

HALOCHOSCOPE

Notes on last issue:

The conclusion was that the alternating arrangement for snow removal does not involve *ribis*. This was based on the fact that it might never snow. If it snows, it might not snow a second time. Therefore, the one who shovels first is not loaning a service to his neighbor, since his neighbor is not obliged to pay back at all – if it does not snow again. It was pointed out that this only holds true if the parties do not enforce their agreement from year to year. If the first shoveler claims that his neighbor's obligation carries over to the next year, it should be considered *ribis*, if the conclusion is based on this alone. It will certainly snow again eventually, above a certain latitude. From this perspective, it is true. They should avoid a carry-over arrangement. However, an additional factor was the possibility that the second snowfall will be lighter. Each accepts this willingly. They are agreeing to gain or lose, and this also mitigates the *ribis* issue.

This week's and next week's questions:

(i) Someone's *rebbe* had no children, and his *yahrzeit* takes place in *Adar*. The *talmid* wishes to say *kaddish* for his *rebbe*. In a leap year, most *Ashkenazim* observe the first *Adar* as *yahrzeit* for those who passed away in a non-leap year. Many *Sepharadim* observe the second *Adar*. The *rebbe* was *Sepharadi*, and the *talmid* is *Ashkenazi*. To honor his *rebbe* properly, should he recite *kaddish* in *Adar II*?

(ii) In a related question, if an *Ashkenazi* *davens* in a *Sepharadi shul*, or vice-versa, does he have the right to *kaddish* or a *kibud* on the day he observes *yahrzeit*, when he is in competition with other *chiyuvim*? Can the other *chiyuvim* object, based on the fact that the *minhag* of the *shul* is to observe the *yahrzeit* in the other *Adar*?

(iii) Another related question: Two people would like to sponsor the same learning session for the month of the *yahrzeit* of a parent. One is *Ashkenazi* and the other is *Sepharadi* by paternal lineage, but is observing a *yahrzeit* for his *Ashkenazi* mother. Should the first sponsor *Adar I* and the second sponsor *Adar II*?

The issues:

This week:

A) *Yahrzeit* observance

B) *Adar Sheini*, the Jewish leap year; which *Adar* is the main one?

Next week:

C) Personal *minhag* versus *minhag makom*

D) Torah study as a benefit for the departed soul

A) *Yahrzeit* observance

The *yahrzeit* is not mentioned directly in the Talmud. (The word is not Hebrew, but Yiddish. According to one source, this is because the observance began in *Ashkenaz*. The *Sepharadim* call it *nachala* or *hilula*.) However, it seems to have been observed from earliest times. There are allusions to some observances and their possible meanings. The Tal-

mud relates: Haman concluded that *Adar* was the best month for his plot to annihilate the Jews. He knew that Moshe Rabeinu passed away on the seventh of *Adar*, an ominous time for Jews. It is recorded that this day was adopted as a fast. It was probably observed from the first anniversary of Moshe's passing. The final section of *Megilas Taanis* lists dates of *yahrzeits* of great people, observed as fasts. A fast is a part of *teshuva*, repentance. The loss of body mass is like partial death. It takes the place of an animal atonement offering, which in turn symbolizes the death of the offerer. Fasts can also be for mourning, to stimulate *teshuva*, express grief and sorrow, and honor the soul of the deceased. The anniversary of the passing of a Jewish leader is ominous. On that *yahrzeit*, the entire nation repents and we mourn, lament their absence and honor them.

A child mourns a parent out of both grief and to honor the parent. In addition, the loss of the parent or any close relative indicates divine judgment. The *yahrzeit* is a day of judgment for the deceased. Merit may be gained in the next world through the actions of one's progeny in this world. The child is also judged on that day, as he is a part of the parent. *Reia mazlei*, his fortunes are in jeopardy. The Talmud mentions abstinence from wine and meat on the day of a parent's death. These restrictions are associated with mourning. Some communities derive from here the custom to fast on a *yahrzeit*. The poskim say it is appropriate to fast on the *yahrzeit* of a parent or of a *rebbe*.

