

ליקוטי ופסקי הלכות "חוקי חיים"

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בלבב שלם



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

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

Dinim of

A Leap Year

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ליקוטי ופסקי הלכות "חוקי חיים"

ותלמוד
"תקופת התענית"
לעשות רצונך
בלבב שלם



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Halachos of a Leap Year

Parshas Teruma 5784

323

Some Halachos of Adar Rishon

Increased Joy in Adar Rishon?

- When Adar comes, we increase our joy (תענית כ"ט, מ"ב סי תרפ"ו סק"ח). 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 Megilla in Adar Sheini – to put the two redemptions next to each other (שאלת יעב"ץ). According to this reason, in a leap year we only begin increasing our joy in Adar Sheini, which is next to Nissan.
- There is another explanation given for Rashi: although we hold Klal Yisroel is not subject to mazel, since two miracles happened in these months [Adar and Nissan], they are a favorable time for miracles, and we therefore rejoice (חת"ס אר"ח סי ק"ט). 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). 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

- The Torah refers to Nissan as the month of spring ["חודש האביב"] (דברים ט"ז, א). We learn from this 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).
- The extra month of a leap year is always another Adar (סנהדרין). Several reasons are given for this: 1) The posuk says to guard the month of spring, i.e., the month before spring (ר"ה). 2) The posuk says, "The 12th month, the month of Adar" (אסתר) – if the extra month were any month 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). 4) The twelve months of the year correspond to the twelve Shevatim. Adar, whose mazel is Dagim [Fish, or Pisces], corresponds to Yosef, who was compared to fish. Since Yosef had two sons, Menashe and Efrayim, we make two months of Adar (קדושת לוי פ"י תשא).
- The Purim miracle was in a leap year.** It is noteworthy that according to the Yerushalmi (מגילה פ"א הל' 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 posuk "ליום ליום ומחודש" indicates there were two Adars that year (פני משה).

Mazel of Adar Rishon

- Some say the mazel of both Adars is Dagim (קדושת לוי הג"ל). Others say Adar Rishon is Dagim and Adar Sheini does not have a mazel (חזקוני שמות י"ז, ט, הגר"ח קנייבסקי שקל הקדש ביאור הלכה פ"ד ה"א). Yet others say Adar Rishon is included in Shevat's mazel – D'li [Pail, or Aquarius] (לבוש סי תרפ"ה סק"א).
- "ולכפרת פשע"**
In the Rosh Chodesh Mussaf of a leap year, most people add the words "ולכפרת פשע" in the paragraph of "חדש עלינו את החדש הזה" (מ"ב סי תכ"ג סק"ז). This is because the twelve phrases in this paragraph ["לטובה ולברכה וכו'"] correspond to the twelve months. We add the phrase "ולכפרת פשע" for the thirteenth month (א"ר).

- Some only add this phrase in the extra month (מקור חיים ס"ג, יוסף); others add it every month of a leap year (ערוה"ש). However, the minhag of most people [because of what it says in most siddurim...] is to add it from Rosh Hashana 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"ר נ"ד).

Purim Katan

- The 14th and 15th of Adar Rishon are called Purim Katan. Tachanun and Lam'natzeiach are omitted on Purim Katan. One may not fast or eulogize someone (ש"ע סי תרצ"ז), neither by day nor by night. One may eulogize a talmid chochom in front of his body (לוה א"י).
- Increased joy.** Although there is no chiyuv to have extra joy or to feast on Purim Katan, one should eat some extra food on the 14th to fulfill the machmir opinion (רמ"א שם). This does not apply to the 15th, even for residents of Yerushalayim (מ"ב סק"ד). There is certainly no chiyuv or minhag of "ad d'lo yoda" on Purim Katan...

Bar Mitzva in Adar

Born in Adar Rishon of a Leap Year

- Bar mitzva in a regular year.** If a boy was born in Adar Rishon and he becomes a bar mitzva in a regular year, it is clear his bar mitzva is in Adar, not Shevat, since his 13th year is completed in Adar.
- It comes out that if one boy was born on 29 Adar Rishon and a second boy was born on 1 Adar Sheini and their bar mitzvas are in a regular year, the boy born second will become a gadol on 1 Adar, while the boy born first will only celebrate his bar mitzva on the 29th (ש"ע אר"ח נ"ה סי').
- Bar mitzva in a leap year.** If a boy was born in Adar Rishon of a leap year and his bar mitzva is also in a leap year [e.g., this year – 5784/2024 – which is 13 years after the leap year of 5771/2011], some poskim hold his 13th year is not finished until Adar Sheini (מג"א סי נ"ה סק"א). However, almost all other poskim hold he becomes a bar mitzva in Adar Rishon (ש"ת סי', שו"ת משה"ש סי' ט, א"ר, פרי"ה), and this is the widespread minhag.
- If a boy was born on 30 Adar Rishon [Day 1 of Rosh Chodesh Adar Sheini]** and his bar mitzva is in a regular year – in which Adar always has 29 days – the poskim write that he becomes a bar mitzva 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' ח' קנ"א, ש"ת מנח"י ח"ו סי' ח').

