Adar II (מ"ב שם סק"י). In Chutz La'aretz, the minhag is to fast in Adar I. The minhag in Eretz Yisroel – followed by the Chevra Kadisha of Yerushalayim – is to fast in Adar II (לוח א"י, לוח א"י ש"ג, עמ"ל ש"ג).

Halachos Dependent on 12 Months or a Year

Kneidlach Cooked on Acharon Shel Pesach Last Year

30. One who cooked kneidlach on Erev Shabbos of Acharon shel Pesach last year [5781] and in a regular year would be careful not to use those dishes [which have beliyos of gebrochts] until the following Pesach may be lenient this year. This is because there are poskim who hold dishes do not need hagalah after 12 months (דרכי חיים ושולם אות תקע"ח, גליון חוקי חיים 86 אות כ"ט).

Apartment Rentals

31. **A year or 12 months?** If one agreed to a one-year apartment rental starting Rosh Chodesh Cheshvan 5782 for \$12,000 a year, for example, the contract expires on Erev Rosh Chodesh Cheshvan 5783 and he does not have to pay for the extra month (שו"ת חו"מ סי' ש"ב סט"ו, ש"ך שם).
32. On the other hand, if one agreed to a 12-month rental with a monthly rent, e.g., the contract was written on Rosh Chodesh

Cheshvan and says the rent is \$1,000 a month for 12 months, the contract expires after 12 months [Erev Rosh Hashanah 5783]. If the renter remains in the apartment for the 13th month [Tishrei], he must pay rent to the owner (שם); we do not assume his intent in the contract was for a one-year rental (סמ"ע שם).

33. If the words "month" and "year" were written in the contract, e.g., "a one-year rental for \$1,000 a month," or "\$1,000 a month for a year," it is unclear if the main intent is the year or the months. Since real estate halachically remains in the possession of its owner, the owner may evict the renter after 12 months (see above, 29). If the renter stayed in the apartment until Rosh Chodesh Cheshvan, he must pay rent for the 13th month (סמ"ע סק"י) since the safeik arose at the beginning of the month; thus, he is like a person who lived on someone else's property without permission.
34. **Gregorian or Hebrew date.** There is an 11-day difference between the solar year [which the Gregorian calendar is based on] and the lunar year [which the Hebrew calendar is based on]. There are differences of opinion about what to do if a contract does not specify which calendar it follows.
35. If only the Gregorian date was mentioned, e.g., a contract drafted on Rosh Chodesh Cheshvan 5782 only said October 7, 2021, the contract ends on October 6, 2022 [11 Tishrei 5783] and the renter must pay for 12 months (מ"ר בעל פתחי חושן שכירות פ"ה הע"ב).
36. If only the Hebrew date was mentioned, it is clear that the contract follows the Hebrew month. If both were mentioned, e.g., "Rosh Chodesh Cheshvan 5782/October 7, 2021" and the landlord and tenant usually use the Gregorian date – or in Chutz La'aretz, where all contracts use the Gregorian date – the contract follows the Gregorian date. If both parties always use the Hebrew date, the contract follows the Hebrew date (עמק) (המשפט שכרות בתים סי' ט"ז).

Tuition

37. Tuition in Eretz Yisroel is generally paid by the Hebrew month. However, the parents' pre-authorized payment to the institution is usually collected by the Gregorian month. Thus, the institution has the right to collect an extra month's rent in a leap year.

Date in a Kesubah

38. **Kesubah.** Lechatchilah, a kesubah should indicate which Adar the marriage took place in. In Adar I it should say "Adar harishon"; in Adar II, "Adar hasheini." It should not say "alef" (אדר א') or "beis" (אדר ב') since that can be forged. If it did, bedieved it is kosher.
39. If a kesubah for Adar I just said "Adar," it is kosher and a new one does not need to be drafted. If a kesubah for Adar II just said "Adar," it is considered backdated, and it is pasul (שו"ת סי' חו"מ סי' מ"ג סכ"ח, רמ"א אבה"ע"ז סי' קכ"ו ס"ז).

Shanah Rishonah

40. A chosson has a mitzvah to live with his wife and gladden her in their first year married, i.e., not to go out of town. In a leap year, this mitzvah applies for 13 months (משמעות הרמב"ם ספה"מ עשה ר"ד, והיגוף מצוה תקפ"ב, שלחן העוז ח"ב סי' י"ב סק"ה, שו"ת חת"ס אבה"ע"ז ח"א סי' קי"ט). Some say based on the Zohar (רעיא מהימנא פ"י תצא דף רע"ז:) that this mitzvah is only for 12 months (שו"ת דברי יציב אבה"ע"ז סי' פ"ד פ"ה).

End of Zman

41. According to all opinions, the yeshiva zman finishes at the end of Adar II. Many people mistakenly think it finishes at the end [or beginning...] of Adar I...

Tomchei Yotzei Anglia

The Tomchei Yotzei Anglia campaign will be underway in the coming days. It doesn't matter whether the campaign is in Adar I or Adar II; the main thing is to generously and openheartedly support families as Pesach approaches.

1395

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