This fast is not obligatory. One may choose to adopt it as a personal vow. Some justify the laxity in observing the fast. This is a time of *kaparah*, atonement, a good thing. However, the same argument is made to require fasting. *Kaparah* is needed, so it must be time to repent. The two sons of Aharon died in Nissan, yet the Torah connects their deaths to *Yom Kippur*, a fast for *teshuva*. A righteous man's death means the people need *kapara*. A parent's death means that the parent and child need *kapara*. A teacher's death means that the teacher and student need *kapara*. A common practice is to offer *tikun*, a remedy for the departed soul. Food and drink are consumed. The *brochos* and the *amein* responses are attributed to the benefit of the soul. [See Megillah 13b Taanis 29a Nedarim 12a Megilas Taanis 13 (Perek Acharon), Poskim. Sefer Chasidim 231-232. Tur BY Sh Ar OC 568:1 7 8 580 YD 402:12 Rema 203 end, commentaries. Moed Lechol Chai 1.]

B) Adar Sheini

The Jewish calendar is based on lunar months and a solar season/year. There are just over twelve lunar months in four solar seasons. The *Yomim Tovim* are tied to both the lunar months, by date, and the the solar year, by season. *Pesach* must occur during *Aviv*, after the vernal equinox. *Sukos* must always occur at the *Tekufas Hashanah*, following the autumnal equinox. A lunar cycle is about twenty-nine to thirty days. Twelve of these cycles add up to about 354 days. A solar season is just less than 92 days and six hours. Thus a full year cycle is about 365 days plus a few hours. Every four years, a day is added, to adjust for the discrepancy. This really adds a little too much. Every four centuries, the additional hour is not added, to adjust for this (Y2K).

Initially, the months were consecrated by the testimony of witnesses. If the witnesses arrived in time, the month would be consecrated on the thirtieth day after the last *Rosh Chodesh*. If they did not come in time, the previous month would be *meubar*, pregnant or bulging, by an extra day. The annual discrepancy of 11 days, is accounted for by adding a

month every few years. The additional month is *Adar*. As the year progressed, it would become clear that *Sukos* of the following year would need to be pushed off. Until the last day of *Adar*, a month could be added, known as *ibur shanah*, leap year. As the Sanhedrin was seen to be on the verge of being abolished by the Romans, they consecrated all future months according to *sod haibur*, a secret formula handed down. This is our modern day calendar. They also added all future *Adars*, based on a formula of seven leap years in a nineteen year cycle. The code is called '*guch adzat*' the Hebrew mnemonic for the third, sixth, eighth, eleventh, fourteenth, seventeenth and nineteenth years. (The actual method is debated by the Talmud. This slightly imperfect method is the one we follow.)

Which *Adar* is the main one? For the *mitzvos* of Purim, the conclusion is that the second *Adar*, closer to *Pesach*, is the main one. This juxtaposes the two redemptions celebrated then. During which *Adar* should *yahrzeit* be observed for one who passed away during a regular *Adar*? *Yahrzeits* seem to have originated in *Ashkenaz*. Thus, the later *Ashkenazic* poskim debate this. Their focus is the fast, rather than *kaddish*. Some say that the main *Adar* is the second one, similar to *Purim*. Others say that the main *Adar* is the first, as we shall see. Yet others maintain that one really should adopt both fasts, but that he should not feel compelled to do so. Some distinguish between the ways that one adopted the fasts. If he did it as a personal stringency, he should observe both. If he did it as a fulfillment of a standardized custom, he may observe the first one only.

The *Shulchan Aruch*, compiled by the leader of *Sepharadic* Jewry, rules that the second *Adar* is primary. The only time one observes it in the first *Adar* is the first *yahrzeit*. This is observed at the close of the year of mourning, and possibly judgment of the deceased soul. Since no-one ever has a judgment for more than twelve months, the second *Adar* is really too late. In subsequent years, he should observe the second *Adar*. As we shall see, this could be based on a reading of *Rambam*, also considered the primary authority for *Sepharadic* Jewry. Many *Sepharadim* follow this view.

The *Rema*, primary *Ashkenazic* authority, rules that the first *Adar* is primary in relation to *yahrzeit* observances. It is praiseworthy to observe both. Most *Ashkenazic* Jews follow this view. For *kaddish* or *shliach tzibur* purposes, the month in which the *yahrzeit* is observed for fasting would be the same in which the mourner has *kedimah*, priority. The other month, during which one might practice optional stringency with regard to fasting, he could say *kaddish* as well, but has no *kedimah*.