Born in Adar of a Regular Year

- If a boy was born in Adar of a regular year and his bar mitzva is in a leap year, some say he becomes a bar mitzva in Adar Rishon (שו"ת מוהר"ש הלוי אר"ח סי' ט"ז).
- However, most poskim hold he does not become a bar mitzva until Adar Sheini (רמ"א סי' נ"ה סי'). This is because when a year becomes a leap year, it affects the natural processes, and signs of adulthood develop later (מור"י מינץ סי' ט"ז). Even so, some write he should be machmir and start putting on tefillin in Adar Rishon since in any event, some people put on tefillin a month before their bar mitzva (שו"ת שבט הלוי ח"ו סי' ט).

17. If a boy was born on 30 Shevat [Day 1 of Rosh Chodesh Adar] of a regular year and his bar mitzva is in a leap year, he becomes a bar mitzva on 30 Shevat [Day 1 of Rosh Chodesh Adar Rishon] (שורת שבט הלוי ה"י סי ק"ה). However, some are concerned for the opinion (בנין ציון לעיל אות 13) that the main determinant is "Rosh Chodesh Adar," which would mean he would not become a bar mitzva until Rosh Chodesh Adar Sheini. Thus, it is proper to take this into account for things which are d'oraisa, e.g., parts of the matza baking process that must be done by a gadol or other things (שורת יען יוסף סי ל"ג).

Bas Mitzva

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

Birthday

19. If someone celebrates his birthday [it was the Chasam Sofer's minhag to make a siyum with his talmidim every year on his birthday, 7 Tishrei (מנהגי חת"ס ז', י"ד)]. The Ksav Sofer also made a seuda and siyum on his 50th birthday on 1 Adar 5625 (שורת כת"ס י"ד ח"ב סי קמ"ח) [e.g., he took it upon himself to fast or to finish Tehillim on his birthday, and he was born in a regular year, he celebrates it in Adar Sheini. If he was born in a leap year, he celebrates it in the same month in which he was born] (שורת הר צבי א"ח ח"ב סי פ"ג).

Halachos of Yahrzeit

Niftar in Adar of a Regular Year

20. 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 Sheini (שורת סי תקס"ח ס"ז, שורת חת"ס א"ח סי קס"ג).

21. The Rama (שם וביו"ד סי ת"ב סי"ב), however, writes that the minhag is that the yahrzeit is in Adar Rishon since fasting and Kaddish help the deceased father – why should we delay that? This is the minhag of most Ashkenazim. He also writes some are machmir to mark both. Several poskim follow this (מג"א, באור הגר"א, ש"ך י"ד סי ת"ב סי קל"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) ["Tikkun" and lechayims can be done in both Adars...]

First Yahrzeit in a Leap Year

22. When a first yahrzeit falls in Adar of a leap year, even the Mechaber agrees the yahrzeit is marked in Adar Rishon (ב"י י"ד) (סי ת"ג בשם התשב"ץ סי תכ"ז) since the first year ends after 12 months.

23. **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 (שורת סי שצ"א ס"א, ש"ך סק"ב). On the yahrzeit itself, one should follow the halachos of yahrzeit, e.g., not participating in a party or simcha (ש"ך סי שצ"ה סק"ג).

24. "הריני כפרת משכבו." Some hold one should keep saying "כפרת משכבו" [a phrase said after mentioning the name of one's recently deceased father] in the 13th month, until the first yahrzeit (שורת בית יצחק י"ד ח"ב סי קנ"ז). Others argue and hold one should stop after 12 months (ספר משנת) (העניבור פ"י אות י"ב).

Niftar in a Leap Year

25. If a person was niftar in Adar Rishon of a leap year, his yahrzeit is in Adar Rishon; if he was niftar in Adar Sheini, his yahrzeit is in Adar Sheini.

26. **30 Adar Rishon.** If a person was niftar on 30 Adar Rishon, his yahrzeit in a regular year is on 30 Shevat (מג"א סי תקס"ח סק"ב, שורת) (מנהגי חת"ס סי ט) (מנהגי חת"ס סי 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 Was Niftar in Adar Rishon or Adar Sheini

27. If it is unknown whether someone was niftar in Adar Rishon or Sheini, the yahrzeit minhagim should be kept in Adar Sheini due to the rules of chazaka, which tell us to assume he was alive in Adar Rishon. Also, some say one should always fast in Adar Sheini (מ"ב שעה"צ סי תקס"ח סק"ה).

Fast of 7 Adar

28. The 7th of Adar was established as a fast day to commemorate the petira of Moshe Rabbeinu (שורת סי תק"פ ס"א). There is a machlokes whether the fast should be in Adar Rishon or Adar Sheini (מ"ב שם סק"ט). In Chutz L'arezt, the minhag is to fast in Adar Rishon. The minhag in Eretz Yisroel – followed by the Chevra Kadisha of Yerushalayim – is to fast in Adar Sheini (ספר בידור הלכה) (תנינא א"ח ח"ב עמ"ש ש"ג, לוח א"י).

We thank everyone who took part in the T.Y.A campaign and donated generously to the cause. Hashem should repay everyone with nachas and gezunt and fulfill all their hearts requests

Halachos Dependent on Twelve Months or One Year

Kneidlach Cooked on Acharon shel Pesach Last Year

29. One who cooked kneidlach on Acharon shel Pesach last year [5783/2023] and in a regular year would be careful not to use those dishes until the following Pesach may be lenient this year. This is because there are poskim who hold dishes do not need hagala after 12 months (דרכי חיים ושולם אות תקע"ה, גליון חוקי חיים 86 אות כ"ט).

Apartment Rentals

30. **A year or 12 months?** If one agreed to a one-year apartment rental, e.g., starting Rosh Chodesh Cheshvan 5784 for \$12,000 a year, the extra month in a leap year is to the tenant, i.e., the contract expires on Erev Rosh Chodesh Cheshvan 5785 and he does not have to pay for the extra month (ש"ך ח"מ סי ש"ב סט"ו, ש"ך שם).

31. 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 5784 and says the rent is \$1,000 a month for 12 months, the contract expires after 12 months [Erev Rosh Hashanah 5785]. 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).

32. If the words "month" and "year" were both 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, 31). If the renter stayed in the apartment until Rosh Chodesh Cheshvan, he must pay rent for the 13th month (סמ"ע סק"ז) 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.

33. **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 sometimes differences of opinion about what to do if a contract does not specify which calendar it follows.

34. If only the Gregorian date was mentioned, e.g., a contract drafted on Rosh Chodesh 1st Cheshvan 5784 only said October 16, 2023, the contract ends on October 15, 2024 [13 Tishrei 5785], and the renter must pay for 12 months (מ"ד בעל פתחי חושן שכירות פ"ה הע"נ).

35. 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 5784/October 16, 2023" and the landlord and tenant usually use the Gregorian date – or in Chutz L'arezt, 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) (שכורות בתים סי ט"ז).

Tuition

36. Tuition in Eretz Yisroel is generally paid by the Hebrew month. However, the parents' pre-authorized payments to the institution are 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 Kesuba

37. **Kesuba.** L'chatchilah, a kesuba should indicate which Adar the marriage took place in. In Adar Rishon it should say "אדר הראשון"; in Adar Sheini, "אדר השני." It should not say "alef" [א] or "beis" [ב] since that can be forged. If it did, b'dieved it is kosher.

38. If a kesuba for Adar Rishon just said "אדר," it is kosher and a new one does not need to be drafted. If a kesuba for Adar Sheini just said "אדר," it is considered backdated, and it is posul (שורת סי ח"מ) (סי מ"ג סכ"ח, רמ"א אבה"ע סי קכ"ז ס"ז).

Shana Rishona

39. A chosson has a mitzva to live with his wife and gladden her, i.e., not to go out of town, in their first year married. In a leap year, this mitzva applies for 13 months (היגד עשה ר"ד, היגד) (מצוה תקפ"ב, שלחן הענין ח"ב סי י"ב סק"ה, שורת חת"ס אבה"ע ח"א סי ק"ט) (רע"א מהימנא פ"כ תצא דף רע"ז) that this mitzva is only for 12 months (שורת דברי יציב אבה"ע סי פ"ד פ"ה).

End of Zman

40. According to all opinions, the yeshiva zman finishes at the end of Adar Sheini. Many people mistakenly think it finishes at the end [or beginning...] of Adar Rishon...



נתרם ע"י ידידנו הרח"ח ר' יצחק מעטט הי"ו
אב"י גולדרס גרין לונדון, לרגל לידת נכדו, בן לחתנו
הרה"ר אב"י צימרמאן הי"ו
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