The fast observances are really a form of adopted vow. *Nedarim*, vows, are uttered according to the mindset of the person. He might use an ambiguous word. The interpretation is according to the way ordinary people use that word, rather than the way it is used by the Torah. The Talmud debates one who undertook a vow “until the end of *Adar*”. This is compared to a document that had plain *Adar* written in. In one view, the writer meant *Adar Rishon*, because that is the standard. In the other view, he meant *Adar Sheini*. This same debate would apply to a *neder*. The Talmud further qualifies this. If he did not know that there was going to be an *Adar Sheini*, such as in the times that the calendar was not fixed, both sides agree that he meant *Adar Rishon*. Otherwise, the one side holds that he means *Adar Sheini*. *Rambam* follows this view. In practice, there are varying views on this. For *yahrzeit* purposes, many cite *Rambam's* ruling as a source for observ-

ing *Adar Sheini*.

If one is observing the *yahrzeit* of a *rebbe*, an interesting question arises: Who is really benefiting more from the *yahrzeit* observances? We mentioned that the observance is for the benefit of the deceased soul, who cannot do anything for himself in the next world. However, there is a component of repentance for the survivor as well. Accordingly, if the deceased soul would consider *Adar Sheini* the main one, observing *yahrzeit* for him in *Adar Rishon* is not necessarily beneficial to him. If he had children, they would observe the *yahrzeit* for their father in *Adar Sheini*. For the one observing it, it is also beneficial. If the *talmid* is doing it purely to honor his *rebbe*, it would seem that he should follow the observance according to his *rebbe*. If he has in mind his own repentance, he should observe it in *Adar Rishon*, if that is his *minhag*.

Perhaps a small comparison to *kibud av va'eim* could be made. The Talmud debates the *mitzvah* is to honor a parent when it costs money, such as food and clothing. Should one use the parent's funds, or rather his own money. The question is whether the child is obliged to spend extra money on the *mitzvah*, if the parent has the money. We follow the view that he may use the parent's money. Assuming that honoring a teacher is in the same category, the same ruling would apply. After death, burying a parent is part of honoring him or her, and is done with the money of the inheritance. On the other hand, if a parent does not have money, one should spend personal money on them. As *tzedakah*, parents are also a priority. However, one need not go begging to finance *kibud av va'eim*. However, *morah*, showing reverence and awe, is a matter of personal obligation. Part of the reason for the differences is that *kibud*, honor and respect, is interpersonal. The recipient is the judge of whether it honors or respects him. *Morah* is personal. The one who feels it is the judge. Thus, one should show honor, but not necessarily spend his own money. If the parent is poor, spending his own money shows the honor.

After the parent's or the *rebbe's* death, they do not have the means to gain their own merits. The survivor will inevitably provide the merit himself. Therefore, one could argue that it should be measured by the standards of the survivor. In our case, this would mean that the *talmid* should say *kaddish* on the day he would observe *yahrzeit* according to his own *minhag*. However, this would not necessarily follow. At least in the case where a child provides money the parent does not have, the parent gains that money. In our case, if the *rebbe's* soul is not observing the *yahrzeit*, he does not gain the honor. Since the *talmid* does it for him, it is honor, only not on the right day. There is also a difference between fasting, which is done for personal *teshuva*, and *kaddish*, which is done to gain merit for the deceased. Thus, it would appear that the *talmid* should observe the *yahrzeit* that the *rebbe* would have observed himself. [Incidentally, the *nusach* of *kaddish* always follows the *shul*, regardless of the *minhagim* of the one saying it or of the one for whom it is said.] [See Megillah 6b Rosh Hashanah 8a-b 19b-21a (Perek 2) Moed Katan 25a-b Kesubos 48a Nedarim 63a-b Kidushin 31b-32a Sanhedrin 10b-13b 46b-48a Krisos 28a, Poskim. (Rambam Kidush Hachodesh.) Tur BY DM Sh Ar OC 427 568:7 YD 220:8 (Shach 17) 240:4-5 9 242:1 25-28 348:2-3 364:7 402:12 Rema EH 126:7 CM 43:28, commentaries.]

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